



Washington County
Department of Land Use and
Transportation
Land Development Services
155 N First Ave, Suite 350
Hillsboro, OR 97124

NOTICE OF DECISION & STAFF REPORT

PROCEDURE TYPE: II

CPO: 1 COMMUNITY PLAN:
Cedar Hills-Cedar Mill

LAND USE DISTRICT:
R-15 Residential District
R-9 Residential District

PROPERTY DESCRIPTION:
ASSESSOR MAPS/TAX LOTS#: 1S1 1B/
2000 & 2100 and 1S1 1BC/5700.

SITE SIZE: total 45.7 acres

ADDRESSES: several

PROPOSED DEVELOPMENT ACTION: Development Review for a 56-unit group care
(independent living) residential facility, "Sky Lodge," in the Touchmark Development.

February 11, 2021

DECISION:

Approval ☐

Approval with Conditions ☒

Denial ☐

Signature Paul Schaefer for Date 2-11-21
Stephen Shane, Principal Planner, Current Planning Services

Staff Planner: Paul Schaefer, 503-846-3832

Attachments: A. - Vicinity Map
B. - **Conditions of Approval**
C. - Staff Report
D. - Street Trees
E. - Appeal Information

CASEFILE: L2000275-D(C)

APPLICANT:

Touchmark Heights, LLC
Werner Nistler
5150 SW Griffith Drive
Beaverton, OR 97005

APPLICANT'S REPRESENTATIVE:

Westlake Consultants
5115 SW Sequoia Parkway, Suite 150
Tigard, OR 97224

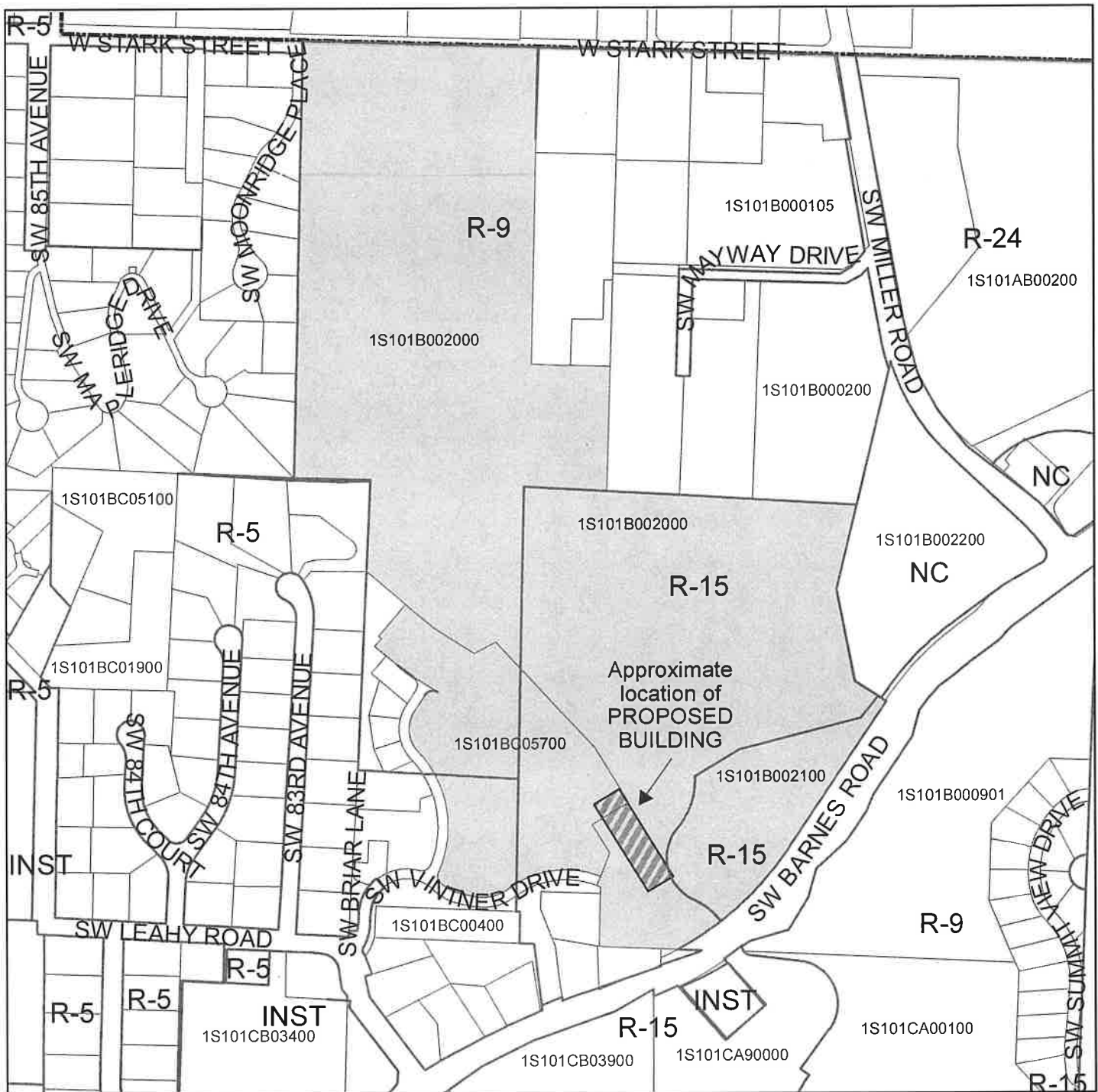
CONTACT PERSON:

Ken Sandblast

OWNER:

Touchmark Heights, LLC & Touchmark
Living Centers
c/o Werner Nistler
5150 SW Griffith Drive
Beaverton, OR 97005

LOCATION: North side of SW Barnes Rd.
between its intersections with SW Miller
Rd. and SW Leahy Rd.



↑ NORTH

NOT TO SCALE



AREA OF CONSIDERATION

SITE & SURROUNDING LAND USE DISTRICTS:

R-15 District (Residential 15 units/acre)

R-9 District (Residential 9 units/acre)

R-5 District (Residential 5 units/acre)

R-24 District (Residential 24 units/acre)

Neighborhood Commercial District (NC)

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 CONDITIONS OF APPROVAL

I. 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 least the following information/reports:**
1. A site specific geotechnical engineering report with recommendations for developing the site as proposed and approved prepared by a registered Oregon engineer including the wet stamp.
 2. A separate engineering geologist report required due to site slope greater than 25% per **WCC 14.12.110(A)**.
 3. Provide private road/driveway/parking lot structural details on the plans per the site specific geotechnical engineering recommendations.
 4. A drainage analysis report stamped by an engineer that shows that (demonstrates that) the additional impervious areas resulting from the proposed development **will not** negatively impact surrounding properties per **WCC 14.12.310**. Noting **WCC 14.12.310-I** provisions cannot be used to satisfy **WCC 14.12.310-A** provisions.

