120 DAYS = 1/26/2008 (Includes a 59-day extension)
DATE OF FILING: 1/10/2008
DATE MAILED: 1/11/2008

CITY OF TIGARD

Washington County, Oregon

NOTICE OF FINAL ORDER BY THE HEARINGS OFFICER

Case Numbers:	**SUBDIVISION (SUB) 2007-00008**
	SENSITIVE LANDS REVIEW (SLR) 2007-00002
	TREE REMOVAL PERMIT (TRE) 2007-00001
Case Name:	**"APPEAL" OF SUNRISE LANE SUBDIVISION**
Applicant's Name/Address:	DR Horton, Inc. – Portland c/o J/T Smith Companies 4386 SW Macadam, Suite 102 Portland, Oregon 97239
Owner's Names/Addresses:	DR Horton, Inc. – Portland
Appellant's Name/Address:	Constantin Costiuc PO Box 230943 Portland, Oregon 97281
Address of Property:	North and east of SW Sunrise Lane at SW 150th Avenue Tigard, Oregon 97224
Tax Map/Lot Nos.:	Washington Co. Tax Assessor's Map No. 2S105DD, Tax Lots 400/500/1000/1100/1300/1400/1500/1600 and 1700.

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS **DENYING AN APPEAL** AND APPROVING A REQUEST FOR A **SUBDIVISION, SENSITIVE LANDS REVIEW AND TREE REMOVAL.**

THE CITY OF TIGARD HEARINGS OFFICER HAS REVIEWED THE APPLICANT'S PLANS, NARRATIVE, MATERIALS, COMMENTS OF REVIEWING AGENCIES, THE PLANNING DIVISION'S STAFF REPORT AND RECOMMENDATIONS FOR THE APPLICATION DESCRIBED IN FURTHER DETAIL IN THE STAFF REPORT. THE HEARINGS OFFICER HELD THE PUBLIC HEARING ON THIS ITEM ON **DECEMBER 10, 2007** PRIOR TO MAKING A DECISION ON THE REQUEST. THIS DECISION HAS BEEN BASED ON THE FACTS, FINDINGS AND CONCLUSIONS CONTAINED WITHIN THIS FINAL ORDER.

Item on Appeal: On October 25, 2007, the planning manager (the "manager") issued a decision approving a request to subdivide 79 lots on an approximately 19.95-acre site, development on slopes greater than 25%, and removal of 121 trees located in areas of steep slopes. On November 8, 2007, an appeal was filed by John Rankin on behalf of Constantin Costiuc (the "appellant"). The appeal alleged that the manager's decision failed to provide street and utility access to the middle portion of the appellant's property, Tax Lot 100 directly north of the site, as allegedly required by certain sections of the Tigard Development Code (the "TDC"). **On December 10, 2007, the hearing's officer conducted a duly noticed public hearing to consider the appeal. At the end of the hearing, the hearing's officer ordered the record held open until January 2, 2008, then denied the appeal and affirmed the decision of the manager without modification and approved the applications subject to the conditions of approval in the manager's October 25, 2007 decision.**

Zone: R-7: Medium-Density Residential District. Review Criteria Being Appealed: Community Development Code Chapter 18.810.030.

Action: ➢ ☐ Approval as Requested ☒ Approval with Conditions ☐ Denial

Notice: Notice was published in the newspaper and mailed to:
☒ Owners of Record within the Required Distance
☒ Affected Government Agencies
☒ Interested Parties
☒ The Applicants and Owners

Final Decision:

THIS IS THE FINAL DECISION OF THE CITY AND IS EFFECTIVE ON JANUARY 11, 2008.

The adopted findings of fact, decision and statement of conditions can be obtained from the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon.

Appeal: A review of this decision may be obtained by filing a notice of intent to appeal with the Oregon Land Use Board of Appeals (LUBA) according to their procedures within 21 days.

Questions: If you have any questions, please call the City of Tigard Planning Division or the City Recorder at (503) 639-4171.

BEFORE THE LAND USE HEARINGS OFFICER
FOR THE CITY OF TIGARD, OREGON

Regarding an appeal of an administrative decision approving an application for a 79-lot subdivision on 19.95 acres on property located north and east of SW Sunrise Lane at SW 150th Avenue in the City of Tigard, Oregon	**F I N A L O R D E R** **SUB2007-00008** **(Sunrise Lane Subdivision)**

A. SUMMARY

1. The applicant, DR Horton, Inc. - Portland, requests approval of a preliminary plan for a 79-lot subdivision of a 19.95-acre parcel in the R-7 (Low Density Residential) zone located north and east of SW Sunrise Lane at SW 150th Avenue in the City of Tigard, Oregon. The legal description of the site is Tax Lots 400, 500, 1000, 1100, 1300, 1400, 1500, 1600 and 1700, WCTM 2S105DD (the "site"). The site is currently vacant. The applicant proposes to construct a new single-family detached dwelling on each of the proposed lots. The applicant proposes to extend new public streets into the site from the section of SW Sunrise Lane abutting the south boundary of the site. The applicant will stub an east-west street to the east boundary of the site to allow for further extension and cross circulation when the abutting property redevelops. The applicant will terminate the north-south street in a cul-de-sac near the north boundary of the site. In addition, the applicant will dedicate right of way and construct frontage improvements along the site's SW Sunrise Lane frontage. The applicant also requests approval of Sensitive Lands Review (SLR2007-00002) for development impacting slopes in excess of 25-percent and tree removal permits (TRE2007-0001) for removal of 121 regulated trees on the site. Additional basic facts about the site and the proposed development are set out in the City's administrative decision dated October 25, 2007.

2. On October 25, 2007, the Tigard Planning Manager (the "manager") issued a Type II decision approving the subdivision and associated applications subject to conditions of approval.

3. On November 8, 2007, the City received an appeal of the Director's decision filed by attorney John Rankin on behalf of Constantin Costiuc (the "appellant"). The appeal alleged that the manager's decision failed to provide street and utility access to the middle portion of the appellant's property, Tax Lot 100 directly north of the site, as allegedly required by certain sections of the Tigard Development Code (the "TDC").

4. On December 10, 2007, Tigard Land Use Hearings Officer Joe Turner (the "hearings officer") conducted a duly noticed public hearing to consider the appeal. City staff recommended the hearings officer deny the appeal and affirm the manager's decision. See the Memorandum to the Hearings Officer dated December 3, 2007 (the "Memorandum"). Representatives of the applicant testified in support of the application. Representatives of the appellant testified in support of the appeal. At the end of the

hearing, the hearings officer ordered the record held open until January 2, 2008. The principal issues in this case include the following:

a. Whether the purpose statements of the Code, the provisions of the comprehensive plan or "[p]rimary tenant[s] of land use planning…" are applicable approval criteria;

b. Whether TDC 18.810.030.F(2) requires the applicant to provide access to the central portion of tax lot 100 north of the site. Specifically, whether such access is "[n]ecessary to give access or permit a satisfactory future division of adjoining land…" (tax lot 100);

c. Whether TDC 18.810.030.F(2) requires the applicant to provide access to the central portion of tax lot 100 north of the site;

d. Whether TDC 18.810.030.C requires the applicant to provide easement access to the central portion of tax lot 100 north of the site; and

e. Whether the alleged loss of potential development on the appellant's property is not relevant to the applicable approval criteria.

5. Based on the findings and conclusions contained herein and the testimony and evidence in the public record, the hearings officer denies the appeal and affirms the administrative decision conditionally approving the application for the reasons provided herein.

B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the public hearing about the appeal on December 10, 2007. All exhibits and records of testimony are filed with the Tigard Department of Community Development. At the beginning of the hearing, the hearings officer made the declaration required by ORS 197.763. The hearings officer disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the hearings officer of selected testimony and evidence offered at the hearing.

2. City planner Gary Pagenstacher summarized the director's decision, the appeal and the Memorandum. He noted that the appellant argued that the applicant should be required to provide vehicular access to a developable area in the middle of his property, tax lot 100, abutting the north boundary of the site. The appellant argues that this portion of his property is otherwise landlocked and undevelopable.

a. He argued that the appellant's property is not landlocked. Sunrise Lane abuts the west boundary of tax lot 100. Therefore the appellant could develop tax lot 100 with two lots with access from Sunrise Lane. In addition, the appellant owns several other

contiguous properties, which abut other streets and could provide access to future development on the appellant's property.

b. He argued that it is not feasible to provide access to tax lot 100 through the site. The topography in the area precludes the extension of proposed SW 150th Avenue/Twilight Street within the site to provide access to the center of tax lot 100 as proposed by the appellant. In addition, such a street extension would conflict with the passive open space and wildlife corridor that the applicant proposed on the north end of the site in response to concerns expressed by the Oregon Department of Fish and Wildlife ("ODFW").

c. He testified that the City agreed to accept the applicant's dedication of Tract C as a park and open space tract. The City does not want a driveway bisecting the tract. CWS and the ODFW are unlikely to allow such an access due to its impacts on the wildlife corridor. The applicant had to eliminate seven lots from the proposed development in order to create a wildlife corridor on the site.

3. Attorney Michael Robinson and professional engineer Randy Dyer testified on behalf of the applicant.

a. Mr. Robinson argued that the Code does not require that the applicant provide access to the center of tax lot 100 as requested by the appellant.

i. He argued that TDC 18.81.030.F(2) does not apply, because a street extension is not "[n]ecessary to give access or permit a satisfactory future division of [tax lot 100]…"

(A) Extension of the on-site streets is not "[n]ecessary to give access…" to tax lot 100. The appellant can access tax lot 100 from Sunrise Lane and by extending roads through his adjacent ownerships that abut 147th Avenue and Sandridge Lane. The appellant testified that it is feasible to develop two lots on tax lot 100 with access from the section of Sunrise Lane abutting the west boundary of tax lot 100.

(B) Extension of the on-site streets is not "[n]ecessary to…permit a satisfactory future division of [tax lot 100]…" The Code only requires sufficient access to allow a "satisfactory" division of adjacent land. The Code does not require sufficient access to ensure the maximum feasible development of adjacent properties. It only requires access necessary for "satisfactory" development. In this case the appellant has already achieved "satisfactory" development of his property. He sold a portion of his property east of tax lot 100 that was developed with 80 residential lots. The appellant failed to retain access to the remainder of his property. The cost to the appellant of providing access or the loss of development potential is not relevant to the applicable approval criteria.

(C) TDC 18.81.030.F(2) does not require that the applicant seek adjustments or variances to Code standards in order to provide access to adjacent properties.

ii. He argued that the applicant cannot provide access to the appellant's property in compliance with the Code. An extension of SW 150th Avenue/Twilight Street to tax lot 100 would exceed the maximum cul-de-sac length and maximum street grade standards of the Code.

iii. He requested the hearings officer hold the record open for one week to allow all parties an opportunity to submit additional testimony and evidence, for an additional week to allow all parties an opportunity to respond to the new testimony and evidence and for a third week for the applicant to submit a final written argument without any new evidence as required by ORS 197.763(6)(e). He agreed to extend the 120-day clock until January 26, 2008.

iv. He argued that the appellant waived his request for a street extension from the north end of the proposed on-site cul-de-sac, based on Mr. Rankin's testimony. The appellant is only requesting access through proposed Tract C.

v. He testified that the applicant is willing to grant a 12-foot wide utility easement between the north end of the cul-de-sac and the north boundary of the site, provided the applicant is not required to obtain any further development approvals for that purpose.

vi. He argued that the Pautz property cited by the appellant was substantially different. The developer of the Pacific Crest subdivision could provide access to the Pautz property without significant engineering or modification of the proposed development.

vii. He argued that TDC 18.810.030.C is inapplicable. This section allows the City to approve an access easement where "[a]n easement is the only reasonable method by which a lot large enough to develop can be created." In this case tax lot 100 is an existing lot that is large enough to develop with direct access from Sunrise Lane. Therefore an easement is not needed to create "a lot." In addition, there is no substantial evidence that it is feasible to construct a driveway access to the site that complies with City and Fire Code requirements.

viii. He noted that the applicant intends to dedicate Tract C to the City. The City can grant the appellant an access easement through the Tract if it chooses to, but the applicant should not be required to obtain land use approvals that may be necessary for the applicant to construct the proposed driveway access.

ix. He argued that the appellants land is not landlocked. Sunrise Lane abuts the west boundary of tax lot 100. In addition, the applicant can obtain access

from 147th Avenue or Sandercock Drive, which abut properties that the appellant owns adjacent to tax lot 100.

x. He argued that TDC 18.810.030.H(2) does not require that the applicant extend streets within the site to the boundaries of the appellant's property. This section only requires that the applicant extend existing streets abutting the site within the site. In this case there are no existing streets abutting the site.

b. Mr. Dyer noted that the ODFW and CWS required the applicant to shift the development south in order to maintain a wildlife corridor along the north boundary of the site. An access road through Tract C would impact this wildlife corridor and would require review and approval of these agencies. He opined that it appears possible to construct an access road through Tract C based on the "line of travel." However the slopes to the left and right of the road would require substantial cuts and retaining walls. The applicant had to construct a ten-foot retaining wall to provide driveway access to the stormwater pond. Extension of the road to tax lot 100 would require larger walls.

