

**NOTICE OF TYPE II DECISION**  
**MINOR LAND PARTITION (MLP) 2004-00001**  
**BIANCHI MINOR LAND PARTITION**



**120 DAYS = 12/9/2004**  
(Includes a 180-day extension)

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** **BIANCHI MINOR LAND PARTITION**  
**CASE NOS:** **Minor Land Partition (MLP) MLP2004-00001**  
**Adjustment (VAR) VAR2004-00006**

**PROPOSAL:** The applicant originally requested approval of a 3-lot Minor Land Partition of .65 acres. Due to lack of square footage, the applicant is now requesting approval of a 2-lot Minor Land Partition. Parcel #1 is proposed to be developed with a duplex in the future, which will require conditional use approval. Proposed Parcel #2 has an existing single-family home on site. The proposed lot sizes for this development would be 10,958 square feet for Parcel #1 and 8,624 square feet for Parcel #2. Tract "A" is a 7,624 square foot accessway. The applicant is also requesting approval for an Adjustment to the screening standards that require a landscape screen along the accessway of a flag lot. The applicant is proposing to utilize existing landscaping to screen.

**APPLICANT:** Bennett Bianchi  
13500 SW Pacific Highway  
Suite 500  
Tigard, OR 97224

**APPLICANT'S REP.:** Don Cushing Associates  
Attn: Rob Sunderlage, P.E.  
6750 SW Franklin St., Suite B  
Tigard, OR 97223

**OWNER:** Bennett B. Bianchi Revocable Living Trust  
By Bennett B. Bianchi, TR  
13760 SW Twelve Oaks Ct.  
Tigard, OR 97224

**LOCATION:** 13875 SW 121<sup>st</sup> Avenue; 2S103CC, Tax Lot 402.

**COMP. PLAN DESIGNATION:** Low-Density Residential.

**ZONE:** City of Tigard R-4.5 zoning district. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally.

**APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.370, 18.390, 18.420, 18.510, 18.705, 18.715, 18.725, 18.745, 18.765, 18.790, 18.795, and 18.810.

**SECTION II. DECISION**

Notice is hereby given that the City of Tigard Community Development Director's designee has **APPROVED MLP2004-00001** based on certain conditions and has **DENIED VAR2004-00006**. The findings and conclusions on which the decision is based are noted in Section VI.

## CONDITIONS OF APPROVAL

### THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO APPROVAL OF THE FINAL PLAT:

**Submit the following to the Planning Division (Mathew Scheidegger 639-4171, x 2437) for review and approval:**

1. The applicant is required to provide a plan showing the proposed parcels square footage without access easements and associated flag poles.
2. Provide a plan showing the visual clearance triangles on either side of the private street entering the property to be clear of obstructions between three and eight feet.
3. Provide a plan that shows street trees to be planted along the required private street. Species and spacing must be indicated on the plan.

**Submit to the Engineering Department (Kim McMillan, 639-4171, ext. 2642) for review and approval:**

4. A Public Facility Improvement (PFI) permit is required for this project to cover public utility extensions, connections and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. NOTE: these plans are in addition to any drawings required by the Building Division and should only include sheets relevant to public improvements. Public Facility Improvement (PFI) permit plans shall conform to City of Tigard Public Improvement Design Standards, which are available at City Hall and the City's web page ([www.ci.tigard.or.us](http://www.ci.tigard.or.us)).
5. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. For example, specify if the entity is a corporation, limited partnership, LLC, etc. Also specify the state within which the entity is incorporated and provide the name of the corporate contact person. Failure to provide accurate information to the Engineering Department will delay processing of project documents.
6. Prior to final plat approval, the applicant shall pay an addressing fee. (STAFF CONTACT: Shirley Treat, Engineering).
7. The applicant shall apply for an adjustment to the spacing standard of 18.705.030.H.3 prior to final plat approval.
8. The applicant shall provide signage at the entrance of each shared flag lot driveway or private street that lists the addresses that are served by the given driveway or street.
9. Prior to final plat approval, the applicant's professional engineer shall provide a sight distance certification for the proposed access onto SW 121<sup>st</sup> Avenue.
10. The applicant shall cause a statement to be placed on the final plat to indicate that the proposed private street(s) will be jointly owned and maintained by the private property owners who abut and take access from it (them).
11. Prior to final plat approval the applicant shall construct a private street with 20 feet of paving, a 5 foot sidewalk and street trees.
12. The applicant's construction drawings shall show that the pavement and rock section for the proposed private street(s) shall meet the City's public street standard for a local residential street or a section to support a 55,000 pound maintenance vehicle load, whichever is greater.
13. The applicant's plan shall show a public sewer extension located in the private street. The plat shall provide for a maintenance access easement for the sewer line.

14. The applicant's final plat shall contain State Plane Coordinates on two monuments with a tie to the City's global positioning system (GPS) geodetic control network (GC 22). These monuments shall be on the same line and shall be of the same precision as required for the subdivision plat boundary. Along with the coordinates, the plat shall contain the scale factor to convert ground measurements to grid measurements and the angle from north to grid north. These coordinates can be established by:
- ◆ GPS tie networked to the City's GPS survey.
  - ◆ By random traverse using conventional surveying methods.
15. Final Plat Application Submission Requirements:
- A. Submit for City review four (4) paper copies of the final plat prepared by a land surveyor licensed to practice in Oregon, and necessary data or narrative.
  - B. Attach a check in the amount of the current final plat review fee (Contact Planning/Engineering Permit Technicians, at (503) 639-4171, ext. 2421).
  - C. The final plat and data or narrative shall be drawn to the minimum standards set forth by the Oregon Revised Statutes (ORS 92.05), Washington County, and by the City of Tigard.
  - D. Not used.
  - E. **NOTE:** Washington County will not begin their review of the final plat until they receive notice from the Engineering Department indicating that the City has reviewed the final plat and submitted comments to the applicant's surveyor.
  - F. After the City and County have reviewed the final plat, submit three mylar copies of the final plat for City Engineer signature (for partitions), or City Engineer and Community Development Director signatures (for subdivisions).