Note: A site utility permit may also be required for all private work. All grading / site work must also comply with all applicable requirements noted on the Building Services Division Grading Permit application forms.

Note: Any retaining wall over four feet in height requires a building permit. No retaining wall shall exceed seven feet in height in any required yard. Tiered retaining wall structures shall not exceed seven feet in height in any required yard.

Note: The grading plans shall clearly show construction fencing at the edge of any Open Space that is not to be disturbed. The fencing shall be in place prior to any on-site work.

- B. Submit to Clean Water Services (the District) (503-681-3600) for review and approval:**

1. A Clean Water Services (CWS) Site Development Permit must be obtained. Application for CWS Site Development Permit must 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 is to include:

- a. Compliance with all provisions of the District's Standards.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. 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; project will require a 1200-CN Erosion Control Permit. If site area and any offsite improvements required for this development exceed five-acres of disturbance; project will require a 1200-C Erosion Control Permit.
- c. A drainage report including a downstream drainage analysis meeting the requirements of R&O 19-5, Section 2.04.2.m will be required. If downstream storm conveyance does not have the capacity to convey the 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.
- d. Detailed plans showing the development having direct access by gravity to public storm and sanitary sewer.
- e. Plans showing storm service requirements to each lot. If private lot LIDA systems proposed, must comply with the current CWS Standards and Washington County Plumbing Standards.
- f. 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.
- g. 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 facility per R&O 19-5, Section 4.07.6.
- h. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to Clean Water Services.

- i. Application may require additional permitting and plan review from CWS Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.
- j. Any proposed offsite construction activities will require an update to the current Service Provider Letter for this project.

NOTE: Prior to sewer connection permit issuance: a. The above noted improvements must be completed to the District's satisfaction; b. The as-constructed drawings (as-builts) or a bond guaranteeing the as-builts shall be submitted and accepted by the District.

II. PRIOR TO THE SUBMITTAL OF THE BUILDING PERMIT APPLICATION:

A. Submit to Land Development Services, Project Planner (Paul Schaefer, 503-846-3832):

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. Final site plans and elevations.
4. Copy of the recorded plat of Touchmark Heights that maintains compliance with the District setbacks consistent with the approved site plan (noting that the proposed structure would be on Lot 19 of Touchmark Heights), **or**

Obtain land use approval for a property line adjustment between Tax Lots 1S101B002000 and 1S101BC005700 and as applicable Tax Lot 1S101B002100 that maintain compliance with the District setbacks consistent with the approved site plan, and provide recorded copies of the new deed and property line adjustment survey demonstrating that the approved property line adjustment has been recorded and evidence from the Department of Assessment and Taxation that all taxes have been paid.

III. PRIOR TO THE ISSUANCE OF BUILDING PERMIT:

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

1. *Final site plans*, including those approved through the Type I Final Approval process, elevations, and floor plans for the structure consistent with those stamped "Preliminary Approval" (except as revised pursuant to Conditions of Approval II.), and located in the Casefile.

Final site plans shall also include street trees, site landscaping, sidewalks, and lighting, as required.

- B. Obtain Final Approval in accordance with Condition of Approval II.**
- C. Pay Transportation Development Tax (TDT).**
- D. Pay the Tualatin Hills Park & Recreation District Systems Development Charges and all applicable SDCs as required.**
- E. Submit to the Oregon Department of Aviation (ODA) a completed copy of a FAA Form 7460-1 and receive a Letter of Determination for the proposed development as required by OAR 738-070-0060 and provide a copy of the completed Letter of Determination to Project Planner. Noting that ODA will use the FAA Form 7460-1 to determine if the proposed development poses an obstruction to aviation safety at the Providence St. Vincent Hospital Heliport.**

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

- A. Street trees and on-site landscaping shall be planted.**
- B. All facilities and improvements as required by Clean Water Services for development of the portion of the site shall be completed and approved by the District.**

V. ADDITIONAL CONDITIONS:

- A. Conditions of Approval from Casefile No. 12-390-SU/D(C)/S/D(R)/REMAND and, as applicable, Casefile 17-106-MOD/S/SU/D(C)/PD continue to apply.**
- B. All landscaping approved through the Development Review process and the Planned Development procedure shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a substantially similar manner as originally approved by the Review Authority (Sections 404-4 & 407-8.10). Landscaping shall follow applicant's Landscape Plan Sheets L100-L110.**
- C. 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).**
- D. All conditions of approval shall be binding upon all heirs, successors and assigns (Section 207-5).**
- E. Transferability of this Development Permit shall be in accordance with Section 201-8.**
- F. The phases as approved through Casefile No. 12-390-SU/D(C)/S/D(R)/REMAND and, as applicable, Casefile 17-106-MOD/S/SU/D(C)/PD continue as long as development of the site continues. It**

is acknowledged that the total 10 mid-rise condominium buildings may be last developed and that the northwest section of the site may be last developed.

- G. The applicant shall maintain all applicable licenses required by the State and County for the Group Care facility/Independent Living building (Section 430-53.3.B.).**
- H. The applicant shall meet and maintain all state and federal requirements for the Group Care facility/Independent Living building (Section 430-53.3.C).**

ATTACHMENT C STAFF REPORT

I. APPLICABLE STANDARDS

- A. Washington County Comprehensive Plan
- B. Cedar Hills-Cedar Mill Community Plan
- C. Washington County Community Development Code:
 - Section 201-6.4 Commencement in Phasing
 - Section 202-2 Type II Procedure
 - Section 203-3 Neighborhood Meetings
 - Section 207-5 Conditions of Approval
 - Section 207-5.5 Time Limits on Conditions
 - Section 207-5.6 Failure to Fulfill Previous Conditions
- 2. Article III, Land Use Districts:
 - Section 305 R-15 Residential District
- 3. Article IV, Development Standards:
 - Section 404 Master Planning
 - Section 405 Open Space
 - Section 406 Building, Siting and Architectural Design
 - 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 417 Irrigation
 - Section 418 Setbacks
 - Section 419 Height
 - Section 430-53.3 Residential Care Facility
 - Section 430-53.5 Retirement Housing Facility
- 4. Article V, Public Facilities and Services:
 - Section 501-2 Application of the Public Facility and Service Standards Inside a UGB
 - Section 501-5 Standards for Development
- D. Ordinance No. 783 – Washington County Transportation Plan
- E. Ordinance No. 738 – Washington County Road Design and Construction Standards
- F. Ordinance No. 793-A – Washington County Transportation Development Tax
- G. Resolution and Order No. 86-95 - Determining Traffic Safety Improvements
- H. Resolution and Order No. 19-5 - Concerning Erosion Control, Water Quality and Quantity

