



City of Durham

17160 SW Upper Boones Ferry Rd.
Durham, Oregon 97224

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PLANNING COMMISSION

FINAL FINDINGS AND DECISION ORDER

APPROVAL of Durham Estates, a 9-lot single-family Preliminary Subdivision Plan on Upper Boones Ferry Road.

CITY FILE: #593-22

APPLICANT: Emerald Homes NW
10475 Helenius Street
Tualatin, OR 97062

OWNER: Mohsen Alavi
2317 NW Birkendene Street
Portland, OR 97229

LOCATION: 16605 SW Upper Boones Ferry Rd.
Tax Lot 100, Map 2S1 13BD

LOT AREA: 2.8 acres

ZONE DESIGNATION: SDR Single Dwelling Residential

AUTHORIZATION: The review and approval criteria for the application are provided in the Durham Development Code (DDC) under Section 2.8 SDR Zone; Section 3.1 Standard Site Design in Residential Zones; Section 3.7 On-site Access and Off-Street Parking; Section 3.8 Required Facilities and Undergrounding; Section 3.9 Street Design; Section 3.10 Protection of Transportation Facilities; Section 3.10 Protection of Transportation Facilities; Section 8. Land Divisions; and Section 9.76 Type 2 Procedures & Criteria.

I. Submittals & Agency Correspondence

- Applicant's Application submittal (deemed complete on January 3, 2023) including a narrative, plan sheets, and reports.
- Correspondence from Curran-McLeod, City Engineer dated January 13, 2023.
- City of Durham SavaTree Consulting Group arborist January 12, 2023 site visit memorandum.
- Pride Disposal letter dated January 17, 2023.
- Comcast email dated January 5, 2023 indicating service is available.
- Clean Water Services (CWS) letter dated January 20, 2023.
- TriMet email dated January 5, 2023 indicating that service is not currently provided along this portion of Upper Boones Ferry Road, but may be in the future.
- NW Natural Gas email dated January 18, 2023 indicating no comment.
- ODOT email dated January 9, 2023 indicating that the street connection to Upper Boones Ferry Road is currently under review, and no additional requirements are necessary.
- TVFR letter dated January 6, 2023 with fire protection conditions of approval.
- Tualatin Police letter dated January 20, 2023 indicating the development would not impact their ability to provide services to the city of Durham.
- Washington County email dated January 11, 2023 provided no comments, and the project will not impact county-maintained road sections.
- No comments received from: Metro, PGE, Tigard-Tualatin School District, Tigard Water, Zply Fiber/ Frontier Communications, or WCCCA.

A. Public Services

The necessary public services such as water, sanitary sewer, storm drainage and utilities are available to serve the existing parcel. The City Engineer and public service providers recommend conditions of approval related to utilities.

1. Water: Although comments have not been received from the City of Tigard, previous comments regarding Durham Heights subdivision immediately north indicates the agency has sufficient capacity to provide water services in accordance with the City's Public Facilities Improvement It will be necessary to receive confirmation from the City of Tigard that water service can be provided.
2. Water Quality: The CWS letter dated January 20, 2023 specifies development conditions prior to plat approval, and these requirements are a condition of approval.
3. Sanitary Sewer: The CWS Service Provider Letter dated August 22, 2022 homes indicates that sanitary sewer service is adequate for the proposed 9 additional homes.
4. Storm Water Runoff: The CWS issued a memorandum dated January 20, 2023 outlining the conditions of approval pertaining to storm drainage and erosion control.

5. Fire Protection: Tualatin Valley Fire and Rescue (TVFR) is prepared to provide service, and the subdivision must be designed in a manner consistent with TVFR standards.
6. Semi-Public Utilities: DDC Section 3.8.3 requires electricity, natural gas, and telephone and telecommunications supply lines shall be placed underground. The applicant will need to coordinate connection to electricity, natural gas, and communication supply lines services with those utilities.

