



## City of Durham

17160 SW Upper Boones Ferry Rd.  
Durham, Oregon 97224

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### NOTICE OF PLANNING COMMISSION DECISION

APPROVAL of Durham Heights Planned Residential Development and Preliminary Subdivision Plan located on Upper Boones Ferry Road including a 4.1 acre Fanno Creek natural area dedication to the City, and a .54 acre park and open space tract dedicated to the public.

CITY FILE # 591-21

APPLICANT: Aziz Siddiqui, David Weekley Homes  
1905 NW 169<sup>th</sup> Place #102  
Beaverton, OR 97006

OWNERS: Colleen McNally Katherin T. Horton Trustee  
16515 SW Upper Boones Ferry Rd. Mary. L. Taylor Living Trust  
Durham, OR 97224 P.O Box 88  
Hesperus, CO 81326

LOCATION: 16515, 16555, 16565 & 16575 SW Upper Boones Ferry Rd.  
Tax lot 200 Map 2S1 13BD & Tax Lots 700, 800 & 900 Map 2S1 13BA

LOT AREA: 11.41 acres

ZONE DESIGNATIONS: SDR Single-Dwelling Residential, DB-PRD Density Bonus for Planned Residential Development, NRO Natural Resource Overlay

AUTHORIZATION: The review and approval criteria for the application are provided in the Durham Development Code (DDC) under Section 2.5 Overlay Zoning Districts; Section 2.6 Planned Residential Development PRD; Section District; Section 2.8 SDR Zone; 2.15 Natural Resource Overlay District; Section 3.1 & Section 3.2 Site and Design in a Residential & PRD Zone; Section 3.7 On-site Access and Off-Street Parking; Section 3.8 Required Facilities and Undergrounding; Section 3.9 Street Design; Section 6.5 Signs in SDR; Section 4.3 PRD Approval Criteria; Section 4.6 Approval Criteria for NRO District; Chapter 5 Tree Protection; Section 7.2 Flood Management; Section 7.8 Density Transfer; Sections 9.7 Type 3 Procedures & Criteria.

## **PLANNING COMMISSION DECISION:**

A public hearing was held after 7:30 p.m. on November 2, 2021, at Bridgeport Church, 18080 SW Lower Boones Ferry Road, Tualatin, OR, and the Durham Planning Commission unanimously APPROVED the Durham Heights Planned Residential Development, City file #591-21, based on the findings of fact in the City Staff Report (October 26, 2021), and subject to the following conditions of approval:

## **CONDITIONS OF APPROVAL:**

### **Prior to any work on the site and prior to or coincident with final Subdivision Plat Recording:**

1. The Geotechnical Report Figure 6 was published before the final design. The figure needs to be updated to coincide with the final lot layout of this proposal. The applicant indicates the proposed local street, Street "A" is 9.82% and does not exceed 12 percent. However, the TVFR comments require the Cambridge Lane slope be reduced to 15%. Slope details need to be resolved between the applicant and the City Engineer.
2. Final plat corrections shall include clarification of ownership, public access and tract maintenance for Tracts A, B, C, D and E.
3. A small triangle of partial street improvement for Cambridge in the southwest corner shall be designed and constructed to ensure extension can occur logically.
4. Obtain City approval of the Floodplain Development Permit to construct utilities in the 100-year floodplain. This may occur coincident with the CWS approval process.
  - Upon completion of the proposed homes along the floodplain, the applicant will provide the Building Official the record of the actual elevation of the lowest floor of the new homes and whether a basement is included to verify and record the actual elevation, maintain flood proofing certification required by DDC Section 7.2 and maintain for public inspection records pertaining to the provisions of this chapter.
5. Comply with CWS Memorandum dated 10-15-21 and Service Provider Letters as submitted. A Clean Water Services (CWS) Site Development Permit must be obtained prior to plat approval and recordation. Application for CWS Site Development Permit must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order Nos. 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. Detailed plans prepared in accordance with Chapter 2, Section 2.04.
  - b. All storm drainage and sanitary sewer improvements shall be designed, reviewed and approved in conformance with Clean Water Services standards in accordance with the CWS Service Provider letter dated August 16, 2016. Prior to any work on the site, a CWS Storm Water Connection Permit Authorization must be obtained.
  - c. 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.
  - d. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.



