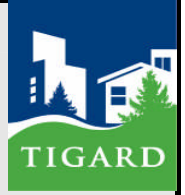


NOTICE OF TYPE II DECISION
MINOR LAND PARTITION (MLP) 2007-00008
HANSEN PARTITION



120 DAYS =8/22/2007

SECTION I. APPLICATION SUMMARY

FILE NAME: _____ **HANSEN PARTITION**
CASE NOS: **Minor Land Partition (MLP)** **MLP2007-00008**
Adjustment (VAR) **VAR2007-00012**

PROPOSAL: The applicants are requesting approval to partition a 22,498-square foot lot into two lots of 11,014 square feet and 11,484 square feet. The existing single-family home will remain on the proposed 11,014-square foot corner lot and an additional single-family home will be built in the future. While the applicants do not have immediate plans to build an additional house, they would like to create a new lot of record. Both lots will share a common driveway on SW Walnut Street and the existing driveway on the future SW 129th Avenue will be closed off as required by the City. The applicant is requesting approval for an adjustment to the access spacing standard for the proposed shared access on SW Walnut Street. The adjustment would reduce the standard from 200 feet (for driveways and streets on a collector) to 130 feet.

APPLICANT/ OWNER:	Eric and Leslie Hansen 21565 SW Roellich Avenue Sherwood, OR 97410	APPLICANT'S REP:	Jeff Caines SR Design, LLC 8196 SW Hall Blvd. Beaverton, OR 97008
------------------------------	--	-----------------------------	--

**ZONING
DESIGNATION:** R-4.5: Low-Density Residential 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.

LOCATION: 12915 SW Walnut Street; Washington County Tax Map 2S104AD, Tax Lot 2700.

**APPLICABLE
REVIEW
CRITERIA:** Community Development Code Chapters 18.370, 18.390, 18.420, 18.510, 18.705, 18.715, 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** the above Minor Land Partition and Variance requests subject to certain conditions of approval. The findings and conclusions on which the decision is based are noted in Section V.

CONDITIONS OF APPROVAL

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

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the **CURRENT PLANNING DIVISION**, ATTN: Gary Pagenstecher 503-639-4171, EXT 2434. The cover letter shall clearly identify where in the submittal the required information is found:

1. Prior to final plat, the applicant must record a reciprocal easement for the common drive ensuring access and maintenance rights and provide a copy to the City.
2. Prior to final plat, the applicant shall submit a preliminary plat that shows the visual clearance areas accurately, in accordance with Tigard Community Development Code (TCDC) Section 18.795.040.
3. Prior to final plat approval, the applicant shall submit a cash assurance (letter of credit or cash deposit) for the equivalent value of mitigation required (24.5 caliper inches times \$125 per caliper inch = \$3,062). Any trees successfully planted on or off-site, in accordance with an approved Tree Mitigation plan and TDC 18.790.060.D, will be credited against the assurance for two years following final plat approval. After such time, the applicant shall pay the remaining value of the assurance as a fee in-lieu of planting.

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the **ENGINEERING DEPARTMENT**, ATTN: KIM MCMILLAN 503-639-4171, EXT 2642. The cover letter shall clearly identify where in the submittal the required information is found:

4. A Public Facility Improvement (PFI) permit is required for this project to cover connections to the public utilities 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.tigard-or.gov).
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. The applicant shall provide a construction vehicle access and parking plan for approval by the City Engineer. The purpose of this plan is for parking and traffic control during the public improvement construction phase.
7. The City Engineer may determine the necessity for, and require submittal and approval of, a construction access and parking plan for the home building phase. If the City Engineer deems such a plan necessary, the applicant shall provide the plan prior to issuance of building permits.
8. Prior to final plat approval, the applicant shall pay the addressing fee. (STAFF CONTACT: Bethany Stewart, Engineering).
9. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, indicating that they will construct the following frontage improvements along SW Walnut Street as a part of this project:
 - A. driveway apron; and
 - B. street trees in the planter strip spaced per TDC requirements.
10. Lots 1 & 2 shall not be permitted to access directly onto 129th Avenue.

11. The applicant's construction plans shall show the removal of 16 lineal feet of the concrete driveway and 15.5 lineal feet of the gravel driveway off of 129th Avenue, as shown on Sheet C2 of the land use application, to ensure the removal of access onto 129th from Parcels 1 & 2.
12. The applicant's plans shall show an on-site turn-around for Parcels 1 & 2 that will eliminate the need for a vehicle to back out onto Walnut Street.
13. The applicant shall provide a non-access strip on the final plat for the entire length of the Walnut Street frontage, except at the approved shared driveway location.
14. The applicant shall provide a non-access strip on the final plat for the entire length of the 129th Avenue frontage.
15. The applicant shall execute a Restrictive Covenant whereby they agree to complete or participate in the future public improvements of SW 129th Avenue adjacent to the subject property, when any of the following events occur:
 - A. when the improvements are part of a larger project to be financed or paid for by the formation of a Local Improvement District,
 - B. when the improvements are part of a larger project to be financed or paid for in whole or in part by the City or other public agency,
 - C. when the improvements are part of a larger project to be constructed by a third party and involves the sharing of design and/or construction expenses by the third party owner(s) of property in addition to the subject property, or
 - D. when construction of the improvements is deemed to be appropriate by the City Engineer in conjunction with construction of improvements by others adjacent to the subject site.
16. A joint use and maintenance agreement shall be executed and recorded on City standard forms for all common driveways. The agreement shall be referenced on and become part of all applicable parcel Deeds. The agreement shall be approved by the Engineering Department prior to recording.
17. The applicant shall provide a sanitary sewer lateral to parcel 2 from the sewer main in 129th Avenue if gravity flow is possible. If the lateral must connect to the main in Walnut Street the applicant's plans shall include pavement restoration per the City Engineer's direction.
18. The applicant shall revise the utility plan to provide weep hole outlets through the curb for the storm laterals. If this cannot be done, then the applicant's plan shall include pavement restoration per the City Engineer's direction.
19. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition."
20. Provide a fire hydrant, if required by TVFR.
21. 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) as recorded in Washington County survey records. 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.
22. 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. The right-of-way dedication for Walnut Street providing 35 feet from centerline and 129th Avenue providing 2 feet from edge of existing easement/property line shall be made on the final plat.
- 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 two 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:**