II. Durham Development Code Requirements, Criteria and Findings

1. Site Information and Proposed Development

The property is currently developed with one single-family home, which has a driveway access to Upper Boones Ferry Road. The property is relatively flat except for the western portion, which slopes down to the west toward Fanno Creek. There are a variety of trees on the site. Full street improvements are present along the property's Upper Boones Ferry Road frontage including curb, sidewalk, and bike lane (Sheet P2.0).

The 9-lot subdivision will feature 8 lots of over 10,000 square feet, and a western lot of over 15,000 square feet. In addition, a 4,587 square-foot open space area (Tract "A") is proposed in the northwestern portion of the site, and another green space strip of 1,253 square feet (Tract "B") is proposed along the western edge of the property (Sheet P1.0). Tract A is proposed to be improved with landscaping, picnic tables under a covered structure, and a fire pit with benches (Sheet L1.0).

Access is proposed by Taylor Road along the northern edge of the site and a northerly extension of Cambridge Lane, which is a neighborhood collector, on the western edge of the property. The improvement of Taylor Lane will be a shared responsibility between this development and Durham Heights subdivision, which was approved in 2021. Both public streets are proposed to be 32 feet wide with a 4-foot planter strip and 5-foot sidewalk within a 50-foot right-of-way. Nine street trees are proposed along the Taylor Road and Cambridge Lane frontages (Sheet L1.0). In addition, two, 20-foot-wide private driveway easements are proposed to provide access to Lots 2, 5, 6, and 9 along the southern boundary of the site (Sheet P4.0).

Stormwater service will be provided via a system of catch basins and pipes leading to discharge into the storm water facility located within Tract "C" in Durham Heights. After treatment, stormwater will be released into the floodplain of Fanno Creek, in coordination with Clean Water Services (CWS) requirements. Water and sanitary service will be provided from lines in the public streets.

The property is generally forested, except for the yard areas around the house. Some of the trees are native in origin and some are planted and/or landscape trees in and around the houses and property. Most of the trees within the development area will be removed to provide for housing, streets and utilities. Mitigation of tree removal will be completed in compliance with City of Durham requirements under a separate application (File #667-22).

2. Section 2.8 Single Dwelling Residential (SDR) District

2.8 The SDR district allocates land both for large lot detached housing and for attached single dwellings in the form of a Planned Residential Development, including individual or common privately owned open space. The SDR district is intended for those areas where large lot residential development has substantially committed the land for that use.

2.8.1 (and Table 2.18) Uses permitted outright in the SDR district include:

2.8.1.5 Single detached residence, including mobile- and manufactured homes.

FINDING: The parcel is zoned Single Dwelling Residential SDR which allocates land for large lot detached single-family dwellings, which are proposed following completion of the subdivision.

3. Site and Design Standards

3.1 Standard Site Design in Residential Zones.

3.1.1 The minimum density for residential development when averaged city-wide shall be maintained at no less than 6 dwelling units per net buildable acre. The minimum base density for the SDR district shall be 10,000 square feet per dwelling. The minimum lot area in the SDR district shall be 10,000 square feet except in a Planned Residential Development.

FINDING: The proposed subdivision with a minimum lot size of over 10,000 square feet complies with the minimum density standard for a subdivision in the SDR District.

3.1.3 The minimum (front) setback from the edge of the street right of way shall be 20 feet in all residential districts and shall be 10 feet from the side and 20 feet from the corner of a residential structure in the SDR district. The minimum setback from the rear property line shall be 20 feet for detached dwelling units and 15 feet for attached units. Detached residential structures on flag lots shall be set back at least 10 feet from all property lines.

FINDINGS: Although building setbacks will ultimately be determined during the building permit stage, the proposed subdivision preliminary plat demonstrates the ability to easily satisfy these standards with the dimensions and configuration of the proposed lots.

Sections 3.1.4, 3.1.6, and 3.1.7 apply to maximum building height, building projections, temporary structures, accessory uses, and fences.

FINDING: These provisions are not directly related to the subdivision, but they will require compliance related to subsequent home construction in the subdivision.

Section 3.1.5 requires a minimum lot frontage on public or private streets of 20 feet.

