



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

NOTICE OF DECISION & STAFF REPORT

PROCEDURE TYPE: II

CPO: 7

COMMUNITY PLAN:

Bethany

LAND USE DISTRICTS: R-5

PROPERTY DESCRIPTION:

ASSESSOR MAPS/LOTS: 1N121AB / 100
and 200

SITE SIZE: 12.21 acres

ADDRESS: 13432 NW Springville Lane

CASEFILE: L2300200-S/PLA

APPLICANT:

Noyes Development Company

Attn: Clark Vorm

16305 NW Bethany Court, Suite 101

Beaverton, OR 97006

APPLICANT'S REPRESENTATIVE:

Westlake Consultants, Inc.

Attn: Ken Sandblast

15115 SW Sequoia Parkway, Suite 130

Tigard, OR 97224

OWNER (TAX LOT 100):

Malinowski, A&F Family Trust

13450 NW Springville Lane

Portland, OR 9229

OWNER (TAX LOT 200):

John and Jane Malinowski

3083 Drayton Hall Way

Gastonia, NC 28056

LOCATION:

At the northwest corner of the intersection of
the NW 130th Avenue and NW Bannister
Drive.

PROPOSED DEVELOPMENT ACTION: Property line adjustment and preliminary review for a
38-lot subdivision, "Mountainview Ridge".

DECISION:

Approval ☐

Approval with Conditions ☒

Denial ☐

Signature

Stephen Shane
Stephen Shane, Principal Planner, Current Planning Services

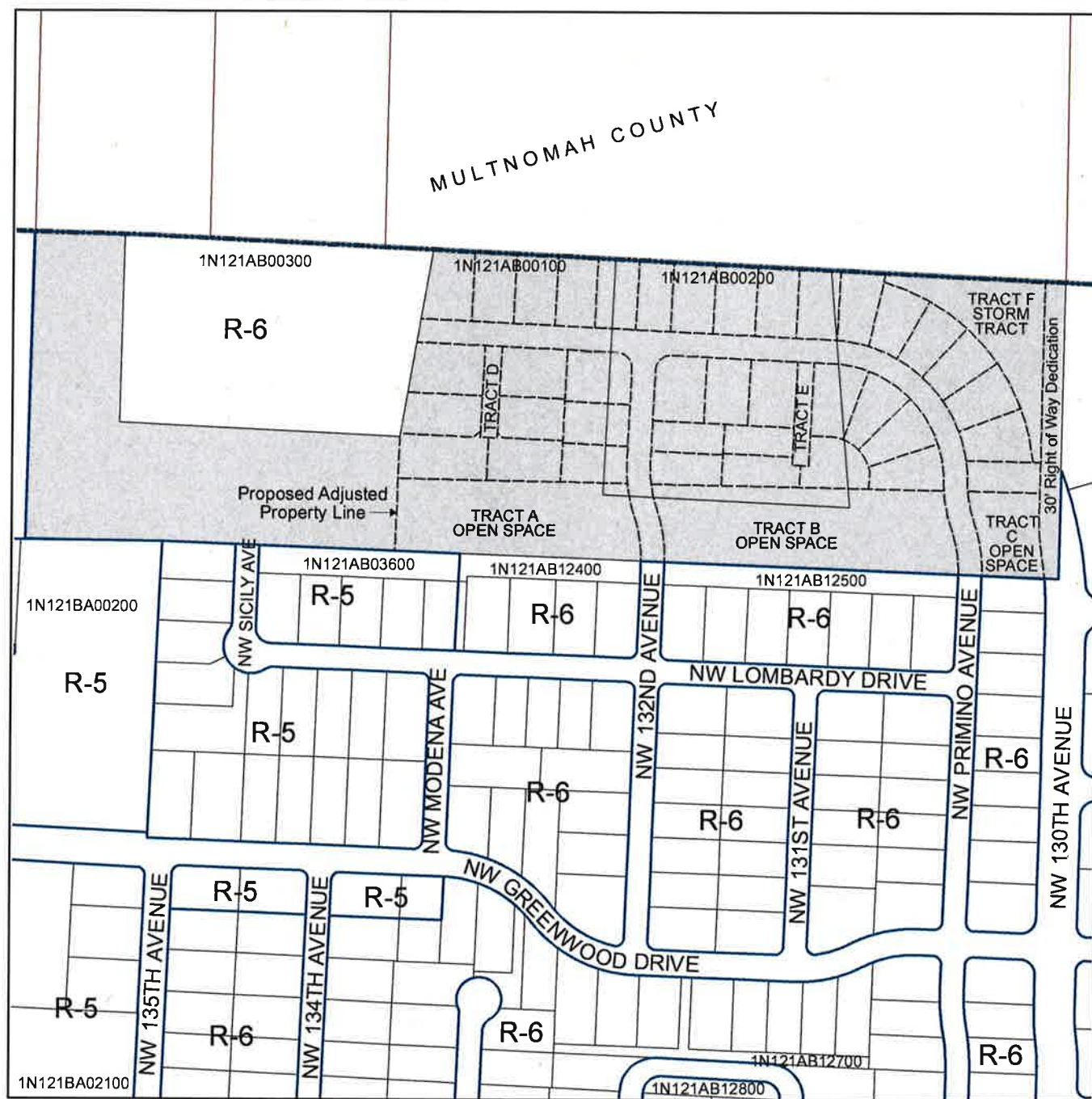
Date

11-15-23

Staff Planner: Paul Schaefer, 503-846-3832

Attachments:

- A. – Vicinity Map
- B. – Conditions of Approval**
- C. – Staff Report
- D. – Transportation Report
- E. – Street Trees
- F. – Appeal Information



AREA OF CONSIDERATION

R-6 District (Residential 6 units/acre)
R-5 District (Residential 5 units/acre)
Multnomah County

- 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

ATTACHMENT B

CONDITIONS OF APPROVAL

- I. THIS APPROVAL SHALL AUTOMATICALLY EXPIRE FOUR YEARS FROM THE DATE OF THIS APPROVAL, UNLESS DEVELOPMENT HAS COMMENCED, AN APPLICATION FOR AN EXTENSION IS FILED, OR THIS APPROVAL IS REVOKED OR INVALIDATED (SECTION 201-4).
- II. PRIOR TO COMMENCING ANY ON-SITE IMPROVEMENTS, INCLUDING GRADING, EXCAVATION, FILL ACTIVITIES 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 development 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 street/driveway structural details on the plans per the site specific geotechnical engineering recommendations.
 3. Demolition permit to remove the existing dwelling unit from the County tax records.
 4. Provide a drainage analysis report stamped by a civil engineer that shows that the additional impervious areas as a result of the proposed work will not negatively impact surrounding properties 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.

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.

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 the CWS Development Permit must be in accordance with 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. If site area and any offsite improvements required for this development exceed five-acres of disturbance, project will require a 1200-C 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 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. Extension of off-site sewer may be necessary to serve the lots and street frontage.
5. Plans showing storm service requirements to each lot. If private lot LIDA systems proposed, must comply with current CWS Standards and Washington County Plumbing Standards.
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 the Service Provider Letter No. 23-000877, dated June 22, 2023.
10. Activity is not proposed or anticipated in the vegetation corridor/sensitive area located in the far northwest corner of TL 0100. Any activity within the sensitive area, shall require notification of the project to 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 applicable DSL and USACE project authorization permits.
11. Developer may be required to preserve a corridor separating the sensitive area from the impact of development. The corridor must be set aside in a separate tract and not part of any buildable lot and shall be subject to a "Storm Sewer, Surface Water, Drainage and Detention Easement over its entirety" to be granted to Clean Water Services.
12. 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 CWS.***
- C. **Submit to Current Planning Services, (Paul Schaefer, 503-846-3832):**
1. Written documentation demonstrating that construction activities involving the two street extensions and paved water quality facility access road have been coordinated with and authorized by PGE. **Note:** Coordination efforts shall also address any plat notes or documentation of easements required by PGE.

II. 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.

III. 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 public utility easement design in accordance with Standard Detail #3050 of the Road Design and Construction Standards. Easements details, including use and maintenance requirements, shall be recorded in a separate document and notated on the plat with the county recordation number. Public pedestrian and bicycle easements shall be recorded over Tracts A through E.
2. Sight distance easements are recorded for the west and east at the intersection of Tract E at NW Primino Avenue/Street A which will ensure adequate sight distance can be provided.
3. All lots meeting minimum width and depth requirements of the R-6 District.
4. Road right-of-way dedications:
 - a. **NW Primino Avenue/Street A:** Dedication of right of way to an L-3 standard, including adequate corner radius. NW Primino Avenue/Street A shall be constructed to stub at the west property line to facilitate a future westerly extension upon redevelopment of the abutting property. Note: Recordation of a public utility easement shall conform to standard detail #3050 of the Road Design & Construction Standards.
 - b. **NW 132nd Avenue** Dedication of right of way to an L-3 standard,

including adequate corner radius. Note: Recordation of a public utility easement shall conform to standard detail #3050 of the Road Design & Construction Standards.

- c. **NW 130th Avenue:** Dedication of right of way for the planned Neighborhood Route shall be made to the County's Neighborhood Route NR-3 designation and its location shall adhere to the street alignment specified in the street improvement design (See Condition of Approval III.B.3.e.) .

