

**WASHINGTON COUNTY**

Dept. of Land Use & Transportation  
Current Planning  
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**NOTICE OF DECISION OF  
THE HEARINGS OFFICER****PROCEDURE TYPE:** III**CPO:** 1**COMMUNITY PLAN:** Cedar Hills-Cedar Mill  
Community Plan**LAND USE DISTRICT:** R-5 District  
(Residential 5 Units per Acre)**PROPERTY DESCRIPTION:****ASSESSOR MAP NO.:** 1N135CC**TAX LOT NO:** 02500**SITE SIZE:** 1.20 acres**SITE ADDRESS(ES):** 10260 NW Leahy Rd**CASEFILE:** L2400317-S/APPEAL**APPELLANT:**Alpenglow HomeownersNorman Crow10300 NW Leahy RdPortland, OR 97229**APPLICANT:**Biggi Construction, LLCVince BiggiPO Box 979North Plains, OR 97133**APPLICANT'S REPRESENTATIVE:**NW EngineersMatt Newman2920 SE Brookwood Ave, Ste GHillsboro, OR 97123**PROPERTY OWNER(S):**Biggi Construction LLCR&N Properties LLCPO Box 979North Plains, OR 97133**PROPERTY LOCATION:**

On the north side of NW Alpenglow Way  
approximately 275 feet southeast and  
southwest of its intersections with NW Leahy  
Rd.

**PROPOSED DEVELOPMENT ACTION:** Preliminary Review for a Six-Lot Subdivision in the R-5  
District.**DATE OF DECISION:****May 20, 2025**

A summary of the decision of the Hearings Officer and supplemental findings are attached.

This decision may be appealed to the Land Use Board of Appeals (LUBA) by filing a notice of Intent to Appeal with LUBA within 21 days of the date of this decision. Contact your attorney if you have any questions in this regard.

For further information contact the Land Use Board of Appeals at 503-373-1265.

The complete case, including Notice of Decision, Application, Staff Report, Findings and Conclusions, and Conditions of Approval, if any, are available for review at no cost at the Department of Land Use and Transportation. Copies of this material will be provided at reasonable cost.

**Notice to Mortgagee, Lien Holder, Vendor or Seller:** ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

Notice of Decision of Hearings Officer  
May 20, 2025  
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CASEFILE NUMBER: L2400317-S/APPEAL

**SUMMARY OF DECISION:**

On May 20, 2025, the Washington County Hearings Officer issued a written decision (Attachment B) for Development Review and Miscellaneous Review for Exceptions to Public Facility and Service Standards for a Contractor's Establishment in the FD-20 District.

The development site is located on the north side of NW Alpenglow Way approximately 275 feet southeast and southwest of its intersections with NW Leahy Rd, and is described as Tax Lot 2500, Assessor's Map 1N135CC, Washington County, Oregon. The Hearings Officer's decision is as follows:

**ORDER:**

The application is Approved subject to Conditions of Approval set forth in Attachment B.

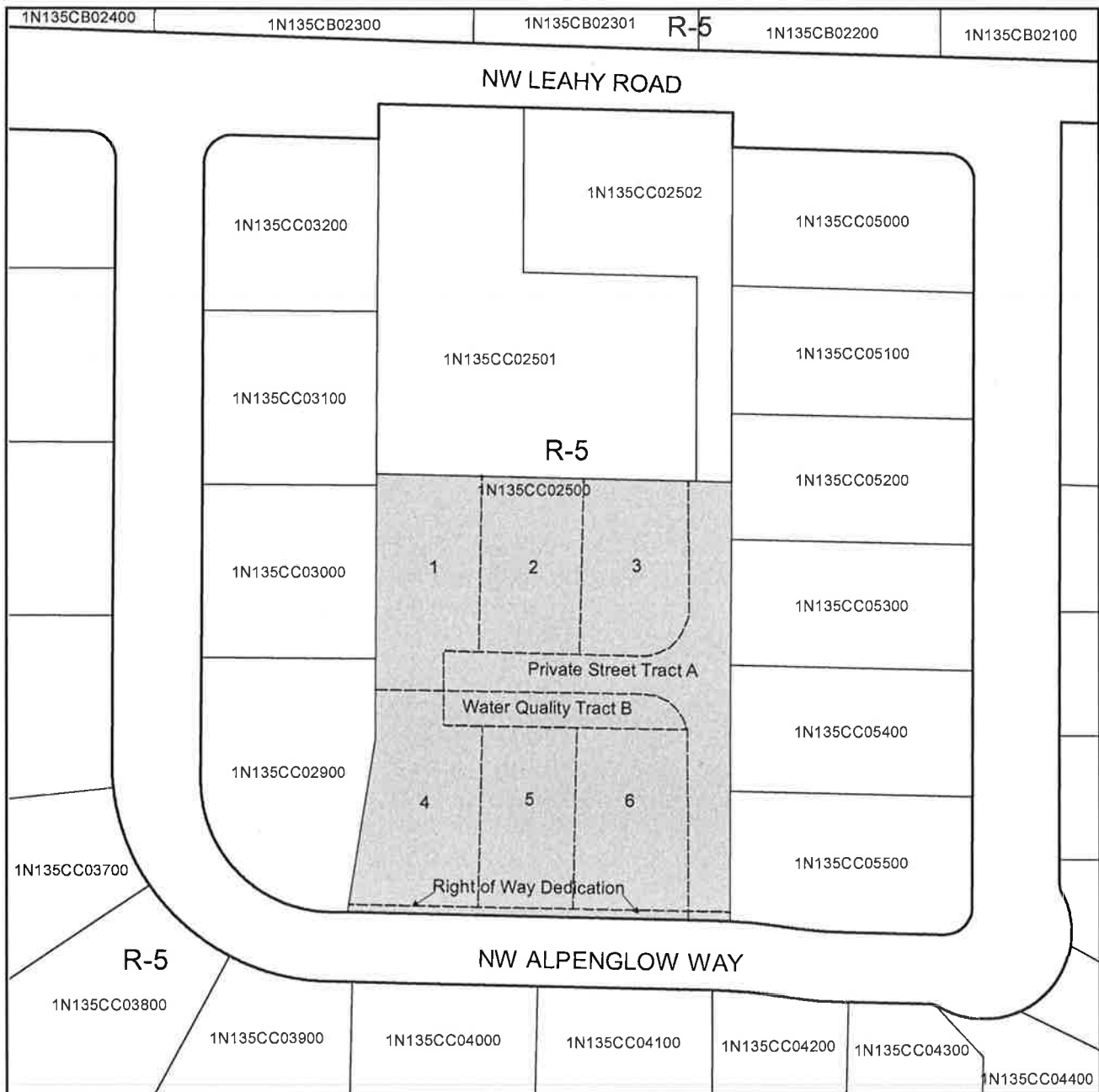
**Attachments:**

- A. Vicinity Map
- B. Hearings Officer's Final Order

# ATTACHMENT A VICINITY MAP

TAX MAP/LOT NO. 1N1 35 CC 02500

CASEFILE / PROJECT #: L2400317-S APPEAL



↑ NORTH  
NOT TO SCALE

■ AREA OF CONSIDERATION

**SITE & SURROUNDING LAND USE DISTRICTS:**  
R-5 District (Residential 5 units/acre)

## REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation System Plan
- D. Washington County Community Development Code:
  - ARTICLE I, Introduction & General Provisions
  - ARTICLE II, Procedures
  - ARTICLE III, Land Use Districts
  - ARTICLE IV, Development Standards
  - ARTICLE V, Public Facilities and Services
  - ARTICLE VI, Land Divisions & Lot Line Adjustments
  - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Road Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

**BEFORE THE LAND USE HEARINGS OFFICER  
OF WASHINGTON COUNTY, OREGON**

Regarding an appeal of an administrative decision	)	<b><u>FINAL ORDER</u></b>
approving a tentative plan to divide 1.2-acres into six	)	<b>Casefile No.</b>
single-family residential lots in the R-5 zone at 10260	)	<b>L2400317-S/APPEAL</b>
NW Leahy Road in unincorporated Washington County	)	<b>(Leahy Road Subdivision)</b>

**A. SUMMARY**

1. On March 22, 2024, (the “applicant”) submitted an application for approval of a tentative plan to divide a 1.2-acre tract of land into six single-family residential lots.

a. The proposed development is located at 10260 NW Leahy Road; also known as tax lot 02500, 1N1 35CC (the “site”). NW Alpenglowl Way abuts the south boundary of the site. The site and all surrounding properties are zoned R-5 (Residential, five units per acre). SW

b. The site is currently developed with a single-family detached residence and detached garage. The applicant proposes to remove all existing structures on the site and construct a new single-family detached dwelling on each of the proposed lots. The applicant will extend a private street along the east boundary of the site, between NW Alpenglowl Way and the north boundary. The applicant will extend another private street west from this road to provide access to proposed lots 1-3. Lots 4-6 will access NW Alpenglowl Way. The two private roads (collectively “Tract A”) will form a hammerhead turnaround for emergency vehicles. In addition, the applicant will dedicate right-of-way and construct half-width frontage improvements along the site’s NW Leahy Road frontage.

c. The applicant will collect stormwater from all impervious surfaces on the site, treat and detain the runoff in an underground facility in proposed Tract B located south of the east-west private road, and discharge the treated runoff to the existing public storm sewer system in NW Alpenglowl Way at less than predevelopment rates.

d. Additional basic facts about the site and surrounding land are provided in the Staff Report to the Hearings Officer dated April 17, 2025 (the “Staff Report”).

2. The responsible County official issued a written decision approving the application, subject to conditions (the “director’s decision”) on March 4, 2024. On March 17, 2024, Norman Crow, Alpenglowl Homeowners (the “appellant”) filed a written appeal of the planning director’s decision (Exhibit PH-3). The appeal raised the following issues:

a. Whether the July 6, 2006, property line adjustment increased the size of the site to 1.2-acres;

b. Whether increased noise and lighting impacts will have prohibited impacts on existing residents;

c. Whether adequate sanitary sewer service can be provided to the site without impacting adjacent properties;

d. Whether consistency with the nature of the neighborhood and the “precedent” established by other recent developments in the area are relevant to the approval criteria;

e. Whether traffic from the proposed development will increase existing congestion problems on area streets, create a hazard for pedestrians and vehicles, and limit emergency vehicle access;

f. Whether the applicant intends to retain the row of cedar trees on the north boundary of the site; and

g. Whether the emergency access gate at the northern boundary of the site is allowed.