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the CURRENT PLANNING DIVISION, ATTN: Gary Pagenstecher 503-639-4171, EXT 2434. The cover letter shall clearly identify where in the submittal the required information is found:

- 23. Prior to issuance of building permits, the applicant shall:
 - A. Submit site plan drawings showing the accurate location of the trees that were preserved, the location of tree protection fencing, and the location of mitigation trees, if any. Attach copies of the approved Tree Protection and Mitigation Plans.
 - B. Submit a statement and signature of approval from a certified arborist regarding the siting and construction techniques to be employed in building the house with respect to any protected trees on site.
 - C. Install required tree protection fencing as specified by the project arborist and call for an inspection by the City Arborist.

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the ENGINEERING DEPARTMENT, ATTN: KIM MCMILLAN 503-639-4171, EXT 2642. The cover letter shall clearly identify where in the submittal the required information is found:

- 24. Prior to issuance of building permits, the applicant shall provide the Engineering Department with a "photomylar" copy of the recorded final plat.
- 25. 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).
- 26. The applicant shall either place the existing overhead utility lines along SW Walnut Street underground as a part of this project, or they shall pay the fee in-lieu of undergrounding. The fee shall be calculated by the frontage of the site that is parallel to the utility lines and will be \$35.00 per lineal foot. If the fee option is chosen, the amount will be \$5,740.00 and it shall be paid prior to issuance of building permits.
- 27. During issuance of the building permit for Parcels 1 & 2, the applicant shall pay the standard water quality and water quantity fees per lot (fee amounts will be the latest approved by CWS).
- 28. The applicant shall obtain a water meter service from the City of Tigard Water Department. It is recommended that the service be taken from the water main in 129th Avenue. If this cannot be done the applicant's plans shall be revised to provide for pavement restoration in Walnut Street per the City Engineer's direction.

**THE FOLLOWING CONDITIONS SHALL BE SATISFIED
PRIOR TO FINAL INSPECTION:**

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the CURRENT PLANNING DIVISION, ATTN: Gary Pagenstecher 503-639-4171, EXT 2434. The cover letter shall clearly identify where in the submittal the required information is found:

29. Prior to final inspection, the applicant shall plant street trees pursuant to TDC Section 18.745.040.C.
30. Prior to final inspection, the applicant shall record a deed restriction to the effect that any existing tree greater than 12 inches diameter may be removed only if the tree dies or is hazardous according to a certified arborist. The deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this decision should either die or be removed as a hazardous tree.

THIS APPROVAL IS VALID IF EXERCISED WITHIN EIGHTEEN (18) MONTHS OF THE EFFECTIVE DATE OF THIS DECISION NOTED UNDER THE PROCESS AND APPEAL SECTION OF THIS DECISION.

SECTION III. BACKGROUND INFORMATION

Property History:

The subject property was developed in 1951 with a single-family dwelling, which is proposed to be retained on Lot 1. The SW Walnut Street Improvement project improved the Walnut Street frontage of the property with a sidewalk.

Site Information and Proposal Descriptions

The subject .54-acre (23,522 square feet) site slopes gently from a 97-foot elevation on the west to an 88-foot elevation on the east. The site is bordered by SW Walnut on the south, the SW 129th alignment (unimproved future right-of-way) on the west and single-family dwellings on the north and east. Vegetation on the site includes lawn, shrubs, and approximately 22 trees, 11 of which are greater than 12 inches in diameter.

The applicants are requesting approval to partition the subject lot into two lots of 11,014 square feet and 11,484 square feet. The existing single-family home will remain on the proposed 11,014-square foot corner lot and an additional single-family home will be built in the future. Both lots will share a common driveway on SW Walnut Street and the existing driveway on the future SW 129th Avenue will be closed off as required by the City. The applicant is requesting approval for an adjustment to the access spacing standard for the proposed shared access on SW Walnut Street. The adjustment would reduce the standard from 200 feet (for driveways and streets on a collector) to 130 feet.

SECTION IV. PUBLIC COMMENTS

The City mailed notice to property owners within 500 feet of the subject site providing them an opportunity to comment. The City did not receive any written comments.

SECTION V. APPLICABLE REVIEW CRITERIA AND FINDINGS

Variances and Adjustments (18.370):

The purpose of this section is to provide standards for the granting of variances from the applicable zoning requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific property, the literal interpretation of the provisions of the applicable zone would cause an undue or unnecessary hardship, except that no use variances shall be granted.

The applicant has requested a special adjustment for the 200 foot access spacing standard for the proposed joint access for Lots 1 and 2 on SW Walnut Street (18.705.030.H.3).