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:

- a. **NW Primino Avenue/Street A:** Construct street improvements to an L-3 Standard. Improvements shall include but not limited to paving, sidewalk, planter strip, curb and gutter, street trees, signing, illumination, utility relocation and drainage. NW Primino/Street A shall be constructed to the west property line and maintain a consistent grade to alleviate the need for a substantial amount of cut and fill for any future road extension to the west.
- b. **NW Primino Avenue/Street A:** Construct a turnaround as necessary/required, in accordance with the guidelines outlined in the Memorandum titled "Terminus Guidance for Public Roads" issued by the County Engineer on January 5, 2021.
- c. Construct 'Commercial Driveways to a Washington County Commercial Driveway Standard (Wash Co #1040) to serve Tracts D and E or another County Engineer approved private street access.
- d. **NW 132nd Avenue:** Construct street improvements consistent with an L-3 Standard to complete the Local Street cross-section. Improvements shall include additional paving, curbs and storm drainage, five (5) foot sidewalk, planter strip, street trees, signing, illumination, utility relocation, ADA ramps, drainage.

Construct the maintenance access to the Water Quality Pond on NW 130th Avenue in accordance with CWS Design & Construction standards. A gate shall be installed at the south property line to restrict public access. The access road shall be paved as required by CWS standards or as otherwise allowed by the District. Applicant shall confirm with Portland General Electric (PGE) the appropriate distance of the access road from the three wood utility poles prior to construction.

- e. **NW 130th Avenue extension:** Provide a preliminary design for complete street improvements in accordance with the Washington County Neighborhood Route NR-3 designation. Note: The design is needed to determine the required right-of-way to dedicate to accommodate the future construction.

NOTE: These improvements shall be constructed in accordance with the requirements of the Washington County Uniform Road Improvement Design Standards and Roadway Illumination Standards.

Direct technical questions concerning street lighting or the current Roadway Illumination Standards to the Traffic Engineering Division at 503-846-7950.

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.

NOTE: All public improvements fronting to the open space tracts shall be completed prior to final occupancy of the first dwelling unit. If individual sidewalks fronting dwelling units are deferred until final occupancy of the individual dwelling unit, additional Facility Permits and/or Right-of-Way Permits may be required prior to the acceptance of the completed public improvements.

4. Engineer's construction cost estimate (to be submitted with final set of approved plans for public facility improvements).
 5. Geotech/Pavement report prepared and signed by a licensed Oregon engineer supporting the roadway sections.
 6. Relocate utilities that are in conflict with street improvements.
 7. 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 III.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 and for the section of NW 130th Avenue between the site and NW Laidlaw Road.

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. Information required by Condition of Approval III.A.
4. The use and maintenance rights for all easements and tracts. This information may be provided in a separate document recorded with the plat.
5. A copy of the recorded property line adjustment survey and deeds.

6. Documentation of final annexation approvals by the Board of County Commissioners annexing the site into the Tualatin Hills Park & Recreation District and Tualatin Valley Water District service district boundaries.
7. Written documentation demonstrating that the applicant has coordinated with PGE concerning any plat notes or documentation of easements that may be required by PGE for the construction of two public roads and for access to the water quality facility access road within the PGE easement.

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

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

V. 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. Sidewalks as required by Section 502.
 2. Street trees as required by Section 407.
 3. Site Plans for each lot showing compliance with the dimensional standards and setbacks of the R-6 District, as applicable.
- B. Pay Transportation Development Tax, and all applicable System Development Charges.

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

- A. All public improvements as required by Condition III.B.3. and as shown on the final approved plans shall be completed and accepted by the County. Noting that all street illumination shall be energized.
- B. Street trees shall be planted along the affected lot frontages of all public and private streets.
- C. All facilities and improvements required by CWS shall be completed and approved by CWS, including tie-in to the public storm drainage.

- D. Provide Final Certification of Sight Distance at the new intersections of NW Primino Avenue/Street A and Tracts D and E. Certification must be prepared by a licensed Oregon professional engineer in accordance with CDC 501-8.5 F.**

VII. ADDITIONAL CONDITIONS:

- A. Adequate sight distance shall be continuously maintained by the property owner at all driveways intersecting with public streets and at all public street intersections abutting the project site. 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.**

ATTACHMENT C STAFF REPORT

I. APPLICABLE STANDARDS

- A. Washington County Comprehensive Plan
- B. Bethany Community Plan
- C. Washington County Community Development Code:
 - 1. Article II, Procedures:
 - Section 202-1 Type I Procedure
 - Section 202-2 Type II Procedure
 - Section 203-3 Neighborhood Meeting
 - Section 207-5 Conditions of Approval
 - 2. Article III, Land Use Districts:
 - Section 303 R-6 District
 - 3. Article IV, Development Standards:
 - Section 404 Master Planning
 - Section 406 Building, Siting and Architectural Design
 - Section 407 Landscape Design
 - Section 408 Neighborhood Circulation
 - Section 410 Grading and Drainage
 - Section 413 Parking and Loading
 - Section 416 Utility Design
 - Section 418 Setbacks
 - Section 419 Height
 - Section 426 Erosion Control
 - Section 427 Solar Access
 - 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 605-1 Property Line Adjustment (Property Line Relocation)
 - 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

II. 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:	Washington County Sheriff
Transit:	Tri-Met

III. **FINDINGS**

Background Information:

1. The applicant requests approval of a property line adjustment between Tax Lots 1N121AB00100 and 1N121AB00200. Adjusted Tax Lot 200 will encompass 9.31 acres after recordation of the PLA. The site is designated R-6 Residential and is to be developed with a 38-lot single family residential subdivision ("Mountainview Ridge"). R-6 Residential Designations are to the west, east and south. A small area of R-5 designated land is located southwest of the site. The north property line is both an edge of the Urban Growth Boundary and also the boundary between Washington County and Multnomah County.
2. The site is generally underdeveloped with a detached dwelling on Tax Lot 200 and an associated accessory structure on Tax Lot 100. All structures will be removed to facilitate the proposed development, while adjusted Tax Lot 100, located west of the proposed development, does not currently support any structures.
3. The subject property maintains approximately 155 feet frontage along NW 130th Avenue on the southeast boundary of the site. NW 130th Av. is mapped as a future county Neighborhood Route north of the existing terminus of the road. The property also maintains street frontage on two street stubs (to the south): NW 132nd Avenue and NW Primino Avenue. Tax Lot 100 has a street stub to the south, on NW Sicily Avenue. The proposed residential development does not include the Tax Lot 100 that abuts NW Sicily Avenue. NW Sicily Avenue will be extended to the north upon the redevelopment of Tax Lot 100 and Tax Lot 1N121AB00300. Street A will be extended to the west to intersect with NW Sicily Avenue, creating another new block in the process.
4. There are no mapped environmental Goal 5 Resources on the development site, including no known or mapped Flood Plain or Drainage Hazard Areas or Title 13 mapped resources. Land area in the southern part of the site is mapped as Goal 5 Open Space on County Comprehensive Plan maps and has powerlines that traverse the site. The dedicated open space area will be adequate to accommodate a future

regional trail (Westside Trail) planned by the Tualatin Hills Parks & Recreation District. The northwest corner of Tax Lot 100 is mapped with Title 13 Riparian Resources; however, no development is proposed on this lot and the proposed development will not encroach within or otherwise impact this area's Title 13 Resource.

5. Agency comments were received from the following: Clean Water Services, Washington County Road Engineering, and the Washington County Building Division (see Casefile). Where appropriate, the recommended Conditions of Approval proposed in these letters are included in Attachment B of this report.
6. A public notice was mailed to all property owners within 1000 feet of the subject property on September 18, 2023 (See also Section 202-2 below). The comment period ended on October 2, 2023. Several letters were submitted in response to the proposed development.

Key comments address concerns with impacts: 1) to habitat, 2) from construction traffic, 3) from permanent traffic through neighborhoods, 4) adequacy of street connections and Section 408 pedestrian accessways, 5) formation of a road maintenance local improvement district, and 6) construction of the Westside Trail segment.

Habitat impacts: Proposed tree removal is a significant concern over potential for impacts to wildlife.

Staff: The majority of trees on the site will be removed to facilitate the proposed development. As noted, none of the site is mapped with a Goal 5 Resource, including Wildlife Habitat. The southern boundary of the site is encumbered with the Open Space designation. The Open Space designation's purpose is to designate areas with existing recreational open space or areas best suited to accommodate future park and recreational facilities & amenities. As mentioned previously, the Park District has plans for a future regional trail (an east-west leg of the Westside Trail) within this mapped open space. A stand of trees is located within the mapped Open Space area near the existing NW Primino Avenue street stub and are proposed for retention.

Construction traffic impacts: The applicant has agreed to limit construction traffic to the minimum necessary to access the site, specifically, to route trucks from NW 130th to the short section of NW Greenwood that access NW Primino, and then to use NW Primino to access the site.

Staff: Primary access to the site is from NW Laidlaw (a County Collector Street) to the south. The principal access roads from NW Laidlaw are NW 133rd Avenue and – to a lesser extent - NW Bannister Drive.

The property abuts Multnomah County and the Urban Growth Boundary to the north. Construction vehicles cannot access or leave the site directly through the abutting rural area. Construction traffic will have to use NW 130th Avenue for access for the duration of development. The applicant has agreed to ensure construction access primarily occurs on the east half of the site principally along NW Primino Avenue.

Neighborhood traffic impacts: The neighborhood south of the development site will be impacted by the permanent increase of traffic.

Staff: Staff finds that the application satisfies Section 501.8.1 B. (2) as discussed below and in findings for this report. The site is large, within the Urban Growth Boundary and currently underdeveloped, and the expectation is that eventually the site would redevelop to applicable residential densities. In part the connections to expected future residential development on the site was the reasoning behind creating the three street stubs in the Arbor Heights subdivision to the south. Staff acknowledges a likely increase in residential traffic on the adjacent streets to the south, particularly NW 132nd Avenue, NW Primino Avenue and NW Greenwood Avenue; however, this expected increase is not out of accordance with either the Transportation Plan, the Development Code or other recent subdivision development within the county. Staff believes future residents of the proposed development will use either NW Primino or NW 132nd, depending on the proximity of each street to a particular dwelling, and having both street options for travel will help to mitigate any localized increase in traffic from the proposed development.

