



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: 6

COMMUNITY PLAN:

Aloha-Reedville-Cooper Mountain

LAND USE DISTRICTS: R-15 Residential
District (12-15 units / acre)

PROPERTY DESCRIPTION:

ASSESSOR MAPS/LOTS: 1S2 12AA / 3200
and 1S212AB / 10300

SITE SIZE: 3.49 acres

ADDRESS: 2455 SW 187th Avenue

CASEFILE: L2400030-S/A/DHA/M

APPLICANT:

CTH Investments, LLC

Attn: Matt Wellner

14787 SW Millikan Way

Beaverton, OR 97003

APPLICANT'S REPRESENTATIVE:

Pioneer Design Group, Inc.

Attn: Matt Sprague

9020 SW Washington Square Rd, Suite 170

Portland, OR 97223

OWNER (03200):

Austin & Lois Ourada

2455 SW 187th Avenue

Aloha, OR 97003

OWNER (10300):

CTH Investments, LLC

14787 SW Millikan Way

Beaverton, OR 97003

LOCATION:

On the west side of SW 187th Avenue

approximately 500 feet north of its

intersection with SW Johnson Street

PROPOSED DEVELOPMENT ACTION: Preliminary Review for a 41-lot Detached Single Family Residential Subdivision, "Heritage Grove", Type II Adjustments for the north side perimeter setback (10 feet to 8 feet) and the rear perimeter setback (20 feet to 16 feet), Drainage Hazard Area alteration, and Type III Review of CDC Section 431-5.3 for compliance with building facade standards.

DATE OF DECISION:

April 30, 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 NUMBER: L2400030-S/A/DHA/M

SUMMARY OF DECISION:

On April 30, 2024, the Washington County Hearings Officer issued a written decision (Attachment 'B') for Preliminary Review for a 41-lot Detached Single Family Residential Subdivision, "Heritage Grove", Type II Adjustments for the north side perimeter setback (10 feet to 8 feet) and the rear perimeter setback (20 feet to 16 feet), Drainage Hazard Area alteration, and Type III Review of CDC Section 431-5.3 for compliance with building facade standards.

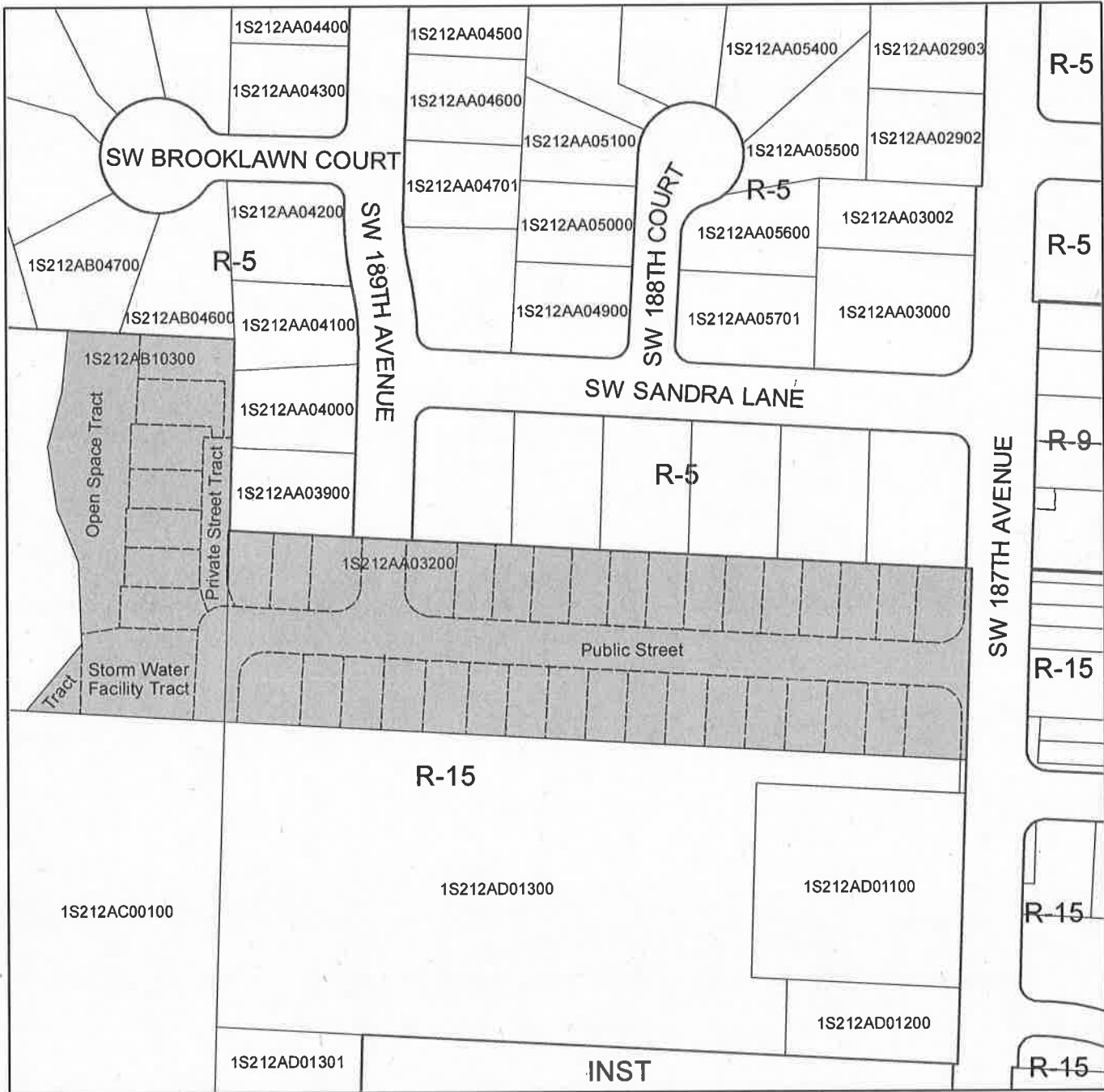
The development site is located on the west side of SW 187th Avenue approximately 500 feet north of its intersection with SW Johnson Street in CPO #6, and is described as Tax Lot 10300 Assessor Map 1S2 12AB and Tax Lot 3200 Assessor Map 1S2 12AA W.M., Washington County, Oregon. The Hearings Officer's 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



↑ NORTH

NOT TO SCALE



AREA OF CONSIDERATION

SITE & SURROUNDING LAND USE DISTRICTS:

- R-15 District (Residential 15 units/acre)
- R-5 District (Residential 5 units/acre)
- R-9 District (Residential 9 units/acre)
- Institutional District (INST)

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**

Regarding an application by CTH Investments, LLC for preliminary plat and other approvals to divide 3.49 acres into 41 single-family residential lots at 2455 SW 187th Avenue in unincorporated Washington County) **FINAL ORDER**
) **Casefile No.**
) **L2400030-S/A/DHA/M**
) **(Heritage Grove)**

I. SUMMARY

1. CTH Investments, LLC (the “applicant”) submitted an application for preliminary review approval for a 41-lot subdivision, Type II Adjustments for the north side perimeter setback (10 feet to 8 feet) and the rear perimeter setback (20 feet to 16 feet), Drainage Hazard Area alteration, and Type III Review of CDC Section 431-5.3 for compliance with building facade principles.

a. The development is proposed on a 3.49-acre parcel located at 2455 SW 187th Avenue; also known as tax map 1S2 12AA/3200 and 1S212AB/10300 (the “site”). The site and surrounding properties to the south, west, and east across SW 187th Avenue, are zoned R-15 (Residential, 15 units per acre). Properties to the north are zoned R-5 (Residential, five units per acre).

b. There are mapped Goal 5 Resources and Metro Title 13 Resources on the western boundary of the development site. There is also a Drainage Hazard Area (Johnson Creek) mapped on the parcel to the west. The site also contains wetlands and CWS Vegetative Corridor (buffers) associated with the off-site DHA. The majority of the development site is generally flat without any significant changes in topography. The western part of the site has steeper grades that slope down to the off-site DHA. The applicant proposed to preserve the wetlands, Vegetative Corridor, and DHA as open space Tracts B and C.

c. The site is currently developed with a single-family residence and associated outbuildings on the eastern portion of the site. Much of the site is covered with trees. The applicant proposed to remove all of the existing structures and the majority of the trees located outside of the DHA and resource areas to accommodate the proposed development. The applicant will remove some trees within the DHA and resource areas to connect to the existing sewer line west of the site. The applicant will enhance the Vegetative Corridor to mitigate for impacts of the sewer line.

d. The applicant will dedicate right-of-way and construct frontage improvements along the section of SW 187th Avenue abutting the site. The applicant will extend a new east-west aligned public street (proposed “Street A”) through the site from SW 187th Avenue, extending west, then turning south and ending at the boundary of the site to allow for further extension when the abutting property redevelops. The applicant will extend SW 185th Avenue between its existing terminus at the north boundary of the site and the Street A. The applicant will also extend a

private street (proposed Tract D) north from the western end of Street A to access lots in the northwest portion of the site.

e. The applicant will collect stormwater runoff from the site and convey it to a stormwater facility in the southwest corner of the site (proposed Tract A) for treatment and detention. The applicant will release treated stormwater to the DHA at less than predevelopment rates.

2. Additional basic facts about the site and surrounding land and applicable approval standards are provided in the Staff Report and Recommendation to the Hearings Officer dated April 18, 2024 (the "Staff Report"), incorporated herein by reference.

3. Washington County Land Use Hearings Officer Joe Turner (the "hearings officer") conducted a duly noticed public hearing regarding the application. County staff recommended that the hearings officer approve the application subject to conditions included in the Staff Report. The applicant accepted those conditions without exceptions. One person testified orally in support of the application. No one else testified orally or in writing other than public agency staff.

4. Based on the findings provided and/or incorporated herein, the hearings officer approves the application subject to the conditions of approval in Attachment B of this Final Order.

II. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at a duly noticed public hearing about this application on April 18, 2024. At the hearing, the hearings officer received and physically inspected the file maintained by the Department of Land Use and Transportation ("DLUT") regarding this application, including comments received after the Staff Report was issued. The hearings officer made the statement required by ORS 197.763 and disclaimed any *ex parte* contacts with interested persons, bias or conflicts of interest. The following is a summary by the hearings officer of selected testimony at the hearing.

2. County planner Paul Schaefer summarized the Staff Report (Exhibit PH-4) and his PowerPoint presentation (Exhibit H-1).

3. Planner Wayne Hayson appeared on behalf of the applicant, CTH Investments, LLC. He summarized the proposed development and façade designs and showed his PowerPoint presentation (Exhibit H-2).

a. The applicant proposed to develop the site with single-family detached homes rather than attached townhomes in order to be consistent with the existing character of the neighborhood. However, the narrow width of the site make that difficult, requiring adjustments to the setback requirements in order to achieve the minimum density required for this site. The Code requires a 20-foot perimeter

setback on the north boundary of the site, because the abutting properties are zoned R-5. The applicant is requesting an adjustment to reduce that setback to 16 feet, which is equivalent to the standard 15-foot rear yard setback required for the R-5 zone.

b. All but one of the lots will have two car garages, allowing for four off-street parking spaces; two in the garage and two in the driveway. Proposed Lot 28 will have a single car garage with two off-street parking spaces. The applicant is proposing to comply with the building façade standards to allow for wider (two car) garages.

c. He accepted the findings and conditions in the Staff Report without exceptions and waived the applicant's right to submit a final written argument.

