



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties

From: City of Beaverton, Community Development Department

Date: January 31, 2018

Subject: Land Use application approval for Waterhouse Trail Segment 4

Attached is the Notice of Decision for **DR2017-0140 / TP2017-017 (Waterhouse Trail Segment 4)**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for DR2017-0140 and TP2017-017 is final unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for DR2017-0140 and TP2017-017 (Waterhouse Trail Segment 4) is 4:30 p.m., Wednesday, February 12, 2018.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Matt Straite, Contract Planner, at (503) 297-1005.



NOTICE OF DECISION

DECISION DATE: January 31, 2018

TO: All Interested Parties

FROM: Matt Straite, Contract Planner

PROPOSAL: **DR2017-0140/ TP2017-017 – Waterhouse Trail Segment 4**

LOCATION: The proposed trail segment will connect the gap that extends from Waterhouse Powerline Park northward to the NW Bethany Court cul-de-sac, as shown on Exhibit 1. The site is located on portions of property described by the Washington County Tax Assessor as Map 1N131 AD, Tax Lots 102, 2400, 2500, Map 1N132 BC, Tax Lot 5000.

SUMMARY: The applicant, Tualatin Hills Park & Recreation District (THRPD), seeks reconstruct an existing trail, boardwalk, and replace an existing pedestrian bridge. All three are proposed to be widened. Trail construction is subject to Type One Design Review. The Tree Plan Two proposes to remove up to thirty (30) trees for the construction of a shared use trail. Of the 30 trees only nine (9) have been identified as required for actual removal. The remaining twenty-one (21) trees *may* be impacted by trail construction, but are intended to be saved. The trees subject to removal are primarily located within the Willow Creek Sensitive Area.

PROPERTY OWNERS:

1N131AD00102
Tualatin Hills Park & Recreation District (THRPD)
Attn: Patty Freeman
5500 SW Arctic Drive, Suite #2
Beaverton, OR 97005

1N131AD02400 and 2500
16500 NW Bethany Ct
MRD Properties, LLC
Attn: Mike Dunn
1590 Bonniebrae Drive
Lake Oswego, OR 97034

1N132BC05000
16340 NW Bethany Ct
JOS Properties, LLC
3248 SW 55th Dr
Portland, OR 97221-2221