Adjustment to access and egress standards (Chapter 18.705).

a. In all zoning districts where access and egress drives cannot be readily designed to conform to Code standards within a particular parcel, access with an adjoining property shall be considered. If access in conjunction with another parcel cannot reasonably be achieved, the Director may grant an adjustment to the access requirements of Chapter 18.705 through a Type II procedure, as governed in Section 18.390.030, using approval criteria contained in Subsection 2b below.

The applicant has requested a variance to the 200-foot access spacing standard for driveways and streets along a collector (18.705.030.H.3) for the proposed access on SW Walnut Street. Five driveways and SW 128th Avenue are located within 200 feet of the proposed joint driveway access for Parcels #1 and #2. Therefore, the access cannot be designed to conform to the 200-foot spacing standard. However, as proposed, the joint access is consistent with this standard.

b. The Director may approve, approve with conditions, or deny a request for an adjustment from the access requirements contained in Chapter 18.705, based on the following criteria:

(1) It is not possible to share access;

Joint access is proposed.

(2) There are no other alternative access points on the street in question or from another street;

The proposed driveway location is necessary because the current access to the existing dwelling from 129th is precluded by code restrictions on the number of parcels (6) that can be served by a private street (private street owned by Hao Pham, 2S104AD02800 & 4600). There are currently 8 dwellings that are accessed off the future SW 129th Avenue alignment. Therefore, other than SW Walnut Street, no other alternative access points are available for the subject parcel.

(3) The access separation requirements cannot be met;

The forgoing analysis demonstrates that the existing driveways and streets do not meet the standard. Therefore, the access separation requirements cannot be met with the proposed development.

(4) The request is the minimum adjustment required to provide adequate access;

The proposed location of the driveway is roughly mid-way between SW 128th and 129th Avenues, consistent with this standard.

(5) The approved access or access approved with conditions will result in a safe access; and

An Intersection Sight Distance Certification prepared by Steve Roper, P.E., dated March 8, 2007, submitted for review with this application, concludes that the proposed driveway location conforms to the requirements for sight distance as set forth in the Tigard Development Code. Therefore, the driveway location will result in a safe access, consistent with this standard.

(6) The visual clearance requirements of Chapter 18.795 will be met.

The applicant shows the visual clearance areas on the site plan, consistent with this standard.

FINDING: The criteria for granting the requested adjustment to the street spacing standard have been met. Therefore, the adjustment can be granted.

Land Partitions (18.420):

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

The proposed partition complies or can be made to comply with all statutory and ordinance requirements and regulations as demonstrated by the analysis contained within this administrative decision and through the imposition of conditions of development approval. Provided all necessary conditions are satisfied as part of the development and building process, this criterion is met.

There are adequate public facilities available to serve the proposal;

Public facilities are discussed in detail later in this decision under Chapter 18.810 (Street & Utility Improvement Standards). 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 under Chapter 18.810 (Street & Utility Improvement Standards). Improvements will be reviewed as part of the permit process and during construction, at which time the appropriate review authority will ensure that City and applicable agency standards are met. Based on the analysis in this decision, Staff finds that 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 average minimum lot width required for the R-4.5 zoning district is 50 feet. The average width for Parcel #1 is 85 feet; parcel #2 is 87 feet wide. Therefore, this criterion has been 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 detached single-family units. The proposed partition creates two (2) lots that are 11,014 and 11,484 square feet respectively. Therefore, this criterion has been met.

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.

The proposed partition plat illustrates that the proposed parcels meet this standard as Parcel #1 is a corner lot with 85 feet of frontage on SW Walnut Street and Parcel #2 is an interior lot with 87 feet of frontage on SW Walnut Street.

Setbacks shall be as required by the applicable zoning district.

The setbacks for the R-4.5 zoning district are as follows: front = 20 feet; side = 5 feet; side on a corner = 15 feet; and rear = 15 feet. The existing house on Parcel #1 is proposed to remain. According to the applicant's Improvement Plan (Sheet C3) the setbacks for the existing house on Lot #1 and the proposed building envelope on Lot #2 meet these criteria. As indicated in Table 18.510 below, setback standards for proposed Lot #2 will be reviewed at the time of building permit submittal and the proposed building envelope shows these standards can be met, consistent with this standard.

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 not a flag lot. Therefore, this standard does not apply.

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 joint access includes an access easement over Parcel #2 for the benefit of Parcel #1. This 20-foot by 40-foot easement is located adjacent to SW Walnut Street and only 20 feet along the property line. Therefore, screening would not be appropriate in this case.

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.

Two fire hydrants already exist within 200 feet of the subject parcel on SW Walnut Street. Tualatin Valley Fire and Rescue has reviewed the proposal and endorses it without comment or condition.

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.

A common driveway is proposed to serve both parcels #1 and #2. Therefore, the applicant must record a reciprocal easement for the common drive ensuring access and maintenance rights and provide a copy to the City.

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 subject lot is located approximately 3,000 feet southeast of the one-hundred-year floodplain located in the vicinity of SW 121st Avenue and Katherine Street. The flood elevation closest to the parcel is 166 feet; the parcel elevation is 260 feet. 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.

The application does not include any variances requested from the standards in the land partition chapter. Therefore, this standard does not apply.

FINDINGS: The proposed minor land partition meets, or can meet all of the relevant standards of the land partition section as indicated in the above findings and following sections of this decision, provided the following condition of approval is met

CONDITION: Prior to final plat, the applicant must record a reciprocal easement for the common drive ensuring access and maintenance rights and provide a copy to the City.