4. Attorney John Rankin and professional engineer Steve McCoy testified on behalf of the appellant.

a. Mr. Rankin argued that it is a primary tenant of land use planning to require developments to extend streets and utilities to adjacent properties. The applicant should be required to extend streets and utilities to the north boundary of the site in order to allow development of the central portion of the appellant's property.

i. He noted that the City required the developer of the Pacific Crest subdivision east of the site to provide access to an adjacent property, former tax lot 201, the "Pautz property," under circumstances similar to this case. The Pautz property was developed with four lots located along the 25-percent slope gradient.

ii. He argued that the circumstances in this case are substantially similar to the Pacific Crest subdivision. There is a knoll near the center of tax lot 100 that can be developed with three or four lots. The slopes around this knoll are too steep to allow the appellant to provide access to this portion of his property from any of the streets abutting this tax lot or his other adjacent ownerships. Access is further precluded by the presence of natural resource areas and wetlands. The appellant would need to construct a bridge across the ravines in order to access this portion of tax lot 100 from Sunrise Lane. However construction of a bridge and street access would be prohibitively expensive and it would eliminate the two lots that the appellant can otherwise develop with access to Sunrise Lane. It is only feasible access this portion of the appellant's property by extending a road through the site.

iii. He testified that the appellant is not requesting extension of a public street. The appellant is only seeking an easement and driveway between the end of the proposed on-site cul-de-sac and tax lot 100 or a utility easement between the end of

the proposed on-site cul-de-sac and tax lot 100 and a driveway easement through Tract C. Driveway access through Tract C would not exceed the maximum cul-de-sac length standards of the Code.

iv. He argued that the applicant should be required to obtained a revised sensitive lands review from CWS to allow extension of a driveway and utilities through the resource areas on the site. The proposed access would cross the wildlife corridor in the north end of the site. However a similar access road was approved within a wildlife corridor in the Pacific Crest development. The driveway proposed in this case will have substantially less impact. In addition, Mr. Pautz, the owner of the property north of tax lot 100, is willing to consider creation of an east-west wildlife corridor through his property, which would serve the same function as the wildlife corridor on this site – providing a connection between the forested ravines on the east and west sides of the site.

v. He argued that TDC 18.810.030.F(2) requires that the applicant provide access to the developable area in the center of tax lot 100, because such access is "[n]ecessary to…permit a satisfactory future division of adjoining land.." Tax lot 100 can be divided into five residential lots if the applicant provides access through the site. Tax lot 100 can only be divided into two lots without this access. Therefore the access is necessary to permit a "satisfactory" division of tax lot 100. TDC 18.810.030.C expressly allows the use of easements to provide access. TDC 18.810.030.H(2) requires that the applicant demonstrate that the requested access is not feasible.

vi. He requested the hearings officer hold the record open for one week to allow an opportunity to submit additional testimony and evidence.

b. Mr. McCoy argued that it is feasible to provide vehicular access to the center of tax lot 100 from the site. It is not feasible to provide access to this portion of tax lot 100 from the east or west without constructing a bridge due to the intervening forested ravines and environmentally sensitive areas.

i. It is feasible to extend proposed SW 150th Avenue/Twilight Street into the site with an 18- to 20-percent grade by constructing a portion of the road and turnaround on stilts and "special, custom homes" on the lots on tax lot 100.

ii. In the alternative it is feasible to provide access by extending the proposed stormwater access road within Tract C. Such an access road would have grades of ten percent or less.

5. City Development Review Engineer Kim McMillan testified that the Fire District cannot access roads with grades in excess of 12-percent. She noted that the Code requires a minimum 20-foot wide tract and a five-foot wide easement for driveways serving more than two lots.

6. At the end of the hearing, the hearings officer ordered the public record held one week to allow all parties an opportunity to submit additional testimony and evidence. The hearings officer held the record open for a second week to allow all parties to respond to the new testimony and evidence submitted during the first open record period. The hearings officer held the record open for a third week for the applicant to submit a final argument. The record in this case closed at 5:00 p.m. January 2, 2008.

C. DISCUSSION

1. TDC 18.390.040.G and ORS 227.175 authorize the hearings officer to hear appeals of Type II decisions as a *de novo* matter. The hearings officer is required to conduct an independent review of the record and is not bound by the prior determination of the manager. The hearings officer adopts the findings in the manager's decision and the Memorandum and the findings and supporting evidence relied on therein, except to the extent inconsistent with the following findings. The hearings officer incorporates by reference the entire planning file regarding the original Type II review of SUB2007-00008 (Sunrise Lane).

2. The appellant argues that "it is a primary tenant of land use planning to require developments to extend streets and utilities to adjacent properties." The appellant also cites to "the underlying purpose and policy framework…" of the Code and the comprehensive plan.

a. The hearings officer cannot rely on abstract tenants of law. The hearings officer must apply the plain language of the Code adopted by the City.

b. Purpose statements are generally not approval criteria with which the applicant is required to demonstrate compliance. The goals set out in the purpose statements are achieved through compliance with the implementing regulations and approval criteria. The purpose statements themselves are not relevant unless they include specific approval criteria or the implementing regulations that follow are ambiguous, and resort to the purpose statements is necessary to determine the context and meaning of ambiguous terms. *See, e.g., Beck v. City of Tillamook*, 18 Or LUBA 587 (1990) (Purpose statement stating general objectives only is not an approval criterion). In this case the plain language of the purpose statements cited by the appellant are limited to general policy statements and goals, which have no regulatory effect.

c. The appellant further argued that the street extension is required to comply with the City's comprehensive plan. However the appellant failed to identify any specific plan provisions that require such extension. In addition, this is a limited land use application. Therefore state law prohibits application of comprehensive plan provisions that have not been incorporated into the local government's land use regulations. See ORS 197.195(1).

3. The hearings officer finds that TDC 18.810.030.F(2) does not require that the applicant provide a street connection to the central portion of tax lot 100. This section requires the extension of streets:

> Where 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…

a. The hearings officer finds that the street extension proposed by the appellant is not "[n]ecessary to give access…" to tax lot 100. Access is currently available to tax lot 100 from the section of Sunrise Lane abutting the west boundary of the appellant's property. In addition, access to tax lot 100 is available from SW Sunrise Lane at 147th Terrace, through the applicant's contiguous ownerships.

b. The hearings officer finds that the extension of SW 150th Avenue/Twilight Street is not "[n]ecessary to…permit a satisfactory future division of adjoining land…"

i. The Code does not define the term "satisfactory division." Therefore the hearings officer must rely on the dictionary definition.[1] *Webster's New World College Dictionary (2005)* defines "satisfactory" as "good enough to fulfill a need, wish, requirement, etc.; satisfying or adequate." In this case the hearings officer finds that it is feasible to create a satisfactory division of tax lot 100 by creating two lots on the western portion of the parcel with access from Sunrise Lane. The Code only requires sufficient access for a "satisfactory**"** land division. It does not require development at the maximum density permitted by the Code or the maximum number of lots it may be feasible to create on a particular property.

ii. In addition, the hearings officer finds that in order to be "satisfactory" any future division must be feasible. There is no substantial evidence that it is feasible to extend SW 150th Avenue/Twilight Street and develop lots in the central portion of tax lot 100 in compliance with the Code and other applicable regulations. TDC 18.810.030.N(1) prohibits street grades in excess of 15-percent for a maximum 250 feet. Based on Mr. McCoy's testimony, the proposed street extension would have a grade of 18 to 20-percent provided the road and turnaround were constructed on stilts.

A. Such a roadway would cross the proposed wildlife habitat corridor on the north end of the site, which was required by CWS and ODFW. The applicant argued that there is no substantial evidence that CWS and ODFW would

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[1] TDC 18.120.010.A provides:

> In general. All of the terms in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or the context in which they are used clearly indicates to the contrary.

approve such impacts to the wildlife corridor. However it appears that the appellant could mitigate such impacts by providing a similar wildlife corridor on the northern portion of tax lot 100, shifting the wildlife corridor to the north.

iii. The hearings officer further finds that in order to be "satisfactory" any future division must be cost effective. There is no substantial evidence that construction of the supported roadway and turnaround discussed by Mr. McCoy would be cost effective. The costs of constructing an elevated street extension and turnaround supported by stilts may exceed the value of the lots that could be developed on tax lot 100.

iv. Finally, as staff noted in the Memorandum, the appellant did not address the feasibility of accessing the allegedly developable area in the center of tax lot 100 from the north, via 148th Avenue. Based on the City's online topographic maps, the topography north of tax lot 100 appears to be flatter, which could allow construction of a reasonable access to the central portion of tax lot 100 when the abutting property to the north of tax lot 100 redevelops in the future. Therefore extension of a road through this site is not the only method of providing access to the central portion of tax lot 100 and access through the site may not be "necessary" to develop the central portion of tax lot 100 as proposed by the appellant.

c. The hearings officer finds that TDC 18.810.030.F(2) does not require that the applicant provide access to tax lot 100 through proposed Tract C. TDC 18.810.030.F(2) requires that "streets" be extended to adjacent properties. The proposed road within Tract C is not a street; it is a driveway as defined by TDC 18.120.030.A(62).[2]

i. Even if the applicant is required to extend a road through Tract C, there is no substantial evidence that it is feasible to obtain the required approvals given the impacts of such a road on the sensitive lands areas within Tract C. As Mr. Dyer testified, construction of a road through Tract C between Sunrise Lane and tax lot 100 would require substantial cuts and construction of large retaining walls, which would likely have a significant impact on the wildlife habitat within Tract C and a substantial barrier to wildlife migration which may lead CWS and ODFW to prohibit construction of such a road through this area of sensitive lands.

d. The hearings officer finds that the Pautz property cited by the appellant is substantially different than the situation at issue in this case. The Pautz property did not pose the same topographic constraints that exist in this case. It was feasible to construct a road to the Pautz property in compliance with the design requirements of the Code without resort to unusual engineering solutions such as the stilt supported roadway

[2] Defines "Driveway" as:

> A private way providing ingress and egress from one or two lots, parcels or tracts to a public or private street.

proposed by the appellant. In addition, based on the appellant's testimony, the roadway was necessary to give access to the only developable portion of the Pautz property. The Pautz property was completely landlocked and no alternative access was available. In this case, the appellant's property is not landlocked. Sunrise Lane abuts the western boundary of tax lot 100 and the appellant can develop at least two lots with access directly onto this street. Also, the Pautz property directly abutted the area proposed for development; there was no need to extend the access road through an intervening open space/wildlife corridor.

4. The hearings officer finds that TDC 18.810.030.H.2 does not require the extension of streets to the appellant's property, based on the plain meaning of the words in the Code. This section requires that "[s]treets which abut a development site shall be extended within the site *to provide through circulation*…" (Emphasis added). In this case the extension of a street to tax lot 100 would not provide through circulation because it is not feasible to extend the street beyond tax lot 100 to connect with other streets in the area. Such a street extension would merely create a longer dead-end street.

a. In addition, the hearings officer finds that the applicant sustained its burden of proof that the extension of streets to tax lot 100 is precluded by topography and environmental constraints (sensitive lands).

i. As discussed above, it is not feasible to extend SW 150th Avenue/Twilight Street to tax lot 100 in compliance with the maximum street grade provisions of the Code. The hearings officer finds that a street supported by stilts with an 18- to 20-percent grade is not a "[r]easonable street connection."

ii. It may be feasible to extend a street through Tract C in compliance with the City's street design standards. However, as discussed above, construction of such a street extension would likely have a significant impact on the wildlife habitat within Tract C, in violation of CWS and ODFW regulations.

5. The hearings officer finds that TDC 18.810.030.C does not require the applicant to provide driveway access to tax lot 100. This section merely authorizes the City to approve the use of easements where access is desired or required by the Code and an easement is the only reasonable method of providing such access. No easements are proposed or required in this case because, as discussed above, the applicant is not required to provide access to tax lot 100. Therefore TDC 18.810.030.C is inapplicable.

6. The hearings officer finds that the appellant's alleged loss of potential development is not relevant because it does not relate to any of the applicable approval criteria. The appellant argued that extension of a street from Sunrise Lane to access the central portion of tax lot 100 would eliminate two potential lots on Sunrise Lane. However the solution proposed by the appellant would merely shift the loss to the applicant. The extension of SW 150th Avenue/Twilight Street to the south boundary of tax lot 100 would likely eliminate two lots on this site.

D. CONCLUSIONS

Based on the findings adopted and incorporated herein, the hearings officer concludes that the appeal should be denied, because the applicant sustained the burden of proof that the proposed subdivision does or will comply with the applicable approval standards of the Tigard Community Development Code, subject to conditions adopted by the manager, and the appellant failed to provide substantial evidence or evidence of equal or greater probative value to the contrary and/or failed to persuade the hearings officer that the application violates the applicable approval standards based on such evidence. Therefore the hearings officer should affirm the manager's decision.

E. DECISION

In recognition of the findings and conclusions contained and incorporated herein, the hearings officer hereby denies the appeal, affirms the decision of the planning manager without modification and approves SUB2007-00008 (Sunrise Lane) subject to the conditions of approval in the manager's October 25, 2007 decision.