3. Washington County Land Use Hearings Officer Joe Turner (the "hearings officer") held a duly noticed public hearing to receive testimony and evidence regarding the appeal. County staff recommended that the hearings officer deny the appeal and approve the application subject to conditions included in the Staff Report. Representatives of the applicant testified in support of the application and in opposition to the appeal. The appellant testified in support of the appeal.

4. Based on the findings provided or incorporated herein, the hearings officer concludes the applicant sustained the burden of proof that the proposed development does or will comply with the applicable approval standards based on substantial evidence in the record, provided the applicant complies with the conditions of approval in Attachment B of this Final Order. Therefore the hearings officer denies the appeal and upholds the County’s decision, subject to the conditions in Attachment B of this Final Order.

## **B. HEARING AND RECORD HIGHLIGHTS**

1. The hearings officer received testimony at the duly noticed public hearing about this application on April 17, 2025. At the hearing, the hearings officer received and physically inspected the file maintained by the Department of Land Use and Transportation (“DLUT”) regarding this application, including comments received after the Staff Report was issued. The hearings officer made the statement required by ORS 197.763 and disclaimed any *ex parte* contacts with interested persons, bias or conflicts of interest. The following is a summary by the hearings officer of selected testimony at the hearing.

2. County planner Cassandra O’Donnell summarized the Staff Report, the applicable approval criteria, and her PowerPoint presentation responding to the appeal.

a. She noted that assertions that the proposed development is inconsistent with the nature of the neighborhood are not relevant to the applicable approval criteria. Other recent developments in the area did not establish a precedent that the applicant is required to follow.

b. The applicant is not required to retain the existing cedar trees on the north boundary of the site as they are not designated as a significant natural resource. The applicant is required to install a six-foot sight obscuring fence along all boundaries of the site and the trees must be removed to accommodate the fence.

c. The applicant will extend the private street to the north boundary of the site to allow for further extension when the abutting property redevelops. NW Leahy Road is a collector roadway, so future development on the abutting properties will be required to utilize the private road to access NW Alpenglowl Way. The applicant proposed to install a gate at the north boundary of the site to allow for future access when the abutting properties redevelop, but a gate is not required by the County. However, Tualatin Valley Fire and Rescue ("TVF&R") may require a gate for emergency access. If a gate is provided it must be six feet in height and sight obscuring. She requested the hearings officer modify condition of approval III.B.3.b.ii to allow, but not require, an emergency access gate on the north boundary of the site, unless required by TVF&R.

d. House Bill 2001 and Senate Bill 408, cited by Mr. Crow, are inapplicable as the proposed subdivision is not a "middle housing" development as defined by state law.

e. The applicant is not required to address alleged offsite sight distance constraints.

f. Deeds recorded for the 2006 property line adjustment, L0600338-PLA/PLA, show the size of the site as 1.2-acres.

3. Engineer Matt Newman and representative Rob Bass appeared on behalf of the applicant, NW Engineers.

a. Mr. Newman accepted the findings and conditions in the Staff Report without objections and responded to the issues raised in the appeal.

i. He noted that the prior owners of the site and the two adjacent lots to the north previously contemplated development of all three parcels. The owners created an access easement between NW Leahy Road and NW Alpenglowl Way to facilitate that development by closing the access to NW Leahy Road and directing all traffic to NW Alpenglowl Way.

ii. There is no need to access adjacent properties to connect to the development to sanitary sewer. According to the survey (Exhibit H-2-3) the existing sewer line extends onto the site, terminating at an on-site manhole.

iii. The proposed development will not cause a significant increase in light impacts. The applicant will not install streetlights on the private streets unless required by the County. Streetlights may be required on the site's NW Alpenglowl Way frontage.

iv. The proposed 20-foot wide private street and hammerhead turnaround meet Fire District requirements and will provide adequate emergency access to the site. Parking

will be prohibited on the private street but each residence will have a two-car garage, providing four parking space per lot: two in the garage and two in the driveway. In addition, the applicant will provide three on-street parking spaces along the site's frontage on NW Alpenglöw Way.

v. The applicant must remove the existing trees on the north boundary of the site in order to install the required six-foot fence.

vi. If the County and TVF&R do not require a gate, the applicant may eliminate the gate and extend the six-foot fence across the entire north boundary of the site. The proposed on-site hammerhead turnaround will provide adequate opportunity for emergency vehicles to turn around on the site, so through access to the north is not needed.

vii. Adequate sight distance is available to meet County standards based on the applicant's sight distance analysis. (Exhibit PH-6, Attachment 14). The sight distance standards account for on-street parking.

viii. He agreed to extend the 120-day timeline until May 31, 2025.

b. Mr. Bass noted that the existing cedar trees on the north boundary of the site conflict with the required fence and therefore must be removed. There is an existing sanitary sewer manhole on the site as shown in Exhibit H-2-3.

4. Appellant Norman Crow testified in support of his appeal.

a. He argued that the site only contains one-acre and is therefore not large enough to accommodate the proposed development. He signed property line adjustment L0600338-PLA/PLA, but the lot area calculations are incorrect.

b. The proposed development is inconsistent with the established character of the neighborhood. The site is not bare land, it is located in and surrounded by an existing developed neighborhood. The character of the area is relevant pursuant to the middle housing standards of House Bill 2001 and Senate Bill 408.

c. The proposed six-foot fence will not compensate for removal of the existing trees on the site and will not minimize light and noise impacts on the surrounding neighborhood from this development.

d. The existing sewer line is located on the west boundary of his property and the applicant has no right to access his property if needed to install a larger sewer line to serve the proposed development.

e. Traffic from this development will increase congestion and demand for on-street parking on NW Alpenglöw Way, which may conflict with emergency vehicle access.

f. The applicant should be required to eliminate the proposed gate and extend the six-foot fence across the entire north boundary of the site in order to preclude pedestrian traffic.

from the site on his property. A portion of the fence can be removed and the private road extended if and when additional development is proposed in the future. He has no plans to redevelop his property. In addition, the location of an existing PGE power pole on his property will restrict emergency vehicle access north of the site.

5. At the end of the hearing the hearings officer held the record open for three weeks, subject to the following schedule:

a. For one week, until April 24, 2025, to allow all parties an opportunity to submit additional testimony and evidence;

b. For a second week, until May 1, 2025, to allow all parties an opportunity to respond to whatever was submitted during the first week; and

c. For a third week, until May 8, 2025, to allow the applicant to submit a final argument without any new evidence.

6. The record in this case closed at 4:00 p.m. on May 8, 2025. The following documents were submitted during the open record period:

a. A letter from the applicant dated April 24, 2025 (Exhibit OR-1);

b. An email from the appellant dated April 24, 2025 (Exhibit OR-2); and

c. The applicant's final argument dated May 8, 2025 (Exhibit OR-3).

### **C. APPLICABLE CRITERIA**

A. Washington County Comprehensive Plan

B. Cedar Hills-Cedar Mill Community Plan

C. Washington County Community Development Code (CDC)

1. Article II, Procedures

Section 202-2	Type II
Section 202-3	Type III
Section 203-3	Neighborhood Meeting
Section 207-5	Conditions of Approval
Section 209	Appeals

2. Article III, Land Use Districts

Section 302	R-5 District (Residential 5 Units per Acre)
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3. Article IV, Development Standards

Section 404	Master Planning
Section 407	Landscape Design



Section 408	Neighborhood Circulation
Section 409	Private Streets
Section 410	Grading and Drainage
Section 413	Parking and Loading
Section 416	Utility Design
Section 418	Setbacks
Section 419	Height
Section 426	Erosion Control
Section 427	Solar Access Standards
Section 430-72	Infill

4. Article V, Public Facilities and Services

Section 501	Public Facility and Service Requirements
Section 502	Sidewalks

5. Article VI, Land Divisions and Property Line Adjustments

Section 602	General Provisions for Standard Land Divisions and Property Line Adjustments
Section 605-2	Urban Land Divisions (Partitions and Subdivisions)
Section 605-3	Development Standards for Urban Land Divisions

D. Ordinance Nos. 799/783/768-A – Transportation Plan

E. Ordinance No. 793-A – Washington County Transportation Development Tax Ordinance

F. Ordinance No. 738 – Road Design and Construction Standards Uniform Road Improvement Standards

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

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

**D. AFFECTED JURISDICTIONS**

Sewer:	Clean Water Services
Streets:	Washington County Dept. of Land Use and Transportation
Drainage:	Washington County Dept. of Land Use and Transportation
Water Quality & Quantity:	Clean Water Services
Erosion Control:	Clean Water Services
Water:	Tualatin Valley Water District
Fire Protection:	Tualatin Valley Fire & Rescue
Police Protection:	Washington County Sheriff
Schools:	Beaverton School District
Transit:	Tri-Met
Parks:	Tualatin Hills Park & Recreation District

## **E. FINDINGS**

### **A. Washington County Comprehensive Plan**

The goals and policies which relate to the development of land are implemented by the code or the Community Plan. The Framework Plan requires development applications to comply with the Community Development Code and the applicable Community Plan. By demonstrating in this Final Order that the request complies with the standards of the Code and the Community Plan, this Plan requirement will be satisfied.

### **B. Cedar Hills-Cedar Mill Community Plan**

The site is located in the Barnes - Peterkort Subarea.

The site is not located in an Area of Special Concern.

The site is not within 250 feet of a floodplain or drainage hazard area.

The site is not designated as a Significant Natural Resource.

The site is not designated as Local Street Connectivity Land.

The site is not designated for Pedestrian Connectivity.

### **General Design Elements**

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

5. *All new subdivisions, attached unit residential developments, and commercial developments shall provide for pedestrian/bicycle pathways which allow public access through or along the development and connect adjacent developments and/or shopping areas, schools, public transit and park and recreation sites.*

*The pedestrian/bicycle system is especially important in providing a link between existing and planned high density residential areas along Barnes Road with the transit center at Highway 26/217. This system may include off ROW segments.*

See Section 408 below.