**THE FOLLOWING CONDITIONS SHALL BE SATISFIED  
PRIOR TO ISSUANCE OF BUILDING PERMITS:**

**Submit the following to the Planning Division (Mathew Scheidegger 639-4171, x 2437) for review and approval:**

- 16. Proposed parcel #1 may only be constructed with a single-family residence.
- 17. At the time of submittal for building permits for individual homes within the development, the developer shall submit materials demonstrating that one (1) off-street parking space, which meets minimum dimensional requirements and setback requirements as specified in Title 18, will be provided on-site for each new home.
- 18. Provide a protection plan for the row of arborvitae along the south property line.

**Submit to the Engineering Department (Kim McMillan, 639-4171, ext. 2642) for review and approval:**

- 19. Prior to issuance of building permits, the applicant shall provide the Engineering Department with a "photomylar" copy of the recorded final plat.
- 20. Prior to issuance of building permits, the applicant shall provide the City with as-built drawings of the public improvements as follows: 1) 3 mil mylar, 2) a diskette of the as-builts in "DWG" format, if available; otherwise "DXF" will be acceptable, and 3) the as-built drawings shall be tied to the City's GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91).
- 21. During issuance of the building permit, the applicant shall pay the fee in-lieu of constructing an on-site water quality and water quantity facility. The fee is based on the total area of new impervious surfaces and current CWS fee rate.

**THIS APPROVAL IS VALID IF EXERCISED WITHIN EIGHTEEN (18)  
MONTHS OF THE EFFECTIVE DATE OF THIS DECISION.**

### **SECTION III. BACKGROUND INFORMATION**

#### Vicinity Information:

A single-family residence currently occupies the site. The surrounding neighborhood is also single-family residences.

#### Property History:

The property was developed as a single-family lot. A search of City records provided no additional information for this particular property.

#### Site Information and Proposal Description:

The applicant originally requested approval of a 3-lot Minor Land Partition of .65 acres. Due to lack of square footage, the applicant is now requesting approval of a 2-lot Minor Land Partition. Parcel #1 is proposed to be developed with a duplex in the future, which will require conditional use approval. Proposed Parcel #2 has an existing single-family home on site. The proposed lot sizes for this development would be 10,958 square feet for Parcel #1 and 8,624 square feet for Parcel #2. Tract "A" is a 7,624 square foot accessway. The applicant is also requesting approval for an Adjustment to the screening standards that require a landscape screen along the accessway of a flag lot. The applicant is proposing to utilize existing landscaping to screen.

### **SECTION IV. NEIGHBORHOOD COMMENTS**

All neighbors within 500 feet of the proposal were given the opportunity to comment on the proposal. Three neighbors submitted comments regarding fire apparatus access, disapproval of the requested duplex and the adjustment to the screening.

**Staff Response:** Tualatin Valley Fire and Rescue has reviewed the proposal. No changes or problems with the proposal were identified. The proposed duplex is not possible due to square footage. Duplexes are required to have a minimum lot size of 10,000 square feet. However, density for the R-4.5 zone is based on the minimum lot size for a single-family dwelling unit, 7,500 square feet. In order to construct a duplex in the R-4.5 zone, 15,000 square feet is required ( $7,500 \times 2 = 15,000$ ). After subtracting square footage as required by chapter 18.715 Density Computations, the applicant is left with 10,308 square feet. Therefore, the applicant may only construct a single-family residence on proposed parcel #1. The adjustment to screening has been denied because the City of Tigard does not have an adjustment process to the screening standards. The applicant wanted to use existing screening on the adjoining property to the north. The adjoining parcel to the north takes its access from the same drive. Therefore, screening is not required. The existing arborvitae located on the southern property line will not be disturbed.

### **SECTION V. SUMMARY OF APPLICABLE CRITERIA**

A summary of the applicable criteria in this case in the Chapter order in which they are addressed in this decision are as follows:

- A. Land Partitions**  
18.420 (Land Partitions)
- B. Zoning Districts**  
18.510 (Residential Zoning Districts)
- C. Specific Development Standards**  
18.370 (Variances and Adjustments)  
18.705 (Access, Egress & Circulation)  
18.715 (Density Computations)  
18.725 (Environmental Performance Standards)  
18.745 (Landscaping and Screening)  
18.765 (Off-Street Parking and Loading Requirements)  
18.790 (Tree Removal)

- 18.795 (Visual Clearance)
- 18.390 (Impact Study Section 18.390.040)
- D. Street and Utility Improvement Standards**
- 18.810 (Street and Utility Improvement Standards)

The proposal contains no elements related to the provisions of Code Chapters: 18.720 (Design Compatibility), 18.730 (Exceptions to Development Standards), 18.742 (Home Occupations), 18.750 (Manufactured/Mobile Home Regulations), 18.755 (Mixed Solid Waste & Recyclable Storage), 18.760 (Nonconforming Situations), 18.775 (Sensitive Lands), 18.780 (Signs), 18.785 (Temporary Uses), and 18.798 (Wireless Communication Facilities). These Chapters are, therefore, found to be inapplicable as approval standards.

## **SECTION VI. APPLICABLE REVIEW CRITERIA AND FINDINGS**

### COMPLIANCE WITH COMMUNITY DEVELOPMENT CODE SECTION

#### **LAND PARTITIONS: CHAPTER 18.420**

##### **Future re-division: Section 18.420.020.D**

**When partitioning tracts into large parcels, the director shall require that the parcels be of such size and shape to facilitate future re-partitioning of such parcels in accordance with the requirements of the zoning district and this title.**

The proposal is for a 2-lot Minor Land Partition of .65 acres. Proposed parcel two has an existing home on site and parcel one is proposed to be developed with a duplex. The lot sizes for this development after subtracting square footage as required by chapter 18.715, Density Computation, would be 8,075 square feet (proposed parcel #2) and 10,308 square feet (Proposed parcel #1). Based on a minimum lot size of 7,500 square feet, there are no future partitioning opportunities for this property. This criterion is satisfied.