- e. 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.
- f. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.
- g. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- h. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- i. Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 21-001202, amended August 24, 2021.
- j. Developer may be required to preserve a corridor separating the sensitive area from the impact of development. The corridor must be set aside in a separate tract, not part of any buildable lot and, shall be subject to a "Storm Sewer, Surface Water, Drainage and Detention Easement over its entirety", or its equivalent.
- k. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.
- l. If there is any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.
- m. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CWS conclusion: This Land Use Review does not constitute CWS approval of storm or sanitary sewer compliance to the NPDES permit held by CWS. CWS, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.

- 6. Denote on the final plans the minimum front yard setback is 20' for a garage and 15 feet for the dwelling; 5 feet from the side yard and 15' from a street side yard, and 15 feet from the rear yard. Detached dwellings on a flag lot shall be setback 10 feet from all perimeter property lines, applicable to lots #31 & 36.
- 7. To assure compliance with city and fire safety requirements, the applicant shall provide the City with property covenants or other documentation to assure that lots 27, 32 and 33 are required to have access off Cambridge Lane.
- 8. Obtain City approval of the Homeowners Association (HOA) documents and maintenance provisions for Tracts A, B & C and the HOA Maintenance and Access Agreement for Tracts D, E including the pedestrian/bike trail in Tract B. Final plan corrections shall include clarification of ownership, public access and tract maintenance for Tracts A, B, C, D and E.
  - Include a provision in the final HOA documents prohibiting yard debris dumping or other material dumping or pesticide applications into Tracts A, B and C.
- 9. Prior to any tree removal, the owner shall obtain a Tree Removal Permit from the City based on a tree protection and mitigation plan prepared by the applicant's certified arborist as follows:



- a. Re-evaluate the impacts of the removal of the existing wind breaks in the two (north and east) areas. Pruning could reduce limb failure. Consider a Level-3 risk assessment test of the trees to be removed.
  - b. Retain or remove both trees 402 and 403.
10. The following tree preservation and mitigation requirements shall be met:
  - a. Preservation of existing trees in good condition, suitable for preservation and of appropriate species, shall receive a 200% credit based on their existing canopy area. Planting of native species shall receive a credit of 125% of mature canopy. (Example: A 10,000 s.f. lot would require 3,500 s.f. of canopy. An existing Black Hawthorne has 314 s.f. of existing canopy. This property would receive a credit of 628 s.f., leaving 2,872 s.f. that will need to be mitigated for with new plantings.)
  - b. Mitigation trees shall be selected from any of the tree lists maintained by the City, excepting nuisance trees, unless otherwise approved by the City Administrator.
  - c. The minimum size for a tree planted as mitigation shall be 2" diameter when measured from the top of the root ball for deciduous trees. Evergreen trees shall be a minimum of 6' tall measured from the top of the root ball, excluding the leader.
  - d. Trees categorized as small on the City's tree list shall be spaced no closer than 15' on center from other trees and no closer than 10' from the face of any structure.
  - e. Trees categorized as medium on the City's list shall be spaced no closer than 20' on center from other trees and no closer than 10' from the face of any structure.
  - f. Trees categorized as large on the City's tree list shall be spaced no closer than 30' on center from other trees and no closer than 15' from the face of any structure.
  - g. No tree shall be placed less than 3' from any hard surface.
  - h. Replacement of one or more trees when required as a condition of a land division or land development approval shall be complete within 6 months after the approval is final. The City may grant a 60-day extension if the City finds abnormal weather conditions require delay. Additional time beyond the 60-day extension shall be subject to Planning Commission approval. All required replacement trees will be installed within 6 months after the approval is final. Extensions will only be requested if due to events or conditions outside of the control of the applicant and processed accordingly through the City.
  - i. Trees removed for the purpose of installation of infrastructure upon a division of land may be mitigated by the developer by planting the required mitigation trees upon any lot in the division. Such trees will be required to be planted outside the anticipated footprint of any future structure or within required structural setback areas. As building occurs, the builder/owner of the lot shall receive a credit of 100% of mature canopy based on the species planted.
  - j. When an improved site cannot accommodate the required number of replacement trees the City may require the applicant to pay to the City a fee in lieu of replacement. The fee in lieu shall be in amount set by resolution of the City Council and shall be based upon the percentage of mature canopy not recovered through mitigation planting.
11. Comply with the City staff and City Engineer's comments to date, including final plan requirements as may be revised during the final plat review, as follows:
  - a. Determine the specifications and location of the planned triangular section of Cambridge Lane in the southwest corner of the site to be dedicated to the City for public street right-of-way.
  - b. Increase public sidewalk width from 4 feet to 5 feet.