II. 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
Transit:	Tri-Met
Police Protection:	Washington County Sheriff
Parks	Tualatin Hills Park & Recreation District

III. FINDINGS

Background Information:

1. This request is for Type II Development Review for a Special Use for a 56-Unit Independent Living (IL) Residential Building (the new use will be located on a portion of Tax Lot 1S1 1B / 2000 & 2100 and Tax Lot 1S1 1BC / 5700). This is an additional Group Care use within the 9.57 acres of Lot 6 of the Touchmark West Hills plat. The proposed Special Use was first considered for land use approval in Casefile 17-106-MOD/S/SU/D(C)/PD. Essentially, land use approval for the 56-Unit residential structure was approved through 17-106 with the Condition of Approval (XI.C.) that the proposed 56-Unit Independent Living (IL) Residential Building [Residential Care Facility] be reviewed through a subsequent Type II Procedure.

Condition of Approval XI.C. reads as follows:

- C. ***The proposed 64-Unit Independent Living (IL) Resident Care Facility shall be reviewed through a subsequent Type II Procedure. It shall be no greater than 155,000 square feet It shall be located at the southeasterly corner of Lot 6 of the plat of Touchmark In The West Hills with siting adjustments as needed for yard area setbacks and reduced private street side yards. NOTE: Required parking for the building can be reduced by 30% as needed, following the already reviewed and approved Planned Development Modification allowances.***

Casefile L2000275-D(C) satisfies Condition of Approval XI.C.

2. The proposed building and associated site improvements will be located on Lot 19 of Touchmark Heights upon recordation of the plat. Based on the lot lines of the plat to be recorded, all applicable setbacks are met. However, until then it crosses lots lines between Tax Lots 1S101B002000 and 1S101BC005700 and may be close to Tax Lot 1S101B002100. Therefore, prior to submittal of the building permit application the applicant shall:

HISTORY OF TOUCHMARK HEIGHTS IN THE WEST HILLS

3. On **December 28, 2006** a Washington County Hearings Officer conditionally approved a 628-Unit Residential Planned Development, Touchmark Heights [Casefile No. 06-228-D(R)/SU/PLA] that includes 608 units in 9 multi-story buildings, 4 Single Family Detached Units, 2 Duplex Units and 4 Four-plex units. Also

conditionally approved was Special Use for an approximate 60,000 square foot Fitness Club as well as a Property Line Adjustment (PLA).

4. On **March 9, 2007** the Review Authority approved a Type I Minor Revision (Casefile No. 07-053-MR) that relocated the originally proposed internal roadway roundabout from an approximate 850 feet west of SW Miller Road to an approximate 230 feet west of SW Miller Road, within the public right-of-way of SW Mayway Drive. However, certain engineering design standards having to do with the roundabout could not be resolved and the roundabout has been completely removed from the project plans.
5. On **June 21, 2007** a Washington County Hearings Officer conditionally approved a Modification to the preliminarily approved Master Plan to Touchmark Heights that consisted of a new driveway aisle through an additional property purchased by the applicant (Casefile No. 07-152-MOD/D/PLA). The drive aisle will be constructed within a vacant, forested 5.25 acre parcel located at the far easterly side of the larger site.

The Property Line Adjustment that was requested with Casefile No. 07-152-MOD/D/PLA involves Tax Map/Lot 1S1 01B/100 and Tax Map/Lot 1S1 01B/105, both at the north side of SW Mayway Drive. The property lines were relocated in order to provide an adjusted right-of-way for SW Mayway Drive. It is the same PLA requested with the first review [Casefile No. 06-228-D(R)/SU/PLA], as the final location of the SW Mayway Drive right-of-way had not yet been fully established.

6. On **February 26, 2009** the Review Authority conditionally approved a two year Extension request for Touchmark Heights (East) (Casefile No. 08-467-E).
7. On **February 27, 2009** a Washington County Hearings Officer, through Casefile No. 07-522-S/D(R)/PD/REMAND, conditionally approved a 63-Lot Single Family Subdivision and Development Review for 99 Attached Units (3 Multi-Family Flats with 24 units and a 9-Story Mid-rise with 75 Units) all within a Planned Development, 'Touchmark Heights West'. Casefile No. 12-390-SU/D(C)/S/D(R)/PD/REMAND (below) negated this decision in its entirety.
8. On **July 19, 2012** a Washington County Hearings Officer conditionally approved a second two year Extension request to Touchmark Heights (East) while denying an Appeal of the request via Casefile No. 12-055-E/APPEAL. Through Washington County Ordinance No. 734, Touchmark Heights East had been granted an automatic one year Extension prior to the request for a second Extension.
9. On **July 19, 2012** a Washington County Hearings Officer conditionally approved a two year Extension request to Touchmark Heights West while denying an Appeal of the request via Casefile No. 12-101-E/APPEAL. Through Washington County Ordinance No. 734, Touchmark Heights West had been granted an automatic one year Extension prior to the Extension request.