##### **Approval Criteria: Section 18.420.050**

**The proposed partition complies with all statutory and ordinance requirements and regulations;**

The proposed partition will comply with all statutory and ordinance requirements and regulations at the time of proposed development as demonstrated both by the analysis presented within this administrative decision and by this application and review process through compliance with the conditions of approval. Therefore, this criterion is met.

**There are adequate public facilities available to serve the proposal;**

Public facilities are discussed in detail later in this decision. Based on the analysis provided herein, staff finds that adequate public facilities are available to serve the proposal. Therefore this criterion is met.

**All proposed improvements meet City and applicable agency standards; and**

The public facilities and proposed improvements are discussed and conditioned later in this decision. Improvements will be reviewed as part of the permit process and during construction, at which time the appropriate review authority will insure that City and applicable agency standards are met. Based on the analysis in this decision, this criterion is met.

**All proposed lots conform to the specific requirements below:**

**The minimum width of the building envelope area shall meet the lot requirement of the applicable zoning district.**

The minimum lot width requirement in the R-4.5 zoning district is 50 feet. The widths of the newly created lots are proposed to be as follows: Lot #1- 95 feet wide and Lot #2 – 95 feet wide. Both lots will exceed the minimum lot width standard of 50 feet. Therefore, this criterion is met.

**The lot area shall be as required by the applicable zoning district. In the case of a flag lot, the accessway may not be included in the lot area.**

The minimum lot area requirement in the R-4.5 zoning district is 7,500 square feet for single-family residences. The proposed lots exceed the minimum lot sizes of the zone. Proposed parcel two is considered a flag lot. After subtracting the proposed accessways and easements, the proposed parcels are approximately 10,308 square feet (parcel #1) and 8,075 square feet (parcel #2). Therefore, the applicant is required to provide a plan showing the exact square footages of proposed parcels without access easements and associated flag poles.

**Each lot created through the partition process shall front a public right-of-way by at least 15 feet or have a legally recorded minimum 15-foot wide access easement.**

Proposed parcel #1 has approximately 70 feet of frontage along the required private street that connects to SW 121<sup>st</sup>. Proposed parcel #2 has 15 feet of frontage on to the required private street accessing the proposed parcels. This standard has been met.

**Setbacks shall be as required by the applicable zoning district.**

Setbacks for the existing house are compliant with the underlying zoning district. Future development of lot #1 will be subject to all setback requirements at the time of development. This standard has been met.

**When the partitioned lot is a flag lot, the developer may determine the location of the front yard, provided that no side yard is less than 10 feet. Structures shall generally be located so as to maximize separation from existing structures.**

Proposed parcel #2 is considered a flag lot. The applicant has shown preliminary setbacks for both lots. It appears that the front yard for proposed parcel #2 has been proposed to the south instead of the east from which the parcel takes access. The applicant's plan shows proposed parcel #2 to have side yard setbacks of 10 feet. Therefore, this standard has been satisfied.

**A screen shall be provided along the property line of a lot of record where the paved drive in an accessway is located within ten feet of an abutting lot in accordance with Sections 18.745.040. Screening may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.**

The proposed access is within 10 feet of the northern and southern property line. The applicant has applied for an adjustment to this standard in order to use an existing low-lying hedge which extends from the east property line to the west for approximately 85 feet. The adjacent property to the north will share access with the subject properties. Therefore, additional screening is not required.

**The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on fire-fighting capabilities.**

A request for comments was sent to Tualatin Valley Fire and Rescue. No comments regarding an additional fire hydrant were received.

**Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.**

The applicant has indicated that the proposed parcels and the adjoining parcels to the north will share the required private street, which is addressed below. The applicant has been conditioned earlier in this decision to provide access and maintenance rights for the newly created parcels and the parcels to the north.

**Any access way shall comply with the standards set forth in Chapter 18.705, Access, Egress and Circulation.**

This standard is addressed under Chapter 18.705 (Access, Egress and Circulation) later in this decision.

Where landfill and/or development is allowed within or adjacent to the one-hundred year floodplain, the city shall require consideration of the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.

The partitioned lots are not within nor adjacent to a one-hundred-year floodplain. Therefore, this standard does not apply.

**An application for a variance to the standards prescribed in this chapter shall be made in accordance with Chapter 18.370, Variances and Adjustments. The applications for the partition and variance(s)/adjustment(s) will be processed concurrently.**

An adjustment to the screening standards that require a landscape screen along the access way of a flag lot has been applied for and addressed below (18.370 Variances and Adjustments). However, adjustments to screening are not allowed by the Tigard Development Code and additional screening is not necessary for the property to the north because that property uses the same access. Therefore, this standard has been satisfied.

**FINDING:** Based on the analysis above, the Minor Land Partition Standards have not been fully met. However, if the applicant complies with the condition below, the Land Partition standards will be met.

**CONDITION:** Provide a plan showing the exact square footages of proposed parcels without access easements and associated flag poles.

**Variances and Adjustments 18.370:**

According to Section 18.420.050.A.4.f; (Land Partitions) of the Tigard Development Code; “A screen shall be provided along the property line of a lot of record where the paved drive in an accessway is located within ten feet of an abutting lot in accordance with sections 18.745.050. Screening may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.” The applicant has applied for a type I adjustment to the screening standards. However, the Tigard Development Code does not have an adjustment process that addresses screening. Therefore, the applicant’s request for an adjustment is denied. In any case, screening is not required on the northern side of the access due to the northern property using the same access. Screening on the south side of the access is pre-existing.

