WASHINGTON COUNTY
Department of Land Use & Transportation
Current Planning Services Division
156 North First Avenue, Suite #350-13
Hillsboro, Oregon 97124-3072
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www.co.washington.or.us

RECOMMENDATION & STAFF REPORT

PROCEDURE TYPE: III

CPO: 10
COMMUNITY PLAN: Rural/Natural Resource

PROPERTY DESCRIPTION:
ASSESSOR MAP NO.: 2S3 05
TAX LOT NO.: 02400
ADDRESS: 13665 SW Academy Way
SITE SIZE: 151.55 acres

LAND USE DISTRICT:
Agriculture and Forest (AF-5)

CASEFILE: L2400303-S

APPLICANT:
Tess Properties
111 N College Street
Newberg OR 97132

APPLICANT'S REPRESENTATIVE:
AKS Engineering & Forestry LLC
Chris Goodell
12965 SW Herman Road, Ste 100
Tualatin OR 97062

PROPERTY OWNER(S):
Tess Properties
500 E Hancock Street
Newberg OR 97132

PROPERTY LOCATION:
On the south side of SW Laurelwood Road, at its intersection with SW Hartley Road.

PROPOSED DEVELOPMENT ACTION: Preliminary Review for a 30-Lot Subdivision (Laurelwood Estates) in the AF-5 District

March 13, 2025

RECOMMENDATION:

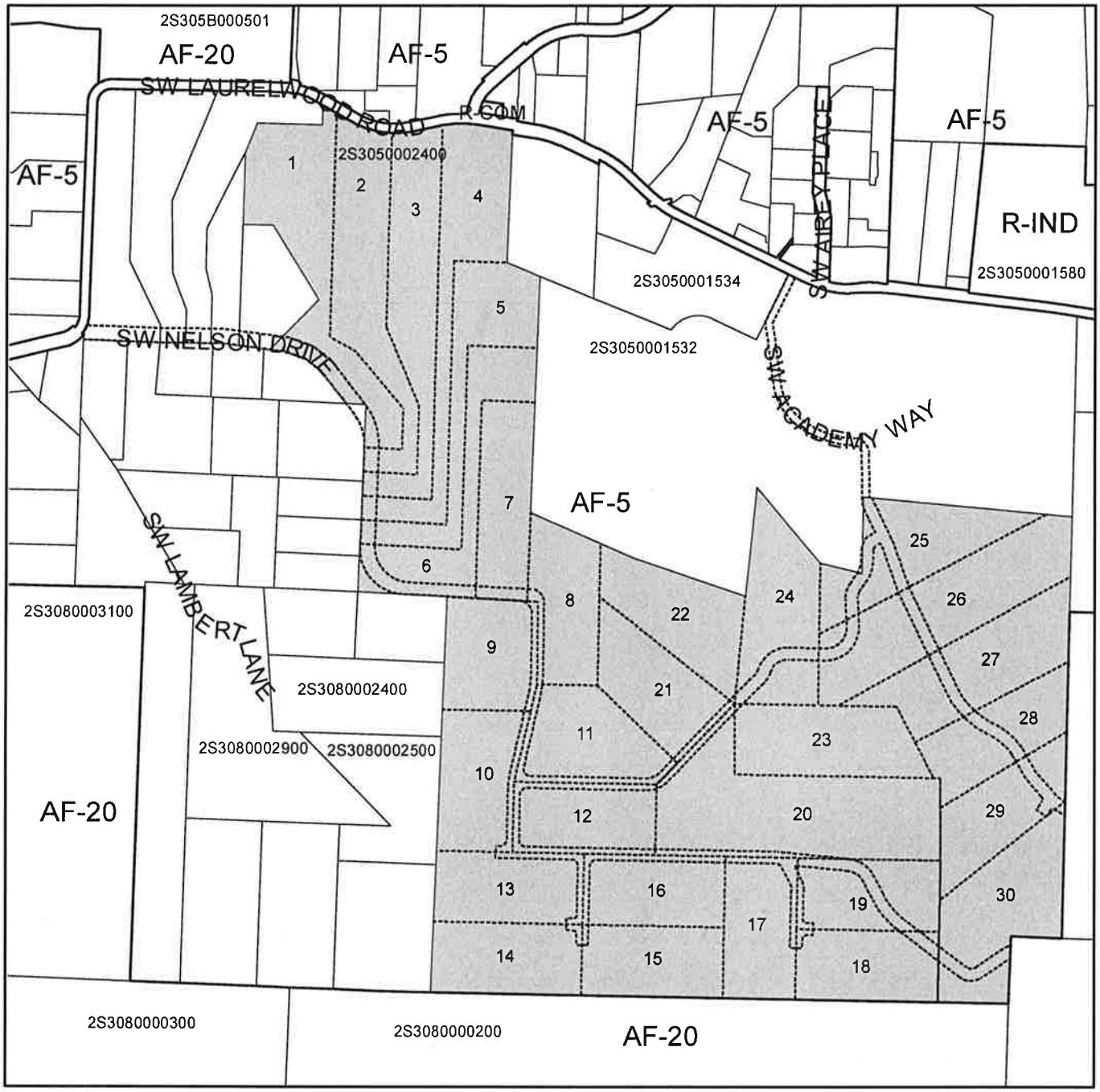
Staff recommends the Hearing Officer approve the Preliminary Review for the Laurelwood Estates, a 30-lot subdivision in the AF-5 District, subject to the Recommended Conditions of Approval in Attachment B.

Attachments:
A. Vicinity Map
B. RECOMMENDED CONDITIONS OF APPROVAL
C. Staff Report

ATTACHMENT A VICINITY MAP

TAX MAP/LOT NO. 2S3 05 00 02400

CASEFILE / PROJECT #: L2400303-S



↑ NORTH **AREA OF CONSIDERATION**

NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:

AF-5 District (Agriculture and Forest)

AF-20 District (Agriculture and Forest)

R-IND (Rural Industrial)

R-COM (Rural Commercial)

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

Attachment B
RECOMMENDED CONDITIONS OF APPROVAL

I. **In accordance with Section 201-4, application for Final Approval of the First Phase of the subdivision shall be submitted within four (4) years of the date of this Preliminary Approval, unless: the permit is revoked as provided by Section 201-7; an application for a permit extension is filed pursuant to Section 201-5; or, development has commenced as provided in Section 201-6.**

II. **The total time period for final approval of all four (4) phases shall not exceed five (5) years. (Section 610)**

III. **The plat for each phase shall be recorded within two (2) years of the date of its Final Approval (Section 602)**

IV. **Any ground disturbing activities within the flood plain/ drainage hazard area, or within the riparian corridor (including road improvements) will trigger land use review pursuant to Sections 421 and 422.**

V. **Prior to any ground-disturbing activity within each phase, including construction or modification for access:**

A. **Submit to Building Services (503-846-3470), as determined necessary by the Building Engineer (503-846-3470):**

1. A grading permit application complying with all requirements stipulated on the grading application form. The plans and design documentation shall be stamped and certified by a civil engineer. The permit application must include the following:

   a. Site-specific geotechnical engineering report with recommendations for developing the site. The report should be stamped and signed (electronic signature accepted) by an Oregon registered engineer.

   b. Road work and any dwellings on a slope with a grade over 15% should have a minimum slope stability analysis report. For such construction:

      i. The geotechnical report must include a slope stability analysis for steep slopes surcharge by the proposed structure under both static and seismic conditions.
      ii. A minimum safety factor of 1.5 and 1.0 is required for static and seismic loads, respectively. Quantitative data in an analysis report is required showing compliance with **WCC § 14.12.110(A)** and **WCC § 14.12.360(B4).**
      iii. The minimum fire access loading of 75,000 lb. and a width of 20 feet is required with supporting design calculations unless a letter from the applicable fire marshal is submitted, stating that a narrower width is permitted.
      iv. The slope stability analysis should consider possible global slope failure due to the steepness of the site slope under future structure surcharge of 250 psf.