13. *New access onto Arterials and Collectors shall be limited. Shared or consolidated access shall be required prior to the issuance of a development permit for land divisions or structures located adjacent to these facilities, unless demonstrated to be infeasible.*

The site currently takes access from NW Leahy Road (a Collector) via a shared driveway that also serves Tax Lots 1N135CC02501 and 1N135CC02502 to the north of the site. The applicant proposes to terminate the shared driveway at the north boundary of the site and access all lots from NW Alpenglow Way, a Local Street. This development will not alter the existing access to Tax Lots 1N135CC02501 and 1N135CC02502. The applicant further proposes a gated emergency access to provide access to NW Alpenglow Way for future development on the properties to the north. However, the applicant may choose to eliminate the gate if it is not required by TVF&R.

*15. The County shall emphasize non-auto (transit, bicycle and pedestrian) measures as an interim solution to circulation issues. These measures shall be used to facilitate access to transit centers.*

See Section 408 below.

### **Barnes - Peterkort**

*This area included the largest amount of vacant buildable land in the planning area. This land also is located close to two regional traffic ways (Highways 26 and 217) and two Arterials (SW Barnes and NW Cornell Roads). As a result, the currently undeveloped area is proposed for intense urban development over time, including high density residential, retail, and Office Commercial uses. For the most part, residential densities on the buildable land are "stepped down" next to existing single-family neighborhoods. Where this is not the case, new attached unit development will be required to include buffers which protect existing neighborhoods from possible impacts (including noise and lights) of increased densities.*

*Varied natural features in the subareas - streams, slopes, and wooded areas - provide a backdrop for development designs which accomplish a degree of protection while accommodating new residential and commercial uses. Satisfactory implementation of the land use plan for this subarea will depend to a significant extent on development of the subarea's planned transportation system, including connection of new streets developed on the Peterkort property to streets in adjacent neighborhoods.*

The proposed development of the site is consistent with the Barnes - Peterkort Subarea and implements the "stepped down" R-5 District to create low-density residential development in an existing single-family neighborhood.

## **C. Washington County Community Development Code (CDC)**

### **1. Article II, Procedures**

#### ***Section 202 Procedure Types and Determination of Proper Procedure***

## *202-2 Type II*

*202-2.1 Type II land use actions are presumed to be appropriate in the District. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.*

Per Section 605-2.1.A(2), land divisions are permitted in the R-5 District through a Type II procedure when no variance from the standards of the Development Code is required. This standard land division was processed through the Type II procedure of the Washington County Community Development Code. Public notice was sent to surrounding property owners within 500 feet of the site. Three comment letters were submitted prior to the preparation of the director's decision, as described in the Original Background Findings included in the Staff Report. Where necessary, conditions of approval may be imposed to ensure compliance with the standards of the code and other county regulations, and to minimize identified impacts upon surrounding properties.

## *202-3 Type III*

*202-3.1 Type III actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgment when applying the development criteria contained in this Code or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.*

Per Section 209-2.1, appeals of Type II land use decisions are heard by the Hearings Officer. Public notice was sent to surrounding property owners on March 27, 2025. No written comments were received in response to the appeal notice.

## ***Section 203 Processing Type I, II and III Development Actions***

### *203-3 Neighborhood Meeting*

As required by this Section, the applicant conducted a neighborhood meeting on September 3, 2024. The application included the necessary documentation for verifying compliance with the neighborhood meeting requirements pursuant to Section 203-4.2.K.

## ***Section 207 Decision***

### ***Section 207-5 Conditions of Approval***

207-5.1 *The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designated to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.*

Conditions of approval are imposed to ensure compliance with the standards of the Code and other County regulations and to mitigate the potential for certain adverse development-related impacts to the surrounding area. Conditions of approval listed in Attachment B are recommended to ensure the project complies with applicable code standards and comments from other departments and agencies.

## **Section 209 Appeals**

### **209-1 Decision**

*A decision of the Review Authority for quasi-judicial plan amendments may be appealed within 14 calendar days after written notice of the decision is provided to the parties. Appeals for a Middle Housing Land Division are not addressed in Section 209—See Section 606. A decision by the Review Authority for all other development actions pursuant to Section 209-2 may be appealed within 12 calendar days after written notice of the decision is provided to the parties when:*

209-1.1 *A party files a complete petition for review with the Director;*

The appellant filed a complete petition for review on March 17, 2025, 12 calendar days after written notice of the decision was mailed.

### **209-2 Appeal Authority**

#### **209-2.1 Type I or II Actions**

*The Hearings Officer or Planning Commission as designated by Resolution and Order of the Board shall hear appeals from Type I and II decisions of the Director. The Hearings Officer or the Planning Commission shall be the final decision-maker for the County on appeals of the final decision of the Director for Type I or II actions.*

The Hearings Officer heard this appeal of a Type II decision of the Director. The Hearings Officer is the final decision-maker for the county on this appeal.

#### *209-5 Nature of Hearing*

- 209-5.1 All hearings on appeal shall be conducted as public hearings in accordance with Section 205.*
- 209-5.2 Review of the final decision of the Director in Type II actions shall be de novo. At the public hearing of an appeal of a Type II action, participants shall be limited to the applicant, those who made the appeal and those persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1, and those who made written comments as prescribed in Section 202-2.3.*

The hearing was conducted as a *de novo* public hearing in accordance with Section 205 and the requirements of this section.

#### **Grounds for Appeal**

Grounds for appeal presented in the petition for review are as follows:

- 1) I challenge the validity of the property line adjustment of 7/6/2006. In that change, there was an increase in the lot size by 0.11 acres (4791.6 sq ft). Rolling back to the previous lot size of 1.09 acres would reduce or alter 1 middle housing unit\* in the development. Two adjoining properties' (1N135CC02500 & 1N135CC02501) were surveyed within the same time frame to explore possible future development. Lot 1N135CC02501 did not change its size. Lot 1N135CC02500 did. Why? No lot line documentation pertaining to a change with lot 1N135CC02500 or estate paperwork from the previous 2024 owners can be found to verify such a change. It appears the only documentation is a noted reference in Washington County casefile #L0600338. What authorized representative signed the lot size change? How did it come to be changed?*
- 2) Washington County code for R-5 residential is 4 units/acre, 5 units/acre max for detached based on lot size. Should lot size be set back to pre-2006 size, this ruling for six is contrary to code.*

As noted in the original background findings, above, property line adjustments between Tax Lots 1N135CC02500, 1N135CC02501, and 1N135CC02502 were approved in 2006 under Casefile L0600338-PLA/PLA. Deeds were recorded for each lot to effectuate the property line adjustment(s). Deeds may be found in Washington County Records as Document Nos. 2006-

131805, 2006-131804, and 2006-131802 (note that findings in the director's decision incorrectly identified Document No. 2006-131806, which instead created an easement between the properties). See hearing exhibits for materials relating to this property line adjustment.

Through the Property Line Adjustment described above, Tax Lot 1N135CC02501 decreased in size by 0.22 acres and Tax Lot 1N135CC02502 increased in size by 0.11 acres.

The land use application and all deeds were signed by the appropriate property owners at the time, including, variously, Jacquelin W. Crow, Norman Crow, and Lisa Crow. Note that Norman Crow is the appellant in this case.

There are no grounds to reverse the property line adjustment at this time.

The appellant disputes the size of the site. However, he failed to provide any evidence to support his assertions, other than citations to "Stewart Title and Fidelity National Title" (Exhibit OR-2). However, the appellant did not submit the cited title reports into the record.

- 3) *Lighting and noise levels 'is not expected' to be atypical of R-5 zone neighborhood levels. What are those levels? How are those levels determined or measured? Any time there are additional 6 single-family houses added to the density of a small and quiet neighborhood there will be significant increases in the amount of noise and lighting. All neighboring yards (8 each) are facing this well-lit and noisy project causing disruption to neighboring houses.*

General standards relating to lighting and noise levels may be found in Sections 415, 423-6 and 423-8 of the Washington County Community Development Code and Chapter 8.24 of the Washington County Code of Ordinances. As no structures are proposed at this time, no specific lighting plan is proposed.

Further, the R-5 District has the following purpose statement (Section 302-1): "The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than five units per acre and no less than four units per acre." The proposed residential development at a density of five units per acre is consistent with the intent and purpose of the R-5 District. Any development on this site will generate additional lighting and noise impacts. There is nothing about the design of this development that will generate more noise and lighting impacts than any other residential development allowed in the R-5 zone. The hearings officer understands residents' displeasure with the proposed development, but this development was foreseeable and is in the broader public's interest. The site and all surrounding properties are located within the Urban Growth Boundary ("UGB") boundary and zoned for urban development. As large lots are sold, presumably they will be developed to the maximum extent allowed. The applicant is required to provide a minimum six-foot sight-obstructing fence is proposed on the east, west, and north perimeter property lines of the site, which will provide some light and noise buffer between the site and adjacent properties.

- 4) *Sewer attachment. As was stated in a previous community meeting, the building of housing on lots 4, 5 and 6 were to be connected to a northwestern corner of the Biggi site. Is that still on plan? Can the system hold this additional housing? Currently there are only 3 houses connected. Additional houses double the stress and usage on system. The sewer line is found on property 1N135CC02501 and runs south to north the full length of the property. There will be no granted access to 1N135CC02501 to increase the size of the line should that be necessary. As stated in the easement (1989)\*\*\* there is only access by Cleanwater<sup>[sic]</sup> Services (Unified Sewerage) to maintain the line. Necessity easement should not apply.*

As shown in Exhibit H-2-3, the existing sewer line extends onto the site, terminating in an existing manhole. Based on the applicant's un rebutted testimony and CWS' preliminary approval, the existing sewer line is adequate to serve the proposed development. Therefore, there appears to be no need to access adjacent properties to provide sanitary sewer service to the proposed development. Sanitary sewer connections are subject to Clean Water Services (CWS) jurisdiction. CWS reviewed the preliminary plan details and determined that the plans meet CWS standards for sanitary sewer connection. A CWS Sewer Connection Permit is required as described in Attachment B.

Regarding the easement – Washington County does not review or enforce the terms of private agreements, which may be enforced privately subject to their own terms.

- 5) *There is question as to whether this project, which is located right in the center of Alpenglow is in accordance with the nature of the neighborhood. Several recent newer projects\*\* located nearby, which have R-5 designation, have set a precedence for development and buildings conforming to the character of local neighborhoods.*

As described throughout this Final Order, the proposed use complies with the applicable standards of the Community Plan and Community Development Code. Previously approved developments in the area do not establish a precedent which the applicant is required to follow. Each property and applicant is unique and must be reviewed on its own merits. Comparison to other projects, or to a subjective sense of neighborhood character, is not relevant to this review. See notes below for the appellant's reference to specific projects.