DATED this 10th day of January 2008

Joe Turner, Esq., AICP
City of Tigard Land Use Hearings Officer

NOTICE OF TYPE II DECISION
SUBDIVISION (SUB) 2007-00008
SUNRISE LANE SUBDIVISION

(Includes a 4 week extension) 120 DAYS = 12/26/2007

SECTION I. APPLICATION SUMMARY

FILE NAME: **SUNRISE LANE SUBDIVISION**

CASE NOS.:

Subdivision (SUB)	**SUB2007-00008**
Sensitive Lands Review (SLR)	SLR2007-00002
Tree Removal (TRE)	TRE2007-00001

APPLICANT OWNER:
DR Horton, Inc. – Portland
Attn: Julie Journeay
c/o J/T Smith Companies
4386 SW Macadam Suite 102
Portland, OR 97239

APPLICANT'S REP.:
WRG Design, Inc.
5415 SW Westgate Drive,
Suite 100
Portland, OR 97221

REQUEST: The applicant requests approval of a 79-lot Subdivision for detached single-family homes on an approximately 19.95-acre site. The proposed lots average 5,468 square feet in size. The applicant proposes to dedicate 5.59 acres of the property to the City for open space. Sensitive Lands Review is required because the proposed development plan would impact slopes greater than 25% existing on the site. The applicant has applied for Tree removal permits for the proposed removal of 121 trees located in the areas of steep slopes.

ZONING DESIGNATION: R-7: Medium-Density Residential. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

LOCATION: The project is located north and east of SW Sunrise Lane at SW 150th within Tigard's incorporated boundary; WCTM 2S105DD, Tax Lots 400, 500, 1000, 1100, 1300, 1400, 1500, 1600 and 1700.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.390, 18.430, 18.510, 18.705, 18.715, 18.725, 18.745, 18.765, 18.775, 18.780, 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 request for subdivision, tree removal, and sensitive lands subject to certain conditions of approval. The findings and conclusions on which the decision is based are noted in Section VI of this Decision.

CONDITIONS OF APPROVAL

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO COMMENCING ANY ONSITE IMPROVEMENTS, INCLUDING GRADING, EXCAVATION AND/OR FILL ACTIVITIES:

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 commencing site work, the applicant shall submit a revised Preliminary Plat showing that all proposed lots meet the average minimum lot width of 50 feet as required in the R-7 zoning district dimensional requirements.

2. Prior to commencing site work, the applicant shall submit a revised preliminary plat that shows the bicycle and pedestrian connection standard is met along the extension of SW 150th Avenue.

3. Prior to commencing site work, the applicant shall submit an erosion control plan providing a detailed analysis for each tree proposed for removal on sensitive lands that meets the standards of 18.790.050.A.

4. Prior to commencing site work, the applicant shall submit a revised Landscape Plan showing required street trees, consistent with the site development plan dated July 30, 2007 and Section 18.745.040.C

5. Prior to commencing site work, the applicant shall provide a revised arborist report that clearly presents the mitigation calculation, including all non-hazardous trees greater than 12 inches dbh identified for removal and a revised mitigation plan that clearly identifies the size, location, species, and number of proposed mitigation planting.

6. Prior to commencing site work, the applicant shall submit a cash assurance (letter of credit or cash deposit) or other assurance approved by the Director for the equivalent value of mitigation required (number of caliper inches times $125 per caliper inch). Any trees successfully planted on the site or off-site in accordance with 18.790.060.D and an approved tree mitigation plan 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.

7. Prior to commencing any site work, the applicant shall submit construction drawings to both Planning and Engineering that include:

   A. The approved Tree Removal, Protection and Mitigation Plan;
   B. A construction sequence including installation and removal of tree protection devices, clearing, grading, and paving;
   C. A note prohibiting equipment, vehicles, machinery, grading, dumping, storage, burial of debris, or any other construction-related activities in any tree protection zone; and
   D. A note stating that only those trees identified on the approved Tree Removal plan are authorized for removal by this report. Notwithstanding any other provision of this title, any party found to be in violation of this chapter [18.790] pursuant to Chapter 1.16 of the Tigard Municipal Code shall be subject to a civil penalty of up to $500 and shall be required to remedy any damage caused by the violation. Such remediation shall include, but not be limited to, the following: 1) Replacement of unlawfully removed or damaged trees in accordance with Section 18.790.060 (D) of the Tigard Development Code; and 2) Payment of an additional civil penalty representing the estimated value of any unlawfully removed or damaged tree, as determined using the most current International Society of Arboriculture's Guide for Plant Appraisal.
   E. A plan that meets the re-vegetation standards in 18.745.060.

8. Prior to commencing any site work, the applicant shall establish tree protection fencing as directed by the project arborist and conditioned by this decision to protect the trees to be retained. All trees to be preserved shall be protected with five or six (5' - 6') foot high chain link fences. Fences are to be mounted on two inch diameter galvanized iron posts, driven into the ground to a depth of at least 2-feet at no more than 10-foot spacing. The applicant shall call for an inspection and allow access by the City Arborist for the purpose of monitoring the tree protection to verify that the tree protection measures are performing adequately. Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed

9. As an ongoing obligation during the development of the proposed property, the applicant shall ensure that the Project Arborist submits written reports to the City Arborist, at least once every two weeks, from initial tree protection zone (TPZ) fencing installation through building construction. The reports shall include the condition and location of the tree protection fencing and whether any changes occurred. If the amount of TPZ was reduced then the Project Arborist shall justify why the fencing was moved, and shall certify that the construction activities to the trees did not adversely impact the overall, long-term health and stability of the tree(s). Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed.

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:

10. Prior to commencing onsite improvements, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements 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).

11. 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.

12. 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.

13. 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.

14. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontage of Sunrise Lane (east-west). The improvements adjacent to this site shall include:

    A. City standard pavement section for a local street from curb to centerline equal to 16 feet plus 8 feet on the other side of centerline;
    B. pavement tapers needed to tie the new improvement back into the existing edge of pavement shall be built beyond the site frontage;
    C. concrete curb, or curb and gutter as needed;
    D. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
    E. 5 foot concrete sidewalk with a 5 foot planter strip;
    F. street trees in the planter strip spaced per TDC requirements;
    G. street striping;
    H. streetlight layout by applicant's engineer, to be approved by City Engineer;
    I. underground utilities;
    J. street signs (if applicable);
    K. all driveways adjacent to the subject site shall be closed; and
    L. adjustments in vertical and/or horizontal alignment to construct SW Sunrise Lane (east-west) in a safe manner, as approved by the Engineering Department.

    The City will require only those improvements listed in Washington County's written comments.

15. The applicant shall pave Sunrise Lane (east-west) to a 20 foot width along the frontage of Tax Lot 1200, between the proposed intersections of Sunrise Lane/150th Avenue and Sunrise Lane/Twilight Street.

16. 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 improvements along SW 150th Avenue, from Sunrise Lane (east-west) to Bull Mountain Road, as a part of this project:

    A. 5-foot concrete sidewalk
    B. 24 foot wide paved width; and
    C. provide an adequate roadside drainage.

    The City will require only those improvements listed in Washington County's written comments. As with all plans on right-of-way under county jurisdiction, these plans will require acceptance by Washington County (see condition 24).

17. The applicant's Public Facility Improvement permit construction drawings shall indicate that full width street improvements, including traffic control devices, mailbox clusters, concrete sidewalks, driveway aprons, curbs, asphaltic concrete pavement, sanitary sewers, storm drainage, street trees, streetlights, and underground utilities shall be installed within the interior subdivision streets. Improvements shall be designed and constructed to the local street standard shown in Figure 18.810.4.A of Tigard's TDC.

18. A profile of Sunrise Lane (east-west) shall be required, extending 300 feet either side of the subject site showing the existing grade and proposed future grade.

19. The applicant shall submit plans to Washington County Land Development Services for improvements to the SW Bull Mountain Road and SW 150th Avenue intersection to provide adequate sight distance. The WACO Facilities Permit must be issued prior to the City of Tigard PFI Permit.

20. The applicant shall submit preliminary sight distance certification for each access point to Sunrise Lane (east-west) to Washington County Land Development Services.

21. The applicant shall submit plans to Washington County Land Development Services that provide adequate illumination at the intersection of SW 150th Avenue and SW Bull Mountain Road. This work must be approved and issued as part the County's Facility Permit prior to issuance of the City of Tigard's PFI Permit.

22. The applicant shall construct a minimum 24 foot wide pavement section in Sunrise Lane (east-west) from their east project boundary to SW 147th Terrace, reconstructing the roadway to make the connection between the two streets safe and provide neighborhood circulation. The plans shall be submitted to Washington County Land Development Services as part of the Facility Permit application.

23. The applicant shall submit a copy of the future street plan for Sunrise Lane (north-south) to Washington County for review.

24. The applicant shall obtain a facility permit from the Department of Land Use and Transportation of Washington County, to perform work within the right-of-way of SW Sunrise Lane (east-west), SW 147th Terrace, SW 150th Avenue and SW Bull Mountain Road. A copy shall be provided to the City Engineering Department prior to issuance of a Public Facility Improvement (PFI) Permit.

25. The applicant shall submit sanitary sewer plans to CWS for review and approval for the sewer extension in Menlor Lane and Sunrise Lane (north-south). The plans must be approved and permit issued prior to the City's PFI Permit being issued.

26. A Washington County Facilities Permit must be issued for work within the Menlor Lane and Sunrise Lane (north-south) rights-of-way for the sanitary sewer work prior to issuance of the City of Tigard's PFI Permit.

27. The public sanitary sewer line in Skyridge Street shall be extended to the east property line.

28. Prior to issuance of the PFI Permit, the applicant's design engineer shall submit documentation, for review by the City (Kim McMillan), of the downstream capacity of any existing storm facility impacted by the proposed development. The design engineer must perform an analysis of the drainage system downstream of the development to a point in the drainage system where the proposed development site constitutes 10 percent or less of the total tributary drainage volume, but in no event less than 1/4 mile.

29. The applicant shall place the existing overhead utility lines along SW Sunrise Lane (east-west) underground as a part of this project.

30. Prior to issuance of the PFI Permit the applicant shall submit approval from TVF&R for the hydrant location, single street access and fire suppression system (FSS) and emergency vehicle turnarounds. The plans shall also indicate which lots will be required to have fire sprinkler systems.

31. The upsizing of water lines in Sunrise Lane (east-west) and SW 150th Avenue will be included in the City's PFI Permit. A WACO Facilities Permit for work in the ROW must be issued prior to issuance of the PFI Permit.

32. Any extension of public water lines shall be shown on the proposed Public Facility Improvement (PFI) permit construction drawings and shall be reviewed and approved by the City's Engineering Department, as a part of the PFI Permit plan review. **NOTE:** An estimated 12% of the water system costs must be on deposit with the Engineering Department prior to approval of the PFI permit plans and construction of public water lines.

33. Final design plans and calculations for the proposed public water quality/detention facility shall be submitted to the Engineering Department (Kim McMillan) as a part of the Public Facility Improvement plans. Included with the plans shall be a proposed landscape plan to be approved by the City Engineer. The proposed facility shall be dedicated in a tract to the City of Tigard on the final plat. As a part of the improvement plans submittal, the applicant shall submit an Operations and Maintenance Manual for the proposed facility for approval by the Maintenance Services Director. The facility shall be maintained by the developer for a three-year period from the conditional acceptance of the public improvements. A written evaluation of the operation and maintenance shall be submitted and approved prior to acceptance for maintenance by the City. Once the three-year maintenance period is completed, the City will inspect the facility and make note of any problems that have arisen and require them to be resolved before the City will take over maintenance of the facility. In addition, the City will not take over maintenance of the facility unless 80 percent of the landscaping is established and healthy. If at any time during the maintenance period, the landscaping falls below the 80 percent level, the developer shall immediately reinstall all deficient planting at the next appropriate planting opportunity.

34. The applicant shall provide a maintenance access road to the facility and any drainage structures within the facility to accommodate City maintenance vehicles. The access road shall be paved and have a structural section capable of accommodating a 50,000-pound vehicle. The paved width shall be a minimum of 10 feet wide, and there shall be two-foot rock shoulders provided on each side. The access road shall be limited to the extent necessary to serve the required utility facilities and subject to the discretion of the City Engineer.

35. 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."

36. A final grading plan shall be submitted showing the existing and proposed contours. The plan shall detail the provisions for surface drainage of all lots, and show that they will be graded to insure that surface drainage is directed to the street or a public storm drainage system approved by the Engineering Department. For situations where the back portions of lots drain away from a street and toward adjacent lots, appropriate private storm drainage lines shall be provided to sufficiently contain and convey runoff from each lot.

37. The applicant shall incorporate the recommendations from the submitted geotechnical report by GeoPacific Engineering, Inc., dated January 13, 2006, into the final grading plan. The geotechnical engineer shall be employed by the applicant throughout the entire construction period to ensure that all grading, including cuts and fills, are constructed in accordance with the approved plan and Appendix Chapter 33 of the UBC. A final construction supervision report shall be filed with the Engineering Department prior to issuance of building permits.

38. The design engineer shall indicate, on the grading plan, which lots will have natural slopes between 10% and 20%, as well as lots that will have natural slopes in excess of 20%. This information will be necessary in determining if special grading inspections and/or permits will be necessary when the lots develop.

39. The final construction plans shall be signed by the geotechnical engineer to ensure that they have reviewed and approved the plans. The geotechnical engineer shall also sign the as-built grading plan at the end of the project.

40. The applicant shall obtain a 1200-C General Permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.

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:

41. Prior to final plat approval, the applicant shall applicant shall submit a revised preliminary plat showing visual clearance areas for street intersections consistent with 18.795.040.B1.