**Residential Zoning Districts 18.510:**

**Development standards in residential zoning districts are contained in Table 18.510.2 below:**

**(SEE TABLE ON THE FOLLOWING PAGE)**

**TABLE 18.510.2  
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES**

STANDARD	R-4.5	PROPOSED Lot 1/Lot 2
<b>Minimum Lot Size</b> - Detached unit - Duplexes - Attached unit [1]	7,500 sq.ft. 10,000 sq.ft.	10,398 SF/ 8,024 SF
<b>Average Minimum Lot Width</b> - Detached unit lots - Duplex lots - Attached unit lots	50 ft. 90 ft.	94 Feet/ 94 Feet
<b>Maximum Lot Coverage</b>	-	-
<b>Minimum Setbacks</b> - Front yard - Side facing street on corner & through lots - Side yard - Rear yard - Side or rear yard abutting more restrictive zoning district - Distance between property line and front of garage	20 ft. 15 ft. 5 ft. 15 ft. 20 ft.	Applied at the time of building permit/ 20ft. front, 10ft. sides 15ft. rear.
<b>Maximum Height</b>	30 ft.	unknown
<b>Minimum Landscape Requirement</b>	-	-

[1] Single-family attached residential units permitted at one dwelling per lot with no more than five attached units in one grouping.

[2] Lot coverage includes all buildings and impervious surfaces.

A minimum lot size of 7,500 square feet is required for each lot. The proposed lot sizes meet this standard; however, the site size will be confirmed by survey prior to final plat approval.

Development standards will apply to all future development of the proposed parcels.

**Section: 18.705 Access, Egress, and Circulation.**

**Continuing obligation of property owner.** The provisions and maintenance of access and egress stipulated in this title are continuing requirements for the use of any structure or parcel of real property in the City.

Access shall be continually maintained. Therefore, this standard has been satisfied.

**Access Management (Section 18.705.030.H)**

**Section 18.705.030.H.1** states that an access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and AASHTO.

The applicant has not addressed sight distance in the narrative. The applicant's engineer shall provide sight distance certification prior to approval of the final plat.

**Section 18.705.030.H.2** states that driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

The proposed private street is located more than 150 feet from an intersection along 121<sup>st</sup> Avenue, thereby meeting this criterion.

**Section 18.705.030.H.3 and 4 states that the minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet. The minimum spacing of local streets along a local street shall be 125 feet.**

The applicant has not addressed this standard and the proposed private street does not meet the standard. SW 121<sup>st</sup> Avenue is classified as a Collector street requiring minimum 200 foot spacing. The proposed private street is within approximately 170 feet of Rose Vista Drive. The proposed private street is also within 35 feet and 145 feet of driveways across 121<sup>st</sup> Avenue. An adjustment to the spacing standard is required. Since it is the only access available it should be possible to gain approval of an adjustment and complete the necessary findings.

**Joint Access. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the combined requirements as designated in this title, provided: Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and copies of the deeds, easements, leases or contracts are placed on permanent file with the City.**

The applicant is required to build a private street accessing the proposed parcels. Joint ownership and maintenance has been conditioned under Section 18.810 (Street and Utility Improvements Standards).

**Public street access. All vehicular access and egress as required in Sections 18.705.030H and 18.705.030I shall connect directly with a public or private street approved by the City for public use and shall be maintained at the required standards on a continuous basis.**

As mentioned above, the applicant is required to build a private street to access the proposed parcels. Therefore, the parcels will have access onto a private street. This criterion has been satisfied.

**Minimum access requirements for residential use. Private residential access drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code.**

The proposed parcels will share a 20-foot-wide private street which will be equipped with a fire apparatus turn-around located at 240 feet from SW 121<sup>st</sup> Avenue. Tualatin Valley Fire and Rescue has had a chance to review the project and is satisfied with the proposed layout.

**Access drives in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus by one of the following: a) A circular, paved surface having a minimum turn radius measured from center point to outside edge of 35 feet; b) A hammerhead-configured, paved surface with each leg of the hammerhead having a minimum depth of 40 feet and a minimum width of 20 feet; c) The maximum cross slope of a required turnaround is 5%.**

As described above, the applicant has proposed a fire apparatus turn-around. Therefore, this standard has been satisfied.

**To provide for increased traffic movement on congested streets and to eliminate turning movement problems, the Director may restrict the location of driveways on streets and require the location of driveways be placed on adjacent streets, upon the finding that the proposed access would cause or increase existing hazardous traffic conditions; or provide inadequate access for emergency vehicles; or cause hazardous conditions to exist which would constitute a clear and present danger to the public health, safety, and general welfare.**

Staff has found no issues which would increase the hazard if site distance certification can be achieved and the adjustment is granted for street spacing, which has been conditioned.

**FINDING:** Based on the analysis above, the Access Egress and Circulation Standards have not been met. However, if the applicant complies with the condition below, the standards will be met.

**DENSITY COMPUTATIONS: CHAPTER 18.715.**

**Definition of net development area. Net development area, in acres, shall be determined by subtracting the following land area(s) from the gross acres, which is all of the land included in the legal description of the property to be developed:**

**All sensitive land areas:**

- a. Land within the 100-year floodplain;
- b. Land or slopes exceeding 25%;
- c. Drainage ways; and
- d. Wetlands.

All land dedicated to the public for park purposes;

All land dedicated for public rights-of-way. When actual information is not available, the following formulas may be used:

- a. Single-family development: allocate 20% of gross acreage;
- b. Multi-family development: allocate 15% of gross acreage.

All land proposed for private streets; and

A lot of at least the size required by the applicable base zoning district, if an existing dwelling is to remain on the site.

Gross Developable area	28,359
Existing Home	- 8,075
Flag Pole	- 8,816
<u>Access Easement</u>	<u>- 1,160</u>

Net Developable Area      10,308 Square Feet

**Calculating maximum number of residential units.** To calculate the maximum number of residential units per net acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot in the applicable zoning district.

Based on the net developable area above, the maximum number of additional residential units that would be available to the site is one. The applicant has proposed a duplex, which is considered two dwelling units. Duplexes are required to have a minimum lot size of 10,000 square feet. However, density for the R-4.5 zone is based off of the minimum lot size for a single-family dwelling unit, 7,500 square feet. In order to construct a duplex in the R-4.5 zone, 15,000 square feet is required (7,500 x 2 = 15,000). After subtracting square footage as required above, the applicant is left with 10,308 square feet. Therefore, the applicant may only construct a single-family residence on proposed parcel #1.