2. Structural details of the private road/driveway on the plans per site-specific geotechnical engineering recommendations. The plans should show private road shoulders required to maintain the structural integrity of the road subbase.

3. A drainage analysis report stamped and certified by a civil engineer that shows the additional impervious areas from the proposed work will not negatively impact surrounding properties per WCC § 14.12.310. The grading plans with the report must include the following information:

      i. The entire site drainage conveyance system via the private roadside ditches, close pipes, or the combination of the two, necessary to direct stormwater runoff from all

new impervious (private roads, building roofs, driveways or other hardscapes) areas to the regional stormwater management/detention facility on proposed lot 25.

ii. The location of future wells and septic drain fields that meet the County's Health and Human Services' separation distances.

iii. Storm lateral required for each lot to direct stormwater runoff from the respective lots to the regional stormwater management/detention facility.

*Note 1: For subdivisions (more than 3-lots), **WCC § 14.12.310-1** provisions cannot be used to satisfy **WCC 14.12.310-A** provisions.*

*Note 2: To comply with **WCC § 14.12.310** provisions, the proposed development plans to construct one regional stormwater facility on lot 25 to serve all lots within multiple phases of the proposed subdivision. Therefore, construction of the regional stormwater management/detention facility must be completed (final inspection approval obtained) and the associated easement recorded that assigns maintenance of the system to one entity (such as a homeowners association). This must be submitted to Building Services prior to issuance of any building permits on the site and/or prior to construction of shared private road (as determined necessary by the Building Engineer), regardless of which project phase is being constructed.*

B. Submit to Current Planning Services (503-846-8761) evidence of the following:

1. Recorded easement (if applicable) demonstrating the right to perform grading, install utilities and/or implement erosion control measures (as applicable) has been obtained from the affected property owners when plans include work on an adjacent property.

2. Evidence of an issued Right-of-way permit from Washington County Operations Department (503-846-7623) for the two access approaches (via SW Academy Way and SW Nelson Drive) on to SW Laurelwood Road. Permit shall confirm for both approaches: sight distance at the access approach is met and that it is constructed to current County standards. (Section 501-9)

VI. Prior to Final Approval of each phase of the subdivision:

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

Ten (10) copies of the proposed Final Subdivision Plat meeting the applicable provisions of ORS 92, together with any applicable review and filing fees. The survey plat shall be approved by the County Surveyor who will then forward the necessary approved copy(ies) to the Current Planning Services Section for review.

The following shall be shown on the plat (Section 610):

1. Parcels included within the respective phase of the subdivision plat.
2. A notation on the plat referencing the conditions of this Casefile.
3. All existing and proposed easements clearly identified as to their intended purpose. Maintenance rights and responsibilities shall be stipulated in separate recorded documents.
4. Notations on the plat shall include legal description, purpose, ownership and maintenance for all easements and tracts, including any easements that provide access for off-site properties.
5. Location of all existing and proposed storm sewers, sanitary sewers, and water lines, if any.
6. Notation shall be placed on the plat stating that "approval of the subdivision does not ensure that sewer or septic tank approval is or will be available" unless evidence of site evaluation or permit approval in accordance with Section 610-2.4 A. is submitted to Current Planning.

7. Dedication of additional right-of-way, along the site's frontage on SW Laurelwood Road to provide a minimum of 30 feet from centerline. (Section 501-9)

   NOTE: *The document necessary for completion of this condition shall be prepared by the County Survey Division (503-846-8723) and recorded in the Records Division of the Department of Assessment and Taxation (503-846-8752). Submittal of these documents must include the appropriate recording fee.*

B. Submit to the Current Planning Services Division, Project Planner, Maitreyee Sinha: (503-846-3835):

1. Type I Final Approval application, containing a written statement and complete evidence/documentation that all conditions have been met, including:

   a) Final Approval request form;

   b) Final Approval application fee;

   c) Final site plan consistent with the one stamped "Preliminary Approval" in the Casefile, and showing existing building(s), existing and proposed utility easements, and existing and proposed access points for all child parcels.

   d) Hard copies of evidence of satisfaction of all conditions of Final Approval.

   e) Final plat

   f) Final inspection approval of the right-of-way from Washington County Operations Department (503-846-7623) and/or Facility Permit for the two access approaches on to SW Laurelwood Road (Section 501- 9). Permit shall confirm:

      i. Sight distance requirements per Section 501-8.5 is met,

      ii. Access approach is constructed to County standards

      iii. Pursuant to R&O 86-95, that adequate illumination at the proposed access approaches at SW Laurelwood Road has been provided. (*Direct technical questions concerning this condition or the current roadway illumination standards to Traffic Engineering Section at 503-846-7950*)

   g) Original copies of the following documents, prepared and recorded or ready for recording at the time of partition plat recordation:

      i. A waiver of the right of remonstrance against the formation of a Local Improvement District (LID), or other mechanism to improve and maintain the base facility of SW Laurelwood Road along its entire length between SW Springhill Road and SW Bald Peak Road to County standards. (Section 501-9)

         NOTE: *The document necessary for completion of this condition shall be prepared by the County Survey Division (503-846-8723) and recorded in the Records Division of the Department of Assessment and Taxation (503-846-8752). Submittal of these documents must include the appropriate recording fee.*

      ii. A waiver of the right of remonstrance against accepted farm and forestry practices signed by the property owner. The waiver shall be on a standard form available at the Current Planning Services counter and shall be recorded (Sections 207-5, 348)

         NOTE: *The document necessary for completion of this condition is available at Current Planning Services counter (503-846-8761) and shall be recorded*

in the Records Division of the Department of Assessment and Taxation (503-846-8752). Submittal of these documents must include the appropriate recording fee. Submittal of these documents must include the appropriate recording fee.

h) Evidence that the proposed new private roads to serve each dwelling site within the phase is constructed/ completed and approved by the Fire Marshal, or the covenant required under Section 409-5.2.I(2) is recorded or ready for recording with the plat for each vacant lot not served by the private road (the Director shall authorize the removal of the restrictive covenant only after the private street has been fully constructed and approved by the Fire Marshal approval)

i) A subsurface sewage disposal system permit from the appropriate agency (Washington County Dept. of Health & Human Services, 503-846-8881) for the new parcels, or "a statement that the allowance of the partition does not warrant that sewer or septic tank approval is or will be available" is included on the submitted plat as a plat note, in accordance with Section 610-2.4 A.

j) Evidence that the private streets providing access to the sites at SW Laurelwood Road are posted with a sign "Private Street not maintained by Washington County". Dead end streets shall be indicated on signage. (Section 409-5.2.C)

VII. Prior to Issuance of a Building Permit for the first lot per phase, the applicant shall:

A. Obtain Final Approval for each respective phase of development

B. Record the plat for each respective phase of development

C. Submit to the Building Services (503-846-3470):

1. An application for a Grading Permit, including drainage and sedimentation/erosion control plans (Sections 410 and 426 respectively), for development of the new homesite and for any driveway modifications/construction, and all other requirements. (Sections 410 and 426)

2. Site plan showing the dwelling location consistent with that shown on the approved site plan contained in this casefile. The site plan shall indicate location of septic services to the site as well as the domestic well/water source to serve the site.