Residential Zoning Districts (18.510):

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

TABLE 18.510.2 - DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES

STANDARD	R-4.5	Parcel 1	Parcel 2
Minimum Lot Size			
- Detached unit	7,500 sq. ft.	11,014 sq. ft.	11,484 sq. ft.
- Duplexes	10,000 sq. ft.		
- Attached unit			
Average Minimum Lot Width			
- Detached unit lots	50 ft.	85 ft.	87 ft.
- Duplex lots	90 ft.		
- Attached unit lots			
Maximum Lot Coverage	-	NA	NA
Minimum Setbacks			
- Front yard	20 ft.	28 ft.	20
- Side facing street on corner & through lots	15 ft.	24 ft.	NA
- Side yard	5 ft.	18 ft.	20/28
- Rear yard	15 ft.	22 ft.	50
- Side or rear yard abutting more restrictive zoning district	--	NA	NA
- Distance between property line and front of garage	20 ft.	24 ft.	>20 ft.
- Side Yard Setbacks for Flag Lots [TDC 18.420.050(A)(4)(e)]	10 ft.	NA	10
Maximum Height	35 ft.	existing	< or = 30 ft.
Minimum Landscape Requirement	-	NA	NA

FINDING: No specific development is proposed for Parcel #2. However, a 40 foot x 40 foot building envelope on Sheet C3 demonstrates that the applicable setbacks can be met. As demonstrated in the above table, the development standards of the R-4.5 zone can be met.

Access, Egress and Circulation (18.705):

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.

The provisions and maintenance of access and egress stipulated in this title are continuing requirements of the owners of these parcels.

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.

An Intersection Sight Distance Certification prepared by Steve Roper, P.E., dated March 8, 2007, submitted for review with this application, concludes that the proposed driveway location conforms to the requirements for sight distance as set forth in the Tigard Development Code.

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 existing driveway apron is approximately 110 feet from the intersection of 128th Avenue and Walnut Street, which does not meet this criterion. The project has more than 150 feet of street frontage, but is still proposing a shared access for the two created parcels. Moving the shared access further to the east in order to meet the 150 feet minimum would create a driveway across the entire frontage of Parcel 2 in order to serve Parcel 1. This would have the look of a small frontage road parallel to Walnut Street and would not greatly improve the safety or workings within the influence area of the collector intersection. The applicant's request to leave the existing driveway apron and use it as shared access for Parcels 1 & 2 is approved.

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 existing driveway apron the applicant has proposed as a shared driveway does not meet the minimum 200 feet spacing standard. There are several driveways and streets on both sides of Walnut within 200 feet of the proposed access. The applicant has requested an adjustment to this section of the code per 18.370. The applicant shall record on the plat a non-access strip along the entire length of the Walnut Street frontage, except at the approved shared driveway location.

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.

A common driveway is proposed to serve both parcels #1 and #2. The applicant has been required through a condition of approval earlier in this decision to record a reciprocal easement for the common drive ensuring access and maintenance rights and provide a copy to the City, consistent with this standard.

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.

The proposed driveway will connect directly with SW Walnut Street, consistent with this standard.

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 have a common access to SW Walnut Street. Comments received from Tualatin Valley Fire and Rescue state that there are no conflicts with the proposed access. Therefore, this standard is met.

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%.

No access drives in excess of 150 feet are proposed. Therefore, this standard does not apply.

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.

Tualatin Valley Fire & Rescue commented that they had no issues with the proposed driveway access. In addition, sight distance and visual clearance areas will be required at the proposed access location. Existing access from the adjacent future 129th Avenue will be closed with this application. Therefore, this standard has been met.

FINDING: The standards of the Access Management chapter (18.705) have not been met, but can be met with the following condition of approval.

CONDITION: Prior to final plat, the applicant shall record on the plat a non-access strip along the entire length of the Walnut Street frontage, except at the approved shared driveway location.

Density Computations (18.715):

A. 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:

1. All sensitive land areas
2. All land dedicated to the public for park purposes;
3. All land dedicated for public rights-of-way.
4. All land proposed for private streets; and
5. A lot of at least the size required by the applicable base zoning district, if an existing dwelling is to remain on the site.

B. 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.

C. 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 subject .54-acre parcel totals 23,654 square feet. There are no sensitive land areas or private streets within the subject proposal. To determine the net developable area, the square footage to accommodate the existing house on Parcel #1 (11,014 square feet) and the SW Walnut Street and SW 129th Avenue rights-of-way dedications (1,156 square feet) are deducted (23,654 gross square feet – 12,170 square feet deductions = 10,650 net developable square feet). As the minimum lot size for the R-4.5 zone is 7,500 square feet, the maximum number of additional lots is one. The minimum number of additional lots is one. The proposed partition creates two (2) separate lots in conformance with the density requirements.

FINDING: Based on the analysis above, the Density Computation Standards have been met.

Landscaping and Screening (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 subject site includes frontage on SW Walnut Street and SW 129th Avenue. The required trees shall be planted in accordance with the standards for size and spacing in this title, under Section 18.745.040.C.

Buffering and Screening Requirements: Section 18.745.050.5

The proposed land partition occurs on a parcel surrounded by the same land use designation (R-4.5) as the subject parcel. Therefore, no buffering or screening is required for the proposed land partition.

FINDING: All of the landscape standards have not been met. However, with a condition of approval requiring planting of street trees along SW Walnut Street, the criteria can be met.

CONDITION: Prior to final inspection, the applicant shall plant street trees pursuant to TDC Section 18.745.040.C.