- c. Any raise in the floodplain level for sewer and storm outfalls must be in accordance with CWS and FEMA standards. The applicant has filed for a Floodplain Development Permit to be reviewed and approved by the City Engineer.
- d. Illustrate the directional flow of Fanno Creek on final plans.
- e. If a water well is located anywhere on the subject site, it shall be abandoned per City Engineer inspection and according to OWRD regulations.
- f. Revise the plat to include an access easement from Lot 30 over Lot 31 to allow for vehicle back-up movements.
- g. On the final plat or sheet P1.0 include:
  1. A vicinity map at a 400-scale.
  2. A temporary benchmark in the plan area.
  3. Any and all unsubdivided land ownerships and zoning districts lying on and adjacent to the proposed subdivision, the proposed extension of adjacent streets, proposed dedications of public ROW and proposed boundaries of tracts to be dedicated to a public purpose and all lands within a ½-mile radius from proposed new streets and their connection with adjacent streets.
  4. Property information of the adjacent properties within ½-mile radius.
  5. Extend road profiles approximately 100 feet or to the centerline of UBFR.
  6. Final plans shall show all traffic control measures.
  7. Attempt to increase the distance between the Tract E private access road and the curb return on UBFR No Parking and "No Outlet" from 75' to 100 feet.
  8. Provide "No Parking" and "No Outlet" signage per City and TVFR requirements including on the hammerhead temporary turnaround between Lots 16 & 17, adjoining the temporary retaining wall and on one side of Cambridge Lane, on one-side of Street A and on both sides of Tracts D & E.
  9. Identify the clear vision triangle areas at the intersection with UBFR on final plans.
  10. Include calculations for all sections of the retaining walls over 4 feet.
  11. Add skip-dash striping to the center turn land of UBFR southbound at the intersection with Cambridge Lane. Use the same striping on the northbound road at that intersection to accommodate left turns into the new development from the south.
  12. ADA curb ramps shall be designed in sidewalks at intersections of Cambridge Lane with UBFR and "A" street, including at the ped/bike pathway.
  13. Include all lighting in the final plans.
  14. Water service lines should be single runs per Tigard Water District specifications.
12. Comply with the applicant's Traffic Impact Report requirements:
  - a. A striping change on SW Upper Boones Ferry to accommodate turning movements.
  - b. A STOP sign installed eastbound on the new site access street approach to SW Upper Boones Ferry.
  - c. Provide adequate sight distance eastbound on the local street at SW Upper Boones Ferry Road.
  - d. A final sight distance evaluation be performed post construction and prior to occupancy for eastbound on SW Upper Boones Ferry Road.