3. Evidence a regional stormwater management facility for the subdivision is established and has received final inspection approval. (Section 410)

4. Evidence of a permit to construct a new septic system or an alternate system from the Department of Health and Human Services (503-846-8881). (Section 207-5)

5. Submit a copy of a well construction report, or other evidence of a domestic water supply.

6. Payment of the Transportation Development Tax and all applicable System Development Charges

   Note: Transportation Development Tax shall be required as determined by Ordinance 793-A

7. All other requirements identified by the Building Services Section.

D. Submit to Current Planning Services (503-846-8761):

1. A scaled site plan, no larger than 11" x17", showing the dwelling location for each lot consistent with the preliminary plan.

2. Evidence the plat was recorded within two years of Final Approval per each phase.

3. Evidence that Health and Human Services (Environmental Health Services, 503-846-8722), has approved the septic system or an alternate system serving the dwelling. (Section 207-5)

4. Evidence the Right-of-Way from the County Operations Division (503-846-7623) for the access locations and/or Facility Permit has received final inspection approval, and any improvements within public right-of-way have been completed. (Section 501-9)

5. Evidence that the Fire Marshal has approved the construction of the completed access road outside the right-of-way for access to the proposed dwelling site, if construction was deferred in accordance with Section 409-5.2.

VIII. Miscellaneous Conditions:

A. 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).

B. All approved uses are limited to those contained within this decision, based on the site plan stamped 'Preliminary Approval' in the casefile. Any modifications may require additional land use review. (Section 207-5)

C. Any ground disturbance within the 100-year flood plain or drainage hazard area may trigger additional land use review. The proposed use shall be limited to those permitted in Section 421 of the Code, subject to the standards stipulated in that section.

D. Any disturbances to habitat overlay outside of that approved in this decision may trigger additional land use review pursuant to the standards stipulated in Section 422 of the Code.

E. All conditions of approval shall be binding upon all heirs, successors, and assigns (Section 207-5).

F. The applicant is responsible for obtaining and maintaining any applicable permits from the Oregon Department of State Lands (DSL) and the US Army Corps of Engineers for all ground disturbing activities within their jurisdictions.

G. Transferability of this Development Permit shall be in accordance with Section 201-8.

H. Adequate sight distance shall be maintained at the access point(s) onto the public road(s). Maintenance may require trimming or removal of vegetation. Access on to SW Laurelwood Road is limited to the approved private intersections with the road. (Section 501-8.5.F)

Attachment C
STAFF REPORT

I. APPLICABLE STANDARDS

A. Washington County Comprehensive Framework Plan (Rural/Natural Resource Plan Element)

B. Washington County Community Development Code (Code)

1. Article II: Procedures
Section 202-3 Type III Procedure
Section 202-5 Determination of Proper Procedure Type
Section 207-5 Conditions of Approval

2. Article III: Land Use Districts
Section 348 Agriculture and Forest District (AF-5)

3. Article IV: Development Standards
Section 403 Applicability
Section 409 Private Streets
Section 410 Grading and Drainage
Section 421 Flood Plain and Drainage Hazard Area Development
Section 422 Significant Natural Resources
Section 426 Erosion Control

4 Article V, Public Facilities and Services
Section 501-9 Limited Application of Public Facilities & Service Standards outside the UGB

5. Article VI: Land Divisions and Lot Line Adjustments
Section 610-2 Rural Standard Land Divisions

C. Washington County Transportation Plan

D. Ordinance No. 793-A - Washington County Transportation Development Tax Ordinance

II. AFFECTED JURISDICTIONS

Gaston School District
Gaston Fire District
Laurelwood Water Co-Operative
Oregon Water Resources Department
Washington County Department of Health & Human Services
Washington County Sheriff's Office

III. FINDINGS

Background

1. The applicant requests Preliminary Approval for a 30-lot subdivision on a 151.55-acre tax lot identified as 2S3 05 2400 within the AF-5 District. Surrounding properties are similarly designated as rural residential AF-5 District, with properties to the south lying within the farm resource AF-20 District.

2. The subject site is currently undeveloped aside from unimproved dirt roads that likely have provided access for agricultural uses in the past. The subject site has frontage on SW Laurelwood Road along the north property line. Access onto this public road for the proposed subdivision is proposed at two locations via existing private roads that extend to the subject site: SW Nelson Drive to the west, and SW Academy Way to the north. A network of internal roads is proposed for connecting all 30 parcels to at least one of these two private roads.

3. The site is intersected by two private road easements. Easement 2001-109896 in the eastern portion benefits Tax Lot 2S3 08 100 to the southeast by connecting it to SW Academy Way that ultimately terminates at SW Laurelwood Road to the north. Easement 86-14390 crosses the subject site in an east to west direction, connecting Tax Lot 2S3 08 101 (to the southeast) to SW Nelson Drive that terminates at SW Laurelwood Road to the west. A tax map and recent aerial (2022) are included as Prehearing Exhibit PH-2.

4. A 30-lot subdivision was previously approved at the subject site pursuant to Casefile L11-113-S/FP/DHA. Ownership was subsequently transferred, and the new owners did not pursue the development. The subject site underwent a series of property line adjustments in 2014-15, approved via several casefiles listed as follows: L1500235-PLA/PLA/PLA, L1400359-PLA, L1400358-PLA, L1400357-PLA, L1400356-PLA, L1400355-PLA, L1400354-PLA, and L1400353-PLA.

5. This 30-lot subdivision is currently proposed as a 4-phase development, though the applicant has indicated in their materials (Prehearing Exhibit PH-1) that the phases may be combined depending on market factors. The applicant proposes each phase include access roads necessary for homes specific to that phase, construction of fire turnarounds as determined by the fire marshal, and installation of power and wells for the specific phase. Septic systems will be designed and installed with individual building permits for the homes. The phasing is proposed as follows:

   a. Phase 1: Lots 1-12 (2025)
   b. Phase 2: Lots 13-20 (2026)
   c. Phase 3: Lots 21-24 (2027)
   d. Phase 4: Lots 25-30 (2028)

6. The subject site has frontage on SW Laurelwood Road to the north: no access onto the public road is proposed via the frontage. As proposed in the submitted 'Preliminary Private Road and Circulation Plan' (Applicant's Exhibit A), each parcel will have frontage on to a private network of roads that ultimately connect to the two existing offsite private roads (SW Nelson Drive to the west, and SW Academy Way to the north) for access on to SW Laurelwood Road. It is the applicant's responsibility to ensure the appropriate access and utility easements are in place prior to recordation of the plat for each phase of development. See Sections 409 and 501 for more information regarding access.

7. South Fork Hill Creek intersects the southeast part of the property and flows in a south-to-north direction intersecting lots 20, and 23 to 30 before flowing offsite briefly. It then reenters the site in the northwestern area where lots one through six are proposed. Thereafter it flows offsite to the north joining the main stem of Hill Creek. Washington County records identify both a drainage hazard area (DHA) and 100-year floodplain associated with this onsite riparian corridor. Accordingly, the application is subject to requirements of Section 421, which regulates development within the DHA and 100-year floodplain. The applicant provided site plans (Applicant's Exhibit A) with the delineated locations of the above-mentioned overlays. The application states no development is proposed within the DHA or 100-year floodplain. However, based on submitted plans, road crossings over the DHA/flood plain overlay are proposed on/near future Lot 25. A dirt road currently spans this crossing: if road improvements to this intersection or any other intersections within flood plain/DHA overlay is required, further land use review pursuant to Section 421 may be necessary.