FINDING: All lots have the required street frontage. Lots 2, 5, and 6 meet this standard with the access easements, which are 20 feet wide at the street.

3.1.8 A new residential subdivision, a Planned Residential Development and a multi-unit residential development each shall provide for common recreational open space.

FINDING: The subdivision is proposed to have a 4,587 square-foot common open space area (Tract “A”) on the southeast corner of Cambridge Lane and Taylor Road. A complementary 1,253 square-foot green space (Tract “B”) is proposed on the opposite side of Cambridge Lane.

3.1.8.1 The common recreational open space in a residential subdivision and in a multi-unit residential development shall occupy not less than 5% of the gross site area.

FINDING: The gross site area is 116,766 square feet, and the 5% standard yields a minimum open space requirement of 5,838 square feet and Tracts A and B have a total of 5,840 square feet. Although the total area requirement may be satisfied, Tract B is not usable a recreational open space. Therefore, staff recommends that Tract A be enlarged to satisfy the 5,838 square-foot minimum requirement.

4. Section 3.7 On-Site Access and Off-Street Parking

3.7.1 Access to Public Right of Way. A land use in any zoning district shall provide for vehicle and pedestrian paved access to public right of way constructed and maintained within the boundaries of the property or by use of written and recorded property interest allowing use of property owned by another for such access. The form of any such interest in another’s property for use for such access shall be acceptable to the City attorney.

FINDING: Site access shall be provided by Taylor Road, Cambridge Lane, and the two proposed private driveways.

3.7.1.1 In a residential zoning district, vehicle access to an occupiable structure shall extend to no less than 50 feet from a ground level access to that structure. Pedestrian access shall extend from each ground level entry to the public right of way.

FINDING: The proposed subdivision, streets, and access easements will enable compliance with these standards.

3.7.1.3 A vehicle access way to a single, detached residential structure shall be 10 feet to 18 feet wide or as wide as 35 percent of the lot frontage, whichever is greater, up to a maximum of 30 feet wide. Access width shall be measured at the property line.

FINDING: Individual driveways shall be reviewed as part of the building permit review for the home. The two private, shared, 20-foot wide driveways satisfy these criteria.

3.7.1.4.1 An access with a minimum width of 20 feet is required for 1-2 dwelling units.

FINDING: Individual driveways shall be reviewed as part of the building permit review for the home. The two private, shared, 20-foot wide driveways satisfy these criteria.

3.7.1.7 In all zoning districts, that portion of a vehicle access way that is within public right of way, e.g., the driveway apron, shall not be wider than 40 feet, shall be set back from adjacent property by at least 5 feet and no portion of same shall be less than 100 feet from any street

intersection as measured from the curb return. These dimensions may be adjusted to accommodate vehicle access ways that provide for joint and reciprocal access to adjoining properties.

FINDING: As noted above, individual driveways will be reviewed with the building permit for the homes. The two shared driveways satisfy the maximum driveway apron width at 20 feet. The eastern driveway will be approximately 110 feet west of the Taylor Road and Upper Boones Ferry Road intersection.

3.7.1.8 Vehicle Access Requirements in Zoning Districts: A land use in any zoning district shall provide for vehicle and pedestrian access in accordance with Table 3.7.1.8 width minimums. A width between 10 and 30 feet is required in the SDR District.

FINDING: The proposed easements to serve Lots 2, 5, 6, and 9 are proposed to be 20 feet wide, satisfying this standard.

3.7.2 Reciprocal Access. The City may allow or require an applicant to execute a reciprocal access easement providing for shared access to public right of way via adjacent property owned by another when the City deems necessary or desirable to limit access and thus turning movements to and from the combined properties on to a public street, to preserve a certain distance between access points and nearby street intersections, or to further another public purpose such as structural density, preservation of natural resources, the functional capacity and future operation of roads, transit ways and corridors and so forth. Any such reciprocal access easement shall be effective only when executed by the adjacent property owner(s) and shall be subject to the parties' agreement on the costs of construction and maintenance and other appropriate terms.