- 6) *This project adds additional stress to already congested streets which are major safety and noise points of contention. Not only will this exist during the lengthy construction time but for the citizens long term post construction. Alpenglow is a congested horseshoe neighborhood no matter if you turn to the right or left out of the Biggi project. Both corners on Alpenglow have 90-degree corners with limited visibility. The size of this infill project presents safety issues for pedestrians and vehicles alike. Particular attention should be directed at the lack of parking for 5-6 structures in total but specifically houses 1, 2, 3*



*showing on the tax map/lot #1N135CC02500. There will be problems for homeowners with parking that cannot be alleviated by garage and driveway parking alone. This congestion also is problematic for emergency vehicles, TV Fire and Rescue as well as police.*

The applicant submitted a sight distance analysis (Exhibit PH-6, Attachment 14) demonstrating that adequate sight distance can be provided at the site access to NW Alpenglow Way. NW Alpenglow Way is a local public street that is designed and intended to serve the volumes of traffic generated by the proposed and existing developments accessing this street. The 90-degree corners are existing and there is no evidence of excessive crashes on this street. Reasonably prudent drivers will observe the posted speed limit and further reduce their speed as necessary to accommodate sharp turns and other road conditions. Unfortunately, not all drivers are prudent. However, there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers.

The applicant will dedicate right-of-way and construct a sidewalk along the site's NW Alpenglow Way frontage, which will connect with existing sidewalks to the east and west, enhancing pedestrian access on this street.

There is no evidence that the "size of this infill project" presents any unique traffic hazards. All of the proposed roads will comply with County standards. The applicant will provide sufficient parking to meet minimum Code requirements. The hearings officer cannot require the applicant to provide more parking than the Code requires.

As discussed in Section 501, both Tualatin Valley Fire & Rescue and the Washington County Sheriff approved Service Provider Letters indicating that they are able to provide adequate service to this project. Tualatin Valley Fire & Rescue further approved this project under TVF&R permit #2024-0178. See Section 501 and the Transportation Findings below for findings related to transportation. See Section 413 for findings related to parking and loading.

7) *Should this appeal be denied, there are pertinent questions and necessary adjustments needing to be made to the approved plan. Below:*

*>Question as to what the plan for the cedar tree line, which is standing from east to west on the North side of the Biggi property. Does it stay or is it cut down? What replaces it?*

The described trees are not designated as a significant natural resource and are therefore exempt from land use review per Sections 201-2.6 and 407-3. Note that a minimum six-foot sight-obstructing fence is proposed and required on the east, west, and north perimeter property lines of the site, which may serve to replace the described tree line.

*>The locked gate as described, is to be eliminated. The gravel road is a private drive. A fence or wall is to be extended across the road at the adjoining property lines. This is to bar all foot traffic passing through properties from Leahy and Alpenglow. There will be no future development of*

*the 1N135CC02501 property. There will be no re-development of the 1N135CC02502 property. Therefore, any traffic not associated with the owners of those two properties is unwelcomed. This is contrary to what is proposed in sections 408-13 and 408-15 of the casefile L2400317-S.*

Document No. 2006-131806 (Exhibit H-2-2) provides for a perpetual easement for access purposes over this area. Washington County does not review or enforce the terms of private agreements, which may be enforced privately subject to their own terms. However, as discussed at the hearing, the Code does not require a gate on the north boundary of the site. Therefore, the applicant may choose to eliminate the gate unless it is required by TVF&R. Condition III.B.3.b.ii should be modified to that effect.

Tax Lot 1N135CC02501 is developed below the minimum density standards of the R-5 district and therefore can redevelop pursuant to Section 408-5.1 C(3)a. The appellant cannot reasonably ensure that no redevelopment will occur in the future. However, a gate is not necessary to facilitate access to future development on the abutting properties; it is feasible to remove a portion of the required fence in order to extend the on-site private street if and when the abutting properties redevelop. No land use standard forbids the inclusion of the proposed gate. Therefore, the applicant may eliminate the proposed gate unless it is required by TVF&R. TVF&R Permit #2024-0178 specifically approved the design with the locked emergency access gate. This permit may require modification if the gate is removed.

**NOTES:**

The following are footnotes in the petition for review. Note asterisks in Grounds for Appeal above.

- \* *middle-housing as<sup>[sic]</sup> defined as detached (or joined) multi-level houses in a single family neighborhood also, including duplex, triplex, converted homes with multi-family occupancy. Also to be considered as 'affordable housing'.*

The appellant's definition does not align with any known legal definition, nor does it align with the proposed development. Per Section 106-124 of the Washington County Community Development Code, Middle Housing is defined as "*Residential development in the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 or TO: R18-24 district, that meets provisions for Middle Housing as adopted into district standards and CDC Section 430-84, limited to:*

- A. *Duplexes, including those created through conversion of existing Single Detached Dwelling Units;*
- B. *Triplexes, Quadplexes, Cottage Clusters, and Townhouses, including those created through conversion of existing Single Detached Dwelling Units or Duplexes, on lots or parcels where Sufficient Infrastructure (as defined in 106-210) exists or is provided by the applicant consistent with requirements of this Code."*

This is consistent with ORS 197A.420(1)(c), which defines “middle housing” as:

- (A) Duplexes;*
- (B) Triplexes;*
- (C) Quadplexes;*
- (D) Cottage clusters; and*
- (E) Townhouses.*

The proposed standard land division is not a middle housing development, and no middle housing development has been proposed at this time. Note that middle housing is a permitted use in the R-5 District.

*\*\* Estates at Leahy Park #L2100311 more notable the Farmsworth 5 lot development*

As described throughout this Final Order, the proposed use complies with the applicable standards of the Community Plan and Community Development Code. Comparison to other projects is not relevant to this review.

A brief review of Casefile L2100311-S/PLA/PLA/DHA and its associated appeal reveals that the parcel being developed in that case was subject to a significant amount of unbuildable area, a constraint not present in this case. Taking this into account, the property developed at a slightly higher density than this project.

Staff were not able to find any project matching the described Farmsworth development.

*\*\*\* see pdf file for copy*

The submitted easement is included as Exhibit H-2-2.

### **3. Article III, Land Use Districts**

#### ***Section 302 R-5 District (Residential 5 Units per Acre)***

##### ***302-6 Density/Number of Units***

***302-6.2 Other housing in the R-5 District (residential development that does not meet the definition of Middle Housing in Section 106):***

- A. The permitted residential density shall be no more than five units per acre and no less than four units per acre, except as permitted by Section 300-2 or by 302-6.2 C, below; and***

The site is 1.20 acres based on County records. The minimum development density for the site is four units/acre x 1.20 acres = five units, and the maximum density is five units/acre x 1.20 acres = six units. The proposed 6-lot subdivision satisfies this criterion.

### *302-7 Dimensional Requirements*

#### *302-7.2 Other housing in the R-5 District (residential development that does not meet the definition of Middle Housing in Section 106)*

##### *A. Minimum Lot Area:*

*(1) The average lot area of lots within a proposed development (Standard Land Divisions and property line adjustments) shall be no less than 6,000 square feet (does not include tracts); and*

*(2) The minimum lot area of a lot shall be 5,500 square feet.*

The average lot area of all proposed lots is 6,519 square feet. The smallest proposed lot is 5,730 square feet. These criteria are met.

##### *B. Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.*

##### *C. Height:*

The applicant shows building envelopes for all proposed lots which comply with all setbacks. Compliance with these standards will be confirmed at building permit review for structures on the new lots.

##### *D. Lot Dimensions:*

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

*(1) Lot width - 40 feet;*

*(2) Lot depth - 60 feet;*

*(3) Lot width at the street or access point - 40 feet except as allowed through Section 430-46 (flag lots); and*

- (4) *Lot width at street on a cul-de-sac, eyebrow corner, hammerhead terminus, or other street terminus - 20 feet.*

All proposed lots comply with the dimensional standards of this section. Compliance will be further evaluated at final plat review.

#### **4. Article IV, Development Standards**

##### ***Section 404 Master Planning***

The applicant has submitted materials showing on-site and off-site topography and tax lot lines, as well as roadways in proximity to the site. This information adequately represents the Master Planning requirements of CDC Section 404.

##### ***Section 407 Landscape Design***

##### ***Section 407-7 Urban Street Tree Standards***

*Inside an urban growth boundary, all new structures or land divisions fronting on public or private roadways or access drives, except the construction of a detached dwelling unit on an existing lot, shall be required to plant street trees in accordance with the following standards:*

- 407-7.1 *The species of street trees to be planted shall be chosen from the approved list of street trees unless approval of another species is given by the Director through a Type I procedure. Trees shall be selected and appropriately spaced to maximize canopy coverage and provide canopy overlap for shade. Trees shall be installed at an average of one tree per thirty-five (35) feet of lineal road frontage unless the selected species has a wide canopy. In those instances, the spacing of trees may be greater than thirty-five (35) feet provided the spacing will result in canopy overlap.*
- 407-7.2 *Exemption from the street tree requirements may be granted by the Director if existing trees can be used as a substitute. This exemption may be granted through a Type I procedure;*
- 407-7.3 *Street trees shall be installed on public or private property no more than five (5) feet from the designated right-of-way; and*

*407-7.4 Street trees shall be a minimum of one and one-half (1 1/2) inches in diameter.*

As noted in Attachment B, Conditions of Approval, the development is required to provide street trees meeting the standards of this section. Street trees shall be provided as required along NW Alpenglow Way and Tract A, with location confirmed at final approval and installation confirmed at final inspection.

## ***Section 408 Neighborhood Circulation***

### ***408-2 Applicability***

*408-2.1 Notwithstanding the requirements of Section 408-10, within an urban growth boundary the requirements of 408-4 - 408-9 shall apply as follows:*

*A. To all Land Divisions which result in any lot or parcel less than 10 acres, not including Middle Housing Land Divisions (Article VI).*

The proposed subdivision results in the creation of lots less than 10 acres and is within an urban growth boundary. Sections 408-4 through 408-9 are applicable.