8. The Rural/Natural Resources Plan identifies the creek as *Water Areas and Wetland and Fish and Wildlife Habitat*. Further, Oregon Department of Fish and Wildlife (ODFW) identifies Priority Wildlife Connectivity Habitat along the eastern portion of the site—this overlay is recognized as *Wildlife Habitat* in Section 422. The development is therefore subject to review pursuant to Section 422 that regulates development within mapped Significant Natural

Resources (SNR). The applicant has provided a Natural Resource Assessment Report (Applicant's Exhibit G) that indicates no development is proposed within the riparian areas on site. Some encroachment is proposed into the wildlife habitat due to insufficient buildable land outside of the resource area. Section 422 standards are addressed later in this report (Prehearing Exhibit PH-8).

9. A relatively large number of comment letters were received in response to this subdivision proposal, all opposing the development for concerns commonly shared among the commentors. Of the comments received, 33 were received prior to deeming the application complete (Prehearing Exhibit PH-10: duplicates were eliminated that reduced the count to 26), while 34 were received prior to the public notice period (Prehearing Exhibit PH-11). Comments received during the public notice period will be submitted at the hearing as Hearing Exhibit H-2. Staff notes that some neighbors have submitted comments more than once: either resubmitting prior comments or presenting additional items for consideration.

   The following is a brief summary of concerns raised by commentors, followed by staff response. Detailed content of the comments is available as Exhibits PH-10, PH-11, and H-2 (pending). All comments received as PH-10 and PH-11 were forwarded to the applicant, who did not provide a response for the record at the time of mailing for this report.

   a. Impact on water availability caused by the proposed subdivision. Comments state the area already has a scarce water supply. The LA Water Cooperative is not equipped to serve the proposed subdivision. If more wells are drilled, water supply to current homes will be impacted. Water pressure and volume are issues noted with wells in the area, especially during peak summer demand.

STAFF RESPONSE: According to the application materials, the proposed lots will obtain water from shared wells as depicted on the site plan. Water supply from wells is regulated by the Oregon Water Resources Department (OWRD). The District 18 Watermaster has indicated (Prehearing Exhibit PH-5) that as long as the properties involved can comply with the exempt use limits for groundwater as set forth in ORS 537.545, there aren't any concerns with the development. For the shared wells, the water master states that the total exempt use volume must be distributed among the lots sharing the well. Commentors are encouraged to direct their concerns to the District 18 Water Master with the OWRD. The Watermaster also notes the requirements for setbacks, of five (5) feet or more from permanent structures and over 50 feet from sewer lines, for each well.

   b. Onsite wastewater management concerns due to soils potentially being unable to support a septic system for each proposed lot.

STAFF RESPONSE: The application indicates that the installation of a septic system will be evaluated at the time of issuance of building permits. The County's Environmental Health Specialist concurs with this requirement stating that a site evaluation is required prior to issuance of onsite septic systems and that given the size of the proposed lots at four (4) acres or larger, there should be sufficient room to accommodate a septic system or an alternate treatment system (Prehearing Exhibit PH-4). As recommended in Attachment B, pursuant to Section 610 of the Code, the partition plat shall include a plat note conveying that recordation of the plat does not imply a septic system is or will be available if the required site evaluation is not completed.

   c. General opposition to the establishment of a 30-lot subdivision in the neighborhood and that multi-home developments need to stay within the UGB

STAFF RESPONSE: The proposed subdivision (and lot sizes) is a permitted use in the AF-5 district, pursuant to Sections 348 and 610 of the Code.

   d. Impact on schools and the inadequacy of emergency services in the Laurelwood area.

STAFF RESPONSE: Outside the Urban Growth Boundary (UGB), the County applies the Public Facilities standards in a limited manner. The Code does not require an applicant to assure that adequate levels of public service exist; the County is required only to consider the impact of the development on public facilities and services. The application includes service provider letters by the Washington County Sheriff's Office, the Gaston Rural Fire District, and the Gaston School District indicating adequate capacity to serve the subdivision (Applicant's Exhibit J).

e. Traffic safety will be impacted as Laurelwood Road cannot handle the added traffic. Laurelwood is a long, winding narrow road and pedestrian safety will be compromised.

STAFF RESPONSE: Access to County roads is regulated in a limited manner outside the UGB and is limited to sight distance, road standards, and dedication of right-of-way (Section 501-9). To meet these requirements, sight distance certification was submitted for the two proposed access approaches on to SW Laurelwood Road. Dedication of right-of-way is required prior to recordation of the plat. In addition, the need for adequate illumination at the intersection of the private roads (SW Nelson Drive and SW Academy Way) with SW Laurelwood Road was identified by the Traffic Engineering Department (Prehearing Exhibit PH-6). Presence of adequate sight distance and illumination will ensure that drivers entering the public road clearly see oncoming traffic thereby preventing potential collisions and having enough time to reach and merge onto the main road. Compliance with road construction standards will ensure safety for drivers and durability of the infrastructure. All the above requirements will be verified at various stages of construction following the land use decision, as recommended in Attachment B. Based on the comments received, it appears that several of the concerns already exist, such as accidents, winding road conditions, unsafe pedestrian crossings, and speeding traffic. Commentors are encouraged to reach out to the County's Traffic Engineering Section with these concerns, who can evaluate and determine the need for enhanced safety features on that segment of SW Laurelwood Road.

f. Noncompliance with private street standards:

STAFF RESPONSE: Private streets outside the UGB are regulated by Section 409-5. Compliance with these standards and the Oregon Fire Code is verified during the grading permit review process. The applicant has provided comments by the TVFR district (Applicant's Exhibit J) preliminarily approving the private road circulation as proposed.

g. Development within the flood plain area

STAFF RESPONSE: Development within the flood plain is regulated by Section 421, addressed later in this report. Site plans submitted by the applicant show the delineated extent of the flood plain and drainage hazard area on site. Any future construction within either of the overlay must be for a permitted use pursuant to Section 421, and subject to applicable standards as set forth in that section. No building envelopes are proposed within these resources; however, staff notes that proposed private road crossings intersect the drainage hazard area and flood plain onsite: any improvements to the roads within the resource areas requires further assessment pursuant to Section 421. See staff comments on Section 421 later in the report.

h. Impacts to the ODFW mapped wildlife connectivity priority habitat onsite

STAFF RESPONSE: The subject site supports riparian features associated with the South Fork Hill Creek that is not expected to be altered by the proposed subdivision. However, according to the submitted site plans (Applicant's Exhibit A, Sheet P12), a portion of SW Academy Way passes between delineated Wetlands B and C (on proposed lot 28). The site plan also shows the dirt road that forks off west from SW Academy Way crosses the creek. These road crossings are part of the proposed internal road network (Applicant's Exhibit A, Sheet P09) intended to serve the proposed subdivision. The applicant maintains that no alterations to riparian features are proposed. However, if improvements are required to these road crossings that impact/encroach upon the riparian corridor, further review pursuant to Section 422 may be

required. Regarding the ODFW mapped connectivity habitat, the proposed building envelopes on proposed lots 25, 26 and 30 encroach into the habitat due to a lack of suitable buildable space outside the resource. Portions of the existing and proposed internal private road network traverse segments of the ODFW resource that require improvements and will encroach further into the resource on proposed lots 25, 29, ad 30. According to the report, encroachment is negligible and is limited to the outer perimeter of the resource. ODFW representatives have communicated to staff that the mapped habitat layer is not regulated by ODFW, and while incorporation of wildlife friendly design is recommended, there are no defined standards that are enforceable for development within this habitat layer. Staff finds the submitted findings are consistent with the requirements of Section 422 that regulates development with the County's Significant Natural Resources.

i. Loss of productive rural land due to division of the subject site into smaller lots. Loss of recreational opportunities like wildlife and landscape viewing.