The applicant proposes to dedicate the right-of-way needed for all new internal public roads as well as for NW 130th Avenue north to the county line for any future extension.

Adequacy of street connections: The development proposal should provide a street connection to the east to connect with NW 130th Avenue, a future Neighborhood Route.

Staff: The applicant proposes to extend the two southern street stubs to serve the development. Connections to NW 130th Avenue are not needed to access the development site. There are no street stubs to the west to connect to and there are no street stubs to the north to connect to, which is located outside of the county. See Section 408 of the Staff Report for discussion.

Adequacy of connections under Section 408: The development proposal should provide pedestrian accessways extending south from the two private street tracts connecting with the east-west section of the planned section of the Westside Trail.

Staff: The applicant is conditioned to extend the sidewalks (accessways) on each of the proposed private streets to the north property lines of Open Space Tracts A and B. The accessways will be extended in the future when the Park District constructs

an east-west segment of the Westside Regional Trail located along the southern property line in the PGE easement. See also Section 408 of the Staff Report.

Construction of the planned Westside Trail: The development proposal should construct the segment of the Westside Trail.

Staff. The Park District is responsible for identifying the precise route of the planned Westside Trail and will design the trail in accordance with the Park District trail design standards. According to THPRD's Westside Trail webpage, in 2016 the District began construction of a new segment of the Westside Trail north of US Highway 26. That Westside Trail segment (#18) is now open. Segment #18 connects the Westside Trail to Rock Creek Regional Trail and Hansen Ridge Park and provides improved access to Kaiser Woods Natural Area. The Park District will continue to build new trail segments of the Westside Trail as funding is secured. Ultimately the District's Westside Trail will provide a 10-mile regional trail that will extend north/south through THPRD's service area and over US Highway 26. It is noted on the Park District's 2016 Trails Functional Plan that the planned east-west segment of the Westside Trail (R3) on the subject site will be located generally within the PGE powerline corridor & easement along the south property line. Staff does not find it practical to condition the applicant to construct the trail at this time given the timing of the districts' future plans for the trail segment on this site; however, the applicant is free to discuss the possibility of trail construction with the District.

In accordance with Section 501-8.3 A. (1) staff finds that the proposed use may have a direct impact on the planned Regional Trail while acknowledging the trail provides benefit to the proposed residential development. Section 408-6 408-6.3. C. denotes a need for accessway connection *which are not served by direct street connection from the subject property*. Future pedestrian access to the trail will be provided from sidewalks along NW 132nd Avenue on the site as well as the extension of NW Primino Avenue.

Formation of a local road Maintenance Improvement District

Staff: Staff finds that the potential for an additional 348.9 daily trips generated by the proposed development support requiring that the applicant waive the right to remonstrate against the formation of a road maintenance local improvement district (MLID) to include the section of NW 130th Avenue between the site and NW Laidlaw Road. The non-remonstrance waiver would be executed should in the future the Board of Commissioners create a Local Improvement District to establish right-of-way for and construct the section of NW 130th Avenue between NW Tigon Lane and NW Laidlaw Road.

7. Processing timelines for the application are as follows:
- | | |
|----------------------------------------------|-------------------|
| Application Submitted: | May 31, 2023 |
| Application Deemed Complete: | August 21, 2023 |
| 120 day Review Timeline | December 19, 2023 |
| Applicant extends review timeline (40 days): | January 26, 2024 |

A. Washington County Comprehensive Framework Plan:

There are no specific Plan policies or goals that 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. Bethany Community Plan:

- The site is located in the Springville Subarea.
- The site is not located within an Area of Special Concern.
- The site is designated as Local Street Connectivity Land.
- The site is designated R-6 District.
- There are no Significant Natural Resources mapped on the Goal 5 Map for this site, with the exception of a small area of Title 13 Riparian Resources located in the northwest corner of adjusted Tax Lot 100. There are also no Flood Plains or Drainage Hazard Areas mapped/located on the site.

The project has been reviewed for conformance with the Bethany Community Plan. The Community Plan is implemented by the Community Development Code. When built in conformance with the conditions of approval, the project will be in compliance with the community plan.

The following General Design Elements are considered most applicable to this proposal:

5. *As Bethany develops, a coordinated approach to the provision of park and recreation facilities will be necessary. Bethany is currently not a part of an organized park system. Residents of Bethany should strongly consider annexing to the Tualatin Hills Park and Recreation District in order to provide a coordinated approach to the acquisition, dedication, and maintenance of a quality park system.*

STAFF: The site is in the process of annexing into the park district. The Board of County Commissioners will consider the requested annexation of the site into the park district at a hearing. Annexation shall be complete prior to

Final Approval. A Condition of Approval to this affect has been included in Attachment B.

6. *All new subdivisions, attached unit residential developments, and commercial development 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.*

STAFF: Pedestrian/bicycle access and circulation will be provided by the proposed public improvements. See Section 408 of the Staff Report.

12. *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 TSP or the Bethany Community Plan. New development shall also be subject to conditions set forth in the county's growth management policies during the development review process.*

STAFF: See Attachment D.

Springville

The entire Springville area is proposed to be low-density residential. The Springville area basically represents the area furthest from existing and proposed urban services. Transportation access is limited. As urban development occurs, urban services will be required to provide access to the residential area.

The Springville area contains an established residential area known as Dogwood Park and Wildwood. The residential character of this area has been established since 1953, when it was initially subdivided. In order to preserve that character, the Bethany Community Plan has designated both Dogwood Park and Wildwood as R-5, a land use district that is designed to preserve existing detached, lower density housing patterns.

STAFF: The redevelopment of the site is consistent with the Springville Subarea by continuing the use of the development site for low-density residential uses.

C. Washington County Community Development Code:

1. Article II, Procedures:

Section 202-1 Type I Procedures

STAFF: The property line adjustment element of this application is subject to the Type I Procedure. A public notice advertising the proposed 38-lot subdivision included the proposed lot line adjustment.

Section 202-2 Type II Procedures

STAFF: This application is subject to the Type II Procedure as subdivisions are allowed through a Type II Procedure. A public notice advertising the proposed development was mailed to all property owners within 500 feet of the site on August 19, 2022 (Section 204-4).

Section 203-3 Neighborhood Meeting

STAFF: In accordance with Section 203-3.2, the applicant conducted the required Neighborhood Meeting on April 13, 2023. The applicant submitted all applicable meeting information demonstrating compliance with this requirement.

Section 207-5 Conditions of Approval:

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.*

207-5.2 *In addition to conditions imposed pursuant to Section 207-5.1, a condition is valid and enforceable when the applicant has:*

- A. Requested the condition;*
- B. Consented to the condition in writing or on the record; or*
- C. Established or commenced the development or use (other than a valid nonconforming use) prior to approval; or*
- D. Submitted graphics or other application materials that were reviewed and approved by the Review Authority; the application must substantially comply with the application materials except as modified by the Review Authority.*

STAFF: Conditions of approval are imposed to ensure compliance with the standards of the Code and other County regulations and to mitigate certain adverse development-related impacts to the surrounding area. Conditions of Approval, listed in Attachment B, have been imposed to ensure the project is in conformance with applicable code standards and comments from other departments and agencies.

2. Article III, Land Use Districts:

Section 303 R-6 Residential District

303-1 Intent and Purpose

The purpose of the R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2, Section 300-5, or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

303-3 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.

STAFF: The proposed 38-lot subdivision is permitted through the Type II Procedure.

303-6 Density/Number of Units

303-6.2 *Other housing in the R-6 District (residential development that does not meet the definition of middle housing in Section 106):*

A. The permitted residential density shall be no more than six units per acre and no less than five units per acre, except as permitted by Section 300-2 or by 303-6.2 B, below.

STAFF: The development site consists of two tax lots encompassing approximately 12.21 acres.

The R-6 District calls for a minimum density of five units per acre and a maximum of six units per acre. Accordingly, the minimum required density for this site is 47 units (9.31 acres x 5 units per acre, minimum = 47 units), and the maximum allowable density for this site is 56 units (9.31 x 6 units per acre, maximum = 56 units). Pursuant to Section 300-2.8, however, minimum density can be reduced by subtracting out lot area consisting of powerline easements from the gross acreage of the site.

The applicant proposes to reduce the number of dwelling units required by subtracting out the 2.24 acres of land encumbered with the powerline easement in accordance with Section 300-2.8. A minimum of 36 units is required to be developed on the adjusted gross site acreage of 7.07 acres (9.31 acres less 2.24 acres = 36 units). The proposed 38 units satisfies the minimum density requirement of the District.

303-7 *Dimensional Requirements*

303-7.2 *Other housing in the R-6 District (residential development that does not meet the definition of middle housing in Section 106)*

A. Minimum Lot Area:

(1) For single detached dwellings:

(a) The average lot area within a proposed development (including property line adjustments) shall be no less than 4,500 square feet (does not include tracts); and

(b) The minimum lot area shall be 4,000 square feet.

STAFF: Submitted plans depict variable lot sizes, but none is less than the minimum of 4,000 square feet. Lot sizes range between 4,221 square feet (Lot 24) and 8,029 (Lot 36) square feet. The proposed average lot area will be more than the 4,500-square foot minimum requirement of CDC Section 303-7.2. A. (1)(a). The average lot size is 5,709 square feet.

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.

The minimum yard requirements shall be:

- (1) Fifteen foot front yard to the front building wall and 12 feet to a porch or other covered or enclosed entryway;*
- (2) Twenty foot front or street side yard to garage vehicle entrance, or four foot rear yard to vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum four-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;*
- (3) Ten foot street side yard;*
- (4) Five foot side yard;*
- (5) Fifteen foot rear yard, except as provided in B. above;*

STAFF: The future dwellings to be sited must meet all applicable requirements above. Lots 1 - 38 exceed the minimum lot depth and width requirements of the District. Further, each of the proposed lots can support a detached single family residential dwelling meeting these standards. Confirmation will be required when the applicant seeks building permits for the new homes.