### ***408-4 Circulation Analysis***

*408-4.1 For all development on a site of two acres or less the applicant shall submit a circulation analysis which at a minimum meets the Off-Site analysis requirements of Section 404-1.4. A larger analysis area may be required in order for the applicant to demonstrate compliance with the requirements of 408-5 or 408-6.*

The applicant has submitted materials showing on- and off-site topography and tax lot lines, as well as roadways and structures in proximity to the site. This information adequately represents the Off-Site Analysis requirements of CDC Section 404-1.4.

### ***408-5 Review Standards for Development on Lands Not Designated on the Community Plan Local Street Connectivity Maps or on Lands Not Designated as a Pedestrian/Bicycle District***

*The following review standards shall: 1) Be used to provide a generally direct and uncircuitous pattern of streets and accessways to ensure safe and convenient access for motor vehicles, pedestrians, bicyclists, and transit users; and 2) To ensure that proposed development will be designed in a manner which will not preclude properties within the circulation analysis area from*

*meeting the requirements of Section 408-5. These standards are applicable to all lands that are not designated on a Community Plan's Local Street Connectivity map or as a Pedestrian/Bicycle District on the Transportation System Plan Pedestrian System map.*

*408-5.1 For single-family or Duplex residential development, on-site streets shall be provided which meet the following:*

*A. Block lengths for Local Streets, Neighborhood Routes and Collector Streets shall not exceed 600 feet between through streets, measured along the nearside right-of-way line of the through street, except when the provisions of Sections 408-5.1 E., 408-5.5, 408-5.6 or 408-7 are met.*

The block bounded by NW Leahy Road to the north and NW Alpenglow Way to the east, west, and south has block lengths of under 500 feet. The existing block satisfies this criterion.

*B. The total length of a perimeter of a block for Local Streets, Neighborhood Routes and Collector Streets shall not exceed 1,800 feet between through streets, measured along the nearside right-of-way line, except when the provisions of Sections 408-5.1 E., 408-5.5, 408-5.6 or 408-7 are met.*

The block bounded by NW Leahy Road to the north and NW Alpenglow Way to the east, west, and south has a block perimeter of approximately 1,730 feet. The existing block satisfies this criterion.

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

*(1) Only has frontage on a street classified as an arterial or collector street in the Transportation System Plan;*

*(2) Does not have approved permanent access consistent with Section 501-8.5 and does not qualify for an access on its frontage based on the standards in Section 501-8.5(B); and*

*(3) Is considered to be redevelopable, for purposes of this section, based on either:*

*a. Residential districts: The ability to partition, subdivide, or add attached dwelling units to meet minimum density standards; or*

The two properties immediately to the north of the subject site only have frontage on NW Leahy Road and are redevelopable residential properties. These properties have an approved permanent access which meets the standards of Section 501-8.5 (Right-of Way Access Permit 27543). No vehicular access is required at this time.

While not required, the applicant proposes to retain the existing asphalt and gravel drive between the private street and the north property line, with the possible addition of an emergency access gate at the north property line. An existing 20-foot-wide access easement (Document No. 2006-131806) to the properties to the north is also in effect across this drive, and the entire drive area will be contained in Private Street Tract A. This access extension will be able to service future development on the northern lots.

*408-5.2 For single-family or Duplex residential development, an on-site pedestrian and bicycle circulation system shall be provided which meets the following:*

- A. For blocks abutting an Arterial or Collector, when block lengths exceed 600 feet, an accessway shall be provided to connect streets for every 400 feet of frontage or portion thereof;*
- B. Trails and accessways shall connect with all existing or approved trails and accessways which abut the development site;*
- C. Accessways shall provide direct access to abutting pedestrian oriented uses which are not served by a direct street connection from the subject property. Accessways shall provide future connection to abutting underdeveloped or undeveloped property which is not served by a direct street connection from the subject property, where the abutting property line exceeds 100 feet, except for designated Industrial or General Commercial land.*

*Where the abutting property line exceeds 400 feet, additional accessways may be required by the Review Authority based on expected pedestrian demand. The Review Authority may reduce the number of required accessways to abutting properties if a) Such a reduction results in spacing of streets and/or accessways of 330 feet or less, and b) Reasonably direct routes are still provided for pedestrian and bicycle travel in areas where pedestrians and bicycle travel is likely if connections are provided. Construction of a trail identified on the Transportation System Plan*



*Pedestrian System map may substitute for such an accessway.*

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

As noted above, block lengths do not exceed 600 feet. No existing or approved trails, accessways, or pedestrian oriented uses abut the development site. No public cul-de-sacs or dead-end streets are proposed. No trails or accessways are required at this time.

#### ***Section 409 Private Streets***

##### ***409-2 Applicability***

*409-2.1 The requirements of Sections 409-3 and 409-4 shall apply to the development of private streets inside an urban growth boundary for the following:*

- A. Detached and attached homes on separate lots when a private street:*

*(1) Exceeds 100 feet in length;*

*(2) Serves or will serve three or more lots or units; or*

*(3) Serves flag lot(s); and*

The proposed Private Street Tract A exceeds 100 feet in length and serves more than three lots. The requirements of Sections 409-3 and 409-4 apply to this application.

##### ***409-3 Urban Private Street Standards***

*409-3.1 A private street may be permitted when all of the following criteria are met:*

- A. The street is not needed to provide access to other properties in the area in order to facilitate provisions of the applicable Community Plan(s), the Transportation Plan, or Section 431, access spacing, sight distance, and circulation standards and requirements, or emergency access standards or concerns;*
- B. The street is not designated as a proposed facility in the Transportation Plan, or is not identified as a public street*

*in the applicable Community Plan or by the requirements of Section 431;*

- C. The street is not designated as a public street by a previous land use action, or by a study adopted by the county;*
- D. The street does not serve as a collector or arterial street, or as a Special Area Commercial Street; and*
- E. In transit oriented districts, the street is permitted as a private street by Section 431.*

The proposed Private Street Tract A is not needed to provide access to other properties, nor is it designated as a proposed facility, public street, collector, arterial, or Special Area Commercial Street. The property is not in a transit-oriented district. The private street may be permitted.

*409-3.3 All streets proposed to be of private ownership inside the UGB shall conform to the following standards:*

A. Local Residential Streets:	<b>STRUCTURAL STANDARDS (409-3.6)</b>				
	<b>*FUNCTION</b>	<b>**MIN. PAVEMENT WIDTH</b>	<b>SECTION</b>	<b>CURBS</b>	<b>SIDEWALKS</b>
	<b><i>Two-way</i></b>				
(7)	<i>3-4 units (Over 150 feet in length)</i>	<i>20 ft.</i>	(1)	<i>None</i>	<i>None</i>

*409-3.4 Private Street Design and Construction*

*A. Construction Plans*

- (2) Construction plans for private streets constructed per Sections 409-3.3 A. (1, 2, 4, 5, 6 or 7) are not required to be prepared by a civil engineer unless the applicant chooses to construct the street in accordance with the County road standards as provided by Section 409-3.6 A.(1).*
- (3) Final construction plans for all private streets shall be submitted prior to final approval.*

*B. Private Street Construction*

- (2) Private streets constructed per Section 409-3.3 A. (1, 2, 4, 5, 6, or 7) shall be constructed prior to final plat approval unless approved otherwise by the Director.*

*The applicant's engineer or contractor shall provide written certification that the street was constructed in accordance with the final construction plans prior to final approval, or prior to issuance of any building permit within the development when the Director permits the street to be constructed after final approval.*

The private street shall comply with the above standards, as required in Attachment B.

#### *409-3.5 Private Street Tracts*

The proposed private street shall be located in a tract as required under this Section.

#### *409-3.7 Emergency Service and Solid Waste and Recycling Collection Provider Access:*

*A dead-end private street (includes alleys) exceeding 150 feet in length shall have an adequate turn around facility designed in accordance with approved Fire Marshal standards unless:*

- A. The Fire Marshal determines that a turnaround is not needed to provide emergency service vehicle access; and*
- B. The solid waste coordinator for the Washington County Health & Human Services Solid Waste and Recycling Program determines that a turnaround is not needed to provide solid waste and recyclable collection vehicle access.*

The applicant submitted a Service Provider Letter and a site plan approved by Tualatin Hills Fire & Rescue, demonstrating that the proposed private street and turnaround facility meet Fire Marshal standards. Per Section 409-3.7, this turnaround is assumed to be sufficient for solid waste and recyclable collection vehicle access.

#### *409-4 General Provisions For Urban Private Streets*

These criteria shall be satisfied by Conditions of Approval in Attachment B.

### ***Section 410 Grading and Drainage***

The applicant submitted preliminary details as required by this section, including preliminary grading and drainage plans. The Washington County Building Engineer has reviewed preliminary details of the proposal and determined the plans meet the requirements of Section 410-1.1. A Grading Permit meeting the requirements of Section 410 shall be obtained prior to any on-site work and shall comply with the Conditions of Approval of this Casefile.

Pursuant to Resolution and Order No. 19-5, Clean Water Services (CWS) has the responsibility for review and approval of storm drainage plans as well as erosion control plans. CWS has reviewed the preliminary details and determined the plans meet District standards. The applicant will be required to obtain a CWS Site Development Permit prior to plat approval and recordation.

### ***Section 413    Parking and Loading***

CDC 413-6.A(1) requires a minimum one parking space per dwelling unit. While no specific building design is proposed in this application, the applicant indicates that off-street parking will be provided through garages and driveways on each lot. Three on-street parking spaces are available on the site's NW Alpenglow Way frontage. Further review of parking standards will be evaluated at the time of final approval and building permit review for structures on the new lots.

### ***Section 416    Utility Design***

Consistent with CDC Section 416, new utilities must be located underground and associated utility easements provided and noted on the recorded plat. Excavation when installing utilities shall be minimized to the extent practicable in accordance with 416-1.4.

### ***Section 418    Setbacks***

Section 302 establishes setback requirements for structures and buildings on properties designated R-5. Section 418 applies to yard obstructions, corner vision and fences and retaining walls. Compliance with these standards will be evaluated at the time of building permit review for structures on the new lots.

### ***Section 419    Height***

Section 302 establishes height requirements for buildings within the R-5 District. Section 419 applies to fences and retaining walls and establishes height requirements for properties that abut properties in different districts. Compliance with these standards will be evaluated at the time of building permit review for structures on the new lots.