42. Prior to final plat approval, the applicant shall dedicate to the City the proposed open space Tracts C and D, as shown on the proposed Site Development Plan (Sheet C4.0) dated July 30, 2007, either through a separate dedication deed that shall be recorded with the County or, alternatively, identified and dedicated on the final plat.

43. Prior to final plat approval, the applicant shall submit a summary of the biweekly arborist reports prepared by the Project Arborist. The summary shall document the effect of the approved tree protection plan, account for any violations, and certify the condition of protected trees.

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:

44. Prior to final plat approval, the applicant shall pay the addressing fee. (STAFF CONTACT: Bethany Stewart, Engineering).

45. 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.

46. 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 1) Sunrise Lane (north-south), providing 30 feet from centerline; 2) Sunrise Lane (east-west) providing 27 feet from centerline plus additional ROW at proposed street intersections for adequate corner radius; and 3) Interior public streets (150th Avenue, Twilight Street, Skyridge Street and Viewpointe Drive), providing 54 feet total, 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:

47. Prior to issuance of building permits, visual clearance for driveways intersecting all streets shall be shown on the site plan and construction drawings.

48. 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.
    D. Applicant shall submit biweekly reports, prepared by a certified arborist, through final inspection documenting the status of required tree protection fencing.

49. Prior to issuance of building permits, 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.

50. Prior to the issuance of building permits, the developer shall submit an application for a sign permit for the proposed entry sign.

51. Prior to issuance of building permits, the developer shall sign a copy of the City's sign compliance agreement.

52. Prior to issuance of building permits, the applicant shall submit a letter from Clean Water Services, or their professional natural resources consultant, indicating that the conditions of their service provider letter have been satisfied.

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:

53. Prior to issuance of building permits, the applicant shall provide the Engineering Department with a "photomylar" copy of the recorded final plat.

54. 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).

55. Any necessary off-site utility easements shall be the responsibility of the applicant to obtain and shall be submitted to and accepted by the City prior to issuance of a building permit.

SECTION IV. DECISION MAKING PROCEDURES, PERMITS AND USE

USE CLASSIFICATION: SECTION 18.130.020
Lists the Use Categories.

The applicant is seeking approval of a 79-lot subdivision on 19.95 acres. The lots are to be developed with detached single-family homes. The site is located within the R-7, Medium Density Residential zone. Household living in a detached single-family housing type is a permitted use in this zone.

SUMMARY OF LAND USE PERMITS: CHAPTER 18.310
Defines the decision-making type to which the land-use application is assigned.

This application is for a Subdivision, which is defined as a Type II Administrative decision. The requested Sensitive Lands review is also a Type II review and is run concurrently with the subdivision. The requested tree removal permits are Type I, which are also reviewed concurrently in this decision.

DECISION MAKING PROCEDURES: CHAPTER 18.390
Describes the decision-making procedures.

Type II procedures apply to quasi-judicial permits and actions that contain some discretionary approval criteria. Type II action are decided by the Director or Director's designee with public notice and an opportunity for an appeal hearing with a Hearings Officer.

SECTION V. NEIGHBORHOOD COMMENTS

The Tigard Community Development Code requires that property owners within 500 feet of the subject site be notified of the proposal, and be given an opportunity for written comments and/or oral testimony prior to a decision being made.

The City notified property owners within 500 feet of the subject property on September 1, 2007. The City received 9 written comments within the comment period from neighbors and interested parties regarding this application. Staff reviewed each of the 9 comments submitted and found common concerns relating to street and pedestrian connectivity and safety, tree removal, density, and erosion. Two additional written comments, addressing similar issues, were received prior to the comment period, but have not been explicitly addressed in this decision. Following, are summaries of the comments and staff's response:

SUMMARY OF COMMENTS:
Mark and Wendy Brands submitted comments regarding the City's policy preference for protection of trees over removal, concern for adverse impacts to their septic system, and the safety of SW 150th, in particular for the children that walk the street going to and from school.

The Cach Family submitted comments regarding safety on SW 150th for pedestrians, safety of the intersection at 150th and SW Bull Mountain Road, preservation of trees, protection of habitat, and the potential for adverse affects of erosion.

Patricia and David Fischer submitted comments regarding the adequacy of 150th Avenue improvements to serve expected additional traffic to Bull Mountain Road, the impact of the 150th Avenue improvements on their property with respect to grade differences and vegetation in the right-of-way, and connection of Sunrise to 147th Avenue for better access.

Donald L. Alderton submitted a comment letter with concern for adequate improvements to SW 150th Avenue for emergency vehicles, to avoid traffic congestion, and provide for adequate sight distance at Bull Mountain Road.

Judith Holmboe submitted a comment letter with concern for adequate improvements to SW 150th Avenue to avoid traffic congestion and provide a safe intersection with Bull Mountain Road. She proposes opening 147th to Sunrise Lane or connecting Sunrise Lane to Menlor.

Sue Beilke, Director of The Biodiversity Project of Tigard, expressed concern over the numbers of trees proposed for removal, the potential adverse effects of development on slopes greater than 25%, and the proposed density of the development.

Doug Vorwaller, Friends of Trails for Bull Mountain and Tigard, provided comments identifying trails through the proposed site adjacent to lot 28, between lots 31 and 32 and adjacent to lot 13 between SW 150th Avenue and SW Sunrise Lane.

Lawrence Derr, Attorney for Lester and Karon Carlson, provided comments requesting street connection between Sunrise Lane and SW 147th, improvements to SW 150th Avenue between SW Sunrise Lane and Bull Mountain Road, correction of the sight distance deficiency at 150th and Bull Mountain Road, and dedication of right-of-way adjacent to the subject site to facilitate future extension of Sunrise Lane north to Barrows Road.

John Rankin, Attorney for Costantin and Adrianna Costiuc, provided comment requesting access to the Costiuc's adjacent property to the north.

STAFF RESPONSE:

SW 150th Avenue Improvements
SW 150th Avenue, between Bull Mountain Road and SW Sunrise Lane, is a Washington County facility, owned and maintained by the county. This segment of street is necessary to the function of the proposed Sunrise Lane subdivision as it provides primary access for the development. Therefore, Tigard's street design standards are applicable including safety features such as sight distance, radius, traffic control measures, and sidewalks, among others. The applicant will be responsible to improve SW 150th Avenue, between Bull Mountain Road and SW Sunrise Lane, to meet the City's or Washington County's street improvement standards including minimum pavement width and sidewalks. (Page 28)

SW Sunrise Improvements
The City will require the applicant to provide a street and pedestrian connection from SW 147th to Sunrise Lane to improve the safety and connectivity of the proposed development (Page 29). The applicant's Site Development plan (Sheet C4.0) shows pedestrian pathways through the development, except the commenter's proposed segment adjacent to lot 28. This segment may be precluded based on steep topography and a planned retaining wall up to 9 feet high at this location. Alternative sidewalk access will be available on the proposed Skyridge Street. Future development to the east may continue the anticipated off-street connection.

Density, Tree Removal and Erosion Control
The proposed 79-lot subdivision is consistent with the underlying density standards of the R-7 zone which would allow a maximum of 81 lots and a minimum of 65. Pursuant to 18.790.050.A, the City has conditioned the applicant to demonstrate that each tree proposed for removal in sensitive areas will not have a measurable negative impact on erosion, soil stability, flow of surface waters or water quality as evidenced by an erosion control plan and that only those trees necessary for the proposed development are removed. (Page 25)

Access to Costiuc Parcel
Access to the adjacent property to the north, Tax Lot 100, is limited due to topographical and natural resource constraints. The City understands that the applicant has negotiated with the property owner to address this concern; however, the subject development proposal does not include access to the adjacent property. The City finds that the adjacent property currently has direct access onto SW Sunrise Lane and cannot require the applicant to provide additional access under TDC 18.810.030.F.2. The extension of streets "where necessary to give access or permit satisfactory future division of adjoining land" contemplated by this standard, does not apply in this case, as described below in the Sensitive Lands (Page 23) and Streets and Utilities (Page 29) sections of this decision.

SECTION VI. APPLICABLE REVIEW CRITERIA AND FINDINGS

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 Use Decisions
18.430 (Subdivision)
B. Applicable Specific Development Standards
18.510 (Residential zoning districts)
18.705 (Access, Egress and Circulation)
18.715 (Density Computations)
18.725 (Environmental Performance Standards)
18.745 (Landscaping and screening)
18.765 (Off-street parking and loading requirements)
18.775 (Sensitive Lands)
18.780 (Signs)
18.790 (Tree removal)
18.795 (Vision clearance)
C. Street and Utility Improvement
18.810 (Street and Utility Improvement Standards)
D. Decision Making Procedures
18.390 (Impact Study)

The proposal contains no elements related to the provisions of the following Specific Development Standard Code Chapters: 18.710 (Accessory Residential Units), 18.720 (Design Compatibility Standards), 18.730 (Exceptions to Development Standards); 18.740 (Historic Overlay), 18.742 (Home Occupations), 18.750 (Manufactured/Mobil Home Regulations), 18.755 (Mixed Solid Waste & Recyclable Storage) 18.760 (Nonconforming situations), 18.785 (Temporary Uses), and 18.798 (Wireless Communication Facilities). These chapters are, therefore, found to be inapplicable as approval standards.

A. LAND USE DECISIONS

SUBDIVISIONS (18.430)

Approval criteria:
The Approval Authority may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

The proposed preliminary plat complies with the applicable zoning ordinance and other applicable ordinances and regulations;

It is feasible that with appropriate conditions, the proposed plat can be made to comply with the zoning ordinance and other applicable ordinances and regulations. As reviewed and conditioned in this staff report, the preliminary plat complies with the applicable zoning ordinance and other applicable ordinances and regulations.

The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92;

The applicant has provided documentation of a plat name reservation with Washington County signed by Denette Keenon and dated July 20, 2005. The County has recently extended the validity of its reservations from 2 to 5 years. Therefore, this standard is met.

The streets and roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern; and

The proposed public streets, as shown in the plan set and referred to in the narrative, are responsive to the topographical and sensitive natural area constraints of the site.

The adjacent 41-lot Bull Mountain Estates subdivision includes SW 147th Terrace. The street is currently barricaded at the right-of-way line of SW Sunrise Lane. This street provides a connection to Bull Mountain Road through SW Grandview Lane. The applicant proposes improvements to SW Sunrise Lane (EXH. D) that will connect to SW 147th Terrace and conform to the plat of the previously approved Bull Mountain Estates subdivision, consistent with this standard.

An explanation has been provided for all common improvements.

The applicant has provided a narrative which provides an explanation for all common improvements. Therefore, this standard has been met.

FINDING: The proposal satisfies the approval criteria for subdivisions.

RESIDENTIAL ZONING DISTRICTS (18.510)

The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

Detached single-family homes are permitted in all residential zones provided the application satisfies all applicable criteria.

Development Standards: Section 18.510.050.B states that development standards in residential zoning districts are contained in Table 18.510.2 below:

The subject parcels are zoned R-7, Medium-Density Residential.

The R-7 zoning district has the following dimensional requirements:

STANDARD	R-7
Minimum Lot Size	
Detached unit	**5,000 sq. ft.**
Duplexes	**10,000 sq.ft.**
Average Minimum Lot Width	
Detached unit lots	**50 ft.**
Duplex lots	**50 ft.**
Maximum Lot Coverage	**80%**
Minimum Setbacks	
Front yard	**15 ft.**
Side facing street on corner & through lots	**10 ft.**
Side yard	**5 ft.**
Rear yard	**15 ft.**
Side or rear yard abutting more restrictive zoning district	**30 ft.**
Distance between property line and front of garage	**20 ft.**
Maximum Height	**35 ft.**
Minimum Landscape Requirement	**20%**

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

FINDING: As allowed in TDC 18.430.020.D, lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district as long as the average lot area for all lots is not less than allowed by the underlying zoning district. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district. The proposed lots range in size between 4,018 and 12,359 square feet with an average lot size of 5,468 square feet, consistent with this standard and the detached unit lot size standard for the R-7 zone. The lot coverage and setback standards appear to have been met, as shown in the applicant's Site Development plan (Sheet C4.0). Compliance with these standards will be ensured at the time of building permits.

The applicant's narrative states that "Lots have been designed within the development to comply with the standards prescribed by the R-7 zoning district. No variance or adjustment is proposed." In addition, the applicant's comparative Development Standards table shows 53.6 feet as the minimum average lot width. However, based on the dimensions provided on the applicant's Preliminary Plat (Sheet C3.0), Lots 1, 2, 5, 44, 45, 56, 57, 60, 61, and 62 do not meet the average minimum lot width requirement with widths specified from 42 to 48 feet (the average lot width is determined by averaging the lot width dimensions taken at the front and rear setback lines.) Therefore, the Average Minimum Lot width standard has not been met, but can be met with the following condition of approval.

CONDITION: The applicant shall submit a revised Preliminary Plat showing that all proposed lots meet the average minimum lot width of 50 feet as required in the R-7 zoning district dimensional requirements.

ACCESS AND EGRESS (18.705)

18.705.030 (C) 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

Joint access is not proposed. Individual access to each parcel will be utilized. Therefore, this criterion does not apply.

Public street access. All vehicular access and egress as required in Sections 18.705.030H and 18.705.030.I 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.