10. On **July 31, 2013** a Washington County Hearings Officer, via Casefile No. 12-390-SU/D(C)/S/D(R)/PD/REMAND, conditionally approved Special Use and Development Review for a Resident Care Facility (272 rooms in four buildings); Preliminary Plat Review for a 30-Lot Subdivision, 'Touchmark Heights West'. The subdivision included 19 Single Family Lots, 10 Multi-Family Lots and one lot for a previously approved condominium building per Casefile No. 07-522-S/D(R)/PD; Development Review for 40 Condominium Units (a 4-unit building on each of the 10 Multi-Family Lots created with the Subdivision), all in a Planned Development. The casefile went to the Land Use Board of Appeals (LUBA) and was remanded back to the Hearings Officer for a final decision
11. On **April 30, 2014**, the Review Authority conditionally approved a two year Extension request for "Touchmark Heights East", via Casefile No. 06-228-DR/SU/PLA.
12. On **April 9, 2015**, the Review Authority conditionally approved a Minor Revision of Master Plan and Development Review for Touchmark Heights West (Phase 2) [Casefile No. 12-390-SU/D(R)/PD/REMAND] to: add further sub-phases; revise parking locations and lot configurations and sizes; eliminate six units; revise elevations and footprints to the residential care facility lodge buildings; and provide additional open space and recreation amenities. A two-year Extension is also requested to July 31, 2017.
13. On **December 7, 2015**, the Review Authority conditionally approved a Minor Revision to "Touchmark In The West Hills" (Touchmark Heights West - Phase IIA) [Casefile 12-390-SU/D(R)/PD/REMAND]
14. On **March 9, 2017** the Review Authority, via Casefile No. 17-079-T, approved a (one-year) Temporary Gravel Construction Parking Lot on Tax Map/Lot 1S1 01B/105 at the northeast corner of the greater project site. The applicant will eventually hard-surface the parking lot. The parking lot is located on the north side of SW Mayway Drive and is accessed from SW Miller Road through SW Mayway Drive. Clean Water Services has reviewed the parking lot for both erosion control and proper storm drainage. There are expected to eventually be greater than 300 persons working on the site at a daily shift.
15. On **June 26, 2017** a Washington County Hearings Officer, via Casefile 17-106-MOD/S/SU/D(C)/PD, conditionally approved a Modification to a Planned Development 'Touchmark Heights'; Preliminary Review for a 30-Lot Subdivision (includes re-plat of 'Touchmark In The West Hills'); Special Use for a 64- Unit Independent Living Residence; Development Review for a Winemaking Facility/Club House & Outdoor Amphitheater; Provision of a Maintenance Bldg.; Removal of 7 conditionally approved 4-Plex Garden Homes replaced with 11 Single Family Residential Lots; & Relocation of a single conditionally approved Condominium Tower from West side of site to the East side of the site [Casefile No. 12-390-SU/D(R)/PD/REMAND].
16. On **August 3, 2018** the Review Authority, via Casefile 18-282-MR, conditionally approved a Minor Revision to Casefile 17-106-MOD/S/SU/C(C)/PD to provide

additional off-street parking serving the Planned Development (the PD element of the Vineyard Clubhouse).

17. On **September 6, 2018** the Review Authority, via Casefile 18-287-MR/MR/MR, conditionally approved three Minor Revisions to the Touchmark Heights Planned Development Preliminary Approval [Casefile 17-106-MOD/S/SU/C(C)/PD to: 1) Revise Lot 18 (increase size) ; 2) Revise Lot 1 and relocate Lot 4; and 3) Revise the Planned Development Open Space phasing.
18. On **August 3, 2018** the Review Authority, via Casefile 18-282-MR, conditionally approved a Minor Revision to the Touchmark Heights Planned Development Preliminary Approval [Casefile No. 17-106-MOD/S/SU/D(C)/PD] to provide an additional off-street parking area for an approved Planned Development element - the Vineyard Clubhouse.
19. On **June 6, 2019** the Review Authority, via Casefile 19-180-PLA approved a property line adjustment to consolidate Tax Lots 1S101B/2000 and 1S101BC/00100 into a single parcel.
20. The project site does not contain a drainage hazard area and/or wetlands according to the County Flood Plain Series and National Wetland Inventory maps.
21. Agency comments were received from Washington County Building Services, Clean Water Services (CWS) and the Oregon Department of Aviation (ODA).
22. Public comments in response to the 14 day public notice were received from Jim and Holly Lekas (100 NW Tualty Way). Jim and Holly Lekas live north of the development site. Key concerns are about erosion and water runoff coming from the Touchmark property to developed.

Staff: Building Services and Clean Water Services have reviewed the proposed development and have recommended certain Conditions of Approval designed to ensure that the proposed grading and storm drainage facilities comply with all applicable requirements and to ensure that the additional impervious areas will not negatively impact surrounding properties.

A. Washington County Comprehensive Framework Plan:

There are no specific Plan policies or goals, which affect this request that are not implemented by the Code or the Community Plan. The Framework Plan requires development applications to be in compliance with the Community Development Code and the applicable Community Plan. By demonstrating in this report 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 within the West Sylvan subarea.

The site is located in Area of Special Concern #7.
The site is not designated as a Significant Natural Resource area.

The Community Plan is implemented by the Community Development Code. When built in conformance with applicable conditions of approval, the project will be in compliance with the community plan.

C. Washington County Community Development Code:

1. Article II, Procedures:

Section 201-6.4 Commencement in Phasing

STAFF: In the interest of continuity in the case of physical construction, work-flow and the greater project site being a single planned community with interconnecting parts, the applicant requested through Casefile No. 12-390-SU/D(C)/S/D(R)/PD/REMAND that Touchmark Heights be considered one project site being constructed in two phases and including sub-phases. The Hearings Officer concurred and Conditions of Approval for the development, found in both Casefile Nos. 12-390-SU/D(C)/S/D(R)/PD/REMAND and 06-228-D(R)/SU/PLA, were combined.

Therefore, the applicant is currently working under the Conditions of Approval as found in Casefile 12-390-SU/D(C)/S/D(R)/PD/REMAND. The currently requested Minor Revisions and Development Reviews should not alter existing Conditions of Approval as those previous conditions relate directly to already approved projects within the site – some under construction.

Phase I is the 'original' Touchmark Heights (East). It consists generally of conditionally approved nine, 8 - 9-story mid-rise condominium towers; five stand-alone four-plex garden homes; and a stand-alone clubhouse (all located within currently proposed Lots 29 & 30). The Swede Hill lookout, required to be preserved by a Hearings Officer, will be located within proposed Lot 29 near the two most northerly condominium towers.

Phase II is considered Touchmark Heights West. It consists of the South and North Lodge (one building) and the Terrace Building, all currently under construction. It also involves three conditionally approved garden home residences north of the lodges (within large Lot 6) and four platted single family residential lots (Lots 2 – 5) and a single multi-unit four-plex lot (Lot 1).

Section 201-6.4 of the Community Development Code (CDC) authorizes a development be done in phases as long as each phase is commenced within the time frame specified in the approval. The east half of the project was approved in late 2006 [Casefile No. 06-228-D(R)/SU/PLA]

(see History in Background). As noted above under History, during the intervening years the applicant has utilized all available Extension request provisions including two extensions provided by the Board of County Commissioners, in order to retain the viability of the project.

The project took a hiatus at the recession of 2008. Then in late 2011 the applicant returned with Casefile No. 12-390-SU/D(C)/S/D(R)/PD/REMAND. The applicant began physical work on the site after the 2012 conditional approval. Staff finds that as long as the applicant continues physical progression within the Touchmark site, the work and phasing may continue. Staff will make this a Condition of Approval.