C. Height:

- (1) The maximum height for structures shall be thirty-five (35) feet except as modified by other Sections of this Code.*
- (2) The maximum height for accessory structures shall be 15 feet except as modified by other Sections of this Code.*

STAFF: Future homes shall comply with the height limitations of Section 303-7.2 C. (1). Final compliance with this standard will be determined when the applicant seeks a building permit for the new home(s).

D. Lot Dimensions:

The minimum dimensions for any new lot or parcel shall be:

- (1) Lot width for detached units – 35 feet;*
- (2) Lot width for attached units – 30 feet;*
- (3) Lot depth - 60 feet;*

- (4) Lot width at the street or access point for detached units- 35 feet except as may be allowed through Section 430-46 (flag lots);*
- (5) Lot width at the street or access point for attached units- 30 feet except as may be allowed through Section 430-46 (flag lots);*
- (6) Lot width at street on a cul-de-sac, eyebrow corner, hammerhead or other street terminus - 20 feet.*

STAFF: Each of the lots within the proposed land division meet the minimum width and depth requirements listed above. Lot dimensions will be verified prior to plat recordation.

303-8 *Parking Requirements*

STAFF: Required off-street and on-street parking shall be provided in accordance with the provisions of Section 413. See Section 413 of the Staff Report.

3. Article IV, Development Standards:

Section 404 Master Planning

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

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;*

STAFF: 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*

STAFF: All minimum setbacks can be met and will be verified prior to issuance of building permits.

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

STAFF: 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:

406-2.2 *When required by the Uniform Building Code, provide facilities for the handicapped pursuant to the Uniform Building Code, edition in effect at this time;*

STAFF: Detached single family homes are exempt from this requirement.

406-2.3 *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;*

STAFF: Design features pursuant to this section will be confirmed at the time of plan review with the Building Department. Two story detached dwelling units are common in the surrounding residential neighborhoods regardless of lot size. Staff notes that regardless of whether the new detached dwelling units are one or two stories in height, they are subject to the same maximum height limit of 35 feet.

406-2.4 *Renovate or revitalize existing structures identified within the Community Plan;*

STAFF: The existing residential structure will be removed as part of the proposed development. There are no provisions in the Bethany Community Plan (e.g., historic resource inventory) that otherwise would require the existing dwelling unit to be retained.

406-2.5 *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.

STAFF: The proposed lotting pattern and future house locations, etc. will be generally comparable to other residential developments in the surrounding area.

406-3 *Energy Conservation Guidelines*

Type II and Type III Developments:

406-3.1 *Where possible, lay out streets and building lots for multi-family, commercial, industrial and institutional developments to allow buildings maximum solar access, using techniques such as:*

A. East-west street direction so that principal building facades will face south;

B. Make configuration of lots to allow orientation of the front or rear of buildings within twenty (20) degrees of true south in order to maximize potential solar access.

STAFF: The proposed development consists of a 38-lot single family residential subdivision. Therefore, this section is not applicable. Notwithstanding, the primary new internal street will maintain an east-west orientation.

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

STAFF: The proposed development consists of a 38-lot single family residential subdivision. See Section 427 of the Staff Report below.

406-6 *Mixed Solid Waste and Recyclables Storage Facilities*

The mixed solid waste and source-separated recyclables storage standards of this section shall apply to new multi-unit residential buildings containing five or more units and to new commercial, industrial and institutional construction that is subject to a Type II or III

review procedure and is located inside the Regional Urban Growth Boundary.

STAFF: The proposed development consists of a 38-lot single family residential subdivision. Therefore, this section is not applicable.

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.*

STAFF: Street trees are required to be planted meeting the requirements of Section 407-7 along the street frontages, with an average spacing of 35 feet. Spacing requirements shall be shown on site plans submitted for building permit review and issuance. Tree spacing may be greater than 35 feet average contingent on canopy overlap or other factors. In the event that wider canopies are proposed, documentation from a landscape architect demonstrating compliance with Section 407-7.1 shall be included as part of the Final Approval application materials.

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 this report.

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.

STAFF: The applicant proposes to remove trees in order to facilitate the proposed development. The development site does not contain any mapped Goal 5 Significant Natural Resources and therefore tree removal is not prohibited or regulated.

Section 408 *Neighborhood Circulation*

408-1 *Purpose and Intent*

This Section is intended to implement the safe and convenient bike and pedestrian access and access to transit provisions of the administrative rule of the Oregon Department of Land Conservation and Development implementing Statewide Planning Goal 12 - Transportation, and to meet the street connectivity requirements of Title 6, Section 3 of Metro's Urban Growth Management Functional Plan. In recognition of the role that local street design plays in helping to preserve the effectiveness of the arterial and collector street system, this Section includes standards requiring a connected local street network in new development. This supports local travel needs so that local trips are not forced onto the arterial or collector street system. This Section is not necessarily intended to require a grid street system, but is intended to provide a development pattern which provides choices and convenient circulation for pedestrians, bicyclists and transit users as well as motorists.

This Section has been developed to provide a specific set of review standards which will result in a development pattern which is supportive of pedestrians, bicyclists and transit users. This section provides modification standards in recognition of the fact that any one or more of the specific review standards may not in all cases best meet the intent of the Transportation Planning Rule and/or Metro's Urban Growth Management Functional Plan.

STAFF: Implementation of safe and convenient bike and pedestrian access and access to transit provisions of the administrative rule of the Oregon Department of Land Conservation and Development implementing Statewide Planning Goal 12 - Transportation, is just one facet of Section 408. Section 408 is also intended to meet the street connectivity requirements of Title 6, Section 3 of Metro's Urban Growth Management Functional Plan.

408-4 Circulation Analysis

408-4.2 *For all development on a site which exceeds two (2) acres, the applicant shall submit a circulation analysis which at a minimum includes the subject site and the entirety of all property within three hundred (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 onsite and offsite:*

STAFF: The applicant submitted the required circulation analysis in accordance with Section 408-4.2 given the development site is more than 2 acres in size (See Sheet P600). The aerial photograph utilized to illustrate the neighborhood circulation includes the subject site and the area to the west, south and east within 300 feet of the proposed development site. The north property line is the Urban Growth Boundary and for this reason, the analysis does not extend 300 feet into Multnomah County. The properties south of the PGE powerline corridor are developed with low-to-mid density residential subdivisions. The circulation plan included two of the street stubs to the south: NW 132nd Avenue and NW Primino Avenue.

The circulation plan did not include a conceptual development scenario of how properties to the west and east could redevelop in the future. However, staff has concluded that the development proposal will not preclude the adjacent properties to the west and east from future development.

Pedestrian and bicycle access will be provided along the development's frontages of NW 132nd Avenue and NW Primino Avenue/Street A. In the future, upon the redevelopment of the parcel to the west, pedestrian and bicycle access will be extended when NW Primino Avenue/Street A is extended west and then extended south to connect with NW Sicily Avenue. In the future the Park District will construct the segment of the Westside Trail planned for the PGE

powerline corridor. This new trail will provide an additional east-west pedestrian and bicycle access connecting NW Sicily Avenue with NW 132nd Avenue and NW Primino Avenue and NW 130th Avenue. This new trail segment will also connect to the Bannister Creek Park Greenway (Westside Trail). The Bannister Creek Park Greenway segment extends generally northeasterly from the intersection of NW 130th Avenue and NW Bannister Drive to the northeast corner of the county. The trail ends at the county line.

The proposed circulation relies on existing and proposed pedestrian accessways to serve the proposed development and surrounding developments and to provide needed neighborhood circulation and connectivity consistent with Section 408 of the Community Development Code, as supported by the TPR as well as Statewide Planning Goals 11 and 12.

408-6 Review Standards for Development on Lands Designated in the Community Plan Local Street Connectivity Maps

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 uncircuitous 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.*

STAFF: This site is designated on the Community Plan's Local Street Connectivity Map; therefore, it is to be reviewed under Section 408-6. The review standards for neighborhood circulation are designed to: 1) be used to provide a generally direct and uncircuitous 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.*

STAFF: The proposed development complies with the block length standard for the streets on the subject site due to existing development patterns or more specifically undeveloped abutting properties.

Upon completion of the development the perimeter block length formed by NW Lombardy Drive, NW Primino Avenue/Street A and NW 132nd Avenue will be about 1,600 feet. NW Primino Avenue/Street A will temporarily terminate in a street stub until such time as adjoining properties redevelop. Upon development of Tax Lot 1N121AB00300 and adjusted Tax Lot 100 and the completion of additional streets, this development will have a perimeter block length formed by NW Lombardy Drive, NW Primino Avenue/Street A and NW 132nd Avenue of about 1,900 feet. Staff finds that the proposed development satisfies subsections A. and B. as modified in accordance with Section 408-6.2 G. (1). Lastly, NW 130th Avenue does not constitute an on-site, internal street as it only abuts the east property boundary.

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

STAFF: The proposed development will provide vehicular access to the abutting parcel to the west upon future development of that site.

- 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.*

STAFF: The proposed development will not include any permanent dead-end streets or cul-de-sacs. Street A will temporarily stub to the west property line but will extend to the west and then to south to connect to NW 132nd Avenue when the parcels to the west redevelop.

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

STAFF: There are no existing or approved street stubs at the property lines other than NW 132nd Avenue (western stub) and NW Primino Avenue (eastern stub). The applicant proposes to extend both NW 132nd Avenue and NW Primino Avenue into the development site.