4. James Ourada appeared on behalf of himself and the estate of Austin L. Ourada. He testified that his father farmed the site until roughly 20 years ago. The "forest" on the site is merely overgrown Christmas trees.

At the end of the hearing the hearings officer held the record open for one week to allow the applicant an opportunity to submit a final written argument, without any new evidence. The record in this case closed at 4:00 p.m. on April 26, 2024, as the county was closed for the Thanksgiving holiday on April 25, 2024.

III. APPLICABLE CRITERIA

- A. Washington County Comprehensive Plan
- B. Aloha-Reedville-Cooper Mountain Community Plan
- C. Washington County Community Development Code:
 - 1. Article II, Procedures:
 - Section 202-2 Type II Procedure
 - Section 202-3 Type III Procedure
 - Section 203-3 Neighborhood Meeting
 - Section 207-5 Conditions of Approval
 - 2. Article III, Land Use Districts:
 - Section 305 R-15 District
 - 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 411 Screening and Buffering
 - Section 413 Parking and Loading

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| | 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 427 | Solar Access |
| | Section 430-37 | Single Detached Dwelling Unit
on Lot of Record, Middle
Housing Duplex, and Type II
Middle Housing. |
| | Section 430-46 | Flag Lots |
| | Section 431 | Transit Oriented Design
Principles, Standards and
Guidelines |
| | Section 435 | Variances and Adjustments |
| 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. | Ordinance No. 738 - Road Design and Construction Standards | |
| G. | Resolution and Order No. 86-95 - Determining Traffic Safety
Improvements | |
| H. | Resolution and Order No. 19-05 - Concerning Erosion Control, Water
Quality and Quantity | |

IV. AFFECTED JURISDICTIONS

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
Parks:	Tualatin Hills Park & Recreation District
Schools:	Beaverton School District

Police Protection:
Transit:

Washington County Sheriff
TriMet

V. FINDINGS

A. Washington County Comprehensive Framework Plan:

There are no specific Plan policies or goals, which affect this request which 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.

B. Aloha-Reedville-Cooper Mountain Community Plan:

- The site is located in the North Residential Subarea.
- The site is located within Area of Special Concern 2/
- The site is designated as a Significant Natural Resource.
- The site is located on land designated Local Street Connectivity Lands. *See Section 408 of this Final Order.*

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

7. *All new subdivisions, attached unit residential developments, and commercial developments shall provide for pedestrian/bicycle pathways which allow public access through or along the development and connect adjacent developments and/or shopping areas, schools, public transit, and park and recreation sites.*

Pedestrian and bicycle access to and along the development will be provided by sidewalks along SW 187th Avenue and along both sides of all new internal streets. The new sidewalks will accommodate needed street and sidewalk improvements that meet minimum requirements of the Washington County Transportation Plan and the Aloha-Reedville-Cooper Mountain Community Plan. The new street network also enhances neighborhood circulation by extending SW 189th Avenue (currently a street stub on the north property line) to the south property line. The applicant's neighborhood circulation plan shows how SW 189th Avenue can be extended south to intersect with SW Johnson Street, furthering neighborhood connectivity and circulation.

10. *Noise reduction measures shall be incorporated into all new developments located adjacent to arterial or Collector streets or rock quarries. Noise reduction alternatives will include vegetative buffers, berms, walls and other design techniques such as insulation, setbacks, and orientation of windows away from the road.*

The site does not front either an Arterial or Collector. Therefore, this standard is inapplicable.

12. *New development within the Planning Area shall be connected to public water and sewer service; except as specified in the Community Development Code.*

Service provider letters for water and sewer indicate that these providers can adequately serve the proposed development.

13. *New development shall, when determined appropriate through the development review process, dedicate right-of-way for road extensions and alignments indicated on Washington County's Transportation Plan or the Aloha-Reedville-Cooper Mountain Community Plan. New development shall also be subject to conditions set forth in the County's growth management policies during the development review process.*

The applicant is proposing right-of-way dedication along SW 187th Avenue and the new internal public streets to meet the minimum requirements of the Washington County Transportation Plan and the Aloha-Reedville-Cooper Mountain Community Plan. For further information regarding right-of-way dedication, see The Transportation Findings below.

15. *New access onto arterial and Collector streets shall be limited. Shared or consolidated access shall be required prior to the issuance of a development permit for land divisions or structures located adjacent to these facilities, unless demonstrated to be infeasible. T.V. Highway Corridor subarea design elements shall apply in that subarea (as defined in Design Element 1 of that subarea).*

The site does not front either an Arterial or Collector. Therefore, this standard is inapplicable. One access to SW 187th Avenue, a Neighborhood Route, and one access to SW 189th Avenue, a Local street, are proposed. All existing driveway accesses to SW 187th Avenue shall be closed. *See the Transportation Findings below.*

North Residential Subarea Design Elements:

Area of Special Concern No. 2: Properties in this area are planned for residential redevelopment at R-15 densities. Many are too small to be efficiently developed at the planned densities unless they are consolidated or developed under a joint site plan. Additionally, many of the streets serving the area are substandard and may be inadequate to handle traffic from development at the planned densities. This area also abuts several existing low density residential developments.

Given all these concerns: (1) General Design Element No. 17 shall be strictly applied here; (2) The County growth management policies shall be applied to the review of developments in the area so as to assure that the cumulative impact of development in the area is considered when reviewing each individual development; and (3) Special care shall be given to the design of higher density residential projects that abut existing low density residential areas.

The proposed development will result in the complete urbanization of the development site (i.e., no remnant buildable parcels or future dividable lots are proposed). The properties to the west and north are developed with residential uses. Two properties abut the property to the south. The larger property is developed with a church and the smaller property supports a detached dwelling unit and accessory structures.

C. Washington County Community Development Code:

1. Article II Procedures:

Section 202-2 Type II Procedures

The proposed subdivision, the adjustments, and the Drainage Hazard Area alteration are permitted in the District through a Type II Procedure. Two flag lots are proposed as permitted Type II uses (Section 430-46).

Section 202-3 Type III Procedures

A Miscellaneous Type III Procedure is required to deviate from the garage façade standards of Section 305-8.1 D. Through the Type III Process, the applicant is required to demonstrate compliance with design principles of Section 431-5.3 (Transit Oriented District design principles). *See Section 431 of this Final Order.*

A public hearing notice advertising the request was mailed to all property owners within 500 feet of the site at least 20 days prior to the scheduled April 18, 2024, public hearing (the notice was mailed on March 28, 2024).

Section 203-3 Neighborhood Meeting

In accordance with Section 203-3.2, the applicant conducted the required Neighborhood Meeting on July 27, 2023. The applicant submitted all applicable meeting information demonstrating compliance with this requirement.

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 recommended 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.

2. Article III Land Use Districts:

Section 305 R-15 Residential District

305-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for

the District, the Development Standards of Article IV and all other applicable standards of the Code.

305-2.10 Single Detached Dwelling Unit

A. Single new detached dwelling unit on an existing lot or parcel that was approved for the construction of a Single Detached Dwelling Unit through a Standard Subdivision or Standard Partition, provided the lot or parcel meets the following:

(1) Does not exceed 10,000 square feet in buildable area (buildable area excludes unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A; and

(2) When on a public street:

(a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

(b) Right-of-way dedications needed to meet minimums above shall be provided using a document prepared and approved by the County Surveyor's Office and recorded prior to issuance of the first building permit.

Detached single family dwelling units are permitted in the R-15 District on an existing lot or on a lot approved through a subdivision, such as the one proposed by the applicant. The applicant proposes to dedicate the right-of-way necessary to construct the new internal Local public streets to an L-2 standard. The applicant also proposes to dedicate the right-of-way necessary to complete half-street improvements to SW 187th Avenue. See the Transportation Findings below.

305-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

305-3.5 Flag Lot - Section 430-46.

The project site is located within the R-15 Residential District and currently supports an existing detached single family structure that will be removed. The proposed dwelling units, including two flag lots (Lots 23 and 24), will be built on individual lots after the plat is recorded and the lots established. The lots will be approved for detached dwelling units.

305-6 Density/Number of Units

- A. *The permitted residential density is no more than 15 units per acre and no less than 12 units per acre, except as otherwise specified by Section 300-2; and*
- B.

The development proposal is for a 41-lot subdivision to be constructed on a 3.49 acre site. Pursuant to Section 300-2, the applicant proposes to subtract out 0.33 acres of unbuildable open space. The net gross acreage for density calculation purposes is 3.16 acres.

Forty-one units as proposed satisfy density requirements of Section 305-6 (3.16 acres x 12 = 38 units minimum density and 3.16 acres x 15 = 47 units maximum density).

305-7 Dimensional Requirements

305-7.2 Other housing in the R-15 District (residential development that does not meet the definition of Middle Housing in Section 106)

- A. *Minimum Lot Area:*
 - (1) *For detached units: 2,100 square feet per unit, except as permitted through a Planned Development. No partitioning or subdividing to less than 20,000 square feet is permitted except when the standards of Sections 305-7.2D(2) and 420 are met.*

The proposed lots will range in size from 2,108 square feet to 3,323 square feet. The development constitutes the complete urbanization of the development site.

- B. *Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.*

- (1) *The minimum yard requirements for detached dwelling units shall be:*
- (a) *Ten-foot front yard to the front building wall and 6-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (f) below;*
 - (b) *Twenty-foot front or street side yard to garage vehicle entrance, or 4-foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;*
 - (c) *Eight-foot street side yard;*
 - (d) *Five-foot side yard, except where a reduction to as little as zero feet is approved on a residential lot or parcel through a land division where all of the following requirements are met:*
 - (i) *The lot or parcel adjoins the non-street side yard of another residential lot or parcel that is within the same site;*
 - (ii) *Neither of the two adjoining side yards is within an unbuildable tract;*
 - (iii) *The combined width of the two adjoining side yards is at least 6 feet; and*
 - (iv) *A private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings on both adjoining lots for a minimum combined width of 6 feet.*

The easement area shall be kept clear of structures, including fences and any other fixed object from the ground upward that would physically preclude access to the easement area and the adjacent dwellings, except heat pumps and air conditioners as allowed under Section 430-1.6.

- (e) *Twelve-foot rear yard, except as provided in (b) above. A 5-foot rear yard may be provided to a detached garage which is*

accessed from the front street, provided the standards of (f) below are met. If an Accessory Dwelling Unit (Section 430-2) is provided above a detached garage, the building shall meet the applicable setbacks standards of (f) below and Section 430-2.1 C.

- (f) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 305-7.2 B(3), plus any screening and buffering setback now required by Section 411.*

The detached dwelling units on Lots 1-23 as proposed will meet applicable setbacks of the R-15 District. The detached dwelling units on Lots 24-41 as proposed will meet applicable setbacks of the R-15 District, with the following exceptions (shown in **bold**):

	(Standard)	(Proposed)
Front Porch:	6 feet	6 feet
Front Bldg:	10 feet	10 feet
Front Garage:	20 feet	20 feet
Interior Side:	5 feet	3 feet
North Side Perimeter (24):	10 feet	8 feet (for 3 stories)
<i>[North Side Perimeter (24):</i>	<i>7 feet</i>	<i>5.6 feet (for 2 stories)]</i>
Street sides (1, 17, 25, 27, 28, 41):	8 feet	8 feet
Rear Perimeter:	20 feet	16 feet

See Section 435 of this Final Order.