**Calculating minimum number of residential units.** As required by Section 18.510.040, the minimum number of residential units per net acre shall be calculated by multiplying the maximum number of units determined in Subsection B above by 80% (0.8).

The minimum number of residential units that the new parcels can accommodate is two counting the existing unit. This standard will be satisfied with the condition below.

**FINDING:** Based on the analysis above, the Density Standards have not been fully met. However, if the applicant complies with the condition below, the Land Partition standards will be met.

**CONDITION:** Proposed parcel #1 may only be constructed with a single-family residence.

**ENVIRONMENTAL PERFORMANCE STANDARDS: CHAPTER 18.725**

Requires that federal and state environmental laws, rules and regulations be applied to development within the City of Tigard. Section 18.725.030 Performance Standards regulates: Noise, visible emissions, vibration and odors.

**Noise.** For the purposes of noise regulation, the provisions of Sections 7.41.130 through 7.40.210 of the Tigard Municipal Code shall apply.

**Visible Emissions.** Within the Commercial zoning districts and the Industrial Park (I-P) zoning district, there shall be no use, operation or activity which results in a stack or other point- source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality (DEQ) rules for visible emissions (340-21-015 and 340-28-070) apply.

**Vibration.** No vibration other than that caused by highway vehicles, trains and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.

**Odors.** The emissions of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

**Glare and heat.** No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, which is visible at the lot line shall be permitted, and; 1) there shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and 2) these regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this title.

**Insects and rodents.** All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

**FINDING:** As this is a typical detached single-family project, which is a permitted use in the R-4.5 zone, none of the environmental conditions that have been listed above will be compromised beyond allowable levels. The above performance standards are met. These standards would be subject to code enforcement investigation if for some reason the above standards were in question.

**LANDSCAPING AND SCREENING: CHAPTER: 18.745.**

**Street trees: Section 18.745.040**

**Section 18.745.040.A.:** All development projects fronting on a public street, private street or a private driveway more than 100 feet in length approved after the adoption of this title shall be required to plant street trees in accordance with the standards in Section 18.745.040C.

The private street serving the proposed parcels is approximately 240 feet in length. Street trees have been proposed but not shown along the required private street, spaced at 30 feet apart from one another.

**FINDING:** The application does not provide for street trees as required by the TDC Section 18.745.040.

**CONDITION:** Provide a plan that shows street trees to be planted along the required private street. Species and spacing must be indicated on the plan.

**OFF-STREET PARKING AND LOADING REQUIREMENTS: CHAPTER 18.765**

**This Chapter is applicable for development projects when there is new construction, expansion of existing use, or change of use in accordance with Section 18.765.070 Minimum and Maximum Off-Street Parking Requirements.**

The proposed project will create 2 separate lots for single-family construction. Submittals of detailed plans for the construction of any home within the development are not necessary at this time. Table 18.765.2 requires that one (1) off-street parking space be provided per detached dwelling unit. There is no maximum limit on parking allowed for detached single-family dwellings. There is also no bicycle parking requirement for single-family dwellings. Staff notes that there is a 20-foot required setback from the face of garages to property lines in all residential zones. To ensure that homes constructed in this development comply with these standards, the following condition shall apply:

**FINDING:** Based on the analysis above, the Off-Street Parking Standards have not been met. If the applicant complies with the condition below, the standard will be met.

**CONDITION:** At the time of submittal for building permits for individual homes within the development, the developer shall submit materials demonstrating that one (1) off-street parking space, which meets minimum dimensional requirements and setback requirements as specified in Title 18, will be provided on-site for each new home.

### **TREE REMOVAL: CHAPTER: 18.790**

**Tree plan required.** A tree plan for the planting, removal and protection of trees prepared by a certified arborist shall be provided for any lot, parcel or combination of lots or parcels for which a development application for a subdivision, partition, site development review, planned development or conditional use is filed. Protection is preferred over removal wherever possible.

The applicant has provided an arborist report prepared by a certified arborist. According to the arborists report, there are ten non-native fruit and filbert trees located on the property that are in poor to fair condition that are planned to be removed. It has been interpreted that fruit and orchard trees are not counted when calculating mitigation. Therefore, no mitigation is required with this application. However, the applicant is required to provide a protection plan for the row of arborvitae along the south property line.

**FINDING:** Based on the analysis above, the Tree Removal Standards have not been fully met. However, if the applicant complies with the condition below, the Tree Removal Standards will be met.

**CONDITION:** Provide a protection plan for the row of arborvitae along the south property line.

### **VISUAL CLEARANCE AREAS: CHAPTER 18.795**

#### **Visual Clearance Requirements: Section 18.795.030**

**At corners.** Except within the CBD zoning district a visual clearance area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.

**Obstructions prohibited.** A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure or temporary or permanent obstruction (except for an occasional utility pole or tree), exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street center line grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed.

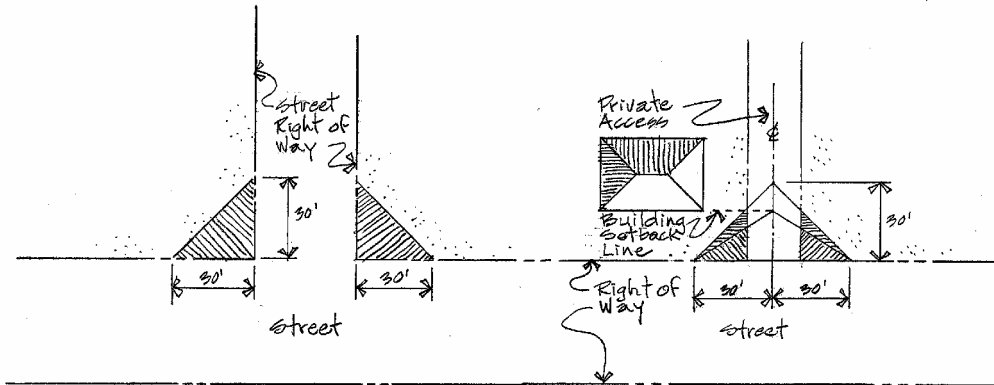
**Additional topographical constraints.** Where the crest of a hill or vertical curve conditions contribute to the obstruction of clear vision areas at a street or driveway intersection, hedges, plantings, fences, walls, wall structures and temporary or permanent obstructions shall be further reduced in height or eliminated to comply with the intent of the required clear vision area.