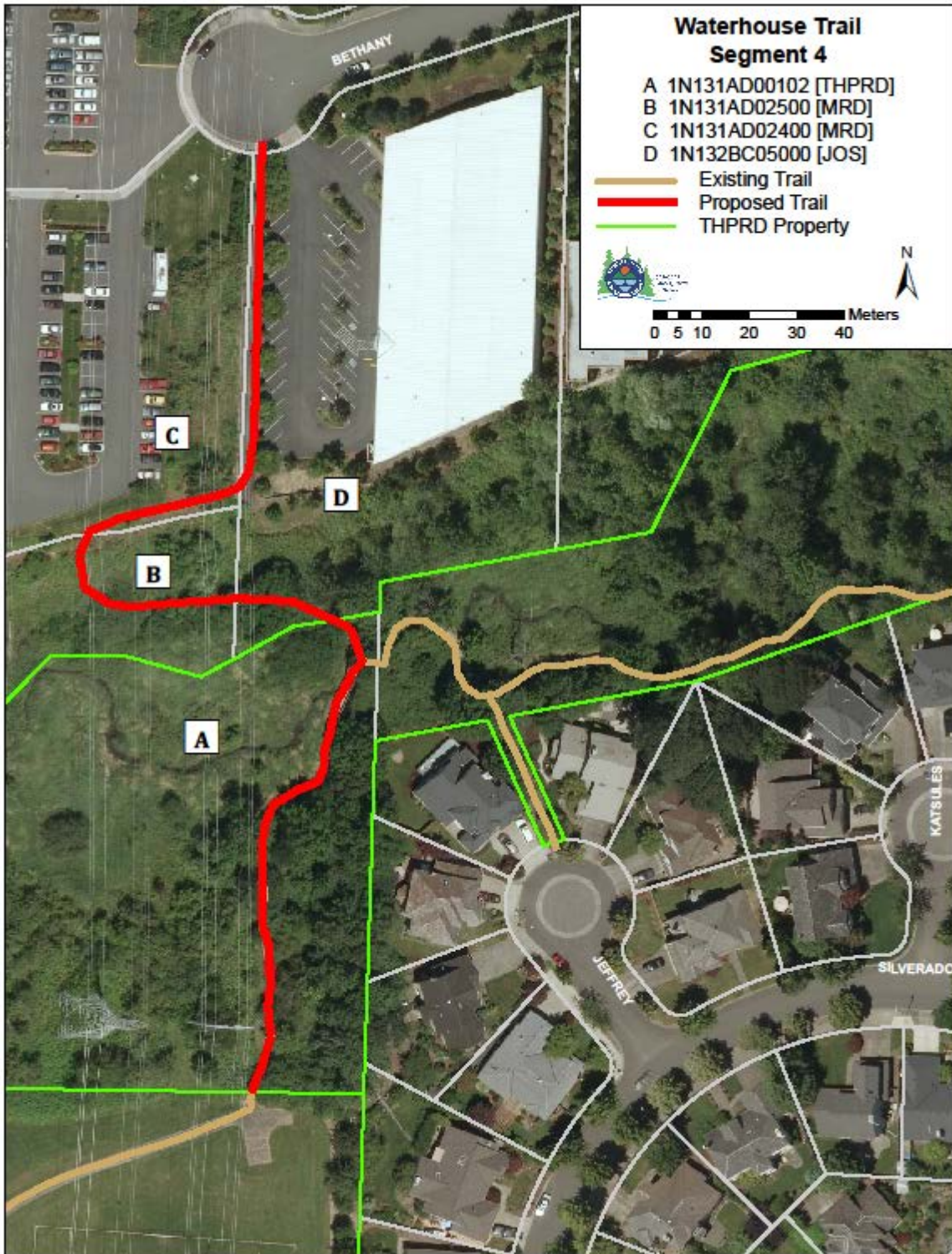
APPLICANTS
REPRESENTATIVE: MacKay Sposito, Inc
Attn: Jim Sandlin
1325 Tech Center Dr., Suite 140
Vancouver, WA 68683

APPLICANT: THPRD
Attn: Tim Bonnin
6220 SW 112th Ave., #100
Beaverton, OR 97008

APPLICABLE
CRITERIA: Development Code Section 40.20.15.1.C Design Review Compliance
Letter; and Development Code Section 40.90.15.2.C Tree Plan Two

DECISION **Approval of DR2017-0140/TR2017-017 (Waterhouse Trail Segment 4)**
subject to conditions identified at the end of this report.

AERIAL and VICINITY MAP



BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120 Deadline</u>	<u>240-Day*</u>
DR2017-0140 TR2017-017	November 2, 2017	December 27, 2017	April 26, 2018	August 24, 2018

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Residential Urban Standard Density R7 (R7), Office Industrial (OI)	
Current Development	Development of the parcels located at the end of the NW Bethany Court cul-de-sac are industrial in nature. The proposed tree removal and trail improvements are located on an existing path between the two industrial parcels and an existing trail through a Sensitive Area surrounding Willow Creek.	
Site Size	Approximately 6.81 Acres	
NAC	Five Oaks/Triple Creek NAC	
Surrounding Uses	<u>Zoning:</u> North: OI South: R7 East: OI & R5 West: OI & R7	<u>Uses:</u> North: Retail & Office South: Park facility East: Detached Single Family & Office West: Detached Single Family & Office

**ANALYSIS AND FINDINGS FOR
DESIGN REVIEW APPROVAL
Waterhouse Trail Segment 4
DR2017-0140**

Section 40.20.15.1.C Design Review Compliance Letter Approval Criteria

In order to approve a Design Review Compliance Letter application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Design Review Compliance Letter.*

Findings of Fact: The applicant's proposal includes changes to the existing grade for the paved trail. The proposal meets threshold 1 (minor design changes to existing site), specifically 1.h (addition or modification of new fences, retaining walls, or both), and 1.i (grade changes) for a Design Review Compliance Letter.