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

STAFF: 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.*

STAFF: As demonstrated by the findings above, a modification of the standards of Section 408-6.2 is necessary due to the surrounding existing development pattern. The development patterns or more particularly the undeveloped nature of the two parcels to the west preclude the connection of NW Primino Avenue/Street A westerly and then south to connect with NW Sicily Avenue. The application has been conditioned to extend NW Primino Avenue/Street A to the west property line.

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;

STAFF: The block does not abut a Collector or Arterial (NW 130th Avenue is a Neighborhood Route). The other two street stubs are Local streets.

B. Accessways shall connect with all existing or approved accessways which abut the development site;

STAFF: There are no existing accessways that stub to the development 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.*

STAFF: The development proposal includes pedestrian accessways (sidewalks) on one side of each of the two private streets as required by Section 409 that will provide a direct street connection within the subject property to pedestrian uses in the south half of the site, including the proposed trail to be constructed by the Park District in the future. The developer may enter into an agreement with the District to also construct the trail but there is no requirement to do so within this approval. The District will complete the Westside Trail as funds are secured.

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

STAFF: There are no cul-de-sacs or permanent dead-end streets, with the exception of the two private streets.

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.

STAFF: There are no requirements to create accessways that stub into adjacent developed property. Pedestrian access throughout the development site will be served by sidewalks created within the new street right of way of the proposed streets.

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.

STAFF: As demonstrated by the findings above, no modifications pursuant to Sections 408-6.4 are necessary. Pedestrian access throughout the development site will be served by sidewalks created within the new street right of way of the proposed streets.

Section 410 Grading and Drainage

STAFF: The development site maintains an overall slope of about 6% (across the site from the southwest corner of the developing portion of Tax Lot 100 to the northeast corner of the same lot). Steeper topography generally exists in the eastern third of the development site and along the north property line. The site generally slopes down from west (508 foot elevation) to east (436 foot elevation).

Washington County Building Services staff have reviewed the preliminary plans & 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.

Additionally, the proposed access road serving the water quality facility will need to be paved or as provided per agreement by Clean Water Services.¹ As shown on Sheet P500, grading is proposed around the base of the existing poles. According to PGE the access road should maintain a setback from 5-10 feet from the base of the poles. For this reason, prior to commencement of grading activities involving the access road, the applicant shall coordinate with PGE and obtain any needed authorization to grade in the vicinity of the wood poles.

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;*

STAFF: From evidence submitted by the applicant in both the plan and narrative addressing Section 410, Staff finds that the extent and nature of the proposed grading is appropriate to the use proposed and can meet the requirements of this section contingent on input from the county grading engineer.

Section 413 Parking and Loading

413-4 *Off-Street Parking Standards*

¹ Pursuant to Clean Water Services, asphalt paving at a width of 12 feet is standard for access with 15' width on radius on turnaround corners. Gravel may be considered if temporary or as approved by an Alternatives Analysis. CWS truck heights vary but the District requires a minimum of 14 feet of clearance under the overhead power lines for the typical vector truck access. Distance from the existing poles would be the purview of PGE.

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.*

STAFF: Each lot is anticipated to have up to four off-street spaces (two in the garage and up to two in the driveway). In order for the driveways to count as a two-car driveway, a minimum width of 20 feet is required and the applicant notes that driveways will maintain widths of 20 feet (Section 413-4.11). This requirement will be met.

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:*

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);*

STAFF: The proposed development is for 38 single family residential lots. Lots 23 and 35 & 36 access the terminus of private streets. Therefore, 35 lots require on-street parking. As stated previously, all lots will be provided with at least four off-street parking spaces. Thus, one on-street parking space is required to serve every two lots for a minimum of 18 on-street parking spaces.

According to the preliminary site plan (e.g., wide lot widths, parking along the open space tracts) staff finds that adequate on-street parking will be provided. The proposed arrangement of on-street parking will satisfy the requirements of Section 413-5.1 and will be widely distributed throughout the development (noting that parking is not permitted on either private street because the paved width is less than 24 feet). Adequate on-street parking will be provided as required by Section 413-5.

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.*

STAFF: The applicant proposes adequate utilities to serve the development. Particular to stormwater, the applicant proposes to address storm water management, in part by constructing a water quality facility located in the northeast part of the site (Tract G). The utility plan (Sheet P500) shows the extension of the storm drain line to the east (within an off-site easement) to a new outfall to Bannister Creek. The off-site line will be constructed on Tax Lots 1N121AA16300 and 1N121AA16400.

A 15-foot storm sewer easement benefiting CWS has been recorded along the north property line of 1N121AA16300, while a larger, more site-encompassing easement for storm and surface water drainage benefitting CWS has been recorded on 1N121AA16400. 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 walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.*

STAFF: No retaining walls are proposed at this time to facilitate the proposed development. In the event that retaining walls are required by the county Grading Engineer, any retaining wall less than seven feet in height may be located within required setbacks.

No other encroachments are anticipated or allowed 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.

Section 419 Height

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

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.*

STAFF: As stated in Section 418 findings above, no retaining walls are proposed. Outside of the required setback areas, there are no restrictions in Section 418 that limit height of retaining walls.

Section 426 Erosion Control

STAFF: 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. 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 or construction.

Section 427 Solar Access Standards

STAFF: As described by the applicant, 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 site is relatively long (east-west) and narrow (north-south) and is further constrained with the presence of powerline easement running east-west along the south property line. As a result, only 18 lots (Lots 1-13, Lots 20-21, and Lots 25-27) comply with the solar access standards of Section 427-3.2 A.)

Staff finds that due to the on-site constraints described above, the proposal complies with the necessary adjustment criteria with the 80% requirement for solar accessibility (Section 427-3.4). The requested adjustment is approved.

4. Article V, Public Facilities and Services:

Section 501 Public Facility and Service Requirements

Section 501-8 Standards for Development

501-8.1 *Critical Services*

- A. An applicant for development shall provide documentation from the appropriate non-county service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than 90 days old.*

STAFF: Required public services and facilities can be provided to the site to serve the proposed subdivision, including Essential Services (Section 501-8.2). All of the agencies listed in Section II of this staff report have stated they can adequately serve the development subject to complying with their standards.

Staff notes the site is not currently within the Tualatin Valley Water District service boundary as required. The applicant has submitted the district annexation petition to the Long Range Planning Division for the purpose of annexing the site into the water district. The Board of County Commissioners will conduct a public hearing to consider the requested annexation. The applicant has been conditioned to provide documentation of submittal for final annexation approval prior to issuance of Final Approval.

Copies of the Service Provider Letters are in the Casefile.

- B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:*

- (1) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries or future roadway alignments designated in the Washington County Transportation System Plan (TSP). Roadways shall be developed in accordance with Washington County's Road Design and Construction Standards and roadway alignments designated in the TSP may be adjusted within the subject property as approved by the County Engineer; and*
- (2) For those access roads lying adjacent to and between the property owner's proposed development and the nearest adequate Collector or Arterial road, as defined in Essential Services, or future roadway alignments designated in the*

Washington County Transportation System Plan, likely to attract the highest traffic volume from the proposed development (based on existing and/or forecast traffic volumes) the road(s) must meet the following minimum standards:

- (a) Have a wearing surface and structural life expectancy period of no less than 5 years (paved) as determined by the County Engineer;*
- (b) Paved surfaces for existing roadways shall be 22 feet or greater in width. New roads shall meet the adopted County Road Standards as determined by the County Engineer;*
- (c) On-site means all lands in the land use application and one-half the right-of-way of existing roads lying adjacent to such lands;*
- (d) On-site entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO); and*
- (e) Right-of-way on or adjacent to the frontage property meets Washington County Functional Classification standards.*

STAFF:

The site fronts on two local street stubs (NW 132nd Avenue and NW Primino Avenue). The southeast corner of the site also maintains frontage on a Neighborhood Route (NW 130th Avenue) and two local streets. The nearest adequate Collector or Arterial is NW Laidlaw Road, located approximately 1,000 feet south of the site. Upon completion of the development, access roads connecting the site to NW Laidlaw Road consist of NW 132nd Avenue, NW Greenwood Drive, NW Primino Avenue, NW Alvada Street, and NW 133rd Avenue. These access roads provide a 22-foot wide / 5 year wearing surface with a combined length of almost 2,700 linear feet.

Improvements specific to a 22-foot wide / 5 year wearing surface on NW 130th Avenue would be applicable to this application if Tax Lot 1N121AD03100 was a public road. This tax lot is owned by Bethany East LLC and comprises roughly 930 feet of a street segment (NW 133rd), from NW Laidlaw north to NW Tigon. The tax lot is essentially a street segment of NW 133rd Avenue. The owner

of this segment/tax lot is not party to the current application and cannot be required through this application to dedicate land needed to improve this section of NW 130th Avenue. Until right-of-way is dedicated, public improvements cannot be completed. For these reasons, staff finds that the access roads connecting the site to NW Laidlaw Road satisfy the requirements of Section 501-8.1 B. (2).

(3) For a proposed development which abuts an existing Local or Neighborhood Route stub street, the applicant must develop a site plan which extends the stub street into or through the development site.

STAFF: The development site abuts two existing Local street stubs and one Neighborhood Route. This criterion is applicable. The applicant complies with this standard by extending the new internal public street (NW Primino/Street A) to stub to the west property line and the provision of right-of-way dedication NW 130th Avenue to facilitate construction of the future Neighborhood Route.

An existing PGE powerline corridor and easement encroach across the southern boundary of the site and PGE owns and maintains overhead power lines within this corridor. The two street extensions cross under the overhead powerlines, while the proposed water quality facility access road from NW Bannister Drive at NW 130th Avenue will cross under the overhead powerlines and also be in close proximity to the existing wooden utility poles (noting that the preliminary grading plan indicates grading will occur near if not around the poles). For this reason, prior to commencement of any grading activities within the easement and near the wood utility poles, the applicant shall coordinate with PGE and obtain authorization. Coordination is also needed prior to recordation of the plat map.