Off-Street Parking and Loading Requirements (18.765):

Section 18.765.020.A states that at the time of the erection of a new structure within any zoning district, off-street vehicle parking will be provided in accordance with Section 18.765.070 (minimum and maximum parking requirements).

For single-family dwellings, one parking space per dwelling unit is required. The applicant acknowledges this requirement. In addition, compliance will be regulated at the time of building permits. Therefore, this criterion is met.

FINDING: Based on the findings above, parking and loading requirements have been met.

Tree Removal (18.790):

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 submitted tree removal and tree protection plans (Sheets 2 and 3) and an arborist report dated March 16, 2007, prepared by a certified arborist, Terrance Flanagan. The applicant's Existing Conditions plan identifies a total of 22 trees greater than 6 inches DBH on the subject site. Of this total, 11 are greater than 12 inches in diameter, 8 of which will be retained (72%). A retention rate of 50% to 75% requires mitigation of 50% of the diameter inches proposed for removal (47 inches x .5 = 24.5 inches). Trees numbered 2 thru 8, 10, and 18 will be retained as shown on the tree protection plan.

FINDING: Based on the analysis above, the Tree Removal Standards have been met. To ensure trees are protected throughout building construction, the following conditions of approval shall be required:

CONDITIONS:

- ◆ Prior to final plat approval, the applicant shall submit a cash assurance (letter of credit or cash deposit) for the equivalent value of mitigation required (24.5 caliper inches times \$125 per caliper inch = \$3,062). Any trees successfully planted on or off-site, in accordance with an approved Tree Mitigation plan and TDC 18.790.060.D, will be credited against the assurance for two years following final plat approval. After such time, the applicant shall pay the remaining value of the assurance as a fee in-lieu of planting.

- ◆ Prior to issuance of building permits, the applicant (developer or builder) shall:
 - A. Submit site plan drawings showing the accurate location of the trees that were preserved, the location of tree protection fencing, and the location of mitigation trees, if any. Attach copies of the approved Tree Protection and Mitigation Plans.
 - B. Submit a statement and signature of approval from a certified arborist regarding the siting and construction techniques to be employed in building the house with respect to any protected trees on site.
 - C. Install required tree protection fencing as specified by the project arborist and call for an inspection by the City Arborist.

- ◆ Prior to final inspection, the applicant shall record a deed restriction to the effect that any existing tree greater than 12 inches diameter may be removed only if the tree dies or is hazardous according to a certified arborist. The deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this decision should either die or be removed as a hazardous tree.

Visual Clearance Areas (18.795):

This Chapter requires that a clear vision area shall be maintained on the corners of all property adjacent to intersecting right-of-ways or the intersection of a public street and a private driveway. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure, or temporary or permanent obstruction exceeding three (3) feet in height. The code provides that obstructions that may be located in this area shall be visually clear between three (3) and eight (8) feet in height. Trees may be placed within this area provided that all branches below eight (8) feet are removed. A visual clearance area is the triangular area formed by measuring from the corner, 30-feet along the right-of-way and along the driveway and connecting these two points with a straight line.

The applicant's site plan shows the vision clearance triangle for the joint access drive onto SW Walnut for both proposed parcels. The visual clearance areas will also need to be included on the preliminary plat.

FINDING: Based on the analysis above, Staff finds that the Vision Clearance Standards are met. To ensure visual clearance is maintained, a condition shall be required for such areas to be indicated on the final plat.

CONDITION: Prior to final plat, the applicant shall submit a preliminary plat that shows the visual clearance areas accurately, in accordance with Tigard Community Development Code (TCDC) Section 18.795.040.

Impact Study (18.390):

Section 18.360.090 states, The Director shall make a finding with respect to each of the following criteria when approving, approving with conditions or denying an application:

Section 18.390.040 states that the applicant shall provide an impact study to quantify the effect of development on public facilities and services. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standard, and to minimize the 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 a requirement for public right-of-way dedication, or provide evidence that supports that the real property dedication is not roughly proportional to the projected impacts of the development. Section 18.390.040 states that when a condition of approval requires the transfer to the public of an interest in real property, the approval authority shall adopt findings which support the conclusion that the interest in real property to be transferred is roughly proportional to the impact the proposed development will have on the public.

The applicant's representative submitted an impact study. SW Walnut Street has recently been improved, including sidewalks. Access to future SW 129th Avenue will be closed. In order to mitigate the impact from this development, the applicant will provide a future improvement guarantee for improvements to these streets. The applicant will be extending storm drainage connections to the two parcels to account for the additional impervious area being added to the site. Sewer is already available and has sufficient capacity to serve the development. Other impacts to public facilities are offset by the collection of Systems Development Charges (SDC's) collected at the time of building permit issuance.

The Washington County Traffic Impact Fee (TIF) is a mitigation measure that is 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. The applicant will be required to pay a TIF's of \$3,020 for the proposed new dwelling unit on Lot #2.

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 project's traffic impact is \$9,437 (\$3,020 divided by .32). The difference between the TIF paid, and the full impact, is considered the unmitigated impact on the street system. The unmitigated impact of this project on the transportation system is \$6,417 (\$9,437-\$3,020). The applicant has concurred with the dedication of additional right-of-way along SW Walnut Street and SW 129th Avenue (approximately 1,156 square feet) for future road improvements. At \$3 per square foot for residentially zoned land, the value of the dedication would be approximately \$3,468. Therefore, the required dedication is roughly proportionate.