Therefore, staff finds that the proposal meets the criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

Findings of Fact: The applicant paid the required fee associated with a Design Review Compliance Letter application.

Therefore, staff finds that the proposal meets the criterion for approval.

3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.*

Findings of Fact: The applicant has submitted all the materials required by Section 50.25.1 of the Development Code as of December 18, 2017 upon which a completeness letter was distributed to the applicant.

Therefore, staff finds that the proposal meets the criterion for approval.

4. *The proposal meets all applicable Site Development Requirements of Sections 20.05.15, 20.10.15, 20.15.15 and 20.20.15 of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.*

Findings of Fact: Staff cites the Code Conformance Analysis chart at the end of the Design Review Compliance Letter Staff Report, which evaluates the project as it relates to applicable code requirements of Chapter 20 for the Residential Urban Standard Density R-7 (R-7) and

Office Industrial (OI) zones, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal complies with all applicable provisions of Chapter 20.

Therefore, staff finds that the proposal meets the criterion for approval.

5. *The proposal, which is not an addition to an existing building, is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).*

Findings of Fact: Staff cites the Code Conformance Analysis chart at the end of the Design Review Compliance Letter Staff Report, which evaluates the project as it relates to applicable code requirements of Sections 60.05.15 through 60.05.30, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal, by meeting the conditions of approval, complies with all applicable provisions of Chapter 60.

Therefore, staff finds that by meeting the Conditions of Approval, the proposal meets the criterion for approval.

6. *If applicable, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:*

Findings of Fact: The proposed trail project is not an addition to an existing building.

Therefore, staff finds that the criterion is not applicable.

7. *The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).*

Findings of Fact: Staff cites the Code Conformance Analysis chart at the end of the Design Review Compliance Letter Staff Report, which evaluates the project as it relates to applicable code requirements of Chapter 60, Special Regulations, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal by meeting the conditions of approval complies with all applicable provisions of Chapter 60.

Therefore, staff finds that by meeting the Conditions of Approval, the proposal meets the criterion for approval.

8. *Except for conditions requiring compliance with approved plans, the proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.*

Findings of Fact: Criterion 8 intends that approval of a Type 1 DRCL not modify any previous Type 2 or 3 condition of approval unless such condition(s) are properly modified through a Type 2 or 3 process that is subject to the "Modification of a Decision" procedure of Section 50.95. The applicant's proposal does modify any condition of approval from a previous land use approval.

Therefore, staff finds that the proposal meets the criterion for approval.

9. *Proposals for community gardens comply with Section 60.05.25.14 of Chapter 60. Community Gardens are exempt from Criteria 4, 5, 6, 7 and 8 above.*

Findings of Fact: Criterion 9 does not apply to project, as no community gardens are proposed.

Therefore, staff finds that the Criteria does not apply to the project.

10. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Findings of Fact: The applicant has submitted the required application materials for review of a Design Review Compliance Letter application. The applicant has also submitted a Tree Plan Two application. The Tree Plan application is being reviewed concurrently with this Design Review Compliance Letter application. Construction documents will be processed with building permits and grading permits consistent with the design review.

Therefore, staff finds that the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommends **approval** of **DR2017-0140 (Waterhouse Trail Segment 4)** subject to the applicable conditions identified in Attachment C and approval of TR2017-017.

**Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
Residential Standard Urban Density (R7) and Office Industrial (OI)**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE
Development Code Section 20.05.20 Residential Standard Urban Density R7			
Use	Public parks, parkways, playgrounds, and related facilities.	Proposed public trail facility. Since the proposal is limited to trail construction and does not include other park related facilities, Conditional Use approval is not required.	YES
Development Code Section 20.15.20 Office Industrial (OI)			
Use	Public parks, parkways, playgrounds, and related facilities.	Proposed public trail facility is permitted by right.	YES
Development Code Section 20.05.15 Site Development Requirements R7			
Public Parks	Public parks, parkways, recreation facilities, trails and related facilities are exempt from these site development requirements.	Proposed public trail facility.	YES

Development Code Section 20.15.15 Site Development Requirements OI			
Public Parks	Public parks, parkways, recreation facilities, trails and related facilities are exempt from these site development requirements.	Proposed public trail facility.	YES

Chapter 60 – Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05.15			
Building design and Orientation	Various requirements for building designs	Building modifications are not proposed and therefore, is not applicable.	N/A
Development Code Sections 60.05.20			
Circulation and Parking Design	Various circulation and parking requirements	The fully ADA compatible proposed path will connect with existing segments of the Waterhouse Trail and the sidewalk on NW Bethany Court.	Yes
Development Code Section 60.05.25			
Landscape, Open Space, and Natural Areas Design Standards	Various landscape requirements	Retaining walls are proposed along the trail alignment. Some runs will exceed 50 lineal feet and will be more than 6 feet in height. The applicant proposes CMU block with texture and pattern for architectural interest. The retaining walls will be buffered with native plantings. Additionally, the applicant's proposal was reviewed by CWS and will meet requirements for development by satisfying all conditions of approval.	Yes, with COA
Development Code Section 60.10			
Floodplain Regulations	Proposal shall not cause water level to rise	Construction involves work within flood zones. A no-rise certificate by a professional engineer is required for the proposed trail.	Yes, with COA
Floodplain Regulations	Development in Floodway	Trails, bike paths, bridges, culverts, and associated grading are allowed in the floodway.	Yes

Development Code Section 60.33			
Park and Rec Services Provision	Requires coordination with THPRD for parks	The applicant for the proposed development is THRPD.	Yes
Development Code Section 60.67			
Significant Natural Resources	Wetland and riparian protection	THPRD has filed applications with Army Corps of Engineers and the Department of State Lands. The applicant will be required to show proof that the required permits have been obtained prior to site development permit issuance. THPRD has also received a Service Provider Letter from Clean Water Services for the proposed work.	Yes, with COA
Development Code Section 60.60			
Tree & Vegetation Regulations. Landscape or Significant Trees?	Preservation Standards for "protected" trees. Mitigation for Landscape Trees.	No trees significant trees to this site. Some existing landscape trees will be removed for construction purposes. Applicant will mitigate to the capacity of the site for this purpose – new landscape trees introduce as part of the Landscape Plan.	Yes

**ANALYSIS AND FINDINGS FOR
TREE PLAN TWO APPROVAL
TP2011-0013 (Waterhouse Trail Segment 4)**

Section 40.90.15.2.C Approval Criteria

In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Tree Plan Two application.*

Findings of Fact: The threshold from Section 40.90.15.A.3 explains that: *Commercial, Residential, or Industrial Zoning District: Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) within a SNRA or Significant Grove area that is found on the project site."*

The proposal satisfies the requirements under Threshold #3, as the submitted information demonstrates that the proposed trail will require the removal of less than 75% of the total DBH of surveyed non-exempt trees from a Sensitive Area.

Therefore, staff finds that the proposal meets the criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

Findings of Fact: The applicant has paid the required application fee for a Tree Plan Two application.

Therefore, staff finds that the proposal meets the criterion for approval.

3. *If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.*

Findings of Fact: The applicant does not propose the removal of any tree in order to observe ANSI or ISA standards. However, the applicant's arborist states that they will adhere to good forestry practices and will uphold safe work practices during removal.