### ***Section 426    Erosion Control***

Section 426 requires erosion control measures in the Tualatin River and Oswego Lake sub-basins during construction to control and limit soil erosion. Section 426-5.2 allows the erosion control plan submission and review to be deferred until the time of any on-site work or construction. Therefore, the applicant shall be required to submit an erosion control plan consistent with the requirements of Section 426 prior to any physical change or construction on the site.

The applicant will be required to submit a final erosion control plan to Clean Water Services for their approval prior to any on- or off-site work (including work within the right-of-way) or construction.

## ***Section 427 Solar Access Standards***

### ***427-3 Solar Access Standard for New Development***

#### ***427-3.1 Applicability***

*The solar design standard in Section 427-3.2 shall apply to the following development applications, except to the extent the Review Authority finds that the applicant has shown one or more of the conditions listed in Sections 427-3.3 and 427-3.4 exist, and exemptions or adjustments provided for therein are warranted.*

- A. Development applications to create lots or parcels for Single Detached Dwelling Units or manufactured dwellings in any urban residential district through a Standard Partition or Standard Subdivision application; and*

Solar access standards apply to this standard subdivision creating lots for single detached dwelling units.

#### ***427-3.2 Solar Design Standard***

##### ***A. Requirements for New Lots or Parcels***

*At least 80% of the lots or parcels in a development subject to Section 427 shall comply with one or more of the alternatives listed in Section 427-3.2, provided, a development may, but is not required to, use the alternatives listed in Sections 427-3.2 A. (2) or 427-3.2 A. (3) to comply with Section 427-3.*

- (1) Basic Requirement (see Figure 9). A lot or parcel complies with Section 427-3.2 if it:*

*(a) Has a north-south dimension of 90 feet or more; and*

*(b) Has a front lot line that is oriented within 30 degrees of a true east-west axis.*

All proposed lots comply with the Basic Requirement.

## ***Section 430 Special Use Standards***

## 430-72 Infill

### 430-72.2 Applicability

*The requirements of this Section shall apply to Subdivisions and Partitions (excluding Middle Housing Land Divisions) and development review for attached units (excluding Middle Housing) on all properties designated by the applicable Community Plan as R-5 or R-6 that contain two acres or less, excluding existing rights-of-way.*

The proposed subdivision on an R-5 property that contains less than two acres is subject to the requirements of this Section.

### 430-72.3 *Development of land required to be processed through the infill provisions shall meet the following:*

- B. Provides at least one of the following privacy enhancement measures along all side and/or rear lot lines of adjacent properties developed with existing homes (for illustration, see Figure 1). The privacy enhancement measure is not required along the boundary lines of tracts associated with the infill development. The privacy enhancement measure is not required to extend into an infill lot front yard that abuts an existing public or private street. If an infill lot is a flag lot, the privacy enhancement measure is not required to extend into the portion of the flag lot access pole that is within 15 feet of an existing public or private street:*
  - (1) A landscape buffer consisting of evergreen shrubs having a minimum height of six feet at maturity, planted in a line to form a continuous screen; or*
  - (2) A site-obscuring fence with a minimum height of six feet.*
- C. All required landscaping and fencing between the proposed infill dwelling units and adjacent existing dwelling units shall be installed in accordance with the approved development plans prior to building occupancy and/or final building inspection approval. At the time of planting, the size of landscape buffer shrubs shall be such that they will achieve a minimum height of six feet within two growing seasons.*
- D. The privacy enhancement measures shall be applied in addition to any screening and buffering required per Section 411. Where a landscape buffer is utilized as a privacy enhancement measure, it can also be used to satisfy requirements for understory trees and*

*shrubs per Section 411-6. Where a site-obscuring fence is utilized as a privacy enhancement measure, it can also be used to satisfy requirements for a S-1 or S-2 fence per Section 411-7.*

The applicant proposes a mix of existing and new fencing along all property lines to meet this standard. Fencing shall be installed as required in Attachment B, Conditions of Approval. If a gate is included as proposed it must be six feet high and sight obscuring.

#### **430-72.4 Submittal Requirements**

*In addition to all other submittal requirements, applications shall include:*

- A. Site plans showing locations and setbacks of each dwelling unit and, if applicable, detached garage on each new lot or parcel;*
- B. A screening and buffering plan showing all existing landscaping and buffering and any additional landscaping and buffering, including fencing, needed to maintain the privacy of existing dwellings on adjacent parcels. The screening and buffering plan may be incorporated into the individual site plans described under Section 430-72.4 A. above; and*
- C. An Off-Site Analysis as required by Section 404-1 that includes setbacks of the proposed dwelling units on the subject property from existing dwelling units on adjacent parcels.*

The applicant's submitted plans show building envelopes on all lots, required screening and buffering, and appropriate off-site analysis.

### **5. Article V, Public Facilities and Services**

#### **Section 501 Public Facility and Service Requirements**

##### **501-2 Application of the Public Facility and Service Standards Inside an Urban Growth Boundary**

*Application of the Public Facility and Service Standards (Section 501-1 through 501-13) shall apply to the Urban Unincorporated Area as follows:*

##### **501-2.1 To all Standard Land Divisions, Middle Housing Land Divisions and property line adjustments, except:**

- A. Land Divisions where each resulting lot or parcel measures 10 acres or greater, except as required by Subsection 501-8.5; or*
- B. As otherwise specified for a property line adjustment under Article VI.*

Public Facility and Service Standards apply to this Standard Land Division under 10 acres in the Urban Unincorporated Area.

#### *501-8.1 Critical Services*

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

The applicant submitted Service Provider Letters approved by the Tualatin Valley Water District (dated October 21, 2024), Clean Water Services (dated October 21, 2024), and Tualatin Valley Fire & Rescue (dated November 20, 2024). The application was submitted on October 23, 2023, two days after the oldest signature. This criterion is satisfied.

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

See the Transportation Findings below for criteria under this Section.

- C. No development shall be approved without adequate drainage as prescribed by the county Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for stormwater, surface water and water quality management as required by the Clean Water Services' "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.*

As noted in Attachment B, Conditions of Approval, the development will be reviewed by Clean Water Services for compliance with Resolution & Order 19-5, Concerning Erosion Control, Water Quality, and Water Quantity.

- D. No development shall be approved on property that is located outside of the Washington County Urban Road Maintenance District. The subject property shall be*



*annexed into this district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.*

The property is in the Washington County Urban Road Maintenance District.

#### *501-8.2 Essential Services*

##### *A. Service Provider Documentation*

*(1) An applicant shall provide documentation from the appropriate school district, police or sheriff department, transit agency, trail provider and highway department that adequate levels of service are available or will be available to the proposed development within the time-frames required by the service provider. Accessory Dwelling Units are exempt from this requirement and development of housing as described under 501-8.1 B(1) is subject only to requirements for documentation from the school district and police or sheriff, and is not subject to (2) (c) or (d) below.*

The applicant submitted approved Service Provider Letters from the Beaverton School District, Washington County Sheriff, TriMet, and Tualatin Hills Park & Recreation District. This criterion is satisfied.

##### *B. Adequate Level of Arterial and Collector Roads*

*No development shall be approved without an adequate level of Arterial and Collector roads available to the proposed development in place or assured at the time of occupancy. This requirement is satisfied by payment of the Transportation Development Tax. In addition, payment of the Transportation Development Tax is not an assurance for improvements required by Sections 501-8.2 C. through J. In addition to payment of the Transportation Development Tax an applicant shall, at a minimum, assure the following with said assurance provided prior to issuance of a building permit:*

Transportation Development Tax is due at issuance of a building permit and is conditioned in Attachment B.

##### *K. Law Enforcement Services*

*No development shall be approved on property that is located outside of the Washington County Enhanced Sheriff's Patrol District. The subject property shall be annexed into the district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.*

The property is located in the Washington County Enhanced Sheriff's Patrol District.

**501-8.5 Access to Public Roads**

*All developments shall have legal access to a public road. Except for interim access as provided in Section 501-8.5 E. (Interim Access), access onto any public road in the unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the county road standards and the standards of Section 501. For Middle Housing, access spacing requirements Section 501 apply only to Triplexes, Quadplexes and Townhouses, and only in specific circumstances described in 430-84.3 B (4) and 430-84.4 B (5).*

Access is provided from NW Alpenglou Way either directly (Lots 4-6) or via Tract A (Lots 1-3). See the Transportation Findings below for other criteria under this Section.

**Section 502 Sidewalk Standards**

See the Transportation Findings below.

**6. Article VI, Land Divisions and Property Line Adjustments**

**Section 602 General Provisions for Standard Land Divisions and Property Line Adjustments**

These criteria shall be satisfied by Conditions of Approval in Attachment B.

**Section 605 Standard Land Divisions and Property Line Adjustments Inside an Urban Growth Boundary**

**605-2 Urban Land Divisions (Partitions and Subdivisions)**

*Land within the urban unincorporated portions of Washington County may be divided through a Standard Partition or Standard*

*Subdivision plat. To partition land means to divide a unit of land into two or three parcels within a calendar year. To subdivide land means to divide a unit of land into four or more lots within a calendar year. A Standard Partition or Standard Subdivision may or may not involve the creation of a street or road.*

*Standard Subdivisions and Standard Partitions are subject to the general standards of the land use districts, the applicable development standards of Article IV, the applicable standards of Article V (Public Facility and Service Requirements) and the provisions of this Article, including standards in Section 605-3 (Development Standards for Urban Standard Land Divisions). Section 605 does not apply to a Middle Housing Land Division (see Section 606).*

This division of a unit of land into six lots is a subdivision and is subject to applicable standards under Article VI.

#### *605-2.1 Procedures*

*Standard Partitions and Standard Subdivisions shall be processed through a two-step process consisting of a preliminary review and a final review.*

##### *A. Preliminary Review:*

*The preliminary review of a Standard Partition or Standard Subdivision shall:*

*(2) Be through a Type II procedure when no variance from the standards of this Code is required; or*

This Standard Subdivision does not require any variance from the standards of this Code and is eligible for Type II review.

*(4) Expire automatically four years from the date of approval unless prior to expiration:*

*(a) A request for final review, which includes all required information, is filed with the County; or*

*(b) A request for an extension is filed with the County pursuant to Article II; or*

*(c) Development is commenced pursuant to Section 201-6. If the Director determines that development*

*has commenced prior to final approval, the preliminary review shall expire five years from the date of approval unless final approval is granted.*

This criterion shall be satisfied by Conditions of Approval in Attachment B.