And staff recommended not re-numbering any existing phases and not adding new phasing numbers to the project. Staff believed that conditions of approval for these current proposals can be tied to each individual item of development within the greater site i.e., certain conditions shall be completed prior to occupancy of the vineyard clubhouse, etc. Lastly staff recommended that the conditions of approval for Casefile No. 12-390-SU/D(C)/S/D(R)/PD/REMAND be simply referenced by casefile number in the conditions of approval.

Then most recently, the Hearings Officer on June 26, 2017 the Hearings Officer conditionally approved via Casefile 17-106-MOD/S/SU/D(C)/PD, a Modification to a Planned Development 'Touchmark Heights'; Preliminary Review for a 30-Lot Subdivision (includes re-plat of 'Touchmark In The West Hills'); **Special Use for a 64- Unit Independent Living Residence**; Development Review for a Winemaking Facility/Club House & Outdoor Amphitheater; Provision of a Maintenance Bldg.; Removal of 7 conditionally approved 4-Plex Garden Homes replaced with 11 Single Family Residential Lots; & Relocation of a single conditionally approved Condominium Tower from West side of site to the East side of the site [Casefile No. 12-390-SU/D(R)/PD/REMAND].

And as stated previously, the current application involves the Independent Living Residence approved as to land use only in Casefile 17-106-MOD/S/SU/D(C)/PD.

Section 202-2 Type II Procedures

STAFF: This application is being reviewed through a Type II Procedure as required by Casefile 17-106-MOD/S/SU/D(C)/PD. A public notice advertising the request was mailed to all property owners within 500 feet of the site. One e-mail comment was received concerning the proposed development from the public. Agency comments were also provided by the Oregon Department of Aviation.

Section 203-3 Neighborhood Meeting

STAFF: In accordance with Section 203-3.2, the applicant conducted the required Neighborhood Meeting on June 4, 2020. The applicant submitted all applicable meeting information demonstrating compliance with this requirement.

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 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: Conditions of approval are imposed to ensure compliance with the standards of the Code and other County regulations and to mitigate any adverse impacts the use may have on the surrounding area.

207-5.2 *A condition is valid and enforceable when the applicant has: A) Requested the condition; B) Consented to the condition in writing or on the record; or C) Established or commenced the development or use (other than a valid nonconforming use) prior to approval; or D) Submitted graphics or other application materials that were reviewed and approved by the Review Authority; the application must substantially comply with the application materials except as modified by the Review Authority.*

STAFF: During the past 15 years the applicant has requested and been conditionally approved for projects located across the entirety of the 76.58 acre site. An approximate four of those years involved a slowdown in the economy that also slowed the pace of the project.

As previously cited the applicant has refined the project through various Minor Revisions and modifications during the ensuing years. The Community Development Code (CDC) provides for changes in plans. There is no standard in the CDC that prevents an applicant from adjusting their approved plans, as long as that change is reviewed by staff and is found to follow the CDC and conditioned appropriately. Staff finds that previous Conditions of Approval continue to apply to the various different developments within the site unless a specific item has been removed from the project approval.

207-5.5 *Time Limits on Conditions:*

Conditions shall be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. Failure to fulfill a

condition within said time may result in initiation of revocation of the approval, citation or such other enforcement action as the County deems appropriate.

STAFF: Time limitations have been set on the various phases of the project. The applicant has continually monitored these time limitations as evidenced by the above noted Extension requests. Staff finds that the applicant shall continue active construction of the project including grading and building in order to retain momentum on phasing.

207-5.6 *Failure to Fulfill Previous Conditions:*

Notwithstanding any other provision, the Review Authority shall refuse to issue an approval with conditions, and deny an application, upon a determination that the applicant, or any officer, or principal of the applicant, willfully has failed to fulfill conditions of approval imposed in any previous development action and a determination that such a decision would encourage compliance or is necessary to protect the public from future noncompliance.

STAFF: Staff finds that the applicant shall continue to fulfill all previous conditions prior to moving ahead with any phase of the project. This has been accomplished during the past 13 years.

207-5.7 *Modification or Removal of Conditions.*

STAFF: The application does not include a 'Modifications or Removal of Conditions' as found in Section 207-5.7 of the Community Development Code (CDC).

2. Article III, Land Use Districts:

Section 305 R-15 District

STAFF: The 56-unit Independent Living facility is proposed as a Group Care Facility within the District. Section 305-4.2 permits Group Care Facilities in the R-15 District through a Type III Procedure (see Section 430-53 below). Previous land use approval was issued approving the use but development review was not conducted at that time. Land use approval required that subsequent Type II Development Review be performed to ensure compliance with all applicable Code requirements, such as landscaping, off-street parking and setbacks.

The proposed building and associated site improvements will be located on Lot 19 of Touchmark Heights upon recordation of the plat. Based on the lot lines of the plat to be recorded, all applicable setbacks are met. However, until then it crosses lots lines between Tax Lots 1S101B002000 and 1S101BC005700 and may be close to Tax Lot

1S101B002100. Therefore, prior to submittal of the building permit application the applicant shall:

- a) Copy of the recorded plat of Touchmark Heights that maintain compliance with the District setbacks consistent with the approved site plan (noting that the proposed structure would be on Lot 19 of Touchmark Heights), or
- b) Obtain land use approval for a property line adjustment between Tax Lots 1S101B002000 and 1S101BC005700 and as applicable Tax Lot 1S101B002100 that maintain compliance with the District setbacks consistent with the approved site plan, and provide recorded copies of the new deed and property line adjustment survey demonstrating that the approved property line adjustment has been recorded and evidence from the Department of Assessment and Taxation that all taxes have been paid.

3. Article IV, Development Standards:

Section 404 Master Planning

STAFF: The applicant has submitted the information required by this section and it is inclusive of the entire 76.58 acre site. The Master Plan illustrates what is currently under construction; that which is conditionally approved; and those items being requested. This plan is retained in the casefile.

Applicant's Plan Sheet P8.0 illustrates the Planned Development (PD) Open Space as first proposed in 2006. The applicant received certain modifications to Code standards through the preservation of PD Open Space. The applicant proposes that the allowed modifications continue with this current phase of the project. Staff recommends that the applicant be permitted to continue the modifications. These modifications to the standards will be referenced throughout this review.

Section 405 Open Space

STAFF: The entire 76.58 acre site is a Planned Development and thus required to provide PD Open Space. The applicant stated in Casefile 17-106-MOD/S/SU/D(C)/PD that all of the site's PD Open Space will be privately held and maintained by the applicant. Maintenance will include but is not limited to such items as retaining walls, recreational facilities, pedestrian trails, water quality swales and benches from which to enjoy the view. This ownership shall be shown on the face of the plats or in ownership documents.