All lots within the development will have direct access to proposed internal streets and the existing public streets, including SW Sunrise Lane and SW 150th Avenue. These two existing public streets will be improved as proposed by the applicant and approved by the City in their revised plans (EXHIBITS B, C, and D) submitted October 10, 2007, consistent with this standard.

Direct individual access to arterial or collector streets from single-family dwellings and duplex lots shall be discouraged. Direct access to collector or arterial streets shall be considered only if there is no practical alternative way to access the site. If direct access is permitted by the City, the applicant will be required to mitigate for any safety or neighborhood traffic management (NTM) impacts deemed applicable by the City Engineer. This may include, but will not be limited to, the construction of a vehicle turnaround on the site to eliminate the need for a vehicle to back out onto the roadway.

Access for each of the proposed lots will be from the proposed public local streets, consistent with this standard.

Access Management.

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.

Kittelson & Associates, Inc. has submitted a Supplemental Traffic Impact Analysis, dated November 28, 1006, a Bull Mountain Road/150th Avenue Analysis Update, dated July 31, 2007 and a Sunrise Lane Preliminary Sight Distance Certification, dated July 27, 2007. Washington County Engineering Staff also submitted a Traffic Staff Report with Conditions for the Sunrise Lane Subdivision, dated June 8, 2006.

Kittelson & Associates, Inc. estimates that the proposed 79 homes will generate 840 daily trips, of which approximately 85 trips will be during the weekday PM peak hour. Provided in their report is Figure 1, showing the SW 150th Avenue/SW Bull Mountain Road intersection will operate acceptably with full build out of the proposed subdivision. No capacity-related improvements are needed at the intersection.

Washington County Engineering staff reviewed Kittelson's report and provided findings and recommendations. The findings indicate the intersection of SW Bull Mountain Road and SW 150th Avenue is on the latest SPIS List - Safety Priority Indexing System (R&O 86-95). The County engineer investigated the crash history and did not recommend mitigation measures. The Stop-controlled movements are estimated to operate at level of service C or better during the weekday PM peak hour.

Kittelson & Associates, Inc. state the curvature along SW Bull Mountain Road should be modified to provide sufficient sight distance at the intersection with 150th Avenue. This improvement should be coupled with appropriate trimming and routine maintenance of the landscaping at the intersection to ensure sufficient sight distance. The applicant shall provide minimum intersectional sight distance along SW Bull Mountain Road from the southbound approach of SW 150th Avenue in accordance with Washington County's Community Development Code. In addition, the applicant shall provide adequate illumination at the intersection of SW 150th Avenue and SW Bull Mountain Road in accordance with Washington County's recommendations in their Traffic Staff Report. Adequate illumination shall consist of at least one 200-watt high pressure sodium cobra head luminaire mounted at a minimum height of 20 feet on an existing utility pole, if available (or meeting the requirements of the Department of Land Use and Transportation 1991 Roadway Illumination Standards, latest revision).

Kittelson & Associates, Inc. also provided preliminary sight distance certification for two new intersections on Sunrise Lane (east-west), SW Sunrise Lane/SW Twilight Street and SW Sunrise Lane/SW 150th Avenue. Sunrise Lane (east-west) is a local street and 150th Avenue and Twilight Street will also be local streets, each with a speed of 25 mph. These roads will have a minimum sight distance requirement of 250 feet in each direction. The engineer states that based on preliminary engineering plans, at least 250 feet of intersection sight distance will be available at both intersections.

Prior to issuance of the Washington County Facilities Permit, the applicant shall submit improvement plans to Washington County Land Development Services for Bull Mountain Road and for the intersection of Bull Mountain Road with 150th Avenue that provide adequate sight distance. The WACO Facilities Permit must be issued prior to issuance of any City of Tigard permits.

Prior to issuance of building permits, and upon completion of public improvements, the engineer shall submit final sight distance certification for Bull Mountain Road/150th Avenue to Washington County Land Development Services.

Prior to issuance of the Washington County Facilities Permit, the applicant shall submit preliminary sight distance certification for each access point to Sunrise Lane (east-west), in accordance with County code, as well as a detailed list of improvements necessary to produce adequate intersection sight distance. The WACO Facilities Permit must be issued prior to issuance of any City of Tigard permits.

Prior to issuance of building permits, and upon completion of public improvements, the engineer shall submit final sight distance certification for Sunrise Lane /150th Avenue and Sunrise Lane/Twilight Street to Washington County Development Services.

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.

Washington County and the City of Tigard classify SW 150th Avenue, north of Bull Mountain Road, as a Neighborhood Route, therefore this code section does not apply to this proposed development.

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 local streets within this development all meet or exceed the minimum spacing standard of 125 feet. The Washington County minimum access spacing standard for Sunrise Lane (east-west) is 10 feet, measured between access points on each side of the road as required by Resolution and Order 86-95 and Section 501-8.5.B of the Community Development Code. Access to SW Sunrise Lane (east-west), therefore, must be restricted to meet this spacing standard. The proposed streets, 150th Avenue and Twilight Street, meet this spacing standard. All existing driveways to Sunrise Lane (east-west) adjacent to the subject site, other than at the access points approved by Washington County under the current land use application, shall be closed.

Minimum access requirements for residential use. Vehicular access and egress for single-family, duplex or attached single-family dwelling units on individual lots and multi-family residential uses shall not be less than as provided in Table 18.705.1 and Table 18.705.2;

Table 18.705.1 requires one driveway per lot with a minimum 15-foot access easement. The applicant's narrative states that the minimum access width for each driveway will be 15 feet, consistent with this standard.

Private residential access drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code;

The Tualatin Valley Fire and Rescue District provided comments for this proposal and has recommended the proposed homes have automatic fire sprinkling systems. The applicant has proposed sprinkling all homes. Provision and maintenance of private residential access drives in accordance with the provisions of the Uniform Fire Code will be ensured during the construction document review period, consistent with this standard.

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 circular, paved surface having a minimum turn radius measured from center point to outside edge of 35 feet;**
- **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;.**
- **The maximum cross slope of a required turnaround is 5%.**

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

Vehicle turnouts, (providing a minimum total driveway width of 24 feet for a distance of at least 30 feet), may be required so as to reduce the need for excessive vehicular backing motions in situations where two vehicles traveling in opposite directions meet on driveways in excess of 200 feet in length.

No driveway is proposed in excess of 200 feet in length. Therefore, this criterion does not apply.

Where permitted, minimum width for driveway approaches to arterials or collector streets shall be no less than 20 feet so as to avoid traffic turning from the street having to wait for traffic exiting the site.

No driveways are proposed to intersect arterials or collector streets. Therefore, this standard does not apply.

FINDING: The applicant's traffic studies and reports indicate no capacity-related improvements are needed at the intersection of SW 150th Avenue/SW Bull Mountain Road. However, final sight distance certifications must be obtained for Bull Mountain Road/150th Avenue, Sunrise Lane /150th Avenue, Sunrise Lane/Twilight Street, and each access point to Sunrise Lane (east-west). All existing driveways to Sunrise Lane (east-west), other than at the access points approved by Washington County under the current land use application, shall be closed.

DENSITY COMPUTATIONS (18.715)

Density Calculation (18.715.020):
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: Single-family development: allocate 20% of gross acreage; 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.**

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.

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 net development area is determined by subtracting from the gross area, the land needed for public and private streets as well as areas for sensitive lands. The minimum lot size of 5,000 square feet is used to calculate density. The applicant's narrative, as amended by the applicant in an email dated October 15, 2007, included the following calculation:

GROSS LOT AREA	846,370 square feet (19.43 acres)
Street Dedications	148,539 square feet (3.41 acres)
Sensitive lands (slopes > 25%)	289,674 square feet (6.65 acres)
NET DEVELOPABLE AREA:	403,365 square feet (9.37 acres)

NUMBER OF LOTS: 408,157 square feet/5,000 square feet/lot = 81.6 lots

Maximum density	81.6 lots
Minimum density (.80)	65.3 lots

Residential Density Transfer (18.715.030):
The units per acre calculated by subtracting land areas listed in Section 18.715.020 A. 1a - c from the gross acres may be transferred to the remaining buildable land areas subject to the following limitations:

The number of units which can be transferred is limited to the number of units which would have been allowed on 25 percent of the unbuildable area if not for these regulations; and

(.25 x 289,654 sf = 72,413 sf/5,000 sf/units = 14.48 units)

The total number of units per site does not exceed 125 percent of the maximum number of units per gross acre permitted for the applicable comprehensive plan designation.

(846,370 sf / 5,000 sf/unit = 169 units x 1.25% = 211 units)

All density transfer development proposals shall comply with the development standards of the applicable underlying zoning district unless developed under the provisions of Chapter 18.440, Planned Development.

The applicant has not proposed a planned development. Therefore, compliance with the development standards of the R-7 zoning district is required. Residential density transfer allows an additional 14 units as shown under the above calculations. These units do not exceed 125 percent of the maximum number of units per gross area. The applicant acknowledges that the proposed density is consistent with the maximum density computation of the base zone and that density transfer is not proposed in the subject proposal.

FINDING: In the R-7 zone, as shown above, the maximum number of residential lots allowed by the underlying is 81; with density transfer it would be 99; the minimum number of lots under the base zone is 65. The applicant has proposed a 79-lot subdivision. Therefore, the proposed subdivision is consistent with the underlying density standards of the R-7 zone.

ENVIRONMENTAL PERFORMANCE STANDARDS (18.725)
These standards require 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 (IP) 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.**

This is a detached single-family project, which is permitted within subdivisions in the R-7 zone. There is nothing to indicate that these standards will not be met. However, ongoing maintenance to meet these standards shall be maintained and any violation of these standards will be addressed by the City of Tigard's' Code Enforcement Officer.

FINDING: The Environmental Performance standards are met.

LANDSCAPING AND SCREENING (18.745)

Section 18.745.030.E states that existing vegetation on a site shall be protected as much as possible: The developer shall provide methods for the protection of existing vegetation to remain during the construction process; and the plants to be saved shall be noted on the landscape plans (e.g., areas not to be disturbed can be fenced, as in snow fencing which can be placed around the individual trees).

The applicant submitted a revised Tree Plan (EX. A), Tree Plan Detail (EX.B), and Tree Table (EX. C) dated October 17, 2007. The summary table on the Tree Plan identifies a total of 948 trees on site greater than 6 inches in diameter at breast height (dbh). The applicant proposes to retain 495 trees, remove 400 trees, and remove 53 trees with possible retention during home construction. Of the trees to be removed, or removed with possible retention during home construction, 121 are located on sensitive lands (slopes > 25%) and require Tree Removal Permits, for which the applicant has applied and are reviewed concurrently with this subdivision decision.

The tree protection plan does not show tree protection fencing for the trees to be retained. Any tree that is located on property adjacent to the construction project that will have more than 15% of its root system disturbed by construction activities shall also be shown on the plans, and adequately protected.

All trees to be preserved shall be protected with five or six (5' - 6') foot high chain link fences. Fences are to be mounted on two inch diameter galvanized iron posts, driven into the ground to a depth of at least 2-feet at no more than 10-foot spacing. The applicant shall position fencing as directed by the project arborist to protect the trees to be retained. The applicant shall allow access by the City Arborist for the purpose of monitoring and inspection of the tree protection to verify that the tree protection measures are performing adequately. Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed.

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

The applicant has provided a street tree plan for the development to include the planting of street trees on the proposed public streets (C5.0). However, this sheet represents a previous design and street layout that the applicant has since revised as shown in the Preliminary Pat (C3.0) and Site Development Plan (C4.0). The applicant shall submit a revised Landscape Plan showing street trees selected from the City of Tigard Street Tree List, consistent with the revised site plan and Section 18.745.040.C

Buffering and Screening (18.745.050)

Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 18.745.1 and 18.745.2).

Adjacent uses to the subject site include single-family detached dwelling units to the north, east, west, and south, which do not require buffering or screening. Therefore, this standard is met.

Re-vegetation (18.745.060)

Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this section to prevent erosion after construction activities are completed.

Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the sites and protected from erosion while grading operations are underway; and such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved; and after completion of such grading, the topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

Acceptable methods of re-vegetation include hydro-mulching or the planting of rye grass, barley, or other seed with equivalent germination rates, and:

a. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four pounds to each 1,000 square feet of land area;
b. Other re-vegetation methods offering equivalent protection may be approved by the approval authority;
c. Plant materials are to be watered at intervals sufficient to ensure survival and growth; and
d. The use of native plant materials is encouraged to reduce irrigation and maintenance demands.■

The applicant proposes to submit construction plans to address topsoil removal and storage consistent with this standard. The applicant's plan set includes a Landscape Plan (C5.0) with a note stating "landscape planting shall conform to the standards established under the City of Tigard Planning Dept." Therefore, the applicant shall submit detailed construction drawings that meet the re-vegetation standards in 18.745.060.

FINDING: Based on the analysis above, the landscaping and screening standards have not all been met. However, if the applicant implements the following conditions of approval, these standards can be met.