*605-2.3 Submission Requirements for Preliminary Review of Urban Standard Land Divisions*

The applicant has submitted materials which adequately satisfy these requirements.

*605-3 Development Standards for Urban Land Divisions*

*In addition to the other standards in this Code, the following standards shall apply to all Standard Land Divisions within the urban unincorporated portions of Washington County.*

*605-3.1 Sewers*

*Sanitary sewer plans shall conform to the standards and specifications adopted by the Board of Directors of the Clean Water Services of Washington County. Sewer lines shall be installed to serve all properties within the boundaries of the Standard Subdivision or Standard Partition except as permitted otherwise by Section 501-2.1, 501-4, or 501-5.*

*605-3.2 Storm Drainage Systems*

*A. Storm drainage systems shall provide for the adequate drainage of surface water on and crossing a site. Storm drainage systems include, but are not limited to, ditches, pipes, inlets, creeks, rivers and detention facilities. Storm drainage systems may be located within public rights-of-way; easements or tracts for public travel, including private streets; drainage easements; and tracts of common ownership. Drainage plans and street plans shall indicate the direction of storm drainage flow.*

A preliminary utility plan was submitted as part of the application. Clean Water Services (CWS) has reviewed the proposed development and sanitary and storm sewer plans and recommends certain conditions of approval to ensure compliance with current CWS design and construction standards.

Conditions of Approval are imposed to ensure that these facilities are constructed in accordance with current CWS standards, and the appropriate easements recorded on the plat.

*605-3.3 Streets and Street Improvements*

See the Transportation Findings below.

*605-3.4 Public Utilities*

All utilities will be placed within easements, tracts, and/or rights-of-way as required in this Section.

*605-3.6 Lots or Parcels*

*A. Double-frontage lots or parcels shall be prohibited unless the Review Authority finds:*

No double frontage lots are proposed.

*605-3.7 Blocks*

See findings for Section 408-6.2 A.

*605-3.8 Easements*

All easements shall be sized in accordance with applicable service provider standards.

**D. Ordinance Nos. 799/783/768-A – Transportation Plan**

The findings and recommendations for transportation standards are found in the Transportation Findings below.

**E. Ordinance No. 793-A – Washington County Transportation Development Tax Ordinance**

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

**F. Ordinance No. 738 – Road Design and Construction Standards Uniform Road Improvement Standards**

The findings and recommendations for transportation standards are found in the Transportation Findings below.

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

The findings and recommendations for transportation standards are found in the Transportation Findings below.

#### **H. Resolution and Order No. 19-5 – Regarding Erosion Control, Water Quality and Water Quantity**

Resolution and Order 19-5 contains adopted standards and regulations for Clean Water Services review and approval of erosion control measures. See Attachment B for related conditions of approval.

#### **I. Transportation Findings:**

##### **1. PROJECT PROPOSAL AND TRIP GENERATION**

- A. The request is to divide one lot into six lots and two tracts. The site is shown below.
- B. The development's projected trip generation is 56.58 average daily trips (ADT), based on ITE Category 210 (Single Family Residential) for the six lots.

##### **2. ABUTTING ROADWAY DESIGNATIONS/STANDARDS**

- A. The Washington County Transportation System Plan (TSP) and Washington County Road Design and Construction Standards (WCRDCS) establish required lane numbers and configurations, right-of-way and roadway widths, and roadway pavement structural specifications for roads.
- B. NW Alpenglow Way is designated as a Local Road per the TSP, requiring a minimum of 38 feet of right-of-way (17 feet from legal centerline).
- C. The development site maintains approximately 220 feet of frontage on NW Alpenglow Way along the south boundary of the site.
- D. The applicant proposes to construct three individual accesses and one private street access (Tract A) from NW Alpenglow Way.

##### **3. ABUTTING ROADWAY RIGHT-OF-WAY DEDICATION**

- A. Existing right-of-way from centerline along NW Alpenglow Way is 22 ft. Required right-of-way from legal centerline is 17 feet for the L-2 standard. Existing right-of-way is adequate to complete the required improvements.
- B. Additional pedestrian, sidewalk and/or utility easements, including slope easements and access restrictions may be required in accordance with the TSP and WCRDCS.

##### **4. ABUTTING/ACCESS ROADWAY SURFACE WIDTH, STRUCTURAL CONDITION, AND REQUIRED IMPROVEMENTS**

- A. CDC Sections 501-8.1 B., 501-8.2, and 501-8.5 H. require improvement of substandard County or public roads abutting or providing access to a proposed development in accordance with the TSP and WCRDCS.

B. CDC Section 501-8.1 B. (9) requires NW Alpenglow Way be improved in accordance with the TSP and WCRDCS, including constructing NW Alpenglow Way with a half-street improvement.

**C. NW Alpenglow Way**

1. Construct half-street improvements to a Washington County L-2 designation. Improvements shall include but are not limited to paving, sidewalk, planter strip, curb and gutter, street trees, signing, illumination, utility re-location and drainage.

**D. Private Street**

1. Provide a commercial driveway (#1040) for access with NW Alpenglow Way or other County Engineer approved private street access and maintain wings within property frontage.
2. Provide an emergency access gate at the northern end of frontage to restrict/prevent direct access to NW Leahy Rd.

E. Provide a Pavement Report prepared by a Professional Engineer. The report shall include recommendations for new full depth pavement and/or pavement repair for existing roadway sections affected by the project. The report shall include, but is not limited to, the following recommendations: Existing pavement condition analysis, Grind and Inlay/Overlay, pavement repair, "Wet Weather" pavement construction, ESAL calculations, AASHTO pavement design calculations, soil classification, modulus and laboratory test results. Please contact Rob Saxton at [Rob\\_Saxton@co.washington.or.us](mailto:Rob_Saxton@co.washington.or.us) prior to field investigation.

F. Relocate utilities that conflict with public improvements.

G. Provide updated construction cost estimate when plans are approved for public improvements.

**5. Access**

A. CDC Section 501-8.5 governs access to County and public roads.

B. The applicant proposes to construct three individual accesses (Lots 4, 5 and 6) and one private street access (Tract A) from NW Alpenglow Way.

**6. Sight Distance**

A. CDC Section 501-8.5. F. and WCRDCS Section 210.7 require adequate intersection sight distance at a site's access to a County or public road in accordance with the standards of CDC 501-8.5. F.

B. Required sight distance is equal to ten times the vehicular speeds of the road. NW Alpenglow Way has a speed limit of 25 mph adjacent to the subject site; therefore, required sight distance at all accesses to NW Alpenglow Way is 250 feet.

C. The intersection between the north-south leg of NW Alpenglow Way and the east-west leg of NW Alpenglow Way is less than 250 feet east of the proposed private

street access. A memo issued by Stacy Shetler, County Engineer, April 8, 2021, provides guidance for determining required sight distance in a variety of situations. Situation B.2.a in this memo provides guidance for situations where the distance between the subject intersection and adjacent intersection is less than the required sight distance standard for non-stop controlled adjacent intersection approach turning from a local street onto a local street. In this case, the memo provides that "The approach speed of a vehicle that has turned at the adjacent intersection can be assumed to be 17 mph based on a speed study conducted by Kittelson and Associates in 2017." Therefore, the approach speed from the east may be assumed to be 17 mph and required sight distance is 170 feet.

- D. The application included a Preliminary Certification of Sight Distance at the proposed private street access to NW Alpenglow Way.
  - 1. Sight distance to the west is measured as 250 ft. The preliminary sight distance certification determined that adequate sight distance to the west is provided.
  - 2. Sight distance to the east is measured as 200 ft. The preliminary sight distance certification determined that adequate sight distance to the east is provided.
- E. **Prior to Final Approval:** The applicant will be required to provide Preliminary Certification of Sight Distance at the westernmost of the proposed accesses to NW Alpenglow Way, with an approved design modification, as required. Certification of Sight Distance must be prepared by a licensed Oregon professional engineer in accordance with CDC 501-8.5 F.

***NOTE:** If the design modification is not approved, a minor revision may be required to alter the access design.*
- F. **Prior to occupancy:** The applicant will be required to provide Final Certification of Sight Distance at all proposed accesses. Final Certification of Sight Distance must be prepared by a licensed Oregon professional engineer in accordance with CDC 501-8.5 F.
- G. Per CDC Section 418-4.7, residential lots or parcels shall maintain a clear vision area with no sight obscuring fence or wall (does not include retaining wall) more than three (3) feet in height, measured from finished grade, within a fifteen (15) by fifteen (15) foot triangle along a driveway. A clear vision area shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the fence line.

## **7. Maintenance Provisions**

- A. Local and Neighborhood Route Roads are maintained by the County Urban Road Maintenance District (URMD). CDC Section 501 8.1 D. requires properties to be annexed into URMD prior to approval of development or redevelopment. The subject property is within URMD.
- B. Per CDC 501-8.2 C., the applicant shall assure the maintenance and power costs of all required illumination on public roads through the annexation and petition



for service to an existing County service district for lighting (SDL) or other means of assurance approved by the Operations Division.

**8. Permits Required**

- A. A Facility Permit will be required from Assurances for the construction of required public improvements.

**G. CONCLUSION**

Based on the above findings, the hearings officer concludes the applicant sustained the burden of proof that the proposed development complies with the applicable approval criteria based on substantial evidence, and the appellant failed to rebut that proof with at least equally probative evidence. Therefore the hearings officer denies the appeal and upholds the County's decision, subject to the conditions in Attachment B of this Final Order.

**H. ORDER**

Based on the findings and conclusions above, the hearings officer hereby denies the appeal, upholds the director's decision, and approves Casefile L2400317-S (Leahy Road Subdivision), subject to the conditions of approval in Attachment B of this Final Order.

DATED this \_\_\_ day of May 2025.

A handwritten signature in black ink, appearing to read 'Joe Turner', with a long horizontal flourish extending to the right.