Therefore, staff finds that the criterion for approval does not apply.

4. *If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.*

Findings of Fact: The trees proposed to be removed must be removed to accommodate the proposed trail development. Tree removal is limited to the trail corridor. The applicant states that tree removal has been minimized to the extent possible while minimizing trail safety hazards, design curve and elevation requirements, ADA requirements, and impacts to natural areas. The proposed trail alignment maintains safe minimum turning radii in order to provide clear sightlines and visibility for trail users. In order to maintain necessary site distances and turning radii, some trees must be removed. In addition, the proposed trail location was selected to minimize impacts to the natural areas. The proposed trail location must also accommodate the need to connect to the existing trail head on NW Bethany Ct.

Most importantly, the general location of the proposed trail is identified in the City of Beaverton Comprehensive Plan, Metro's Regional Trails and Greenway Plans and THRPD's Trails Master Plan. The trail is intended as an off-street multiple-use greenway trail, not an on-street bike route. Staff finds that no reasonable alternative exists which would better preserve natural areas, increase trail safety and connect to the existing trail segment.

Therefore, staff finds that the proposal meets the criterion for approval.

- 5. *If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.***

Findings of Fact: Property damage or other nuisances are not the reason the trees are proposed for removal. Trees are being removed to facilitate the development of a pedestrian and bicycle trail.

Therefore, staff finds that the criterion for approval does not apply.

- 6. *If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.***

Findings of Fact: The proposed trail would complete a section of the Waterhouse Trail identified in the City of Beaverton Comprehensive Plan as part of the Bicycle and Pedestrian Master Plans. The proposed facility would provide an off street pedestrian and bike trail through a natural area consistent with the comprehensive plan. Portions of the trail segment are existing and proposed for realignment or widening. An alternative location for the trail would increase costs of a publicly funded project. Staff concurs that the proposed location of the path is necessary to comply with the Pedestrian and Bicycle Master Plans and is necessary to accomplish a public purpose.

Therefore, staff finds that the proposal meets the criterion for approval.

- 7. *If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles.***

Findings of Fact: The health of the Sensitive Area is not the principle reason for the removal of trees. However, as shown in the tree inventory table a number of the trees proposed to be removed are invasive species (see Revised Arborist Report dated 9/14/2017). The removal of the trees will also lessen future damage to the trail by tree roots and reduce potential conflict of trail users with overhanging branches and limbs.

Therefore, staff finds that the proposal meets the criterion for approval.

- 8. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination***

Findings of Fact: The removal of the trees within the SNRA will not reverse the original determination of this SNRA, see applicants Exhibit D, the CWS Standard Site Assessment. The proposed tree removal is within a CWS defined Sensitive Area for Willow Creek. Restoration work is required by CWS in order to improve some of the existing areas of degraded quality within the project area. The trail will be constructed entirely on boardwalks within the WQSAs to minimize impacts of vegetation removal, to maintain shading and sediment removal, and to protect WQSA water quality. The public will benefit from the proposed project by being able to access the natural areas provided by the VC and wetlands. THPRD will also include interpretive sign age within the project's VC that discusses the water quality benefits of vegetated buffers, including shading and sediment and pollutant removal.

Therefore, staff finds that the proposal meets the criterion for approval.

- 9. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.***

Findings of Fact: The trees proposed for removal are generally scattered along the proposed trail location and individual trees are proposed for removal as opposed to groups or stands of trees, therefore minimizing the effects of windthrow as explained in the Arborist Report.

Therefore, staff finds that the proposal meets the criterion for approval.

- 10. *The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.***

Findings of Fact: Staff cites the Code Conformance Analysis chart at the end of the Tree Plan Staff Report, which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal complies with all applicable provisions of Chapter 60.60 and 60.67.

Therefore, staff finds that the proposal meets the criterion for approval.

11. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

Findings of Fact: Proposed grading of the site is limited to the immediate vicinity adjacent to the trail location. Boardwalks are proposed where the trail intersects drainage-ways or wetlands in order to lessen the effects of the trail on the existing natural resource area.

Prior to Site Development permit issuance, the applicant will be required to provide a No-Rise Certification from a professional engineer that demonstrates the proposed trail will not impact the 100-year flood elevations, floodway elevations, or floodway widths on Willow Creek.

Therefore, staff finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

Findings of Fact: The applicant submitted the application on November 2, 2017 and was deemed complete on December 19, 2017. In the review of the materials during the application review, the Committee finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, staff finds that the proposal meets the criterion for approval.

13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Findings of Fact: The applicant has submitted the required application materials for review of a Tree Plan Two application.

Therefore, staff finds that the proposal meets the criterion for approval.

SUMMARY OF FINDINGS: For the reasons identified above, staff finds that the Tree Plan approval is supported within the approval criteria findings, with conditions of approval noted above, for Section 40.90.15.2.C of the Development Code.

The proposed improvements require the approval of a Design Review Compliance Letter DR2011-0174, which is being processed concurrently.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **approval** of **TR2017-017 (Waterhouse Trail Segment 4)** subject to the applicable conditions identified in Attachment C and approval of DR2017-0140.

Section 60.060-67 Tree and Vegetation Standards Analysis TR2017-017 Waterhouse Trail Segment 4

Tree and Vegetation Standards Analysis and Findings Chart

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.60 Trees and Vegetation			
60.60.15.1.A 60.60.15.1.B	Pruning is not permitted.	No pruning is proposed. Trees that may be impacted by trail development have been identified for removal.	Yes
60.60.15.2.A	Removal must be in accordance with the ordinance.	The proposed tree removal complies with this section (see findings below)	Yes
60.60.15.2.B	Mitigation is required for tree removal.	See findings for 60.60.25	Yes
60.60.15.2.C.1	For SNRA's min tree DBH to be preserved is 15% for multi use zone and 25% for res, com, and ind zoning.	Nine (9) Trees removed for the construction of the trail are within a SNRA and will require mitigation. Less than 75% DBH of surveyed non-exempt trees will be removed.	Yes
60.60.15.2.C.2 60.60.15.2.C.3 60.60.15.2.C.4 60.60.15.2.C.5	Specifies nature of the preserved trees.	Preservation areas are not proposed as the nature of the proposed tree removal will leave the Willow Creek Sensitive Area intact.	Yes
60.60.15.2.C.6	Preservation of identified areas.	Preservation areas are not proposed as the nature of the proposed tree removal will leave the Willow Creek Sensitive Area intact.	N/A
60.60.15.2.C.7 60.60.15.2.C.8	Preference for native species or for trees that are hazards.	The trees identified were determined by the nature of the trail design and did not afford decisions between native and non native trees. No trees were	N/A

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
		determined to be hazards.	
60.60.20 Tree Protection Standards			
60.60.20.1	Standards for tree protection	Protection measures are proposed in conformance with section 60.60.20, including construction fencing and efforts to ensure minimal impacts to existing vegetation that is to be retained.	Yes
60.60.25 Mitigation Requirements			
60.60.25.2	Specific mitigation requirements for certain kinds of trees.	The trees proposed to be removed are within an SNRA. The project will result in 146.5 total inches of DBH tree volume removed (though only 51 are actually projected). Approximately 95.5 inches DBH will have critical root zone impacts. Thus 18 inches DBH of mitigation trees are required, all will be planted on site as shown on the plans.	Yes
60.67 Significant Natural Resources			
60.67.05	Local wetlands inventory required	The COB has provided notice to Department of State Lands (DSL) for the proposed application. THPRD has filed applications with Army Corp of Engineers and DSL. The applicant will be required to show proof that the required permits have been obtained prior to site development permit issuance. THPRD has also received a Service Provider Letter from Clean Water Services for the proposed work.	Yes, with COA
60.67.10	Significant riparian corridors	The proposed trail development and associated tree removal is subject to the relevant procedures identified in Chapter 50 including types 1 and 2 land use applications.	Yes

Evaluation of Tree Removal Standards identified above

For the reasons identified above, staff finds that the Tree Plan approval is supported within the approval criteria findings, noted above, for Section 40.90.15.2.C of the Development Code.