Section 406 Building, Siting and Architectural Design

STAFF: Pursuant to Section 406-1.1 the development of the 56 Independent Living units is permitted in the primary district (R-15 District) as a Group Care Use. Noting that the land use was previously approved for this site in 2017 with the current development subject to the Type II Development Review procedure. See Section 305 findings regarding setbacks.

Elevations and floor plans for the 56 Independent Living units, have been submitted. Staff finds the requirement for building plans, as found in Section 406-7, are met.

Section 407 Landscaping

STAFF: Pursuant to Section 407-6 landscaping is required along access roads and entryways within the project site. This includes parking lot driveway aisles and entryways from private or public streets. Pursuant to Section 407-7 street trees are required to be planted along all public and private roadways and access drives. The applicant's submitted landscape plans, demonstrate that all required landscaping will be provided. All landscaping, including street trees, shall be planted prior to issuance of the final Certificate of Occupancy.

Section 408 Neighborhood Circulation

STAFF: According to the Cedar Hills-Cedar Mill Community Plan the entirety of the project site is located within a Local Street Connectivity area. Pursuant to Section 408-6 the review standards for neighborhood circulation are designed to: 1) meet Metro's street connectivity requirements; 2) 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 3) 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 this Section.

The findings and recommendations for Neighborhood Circulation standards are found in the staff report prepared for Casefile 17-106-MOD/S/SU/D(C)/PD. Continued compliance with Section 408, as conditioned through Casefile 17-106-MOD/S/SU/D(C)/PD, will occur with the approval of this development application.

Section 409 Private Streets

STAFF: As found above under Section 408, the majority of the site is approved for private streets – this includes SW Vitner Drive which provides access to the 56 Independent Living units.

SW Vitner Drive, pursuant to Section 409-3.3.A(9) maintains a paved width of minimum 24 feet of traveled width with curbs, gutters, 5 foot wide sidewalks on both sides. The private street was constructed to a Structural Section Type (3). No changes to the existing private street are proposed with the exception of constructing a driveway for the new access (located on the north side of the private street).

Section 410 Grading and Drainage

STAFF: Pursuant to Section 410-1.1 the applicant has submitted a preliminary grading plan. A final grading plan as required by this section shall be submitted prior to any work being done on the site. This is being made a recommended condition of approval.

Building Services will require a geotechnical/geological report be submitted with application for a grading permit. Staff finds that this standard will be met. Clean Water Services and Building Services will also both require a drainage report. Staff finds that this standard will be met.

Perusing the applicant's grading plans and comparing those to plan views of the proposed projects staff finds that the extent and nature of the proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use (Section 410-3.1).

Pursuant to Resolution and Order No. 19-5, Clean Water Services has the responsibility for review and approval of storm drainage plans as well as erosion control plans. The applicant will be required to obtain approval from CWS for the proposed drainage plan prior to any on-site work.

Section 413 Parking and Loading

STAFF: The applicant was previously approved for a 30% reduction in parking via Section 404-4.5.D (Planned Development Modifications). This approved modification continues to apply. The applicant proposes to provide 34 parking spaces on the lower level that accesses the south side of the building (and private street). The 34 parking spaces will serve the 56 units: 18 one bedroom units and 38 two bedroom units.

According to the applicant, the Sky Lodge parking required by Section 413-6.1(B)(3) is 24 spaces. This section requires a minimum of 1 parking space for every 4 beds plus 1 space for every employee.

The proposed 56 Sky Lodge units consists of 18 one bedroom and 38 two bedroom units, so the minimum parking figures are:

18 (1 bed per unit) = 18 beds
38 (2 beds per unit) = 76 beds
94 beds

And 94 beds @ 4 beds/per space = 23.5 = **24 spaces required**; plus the required **5 spaces** needed to serve the 5 employees (Front Desk, 2 Housekeeping, 1 Maintenance).

A total 29 parking spaces are required without the previously noted 30% reduction or 20 spaces required with the 30% reduction

Sky Lodge Proposed spaces = 34 Spaces

The proposed development provides adequate off-street.

Section 416 Utilities

STAFF: All new utilities shall be located underground as required by Section 416-1.1.

Section 417 Irrigation

STAFF: The required landscaping for the site exceeds 1,000 therefore the applicant is required to utilize automatic irrigation systems pursuant to Section 417-1.

Section 418 Setbacks

Section 418-4 Fences and Retaining Walls

The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3 (Corner Vision/Vision Clearance Triangle):

418-4.1: A fence, wall (includes retaining wall), screen or lattice work not more than seven (7) feet in height.

418-4.2: A fence, wall (includes retaining wall), screen or lattice work not more than eight (8) feet in height along a rear, side or front yard which abuts an arterial or limited-access highway.

418-4.3: A combination fence [not more than six (6) feet in height] and retaining wall structure [not more than four (4) feet in height] located in a side or rear yard (for design standards see Section 419-4).

418-4.4: Tiered retaining wall structures not exceeding seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the

yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.

418-4.5: All retaining wall structures, exceeding seven (7) feet in height, not within a required yard or setback area, on two or more contiguous properties, are exempt from the side yard setback requirement.

418-4.6: A wall not more than eight (8) feet in height along a side or rear property line as required by Section 411.

STAFF: A review of the grading plans by staff indicates there will be retaining walls. Retaining walls will be used along the north and east side of the structure to provide the building envelope for the facility and a level area for the eastern plaza. The retaining walls will be reviewed for compliance with Section 418 prior to issuance of the grading permit.

Section 419 Height

Section 419-3

A fence, lattice work, screen or wall (includes retaining wall) not more than seven (7) feet in height may be located in any required side, front or rear yard, except as required by Section 418-3 (corner vision). Where a rear, side or front yard abuts an arterial or limited access highway, fence height along the yard may be increased to eight (8) feet. Any fence over six (6) feet in height requires a building permit. Any retaining wall over four (4) feet in height requires a building permit (the height measurement of a retaining wall is from the bottom of footing to the top of the retaining wall).

STAFF: Any fence over six feet in height requires a building permit. Any retaining wall over four feet in height requires a building permit.

Section 426 Erosion Control

STAFF: 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. The applicant shall therefore 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.

On July 1, 1990, Clean Water Services assumed responsibility for erosion control within their district boundaries. The applicant will be required to submit an erosion control plan to CWS for their approval prior to any on-site or off-site work or construction.