CONDITIONS:

- The applicant shall submit a revised Landscape Plan showing required street trees, consistent with the revised site plan and Section 18.745.040.C
- All trees to be preserved shall be protected with five or six (5' - 6') foot high chain link fences. Fences are to be mounted on two inch diameter galvanized iron posts, driven into the ground to a depth of at least 2-feet at no more than 10-foot spacing. The applicant shall position fencing as directed by the project arborist to protect the trees to be retained. The applicant shall allow access by the City Arborist for the purpose of monitoring and inspection of the tree protection to verify that the tree protection measures are performing adequately. Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed
- The applicant shall submit detailed construction drawings that meet the re-vegetation standards in 18.745.060.

OFF-STREET PARKING AND LOADING REQUIREMENTS (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.

FINDING: The proposed project will create 79 lots for single-family detached dwellings. Table 18.765.2 requires that each single-family unit have one off-street parking space. The proposal anticipates development of housing which would include garages and garage aprons with a 20-foot setback for off-street parking for each lot, consistent with this standard.

SENSITIVE LANDS (18.775)
Purpose
Maintain integrity of rivers, streams, and creeks.
Sensitive land regulations contained in this chapter are intended to maintain the integrity of the rivers, streams, and creeks in Tigard by minimizing erosion, promoting bank stability, maintaining and enhancing water quality, and fish and wildlife habitats, and preserving scenic quality and recreation potential. The regulations also implement the comprehensive plan and floodplain management program, Clean Water Service (CWS) Design and Construction Standards, the Metro Urban Growth Management Functional Plan, Statewide Planning Goal 5 (Natural Resources), and protect public health, safety, and welfare.

Sensitive lands are lands potentially unsuitable for development because of their location Within the 100-year floodplain or 1996 flood inundation line, whichever is greater; natural drainageways; wetland areas which are regulated by the other agencies including the U.S. Army Corps of Engineers and the Division of State Lands, or are designated as significant wetland on the City of Tigard Wetland and Stream Corridors Map; and steep slopes of 25% or greater and unstable ground.

The subject site varies in elevation from approximately 632 feet at the southwest corner of the site to 415 feet at the north boundary. The closest flood plain elevation to the subject site is located over a mile to the northeast on Summer Creek at 176 feet. The subject site does not include any wetlands identified on the City of Tigard's Wetland and Stream Corridors Map; however, 0.05-acres of jurisdictional wetlands were delineated on Tax Lot 400 in the northwest portion of the site. The wetland is spring-fed and flows to the north in a natural drainage way associated with this wetland. A vegetated corridor borders the subject site to the east, which is upland of an off-site perennial stream located further to the east. In addition, the subject site contains steep slopes greater than 25% to the north east and west. Therefore, the applicant is required to apply for sensitive lands review for the portion of the site containing steep slopes.

Jurisdictional wetlands.
Landform alterations or developments which are only within wetland areas that meet the jurisdictional requirements and permit criteria of the U.S. Army Corps of Engineers, Division of State Lands, CWS, and/or other federal, state, or regional agencies, and are not designated as significant wetlands on the City of Tigard "Wetland and Streams Corridors Map", do not require a sensitive lands permit. The City shall require that all necessary permits from other agencies are obtained. All other applicable City requirements must be satisfied, including sensitive land permits for areas within the 100-year floodplain, slopes of 25% or greater or unstable ground, drainageways, and wetlands which are not under state or federal jurisdiction.

The applicant's submittal materials show that a jurisdictional wetland exists on Tax Lot 400 of the subject site. The wetlands are not identified on the City of Tigard's "Wetland and Stream Corridors Map". Therefore, a sensitive lands review for wetlands is not required. The applicant submitted a CORPS/DSL permit to the relevant state and federal agencies. The Oregon Department of State Lands Wetlands Program issued a notice dated May 17, 2006 stating that wetland delineation WD06-0034 has been submitted but not yet reviewed and indicating that a removal-fill permit and a Corps of Engineers permit may be required. The applicant does not propose to develop within the wetland or buffer.

Sensitive lands permits issued by the Director.
The Director shall have the authority to issue a sensitive lands permit on slopes that are 25% or greater and within a drainageway by means of a Type II procedure, as governed in Section 18.390.040, using approval criteria contained in Section 18.775.070 when the proposal involves ground disturbance(s) or land form alterations involving more than 50 cubic yards of material and residential structures intended for human habitation.

With Steep Slopes
The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit on slopes of 25% or greater or unstable ground based upon findings that all of the following criteria have been satisfied:

1. The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;

The proposed use of the subject property is the development of 79 lots for single family detached housing. According to the applicant's Tree Removal Plan (C10.2), steep slopes greater than 25% are present on the subject site in proximity to the two vegetated corridors present on the site. Fourteen (14) of seventy-nine (79) proposed lots contain steep slopes of greater than 25% (revised lot numbers 16 thru 24, 27, and 35 thru 38). The grade on these lots is shown in the applicant's Grading and Erosion Control Plan (C7.0). The land form alterations for the proposed streets and lots are a consequence of siting the dwellings along the ridge top. The applicant's proposal consists of terracing the slopes adjacent to the ridgetop and using retaining walls to contain the impacts along the ridgeline. Nine retaining walls are proposed from 4 to 13 feet in height and from 100 to 185 feet in length for a total combined length of 1,240 lineal feet. These retaining walls limit the land form alteration that would otherwise occur and keep the Clean Water Services Resource Buffer areas intact. As demonstrated by the applicant's plan set and narrative, the proposed land form alteration does not create site disturbances to an extent greater than that required for the use, consistent with this standard.

2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;

According to the applicant's geo-tech report, GeoPacific Engineering, Inc., dated January 13, 2006, the potential for slope instability within the Portland Hills SILT on slopes greater than 25% is considered moderate. The report concludes that the proposed development is geotechnically feasible. In GeoPacific Engineering's opinion, the primary concern regarding erosion potential will occur during construction, in areas that have been stripped of vegetation. The applicant has identified 32 trees to retain on steep slopes, with possible removal during home construction, in an effort to reduce vegetation removal and potential erosion to the greatest extent possible. In addition, the applicant has stated that it will provide an erosion control plan that demonstrates that the development will not result in erosion or stream sedimentation. The applicant has been conditioned later in this report to provide construction drawings ensuring compliance with CWS standards for erosion control, consistent with this standard.

3. The structures are appropriately sited and designed to ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions: wet/high water table; high shrink-swell capability; compressible/organic; and shallow depth-to-bedrock; and

According to the applicant's geo-tech report, the proposed development is geotechnically feasible. Compliance with the City's design and construction standards for residential units on steep slopes will be determined at the time of building permit review for individual lots.

4. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening.

The applicant has stated that it will provide an erosion control plan that demonstrates that the development will not result in erosion or stream sedimentation. The applicant has been conditioned under the Landscape and Screening standards, above, to submit detailed construction drawings that meet the re-vegetation standards in 18.745.060. The applicant has been conditioned later in this report to provide construction drawings ensuring compliance with CWS standards for erosion control, consistent with this standard.

Within Drainageways
The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit within drainageways.

The applicant does not propose any development within 200 feet of the drainageway located on the adjacent parcel to the northeast or within 200 feet of the drainageway to the northwest on the subject site pursuant to buffers established by Clean Water Services in their Service Provider Letter. Therefore, this standard does not apply.

The applicant has offered to dedicate 5.59 acres to the City for open space, comprised primarily of the sloped ravines on the subject site and represented by Tracts C and D as shown on the Site Development Plan (C4.0). An email to the file dated October 1, 2007, from Dan Plaza, Parks and Facilities Manager, states that the City has agreed to accept these dedications. The City will accept the dedication in a separate dedication deed, as proposed by the applicant, or alternatively, the dedication shall be identified and dedicated on the final plat.

John Rankin, Attorney for Constantine Costiuc, has submitted a comment letter to the file requesting access to the adjacent property to the north, Tax Lot 100, preferably across the proposed open space, Tract C, referenced above (access via the proposed cul-de-sac termination of SW 150th Avenue is addressed in the Streets and Utilities section of this decision). In support of the request, Mr. Rankin included consultant documents that conclude access could be built at a 12% grade from Sunrise Lane to access the developable portion of the Costiuc property and that alternative access directly from Sunrise Lane, by bridge or otherwise, would be cost prohibitive. Mr. Rankin further identifies in his October 15, 2007 comment letter (page 3, item #4) the potential for two 50-foot wide developable lots with Sunrise Lane frontage.

Tax Lot 100 currently has direct access onto SW Sunrise Lane, which, by Mr. Rankin's analysis could support two developable lots. The City cannot require the applicant to provide additional access under TDC 18.810.030.F.2, as Mr. Rankin suggests. The extension of streets "where necessary to give access or permit satisfactory future division of adjoining land" contemplated by this standard, does not apply in this case. In addition, in accepting the dedication of the open space Tracts C and D, the City's use of the property for open space, in conjunction with its other acreage west of SW Sunrise Lane, would conflict with the proposed access for three lots. Thirdly, the wildlife habitat and corridor provided by the applicant with the proposed development at the north end of the property would be adversely impacted by the access road.

There may be additional means for Mr. Rankin's client to maximize the development of his property using the planned development approach, density transfer, or other means. Mr. Rankin's client has apparently not explored those options. The developer of Sunrise Lane is under no obligation to provide service availability especially in light of the speculative nature of the potential for Mr. Rankin's client to develop.

FINDING: The proposed development has met or has been otherwise conditioned to meet the standards for sensitive lands (steep slopes) existing on the subject site.

CONDITION: The applicant shall dedicate the proposed open space Tracts C and D, as shown on the proposed Site Development Plan (Sheet C4.0), to the City either through a separate dedication deed that shall be recorded with the County or, alternatively, identified and dedicated on the final plat.

SIGNS (18.780)
Chapter 18.780 regulates the placement, number and design criteria for signage.

The applicant's narrative states that a permit to place one sign has been requested as part of this application. The Preliminary Plat identifies the location for a proposed entry monument. Yet, no sign application was submitted or fee paid. Therefore, the entry sign will need to be applied for separately. Any future signage will be subject to the sign permit requirements in Chapter 18.780.

In addition, there has been a proliferation of sign violations from new subdivisions. In accordance with a new policy adopted by the Director's Designee, all new subdivisions must enter into a sign compliance agreement to facilitate a more expeditious court process for citations.

FINDING: The applicant proposes an entry sign and will need to obtain a sign permit prior to construction. To expedite enforcement of sign violations, a sign compliance agreement will be required.

CONDITIONS:

- Prior to the issuance of building permits, the developer shall sign a copy of the City's sign compliance agreement.
- Prior to the issuance of building permits, the developer shall submit an application for a sign permit for the proposed entry sign.

TREE REMOVAL (18.790)
18.790.030 Tree Plan Requirement
A tree plan for the planting, removal and protection of trees prepared by a certified arborist shall be provided for any combination of parcels for which a development application for a subdivision is filed. Protection is preferred over removal wherever possible.

The tree plan shall include identification of all existing trees, identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper, which trees are to be removed, protection program defining standards and methods that will be used by the applicant to protect trees during and after construction.

The applicant submitted a Tree Assessment Report for Sunrise Lane, dated November 1, 2005, prepared by Mike Ellison and David Halstead, certified arborists. The applicant submitted a plan set that included a Tree Preservation Plan (C10.0), Tree Preservation Detail (C10.0), Tree Removal Plan (C10.2), Tree Removal Detail (C10.3), and a Tree Table (C10.4). The City Arborist has reviewed the applicant's arborist report, tree plans, and narrative and found that these materials contain all four of the required elements but are insufficient with respect to mitigation and tree protection measures.

On subsequent discussion with staff addressing these and other shortcomings of the proposed tree removal plan, the applicant submitted revised documents including a Tree Plan (EX. A), Tree Plan Detail (EX.B), and Tree Table (EX. C) dated October 17, 2007. The summary table on the revised Tree Plan identifies a total of 948 trees on site greater than 6 inches in diameter at breast height (dbh). The applicant proposes to retain 495 trees, remove 400 trees, and remove 53 additional trees with possible retention during home construction. Of the trees to be removed, 121 are located on sensitive lands (slopes > 25%) and require Tree Removal Permits, which are reviewed concurrently with this subdivision decision, below.

The report includes an inventory and identification of all trees on site over 6" in diameter at breast height (dbh).

The applicant's Tree Table (C10.4) accounts for a total of 948 trees greater that 6 inches dbh. On this sheet, the Tree Removal Summary shows that of this total, 472 trees are greater than 12 inches dbh, of which 243, or 51%, will be retained. In light of the revised plans received by the applicant, and the inconsistency of the figures in the applicant's narrative compared to the arborist report, the mitigation calculation cannot be determined. In addition, the Tree Table refers to mitigation trees shown on the Landscape Plan (C5.0), which are not evident. Therefore, as a condition of approval, the applicant shall provide a revised arborist report that clearly presents the mitigation calculation, including all non-hazardous trees greater than 12 inches dbh identified for removal and a revised mitigation plan that clearly identifies the size, location, specie, and number of proposed mitigation planting.

Guidelines for tree protection are included in the Arborist Report. However, in addition the guidelines need to state that if any temporary or permanent alterations to the approved tree protection plan are required, a certified arborist needs to approve the changes and submit a report to the City Arborist. The report needs to document the changes and certify that the viability of the affected trees will not be significantly impacted. In addition, the tree protection plan must show tree protection fencing for the trees to be retained. Specifications for tree protection fencing shall be as required in the Landscaping and Screening section, above.