(4) A half-street improvement shall be constructed along the site's frontage of existing Local and Neighborhood Route roads which abut the site and are not improved in accordance with the Washington County Transportation System Plan and Road Design and Construction Standards.

STAFF: The applicant proposes to construct full street improvements to NW 132nd Avenue and NW Primino Ave/Street A, Local streets to

serve the proposed development. The applicant does not propose to access NW 130th Avenue at this time other than to construct an access to the proposed water quality facility located in Tract G. The applicant proposes to dedicate the right-of-way necessary to facilitate the future construction of the Neighborhood Route. See Attachment D.

501-8.3 *Desirable Services*

B. Park and recreation facilities

(5) Properties not currently located within the boundary of a Park District shall annex to the District when the following conditions are met:

(f) The property lies within an area identified for park service by the Park District in an urban service agreement; or,

(g) If no urban service agreement applies to the property, the property lies between the Hillsboro, Tigard and Portland Urban Service Boundaries or lies within an area for which the District is designated a party in a cooperative agreement; and

(h) The Park District has adopted a Park Master Plan for the area the property is located in.

(6) Provision of park and recreation services to properties added to the UGB after 1998:

No development shall be approved on property added to the UGB after 1998 when a Park District is identified as the long-term park and recreation service provider and the subject property is located outside of the Park District's boundary unless the property is annexed to the District.

(7) If the conditions in Subsection (1) and (2) exist, the development application shall not be approved unless the applicant has filed with the county a legally sufficient petition for annexation to the Park District containing the consent of all property owners and a majority of the electors for the property that is the subject of the application.

Further, the application shall be conditioned that documentation of final annexation approval be provided prior to issuance of final approval for land divisions and prior to issuance of final approval and building permits for other development. The requirements of Subsections (1) and (2) may be waived only if the applicant provides documentation from the Park District that the District is unable or unwilling to accept annexation of the property into the District.

STAFF: The development site is not currently within the boundaries of Tualatin Hills Park & Recreation District but is located within an area identified for service by the District. The applicant, as required, has filed a Minor Boundary Change application to annex the site into the Park District boundary. The Board of County Commissioners will conduct a public hearing to consider the requested annexation. The applicant has been conditioned to provide documentation of final annexation approval prior to issuance of Final Approval. Final approval of the annexation is required prior to Final Approval of this land use application.

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.

STAFF: This section is met.

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.

STAFF: See Attachment D.

Section 502 Sidewalk Standards:

STAFF: Sidewalks (and a landscape strip between the curb and the sidewalk) will be required along the entire street frontages of NW 132nd Avenue and NW Primino Avenue/Street A.

5. Article VI, Land Divisions:

605-1 *Property Line Adjustment (Property Line Relocation)*

A property line adjustment is the relocation or consolidation of a common boundary line between two or more abutting properties where an additional lot or parcel is not created.

605-1.1

A. *General Limitations*

Property line adjustments are limited as follows:

- (1) Existing lots or parcels reduced in size by a property line adjustment may not be reduced below the minimum lot size established by the applicable land use district, unless authorized by Section 605-1.1 B.*
- (2) For property line adjustments on lots or parcels with two or more land use districts, the minimum lot size shall be based on the predominant land use district of the parcel.*

B. *Property Line Adjustments Permitted Through a Type I Procedure*

Property line adjustments shall be processed through a Type I procedure, unless otherwise specified in this Code, provided that:

- (1) Both properties meet or exceed the minimum lot or parcel size for the applicable district; or*
- (2) Equal land areas are exchanged; or*
- (3) For properties entirely outside the boundary of a city, one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable district before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable district; or*
- (4) For properties entirely outside the boundary of a city, both abutting properties are smaller than the minimum lot or parcel*

size for the applicable district before and after the property line adjustment.

STAFF: The subject property comprises of two separate tax lots: 1N121AB00100 (9.62 acres) and 1N121AB00200 (2.61 acres). The applicant proposes a Property Line Adjustment between the two lots to develop approximately 9.31 acres of adjusted 1N121AB00200 and leave adjusted Tax Lot 1N121AB00100 with 2.92 acres for future development. The property line adjustment establishes the gross site acreage of 9.31 acres to be developed with the 38 detached dwelling units. The proposed property line adjustments meets the Section 605-1.1 B. (1). The approved property line adjustment needs to be recorded prior to Final Approval of the land division.

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

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

When constructed in compliance with the conditions of approval (Attachment B), it will be in conformance with the requirements of the R-6 District and other applicable sections of the Washington County Community Development Code and the Bethany 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.*

STAFF:

As stated previously, the applicant proposes to address storm water management, in part, by constructing a water quality facility located in the northeast part of the site (Tract G). The applicant proposes to construct a roughly 300 foot access to the facility. Clean Water Services standards typically require a paved access to be consistent with CWS Design and Construction Standards. Staff has conditioned this report to provide a paved access to the treatment facility or – if allowed by CWS - to utilize a gravel access to the facility.

The utility plan (Sheet P500) shows the extension of the storm drain line to the east (within an off-site easement) to a new outfall to Bannister Creek. The off-site line will be constructed on Tax Lots 1N121AA16300 and 1N121AA16400.

A 15-foot storm sewer easement benefiting CWS has been recorded along the north property line of 1N121AA16300, while a larger, more site-encompassing easement for storm and surface water drainage benefitting CWS has been recorded on 1N121AA16400. See *Conditions of Approval I.B. regarding CWS comments addressing sanitary and storm sewer.*

CWS has reviewed the proposed development and 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. above.*

Section 605-3.3 Streets and Street Improvements

STAFF: Street improvements are required for the two new internal streets. The applicant proposes to construct the full cross-section for each of the new streets. Conditions of Approval are imposed to ensure that the street improvements comply with county standards. See *Attachment D.*

Section 605-3.4 Public Utilities

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

Section 605-3.5 Sidewalks

STAFF: Sidewalks will be provided, as required, and shall be non-curb tight unless the County Engineer approves a design exception.

Section 605-3.6 Lots or Parcels

STAFF: All lots comply with the provisions of this section. See also *Sections 408 and 422 of the Staff Report.*

Section 605-3.7 Blocks

STAFF: The proposed development site is bound by developed residential lands on the south, by undeveloped residential lands to the west, by undeveloped residential lands and road right-of-way (Neighborhood Route / NW 130th Avenue) to the east, and rural Multnomah County land to the north. See also Section 408 of the Staff Report.

Section 605-3.8 Easements

STAFF: All easements will be sized in accordance with applicable service provider standards, including the off-site storm drain easement to the east across a parcel not included in the development.

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

STAFF: The findings for the transportation standards are set forth in the Transportation Report (Attachment D to this staff report) prepared for Casefile No. L2300200-S/PLA and are incorporated herein.

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

STAFF: The Transportation Development Tax (TDT) is required of all new development and constitutes an assurance to satisfy a development's requirement to provide additional capacity to Collectors and Arterial streets needed for development. This tax is based on the number of daily vehicle trips a site generates and is due at issuance of a building permit.

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

STAFF: The findings and recommendations for transportation standards are found in the Transportation Report, Attachment D., and are hereby incorporated as findings.

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

STAFF: The findings and recommendations for transportation standards are found in the Transportation Report, Attachment D.

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

STAFF: 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 grading activities.-site work.

IV. SUMMARY AND CONCLUSION:

The required findings can be made for all of the applicable Code sections. When constructed in accordance with the conditions of approval the project will be in compliance with the Community Development Code and the Bethany Community Plan. The request for a property line adjustment and preliminary plat approval to subdivide one lot designated R-6 into 38 lots ("Mountainview Ridge"), is approved subject to the Conditions of Approval set forth in Attachment B.

ATTACHMENT D TRANSPORTATION REPORT

Staff has reviewed this request for adequacy of transportation facilities and services and submits the following findings and recommendations.

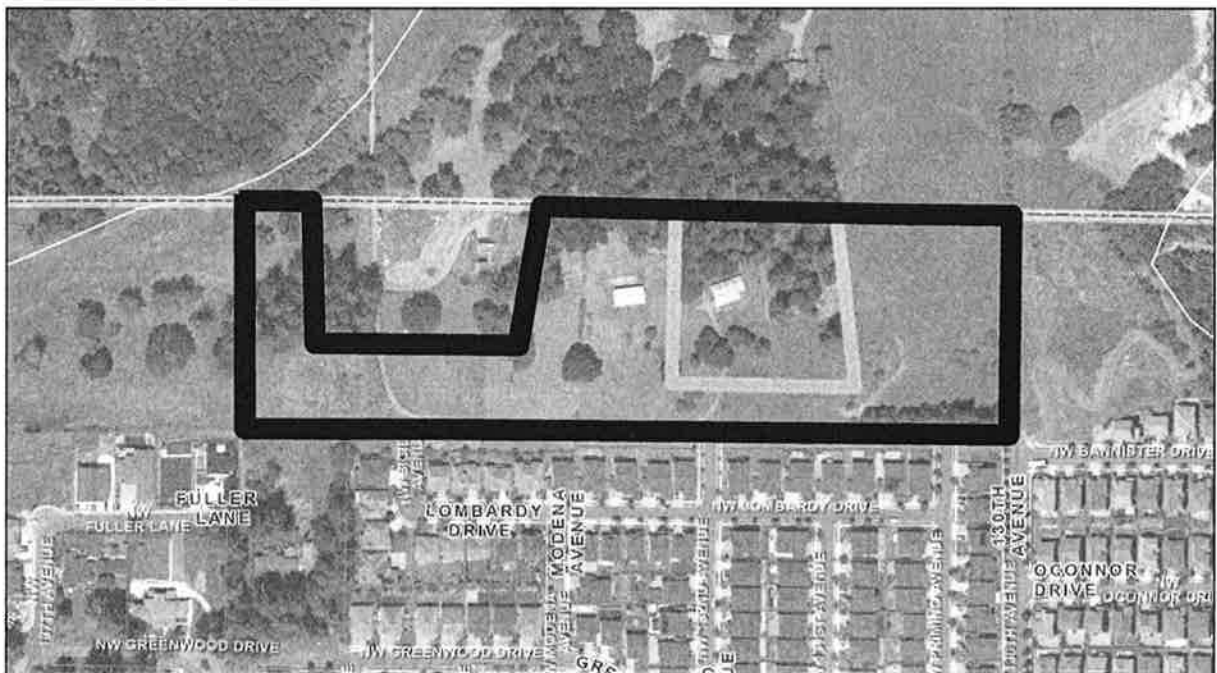
FINDINGS:

1. PROJECT PROPOSAL:

This request is to complete a property line adjustment between Tax Lots 1N121AB00100 and 1N121AB00200, with Tax Lot 100 remaining and adjusted Tax Lot 200 encompassing 9.31 acres and to develop a 38-lot single family residential subdivision. The property is underdeveloped as it supports a detached dwelling (Tax Lot 200) and an accessory structure (Tax Lot 100). All structures will be removed to facilitate the proposed development. The adjusted Tax Lot 100 located west of the proposed development does not currently support any structures.