Estimated Value of Impacts

Full Impact.....	\$9,437
Less TIF Assessment.....	3,020
Less Mitigated Costs.....	3,468
<u>Estimated Value of Unmitigated Impacts</u>	<u>2,949</u>

PUBLIC FACILITY CONCERNS

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 70-foot right-of-way width and 46-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 Walnut Street, which is classified as a Collector on the City of Tigard Transportation Plan Map. At present, there is approximately 30 feet of ROW from centerline, according to the most recent tax assessor's map. The applicant should dedicate the additional ROW to provide 35 feet from centerline.

SW Walnut Street is currently partially improved. In order to mitigate the impact from this development, the applicant should plant street trees, the size and spacing in accordance with the TSP.

Minimum Rights-of-Way and Street Widths: Section 18.810.030.E requires a Neighborhood Route to have a 54 right-of-way width and 32-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 129th Avenue, which is classified as a future local street on the City of Tigard Transportation Plan Map. At present, there is approximately 50 feet in an easement to serve several properties, according to the most recent tax assessor's map. The applicant should dedicate 2 feet to provide for 27 feet from centerline in the future when this section of 129th Avenue becomes a public street.

SW 129th Avenue is currently a private street and partially improved. The applicant will no longer be allowed to take access from 129th Avenue because the spacing standards of 18.705 cannot be met and an alternate access is being provided on Walnut Street. In order to mitigate the impact from this development, the applicant should remove 16 lineal feet of the existing concrete driveway and 15.5 lineal feet of the gravel driveway, as shown on Sheet C2 of the

submitted plans. The applicant's plans also show the removal of a portion of the walkway, but since it is not for vehicular access it is not necessary that it be removed. The applicant shall also enter into an agreement for future street improvements along their frontage of 129th Avenue. The applicant shall record on the plat a non-access strip along the entire length of the 129th Avenue frontage.

Future Street Plan and Extension of Streets: Section 18.810.030.F states that a future street plan shall be filed which shows the pattern of existing and proposed future streets from the boundaries of the proposed land division. This section also states that where it is necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed and a barricade shall be constructed at the end of the street. These street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets at such time as the adjoining property is developed. A barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the City Engineer, the cost of which shall be included in the street construction cost. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub streets in excess of 150 feet in length.

The future extension of SW 129th Avenue as a public street is anticipated. Currently, there is a 50 foot easement providing access to several properties. Upon future development of Tax Lot 2S104AD02800, it is likely that 129th Avenue will be developed as a public street connecting Walnut Street to the public portion of 129th Avenue to the north.

Access to Arterials and Major Collectors: Section 18.810.030.Q states that where a development abuts or is traversed by an existing or proposed arterial or major collector street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:

- ◆ A parallel access street along the arterial or major collector;
- ◆ Lots of suitable depth abutting the arterial or major collector to provide adequate buffering with frontage along another street;
- ◆ Screen planting at the rear or side property line to be contained in a non-access reservation along the arterial or major collector; or
- ◆ Other treatment suitable to meet the objectives of this subsection;
- ◆ If a lot has access to two streets with different classifications, primary access should be from the lower classification street.

The applicant has proposed a shared driveway on the Walnut Street frontage. Walnut Street is classified as a Collector on the City of Tigard TSP. There is no other alternative for access to this development. The applicant states they will ensure adequate protection for the residential properties exist to minimize traffic conflicts. The applicant shall provide for an on-site turn-around that will eliminate the need for a vehicle to back out onto Walnut Street, thus minimizing traffic conflicts on Walnut Street.

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 new streets are being created with this partition. Therefore, this standard is not applicable.

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.

Similarly, since no streets are being proposed, and no connections are required, this standard is not applicable.

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.

Proposed Parcel #1 has a lot depth of approximately 130 feet and a lot width of 85 feet. Proposed Parcel #2 has a lot depth of 135 feet and a lot width of 87 feet. Neither of the proposed parcels has a lot depth greater than 2.5 times the average lot width, consistent with this standard.

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 proposed development is a minor land partition. Proposed Parcel #1 has a frontage of 85 lineal feet on SW Walnut Street; Parcel #2 has 87 feet of frontage on SW Walnut Street. Therefore, this criterion is met.

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.

There is an existing sidewalk along the Walnut Street frontage that meets this criterion. There is no sidewalk along the future 129th Avenue frontage, but the applicant will enter into a future street improvement agreement which will include sidewalk, thereby meeting this criterion for that frontage.

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 the existing home is served by a lateral from the existing sewer main in 129th Avenue. The plans also show a new lateral to parcel 2 from the sewer main in Walnut Street. The applicant's engineer may want to explore the option of serving parcel 2 from the main in 129th Avenue. If utility cuts are made in Walnut Street the City Engineer may require grinding of the asphalt pavement section or other restoration methods before repaving.

Storm Drainage:

General Provisions: Section 18.810.100.A states 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 are no upstream drainage ways that impact this development.

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.

The impact of a small residential development, such as a minor land partition, does not typically require stormwater detention. A fee-in-lieu of detention is allowed in these cases and staff recommends this.

The applicant's plans show two storm sewer laterals connecting to the existing storm sewer main in Walnut Street. While laterals are usually encouraged, in this case a storm line through the curb may be acceptable. Any cutting of the asphalt pavement section may require grinding and pavement restoration as directed by the City Engineer.

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.

The bikeway improvements, including striping of the bikeway occurred with the SW Walnut Street improvements. Therefore, this standard does not apply.

