

CITY OF TIGARD, OREGON

RESOLUTION NO. 01- 54

**A RESOLUTION ADOPTING THE FINAL ORDER APPROVING A SUBDIVISION, PLANNED DEVELOPMENT, ZONE CHANGE, SENSITIVE LANDS REVIEW, AND VARIANCE (BLUE HERON PARK SUBDIVISION - SUB2001-00001/PDR2001-00001/ZON2001-00002/SLR2001-00003/VAR2001-00002).**

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**WHEREAS**, the Planning Commission reviewed this case at its meeting of June 11, 2001; and

**WHEREAS**, the Planning Commission denied the application (Planning Commission Final Order No. 2001-02 PC); and

**WHEREAS**, the applicants submitted an appeal of the Planning Commission's denial of the application on June 22, 2001, and

**WHEREAS**, a new public hearing with new testimony was provided on July 24, 2001 and continued to August 14, 2001; and

**WHEREAS**, the City Council determined that the Planning Commission final order failed to explain the criteria and standards considered relevant to the decision, state the facts relied upon in rendering a decision, and explain the justification for the decision based on the criteria, standards, and facts set forth, as required in Section 18.390.050.F of the Tigard Development Code, and

**WHEREAS**, the City Council reviewed the staff report and found that the proposed development would be in compliance with all applicable decision criteria, as conditioned in the staff report plus four additional conditions addressing privacy, tree retention, and traffic safety;

**WHEREAS**, the City Council found that the applicant proposed and was given a density bonus for preservation of canopy coverage and trees. The trees and canopy to be retained were a major attribute of the natural and physical environment of the site (code section 18.350.100.B.3.a) and that the trees were proposed to be preserved by the applicant and it is, therefore, necessary to ensure that the trees retained on the project and on adjacent properties are not damaged by project or home construction, and;

**WHEREAS**, the City Council found that given the site's location, density with respect to clustered units, and nearness to other adjacent homes, that privacy for existing and future residents to help retain compatibility between uses needs to be assured to decrease noise, provide visual barriers, privacy and reduce the opportunity for trespass (code section 18.350.100.B.3.b.), and;

**WHEREAS**, the City Council found that existing and future traffic on Walnut Street, as well as the street configuration with Walnut Street, 124<sup>th</sup> Avenue, and the project's private street, and the lack of full improvements on Walnut Street all create potential safety hazards for pedestrians (code section 18.810.030.A.5.b and E.1.b and d);


**NOW, THEREFORE, BE IT RESOLVED** by the Tigard City Council that:

**SECTION 1:** The Tigard City Council hereby approves SUB2001-00001/PDR2001-00001/ZON2001-00002/SLR2001-00003/VAR2001-00002 – BLUE HERON PARK SUBDIVISION, based on the information provided in the public record and subject to the conditions of approval in the Planning Commission’s Final Order No. 2001-02 PC, and the addition of four additional conditions as follows:

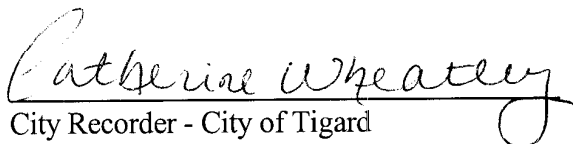
1. The development portion of the site shall be fenced with “good neighbor fencing” as proposed by the applicant on the north, west and south sides of the development adjacent to all existing dwelling units.
2. All trees to be planted in the setback areas adjacent to the site boundary must be a minimum of two caliper inches.
3. Prior to any construction activity on site, the applicant shall establish, in a form acceptable to the Community Development Director, security in the amount of \$100,000.00 to cover the value of all 12 inch or greater trees to be retained on site, as well as trees 12 inches or greater immediately adjacent to the project site. Said security will be made available to the City of Tigard on demand for any damage caused by construction to the aforementioned trees during the construction of streets, sidewalks, and utility improvements on site, as well as dwelling units. No portions of the security will be returned or released to the developer until all construction has been completed and the City Urban Forester has conducted a final inspection and deducted the value of any damage.
4. Prior to construction, the applicant’s traffic engineer shall submit for City Engineer review and approval, a study that will address whether or not a painted crosswalk will be warranted across SW Walnut Street at the intersection of SW 124<sup>th</sup> Avenue and the new private street. The study shall reference the Manual on Uniform Traffic Control Devices (MUTCD). If a painted crosswalk is warranted, the applicant shall provide the crosswalk and signage as a part of the construction of their development.

**SECTION 2:** The Final Order approved by the City Council is hereby made a part of the permanent record.

**PASSED:** This 28<sup>th</sup> day of August 2001.

  
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Mayor - City of Tigard

**ATTEST:**

  
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City Recorder - City of Tigard