#### **Computations: Section 18.795.040**

#### **Non-arterial streets.**

**Non-arterial streets 24 feet or more in width.** At all intersections of two non-arterial streets, a non-arterial street and a driveway, and a non-arterial street or driveway and railroad where at least one of the streets or driveways is 24 feet or more in width, a visual clearance area shall be a triangle formed by the right-of-way or property lines along such lots and a straight line joining the right-of-way or property line at points which are 30 feet distance from the intersection of the right-of-way line and measured along such lines. See Figure 18.795.1:

**FIGURE 18.795.1  
ILLUSTRATIONS OF VISUAL CLEARANCE REQUIREMENTS**



The applicant has indicated there are no visual obstructions between three and eight feet within the visual clearance triangle. Coordination with the City of Tigard during the widening of SW 121<sup>st</sup> ensured that the associated retaining wall met the visual clearance standards. However, the applicant is still required to provide a plan showing the visual clearance triangles on either side of the private street entering the property to be clear of obstructions between three and eight feet.

**FINDING:** Based on the analysis above, the Visual Clearance Area criteria have not been met.

**CONDITION:** Provide a plan showing the visual clearance triangles on either side of the private street entering the property to be clear of obstructions between three and eight feet.

**IMPACT STUDY: Section 18.390.040.B.e**

**Requires that the applicant shall include an impact study. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact of the development on the public at large, public facilities systems, and affected private property users. In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with the dedication of real property interest, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.**

The applicant has provided an impact study, and the agencies responsible for ensuring the maintenance and provision of public facilities have reviewed this proposal for impacts. Any required street improvements to certain collector or higher volume streets and the Washington County Traffic Impact Fee (TIF) are mitigation measures that are required at the time of development. Based on a transportation impact study prepared by Mr. David Larson for the A-Boy Expansion/Dolan II/Resolution 95-61, TIF's are expected to recapture 32 percent of the traffic impact of new development on the Collector and Arterial Street system. Presently, the TIF for a detached, single-family dwelling is \$2,530. The internal streets within the partition are needed to allow the proposed parcels to develop and the need for the street is created by the partition. Because the need for the internal street is created by the development, the impact of the development is directly proportional to the cost of dedication and construction of the internal street. Upon completion of this development, the future builders of the proposed residence will be required to pay TIF's totaling approximately \$2,530 (\$2,530 x 1 dwelling unit). Based on the estimate that total TIF fees cover 32 percent of the impact on major street improvements citywide, a fee that would cover 100 percent of this projects traffic impact is \$7,906 (\$2,530 divided by .32). The difference between the TIF paid and the full impact, is considered as unmitigated impact. Since the TIF paid is \$2,530, the unmitigated impact can be valued at \$5,376.25. Given that the TIF paid is \$2,530, the value of the TIF is less than the value of the unmitigated impacts, the exactions are proportionate.

**D. Street And Utility Improvements Standards Section 18.810:**

**Chapter 18.810 provides construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage. The applicable standards are addressed below:**

**Streets:**

**Improvements:**

**Section 18.810.030.A.1 states that streets within a development and streets adjacent shall be improved in accordance with the TDC standards.**

**Section 18.810.030.A.2 states that any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with the TDC.**

**Minimum Rights-of-Way and Street Widths: Section 18.810.030.E requires a Collector street to have a 58 foot right-of-way width and 34-foot paved section. Other improvements required may include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.**

This site lies adjacent to SW 121<sup>st</sup> Avenue, which is classified as a Collector on the City of Tigard Transportation Plan Map. At present, there is approximately 60 feet of ROW total, according to the most recent tax assessor's map.

SW 121<sup>st</sup> Avenue is currently improved. There are no improvements required of this developer In order to mitigate the impact from this development.

**Private Streets: Section 18.810.030.T states that design standards for private streets shall be established by the City Engineer. The City shall require legal assurances for the continued maintenance of private streets, such as a recorded maintenance agreement. Private streets serving more than six dwelling units are permitted only within planned developments, mobile home parks, and multi-family residential developments.**

The applicant's plans indicate that access will be provided to more than two lots; therefore a private street is required. The applicant's plans shall indicate they will be providing a 20 foot wide paved surface within a tract, a 5 foot sidewalk in a tract or easement and street trees.

The applicant shall place a statement on the face of the final plat indicating the private street(s) will be owned and maintained by the properties that will be served by it/them. In addition, the applicant shall record Conditions, Covenants and Restrictions (CC&R's) along with the final plat that will clarify how the private property owners are to maintain the private street(s). These CC&R's shall be reviewed and approved by the City prior to approval of the final plat. The City's public improvement design standards require private streets to have a pavement section equal to a public local street. The private street will be required to have a minimum structural section to support a maintenance vehicle load of 55,000 pounds. The applicant will need to provide this type of pavement section.

**Block Designs - Section 18.810.040.A states that the length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.**

**Block Sizes: Section 18.810.040.B.1 states that the perimeter of blocks formed by streets shall not exceed 1,800 feet measured along the right-of-way line except:**

- ◆ **Where street location is precluded by natural topography, wetlands or other bodies of water or, pre-existing development or;**
- ◆ **For blocks adjacent to arterial streets, limited access highways, major collectors or railroads.**
- ◆ **For non-residential blocks in which internal public circulation provides equivalent access.**

No blocks are created as a result of this partition. Therefore, this standard does not apply.