In addition, the applicant requests approval of interior three-foot setbacks, which would require applicable maintenance easements. In accordance with 305-7.2.A(4), easement locations shall be recorded on the plat with easement rights and responsibilities recorded via separate document.

B. Height:

- (1) The maximum height for Single Detached Dwelling Units shall be 35 feet, except as modified by other Sections of this Code;*

The three story dwelling units are less than 35 feet in height. Compliance with the maximum height limit will be verified prior to issuance of the building permit.

D. Lot Dimensions:

(2) The minimum dimensions for new lots of less than 20,000 square feet shall be:

(b) For detached units:

(i) Lot width - 23 feet;

(ii) Lot depth - 60 feet;

(iii) Lot width at the street - 23 feet, except as may be allowed through Section 430-46 (Flag Lots); and

(iv) Lot width at the street on a cul-de-sac or hammerhead street terminus - 20 feet.

All lots meet or exceed the minimum lot dimensions of the District. The majority of the lots maintain a consistent lot depth of 61.3 feet and lot widths of at least 33 feet. There are two proposed flag lots (Lots 23 and 24) with a double flag pole measuring 20 feet in width, consistent with the Flag Lot standards of Section 430-46.

E. Required Outdoor Area

(1) For detached dwellings, a minimum contiguous yard outdoor area of 400 square feet shall be provided on each lot, excluding driveways, of which no dimension shall be less than 10 feet. A recorded outdoor area use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

The required outdoor yard area is provided in the rear yards of the proposed dwelling units. The smallest amount of required outdoor area will be located in the rear yards of Lots 2-16 and 19-21. The area provided will be approximately 408 square feet.

305-8 Building Façade Requirements

The following standards shall apply to Single Detached Dwelling Units, and attached dwelling units on individual lots with individual vehicular access to a street, that are located within 1,320 feet of an existing or planned Regular Bus Service route, Frequent Bus Service route or an Existing High Capacity Transit station as designated on the Transportation System Plan. Middle Housing is not subject to these Building Façade Standards.

305-8.1 Garage Frontage

- A. *No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or*
- B. *Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or*
- C. *For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior of the garage at the garage face) when:*
 - (1) *The garage front is located at least eight (8) feet behind the entire width of the remaining frontage of the dwelling; and*
 - (2) *A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower windowsills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower windowsill shall be not more than a maximum of four (4) feet above the finished exterior grade; and*
 - (3) *The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or*
- D. *The width of an attached garage may exceed the dimensional requirement of A, B, or C above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.*
- E. *The above garage frontage standards do not apply to lots on non-through public or private streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.*

The site is within 1,320 feet of the Frequent Bus Service on SW 185th Avenue (Route 52). Therefore, the Building Façade Requirements are applicable to this development, except for Lots 19-24, which are located on a non-through street. As stated previously, the applicant is

addressing the Type III TOD Principles pursuant to D above. See Section 431 of this Final Order.

305-9 Parking Requirements

Required off-street and on-street parking shall be provided in accordance with the requirements of Section 413.

See Section 413 of this Final Order.

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 Casefile.

Section 405 Open Space

Per the applicant's submitted materials, a small area of the site contains wetlands and CWS Vegetative Corridor (buffers) associated with an off-site DHA (Johnson Creek). These resources are located in the western quarter of the site. The resources will be retained and preserved in open space tracts (Tract B and C).

The applicant will enhance the Vegetative Corridor to CWS applicable standards and implementation of the Vegetated Corridor enhancement plan will be overseen by the District. See Sections 421 and 422 of this Final Order.

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 use (subdivision) is permitted within the underlying land use district through a Type II review process.

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

See Sections 305 and 435 of this Final Order.

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

Three story structures are proposed and each of the elevations are less than 35 feet in total building height, in accordance with District requirements. The applicant also stated that "by electing to construct single family detached dwellings as opposed to attached units, which

may be up to 50 feet in height, the applicant has already minimized the impact to surrounding dwellings by limiting the height of the proposed structures to the same height limit as the surrounding land use districts." The hearings officer concurs with the applicant. All future building elevations will be reviewed at time of building permit issuance to ensure compliance with this requirement.

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 *When required by the Uniform Building Code, provide facilities for the handicapped pursuant to the Uniform Building Code, edition in effect at this time;*

Detached single family homes are exempt from this requirement.

406-2.2 *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 future three-story homes will incorporate design features comparable with similar detached dwelling units, in particular in the R-15 District, such as variation in rooflines and siding materials. One and two-story detached dwelling units are common in the surrounding residential neighborhood to the north and east. See also Section 431 of this Final Order regarding the front building elevations.

406-2.3 *Renovate or revitalize existing structures identified within the Community Plan;*

The existing residential structure will be removed as part of the proposed development. The existing residential dwelling is not identified as a historic resource there are no other plan requirements calling for it to be retained.

406-2.4 *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.

D.

The proposed lotting pattern and future house locations are generally comparable to other residential developments in the surrounding area. Additionally, the future dwelling units on Lots 20-41 will further be buffered from adjoining residences to the north by the private street tract (Lots 20-24) and the orientation of the future dwellings on Lots 25-41 that result in rear yards serving as a buffer between the proposed dwellings and the existing older homes to the north.

The existing single family detached dwelling units to the north (Lots 36-41, Brooklawn Park) maintain rear yard setbacks (from the common property line) of more than 34 feet. The proposed detached dwelling units will be adequately buffered from the existing dwellings to the north.

Section 407 Landscape Design

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.*

Street trees are required on both public and private streets. The applicant stated that street trees will be planted that meet the requirements of Section 407-7 along the street frontages. Street trees are also required along both sides of the new internal public and private streets.

Street trees 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. Street trees

shall also be shown on the site plans for each of the building lots required to be submitted for building permit review and issuance and confirmed at Final Approval review.

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.

The applicant proposes to remove trees in order to facilitate the proposed development. The majority of the tree removal will occur outside of the significant natural resource area, including the Vegetative Corridor. Per the applicant's submitted materials, 12 trees will be removed from within the Vegetative Corridor. This includes the seven trees removed in order to install the sanitary sewer line.

Section 408 *Neighborhood Circulation*

408-4 *Circulation Analysis*

408-4.2 *For all development on a site which exceeds two acres, the applicant shall submit a circulation analysis which at a minimum includes the subject site and the entirety of all property within 300 feet of the proposed development site. A larger analysis area may be required in order for the applicant to demonstrate compliance with the requirements of 408-5 or 408-6. This plan shall incorporate the following features both on-site and off-site:*

The site is more than two acres in size. The applicant submitted the required circulation analysis in accordance with Section 408-4.2.

Pedestrian and bicycle access will be provided along the development's SW 187th Avenue frontage. Pedestrian and bicycle access will be provided through the completion of sidewalks on both sides of the new internal streets, which will also connect to the sidewalk along SW 187th Avenue. SW 189th Avenue (street stub to the north) will be extended through the site to the south property line. SW 189th Avenue will extend to SW Johnson Street when the abutting property to the south redevelops.

408-6 *Review Standards for Development on Lands Designated in the Community Plan Local Street Connectivity Maps or on Lands Designated as a Pedestrian/Bicycle District*

The following review standards shall apply to lands designated on a community plan's Local Street Connectivity map or as a Pedestrian/Bicycle District on the Transportation System Plan's Pedestrian System map and shall be used to:

- A. *Meet Metro's street connectivity requirements;*
- B. *Provide a generally direct and uncluttered pattern of streets and accessways to ensure safe and convenient access for motor vehicles, pedestrians, bicyclists, and transit users; and*
- C. *Ensure that proposed development will be designed in a manner which will not preclude properties within the circulation analysis area from meeting the requirements of this section.*

This site is designated on the Community Plan's Local Street Connectivity Map and is subject to this Section. The review standards for neighborhood circulation are designed to: 1) be used to provide a generally direct and uncluttered pattern of streets and accessways to ensure safe and convenient access for motor vehicles, pedestrians, bicyclists and transit users; and 2) ensure that proposed development will be designed in a manner which will not preclude properties within the circulation analysis area from meeting the requirements of this Section.

408-6.2 *For residential, office, retail, and institutional development, on-site streets shall be provided which meet the following:*

- A. *Block lengths for Local Streets, Neighborhood Routes and Collector Streets shall not exceed 530 feet between through streets, measured along the nearside right-of-way line of the through street, except when the provisions of Sections 408-6.2 G., 408-6.4, 408-6.5 or 408-7 are met.*
- B. *The total length of a perimeter of a block for Local Streets, Neighborhood Routes and Collector Streets shall not exceed 1,800 feet between through streets, measured along the nearside right-of-way line, except when the provisions of Sections 408-6.2 G., 408-6.4, 408-6.5 or 408-7 are met.*

The proposed development will create a new block bound by Street A, SW 189th Avenue, SW Sandra Lane, and SW 187th Avenue, with a perimeter block length of approximately 1,290 feet. The block length on the north side of Street A between SW 187th Avenue and SW 189th Avenue is approximately 485 feet. However, the block length on the south side of Street A between SW 187th Avenue and SW 189th Avenue is approximately 615 feet. The longer block length is due to the development patterns of the property to the south. Consequently, the applicant requests approval of a modification of the standard under Section 408-6.2 G.

- C. *Vehicular access to properties adjoining the subject site shall be provided when the adjoining property:*

The applicant has provided a street stub (SW 189th Avenue) to the property to the south that currently only maintains frontage on an Arterial (SW Johnson Street). The application included a circulation plan (sheet P8.0) that shows the feasibility of redevelopment of the residential property to the south and the continuation of SW 189th Avenue to SW Johnson Street.

D. Cul-de-sacs and permanent dead-end streets shall be prohibited except where construction of a through street is found to be impracticable due to the provisions of Section 408-6.2 F., or application of Sections 408-6.2 G, 408-6.5 or 408-7.

The proposed development will not include any permanent dead-end streets or cul-de-sacs, except for a private street (Tract D). Tract D is limited to serving Lots 19-24. Existing development to the north of the site precludes the further extension of Tract D. It is not practical to extend Tract D beyond Lots 23 and 24.

E. Streets shall connect to all existing or approved stub streets which abut the development site.

The applicant proposes to extend SW 189th Avenue from its current street stub on the north property line. SW 189th Avenue will, in turn, stub to the south property line.

F. When cul-de-sacs are allowed, they shall be limited to 200 feet and no more than 25 dwelling units unless impracticable

No cul-de-sacs are proposed.

G. The Review Authority may modify the review standards of Section 408-6.2 A., B., C., or D. above based on findings that the modification is the minimum necessary to address the constraint and the application of the standard is impracticable due to the following:

- (1) Topography, although grades that may be too steep for a street are not necessarily too steep for an accessway;*
- (2) Drainage hazard areas, wetlands, flood plains, or a Significant Natural Resource area;*
- (3) Existing development patterns on abutting property which preclude the logical connection of streets or accessways;*
- (4) Abutting undeveloped or underdeveloped property is not designated with an urban residential district, a transit oriented district, FD-10, FD-20 or an urban reserve area;*
- (5) Arterial access restrictions; or*
- (6) Railroads.*

The applicant requests a modification of the standards of Section 408 due to the development patterns of the property to the south. The proposed street stub of SW 189th Avenue at the south property line is a more practical location, as it can be extended to the south upon the redevelopment of the underdeveloped residential property (to the south and to the west of the

church property). Additionally, Street A is precluded to extend to the west property line because of significant natural resource considerations. In addition, the property located west of the significant natural resources is fully urbanized and without an existing street stub.