Utilities:

Section 18.810.120 states that all utility lines, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

- ◆ The developer shall make all necessary arrangements with the serving utility to provide the underground services;
- ◆ The City reserves the right to approve location of all surface mounted facilities;
- ◆ All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
- ◆ Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

Exception to Under-Grounding Requirement: Section 18.810.120.C states that a developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of under-grounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which under-grounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay a fee in-lieu of under-grounding.

There are existing overhead utility lines along the frontage of SW Walnut Street and 129th Avenue. If the fee in-lieu is proposed, it is equal to \$35.00 per lineal foot of street frontage that contains the overhead lines. The Walnut Street frontage along this site is 164 lineal feet; therefore the fee would be \$5,740.00.

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

Fire and Life Safety:

TVFR provides service in this area. The applicant has provided correspondence with the Deputy Fire Marshal II, dated February 20, 2007. The Deputy Fire Marshall II reviewed the preliminary plans and did not see any conflicts with TVFR requirements for access to "within 150 feet of the first story of any building or structure as hose is laid." He also states that the requirements for fire hydrant distance and fire flow demand would apply. Therefore, a fire hydrant may be required to be installed off the main in 129th Avenue.

Public Water System:

The City of Tigard provides service in this area of Tigard. The applicant indicates the existing water meter is located off of the existing main line in 129th Avenue. The proposed meter to serve parcel 2 is shown off the water main in Walnut Street. The applicant's engineer should work with the Water Department to locate the new meter off the main in 129th Avenue to avoid cutting the new asphalt pavement in Walnut Street. If this cannot be done the applicant needs to be aware that pavement restoration will be required that may include grinding.

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 Parcel 2. Rather, the CWS standards provide that applicants should pay a fee in-lieu of constructing a facility if deemed appropriate. Staff recommends payment of the fee in-lieu on this application.

Grading and Erosion Control:

CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

The applicant shall submit an erosion control plan for review and approval with their PFI permit 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.

SECTION VI. OTHER STAFF COMMENTS

City of Tigard Building Department has reviewed the proposal and has no objection to it.

City of Tigard Public Works Department has reviewed the proposal and commented that the City of Tigard will install the water meter.

SECTION VII. AGENCY COMMENTS

Clean Water Services (CWS) submitted a Service Provider Letter dated February 2, 2007 (07-000395) which determined no sensitive areas were identified within 200 feet of the subject site. CWS also submitted Review Comments dated May 14, 2007 which address general comments, sanitary sewer, storm drainage, water quality, and erosion control issues. These issues have been addressed in the Streets and Utilities section of the decision above.

Tualatin Valley Fire and Rescue has reviewed the proposal and endorses it without comment or condition.

SECTION VIII. 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 ON JUNE 21, 2007 AND BECOMES EFFECTIVE ON JULY 7, 2007 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 JULY 6, 2007.

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.


PREPARED BY: Gary Pagenstecher
Associate Planner

June 21, 2007
DATE


APPROVED BY: Richard Bewersdorff
Planning Manager

June 21, 2007
DATE

VICINITY MAP

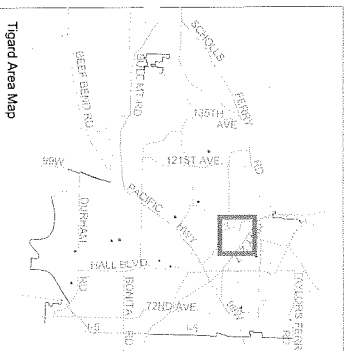
MLP2007-00008
VAR2007-00012

HANSEN PARTITION

SITE



SUBJECT
SITE



0 100 200 300 400 500 Feet

1" = 391 feet



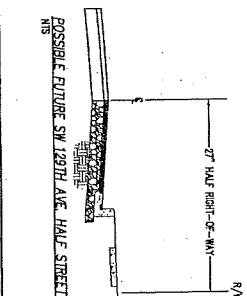
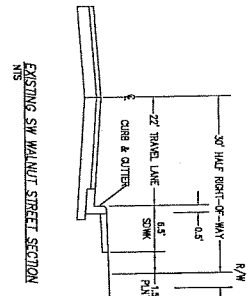
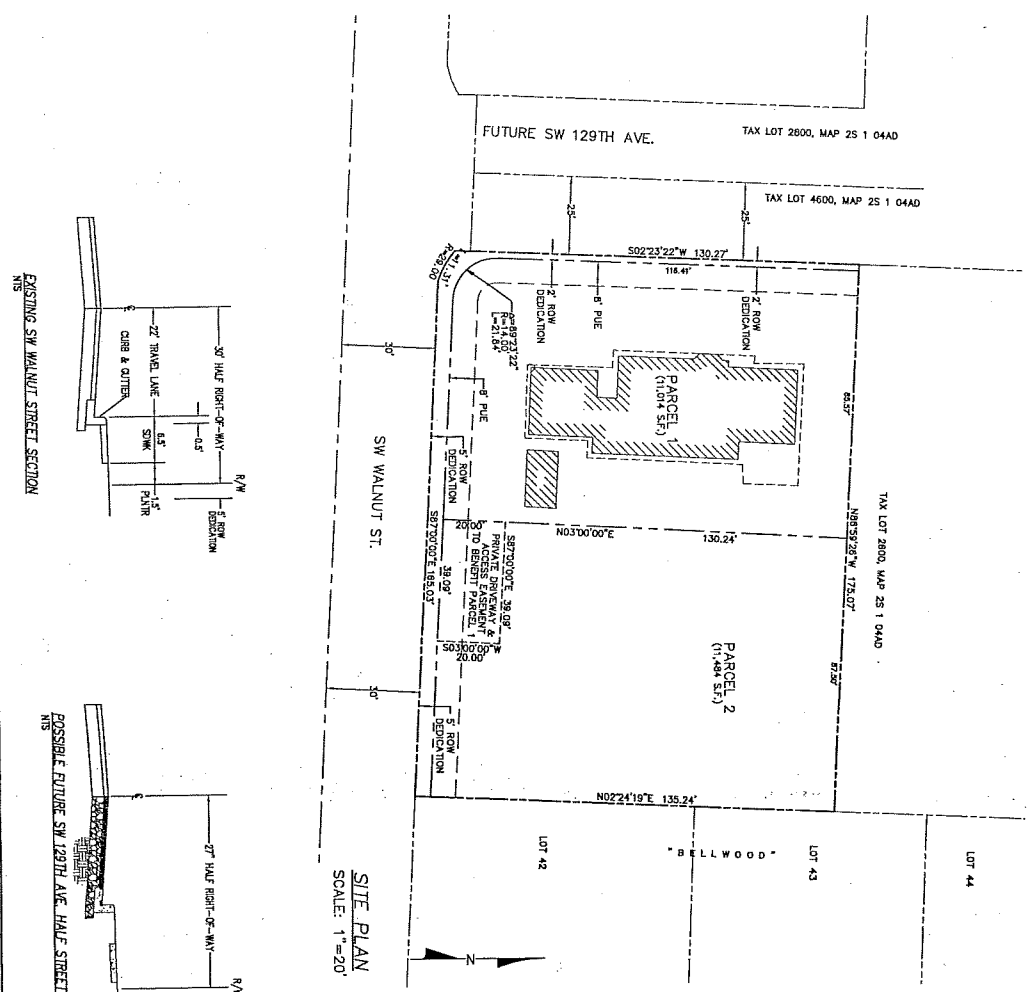
Information on this map is for general location only and should be verified with the Development Services Division.