Section 430-53 Group Care

STAFF: The applicant requests Type II Development Review approval for a Resident Care Facility (Independent Living facility / IL). The use was approved in 2017 as to use and location but not to the design. As a condition of approval of the 2017 Casefile, Type II Development Review is required prior to issuance of the building permit. Group Care facilities are considered commercial uses and do not count toward density of a site. It is worth noting that Resident Care Facilities by definition provide dependent care; whereas the Touchmark Community was approved as a Retirement Housing Community (Section 430-53.5), which allows independent living. In the project narrative, the applicant addressed Section 430-53.5

The Independent Living building will be located on a portion of current Tax Lots 1S1 1B/ 2000 and 1S1 1BC/5700 (noting that the development site will be eventually located on Lot 6 of the Touchmark West Hills plat upon recordation of the plat). The proposal is a 56-Unit Independent Living building. These will be, as the name implies, individual units.

430-53.3 Resident Care Facility:

An establishment licensed or certified by the state or applicable federal authority that provides housing and 24-hour access to services, including care, training, and/or treatment for individuals who are not in need of hospital care, but who may need assistance with activities of daily living. Residents may live in separate units, or as a single housekeeping unit. Facilities may include accessory uses and amenities, such as areas for shared eating, socializing, recreation, laundry, training, or treatment. Residential units and common facilities, including sleeping areas, kitchens, bathrooms, and other amenities, must meet all applicable state and federal requirements.

Resident care facilities shall:

- A. Not include hospital or treatment facilities otherwise provided in Article IV;*
- B. Maintain all applicable licenses required by the state and county; and*
- C. Meet and maintain all applicable state and federal requirements.*

STAFF: The proposed Residential Care Facility (430-53.3) is one of the housing types in the greater Touchmark Planned Development Retirement Housing Community. Noting that the requirements for the proposed Residential Care Facility/Independent Living facility set forth in Section 430-53.3 (applicable to stand alone uses) are applicable to said uses integrated into a Retirement Housing Community (430-53.5).

From evidence submitted by the applicant there is no hospital or treatment facilities otherwise provided in Article IV. The applicant states that they will obtain and maintain all applicable licenses required by the State and County. Staff finds that the applicant will obtain any licenses required to open and maintain the proposed use. This standard is met as us the standards of Section 430-53.5 C.

430-53.5 Retirement Housing Community

A residential community for citizens age 55 years and older that includes a variety of housing options and services. Private dwelling units, including apartments or single family attached/detached homes, may be provided for independent residents (independent living) and/or residents requiring a range of supportive personal and health services (assisted living). The community may also include a care facility licensed or certified by the state (as applicable) for the purpose of providing planned treatment and/or care. A. Shall not include hospital or treatment facilities otherwise provided in Article IV;

A retirement housing community shall meet the following:

- A. The entire community is owned or managed by a single entity and access to community services and facilities is available for all residents;*

STAFF: The proposed development is part of the Touchmark community and owned and managed by a single entity, outside of the detached single family dwelling units (lots) that are owned in Fee Title. Residents will have access to services and facilities provided in the Touchmark community. This standard is met.

- B. Both independent and assisted living housing units include kitchen facilities, bathroom facilities, and bedroom(s). For studio units, a sleeping area may replace the requirement for a separate bedroom. If there are common facilities available to residents, units may be provided with kitchenettes and/or shared bathrooms if those facilities meet all applicable state and federal requirements;*

STAFF: The proposed development is for 56 independent units, and include kitchen facilities, bathroom facilities, and bedroom(s). This standard is met.

- C. The residential care facility meets the following requirements:*

- (1) Shall not include hospital or treatment facilities otherwise provided in Article IV;*
- (2) Must maintain all applicable licenses required by the state and county; and*
- (3) Must meet all applicable state and federal requirements.*

STAFF: See Section 430-53.3 above.

D. Provided services and facilities that are accessory in nature to the primary use of residential housing, are intended to principally serve residents of the retirement housing community, but may also be used by non-residents on a limited basis. Services and facilities may include, but are not limited to, a dining facility, health and fitness facility, administrative or medical offices, craft and hobby rooms, meeting and community rooms, beauty and barber salons, library and guest lodging; and

STAFF: Accessory uses developed as part of the Touchmark Community will be available to residents of the 56 Independent Living units. This standard is met.

E. The community is open to pedestrian and vehicular circulation

STAFF: The Touchmark Community provides for and is open to pedestrian and vehicular circulation. This standard is met.

F. For the purposes of calculating parking, minimum off street parking requirements for individual uses in Retirement Housing Communities should be calculated separately.

STAFF: See Section 413 of the Staff Report.

4. Article V, Public Facilities and Services:

Section 501-2 Application of the Public Facility and Service Standards Inside a UGB

STAFF: The findings and recommendations for compliance with Section 501-2 are found in the Staff Report and Transportation Report and were incorporated as findings for Casefile 17-106-MOD/S/SU/D(C)/PD.

Section 501-8 Standards for Development

STAFF: Required public services and facilities can be provided to the site to serve the proposed use. All of the agencies listed in Section II of this staff report have stated they can adequately serve the development subject to complying with their standards.

The findings and recommendations for compliance with Section 501-8 are found in the Staff Report and Transportation Report and were incorporated as findings for Casefile 17-106-MOD/S/SU/D(C)/PD.

D. A Engrossed Ord. No. 783 - Transportation Plan:

STAFF: The findings and recommendations for compliance with the Transportation Plan are found in the Staff Report and Transportation

Report and were incorporated as findings for Casefile 17-106-MOD/S/SU/D(C)/PD.

E. Ordinance No. 738 - Road Design and Construction Standards

STAFF: The findings and recommendations for Road Design and Construction Standards are found in the Transportation Report and were incorporated as findings for Casefile 17-106-MOD/S/SU/D(C)/PD. Street Improvements were determined in Casefile 17-106-MOD/S/SU/D(C)/PD. It is also worth noting that the proposed development fronts only an already constructed private street.

F. Ordinance No. 793 - Transportation Development Tax:

STAFF: 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 Collectors and Arterial streets needed for development. All individual developments within the Master Plan are required to pay this tax. The tax is based on the number of daily vehicle trips a site generates and is due at issuance of a building permit.

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

STAFF: The findings and recommendations for transportation standards are found in the Transportation Report and were incorporated as findings for Casefile 17-106-MOD/S/SU/D(C)/PD. Traffic Safety Improvements were determined in Casefile 17-106-MOD/S/SU/D(C)/PD.

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

STAFF: Resolution and Order No. 19-5 adopted standards and regulations for the Clean Water Services review and approval of erosion control measures. The applicant has been required to submit erosion control plans to the District for each of their developments, prior to any on-site or off-site work or construction.

IV. SUMMARY AND CONCLUSION

The required findings can be made for all of the applicable Code sections for the proposed group care use. Therefore, the proposed 56 unit Independent Living facility is approved subject to the attached conditions of approval found in Attachment 'B'.