The development's projected trip generation is about 358.34 average daily trips (ADT), based upon ITE Category 210 (Single-Family Residential / 9.43 trips per dwelling unit). This includes the existing dwelling to be removed.

The subject property maintains approximately 155 feet frontage along NW 130th Avenue, on the east, a future county Neighborhood Route. The property also maintains street frontage on two street stubs (to the south): NW 132nd Avenue and NW Primino Avenue. Tax Lot 100 also has a street stub to the south, on NW Sicily Avenue. However, the proposed residential development does not include the adjusted Tax Lot 100 that abuts NW Sicily Avenue. *The development site is shown below.*



2. ACCESS:

- a. Access will be provided by extending NW 132nd Avenue and NW Primino Avenue, both County Local streets. NW Primino Avenue/Street A provides the majority of the new internal street access and ends in a street stub at the west property line. NW Primino Avenue/Street A will be extended through the abutting property to the west in the future upon redevelopment.
- b. Lots 22-24 and Lots 33-38 will be provided private streets to access NW Primino Avenue/Street A. Tract E serves Lots 22-24 and Tract D serves Lots 33-38.
- c. Access to the water quality facility (Tract Q) will be from NW 30th Avenue.

3. RIGHT-OF-WAY:

- a. **NW 130th Avenue** is a future Neighborhood Route on the county's Transportation System Plan as it abuts the project site.
- b. **NW 130th Avenue** is currently 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 will be required to dedicate additional right-of-way. The applicant is aware of this requirement and proposes to dedicate the additional right-of-way along the east property line.
- c. **NW 132nd Avenue** is a Local Street with 34 feet of existing right-of-way. Existing right-of-way at the street stub is 34 feet. The proposed extension of NW 132nd Avenue to its intersection with NW Primino Avenue/Street A, at 34 feet, is adequate.
- d. **NW Primino Avenue/Street A:** Dedication of Right of Way of 34 feet is required for a Washington County Local Street (L-3) designation. Existing right-of-way at the street stub is 34 feet. The applicant proposes to dedicate the required right-of-way to the western property line.

4. IMPROVEMENTS AND MAINTENANCE:

- a. **NW 130th Avenue** is designated in the County's Transportation Plan (TSP) to ultimately be improved to a 2-lane Neighborhood Route standard width. Future street improvements will 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. **NW 130th 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. **NW 132nd Avenue** is a Local street with 34 feet of existing right-of-way. Proposed right-of-way is adequate to facilitate the street improvements to NW 132nd Avenue. The applicant

shall complete street improvements consisting of but not limited to pavement, a planter strip, 5-foot wide non curb tight sidewalk, ADA ramps, signing, utility relocation, and street illumination. Improvements shall be to the L-3 Local Street standard.

- e. **NW Primino Avenue/Street A** is a Local street with 34 feet of existing right-of-way. Proposed right-of-way is adequate to facilitate the street improvements to NW Primino Avenue/Street A. The applicant shall complete street improvements consisting of but not limited to pavement, a planter strip, 5-foot wide non curb tight sidewalk, ADA ramps, signing, utility relocation, and street illumination. Improvements shall be to the L-3 Local Street standard.

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 NW 132nd Avenue and NW Primino Avenue/Street A intersection is 250 feet based upon the presumed Local Street speed of 25 m.p.h. The required sight distance at the intersections of the two private street accesses to NW Primino Avenue/Street A is therefore 250 feet.
- c. The application included a Preliminary Certification of Sight Distance at the NW 132nd Avenue and NW Primino Avenue/Street A intersection and at the private street accesses to NW Primino Avenue/Street A utilizing the intersection sight distance consistent with the County's Sight Distance Guidelines. The certification concluded the following:

Tract D: Intersection sight distance to the west conforms to the requirements for sight distance. The Sight Distance Guidelines (Situation D.2.) permits utilization of the stopping sight distance (and not intersection sight distance) on Local streets. In this situation, a minimum of 155 feet of stopping sight distance looking east is required. The preliminary sight distance certification determined that upon the extension of NW Primino Avenue/Street A, a stopping sight distance looking to the west of 155 feet can be achieved. Adequate sight distance is provided at Tract D.

NW 132nd Avenue and NW Primino Avenue/Street A intersection: Intersection sight distance to the east conforms to the requirements for sight distance. The Sight Distance Guidelines (Situation D.2.) permits utilization of the stopping sight distance (and not intersection sight distance) on Local streets. In this situation, a minimum of 155 feet of stopping sight distance looking west is required. The preliminary sight distance certification determined that a stopping sight distance looking to the east of 180 feet can be achieved. Adequate sight distance is provided at intersection of NW 132nd Avenue and NW Primino Avenue/Street A.

Tract E: The Sight Distance Guidelines (Situation D.2.) permits utilization of the stopping sight distance (and not intersection sight distance) on Local streets. In this situation, a minimum of 155 feet of stopping sight distance looking west and east is required. The preliminary sight distance certification determined that a stopping sight distance looking to the west of 190 feet and to the east of 160 feet can be achieved provided two sight distance easements are recorded. Adequate sight distance can be provided at Tract E.

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.

- d. 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.
- e. 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 NW 130th Avenue is not acceptable. Adequate roadway drainage will be required upon completion of the site access to the proposed water quality facility (Tract G).
- b. Roadway drainage will be provided upon completion of the half-street improvements to NW 132nd Avenue.
- c. Roadway drainage will be provided on both sides of NW Primino Avenue/Street A upon completion of the new street.

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 NW 130th Avenue. Street improvements to NW 130th Avenue are not proposed at this time.
- b. Sidewalks will be required to be constructed along both sides of NW 132nd Avenue as part of the required street improvements.
- c. Sidewalks will be required to be constructed along both sides of NW Primino Avenue/Street A 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 the Staff Report.

**WASHINGTON COUNTY**

Dept. of Land Use & Transportation
Planning and Development Services
Current Planning
155 N. 1st Avenue, #350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
<http://washingtoncountyor.gov>



APPROVED STREET TREES

Streetside Maple | *Acer campestre* 'JFS Shichtel2'
Metro Gold Maple | *Acer campestre* 'Panacek'
Pacific Purple Vine Maple | *Acer circinatum* 'JFS-Purple'
Pacific Fire Vine Maple | *Acer circinatum* 'Pacific Fire'
Rocky Mountain Glow Maple | *Acer grandidentatum* 'Schmidt'
Copper Rocket Paperbark Maple | *Acer griseum* 'JFS-KW22AGRI'
Fireburst Paperbark Maple | *Acer griseum* 'KW8AGRI'
Cinnamon Girl Paperbark Maple | *Acer griseum* x *A. maximowiczianum* 'Molly Fordham'
Sensation Boxelder | *Acer negundo* 'Sensation'
Pacific Sunset Maple | *Acer platanoides* x *truncatum* 'Warrenred'
Sun Valley Maple | *Acer rubrum* 'Sun Valley'
Autumn Spire Maple | *Acer rubrum* 'Autumn Spire'''
Karpick Maple | *Acer rubrum* 'Karpick'
Brandywine Maple | *Acer rubrum* 'Brandywine'
Oregon Trail Sugar Maple | *Acer saccharum* 'Hiawatha1'
Legacy Sugar Maple | *Acer saccharum* 'Legacy'
Sugar Cone Maple | *Acer saccharum* 'Sugar Cone'
Inferno Sugar Maple | *Acer saccharum* 'Jeferno'
Arrowhead Sugar Maple | *Acer saccharum* 'Arrowhead'
Firefall Maple | *Acer x freemanii* 'AF #1'
Armstrong Maple | *Acer x freemanii* 'Armstrong'
Celebration Maple | *Acer x fremanii* 'Celzam' *Alnus x spaethii*
Spaeth's Alder | *Amelanchier alnifolia*
Western Serviceberry Rainbow Pillar | *Amelanchier canadensis* 'Glennform'
Columnar Serviceberry | *Amelanchier canadensis* 'Pyramidalis'
Princess Diana Serviceberry | *Amelanchier grandiflora* 'Princess Diana'
Forest Prince Serviceberry | *Amelanchier grandiflora* 'Forest Prince'
Autumn Brilliance Serviceberry | *Amelanchier grandiflora* 'Autumn Brilliance'
Lustre Serviceberry | *Amelanchier laevis* 'Rogers'