The 32 trees identified for removal with possible retention during home construction are located in areas that the developer believes will not be disturbed during site work and may be preserved during new home construction depending on the house plan for each of the affected lots (primarily lots 22, 23, and 27) as shown on the Tree Plan Detail (EX. B). If any of these 32 trees need to be removed for the construction of homes, the applicant shall submit with the proposed site plan a statement and signature of approval from a certified arborist addressing the siting and construction techniques to be employed.

The arborist report includes tree protection measures that, together with the City Arborist's comments, will be included in the conditions of approval to ensure protection of trees to be retained.

18.790.040 Incentives for Tree Retention
Subsequent Removal of a Tree. Any tree preserved or retained in accordance with this section may thereafter be removed only for the reasons set out in a tree plan, in accordance with Section 18.790.030, or as a condition of approval for a conditional use, and shall not be subject to removal under any other section of this chapter. The property owner shall record a deed restriction as a condition of approval of any development permit affected by this section to the effect that such tree 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 section should either die or be removed as a hazardous tree. The form of this deed restriction shall be subject to approval by the Director.

A condition of approval will ensure that the applicant will record a deed restriction for the preservation of trees, consistent with this standard. Those 53 trees subject to a case-by-case review during the building permit application process shall be included in the deed restriction unless explicitly exempted by findings in a certified arborist report.

18.790.050 Removal permit required.
Tree removal permits shall be required only for the removal of any tree which is located on or in a sensitive land area as defined by Chapter 18.775. The permit for removal of a tree shall be processed as a Type I procedure, as governed by Section 18.390.030, using the following approval criteria:

The applicant's Tree Removal Plan (C10.2) shows that 14 of 79 proposed lots contain steep slopes of greater than 25% (revised lot numbers 16 thru 24, 27, and 35 thru 38). The applicant originally applied for 147 tree removal permits. On October 17, 2007, the applicant submitted revised documents including a Tree Plan (EX. A), Tree Plan Detail (EX. B), and Tree Table (EX. C). Tree Table (EX. C) identifies 89 trees for removal within steep slopes and an additional 32 for removal with possible retention during home construction on steep slopes. The applicant has applied for the 121 necessary tree removal permits concurrently with this application, which are subject to the standards below.

Removal of the tree must not have a measurable negative impact on erosion, soil stability, flow of surface waters or water quality as evidenced by an erosion control plan which precludes:

a. **Deposits of mud, dirt, sediment or similar material exceeding 1/2 cubic foot in volume on public or private streets, adjacent property, or into the storm and surface water system, either by direct deposit, dropping, discharge or as a result of the action of erosion;**
b. **Evidence of concentrated flows of water over bare soils; turbid or sediment-laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on site using the techniques of Chapter 5 of the Washington County Unified Sewerage Agency Environmental Protection and Erosion Control rules.**

The applicant's narrative states, that an erosion control plan will be provided prior to tree removal. The applicant has not submitted information with the subject application to demonstrate that this standard can be met. Therefore, a condition of approval shall require the applicant to submit an erosion control plan providing a detailed analysis for each of the 121 trees proposed for removal on sensitive lands demonstrating that there will be no adverse impact on erosion, soil stability, and flow of surface waters or water quality, consistent with 18.790.050.A.

2. Within stream or wetland corridors, as defined as 50 feet from the boundary of the stream or wetland, tree removal must maintain no less than a 75% canopy cover or no less than the existing canopy cover if the existing canopy cover is less than 75%.

The applicant has not proposed to remove any trees within a stream or wetland corridor. Therefore, this standard does not apply.

FINDING: The tree removal standards have not all been met. However, compliance will be ensured through the following conditions of approval.

CONDITIONS:

- Prior to commencing any site work, the applicant shall submit construction drawings to both Planning and Engineering that include:

  A. The approved Tree Removal, Protection and Mitigation Plan;
  B. A construction sequence including installation and removal of tree protection devices, clearing, grading, and paving;
  C. A note prohibiting equipment, vehicles, machinery, grading, dumping, storage, burial of debris, or any other construction-related activities in any tree protection zone; and
  D. A note stating that only those trees identified on the approved Tree Removal plan are authorized for removal by this report. Notwithstanding any other provision of this title, any party found to be in violation of this chapter [18.790] pursuant to Chapter 1.16 of the Tigard Municipal Code shall be subject to a civil penalty of up to $500 and shall be required to remedy any damage caused by the violation. Such remediation shall include, but not be limited to, the following: 1) Replacement of unlawfully removed or damaged trees in accordance with Section 18.790.060 (D) of the Tigard Development Code; and 2) Payment of an additional civil penalty representing the estimated value of any unlawfully removed or damaged tree, as determined using the most current International Society of Arboriculture's Guide for Plant Appraisal.

- Prior to commencing any site work, the applicant shall establish tree protection fencing as directed by the project arborist and conditioned by this decision to protect the trees to be retained. The applicant shall call for an inspection and allow access by the City Arborist for the purpose of monitoring the tree protection to verify that the tree protection measures are performing adequately.

- As an ongoing obligation during the development of the proposed property, the applicant shall ensure that the Project Arborist submits written reports to the City Arborist, at least once every two weeks, from initial tree protection zone (TPZ) fencing installation through building construction. The reports shall include the condition and location of the tree protection fencing and whether any changes occurred. If the amount of TPZ was reduced then the Project Arborist shall justify why the fencing was moved, and shall certify that the construction activities to the trees did not adversely impact the overall, long-term health and stability of the tree(s). Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed.

- Prior to commencing site work, the applicant shall provide a revised arborist report that clearly presents the mitigation calculation, including all non-hazardous trees greater than 12 inches dbh identified for removal and a revised mitigation plan that clearly identifies the size, location, species, and number of proposed mitigation planting.

- Prior to commencing site work, the applicant shall submit a cash assurance (letter of credit or cash deposit) for the equivalent value of mitigation required (number of caliper inches times $125 per caliper inch). Any trees successfully planted on the site or off site in accordance with 18.790.060.D and approved tree mitigation plan 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 final plat approval, the applicant shall submit a summary of the biweekly arborist reports prepared by the Project Arborist. The summary shall document the effect of the approved tree protection plan, account for any violations, and certify the condition of protected trees.

- 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.
  D. Applicant shall submit biweekly reports, prepared by a certified arborist, through final inspection documenting the status of required tree protection fencing.

- Prior to issuance of building permits, 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.

- Prior to final inspection, the applicant shall submit a final report by the Project Arborist certifying the health of protected trees. Tree protection measures may be removed and final inspection authorized upon review and approval by the City Arborist.

- Prior to commencing site work, the applicant shall submit an erosion control plan providing a detailed analysis for each tree proposed for removal on sensitive lands that meets the standards of 18.790.050.A.

VISUAL CLEARANCE AREAS (18.795)

Clear vision area shall be maintained on the corners of all property adjacent to intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure, or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the street center grade, except the trees exceeding this height may be located in this area, provided all branches below eight feet are removed. For arterial streets the visual clearance shall not be less than 35 feet on each side of the intersection.

FINDING: The applicant's site development plan (C4.0) shows visual clearance areas only at the intersection of the proposed streets. The areas appear to be undersized and not 30 feet along the right-of-way as required according to 18.795.040.B1. Intersections of driveways and these streets within the development are not show because the driveways have not yet been proposed for this subdivision. The visual clearance areas standard has not been met.

CONDITION: Revised visual clearance areas for streets shall be shown on the preliminary plan and visual clearance areas for driveways intersecting all streets shall be shown on construction drawings for approval during building permitting.

C. STREET AND UTILITY IMPROVEMENTS STANDARDS (18.810)

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 local street to have a 54 foot 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 Sunrise Lane (east-west), which is classified as a local street on the City of Tigard Transportation Plan Map and by Washington County. At present, there is approximately 20 feet of ROW, according to the most recent tax assessor's map. The applicant should dedicate additional ROW to provide 27 feet from centerline. The applicant should also dedicate additional ROW to provide adequate corner radius at the intersections of Sunrise Lane (east-west) and 150th Avenue and Twilight Street.

SW Sunrise Lane (east-west) is currently partially improved. In order to mitigate the impact from this development, the applicant should construct half-street improvements, which include no less than 24 feet of pavement from the north curb line. The applicant shall pave 20 feet in width, or maximum possible within the existing 20 foot ROW, along the portions of the frontage they do not own between the proposed intersections of 150th Avenue/Sunrise Lane and Twilight Street/Sunrise Lane. The SW Sunrise Lane (east-west) right-of-way extends to the east and connects to SW 147th Terrace right-of-way. Currently, SW 147th Terrace is barricaded. However, the intention is for the streets to be extended and connected, as seen by the half-street improvements to Sunrise Lane completed along Lot 18 (14023 SW 147th Terrace) of Bull Mountain Estates Subdivision in 1993. The applicant shall provide proper street connectivity in accordance with 18.810 by constructing a minimum 24 foot wide pavement section from the east end of their development to 147th Terrace, making the grade adjustments necessary to connect the two streets in a safe manner. Washington County also recommended that the applicant make the connection between SW 147th Terrace Avenue and SW Sunrise Lane (east-west) in order to facilitate traffic and improve circulation within the neighborhood. Without the connection of 147th Terrace, the connection to SW 150th Avenue would effectively be similar to a cul-de-sac until other streets were connected. The City of Tigard's TSP designates a connection at 147th Avenue. These improvements are shown on the applicant's Exhibit D, dated October 5, 2007.

A Washington County Facilities Permit will be required for the improvements along Sunrise Lane and in 147th Terrace and must be issued prior to issuance of any City of Tigard permits.

Minimum Rights-of-Way and Street Widths: Section 18.810.030.E requires a Neighborhood Route (no bike lane designation) to have a 54 foot right-of-way width and 32-foot paved section. Washington County requires a 60 foot right-of-way for Neighborhood Routes and this section of Sunrise Lane is their facility. 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 Sunrise Lane (north-south), which is classified as a Neighborhood Route on the City of Tigard Transportation Plan Map and by Washington County. At present, there is approximately 40 feet of ROW, according to the most recent tax assessor's map. The Washington County staff comments require the dedication of additional ROW along Tax Lots 400 and 500 to provide 30 feet from the existing centerline of ROW. The applicant has submitted a future Sunrise Lane (north-south) alignment

There are existing overhead utility lines along the frontage of SW Sunrise Lane (east-west) and along the frontage of Tax Lots 400 and 500. The applicant is expected to place the overhead utility lines along SW Sunrise Lane (east-west) underground. The overhead utility lines along the frontage of Tax Lots 400 and 500 can be mitigated by paying the fee-in-lieu because of the uncertainty of the future alignment. 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 frontage along Tax Lots 400 and 500 is 85 lineal feet; therefore the fee would be $2,975.00.

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

Traffic Study Findings:
Kittelson & Associates, Inc. has submitted a Supplemental Traffic Impact Analysis, dated November 28, 1006, a Bull Mountain Road/150th Avenue Analysis Update, dated July 31, 2007 and a Sunrise Lane Preliminary Sight Distance Certification, dated July 27, 2007. Washington County Engineering Staff also submitted a Traffic Staff Report with Conditions for the Sunrise Lane Subdivision, dated June 8, 2006. These reports were discussed previously under 18.705.030.H.1.

A Traffic Impact Analysis, dated September 28, 2005, was submitted when the project first came in prior to annexation. The Supplemental Traffic Impact Analysis refers back to this original report. The scope of the original report included SW 150th Avenue/SW Bull Mountain Road and SW Grandview Lane/SW Bull Mountain Road. The report was submitted to Washington County Engineering staff for review. The report found that both of the study area intersections operate acceptably today. They are projected to continue to operate acceptably at full build out of the Sunrise Lane development.

Fire and Life Safety:
The applicant has been working with TVF&R to obtain preliminary approval of the site layout with regards to fire hydrant location, single street access and fire suppression system (FSS), street grades in excess of 10% (but less than 15% on SW Viewpointe Drive and SW Twilight Street and emergency vehicle turnaround at the east end of SW Skyridge Street.

The applicant will be required to obtain written approval from TVF&R for each of these issues prior to issuance of permits. Included in this approval shall be the listing of all lots that will be provided fire sprinklers.

Public Water System:
The applicant's plans and narrative indicate they will install 8 inch public water lines within the development and extend the lines to neighboring parcels where appropriate. The applicant is also upsizing the two existing water lines in Sunrise Lane (east-west) from 6 inches to 8 inches and 8 inches to 12 inches, respectively. Finally, within 150th Avenue, the applicant will upsize the existing 6 inch water line to an 8 inch water line from Bull Mountain Road to Sunrise Lane (east-west).

The water line work will be included in the City of Tigard's PFI Permit. A WACO Facilities Permit will be required for work within the Sunrise Lane (east-west) and 150th Avenue ROWs prior to issuance of the City PFI.

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.

Prior to construction, the applicant shall submit plans and calculations for a water quality facility that will meet the intent of the CWS Design Standards. In addition, the applicant shall submit a maintenance plan for the facility that must be reviewed and approved by the City prior to construction.

Prior to the City accepting this facility as a public facility, the developer shall maintain it for a minimum of three years after construction is completed. The pond shall be placed in a tract and conveyed to the City on the final plat. The developer will be required to submit annual reports to the City which show what maintenance operations were conducted on the facility for that year. Once the three-year maintenance period is completed, the City will inspect the facility and make note of any problems that have arisen and require them to be resolved before the City will take over maintenance of the facility. In addition, the City will not take over maintenance of the facility unless 80 percent of the landscaping is established and healthy. If at any time during the maintenance period, the landscaping

falls below the 80 percent level, the developer shall immediately reinstall all deficient planting at the next appropriate planting opportunity.