STAFF RESPONSE: This is not a code criterion that regulates establishment of the subdivision. The subject site is located in the AF-5 district which is an agriculture and forestry district that permits rural residential uses including creation of new lots that are a minimum of five acres in size (as well as a 20% reduction in size as long as density is not increased). The applicant proposes a subdivision that meets these applicable acreage requirements. The purpose of this district, per Code Section 348-1 is to promote agricultural and forestry uses on small parcels in the rural area while also allowing for residential uses. The proposed subdivision will not conflict with this intent as creation of these lots does not preclude the ability of the resulting lots to engage in farming or forestry practices in the future. Staff further notes that evaluation of impacts on farming and forestry practices do not apply to residential uses in the AF-5 district. Similarly, impacts to landscape viewing or wildlife viewing are not criteria that apply to the proposed development.

j. The application does not meet Sections 610-2 and 3.2.

STAFF RESPONSE: The submitted comment does not elaborate on why the commentor believes the application does not comply with the above Code sections. The above subsections include several standards that have been addressed in the submitted application materials and are discussed later in this report.

k. Drainage and erosion control are concerns due to oversaturated soils, particularly if existing vegetation is removed to accommodate roads and dwellings. Some comments allude to a 1991 attempt at developing the property which was denied after PSU geologist Roger Redfern testified that the area consisted of unstable slopes that could fail from road cuts and/or septic affluence.

STAFF RESPONSE: The proposed subdivision, and subsequent construction/placement of private roads and dwellings will be permitted only when compliance with applicable grading/erosion control and environmental health standards is established. The application materials include a stormwater management report for the proposed subdivision (Applicant's Exhibit F). This report was reviewed by the County's Building Engineer who stipulated requirements for development that are included as recommended conditions of approval in Attachment B of this report.

Staff finds that if the recommended conditions of approval are met, the proposed development can comply with applicable Code standards.

10. The application was originally submitted on June 3, 2024. It was deemed complete on November 12, 2024 and is currently on day 114 (as on March 6, 2025) of the 150 day completeness review period.

A. Comprehensive Framework Plan (Rural/Natural Resource Plan Element)

STAFF: The goals and policies which relate to the development of land are implemented by the Code. The applicant is not required to address, consider, or implement any goal, policy or strategy of the Plan except where required by the Code. All of the applicable criteria are implemented by the Code. The site is located in an area which is mapped in the Rural/Natural Resource Plan to include overlays of *Water Areas and Wetland* and *Wetland/Fish and Wildlife Habitat* as well as *Wildlife Habitat* (sensitive habitat identified by the ODFW). Therefore the application is subject to the standards of Section 422, addressed later in this report. All other Plan Policies are implemented by the Code.

B. Washington County Community Development Code

1. Article II: Procedure

Section 202 Procedure Types and Determination of Proper Procedure

202-3 Type III

202-3.1 Type III land use actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgement 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.

202-3.2 The following are identified as Type III:

A. Those identified in this Code as Type III;
B. Those not identified or classified which are determined by the Director to be substantially similar to the uses or development designated as Type III, require the exercise of significant discretion or judgement, involve complex development issues, or which likely have significant impact. The determination may be challenged on appeal of the decision on the proposed development but is not subject to appeal on its own;
C. Quasi-judicial plan amendments

202-5 Determination of Proper Procedure Type

202-5.3 Notwithstanding any other provision, and upon payment of the proper fee, an applicant may choose to have the proposal processed under a procedure type (Except legislative) which provides greater notice and opportunity to participate than would otherwise be required.

202-5.4 Notwithstanding any other provision, and at no additional cost, the Director may choose to process a Type II application under the Type III procedure in order to provide greater notice and opportunity to participate than would otherwise be required, or in order to comply with the time requirements for reviewing development applications in ORS 215.428.

STAFF: The subdivision proposed in this application is permitted through a Type II review process, pursuant to Section 610-2.1 of the Community Development Code. However, staff finds the application to be appropriately elevated to a Type III review process pursuant to Sections 202-3.2.B. and 202-5.4 cited above given the project's complexity and significance, and to allow ample opportunity for public involvement with the application review. There was a robust set of public comments (Prehearing Exhibits PH-10 and PH-11) opposing this proposal

while expressing a number of concerns as discussed in the Background Findings. Given concerns cited by neighboring residents and the public interest, staff finds elevating the application to a Type III procedure is warranted.

Staff notes that although the review process has been elevated to a Type III procedure, the application is subject to the Type II review criteria. Where appropriate, conditions of approval have been recommended to ensure compliance with the standards of the code and other county regulations, and to minimize identified impacts upon surrounding properties. Public notice was mailed to nearby property owners and the applicant submitted an affidavit stating that a public notice sign was posted on the site. Letters of comment received are noted below:

a. 33 were received prior to the application being deemed complete
b. 34 were received after the application was deemed complete but prior to commencement of the public notice period
c. Comments received during the public notice period (February 21, 2025 until March 13, 2025) will be submitted as Hearing Exhibit H-2 on March 13, 2025.

Staff response to these public comments are included in the background findings earlier in this report.

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

203-3 Neighborhood Meeting

STAFF: For standard subdivisions consisting of greater than 10 lots proposed outside the Urban Growth Boundary (UGB), Code Section 203-3.2.B. requires the applicant to conduct a neighborhood meeting prior to application submittal. The applicant has submitted documentation (Applicant's Exhibit E) that the required neighborhood meeting was held on January 25, 2024.

Section 207 Decision

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 designed 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.

STAFF: The applicant shall comply with all applicable Code regulations and recommended departmental conditions. The Recommended Conditions of Approval outlined in Attachment B do not restrict the authorized density of this property.

2. Article III: Land Use Districts

Section 348 Agriculture and Forest (AF-5)

348-1 Intent and Purpose

The AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.

The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

STAFF: The applicant is requesting preliminary approval of a 30-lot subdivision of the subject tax lot. As recommended in Attachment B, the current landowners are required to complete and record a waiver of the right of remonstrance against accepted farm practices on surrounding properties.

348-6 Dimensional Requirements

348-6.1 Lot Area:

B. The minimum lot area shall be five (5) acres except:

(1) For lots of record; and

(1) The lot area for new lots or parcels created through the land division process of Article VI may be varied by twenty (20) percent provided there is no increase in lot density.

STAFF: According to Washington County Assessment and Taxation records, the subject site measures approximately 151.55 acres in size. The applicant has proposed parcels ranging in size from approximately 4.00 acres to 10.25 acres.

348-6.2 Yard Requirements:

STAFF: The applicant's site plan (Exhibit A, P12) includes a building envelope for the dwellings on the proposed 30 lots. Based on the preliminary plan, there is ample area on the proposed parcels to provide sufficient district setbacks for a new dwelling and any associated accessory structures. Compliance with these standards will be further assessed through Building Permit review.

348-6.4 Minimum lot width at the street:

The minimum lot width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet at the street or as approved by the appropriate fire marshal.