**WASHINGTON COUNTY**

Dept. of Land Use & Transportation
Development Services Division
Current Planning Section
155 N. 1st Avenue, #350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
<http://www.co.washington.or.us>

Street Trees**APPROVED STREET TREES**Ash

- *Fraxinus americana*—White Ash
- *Fraxinus excelsior*—Globe European Ash
- *Fraxinus ornus*—Flowering Ash
- *Fraxinus oxycarpa*—Golden Desert Ash, Flame Ash, Raywood
- *Fraxinus pennsylvanica*—Marshal Ash, Summit Ash

Beech

- *Fagus sylvatica*—European Tricolor

Blackgum

- *Nyssa sylvatica*—Blackgum

Crabapple

- *Malus*—Flowering Crabapple

Cherry, Flowering

- *Prunus sargentii*—Sargent Cherry
- *Prunus serrulata*—Oriental Cherry

Dogwood

- *Cornus florida*—Eastern Dogwood, Flowering Dogwood
- *Cornus kousa*—Kousa Dogwood, Japanese Dogwood
- *Cornus nuttallii*—Native Pacific Dogwood

Elm

- *Ulmus parvifolia*—Chinese Elm, Lacebark Elm

Ginkgo

- *Ginkgo biloba*—Autumn Gold, Fairmont, Princeton Sentry, Shangri-la

MALE TREES ONLYGoldenrain Tree

- *Koelreuteria paniculata*—Goldenrain Tree

Goldenchain Tree

- *Laburnum watereri*—Goldenchain Tree

Hackberry

- *Celtis occidentalis*—Common Hackberry

Hawthorn

- *Crataegus lavalleyi*—Lavelle Hawthorn
- *Crataegus phaenopyrum*—Washington Hawthorn

Honey Locust

- *Gleditsia triacanthos*—Skyline

Hophornbeam

- *Ostrya virginiana*—American Hophornbeam

Hornbeam

- *Carpinus betulus*—European Hornbeam

Japanese Snowbell

- *Styrax japonicus*—Japanese Snowbell

Katsura

- *Cercidiphyllum japonicum*—Katsura Tree

Lilac

- *Syringa reticulata*—Japanese Tree Lilac

Linden

- *Tilia americana*—American Linden
- *Tilia cordata*—DeGroot Littleleaf, Glenleven Littleleaf, Greenspire Linden

Maple

- *Acer campestre*—Hedge Maple
- *Acer ginnala*—Amur Maple
- *Acer griseum*—Paperbark Maple
- *Acer nigrum*—Greencolumn Black
- *Acer platanoides*—Norway Maple, Crimson King Norway,
- *Acer rubrum*—Bowhall Maple, Red Sunset Maple
- *Acer saccharum*—Sugar Maple

Oak

- *Quercus acutissima*—Sawtooth Oak
- *Quercus coccinea*—Scarlet Oak
- *Quercus imbricaria*—Shingle Oak
- *Quercus palustris*—Pin Oak
- *Quercus robur*—English Oak
- *Quercus rubra*—Northern Red Oak
- *Quercus shumardii*—Shumard Oak

Pagoda Tree

- *Sophora japonica*—Japanese Regent

Pear, Flowering

- *Pyrus calleryana*—Aristocrat, Autumn Blaze Flowering

Redbud

- *Cercis canadensis*—Eastern Redbud

Tulip Tree

- *Liriodendron tulipifera*—Tulip tree

Zelkova

- *Zelkova serrata*—Village Green, Wireless Zelkova, Green Vase

**TREES NOT APPROVED OR PERMITTED AS STREET TREES:**

Agricultural fruit bearing trees (apple, pear, plum, cherry, etc.)

Coniferous evergreen (Fir, Pine, Cedar, etc.)

Acer, *saccharinum* - Silver Maple

Acer, *negundo* - Boxelder

Ailanthus, *gladulosa* - Tree-of-Heaven

Betula; birches (common species and varieties)

Ulmus; elms (common species and varieties)

Morus; mulberry (common fruiting species and varieties)

Salix; willow (common species and varieties)

For further information regarding Street Trees, contact the Development Services Division of Washington County Land Use and Transportation at 503-846-8761.



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Street Trees



407-9 Street Trees

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 within the R-5, R-6, and Agricultural Districts, 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;
- 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 at an average of one tree per thirty-five (35) feet of lineal road frontage;
- 407-7.4 Street trees shall be installed on public or private property no more than five (5) feet from the designated right-of-way;
- 407-7.5 Street trees shall be a minimum of one and one-half (1-1/2) inches in diameter.

Please Note: CDC 418-3 states "Lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between three feet and ten feet in height as measured from street grade.....The sight triangle shall be measured from the street corner (apex) , a distance or twenty feet along each street side....."

For further information regarding Street Trees, contact the Development Services Division of Washington County Land Use and Transportation at 503-846-8761.



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ATTACHMENT "E"
TYPE II

CASEFILE # L2000275-D(C)

APPEAL INFORMATION

Attached is a copy of the Land Use and Transportation Department's Review Authority decision on this request for a Development Action.

Any person who is adversely affected or aggrieved, or who is entitled to written notice pursuant to ORS 215.416(11) may appeal the decision by filing a written appeal.

Failure to file a petition for review with the Department of Land Use and Transportation by 4:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.

The decision, including conditions of approval, may be appealed and a public hearing held by filing a signed petition for review (appeal) within twelve (12) calendar days of date written notice is provided (date mailed).

APPEAL PERIOD: 02/11/2021 (Date Mailed) to 4:00 p.m. on 02/23/2021 (Appeal Due Date)

This decision will be final if an appeal is not filed by the due date.

The complete file is available at the County Department of Land Use and Transportation for review.

A petition for review (appeal) must contain the following: L2000275-D(C).

1. The name and signature of each petitioner filing the petition for review (appeal). If a group consisting of more than one person is filing a single petition for review, one individual shall be designated as the group's representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this representative;
2. A statement of the interest of each petitioner;
3. The date the Notice of Decision was sent as specified in the notice (date mailed);
4. The nature of the decision and the specific ground for appeal. For applications with multiple requests, specify the particular request(s) and/or specific conditions of approval being appealed;
5. A statement listing the number of pages of the petition and that all pages are present;
6. A statement setting forth the appeal fee as specified in the Notice of Decision; and
7. The appropriate appeal fee of **\$250.⁰⁰**

For further appeal information, contact the Appeal Secretary at the Washington County Department of Land Use and Transportation. Phone 503-846-3849.