408-6.3 For residential, office, retail, and institutional development, an on-site pedestrian and bicycle circulation system shall be provided which meets the following:

- A. For blocks abutting an Arterial or Collector, when block lengths exceed five hundred thirty (530) feet, an accessway shall be provided to connect streets for every three hundred thirty (330) feet of frontage or portion thereof;*
- B. Accessways shall connect with all existing or approved accessways which abut the development site;*

The site does not abut an Arterial or a Collector. Also, there are no accessways that either abut the site or are approved to abut the site.

- C. Accessways shall provide the most reasonably direct access to abutting pedestrian oriented uses and transit facilities which are not served by a direct street connection from the subject property. Accessways shall provide future connection to abutting underdeveloped or undeveloped property which is not served by a direct street connection from the subject property, where the abutting property line exceeds one hundred (100) feet, except for designated Industrial or General Commercial land.*

Where the abutting property line exceeds four hundred (400) feet, additional accessways may be required by the Review Authority based on expected pedestrian demand. The Review Authority may reduce the number of required accessways to abutting properties if:

- 1) Such a reduction results in spacing of streets and/or accessways of three hundred thirty (330) feet or less, and*
- 2) Reasonably direct routes are still provided for pedestrian and bicycle travel in areas where pedestrians and bicycle travel is likely if connections are provided.*

The existing church immediately south of the site maintains frontage on two public streets. In addition, the future sidewalk on the east side of SW 189th Avenue at the street stub to the north property will stub to the northwest corner of the church property, providing a reasonably direct route to the church.

- D. Direct connection of cul-de-sacs and dead-end streets to the nearest available street or pedestrian oriented use;*

There are no cul-de-sacs. As noted above, existing development to the north precludes the extension of the private street, Tract D, requiring a dead-end street. The existing development

also precludes the extension of a pedestrian bicycle connection. The subject site will provide a connection to facilitate pedestrian and bicycle access by providing sidewalks on SW 189th Avenue and SW 187th Avenue that connect to the existing pedestrian network.

- E. Accessways may be required to stub into adjacent developed property if the Review Authority determines that existing development patterns or other constraints do not physically preclude future development of an accessway on the developed property and the adjacent developed property attracts a greater than average level of pedestrian use.*

The proposed street stub and placement of the sidewalk on the east side of SW 189th Avenue at the northwest corner of the church site can adequately accommodate future development on the church property by providing adequate accessways (sidewalks) to connect to the church property.

408-6.4 The Review Authority may approve a modification to the review standards of Section 408-6, based on findings that strict compliance with the standards is not practicable due to:

- A. Topography;*
- B. The standards of Sections 421 or 422;*
- C. Existing development patterns on abutting property which preclude the logical connection of streets or accessways, or;*
- D. The provisions of a Significant Natural Resource as identified in a Community Plan.*

The modification shall be the minimum necessary to address the constraint.

No modifications are proposed.

Section 409 Private Streets

The applicant proposes to construct a 22-foot wide paved private street within a private street tract (Tract D). The paved surface and curbs will be within the tract. One sidewalk is required, and it will be provided on the west side of the private street, mostly within a 4.5 foot wide easement on the fronting tax lots. The remaining 0.5 foot of sidewalk width will be within the tract. The proposed street width meets the design parameters of Section 409-3.3 A. (8). On-street parking is not permitted on either side of the private street.

Section 409-3: The proposed private street tract satisfies the applicable criteria of this section. The paved private street measures 22 feet. Curbs and sidewalks are required on one side. The entire width of the private street is within the tract, as required.

Pursuant to Section 409-3.4 B. (1) the private street tract shall be designed and constructed in accordance with the applicable standards of Section 408-3.4 (Private Street Design and Construction) prior to occupancy.

Pursuant to Section 409-3.5 the private street shall be located in a tract (Section 409-3.4 B. (1)).

The length of the private street is less than 150 feet. Therefore, a turnaround is not required.

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. Access easements for garbage and recycling haulers as well as the Fire Marshal (fire district) shall also be recorded over its entirety.

Section 409-4.4: The private street tract will access Street A.

Section 409-4.5: A Facility Permit is required to construct all required public improvements, including the driveway access serving the private street.

Section 410 Grading and Drainage

The development site is generally flat in the eastern portion of the site and so nominal site grading will be required to implement the proposed development. The most significant grading involves the construction of the water quality facility and the lots in the western part of the site.

Washington County Building Services staff have reviewed the preliminary plans and details and have determined the plans meet the requirements of Section 410-1.1. A Grading Permit meeting the requirements of Section 410 shall be obtained prior to any on-site work and shall comply with the Conditions of Approval of this Casefile.

Pursuant to Resolution and Order No. 19-5, Clean Water Services has the responsibility for review and approval of storm drainage plans as well as erosion control plans. Clean Water Services has provided service provider letters affirming that storm sewer service is available to the site. The applicant will be required to obtain approval from Clean Water Services for the proposed drainage plan prior to any on-site work.

410-3.1 The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;

From evidence submitted by the applicant in both the plan and narrative addressing Section 410, the hearings officer finds that the extent and nature of the proposed grading is appropriate to the use proposed.

Section 411 Screening and Buffering

411-1 Applicability

411-1.1 Screening and Buffering requirements are in addition to the setback requirements in residential and institutional districts and inclusive of the setback requirements in the commercial and industrial districts, as well as the setback requirements and design standards

of the transit oriented districts, and shall be provided on the subject site at the time of development.

411-1.2 *Screening and Buffering shall apply to all Development permits as determined in Section 411-3 or as determined by the Review Authority.*

The site and abutting properties to the west and south are designated R-15. Properties to the north are designated R-5 Residential. Screening and Buffering along the common property lines between the R-5 and R-15 designated lands is required.

411-2 Location

Screening and Buffering shall be located on the perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffering shall not be located on any portion of an existing or dedicated public or private street or right-of-way. In a case of two overlapping types of buffers, the higher type shall prevail.

411-3 Determination of Screening and Buffering Requirements

411-3.1 *To determine the type of Screening and Buffering required, the following procedure shall be used:*

- A. Identify the primary district of the subject site by referring to the applicable Community Plan;*
- B.*
- C. Identify the primary district(s) of the surrounding properties by referring to the applicable plan(s);*
- D.*
- E. Determine the Screening and Buffering type by referring to the Screening and Buffering Matrix (Section 411-5); and*
- F.*
- D. Determine the Screening and Buffering Standards by referring to the Screening and Buffering Standards (Section 411-6).*

Screening and Buffering is required along the common property lines between the R-5 and R-15 designated lands pursuant to Section 411-3.1.

The development site is being developed with single family detached dwelling units, similar to the Brooklawn Park subdivision to the north. The applicant indicated in the submitted materials that HOA documents or other legally binding documents will be recorded that will include a requirement that the lot and house type remain the same as the lower density requirements for the life of development. Accordingly, the screening and buffering

requirements along the north property line are reduced to that of the R-5 District. The applicant stated that the setbacks along the applicable front (Lots 23 and 24), rear (Lots 25 – 41) and side (Lot 24) will be maintained at the same or greater level than the underlying setbacks of the R-5 district.

The applicant also indicated that in locations where any existing fence between the site and perimeter lots does not meet or exceed the S-2 standard of Section 411, then fencing would be replaced to meet this standard for a six-foot sight-obscuring fence. Adequate screening and buffering will be provided between the development site and the abutting R-5 residential development to the north.

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. Each 10-foot wide by 20-foot deep area within a driveway may be counted as one off-street parking space.*

According to the application narrative, with the exception of Lot 28, each lot is anticipated to have a 20-foot wide by 20-foot deep driveway, which when factoring in the attached garage (on the ground floor), will have four off-street spaces (two in the garage and two in the driveway). Lot 28 will have a single car driveway and garage. In order for the driveways to count as a two-car driveway, a minimum width of 20 feet is required, which the applicant has acknowledged (Section 413-4.11).

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:*

B.

(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.*

All detached dwelling units, except for Lot 28, will have a garage measuring at least 20 feet wide and 20 feet deep in order to accommodate two vehicles. Tax Lot 28 will have a garage measuring at least 10 feet wide and 20 feet deep.

C. *Garage door entrances:*

- (1) *Eight feet wide for single vehicle garages.*

- (2) *Sixteen feet wide for double vehicle garages.*

With the exception of Lot 28, all lots will have a 16 foot wide garage door entrance for a two vehicle garage. Tax Lot 28 will have a garage door entrance of at least eight feet wide for a one vehicle garage.

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:*

- B. *For a dwelling with two off-street parking spaces, a minimum of one on-street parking space shall be provided within 200 feet of the subject lot, except as provided in Sections 413-5.1 D. or 413-5.3.*
- C. *For dwellings with more than two (2) off-street parking spaces, a minimum of one (1) on-street parking space for every two (2) lots with more than two (2) off-street parking spaces shall be provided along the frontage of those lots, except as provided in Sections 413-6.1 D. or 413-6.3.*
- D. *The requirements for on-street parking are not applicable to:*
- (1) *Flag lots or lots that are provided access from the terminus of a non-through street (e.g., cul-de-sac bulb or hammerhead);*

The proposed development is for 41 single family residential lots, with two flag lots. Therefore, 39 lots require on-street parking. As stated previously, 40 of the lots are proposed to have more than two off-street parking spaces per lot/unit. Thus, one on-street parking

space is required to serve every two lots for a minimum of 20 on-street parking spaces. According to the preliminary site plans, 25 on-street parking spaces are provided as shown on sheet P5.0. The proposed arrangement of on-street parking satisfies the requirements of Section 413-5.1.

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 adequate utilities to serve the development. In particular, as it pertains to stormwater, the applicant proposes to address storm water management, in part, by constructing a water quality facility located near the southwest corner of the site. See *Conditions of Approval I.B. regarding CWS comments addressing sanitary and storm sewer.*

In addition, all 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 and recorded on each phase of the plat.

Section 418 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 wall located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.*

Retaining walls are proposed to facilitate the construction of the water quality facility. Retaining walls are also proposed along the west property lines of Lots 18-24 and along the east side of a section of the private street and along the north side of Lots 24-27. As proposed, the retaining walls are less than seven feet in height and can therefore be located within required setbacks.

No other encroachments are anticipated in the setbacks. Compliance with the requirements of Section 418 will be verified at time of building permit review and issuance as well as prior to issuance of the grading permit, as conditioned above.

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.*

419-5 *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.*

As stated in Section 418 findings above, no retaining walls greater than seven feet in height are proposed. Retaining walls less than seven feet in height will be used to construct the water quality facility and to provide buildable areas for Lots 18-27. Outside of the required setback areas, there are no restrictions in Section 418 that limit height of retaining 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.

- A. "Floodplain Series, Washington County, Oregon, revision 5/01/1974, 1/03/1978, 1/1981, 5/25/1983 and 12/12/1983" based upon data from the U.S. Army Corps of Engineers.*
- B. In addition, the Director shall obtain, review and reasonably utilize any flood elevation data available from a federal or state source, or hydrologic and hydraulic analysis performed in accordance with standard engineering practice by a licensed professional engineer, in order to administer this Section.*
- C. In addition to the information sources identified in A. and B. above, the Director may also utilize any other available authoritative flood data, including but not limited to high water marks, photographs of past flooding or historical flood data.*

The application included a Drainage Hazard Area analysis (dated July 7, 2023) that delineates the DHA in accordance with Section 421-1.2 B. This information is in the casefile.