STAFF: The subject site has frontage on to SW Laurelwood Road along the north property line. Access onto this public road for the proposed parcels is proposed at two locations via existing private roads that extend on to the subject site: SW Nelson Drive to the west, and SW Academy Way to the north. A network of internal roads are proposed for connecting all 30 parcels to one of these two private roads. The fire marshal (in this case, the Gaston Rural Fire District) has preliminarily reviewed and approved the proposed internal roads and access approaches proposed for this subdivision. The Fire Marshal will further review the proposed roadway during the grading/building permit review processes.

348-7 Access

All lots in this District shall either:

348-7.1 Abut a public street; or

348-7.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

STAFF: As noted above, the subject parcel abuts SW Laurelwood Road along its north property line. The proposed accesses onto SW Laurelwood Road are via access easement: as recommended in Attachment B, the applicant is required to record the appropriate easements for access to the subdivided property.

3. Article IV: Development Standards

Section 403 Applicability

403-2 Master Plan - Minimum Requirements for all Development

STAFF: A master plan meeting the requirements of this section was submitted. A copy is in the Casefile and has been stamped "Preliminary Approval" And the proposed development is required to be consistent with this site plan. Any proposed additions or changes shall be indicated on a revised site plan and might trigger additional land use approval (recommended condition of approval in Attachment B).

403-4 Additional Standards Outside the UGB

STAFF: This proposal is subject to the applicable standards itemized in this section and discussed below.

Section 409 Private Streets

STAFF: Section 409-5 (Private Streets Outside the UGB) applies to driveways and private roads in the rural area. Private roads over 150' in length as measured from the public road require fire marshal approval prior to the issuance of building permits.

For this development, two access approaches are proposed on to SW Laurelwood Road via two existing private roads (SW Nelson Road to the west and SW Academy Way to the north). A network of internal roads is proposed to connect the subdivided lots to SW Nelson Drive and SW Academy Way. The Applicant's Exhibit J indicates that staff from the Gaston Fire District reviewed the plat and proposed internal road layout and recommended revisions to the layout for better emergency vehicle and equipment accessibility. These were addressed by the applicant and the site plan subsequently reviewed by the Fire District. Turnouts are proposed as depicted on the Preliminary Site Plans (Applicant's Exhibit A). The fire district will have opportunity to comment further to ensure compliance with the Oregon Fire Code during the grading permit review process. As recommended in Attachment B, the applicant/property owner is required to provide evidence of recorded (or ready to record) access easements prior to final approval of the subdivision plat (as applicable to the various phases).

Section 409-5.2 requires the private streets to have adequate sight distance at the access approach on to the public road. The applicant has provided preliminary sight distance certifications (Applicant's Exhibit H) for both approaches confirming the ability to meet the requirements of Section 501-8.5.F. Sight distance will be verified during the right-of-way permit review process, along with any improvements to ensure the access approach on to the public road meets current County standards.

Per Section 409-5.2.C., signage posted for each private street stating 'Private Road: not maintained by Washington County', and marking dead-end streets are also recommended as conditions of approval.

Applicable drainage requirements and conformance with road construction standards will be reviewed by the Building Engineer during the grading permit review process for each phase.

The applicant has submitted all pertinent information required for preliminary review of private streets serving the subject site. Additional detail may be needed during grading review for the site.

Recordation of the restrictive covenant prohibiting development until the private roads are constructed and approved by the Fire Marshal (Section 409-5.2.I), is recommended as a condition of approval for this development. The covenant will restrict development of the parcels other than for agricultural purposes until such time as the access road serving the parcel has received "Final Approval" from the Fire District. Staff notes that while the homesite and driveway construction may be deferred until submittal of a building permit for the home site, construction of the private road(s) providing access for the subdivided lots on to SW Laurelwood Road is required prior to final approval being granted for the affected phase, as recommended in Attachment B of this report.

Section 410 Grading and Drainage

Section 426 Erosion Control

STAFF: The applicant has submitted preliminary grading and erosion control plans for the site. As recommended in Attachment B, the applicant is required to obtain grading and erosion control permits prior to any ground-disturbing activities, including construction or modification of private streets. Driveways for each residence will be reviewed for conformance with all applicable Code standards at the time of development during the grading permit review process.

With regard to water quality, OAR Chapter 340, Division 41 (concerning phosphorus removal) applies to all development outside of Clean Water Service's jurisdictional boundaries. In this case, the applicant is required to provide calculations verifying the proposed development (30 lot subdivision) and associated impervious surfaces comply with the applicable standards for permanent storm water quality control facilities adopted by the Oregon State Department of Environmental Quality, as set forth in OAR 340-041-0345, prior to creation of any new impervious areas onsite. Grading will be required for access road improvements and construction of dwelling sites.

Section 426-5.2 allows an erosion control plan submission and review to be deferred until the time of construction. An erosion control plan meeting the requirements of Section 426 is required prior to any construction on the site.

Section 421 Flood Plain and Drainage Hazard Area Development

STAFF: Portions of the subject site lie within mapped 100-year flood plain and mapped 25-year flood plain (Drainage Hazard Area, DHA) associated with South Fork Hill Creek. The application is subject to review pursuant to this section.

The creek intersects the eastern portion of the subject site, traveling north offsite before re-entering the northern portion of the subject site. It continues offsite further north, crossing SW Laurelwood Road (culverted) prior to merging into Hill Creek. The 100-year flood plain

overlay is restricted to the northern portion of the subject site, while the entire stretch of South Fork Hill Creek on the subject site lies within the DHA.

The submitted plans (Applicant's Exhibit A, Sheet P08) indicates that all building envelopes proposed on each partitioned lot lie outside the flood plain. Portions of the onsite dirt roads intersect mapped Drainage Hazard Area and the 100-year flood plain. If any improvements to the existing onsite roadway within the DHA or floodplain overlay are necessary for this development (lots 24, 25, 26), or any additional uses are proposed within these overlays, land use review (Type II DHA or flood plain alteration) pursuant to the standards of Section 421 may be required.

Section 422 Significant Natural Resources

422-2 Lands Subject to this Section

422-2.2 Water Areas and Wetlands and Fish and Wildlife Habitat

STAFF: South Fork Hill Creek intersects the eastern and northern portions of the site. The creek is designated as *Water Areas and Wetland and Fish and Wildlife Habitat* on the Rural/Natural Resource Plan Element. Section 422 recognizes sensitive habitat identified by the Oregon Department of Fish and Wildlife (ODFW) as *Wildlife Habitat.* The subject site is intersected by a ODFW designated Priority Wildlife Connectivity Habitat to the east of the South Fork Hill Creek riparian corridor and is hence subject to review by this Section.

422-3 Criteria for Development

422-3.1 The required master plan and site analysis for a site which includes an identified natural resource shall:

A. Identify the location of the natural resource (s)……

STAFF: Field verification by the applicant (Applicant's Exhibit A: Preliminary Plans) confirms the presence of the above-mentioned resources at the project site. The applicant's submittal includes a Natural Resource report (Applicant's Exhibit G) identifying the onsite location of the creek and associated wetlands, as well as the ODFW mapped wildlife connectivity priority habitat. The submittal includes all documents to satisfy the requirements of this subsection. As verbally communicated by ODFW staff (Ariana Scipioni, Habitat Biologist, on March 6, 2024) the mapped habitat layer is recognized but not regulated by the agency. Nevertheless, due to it being recognized as *Wildlife Habitat* by this Section, impacts to this resource will be considered in staff's review.