13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171

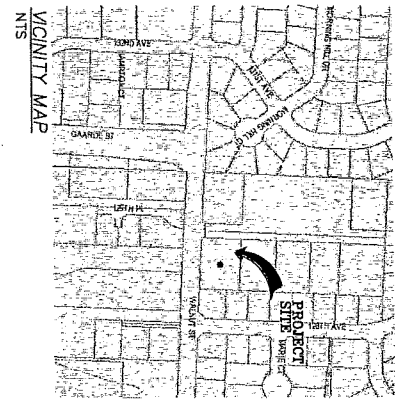
<http://www.ci.tigard.or.us>

WALNUT STREET PARTITION

A 2-LOT PARTITION



SITE PLAN
SCALE: 1"=20'



- SHEET INDEX**
- C1 COVER/PLAT PLAN
 - C2 EXISTING CONDITIONS/REVOLUTION/TREE PLAN
 - C3 IMPROVEMENT PLAN

PROJECT TEAM

DEVELOPER
ERIC AND LESLIE HANSEN
2190 SW WALNUT ST.
BEAVERTON, OR 97008
PHONE - (503) 623-1811
CONTACT: ERIC HANSEN

CIVIL ENGINEER
SR DESIGN LLC
6198 SW HALL BLVD., SUITE 232
BEAVERTON, OR 97008
PHONE - (503) 469-1213
FAX - (503) 469-8553
CONTACT: STEVE HANSEN

SURVEYOR
SR DESIGN LLC
6198 SW HALL BLVD., SUITE 232
BEAVERTON, OR 97008
PHONE - (503) 469-1213
FAX - (503) 469-8553
CONTACT: TERRY BOLDEN

ARBORIST
TERSON & ASSOCIATES, INC
3146 WESTERN CIRCLE
LAKE OSWEGO, OREGON 97034
PHONE - (503) 666-4113
CONTACT: TERRY PLANNING

SITE INFORMATION

ZONING: R-1.5
 AREA: 0.54 ACRES = 23,654 SQ. FT.
 R/W DEDICATION: 116.41 SQ. FT.
 TOTAL NET AREA: 22,489 SQ. FT.
 ZONING MINIMUM LOT AREA: 7,500 SQ. FT.
 MAX DENSITY: 3 LOTS
 MINIMUM DENSITY: 2 LOTS
 MINIMUM FRONT SETBACK: 15'
 MINIMUM SIDE SETBACK: 15'
 MINIMUM REAR SETBACK: 15'
 SEE YARD SETBACK: 5'

GENERAL DESCRIPTION

LOCATED ON THE NORTH SIDE OF WALNUT ST. AND JUST EAST OF THE INTERSECTION OF SW 129TH AND WALNUT ST. IN TIGARD, OREGON.

LEGAL DESCRIPTION

TAX MAP: 251 04AD
 TAX LOT: 0220
 NE 1/4 SECTION 4, T2S, 1 R/W, W1/4
 WASHINGTON COUNTY, OREGON

**COVER/PLAT PLAN
WALNUT STREET PARTITION**

12915 SW WALNUT ST.
TIGARD, OREGON
FOR: ERIC AND LESLIE HANSEN



SR Design LLC
ENGINEERING - PLANNING

8196 SW HALL BLVD., STE. 232
BEAVERTON, OR 97008
PHONE: (503) 469-1213 FAX: (503) 469-8553

DATE	DESCRIPTION	DATE
3/19/07	DESIGNED: C. HANSEN	
	CHECKED: S. HANSEN	
	DATE: 3/19/07	

PROJECT NO. **HAN001**
CASE FILE NO.

SHEET NO. **C1**