FINDING: The applicant indicates that reciprocal access easements will be executed for Lots 2, 5, 6, and 9.

3.7.2.1 The City may impose other conditions of approval of a land use or a land division as it deems necessary or desirable to protect transportation facilities, corridors and sites for their identified functions, including but not limited to access control measures in addition to or in lieu of reciprocal access easements.

FINDING: No additional conditions are necessary to protect relevant transportation facilities, which is Upper Boones Ferry Road in this case. Cambridge Lane and Taylor Road will be constructed in conjunction with this development and Durham Heights to the north, and the necessary permit from ODOT to improve the Taylor Road intersection with Upper Boones Ferry Road will provide the appropriate protection for that state facility.

3.7.3 Dedication of Public Right of Way. The City may require an applicant for a land use or a land division to dedicate vehicle and pedestrian public right of way across a portion of the applicant's property or across adjacent property when necessary to comply with the requirements of this Code or of the transportation element of the City's comprehensive land use plan when the dedication of the property is roughly proportional to the projected impact on public facilities presented by the tentative plan or the proposed land use.

FINDING: The necessary street right-of-way dedications will occur with the final plats for Durham Heights and this subdivision to provide suitable access.

3.8.1 The City's public water supply shall be extended if necessary and at the property owner's expense so as to be available at the property line of each lot in a pressure and volume sufficient for the intended land use and construction type and use, as determined by the City's water provider, and shall be extended to the boundary/ies of adjacent property/ies unless the water provider deems such extension to be not necessary or desirable.

FINDING: The proposed public water system is shown in the preliminary plans to be extended as necessary to provide service to all proposed lots.

3.8.2 The City's sanitary- and storm sewerage system shall be extended if necessary and at the property owner's expense so as to be available at the property line for any proposed land use for which the standards of the Clean Water Services (CWS) district require connection. All such facilities shall be constructed to CWS standards. No land division or land use for which City's approval is required shall use septic tanks or similar facilities for private sanitary sewage disposal. Facilities for storm water detention shall be determined by CWS and the City.

FINDING: The stormwater and sanitary sewer facilities will be required to comply with applicable CWS and city standards.

3.8.3 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.

FINDING: All the utilities listed are proposed to be placed underground.

5. Section 3.9 Street Design

3.9.1 The standard width of right of way of all public streets to be constructed or reconstructed to serve a land division (other than a property line adjustment), applicable unless the City approves an alternate street design, shall be:

3.9.1.1 Major arterial, 80 feet, 60 feet paved

3.9.1.4 Neighborhood collector, 50 feet, 32 feet paved

3.9.1.5 Local-street and cul-de-sac, 40 feet, 26 feet paved

FINDINGS: All existing and proposed streets will comply with the street standards above. Upper Boones Ferry Road is fully constructed with recent improvements within a 60-foot right-of-way with 30 feet on each side. No additional dedication is required. Cambridge Lane is a Neighborhood Collector, which will be fully improved with responsibility shared by Durham Heights and this subdivision. Taylor Road, a Local Street, will also be fully constructed as a shared responsibility between Durham Heights and this development. All streets will meet or exceed the standards noted.

3.9.2 Street Configuration. All streets, sidewalks, bicycle lanes and gutters, streetlights, street name signs and traffic control devices shall be aligned, contoured, drained, and constructed according to uniform standards that the City shall adopt from time to time on the advice of the City engineer. Subsections 3.9.2.1 – 3.9.2.12 include specific standards related to street configuration, alignment, and length. The relevant sections are addressed below.

FINDING: The proposed streets sidewalks, gutters, streetlights, and street name signs will be designed and constructed in accordance with the current city and ODOT standards.

3.9.2.1 A new street that extends an existing street shall align with an existing centerline to the maximum extent practicable. No two streets shall be offset at a “T” intersection by less than 100 feet.

FINDING: No street extensions are proposed, and no offset “T” intersections are proposed.