B. Describe the treatment or proposed alteration, if any……..

STAFF: The applicant proposes a 30-lot subdivision at the subject site, a permitted use in the AF-5 Land Use District. No alteration to the *Water Areas and Wetland and Fish and Wildlife Habitat* is proposed per the applicant's submitted information. However, staff notes that SW Academy Way crosses mapped *Water Areas and Wetland and Fish and Wildlife Habitat* between Wetlands B and C, as labeled on the submitted plans. Additionally, SW Academy Way within the site forks to the west via a dirt road that crosses South Fork Hill Creek. If upgrades to either road within the mapped overlay are determined necessary during the grading/building permit review process, a land use application (Type II development review) assessing potential impacts to the riparian resources onsite may be required.

Most building envelopes as noted on submitted plans lie outside any county-designated resource overlays. Encroachment into the ODFW designated habitat is proposed on lots 25, 26, and 30 for the building envelope and on lots 25, 26, and 29 for expansion/improvements of the existing gravel road. The applicant states that, of the approximately 16 acres of ODFW habitat on site, 14 acres will be retained and that most of the habitat area will remain intact for passage of wildlife. As noted above, ODFW does not require regulation of this priority habitat

overlay. Further, the Code does not provide direction to preclude a house on *Wildlife Habitat* overlay.

C. Apply the design elements of the applicable Community Plan; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:

"Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFC, EFU, and AF-20 land use designations."

STAFF: The subdivision is proposed in the AF-5 district which is a rural residential designation, and not within the EFC, EFU, and AF-20 land use designations.

Plan Policy 10, Implementing Strategy E, applies to both fish and wildlife resources. This requires the Couty to implement recommendations of the Oregon Department of Fish and Wildlife's (ODFW) Habitat Protection Plan for Washington County whose policies classify the riparian areas as lakes and reservoirs, rivers and streams or headwater areas.

Neither the Code nor the Habitat Protection Plan defines 'headwater areas'. Staff considers headwater areas to be streams or minor drainages that are used by a few fish for spawning or rearing purposes. Headwaters have principal value in influencing water quality and stream flow in downstream waters. Flow in headwater areas may be either perennial or intermittent. South Fork Hill Creek is considered a stream.

The following Habitat Protection Plan policies apply to rivers and streams:

1) *Residential development along streams should be low density*
2) *Require appropriate setbacks*
3) *Prohibit construction of 'vulnerable' structures in the flood plain*
4) *Maintain riparian vegetation*
5) *Restrict stream alterations*
6) *Road crossings, bridges, etc should avoid restricting channel capacity and minimize removal of vegetation.*

Further, the Habitat Protection Plan recommendations for protection of Wildlife Habitat identify the following types of wildlife habitats: Big Game, Upland Game, Waterfowl, Furbearers, and Nongame Wildlife. The site is not located within the EFU, AF-20 or EFC districts, therefore the Big Game recommendations are not applicable. For the other four wildlife habitats, the recommendations can be summarized as follows:

Maintain vegetation along stream banks (Upland Game, Waterfowl, Furbearers, Nongame), have strong leash laws (Upland Game), and setbacks or buffer zones should be incorporated into the development plan (Waterfowl).

The proposed development is consistent with all of the recommendations above. The proposed subdivision with 4-10 acre lots is a permitted use in the AF-5 district. No construction is proposed within the floodplain. Some road crossings are already present and these will be improved to serve the proposed lots. No new crossings for road construction, or encroachment by the building envelope into the floodplain is proposed. The applicant states that a 25-foot riparian habitat buffer will be maintained alongside riparian features on the site. The County has leash laws for dogs. Staff adds that improvements to existing dirt road crossings, or construction of new crossings within mapped riparian areas will trigger additional land use review (via a Type II procedure) pursuant to Sections 421 and/or 422.

In order to protect wildlife resources, no disturbances to streambank vegetation shall be permitted.

422-3.6 For any proposed use in a Significant Natural Resource Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated.

STAFF: According to the application materials, no development will occur within the riparian areas onsite. Some encroachment into the ODFW mapped priority habitat is proposed on lots 25, 26, 27, 28, 29, and 30 for improvements to the onsite road and to accommodate the building envelope. Upon review of the submitted site plans, staff finds that the encroachment into the ODFW mapped habitat is due to inadequate suitable buildable area outside the resource. The subdivision is recommended approval subject to the building envelopes depicted on the applicant's site plan, specifically for the proposed lots with resource overlays. The applicant's biologist notes that the encroachment is at the edges of the mapped habitat, that most of the habitat corridor on the impacted lots will remain undisturbed, and that the uses which are the subject of this application will not seriously interfere with preservation of fish and wildlife areas or habitat. However, as stated earlier, private roads improvements proposed in the vicinity of lots 24 and 25 are likely to infringe upon the identified riparian habitat onsite. In that case, the applicant may be required to submit a Type II development review application addressing findings pursuant to this Code section and Section 421.

4. Article V, Public Facilities and Services:

Section 501 Public Facility and Service Requirements:

501-9 Limited Application of the Public Facility and Service Standards Outside the UGB

501-9.1 For the purpose of determining the impact and adequacy of public facilities and service outside the UGB only this Section of Article V applies.

501-9.2 For all Type II and Type III applications, with the exceptions noted below, impact on the following public facilities shall be considered: school, fire, police protection and public roads.

501-9.3 For the purpose of determining impact and adequacy of public roads, Section 501-8.5.E. (Sight Distance), 501-8.5.G. (Road Standards), and 501-8.4 (Dedication of Right-of-way) of this article shall apply except as provided in Sections 501-9.4 and 501-9.5. However, in all instances, traffic safety issues shall be addressed by the County.

STAFF: An internal network of private streets is proposed within the subject lot. These internal roads will connect to SW Academy Way (private) to the north, and to SW Nelson Drive (private) to the west that will connect to SW Laurelwood Road. Pursuant to Section to 501-8.5 F.(2) the minimum intersection sight distance requirements are based on the posted speed of the road. In this case, the speed limit on SW Laurelwood Road at the access approach of SW Academy Way is 35 mph, thus requiring a sight distance of 350 feet to the east and west of that approach. At the second access approach through SW Nelson Drive, the speed limit on SW Laurelwood Road is 45 mph, thus requiring a sight distance of 450 feet in both directions (north and west). The applicant submitted Preliminary Sight Distance Certifications (Applicant's Exhibit H) prepared by a licensed Oregon professional engineer for both these access points on to SW Laurelwood Road. Both certifications find the existing sight distances to meet or exceed the required standard for sight distance in all directions.

Access will be reviewed through the right-of-way permit process, as recommended in Attachment B. To obtain a final access permit for SW Laurelwood Road, a Final Sight Distance Certification by a licensed Oregon professional engineer demonstrating adequate sight distance must be submitted to the Operations Division. Staff notes that the County's Traffic Engineering staff (per R&O 86-95) have indicated the need for adequate illumination on SW Laurelwood Road at both access approaches—compliance with this requirement will also be reviewed through the right-of-way permit process, as noted in Attachment B.

501-9.4 Applications for Type II property line adjustments, nonbuildable parcels, temporary housing permits, home occupations and Type II and Type III applications for one dwelling on an existing vacant parcel, are not subject to the requirement of Section 501-8.4 (Dedication of Right-of-Way).

STAFF: This application is subject to Section 501-8.4, dedication of right-of-way. Current right-of-way width of SW Laurelwood Road along the subject lot frontage is 40 feet (20 feet to centerline). Required right of way width is 60 feet for a collector (30 feet from centerline); therefore, additional right-of-way dedication is required and is a recommended condition of approval for this development.