**Prior to issuance of any City permits:**

13. Comply with ODOT Conditions of Approval dated 0-15-21 as follows:

Access to the State Highway (Upper Boones Ferry Road)

- a. A State Highway Approach Road Permit from ODOT for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing



approach(es) is/are legal for the proposed use is required. Truck turning templates shall be provided as needed to ensure vehicles can enter and exit the approach safely. Site access to the state highway is regulated by OAR 734.51. For application information go to <http://www.oregon.gov/ODOT/HWY/ACCESSMGT/Pages/Application-Forms.aspx>.

Note: It may take 2 to 3 months to process a State Highway Approach Road Permit.

- b. Permits and Agreements to Work in State Right of Way: An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way.
  - c. Noise: The applicant is advised that a residential development on the proposed site may be exposed to noise from heavy rail freight, passenger trains. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place. Builders should take appropriate measures to mitigate the noise impacts.
14. Comply with the following TVFR fire safety requirements:
- a. Prior to issuance of a grading permit, clarify if the secondary point of fire access will be equipped with a gate or other means of traffic control and provide a detail for the district. Removable bollards are not endorsed as a means of traffic control.
  - b. Post and restrict parking along both sides of Tract D & E, the secondary point of emergency access and within elements of the fire apparatus turnaround. Parking is only permitted on one side of Cambridge Lane and Street A.
  - c. As needed, adjust the grade along SW Cambridge Lane near lots #24 thru 27 to 15% or less.
  - d. Provide a current fire flow test demonstrating available flow at 20 psi residual pressure.
  - e. A Knox padlock or box may be required if the secondary point of emergency access is subject to locking.
  - f. New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly visible from the street or road fronting the property, including monument signs. These numbers shall be a minimum of 4 inches high with a minimum stroke width of ½ inch.
  - g. Comply with all other TVRF Fire Code requirements regarding "No Parking" signage specs, fire hydrant markers and clearances, access and water supply during construction, and other district standards.
15. Electricity, natural gas, and telephone and telecommunications supply lines shall be placed underground within the boundaries of a site and along those portions of public right of way that abut the site and shall otherwise be designed, constructed and placed according to the standards and requirements of the utility provider.
16. All storm drainage and sanitary sewer improvements shall be designed, reviewed and approved in conformance with Clean Water Services standards in accordance with the CWS Service Provider letter dated August 16, 2016. Prior to any work on the site a CWS Storm Water Connection Permit Authorization must be obtained.
17. Water lines or service connections shall be designed, extended, if necessary, reviewed and approved in conformance with City of Tigard Water Department Standards. Meters can be purchased through the City of Tigard Utility Billing Department and should be placed outside of paved areas.
18. The proposed on-site improvements shall be monitored in accordance with the applicant's Geotechnical Report recommendations. Improvements shall be designed in compliance with the requirements of the current version of the Oregon Structural Specialty Code, reviewed and approved by City of Tualatin Building Department.

19. The applicant shall provide an explanation of what measures and implementation methods the homebuilders will use to mitigate noise generated by the heavy rail freight trains, passenger trains and transit vehicles using the track adjoining or near Lots 1 - 15.
20. The Planning Commission shall develop a list of possible street names for street A so the developer can coordinate with Washington County's street-naming staff to select a name that is not a duplication of an existing street in the county.

DATE OF PLANNING COMMISSION DECISION: November 2, 2021

Date Mailed: 11-5-21

THE DECISION OF THE PLANNING COMMISSION SHALL BE FINAL UNLESS A PETITION OF APPEAL IS FILED AT CITY HALL WITHIN TWELVE (12) DAYS FOLLOWING THE DATE THAT THE DECISION WAS MAILED. THE APPEAL PETITION MUST PROVIDE THE INFORMATION AND FILING FEE AS SPECIFIED IN SECTION 9.9 OF THE DURHAM DEVELOPMENT CODE. THE APPEAL PETITION SHALL BE REVIEWED BY THE CITY COUNCIL IN ACCORDANCE WITH ITS OWN ADOPTED RULES OF PROCEDURE.