421-3 *Submittal Requirements*

In addition to the requirements of Sections 203-4 and 410, an application for a flood plain 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.

- 421-3.1** *Recognizing that the scale may be such that the true and accurate flood plain or drainage hazard area boundaries cannot be determined from the maps referenced in Section 421-1.1 and 1.2 alone, all persons seeking a development permit for lands within said areas and within 250 feet of the map boundary of a flood plain or drainage hazard area identified in Section 421-1.1 and 1.2, except as noted below for land divisions and property*

line adjustments, shall submit with the development permit application:

- A. A delineation of the flood plain and the floodway boundaries, established by a registered engineer or a registered surveyor from the surface elevations for the flood plain based upon maps or other data sources referenced in Section 421-1.1; and*
- B. A delineation of the drainage hazard area and the drainageway, established by a registered engineer or a registered surveyor from surface elevations for the drainage hazard area based upon maps or other data sources referenced in Section 421-1.2. Such delineation shall be based on mean sea level datum and be field located from recognized landmarks.*
- C. Land divisions and property line adjustments outside the UGB may provide only generalized flood plain information, such as contour maps and aerial photos, which need not be prepared by an engineer. Notwithstanding this provision, for the purpose of implementing the requirements of Section 421-14.7, applicants may be required to submit detailed delineations as specified in 421-3.1 A. and B above.*
- D. For each of the above, submitted plans shall be accurately drawn and at an appropriate scale that will enable ready identification and understanding of the submitted information. The plans shall include the locations of any existing or proposed property lines, buildings, structures, parking areas, streets, accessways, or other relevant information on the subject property, and within 50 feet of the delineation.*

As stated previously, the applicant delineated the DHA. This information is in the Casefile.

421-3.2 Existing and proposed topography within the boundaries of the flood area using the following contour intervals:

- A. For slopes of five percent or less, contour intervals not more than one foot;*
- B. For slopes greater than five percent and up to and including 10 percent, contour intervals not more than two feet; and*
- C. For slopes greater than 10 percent, contour intervals not more than five feet.*

The applicant has addressed the applicable sections; two-foot contour elevations) are shown on the submitted plans, including within the DHA. This information is in the Casefile.

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 Regional water line 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:

421-5.11 Construction or major improvement or alteration of underground pipes and conduits, including sewer, water and gas lines, transmission and distribution lines for geothermal resources, gas and oil, underground electrical, telephone and television transmission and distribution lines, including necessary accessory structures and drainage systems.

The applicant proposes minimal temporary and permanent alterations to the DHA. These include installation of an underground sanitary sewer line to connect with the existing sewer main running on the west side of Johnson Creek. The permanent impact within the DHA is a single manhole and water-tight cover at the point where the new sewer line connects to the existing main. The proposed DHA alteration qualifies as an allowed Type II use listed in Section 421-5.11.

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:

421-7.6 Development proposed on a drainage hazard area site shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a licensed professional 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 applicant indicated that after construction of the sanitary sewer line installation and restoration of the impacted ground above the sewer pipeline, there will not be an increase in the water surface or water velocity.

421-7.8 The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area. Energy dissipation devices or other measures to control the mean velocity so as not to cause erosion of the flood area may be used to meet this standard. "Open Channel Hydraulics" by V. T. Chow, McGraw-Hill Book Company, Inc., 1988, is presumed to be the best available reference for maximum permissible velocity. "Hydraulic Engineering Circular No. 14," Hydraulic Design of Energy Dissipators for Culverts and Channels, published by the Federal Highway Administration, September 1983, is presumed to be the best available reference for the design of energy dissipators.

The project is not anticipated to result in an increase to the velocity of flood flows.

421-7.9 All cut and fill shall be structurally sound and designed to minimize erosion. All fill below the flood surface elevation shall be accompanied by an equal amount of cut or storage within the boundary of the development site unless:

According to the Drainage Hazard Area Analysis improvements from the development within the DHA water surface elevations are limited to the proposed sanitary sewer line installation connecting to the existing sanitary main on the west side of the creek. The analysis further stated that the cut-fill method proposed to construct the sanitary connection to the existing sanitary main on the west side of the creek, including installation of a single manhole within the DHA, will be balanced during construction. Section 421-7.9 is met.

421-7.10 There is adequate storm drainage behind a dike such as a lift pump or flap gate to drain the flood plain or drainage hazard area behind the dike.

There are no dikes or similar structures proposed.

421-7.11 That the environmental impact of the disturbance or alteration of riparian wildlife and vegetation has been minimized to the extent practicable as required by Section 422. Enhancement of riparian habitats through planting or other such improvements may be required to mitigate adverse effects. Significant features such as natural ponds, large trees and endangered vegetation within the flood area shall be protected when practicable.

See also Section 422.

421-7.12 *Drainage systems shall be designed and constructed according to the adopted Drainage Master Plan for the area, if one exists.*

421-7.13 *Proposed partitions and subdivisions shall minimize flooding by complying with the applicable standards of Sections 410, 421, 426, 605-3.2 and 610-3.1, and Clean Water Services Design and Construction Standards for regional water line and surface water management.*

Clean Water Services is responsible for ensuring adequate storm drainage management. See Recommended Conditions of Approval I.B.

421-7.14 *Public utilities and facilities in proposed partitions and subdivisions shall be located and constructed in a manner that will minimize flood damage.*

421-7.15 *Proposed partitions and subdivisions shall provide adequate drainage to reduce exposure to flood damage by complying with the standards of Section 410 and applicable standards of Section 605-3.2 or 610-3.2, whichever is applicable.*

The proposed development is a land division. Thus, this standard is applicable. The proposed development will meet the requirements of Sections 410 and 421 and CWS Design and Construction Standards in order to provide appropriate drainage measures to reduce possible exposure to causing flood damage.

421-11 Criteria for Utilities and Tanks

421-11.1 *New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. The applicant shall obtain all applicable local, state or federal permits.*

No water supply systems are proposed within the DHA.

421-11.2 *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into, or discharge from, the system. The applicant shall obtain all applicable local, state and federal permits.*

As discussed in the Drainage Hazard Area Analysis, *"All proposed components of the sanitary sewer improvements are designed to minimize flood impacts and damage, including a water-tight manhole cover, and will undergo testing before final acceptance by the district."* All applicable permits will be obtained by the applicant.

421-11.6 *Construction of utilities shall be done in a way which minimizes the impact on the flood area. The site shall be restored, as far as practicable, to its original state.*

The applicant's Significant Natural Resource Area Assessment prepared by Environmental Science and Assessment, LLC, determined that the environmental impacts to the significant natural resource areas, including within the DHA, have been minimized to the extent practicable as required by Sections 410, 421, and 422. See Section 422.

Section 422 Significant Natural Resources

The applicant has submitted site plan information required by this Section, including a Natural Resource Assessment prepared by Environmental Science & Assessment, LLC. The majority of the natural resources are located away from proposed development to the west with a portion of Wetland A and associated Vegetative Corridors located along the riparian corridor site. Johnson Creek, a county-mapped Drainage Hazard Area (DHA), flows north-south through an adjacent open space tract located west of the development site. On either side of the creek the assessment mapped three wetlands, each of which have a respective 50-foot Vegetative Corridor buffer. See Figure 4 in the assessment.

The delineation and assessment proposes enhancement / mitigation of the degraded Vegetated Corridor consistent with Clean Water Services, which addresses Section 422-3.1. This information is in the Casefile (See Figure 4 in the assessment). The Assessment includes the following conclusion:

"The SNR habitat impacted by development within the CWS VC is primarily in degraded condition. While some forest functions will be lost temporarily in the northern end of site, this will be restored and replanted by proposed VC enhancement and in-place mitigation for the temporary wetland and VC impacts from the sanitary connection. To connect the proposed subdivision to the existing sanitary line, the proposed tract has to cross the sensitive area and vegetated corridors where coverage over the piping can be ensured.

There are no feasible alternatives to the temporary and permanent impact of Johnson Creek corridor from the proposed sanitary connection. The site plan maximizes habitat connectivity to the offsite resources to support the existing bird movement north and south of the site. Since other wildlife use through the site was likely limited to start, the proposed development will not further cut off any wildlife travel corridors or restrict access to surrounding habitats.

All CWS VC Tier 2 impacts will be mitigated by providing an additional mitigation area southwest of the existing 50-foot VC within a riparian forest area southeast of the VC buffer boundary and northwest of the stormwater facility. In addition to this, encroachment proposed will be mitigated on-site and the on-site VC will be restored to Good Condition, therefore maintaining functional benefits for wildlife. All these measures will ensure that the project does not seriously interfere with the long-term preservation of existing wildlife habitat on-site, meeting CDC 422-3.6 requirements."

Based on the findings in the assessment, in particular the nominal amount of permanent impact coupled with the proposed mitigation and enhancement of the degraded Vegetative Corridor and the limited areas of temporary impact, staff concurs with the assessment's

findings and finds that the proposed development meets Section 422-3.6. For these reasons, the hearings officer finds that the project as proposed and as described in the application satisfies Section 422.

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. The applicant shall therefore be required to submit an erosion control plan consistent with the requirements of Section 426 prior to any physical change or construction on the site.

Section 427 Solar Access Standards

The proposed development does not meet the solar design standards of this Section. There are several constraints or other features that preclude the development from achieving full compliance, let alone 80% compliance with the solar access standards (Section 427-3.2 A.). Most notably is the fact that the larger of the two lots being developed measures about 165 feet wide. The narrow lot width coupled with the new east-west internal street; it is not possible to design lots on either side of the street that maintain lot depths of 90 feet. The front lot lines are oriented within 30 degrees of a true east-west axis but do not maintain 90 foot lot depths. Constraints in the western part of the site, including the necessity for north-south circulation prevent any of the lots in the western part of the development from having lot depths of 90 feet and from having front lot lines oriented within 30 degrees of a true east-west axis.

For these reasons the proposal complies with the necessary adjustment criteria with the 80% requirement for solar accessibility (Section 427-3.4).

Section 430 Special Use Standards

430-37 - Single Detached Dwelling Unit on Lot of Record, Middle Housing Duplex, and Type II Middle Housing

430-37.1 Urban:

A. Type I - Plans for a Type I single detached dwelling unit or duplex, including middle housing duplex, shall:

(1) Include windows on each street-facing façade (See Figure 6) of the building as follows:

The applicant proposes three different architectural styles for Heritage Grove: The Northwest, The Modern and The Farm. Each street facing façade includes windows on the front and street side facades. Per the applicant submitted plan sets, this standard can be met.

(a) Front façade:

(i) One story building: At least 12.5% of the total area of the street-facing façade.

- (ii) *Building that is two stories or more: 15% of the total area of the street-facing façade.*

Each dwelling unit is three stories in height. The street-facing facades of each of the architectural styles include windows on more than 15% of the total area of this façade, as required. The Northwest includes windows on 21% of the street-facing façade. The Modern include windows 21% of the street-facing façade. The Farm include windows 23% of the street-facing façade. This standard is met for each architectural style.