The proposed improvements require the approval of a Design Review Compliance Letter DR2011-0174, which is being processed concurrently.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **approval** of **TR2017-017 (Waterhouse Trail Segment 4)** subject to the applicable conditions identified in Attachment C and approval of DR2017-0140.

8. Submit any required easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
9. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
10. Submit a copy of issued permits or other approvals needed from the Tualatin Valley Water District for public water system construction, facility relocation, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
11. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
12. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (Site Development Div./JJD)
13. Submit a copy of issued permits or other approvals as needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within a jurisdictional wetland). (Site Development Div./JJD)
14. Provide a detailed drainage analysis of the subject project identifying all affected tributary areas and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the project with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development Div./JJD)
15. Provide a final engineering analysis of the grading and construction work proposed within the 100-year floodplain as necessary to allow for a public notice to be published in a local newspaper by the City Engineer for the proposed floodplain and floodway modifications. The applicant's engineer shall certify in writing that the project as designed will meet the requirements of City Code and Clean Water Services Resolution and Order 2017-05 as they refer to the 100 year floodplain, prior to this notice being sent, including a zero-rise floodway modification certification. The public notice and a 10 day appeal period shall occur after final approval of the site development permit AND building permit plans by the City Engineer, City Building Official, and Planning Director. (Site Development Div./JJD)
16. Submit to the City a certified impervious surface determination of the proposed project by the applicant's engineer, architect, or surveyor. The certification shall include an analysis and calculations of all impervious surfaces as a total for the project. Specific types of impervious area totals, in square feet, shall be given for buildings, parking lots/driveways, sidewalk/pedestrian areas, storage areas, and any gravel surfaces on

each affected parcel. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, the net new impervious surface, and total final impervious surface area for each affected parcel and as a total for the project. (Site Development Div./JJD)

17. Pay a storm water system development charge in-lieu of constructing an on-site storm water quantity (winter detention) and for the net, new impervious area proposed. Additionally, pay a storm water system development charge (overall system conveyance) for any net new impervious area proposed. (Site Development Div./JJD)
18. Provide plans for the placement or relocation of underground utility lines along street frontages, within the site, and for any services to the proposed new development. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)

B. Prior to the issuance of a building permit for the bridge, the applicant shall:

19. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
20. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)
21. Have a professional architect, engineer, or surveyor submit plans and specifications to the City Engineer and City Building Official verifying that all at-risk elements of the new construction (in particular the new bridge) are anchored for buoyancy AND are either elevated or floodproofed as appropriate per City Code, FEMA requirements, IBC Appendix G (Flood-resistant Construction), and ASCE/SEI 24-05, and as determined by the City Engineer and City Building Official to at least one foot above the base flood elevation. (Site Development Div./JJD)

C. Prior to final inspection of any building permit, the applicant shall:

23. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the access frontage. (Site Development Div./JJD)
24. Have a professional architect, engineer, or surveyor submit certifications on Federal Emergency Management Agency (FEMA) standard forms, to the City Building Official and City Engineer, documenting that all at risk elements of construction have been constructed of Federal Emergency Management Agency (FEMA) defined flood-resistant materials to at least equal to one foot above the base flood elevation. (Site Development Div./JJD)

D. Prior to release of performance security, the applicant shall:

25. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)
26. Submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
27. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the treatment vegetation within the surface water sensitive areas, vegetated corridor, and any wetland mitigation areas, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Operations Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Operations Director prior to release of the security. (Site Development Div./JJD)