**Section 18.810.040.B.2** also states that bicycle and pedestrian connections on public easements or right-of-ways shall be provided when full street connection is not possible. Spacing between connections shall be no more than 330 feet, except where precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other standards in the code.

As mentioned above, the proposed partition will not create blocks. Pedestrian connection to SW 121<sup>st</sup> will eventually be provided from the Whistler's Walk Subdivision through the adjoining property to the north of the subject site, which will connect to the sidewalk of the required private street.

**Lots - Size and Shape:** Section 18.810.060(A) prohibits lot depth from being more than 2.5 times the average lot width, unless the parcel is less than 1.5 times the minimum lot size of the applicable zoning district.

Both proposed parcels are less than 1.5 times the minimum lot size (proposed parcel #1 is 10,308 and parcel #2 is 8,075 square feet). Therefore, this standard does not apply.

**Lot Frontage:** Section 18.810.060(B) requires that lots have at least 25 feet of frontage on public or private streets, other than an alley. In the case of a land partition, 18.420.050.A.4.c applies, which requires a parcel to either have a minimum 15-foot frontage or a minimum 15-foot wide recorded access easement. In cases where the lot is for an attached single-family dwelling unit, the frontage shall be at least 15 feet.

The applicant is conditioned to provide a private street into the property. Proposed parcel #1 will have 70 feet of frontage and parcel #2 will have 15 feet of frontage onto the private street. Therefore, this standard has been satisfied.

**Sidewalks:** Section 18.810.070.A requires that sidewalks be constructed to meet City design standards and be located on both sides of arterial, collector and local residential streets. Private streets and industrial streets shall have sidewalks on at least one side.

The sidewalk has been constructed along 121<sup>st</sup> Avenue. The applicant is required to construct a 5 foot wide sidewalk along the private street, on one side only. Therefore, this standard has been satisfied.

#### **Sanitary Sewers:**

**Sewers Required:** Section 18.810.090.A requires that sanitary sewer be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

**Over-sizing:** Section 18.810.090.C states that proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

The applicant's plans indicate they will be extending the public sewer to serve the lots of this partition. The adjacent parcel to the north has access to a public sewer at the NE corner of that lot; therefore a sewer stub to the adjacent parcel is not required.

The applicant shall provide a public access easement to the public sewer for maintenance. The easement shall be part of the plat submittal.

#### **Storm Drainage:**

**General Provisions:** Section 18.810.100.A requires developers to make adequate provisions for storm water and flood water runoff.

**Accommodation of Upstream Drainage:** Section 18.810.100.C states that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

There is no significant upstream drainage way. Therefore, this standard does not apply.

**Effect on Downstream Drainage:** Section 18.810.100.D states that where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention.

Developments of this small size, especially residential land partitions, are not required to provide on-site detention. The applicant will be required to pay the water quantity SDC upon application for the building permits.

The applicant's plans indicate that runoff will be collected and discharged to the public storm line in 121<sup>st</sup> Avenue.

**Bikeways and Pedestrian Pathways:**

**Bikeway Extension:** Section 18.810.110.A states that developments adjoining proposed bikeways identified on the City's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or right-of-way.

A bike lane was recently installed along this frontage, thereby meeting the criterion.

**ADDITIONAL CITY AND/OR AGENCY CONCERNS WITH STREET AND UTILITY IMPROVEMENT STANDARDS:**

**Public Water System:**

The fire hydrant and mainline tap were installed as part of the Gaarde Capital Improvement project. The applicant's plans indicate they will be installing 3 domestic water meters and private lines.

**Storm Water Quality:**

The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 00-7) which require the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

The CWS standards include a provision that would exclude small projects such as residential land partitions. It would be impractical to require an on-site water quality facility to accommodate treatment of the storm water from 2 parcels. Rather, the CWS standards provide that applicants shall pay a fee in-lieu of constructing a facility, if deemed appropriate. Staff recommends payment of the fee-in-lieu on this application.

### **Address Assignments:**

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard and within the Urban Service Boundary (USB). An addressing fee in the amount of \$50.00 per address shall be assessed. This fee shall be paid to the City prior to final plat approval.

The developer will also be required to provide signage at the entrance of each shared flag lot driveway or private street that lists the addresses that are served by the given driveway or street. This will assist emergency services personnel to more easily find a particular home.

### **Survey Requirements**

The applicant's final plat shall contain State Plane Coordinates [NAD 83 (91)] on two monuments with a tie to the City's global positioning system (GPS) geodetic control network (GC 22). These monuments shall be on the same line and shall be of the same precision as required for the subdivision plat boundary. Along with the coordinates, the plat shall contain the scale factor to convert ground measurements to grid measurements and the angle from north to grid north. These coordinates can be established by:

- ◆ GPS tie networked to the City's GPS survey.
- ◆ By random traverse using conventional surveying methods.

In addition, the applicant's as-built drawings shall be tied to the GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91).

## **SECTION VII. OTHER STAFF COMMENTS:**

**City of Tigard Water Department** was notified and offered comments that have been included within this decision.

**City of Tigard Operations Department** reviewed the proposal but offered no comments.

**City of Tigard Building Division** reviewed the proposal but offered no comments.

**City of Tigard Arborist** has reviewed the proposal and requested an arborist report for the existing trees on site.

**City of Tigard Public Works Department** has reviewed the proposal and has offered the following comments.

### **Water**

- ◆ It would be good if the water line work shown on this plan could be coordinated soon with the Gaarde Phase 2 improvements. The contractor for that project has not yet relocated the water main in this area. We suggest the applicant work with Vannie immediately.
- ◆ PW may request that they place an additional valve for the new hydrant to keep customers in service while crews perform hydrant maintenance.
- ◆ Engineer should watch to make sure hydrant will have adequate clearance from traffic in and out of the driveway, as well as from shrubs and trees. It appears the area around the new hydrant will be tight where it will be difficult to keep the meters and hydrant within the landscape area.