- (b) *Street side yard façade: At least 5% of the total area of the street-facing facade.*

Entrance doors and/or ½ of the window area in the door of an attached garage may count toward meeting above standards. Plans shall include dimensions and total area of these elements and of the affected wall. For attached units, above percentages are per affected exterior building façade, not per unit. All exterior walls of a building that face the same direction shall be considered part of the same façade. Façades separated from the street property line by a dwelling are exempt from meeting this standard.

The Northwest style is proposed for Lots 1, 17, 25, 27, 28, and 41. Each of these lots have a street side. The street-side facade of The Northwest style contains windows on 5.1% of the total area of the street side façade. The street-side facade standard is met for The Northwest style homes on Lots 1, 17, 25, 27, 28, and 41. The other two architectural styles may be substituted for The Northwest provided that the street side facing facades contain windows on at least 5% of the total area of the street side facade.

- (2) *Additionally, each single detached dwelling unit or duplex building shall utilize at least five of the following design features:*

As shown on the proposed building elevations, each architectural style incorporates at least five of the required design features. The applicant indicated that the Northwest design facade includes up to 11 design features; The Farm elevation includes up to 9 design features; and The Modern facade includes up to 10 of the design features. Compliance with this requirement will be verified prior to issuance of the building permit. This standard is met for each architectural style.

- (a) *The building front shall be parallel (within 30 degrees) to the front lot line (see Figure 1);*

Each building front is proposed as parallel to the respective front lot lines. This standard is met for each dwelling.

- (b) *A roof with a pitch that is 4/12 or greater;*

The primary roof for each dwelling has a pitch of 4/12 to 10/12. This standard is met for each dwelling.

- (c) *A hip roof;*

- (d) *A tile or shake roof;*
- (e) *An attached garage with a gable or hip roof, or with a second story above the garage;*

Each dwelling is three stories. Consequently, each attached garage has a second and third story above the garage. This standard (e) is met for each dwelling.

- (f) *One or more dormers that are parallel (within 30 degrees) to the front lot line (see Figure 2);*
- (g) *Three or more gables (see Figure 3);*

The Northwest style contains three dormers that are parallel to the front lot lines. This standard is met for The Northwest style.

- (h) *A minimum 12-inch offset in the structural exterior façade and roofline of the building (see Figure 4). In a building containing attached units, the offset applies to the overall building façade, not each unit. All exterior walls of a building that face the same direction shall be considered part of the same façade. On a corner lot, 430-37.1 A(2)(h) or (l) is required for the street side of the building;*

The street-facing front façade for each of the dwellings include a two foot offset in the exterior façade and roof line of the structure. For the corner lots, the applicant has elected to comply with the requirements of 430-37.1 A(2)(l). This standard is met for each dwelling.

- (i) *A bay or bowed window that is parallel (within 30 degrees) to the front lot line;*
- (j) *Window shutters on front and street facing windows;*
- (k) *Minimum 10-inch eaves (all building eaves);*

According to the applicant, building eaves will range between 10 and 14 inches.

- (l) *A minimum of two types of siding materials and/or siding styles. On a corner lot, 430-37.1A(2)(h) or (l) is required for the street side of the building;*

The front facades for each dwelling shall include two siding materials and/or siding styles. The application materials demonstrate that The Northwest and The Modern elevations include “a combination of fiber cement panels; board and batten siding; lap siding of varying width, in both horizontal and vertical orientation; and/or cedar shake siding, for a total of 2 siding materials and 3 siding styles”.

Lots 1, 17, 25, 27, 28, and 41 are corner lots. Consequently, the dwellings on these lots include a single street side yard. The application included street side elevations for the Northwest elevation reflecting both a left and right street side yard. Each facade is designed

with cedar shake tiles on the ground floor, with the upper floors consisting of horizontal lap siding. The street side facade requirements of this Section are met.

- (m) *Use of brick or stucco on the building façade that is parallel (within 30 degrees) to the front lot line;*
- (n) *A recessed front entry (minimum 24 inches) which is parallel (within 30 degrees) to the front lot line;*

Each dwelling unit includes a covered front entry which is setback or recessed about four feet behind the two floors above. Each entry is also parallel (within 30 degrees) to the front lot line. This standard is met for each dwelling unit's entry.

- (o) *A covered porch entry (minimum five-foot depth) for the front entrance. When the front entrance is not parallel to the front lot line, the porch shall be visible from the street (see Figure 5);*

Each dwelling unit includes a covered front entry porch with a depth of more than five feet. Each entry is also parallel to the front line and visible from the street. This standard is met for each dwelling unit.

- (p) *Solid wood trim for exterior siding; or*
- (q) *A masonry or poured-in-place concrete perimeter foundation.*

Each dwelling is proposed with poured-in-place concrete perimeter foundation. This standard is met for each dwelling.

Section 430-46 Flag Lots

Lots 23 and 24 are flag lots. The proposed access strip (flag pole) measures 20 feet in width (a minimum of ten feet is required for each double flag lot).

Section 430-46.6.B requires that an access strip *not* be provided through an easement on the frontage lot. According to the applicant's submitted plans no access strip easement is within the frontage lots. The standard is met.

The future dwellings unit on the flag lots will be adequately screened from future adjacent dwellings and no additional screening and buffering is needed to screen the future dwelling units on adjacent lots. Lastly, the flag lot driveways shall be paved as required by Section 430-46.6 C.

Section 431 Transit Oriented Design Principles, Standards and Guidelines

431-1 Intent and Purpose

The following design principles, standards and guidelines shall be applied to the review of all development occurring in transit oriented districts, for those uses listed in Section 375. Principles are the

broad, fundamental rules upon which the standards and guidelines are based. All Type III applications for development in transit oriented districts shall demonstrate compliance with applicable principles and/or standards of this section. Standards are specific, usually quantitative, rules which development applications must comply with if processed through a Type I or II procedure. Guidelines are advisory statements that should be considered when designing a development in a transit oriented district, but are not mandatory.

Because an application for a development may vary from a standard in this Section when the application demonstrates, through a Type III process, compliance with the related design principle, a variance or hardship variance pursuant to Section 435 shall not be granted from any standard in this Section.

The applicant is addressing the design principles of Section 431-5.3 in order to meet the requirements of Section 305-8 for the dwelling units on Lots 1 – 18 and Lots 25 – 41.

431-5 *Streetscapes for Pedestrians*

431-5.3 *Building Façades*

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.*

The proposed facades provide adequate architectural detail and features, including garage door designs, significant glazing (with each elevation façade maintaining more than 20% of the façade areas as windows). Recessed garage entrances help minimize the garage feature into a less than dominant feature. This principle is met.

- (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.*

The proposed development is designed to encourage street-facing observation. This is accomplished by providing livable areas on the 2nd and 3rd floors overlooking the street. Additionally, all of the dwelling units are located directly fronting the streets. This principle is met.

- (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.*

The building elevations will result in a compatible building design through such techniques as similar massing and setbacks between dwelling units. The buildings are all three story structures with similar heights and widths. This principle is met.

- (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.*

The applicant proposes three distinctly different architectural styles to be built in the development. The three different architectural styles help avoid a uniform design style which should generate an interesting, attractive pedestrian environment. Each floor plan and elevation can be reversed in appearance which helps provide additional variation. This principle is met.

- (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.*

This principle is not directly applicable, as the project is for detached single family residential dwelling units, not multi-family residential.

- (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.*

Exterior lighting will be limited to porch lights at the front doors, typical of detached residential developments. The use of porch lights will not draw an inordinate amount of attention to the building. This principle is met.

- (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.*

The building elevations indicate the use of high quality and durable materials/finishes such as lap siding, board and batten detailing and double-glazed windows. This principle is met.

- (8) *To balance horizontal features on longer façades, vertical building elements shall be emphasized.*

All building facades are generally narrow (27 feet wide) in that they are for detached dwelling units and are three stories high. Thus, the buildings do not maintain particularly long facades (i.e., wide at the street) relative to the overall heights. In addition, each of the units includes vertical architectural elements, including rectangular windows, vertical and horizontal siding patterns. The proposed façade designs possess a balance of horizontal and vertical features. This principle is met.

The proposed building facades demonstrate compliance with the Transit Oriented Design Principles of Section 431-5.3.

Section 435 Variances and Adjustments

435-1 Purpose

The purpose of this Section is to provide a remedy from the strict interpretation of this Code where it can be shown that literal interpretation would cause unnecessary hardship.

435-2 Scope

435-2.1 Permitted Variances and Adjustments

Under the provisions of this Section, an applicant may propose a variance or adjustment in accordance with the standards of this Section except when:

- A. The proposed variance or adjustment would allow a use which is not permitted in the applicable land use district;*
- B. Another procedure is available in this Code for modifying or waiving the particular standard; or*
- C. This Code specifically prohibits a variance or hardship relief from a standard (e.g., Section 430-1.1 B.(8) prohibits a*

variance or adjustment to the distance between an accessory structure and a primary structure).

435-2.2 Prohibited Variances and Adjustments

Notwithstanding Section 435-2.1, the following standards of this Code may not be varied by the provisions of this Section:

- A. The minimum and maximum density requirements of a residential land use district;*
- B. Definitions;*
- C. A standard that implements a federal, state, regional, or local requirement, except where the language of such requirements allows;*
- D. A floor area ratio (FAR); or*
- E. The sight distance standards of Section 501-8.5 F.*

The applicant has requested adjustments for yard requirements of the R-15 District. The requested adjustment does not allow a use that is otherwise unpermitted and is not a prohibited request. There are no other procedures available for modifying these standards.

435-3 Adjustments

435-3.1 Adjustments consistent with Section 435-2 may be requested for:

- A. Reduction of up to 20% from any dimensional standard (as defined by Section 106-61) or any development standard of Section 392 (Pedestrian-Oriented Mixed-Use Districts), or*
- B. A 5% reduction in minimum lot area.*

The applicant has requested 20% reductions (adjustments) for the following: setbacks:

Rear yard perimeter setback for Lots 25 – 41 (20 feet reduced to 16 feet)

Side yard perimeter setback for Lot 24 (10 feet reduced to 8 feet)

435-3.2 The Director shall grant the adjustment only when the Director makes findings, based upon evidence in the record, that all of the following criteria have been met:

- A. The standard imposes a significant economic burden on the applicant; and*

The R-15 zoned site is constrained by the relatively long and narrow width and the need to construct an east-west street, designed as a Local L-2 cross-section. The L-2 cross-section calls for a right-of-way of 38 feet. The application included the following findings in support of the Adjustment:

“In total, 53,640 square feet of right-of-way dedication, open space, and stormwater management areas are required against residentially developable area of 98,543 square feet, or a total of approximately 35% of the site, therefore the site is already heavily impacted by public uses even before any additional perimeter setbacks are applied.

Accordingly, the required setbacks impose a significant economic burden on the applicant and the community, either through a loss in habitable floor area, livability, or the loss of lots. Overall, a 4-foot reduction in the perimeter rear yard setback for Lots 25 – 41 would allow an increase in building area for each unit on the north side of Street A (assuming a 3-story home) of approximately 324 square feet (27' x 4' x 3 = 324'2). Similarly, a 2-foot reduction in the perimeter side yard setback for Lot 24 would allow an increase in building area (assuming a 3-story home) of approximately 372 square feet (62' x 2' x 3 = 372'2). Across the 18 lots subject to this adjustment request, this equates to a total of 5,880 square feet.