501-9.7 Where partitions create less than four (4) parcels or there is a request for a Special Use for a dwelling, the applicant shall not be required to obtain service letters.

STAFF: The request is for a 30-lot subdivision, hence this exemption does not apply. The applicant has provided service provider letters from the Washington County Sheriff's Office. The Tualatin Valley Fire and Rescue District, and the Gaston School District indicating adequacy of service for the proposed subdivision.

501-9.9 For those Arterial and Collector roads which are not improved in accordance with Washington County's Uniform Road Standards or maintained by the County, and which abut the property owner's proposed development or which do not abut the development but provide direct access to the development, the property owner shall sign a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve and maintain these roads to County standards.

STAFF: Section 501-9.9 requires the property owner to sign and record a waiver not to remonstrate against the formation of a local improvement district (LID) to improve the base facility for Arterials and Collectors which are not improved in accordance with Washington County's Uniform Road Standards and that provide direct access to the development. A recommended condition of approval requires the property owner to sign and record a waiver not to remonstrate against the formation of a local improvement district (LID) or other mechanism to improve the base facility of the entire length of SW Laurelwood Road to County standards, from its western terminus at SW Springhill Road to its eastern terminus at SW Bald Peak Road.

5. Article VI: Land Divisions and Property Adjustments

Section 610 Land Divisions and Property Adjustments Outside a UGB

610-2 Rural Land Divisions (Standard Partitions and Standard Subdivisions)

STAFF: The applicant has submitted all materials necessary to determine compliance with the Code standards for Preliminary Review of the subdivision plat. In accordance with Section 610-3.3

Public Utilities, all utilities shall be underground except as approved through Section 416. The applicant proposes wells to serve the subdivided lots—per the submitted site plans, most wells are planned to be shared between two adjoining parcels of land. Some properties are planned to support individual wells. The applicant is required to provide easements for shared utilities, and this has been recommended as a condition of approval in Attachment B of this report. Submitted plans indicate that each subdivided lot will support a septic system.

Pursuant to Section 610-2.4 and as recommended in Attachment B, the applicant is required to apply for Final Approval within four (4) years of the date of Preliminary Approval of this request. The applicant shall comply with applicable Code standards for Final Review. Section 610-2.1 allows an additional two (2) years from Final Approval to record the plat. If a permit to construct a sanitary waste disposal system is not provided, then the plat note cited in Section 610-2.4 is required. See Attachment B for details.

Staff notes that in case of a phased development, the above requirements for Final Approval are modified as discussed below.

610-2.7 Phased Development

STAFF: The applicant proposes a phased development where Lots 1-12 will be developed as Phase 1, Lots 13-20 as Phase 2, Lots 21-24 as Phase 3, and Lots 25-30 as Phase 4. The planned timeline for improvements for each phase are as follows: Phase 1 by 2025, Phase 2 by 2026, Phase 3 by 2027 and Phase 4 by 2028. Improvements for each phase include:

d. Constructing access roads necessary to service residences in each phase
e. Possible construction of temporary fire turnaround depending on the final location of the homes in the particular phase
f. Installation of power and wells necessary to serve the homes in the particular phase.

Since phased development is proposed, final approval will be evaluated separately for each phase of the development. Per this subsection, final approval of all phases must be completed within a total time period of five (5) years. Exceeding that time frame will require submission of a renewed land use application for any lots not yet developed. This requirement is a recommended condition of approval in Attachment B of this report.

610-3 General Development Review Standards

610-3.1 Storm Drainage Systems

STAFF: The applicant has submitted a preliminary stormwater drainage management report (Applicant's Exhibit F). The plans will be reviewed during the grading/building permit review processes.

The application originally stated that stormwater runoff from future lots and private roads is expected to be captured by roadside ditches along the planned private roads and conveyed to South Fork Hill Creek. It will then follow the creek channel to where it converges with Hill Creek and flows under SW Laurelwood Road through a 60-inch culvert and continues downstream as Hill Creek.

In a revised stormwater report (submitted February 4, 2025, Applicant's updated Exhibit F) the management of stormwater runoff on the site was revised to include a regional stormwater management facility on proposed Lot 25. This revision was in response to comments from the County Building Engineer about the need to require a stormwater facility for peak flow detention. According to the applicant, the addition of this stormwater facility within an easement on proposed Lot 25 will provide peak flow detention, reducing post-developed peak

flows to below the existing level for 25 and 100-year storm events. The building engineer has determined that these revised plans and drainage analysis report appear complete for preliminary land use review by addressing the incomplete outstanding items and has stipulated requirements (Prehearing Exhibit PH-3) that are recommended conditions of approval for this development. Onsite stormwater management will be further evaluated during the grading/building permit review process. Revisions to the current layout may trigger additional land use review.

610-3.2 Streets and Street Improvements

STAFF: The submitted site plans were reviewed by the Traffic Engineering Division. It was determined that adequate intersectional sight distance is required at both access approaches on to SW Laurelwood Road (SW Nelson Drive to the west and SW Academy Way to the north), and that adequate illumination is required since they each will access a collector street. These requirements will be implemented during the right-of-way permit review process, as recommended in Attachment B of this report. Compliance of the internal private roads with other requirements such as the Oregon Fire Code will be reviewed during the grading permit review process. The subdivision is designed to have a network of internal roads that will provide access to future lots by connecting to two existing private roads (SW Nelson Drive and SW Academy Way). According to the applicant, the intersections are laid out so that no more than two streets intersect at any given point. The Applicant's Exhibit A includes preliminary plans showing the layout of these proposed roads.

610-3.3 Public Utilities

STAFF: Potential locations of utility easements necessary to serve the lots are shown on the applicant's Exhibit A—final locations will be determined during construction of each phase. It is the applicant's responsibility to ensure all applicable utilities and easements are recorded with the County.

610-3.4 Lots in All Standard Subdivisions

STAFF: The submitted plans satisfy the requirements of this section.

610-3.5 Blocks

STAFF: The applicant states that the subdivision will be accessed by a network of private streets. The layout of the internal roads was limited by onsite natural resources and topography. Given the constraints, the design is intended to allow for the most efficient traffic circulation. Staff finds this requirement is met.

610-3.6 Easements

STAFF: The applicant acknowledges the requirements of this section and states that final easement locations will be determined and recorded with the county prior to recordation of the final plat.

C. Washington County Transportation Plan

STAFF: With regard to this request, the policies of the Transportation Plan element of the Washington County Comprehensive Plan are limited to the classification of SW Laurelwood Road as a rural collector street.

D. Ordinance No. 793-A - Washington County Transportation Development Tax Ordinance

STAFF: The Transportation Development Tax is required of all new development and constitutes an assurance to satisfy extra capacity improvements to major collectors, county and city arterial streets, certain state facilities, and transit facilities, as listed in the Capital Improvement Project List. This tax is based on the number of daily trips a site generates and is due upon issuance of a building permit.

IV. SUMMARY

Based on the findings in this report and the findings and evidence in the casefile, staff concludes that the applicant has adequately demonstrated compliance with applicable sections of the Community Development Code (CDC). When implemented in accord with the Recommended Conditions of Approval and the approved final plans, the project will be in compliance with the CDC. Staff therefore recommends the Hearings Officer approve the applicant's request for a 30-lot subdivision (Laurelwood Estates) in the AF-5 District subject to the Recommended Conditions of Approval in Attachment B of this Report.