Joe Turner, Esq., AICP  
Washington County Land Use Hearings Officer

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL**  
**Casefile No. L2400317-S/APPEAL**  
**(Leahy Road Subdivision)**

- I. **THIS APPROVAL SHALL AUTOMATICALLY EXPIRE FOUR YEARS FROM THE DATE OF THIS APPROVAL, UNLESS DEVELOPMENT HAS COMMENCED, AN APPLICATION FOR AN EXTENSION IS FILED, OR THIS APPROVAL IS REVOKED OR INVALIDATED (SECTION 201-4).**
- II. **PRIOR TO COMMENCING ANY ON-SITE IMPROVEMENTS, INCLUDING GRADING, EXCAVATION, FILL ACTIVITIES, OR TREE REMOVAL, THE APPLICANT SHALL:**
- A. Submit to Building Services (503-846-3470) for review and approval grading plans meeting the standards of CDC Sections 410 and 426 and consistent with the preliminary plan approved via this land use review. The grading permit application shall include, at minimum, the following information/reports:
1. A site-specific geotechnical engineering report with recommendations for development of the site. The report shall be stamped and signed (electronic signature accepted) by an Oregon registered engineer.
  2. Private road/driveway/parking lot structural details on the plans per site-specific geotechnical engineering recommendations.
  3. A drainage analysis report stamped by a registered civil engineer that shows that additional impervious areas as a result of this proposed work will not impact the surrounding properties negatively per WCC 14.12.310.  
*NOTE: For subdivision developments (more than 3-lots), WCC 14.12.310-I provisions cannot be used to satisfy WCC 14.12.310-A provisions.*
  4. Beside the above items, comply with all requirements given on the Building Services Grading Permit application forms.  
*NOTE: A site utility permit may also be required for all private work. All grading/site work shall also comply with all applicable requirements noted on the Building Services Division Grading Permit application forms.*
- B. Submit to Clean Water Services (503-681-3600) for review and approval:
- Obtain a Clean Water Services (CWS) Site Development Permit prior to plat approval and recordation. Application for CWS Site Development Permit shall be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22 (CWS Standards), or prior standards as meeting the implementation policy of R&O 18-28, and shall include:

1. Compliance with all provisions of CWS Standards.
2. A detailed grading and erosion control plan. An Erosion Control Permit is required. The area of disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, the project shall require a 1200-CN Erosion Control Permit.
3. A drainage report including a downstream drainage analysis meeting the requirements of R&O 19-5 Section 2.04.2.m is required. If downstream storm conveyance does not have the capacity to convey volume during a 25-year, 24-hour storm event, the applicant is responsible for mitigating the flow as provided in the above-named design standards.
4. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
5. Plans showing storm service requirements to each lot. If private lot LIDA systems are proposed, they must comply with current CWS Standards and Washington County Plumbing Standards.
6. Any offsite sanitary or storm sewer improvements identified as part of this development may require additional offsite street improvements/restorations. All transportation-related infrastructure (including but not limited to roadway surfaces and base material) influenced by sanitary or storm sewer improvements shall be restored to original or better condition.
7. Provisions for water quality in accordance with the requirements of the above-named design standards. Water quality is required for all new development and redevelopment areas per R&O 19-5 Section 4.04. Access shall be provided for maintenance of any facility per R&O 19-5, Section 4.07.6.
8. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality-related easements shall be granted to Clean Water Services.
9. Any proposed offsite construction activities will require an update to the current Service Provider Letter for this project.

**PRIOR TO SEWER CONNECTION PERMIT ISSUANCE:**

- A. The above-noted improvements must be completed to CWS satisfaction.
- B. The as-constructed drawings (as-builts), or a bond guaranteeing the as-builts, shall be submitted and accepted by CWS.

**III. PRIOR TO FINAL APPROVAL AND PLAT RECORDATION FOR THE DEVELOPMENT, THE APPLICANT SHALL:**

- A. Submit to the County Survey Division (503-846-8723):**

Ten copies of the proposed final subdivision plat that comply with Oregon Revised Statutes, Chapter 92 and Section 605 of the Washington County Community Development Code.

The following shall be shown on the plat:

1. All applicable easements and tracts, including but not limited to:
  - a. Tract A, a private street: access easements for Lots 1-3 and for Clean Water Services, emergency service, and garbage & recycling service providers.
  - b. Tract B, a water quality facility
  - c. Public utility easements
  - d. Public sanitary sewer and storm drainage easements
2. Use and maintenance rights for all easements and tracts shall be recorded in a separate document submitted to the County Surveyor and are to be recorded with and referenced by notation on the plat.
3. All lots noting that the minimum width and depth requirements of the R-5 District are met.
4. Plat note indicating that the development is subject to the conditions of approval of Washington County Land Use & Transportation Casefile L2400317-S/APPEAL.

**B. Submit to Current Planning Division (Public Assurance Staff, 503-846-3843):**

1. Completed "Design Option" form.
2. \$18,000 Administrative Deposit.

***NOTE:** The Administrative Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administrative Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administrative Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant.*

***PLEASE NOTE:** Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

3. Once items (1) and (2) above have been received and processed, you will receive an invitation to our Electronic Plan Review (EPR) system, ProjectDox. Please follow the instructions in the e-mail regarding uploading plans and documents properly. In short: Upload plans into the "Plans" folder, and upload documents into the "Document" folder;

reference the Washington County Road Engineering Plan Submittal Checklist, preliminary completeness verification matrix, for a complete list of required documents.

Upon final compliance review you will receive an e-mail with final instructions, i.e. download, print, and sign the engineers seal for final plan approval.

The engineering plans will need to address the following public improvements:

**a. NW Alpenglow Way:**

- i. Construct half-street improvements to a Washington County L-2 designation. Improvements may include, but are not limited to, paving, sidewalk, planter strip, curb and gutter, street trees, signing, illumination, utility re-location, and drainage.

**b. Tract A:**

- i. Provide a commercial driveway (#1040) for access with NW Alpenglow Way or other County Engineer-approved private street access and maintain access wings within property frontage.
  - ii. If a gate is provided or required by TVF&R, the gate shall be six feet high and sight obscuring.
4. Provide a Pavement Report prepared by a Professional Engineer. The report shall include recommendations for new full depth pavement and/or pavement repair for existing roadway sections affected by the project. The report shall include, but is not limited to, the following recommendations: Existing pavement condition analysis, Grind and Inlay/Overlay, pavement repair, "Wet Weather" pavement construction, ESAL calculations, AASHTO pavement design calculations, soil classification, modulus, and laboratory test results. Please contact Rob Saxton at [Rob\\_Saxton@co.washington.or.us](mailto:Rob_Saxton@co.washington.or.us) prior to field investigation.
  5. Relocate any utilities that conflict with public improvements.
  6. Provide updated construction cost estimate when plans are approved for public improvements.

**C. Obtain Departmental approval, provide financial assurance, and obtain a Facility Permit for construction of the public improvements and payment of funds listed in Conditions III.B.3.**

***NOTE:** The Public Assurance Staff of Current Planning Services will send the required forms to the applicant's representative after submittal and approval of the public improvement plan.*

**D. If required, ensure the maintenance and power costs of street light facilities through the petition for service and formation of a Service District for Lighting (SDL) assessment area or other funding method approved by the County. This requirement must be satisfied prior to plat recordation or acceptance of the public improvements.**

**NOTE:** Contact the Service District for Lighting at 503-846-3679. The formation process takes approximately 3 to 4 weeks. You must also establish a job with PGE by contacting 503-323-6700 prior to the SDL formation.

**E. Submit to Current Planning Services, Project Planner (Cassandra O'Donnell, cassandra\_odonnell@washingtoncountyor.gov):**

1. Final Approval form (Type I procedure; two copies).

**NOTE:** The final approval application shall contain complete evidence that all Conditions of Approval have been met.

2. Final Approval fee.
3. Provide Preliminary Certification of Sight Distance at westernmost access drive with an approved design modification, as required. Certification must be prepared by a licensed Oregon professional engineer in accordance with CDC 501-8.5 F.

**NOTE:** If the design modification is not approved, a minor revision review may be required to alter the access design.

4. Final plans consistent with those stamped "Preliminary Approval" and located in the Casefile, including the following:
  - a. Any revisions to the preliminary plat as made necessary through the engineering plan review or implementing conditions of approval.
  - b. Information required by Condition of Approval III.A.
5. Plans for a six-foot sight obscuring fence or a landscape buffer compliant with Section 430-72.3 B.(2) along the north, east, and west perimeter property line.

**IV. PRIOR TO THE SUBMITTAL OF A BUILDING PERMIT, THE APPLICANT SHALL:**

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

**V. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT THE APPLICANT SHALL:**

**A. Submit with the building plans to Building Services (503-846-3470) plans showing:**

1. Sidewalks as required by Section 502.
2. Street trees as required by Section 407.

**NOTE:** The street tree layout for the public streets shall include a Final Sight Distance Certification to ensure proper placement of the street trees along NW 174th Ave and NW 175th Ave.

3. Plans for a six-foot sight obscuring fence or a landscape buffer compliant with Section 430-72.3 B(2) along the north, east, and west perimeter property lines.

4. Site plans for each lot showing compliance with dimensional standards and setbacks of the R-5 District, as applicable.

**B. Pay Tualatin Hills Park & Recreation District Service Development Charge, and other System Development Charges as applicable.**

*NOTE: Transportation Development Tax shall be required as determined by Ordinance #793-A.*

**VI. PRIOR TO BUILDING OCCUPANCY AND/OR FINAL BUILDING INSPECTION APPROVAL:**

- A. The public improvements as required by Condition III.B.3. and as shown on the final approved plans shall be completed and accepted by the County.

*NOTE: Required street lighting must be operational prior to occupancy.*

- B. All facilities and improvements required by CWS shall be completed and approved by CWS, including tie-in to the public storm drainage.
- C. Street trees shall be planted along the affected lots fronting public and private street frontages at an average spacing of 35 feet and not shall restrict sight distance.
- D. Construct a six-foot sight obscuring fence or a landscape buffer compliant with Section 430-72.3 B(2) along the north, east, and west perimeter property lines.
- E. Provide Final Certification of Sight Distance at accesses to NW Alpenglow Way. Certification must be prepared by a licensed Oregon professional engineer in accordance with CDC 501-8.5 F.

**VII. ADDITIONAL CONDITIONS**

- A. Adequate sight distance shall be continuously maintained by the property owner at all driveways intersecting with public streets and at all public street intersections abutting the project site. This may require the property owner to periodically remove obstructing vegetation from the road right-of-way and/or on site.
- B. This development shall be constructed in accordance with the conditions of this decision, the approved final plans, and the standards of the Community Development Code (Section 207 5).
- C. All conditions of approval shall be binding upon all heirs, successors, and assigns (Section 207 5).
- D. Transferability of this Development Permit shall be in accordance with Section 201-8.