### **Sanitary Sewer**

- ◆ Applicant must provide a maintenance vehicle turnaround area. I am sure there will need to be an emergency turnaround because of the driveway length, so this will likely be addressed. The proposed driveway must be of a structural section to support a maintenance vehicle of 55,000 lbs.

## **SECTION VIII. AGENCY COMMENTS**

**Tri-Met** has reviewed the proposal and indicated that they have no objections to the proposal.

**Clean Water Services** was notified but provided no comments.

**Tualatin Valley Fire & Rescue** provided the following comments:

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

- ◆ Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (UFC Sec. 902.2.1)
- ◆ Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams of approved turnarounds are available from the fire district. (UFC Sec. 902.2.2.4)
- ◆ Access roadways shall not be closer than 20 feet to a structure unless topographical restrictions dictate the location. (UFC Sec. 902.2.1)
- ◆ When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the Chief. (UFC Sec. 902.2.1 Exception 1)
- ◆ Where there are 25 or more dwelling units, vehicle congestion, adverse terrain conditions or other factors as determined by the Chief of the fire department not less than two approved means of access shall be provided to the city/county roadway or access easement. Exceptions may be allowed for approved automatic sprinkler system. (UFC Sec. 902.2.1)
- ◆ Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (15 feet for one or two dwelling units and out buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. (UFC Sec. 902.2.2.1)
- ◆ Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 50,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. Documentation from a registered engineer that the finished construction is in accordance with the approved plans or the requirements of the Fire Code may be requested. (Design criteria on back) (UFC Sec. 902.2.2)
- ◆ Private bridges shall be designed and constructed in accordance with the State of Oregon Department of Transportation and American Association of State Highway and Transportation Officials Standards. Design load shall conform to HS-25 or greater. The design and specifications for bridges shall be prepared by a State of Oregon registered professional engineer. A building permit shall be obtained for the construction of the bridge if required by the building official of the jurisdiction where the bridge is to be built. The design engineer shall prepare a special inspection and structural observation program for approval by the building official. The design engineer shall give in writing final approval of the bridge to the fire department after construction is completed. Maintenance of the bridge shall be the responsibility of the party(ies) that use(s) the bridge for access to their property(ies). The fire district may at any time, for due cause, ask that a registered engineer inspect the bridge for structural stability and soundness at the expense of the property owner(s) the bridge serves. (UFC Sec. 902.2.2.5)
- ◆ The inside turning radius and outside turning radius shall be not less than 25 feet and 45 feet respectively, measured from the same center point. (UFC Sec. 902.2.2.3) – (See diagrams on back)
- ◆ Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, “No Parking” signs shall be installed on one or both sides of the roadway and in turnarounds as needed. (UFC Sec. 902.2.4) Signs shall read “NO PARKING - FIRE LANE - TOW AWAY ZONE, ORS 98.810 - 98.812” and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have black or red letters and border on a white background. (UFC Sec. 901.4.5.1)

- ◆ Where required, fire apparatus access roadway curbs shall be painted yellow and marked "NO PARKING FIRE LANE" at each 25 feet. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red or black on yellow background. (UFC Sec. 901.4.5.2)
- ◆ Private fire apparatus access roadway grades shall not exceed an average grade of 10 percent with a maximum grade of 15 percent for lengths of no more than 200 feet. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. Public streets shall have a maximum grade of 15%. (UFC Sec. 902.2.2.6)
- ◆ Fire hydrants for single family dwellings, duplexes and sub-divisions, shall be placed at each intersection. Intermediate fire hydrants are required if any portion of a structure exceeds 500 feet from a hydrant at an intersection as measured in an approved manner around the outside of the structure and along approved fire apparatus access roadways. Placement of additional fire hydrants shall be as approved by the Chief. (UFC Sec. 903.4.2.2)
- ◆ Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (UFC Sec. 903.4.2.4)
- ◆ Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (UFC Sec. 901.4.3)
- ◆ The minimum available fire flow for single family dwellings and duplexes shall be 1,000 gallons per minute. If the structure(s) is(are) 3,600 square feet or larger, the required fire flow shall be determined according to UFC Appendix Table A-III-A-1. (UFC Appendix III-A, Sec. 5)
- ◆ Required fire flow for rural buildings shall be calculated in accordance with National Fire Protection Association Standard 1142. Please contact the Fire Marshal's Office for special help and other requirements that will apply. (UFC Sec. 903.3)
- ◆ Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any other construction on the site or subdivision. (UFC Sec. 8704)

**SECTION IX. PROCEDURE AND APPEAL INFORMATION**

Notice: Notice was mailed to:

- The applicant and owners
- Owner of record within the required distance
- Affected government agencies

Final Decision:

**THIS DECISION IS FINAL OCTOBER 22, 2004 ON AND BECOMES EFFECTIVE ON NOVEMBER 6, 2004 UNLESS AN APPEAL IS FILED.**

Appeal:

The Director's Decision is final on the date that it is mailed. All persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision as provided in Section 18.390.040.G.1. may appeal this decision in accordance with Section 18.390.040.G.2. of the Tigard Community Development Code which provides that a written appeal together with the required fee shall be filed with the Director within ten (10) business days of the date the Notice of Decision was mailed. The appeal fee schedule and forms are available from the Planning Division of Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon 97223.

Unless the applicant is the appellant, the hearing on an appeal from the Director's Decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period. Additional evidence concerning issues properly raised in the Notice of Appeal may be submitted by any party during the appeal hearing, subject to any additional rules of procedure that may be adopted from time to time by the appellate body.

**THE DEADLINE FOR FILING AN APPEAL IS 5:00 PM ON NOVEMBER 5, 2004.**

Questions:

If you have any questions, please call the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon at (503) 639-4171.

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PREPARED BY: Mathew Scheidegger  
Associate Planner

\_\_\_\_\_  
October 22, 2004  
DATE

\_\_\_\_\_  
APPROVED BY: Richard Bewersdorff  
Planning Manager

\_\_\_\_\_  
October 22, 2004  
DATE