Snowcloud Serviceberry | *Amelanchier laevis* 'Snowcloud'
DuraHeat River Birch | *Betula nigra* 'BNMTF'
Heritage Improved River Birch | *Betula nigra* 'Cully Improved'
Duraheat River Birch | *Betula nigra* 'BNMTF'
Heritage Improved River Birch | *Betula nigra* 'Cully Improved'
Columnar European Hornbeam | *Carpinus betulus* 'fastigata' or 'Frans Fontaine'
Palisade American Hornbeam | *Carpinus caroliniana* 'CCSQU'
Firesprite American Hornbeam | *Carpinus caroliniana* 'J.N.Upright'
Native Flame American Hornbeam | *Carpinus caroliniana* 'JFS-KW6'
Rising Fire American Hornbeam | *Carpinus caroliniana* 'Uxbridge'
Katsura Tree | *Cercidiphyllum japonicum*
Red Fox Katsura | *Cercidiphyllum japonicum* 'Rotfuchs'
Hanna's Heart Katsura | *Cercidiphyllum japonicum* 'Bringer'
Forest Pansy Redbud | *Cercis canadensis* 'ForestPansy'
Merlot Redbud | *Cercis canadensis* 'Merlot'
Western Redbud | *Cercis occidentalis*
Stellar Pink Flowering Dogwood | *Cornus florida* x *kousa* 'Rutgan'
Kousa Flowering Dogwood | *Cornus kousa*
Milky Way Flowering Dogwood | *Cornus kousa* 'Milky Way'
Satomi Flowering Dogwood | *Cornus kousa* 'Satomi'
Venus Flowering Dogwood | *Cornus kousa* x *nuttallii* 'KN30-8'
Starlight Flowering Dogwood | *Cornus kousa* x *nuttallii* 'KN4-43'
Pacific Dogwood | *Cornus nutallii*
Eddy's White Wonder Flowering Dogwood | *Cornus nutallii* x *florida* 'Eddy's White Wonder'
Thornless Hawthorn | *Crataegus crus-galli* 'Inermis'
Dove Tree | *Davidia involucrata*
Columnar Purple Beech | *Fagus sylvatica* 'DaWyckPurple'



WASHINGTON COUNTY

Dept. of Land Use & Transportation
Planning and Development Services
Current Planning
155 N. 1st Avenue, #350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
<http://washingtoncountyor.gov>



APPROVED STREET TREES

Tricolor Beech | *Fagus sylvatica* 'Purpureatricolor'
Columnar Beech | *Fagus sylvatica* 'DaWyck'
Goldspire Ginkgo | *Ginkgo biloba* 'Blagon' male trees only
Magyar Ginkgo | *Ginkgo biloba* 'Magyar' male trees only
Autumn Gold Ginkgo | *Ginkgo biloba* 'Autumn Gold' male trees only
Mayfield Ginkgo | *Ginkgo biloba* 'Mayfield' male trees only
Princeton Sentry Ginkgo | *Ginkgo biloba* 'Princeton Sentry' male trees only
Saratoga Ginkgo | *Ginkgo biloba* var. *Saratoga* male trees only
Halka Honeylocust | *Gleditsia triacanthos* 'Christie'
Streetkeeper Honeylocust | *Gleditsia triacanthos* 'Draves'
Slender Silhouette Sweetgum | *Liquidambar styraciflua* 'Slender Silhouette'
Little Volunteer Tuliptree | *Liriodendron tulipifera* 'Little Volunteer'
Columnar Tuliptree | *Liriodendron tulipifera* 'fastigiatum'
Spring Snow Crabapple | *Malus x sp.* 'Spring Snow'
Black Gum/ Tupelo | *Nyssa sylvatica*
Afterburner Tupelo | *Nyssa sylvatica* 'David Odom'
Firestarter Tupelo | *Nyssa sylvatica* 'Firestarter'
Red Rage Tupelo | *Nyssa sylvatica* 'Haymanred'
Gumdrop Tupelo | *Nyssa sylvatica* 'JFS-PNLegacy1'
Wildfire Tupelo | *Nyssa sylvatica* 'Wildfire'
American Hophornbeam | *Ostrya virginiana*
Persian Ironwood | *Parrotia persica*
Ruby Vase Persian Ironwood | *Parrotia persica* 'Inge'
Vanessa Persian Ironwood | *Parrotia persica* 'Vanessa'

Persian Spire Ironwood | *Parrotia persica* 'JLColumnar'
Brewer's Spruce | *Picea breweriana*
Black Hills Spruce | *Picea glauca* 'densata'
Vanderwolf Pine | *Pinus flexilis* 'Vanderwolf'
Arnold Sentinel Pine | *Pinus nigra* 'Arnold Sentinel'
Columnar White Pine | *Pinus strobus* 'fastigiata'
Crimson Spire Oak | *Quercus alba* x *Q. robur* var. *Crimschmidt*
Skyrocket Oak | *Quercus robur* 'Fastigiata'
Columnar English Oak | *Quercus robur* 'fatigiata'
Columnar Buckthorn | *Rhamnus/Frangula pushiana* 'columnaris'
Fernleaf Buckthorn | *Rhamnus/Frangula pushiana* 'columnaris'
Mountain Stewartia | *Stewartia ovata*
Japanese Stewartia | *Stewartia pseudocamellia*
Snowcone Snowbell | *Styrax japonicus* 'JFS-D'
Snow Charm Snowbell | *Styrax japonicus* 'JFS-E'
Pink Chimes Snowbell | *Styrax japonicus* 'Pink Chimes'
Emerald Pagoda Snowbell | *Styrax japonicus* 'Emerald Pagoda'
Snow Charm Snowbell | *Styrax japonicus* 'JFS-E'
Japanese Snowbell | *Syrax japonicus*
American Sentry Linden | *Tilia americana* 'McSentry'
Boulevard Linden | *Tilia americana* 'Boulevard'
Summer Sprite Linden | *Tilia cordata* 'Halka'
Greenspire Linden | *Tilia cordata* 'PN16025'
Sterling Silver Linden | *Tilia tomentosa* 'SterlingSilver'
Silver Lining Linden | *Tilia tomentosa* 'Silver Lining'
City Sprite Zelkova | *Zelkova serrata* 'CitySprite'
Columnar Zelkova | *Zelkova serrata* 'Musashino'
Wireless Zelkova | *Zelkova serrata* 'Schmidtlow'
Columnar Zelkova | *Zelkova serrata* 'Musashino'

For further information regarding Street Trees, contact the Development Services Division of Washington County Land Use and Transportation at LUTDEV@washingtoncountyor.gov or leave a message and request a call-back at 503-846-8761.

407-7 Urban Street Tree Standards

Inside an urban growth boundary, when fronting on public or private roadways or access drives, new structures including a Single Detached Dwelling Unit or Duplex on an existing lot or parcel, or Middle Housing, and any Standard Land Division or Middle Housing Land Division, 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 spaced to provide canopy overlap for shade. Trees shall be installed at an average of one tree per 35 feet of lineal road frontage unless otherwise required by district standards, or the Director approves, through a Type I procedure, a greater average spacing based on submitted evidence demonstrating the approved species typically requires such spacing, and that the alternative spacing will result in canopy overlap.
- 407-7.2 Exemption from the requirement to plant street trees may be granted by the Director to the extent that existing trees meet location and diameter requirements below. 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 feet from the designated right-of-way; and
- 407-7.4 Street trees shall be a minimum of 1½ inches in diameter as measured at four feet above grade.

Please Note: CDC 418-3 requires that lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between three (3) feet and ten (10) feet in height as measured from street grade. Sight obstructions include, but are not limited to, fences, vegetation, berms, and structures. The sight triangle shall be measured from the street corner (apex), a distance of twenty (20) feet along each street side. For the purpose of this Section, street corner is defined as that point where the extended edge of the road surface of two intersecting streets meet. The county may require additional vision clearance based on a hazard identified by the county. Nothing in this Section shall supersede proper application of the sight distance standards in Section 501-8.5 F.

Street Trees shall be installed in accordance with Chapter 340.130.3 and Standard Drawing Number 4010 of the Washington County Road Design and Construction Standards.

<https://www.washingtoncountyor.gov/lut/road-design-and-construction-standards>



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ATTACHMENT "F"
TYPE II

APPEAL INFORMATION

CASEFILE # L2300200-S/PLA

Attached is a copy of the Land Use and Transportation Department's Review Authority decision on this request for a Development Action.

Any person who is adversely affected or aggrieved, or who is entitled to written notice pursuant to ORS 215.416(11) may appeal the decision by filing a written appeal.

Failure to file a petition for review with the Department of Land Use and Transportation by 4:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.

The decision, including conditions of approval, may be appealed and a public hearing held by filing a signed petition for review (appeal) within twelve (12) calendar days of date written notice is provided (date mailed).

APPEAL PERIOD: 11/15/2023 (Date Mailed) to 4:00 p.m. on 11/27/2023 (Appeal Due Date)

This decision will be final if an appeal is not filed by the due date.

The complete file is available at the County Department of Land Use and Transportation for review.

A petition for review (appeal) must contain the following: L2300200-S/PLA

1. The name and signature of each petitioner filing the petition for review (appeal). If a group consisting of more than one person is filing a single petition for review, one individual shall be designated as the group's representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this representative;
2. A statement of the interest of each petitioner;
3. The date the Notice of Decision was sent as specified in the notice (date mailed);
4. The nature of the decision and the specific ground for appeal. For applications with multiple requests, specify the particular request(s) and/or specific conditions of approval being appealed;
5. A statement listing the number of pages of the petition and that all pages are present;
6. A statement setting forth the appeal fee as specified in the Notice of Decision; and
7. The appropriate appeal fee of **\$250.00**

For further appeal information, contact the Appeal Secretary at the Washington County Department of Land Use and Transportation. Phone 503-846-3849 or louisa_bruce@co.washington.or.us.