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 Federal Clean Water Act requires that a National Pollutant Discharge Elimination System (NPDES) erosion control permit be issued for any development that will disturb one or more acre of land. Since this site is over five acres, the developer will be required to obtain an NPDES permit from the City prior to construction. This permit will be issued along with the site and/or building permit.

A final grading plan shall be submitted showing the existing and proposed contours. The plan shall detail the provisions for surface drainage of all lots, and show that they will be graded to insure that surface drainage is directed to the street or a public storm drainage system approved by the Engineering Department. For situations where the back portions of lots drain away from a street and toward adjacent lots, appropriate private storm drainage lines shall be provided to sufficiently contain and convey runoff from each lot.

The applicant will also be required to provide a geotechnical report, per Appendix Chapter 33 of the UBC, for the proposed grading slope construction. The recommendations of the report will need to be incorporated into the final grading plan and a final construction supervision report must be filed with the Engineering Department prior to issuance of building permits.

The design engineer shall also indicate, on the grading plan, which lots will have natural slopes between 10% and 20%, as well as lots that will have natural slopes in excess of 20%. This information will be necessary in determining if special grading inspections and/or permits will be necessary when the lots develop.

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.

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).

D. DECISION MAKING PROCEDURES/IMPACT STUDY (18.390)

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 submitted an impact study addressing the required elements above.

ROUGH PROPORTIONALITY ANALYSIS
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. Effective July 1, 2007, the TIF for a detached, single-family dwelling is $3,020. Upon completion of this development, the future builders of the residences will be required to pay TIF's totaling approximately $238,580 ($3,020 x 79 dwelling units). 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 $745,562 ($238,580 divided by .32). The difference between the TIF paid and the full impact, is considered as unmitigated impact.

Full Impact	($238,580 ÷ 0.32)	$745,562
Less TIF Assessment	(79 lots x $3,020)	-$238,580
Estimate of Unmitigated Impacts		$506,982

The internal public streets within the subdivision are necessary to allow the subdivision to develop. The improvement of SW Sunrise Lane abutting the subject property is necessary to provide adequate access to the periphery of the property. Improvements to that portion of SW Sunrise Lane providing connection between the property frontage to SW 147th Avenue and SW 150th Avenue between Bull Mountain Road and Sunrise Lane is also needed for the development to function safely for both automobiles and pedestrians. Because the need for the internal streets and improvements to adjacent local streets is created by the development, the impact of the development is directly proportional to the cost of dedication and construction of the internal and adjacent streets and is not considered as mitigation for the development impact.

SECTION VII. OTHER STAFF COMMENTS

The City Arborist commented on the proposed development in a memorandum dated September 21, 2007 and found that the Arborist Report, by certified arborist Mike Ellison of Halstead's Arborculture Consultants, Inc., did not contain the four required components. There is an apparent inconsistency between the applicant's narrative and the arborist report and Tree Table with regard to the number of trees subject to mitigation. In addition, it is unclear how the mitigation requirements would be met. Tree protection measures as specified in the arborist report and plan set are also inadequate. Therefore, the City Arborist finds the arborist report unacceptable. The City Arborist's recommendations can be found in the Tree Removal section of this report (comments in their entirety are located in the land use file).

The Tigard Police Department reviewed the proposal and has no objection to it.

The Tigard Public Works Department reviewed the proposal and requested that the pedestrian access way shown of the applicant's plans on the west side of the project will be available for public use. Additionally, an email to the file dated October 1, 2007, from Dan Plaza, Parks and Facilities Manager, states that the City has agreed to accept the dedication of open space proposed by the applicant, which includes the subject accessway. Existing and proposed City park land is located adjacent to SW Sunrise Lane in the vicinity of the subject site. Provision of the path will ensure access to the park for residents of the proposed neighborhood. As proposed, in the applicant's narrative and plan set, the subject pathway is for public use.

SECTION VIII. AGENCY COMMENTS

Clean Water Services submitted a comment letter dated September 10, 2007, addressing sanitary sewer, storm drainage and water quality, sensitive areas, and erosion control. In addition, CWS issued a Service Provider Letter (SPL) File Number 05-0033114, dated February 27, 2006 and amended February 21, 2007. Compliance with the conditions of approval contained in the SPL is included as a condition of approval in this decision.

Oregon Department of Fish and Wildlife submitted a comment letter dated September 13, 2007, indicating objections to the proposed tree removal on revised lot numbers 21-24 and 27. ODF&W staff cites concerns for lost wildlife habitat and potential for wind throw of remaining trees and adverse affects of erosion on steep slopes and an adjacent fish-bearing stream.

Washington County submitted a comment letter dated September 14, 2007 which included conditions of approval, which are included above under the Street and Utility Improvement Standards chapter of this report (comments in their entirety are located in the land use file). The County submitted a revised staff report dated September 26, 2007 which included several additional recommendations concerning improvement of SW 150th Avenue and connection of SW Sunrise Lane to SW 147th Avenue. These recommendations have also been included in the findings under the Street and Utility Improvement Standards.

Tualatin Valley Fire & Rescue provided comment in a letter dated October 1, 2007, endorsing the subject proposal predicated on the following criteria and conditions of approval:

1) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** 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 fire code official. (IFC 503.1.1)

   All dwellings constructed as part of this project must have automatic sprinkler systems installed in accordance with the applicable provisions of National Fire Protection Association Standard No. 13D.

2) **ADDITIONAL ACCESS ROADS – ONE-OR TWO-FAMILY RESIDENTIAL:** Where there are more than 30 one- or two-family dwelling units, not less than two separate approved means of access shall be provided. Where there are more than 30 dwelling units and all are protected by approved residential sprinkler systems, a single access will be allowed. (IFC D107)

   It is our understanding SW 147th Terrace will be connected to SW Sunrise Lane as part of this proposal.

3) **REMOTENESS:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. (IFC D104.3)

   Connection of SW Sunrise Lane to SW 147th meets this requirement.

4) **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (12 feet for up to two dwelling units and accessory buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where fire apparatus roadways are less than 26 feet wide, "NO PARKING" signs shall be installed on both sides of the roadway and in turnarounds as needed. Where fire apparatus roadways are more than 26 feet wide but less than 32 feet wide, "NO PARKING" signs shall be installed on one side of the roadway and in turnarounds as needed. Where fire apparatus roadways are 32 feet wide or more, parking is not restricted. (IFC 503.2.1)

   The fire district does not endorse the design concept wherein twenty feet of unobstructed roadway width is not provided. Parking is therefore prohibited on SW Sunrise Lane.

5) **NO PARKING SIGNS:** 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. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" 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 red letters on a white reflective background. (IFC D103.6)

   Required on SW Sunrise Lane

6) **GRADE:** Fire apparatus access roadway grades shall not exceed 10 percent. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. When fire sprinklers are installed, a maximum grade of 15% may be allowed. Adequacy of fire apparatus access shall be evaluated from the point beginning at the first due fire station to a point within 150 feet of all structures within the development. The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (IFC 503.2.7 & D103.2)

   Automatic sprinkler protection is proposed by the applicant as an alternate for meeting this requirement.

7) **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply 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 IFC Appendix B. (IFC B105.1)

   All fire hydrants shown on the submitted drawings must be capable of providing the required fire flow.

8) FIRE HYDRANTS - ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (IFC 508.5.1)

The fire hydrants shown on the submitted drawings meet this requirement.

9) REFLECTIVE HYDRANT MARKERS: 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. (IFC 508.5.4)

10) ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION: Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (IFC 1410.1 & 1412.1)

SECTION IX. PROCEDURE AND APPEAL INFORMATION

Notice:
Notice was posted at City Hall and mailed to:

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

Final Decision:

THIS DECISION IS FINAL ON OCTOBER 25, 2007 AND EFFECTIVE ON NOVEMBER 9, 2007 UNLESS AN APPEAL IS FILED.

Appeal:
The Director's Decision is final on the date that it is mailed. Any party with standing 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 8, 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 — October 24, 2007 DATE

APPROVED BY: Richard Bewersdorff
Planning Manager — October 24, 2007 DATE

CITY of TIGARD

GEOGRAPHIC INFORMATION SYSTEM

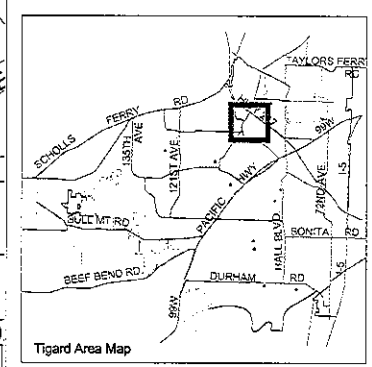
VICINITY MAP

SUB2007-00008
SLR2007-00002
TRE2007-00001

SUNRISE LANE SUBDIVISION

LEGEND:

SUBJECT SITE



N

0 100 200 300 400 500 Feet

1"= 387 feet

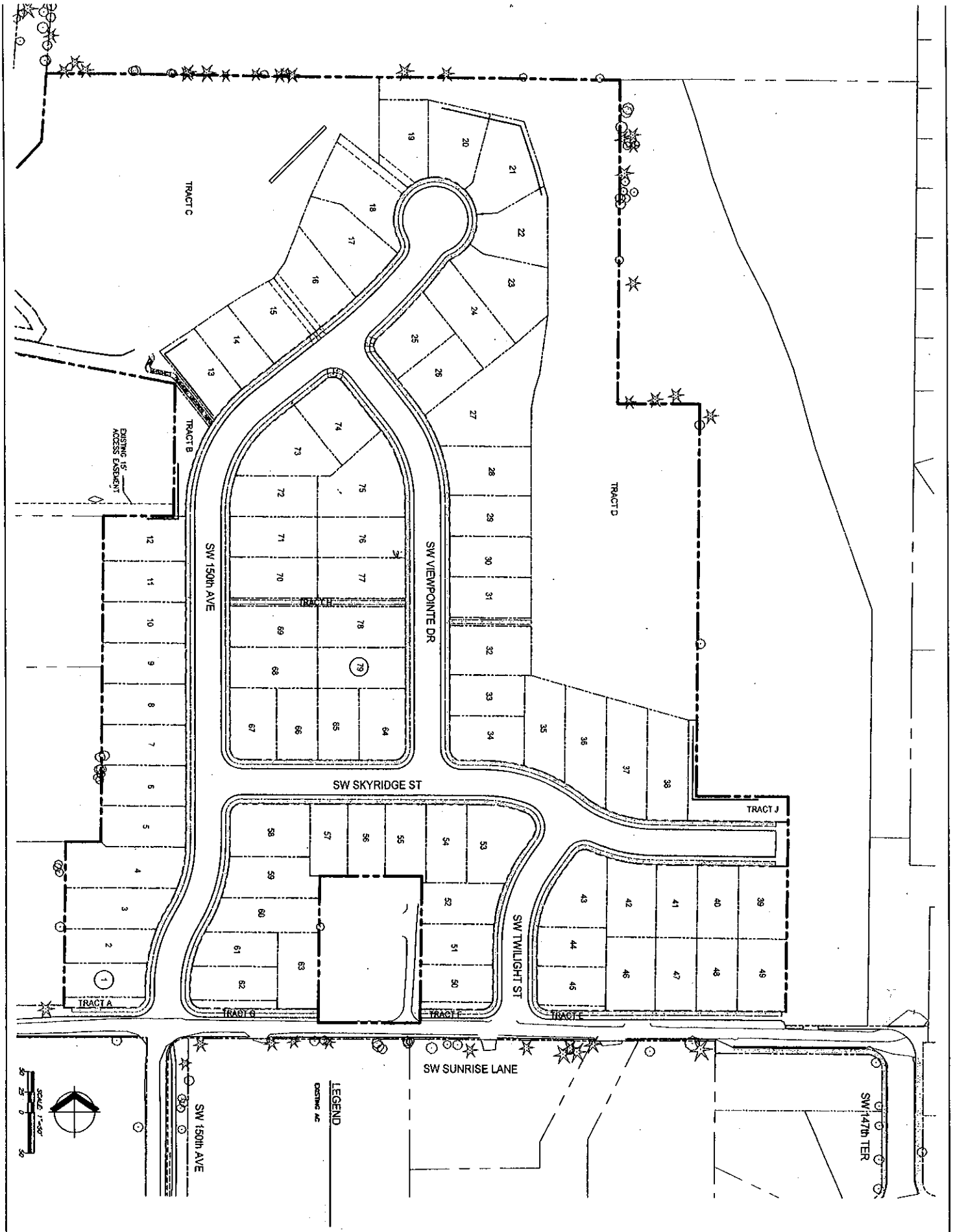
TIGARD

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

Community Development

Plot date: Aug 31, 2007; C:\magic\MAGIC03.APR



PRELIMINARY SITE PLAN

PRELIMINARY SITE PLAN
SUNRISE LANE
D.R. HORTON, INC. - PORTLAND
TIGARD, OREGON

WRG DESIGN INC.
5415 SW Westgate Dr, Ste 100 Portland, OR 97221
Tel. 503.419.2500 Fax. 503.419.2600
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