The requested relief allows the increase of building area on each lot to an economically viable size, while maintaining density, compliance with other essential code requirements such as building height and outdoor yard area, and compatibility with surrounding development.”

B. Adjustment will not be materially detrimental to other property in the vicinity.

The existing homes developed in the Brooklawn Park subdivision to the north were built between 1975 and 1976, many decades before minimum density requirements. Older subdivisions, such as Brooklawn Park, generally consisted of low density residential development with large lots. According to the application, the lots in Brooklawn Park range between 7,500 square feet and over 10,000 square feet. Consequently, the dwelling units were sited closer to the street (front yard setback) which resulted in deeper rear yards. The existing rear yard setbacks on the abutting lots is about 35 feet. The addition of the proposed 16 foot rear yard setbacks along the north property line would result in a total separation of more than 50 feet between the older existing detached homes (to the north) and the future homes in on the site (35 feet existing + 16 feet proposed). The hearings officer finds that the adjustment will not be materially detrimental to other property in the vicinity.

435-3.3 The Director may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.

There are no adverse impacts needing mitigation.

4. Article V Public Facilities and Services:

Section 501 Public Facility and Service Requirements

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 Casefile.

The findings for the transportation standards are set forth in the Transportation Findings below).

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.

The subject property maintains approximately 165 feet frontage along SW 187th Avenue, a county Neighborhood Route.

The applicant proposes to serve the development primarily through the construction of new internal public streets as well as a private street designed and constructed to serve Lots 19-24. See Section 409 of this Final Order and The Transportation Findings below.

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 ensure that each new access point or each new lot or parcel created or development will have a safe access to a public road.

Addressed in The Transportation Findings below.

Section 502 Sidewalk Standards:

Sidewalks will be required along the entire street frontage of SW 187th Avenue as well as on both sides of the new internal public streets.

5. Article VI Land Divisions:

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. The application is subject to preliminary review in accordance with Section 605-2.2 A.

When constructed in compliance with the conditions of approval, it will comply with the requirements of the R-15 District and other applicable sections of the Washington County Community Development Code and the Aloha-Reedville-Cooper Mountain Community Plan.

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.*

The applicant submitted a preliminary utility plan as part of the application. The applicant proposes to construct a water quality facility near the southwest corner of the site. CWS has reviewed the proposed development and the sanitary and storm sewer plans and recommends certain conditions of approval to ensure compliance with current CWS design and construction standards.

Conditions of Approval are imposed to ensure that these facilities are constructed in accordance with current CWS standards, and the appropriate easements recorded on the plat. See *Conditions of Approval I. B. in Attachment B.*

Section 605-3.3 Streets and Street Improvements

Street improvements are required for SW 187th Avenue as well as for the new internal public streets. Conditions of Approval are recommended to ensure that required street improvements comply with county standards. See the Transportation Findings below.

Section 605-3.4 Public Utilities

All utilities will be placed within easements and/or within rights-of-way.

Section 605-3.5 Sidewalks

Sidewalks will be provided as required and shall be non-curb tight unless a design exception is approved by the County Engineer.

Section 605-3.6 Lots or Parcels

All lots comply with the provisions of this section.

Section 605-3.7 Blocks

The site is bound by residential Districts to the south and west (R-15) and north (R-5). The R-15 zoned property to the south is developed with a church. *See also Section 408 findings above.*

Section 605-3.8 Easements

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

D. Ordinance Nos. 768/783/799 -Transportation Plan:

The findings for the transportation standards are set forth in the Transportation Findings below.

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 average 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

The findings and recommendations for transportation standards are found in the Transportation Findings below.

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

The findings and recommendations for transportation standards are found in the Transportation Findings below.

H. Resolution and Order No. 19-5 - Erosion Control, Water Quality and Water Quantity:

Resolution and Order 19-5, as amended by R&O 19-22 (CWS Standards), adopted standards and regulations for CWS review and approval of erosion control measures. The applicant will be required to submit an erosion control plan to CWS for their approval prior to any on-site or off-site work.

I. Transportation Findings:

1. PROJECT PROPOSAL:

The development's projected trip generation is about 386.63 average daily trips (ADT), based upon ITE Category 210 (Single-Family Residential / 9.43 trips per dwelling unit). The subject property maintains approximately 165 feet frontage along SW 187th Avenue, on the east, a county Neighborhood Route.

2. ACCESS:

- a. Access will be provided by extending Street A west through the site from SW 187th Avenue, a County Neighborhood Route. Street A provides access to all of the proposed lots, with the exception of Lots 19-24 which are to be accessed by a private street (Tract D).
- b. The applicant will extend SW 189th Avenue between its existing terminus at the north boundary of the site and proposed Street A. The applicant will stub Street A at the south property line of the site to allow for further extension when the abutting property redevelops. The applicant's neighborhood circulation plan depicts this new street eventually connecting to SW Johnson Street upon redevelopment of the parcels to the south.
- c. Access to the water quality facility (Tract A) will be from SW 189th Avenue.

3. RIGHT-OF-WAY:

- a. **SW 187th Avenue** is a future Neighborhood Route on the county's Transportation System Plan adjacent to the project site.
- b. **SW 187th Avenue** is designated as a future 2-lane, Neighborhood Route per the Washington County TSP, requiring 60 feet of right-of-way (30 feet from legal centerline). The applicant proposed to dedicate additional right-of-way along the east property line to meet this requirement.
- c. **Street A and SW 189th Avenue** are Local Streets with 38 feet of planned right-of-way. The proposed 38 foot right-of-way is adequate to accommodate the required street improvements.

4. IMPROVEMENTS AND MAINTENANCE:

- a. **SW 187th Avenue** is designated in the County's Transportation Plan (TSP) to ultimately be improved to a 2-lane Neighborhood Route standard width. Street improvements shall provide a 2-lane section, curb, storm drainage, planter strip, 5-foot wide non curb tight sidewalk, ADA ramps, signing, utility relocation, and street illumination.
- b. **SW 187th Avenue** is neither dedicated as right-of-way nor improved to current road standards. The very southern portion of the right-of-way was dedicated through a previous land use application but not improved. The applicant will be required to dedicate the right-of-way needed to complete the right-of-way needed to facilitate the potential future improvement of this Neighborhood Route.

- c. The Transportation Development Tax is required of all new development and constitutes an assurance to satisfy a development's requirement to provide additional capacity to Collector and Arterial streets needed for development. This tax is based on Ordinance No. 793-A and is due at issuance of a building permit.
- d. **Street A and SW 189th Avenue** shall be Local streets with 38 feet of right-of-way. Proposed right-of-way is adequate to facilitate the street improvements. Contingent on Design Exception approval as noted below, the applicant shall complete street improvements consisting of but not limited to pavement, a planter strip, sidewalks, ADA ramps, signing, utility relocation, and street illumination. Improvements shall be to the L-2 Local Street standard.

Note: Applicant proposes the following Design Exceptions to the Washington County Road Design and Construction Standards:

- Design Exception Request for Reduced Planter Strip Width and 3-inch Curb Exposure on Street A.
- Design Exception Request for Curb Tight Sidewalk on SW 189th Avenue
- Design Exception Request for Modified Elbow Corner at Street A and Tract D.

Prior to the application submittal, the applicant worked at length with Washington County Current Planning and Engineering Staff to address a number of constraints faced in developing the subject site. This work resulted in the identification of the three design exception requests listed above. Design Exceptions to the Washington County Road Design and Construction Standards are not land use decisions but rather fall under the purview of the County Engineer, who can approve these requests post-land use decision.

Absent the formal approval of the Design Exception requests by the County Engineer, the Conditions of Approval involved in the Design Exceptions (IV.B.3.c. and d.) would require the following:

Street A: Construct full street improvements to an L-2 Standard. Improvements shall include but not limited to paving, sidewalk, planter strip, curb and gutter, street trees, signing, illumination, utility relocation and drainage.

Construct "Eyebrow – Corner" to Washington County Detail #2220 (Please note: Turning templates with emergency vehicles is required with the submittal of this design.)

5. SIGHT DISTANCE:

- a. Section 501-8.5.F of the CDC and Chapter 130-080 of the WCRDCS require adequate intersection sight distance be provided at a site's access to a county or public road in accordance with standards of Section 501-8.5.F.
- b. The required sight distance at the SW 187th Avenue and Street A intersection is 250 feet based upon the posted speed of 25 m.p.h.
- c. The application included a Preliminary Certification of Sight Distance at the SW 187th Avenue and Street A intersection. The certification concluded that adequate sight distance is provided: 250 feet to the north and 384 feet to the south. The applicant also provided sight distance exhibits and written explanation addressing the location of driveways for proposed Lots 17, 27, and 28 concerning adequacy of sight distance. The driveways on these lots can be located as proposed.

Prior to occupancy: The applicant will be required to provide Final Certification of Sight Distance at the proposed accesses. Final Certification of Sight Distance must be prepared by a licensed Oregon professional engineer in accordance with CDC 501-8.5 F.

- a. Per CDC Section 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.
- b. Periodic trimming of vegetation may also be required, on and off-site, to maintain adequate sight distance.

6. DRAINAGE:

- a. Section 501-8.1.C requires the site to have adequate roadway drainage. Roadway drainage along the site's frontage of SW 187th Avenue is not acceptable. Roadway drainage will be provided upon completion of the half-street improvements to SW 187th Avenue.

- b. Roadway drainage will be provided on both sides of Street A and SW 189th Avenue upon completion of the new streets.

7. SIDEWALKS:

- a. Section 502-6 of the CDC requires a sidewalk to be constructed along a site's road frontage when one does not exist. Sidewalks do not exist along the site's frontage of SW 187th Avenue. Street improvements, including sidewalks and street lighting, to SW 187th Avenue are proposed.
- b. Sidewalks will be required to be constructed along both sides of Street A and SW 189th Avenue as part of the required street improvements.

9. NEIGHBORHOOD CIRCULATION:

- a. Section 408 of the CDC addresses Neighborhood Circulation and connectivity. See Section 408 of this Final Order.

VII. CONCLUSION

Based on the above findings, the hearings officer concludes that the tentative plan for Casefile L2400030-S/A/DHA/M (Heritage Grove) should be approved, because the applicant sustained the burden of proof that it does or can comply with applicable approval standards of the CDC subject to the conditions recommended by County staff.

VIII. ORDER

The hearings officer hereby approves the preliminary review and miscellaneous review for façade standards requested in Casefile No. L2400030-S/A/DHA/M (Heritage Grove), subject to the conditions of approval in Attachment B of this decision.

DATED this 30th day of April 2024.



Joe Turner, Esquire, AICP
Washington County Land Use Hearings Officer

ATTACHMENT B
CONDITIONS OF APPROVAL
Casefile No. L2400030-S/A/DHAM
(Heritage Grove)

- 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 GRADING, EXCAVATION, FILL ACTIVITIES, THE OFF-SITE STORM DRAINAGE WORK OR TREE REMOVAL, THE APPLICANT SHALL:**
- A. Submit to Building Services (503-846-3470) for review and approval grading plans meeting the standards of CDC Sections 410 and 426, and consistent with the preliminary plan approved via this land use review. The grading permit application shall include at least the following information/reports:**
1. Site-specific geotechnical engineering report with recommendations for the developing of the site is required. The report shall be stamped and signed by an Oregon registered engineer and include a slope stability analysis.
 2. Provide private street/driveway structural details on the plans per the site- specific geotechnical engineering recommendations.
 3. Provide drainage analysis report stamped by a civil engineer that shows that the additional impervious areas as a result of this proposed work will not impact the surrounding properties negatively per **WCC 14.12.310**.
- Note: For subdivision developments (more than 3-lots), WCC 14.12.310-I provisions cannot be used to satisfy WCC 14.12.310-A provisions.*
4. Demolition permits for the dwelling unit to be removed (needed to remove from the tax rolls).
 5. Evidence that all applicable TVF&R requirements (TVF&R Permit # 2023-0109) have been incorporated into the site development plans.

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.

Note: *Any retaining wall over four feet in height requires a building permit. No retaining wall shall exceed seven feet in height in any required yard. Tiered retaining wall structures shall not exceed seven feet in height in any required yard. Grading plans shall be prepared to ensure no walls exceeding 7 feet in height are located within any required yard area (setback).*

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

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. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit.
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. The extension of off-site sewer may be necessary to serve the parcels and the street frontage. All necessary easements for this extension must be accepted and in place prior to permit issuance.
5. Plans showing storm service requirements to each lot. If private lot LIDA systems proposed, must comply with current CWS Standards and the state Building Code.
6. Any offsite 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. 23-002191, dated September 22, 2023.
10. 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.
11. Detailed plans showing the delineated sensitive area and corridor, along with restoration and enhancement of the corridor.
12. If there is any activity within the sensitive area, the applicant shall gain 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.
13. Any proposed offsite construction activities will require an update to the current Service Provider Letter for this project.

PRIOR TO SEWER CONNECTION PERMIT ISSUANCE

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

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 APPROVAL AND SUBDIVISION PLAT RECORDATION FOR THE DEVELOPMENT, 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 plat:

1. All easements and Tracts, including the water quality facility tract and private street tract and the reciprocal access easement for the flag lot driveway on Lots 23 and 24.
2. The purpose of all Tracts shall be noted on the plat. All maintenance obligations and easements, including the beneficiaries thereof, may be stated in the plat notes unless otherwise prohibited by the County Surveyor, in which case they shall be noted in a separate recorded document and referenced in a plat note.
3. All lots meeting the minimum lot area and width & depth requirements of the R-15 District.
4. Plat note indicating that Tract D is a private street. Tract D is subject to an emergency vehicle and garbage/recycle haulers access. Specify the maintenance responsibility for Tract D and describe any necessary public or private utility easements within the tract in a separate recorded document with the Survey Office.
5. Plat note indicating the private interior side yard maintenance easements between the future dwellings (6-foot maintenance easement) – extending at least the entire length of the building on the benefitting parcel. Said easements shall be free of encumbrances such as fences.
6. Road right-of-way dedications:

- a. **SW 187th Avenue (CR 755):** Dedication of right of way to provide 30 feet from legal centerline of SW 187th Avenue along the frontage of the site, plus corner radius, for the Neighborhood Route (NR-3) standard. Existing right of way measures 25 feet from centerline.
 - b. **SW 189th Avenue (CR 2231):** Dedication of right of way to provide 38 feet for the Local (L-2) street standard, plus corner radius.
 - c. **Street A:** Dedication of right of way to provide 38 feet for the Local (L-2) street standard, plus corner radius and the 'Eyebrow Corner'.
7. Vehicular access restriction along the entire SW 187th Avenue frontage except at the approved access location.
 8. Plat note indicating that the development is subject to the conditions of approval from Washington County Land Use & Transportation Casefile #L2400030-S/A/DHA/M.

B. Submit to Administrative Services (Assurances Staff, 503-846-3843):

1. Completed "Design Option" form.
2. \$18,000 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.*

***PLEASE NOTE:** 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.*

3. Once items (1) and (2) above have been received and processed, you will receive an invitation to our Electronic Plan Review (EPR) system, ProjectDox. Please follow the instructions in the e-mail

regarding uploading plans and documents properly. In short: (a) Upload plans into the “Plans” folder, and (b) Upload documents into the “Document” folder; reference Washington County Road Engineering Plan Submittal Checklist, preliminary completeness verification matrix, for a complete list of required documents. Upload documents into the “Document” folder; reference Washington County Road Engineering Plan Submittal Checklist, preliminary completeness verification matrix, for a complete list of required documents.

Upon final compliance review you will receive an e-mail with final instructions; i.e. download, print, and sign the engineers seal for final plan approval.

The engineering plans will need to address the following public improvements. *Staff understands the applicant has discussed with the County Engineer the potential for Design Exceptions specific to reduced planter strip and curb exposure on Road A, curb-tight sidewalk on SW 189th and a modification to the elbow corner at Street A and Tract D. Approval of Design Exceptions are at the discretion of the County Engineer and may supersede the relevant requirements below.*

- a. **SW 187th Avenue:** Construct half-street improvements to a Washington County Neighborhood Route (NR-3) standard. Improvements shall include but not limited to paving, sidewalk, planter strip, curb and gutter, street trees, signing, illumination, utility relocation, and drainage. Close all existing accesses.
- b. **SW 189th Avenue:** Construct full street improvements consistent with an L-2 Standard. Improvements shall include additional paving, curbs and storm drainage, five (5) foot sidewalk, planter strip, street trees, signing, illumination, utility relocation, ADA ramps, drainage. **Note:** 6-foot curb tight sidewalks may be allowed at the discretion of the County Engineer.
- c. **Street A:** Construct full street improvements to an L-2 Standard. Improvements shall include but not limited to paving, sidewalk, planter strip, curb and gutter, street trees, signing, illumination, utility relocation and drainage.
- d. Construct “Eyebrow – Corner” to Washington County Detail #2220 (Please note: Turning templates with emergency vehicles is required with the submittal of this design.)

- e. Construct 'Commercial Driveways to a Washington County Commercial Driveway Standard (Wash Co #1040) to serve Tract D or another County Engineer approved private street access.
- f. Vegetation removal on and off-site as necessary to provide adequate sight distance.

NOTE: *These improvements shall be constructed in accordance with the requirements of the Washington County Uniform Road Improvement Design Standards and Roadway Illumination Standards, except as may be modified through approval of Design Exceptions by the County Engineer.*

These improvements shall be completed and accepted by the County prior to final building inspection approval or occupancy, unless otherwise specified in the Public Improvement Contract.

- 4. Engineer's construction cost estimate (to be submitted with final set of approved plans for public facility improvements).
 - 5. Relocate utilities that are in conflict with street improvements.
 - 6. 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.
- C. Obtain Departmental approval, provide financial assurance and obtain a Facility Permit for construction of the public improvements listed in Conditions IV.B.3.**
- D. Petition and waiver of the right to remonstrate against the formation of a road maintenance local improvement district (MLID) for public streets within the subdivision.**

NOTE: *Contact Stacia Sheelar, 503-846-3679. The MLID must be formed prior to plat recordation. The MLID formation process takes 4 to 6 weeks. Submit to Administrative Services, Assurances Staff (503-846-3843). The Public Assurances staff of Current Planning Services will send the*

required forms to the applicant's representative after submittal of the plat to the Survey Division.

- E. 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.

- F. Prior to Final Approval for any phase within the development, submit to Current Planning Services (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 consistent with those stamped "Preliminary Approval" and located in the Casefile, including the following:
 - a. Final plans consistent with those stamped "Preliminary Approval" and located in the Casefile, including any revisions to the preliminary plat as made necessary through the engineering plan review.
 - b. Building plans & elevations demonstrating the proposed single family dwellings are consistent with the elevations submitted with the application. *The future elevations must be substantially similar to the application elevations in order to remain consistent with the TOD Design Principles of Section 431-5.3.*
4. Final plans for the Private Street for Tract D designed in accordance with Section 409-3.3. A. (8).
 - a. Written certification from a registered engineer that the proposed design of private street complies with the applicable requirements of Sections 409-3.3, 409-3.5 and 409-3.6, and in accordance with the preliminary approval.

- b. "NO PARKING" signs and/or painted striping denoting that no parking is allowed on both sides of the private street (See Section 409 of the Staff Report).

V. PRIOR TO THE SUBMITTAL OF A BUILDING PERMIT FOR ANY DWELLING, THE APPLICANT SHALL:

- A. **Obtain Final Approval**
- B. **Record the Plat**

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

- A. **Submit with the building plans to Building Services (503-846-3470) plans showing:**

- 1. Final site plans, including those approved through the Type I Final Approval process, elevations, and floor plans for the structures consistent with those stamped "Preliminary Approval" and located in the Casefile.

Final site plans shall also include street trees, site landscaping, sidewalks, and the street improvements, including street lighting, as required. Site plans for each lot shall show compliance with the dimensional standards and setbacks of the R-15 District, as applicable, except as noted below:

All detached dwelling units meeting the yard setback requirements of the R-15 District, *except for Lots 24-41 as listed below:*

	<u>(Standard)</u>	<u>(Proposed)</u>
North Side Perimeter (24):	10 feet	8 feet (for 3 stories)
<i>[North Side Perimeter (24):</i>	<i>7 feet</i>	<i>5.6 feet (for 2 stories)]</i>
Rear Perimeter:	20 feet	16 feet

- 2. Building plans & elevations demonstrating the proposed single family dwellings are substantially similar to the elevations in the casefile in order to satisfy Section 431-5.3.

- B. **Pay Transportation Development Tax, and all applicable System Development Charges.**

VII. PRIOR TO BUILDING OCCUPANCY AND/OR FINAL BUILDING INSPECTION APPROVAL FOR ANY DWELLING UNIT:

- A. All public improvements as required by Condition IV.B.3. and as shown on the final approved plans shall be completed and accepted by the County.**
- B. Complete all required on-site improvements, including but not limited to installation of street trees, illumination and obtain final sign-off by Project Planner. Please submit request at least 48 hours in advance of the requested site visit by Current Planning staff.**
- C. Street trees shall be planted along the affected lot frontages, both public and private streets.**
- D. All facilities and improvements, including the Vegetative Corridor enhancements/mitigation, required by CWS shall be completed and approved by CWS, including tie-ins to the public storm drainage.**
- E. Provide Final Certification of Sight Distance to confirm adequate intersection sight distance has been achieved. Certification must be prepared by a licensed Oregon professional engineer in accordance with CDC 501-8.5 F.**
- F. Evidence that all remaining applicable TVF&R requirements (TVF&R Permit # 2023-0109) have been satisfied.**
- G. Provide a No-Rise Certification stamped by registered professional engineer licensed by the State of Oregon and certification stamped by registered professional engineer licensed by the State of Oregon that there will be no increase in water velocity.**
- H. Pursuant to Section 409-3.4 B. (1), provide evidence prepared by a registered engineer that the private street accessing the individual lots has been constructed per the applicable requirements of Sections 409-3.3, 409-3.4 B. (1), 409-3.5 and 409-3.6, in accordance with the preliminary approval. Note: Applicant shall sign/post NO PARKING signs on both side of the completed private street.**

VIII. ADDITIONAL CONDITIONS:

- A. Adequate sight distance shall be continuously maintained by the property owners at the intersections. This may require the property owner to periodically remove obstructing vegetation from the road right-of-way and/or on site.**

- B. 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).**
- C. All conditions of approval shall be binding upon all heirs, successors, and assigns (Section 207-5).**
- D. Transferability of this Development Permit shall be in accordance with Section 201-8.**
- E. The recorded HOA documents or other legally binding document shall include a requirement that the lot and house type remain the same as the lower density requirements for the life of the development.**