3.9.2.6 The street grade shall not exceed 6 percent on an arterial, 10 percent on a collector and 12 percent on any other street. A curve shall have a center line radius not less than 300 feet on a major arterial, 200 feet on a minor arterial and 100 feet on any other street.

FINDING: The grade for Upper Boones Ferry Road is less than 6%, and Cambridge Lane and Taylor Road are proposed to have a maximum gradient of 10% or less.

3.9.2.9 A new street shall be oriented generally east-west to the maximum extent practicable to provide for solar access.

FINDING: The primary orientation of the lots relates to Taylor Road, which runs east-west in a manner consistent with this criterion to facilitate solar access.

3.9.2.10 The maximum length of a block is 1200 feet unless adjacent to an arterial or unless the existing local street pattern or topography require a different length.

FINDING: Block lengths were previously set and no new public streets are proposed.

3.9.2.11 The preferred minimum length between intersections along an arterial is 1800 feet.

FINDING: The Taylor Road connection to Upper Boones Ferry Road was previously approved in accordance with the city’s transportation plan.

3.9.2.12 A land division traversed by a water course, drainage way, channel or public or private street shall include an easement to the public for storm water conveyance conforming to CWS’ current design and construction standards.

FINDINGS: The project site is not traversed by any water course, drainage way, or channel. There are two private driveways serving lots 2 and 5 as well as 6 and 9. Easements as necessary to provide for the public stormwater conveyance system and a conveyance conforming to CWS current design and construction standards will be recorded with this project.

3.9.3 Bicycle and Pedestrian Access. All streets and access ways provided in any new land division shall provide reasonably direct routes for pedestrian and bicycle travel in areas where such travel is likely if connections are provided and that avoids levels of motorized traffic that might interfere with or discourage pedestrian or bicycle travel.

FINDINGS: Bicycle and pedestrian access and sidewalks are provided on all public streets and access ways. No bike lanes are required within the development site, and they are provided on Upper Boones Ferry Road. All streets provide direct routes for pedestrians and bicycle travel in areas where such travel is likely if connections are provided. Additionally, the levels of motor vehicle traffic that will result on the local streets are typical of residential neighborhood use and will not interfere or discourage pedestrian or bicycle travel.

3.9.3.1 Bicycle and pedestrian routes shall connect new land divisions, multi dwelling and planned residential developments to adjacent residential areas, transit stops and to schools, shopping and employment areas located up to 1/2 mile away.

FINDING: The proposed subdivision will augment existing and proposed street connections including Taylor Road and Cambridge Lane with adjoining neighborhoods and the multimodal facilities on Upper Boones Ferry Road.

3.9.3.2 Bikeways shall be required along arterials and major collectors. Sidewalks shall be required along all arterials, collectors and local streets.

FINDING: Bike lanes are currently provided on Upper Boones Ferry Road.

3.9.4 Alternate Street Design to Protect Natural Resources. May be considered by the City to minimize impervious surface and otherwise manage storm water runoff quality and quantity so as to protect natural resources.

FINDING: The proposed subdivision does not include any identified natural resources, and this section is not relevant.

3.9.5 Private Streets. The City may allow private streets if designed and constructed to standards published by the City Engineer and provide access to no more than 6 dwellings only within a Planned Residential Development and include adequate provisions for maintenance by covenant.

FINDING: The applicant is not proposing private streets – only two private, shared driveways.

6. Section 3.10 Protection of Transportation Facilities.

An applicant for proposed development in any zoning district shall submit a Traffic Impact Analysis prepared by a registered professional traffic engineer when the proposed development may reasonably be expected to generate more than 200 vehicle trips per day or when the City determine that the application if approved may have a

“significant effect” on an existing or planned transportation facility as that term is defined in OAR 660-012-0060.

FINDINGS: The applicant submitted a Traffic Impact Analysis, prepared by Kittleson & Associates, Inc. The findings from the report make four recommendations including:

1. All study intersections are forecast to meet the ODOT and Washington County mobility target/operating standards during the weekday AM and PM peak hours under existing 2024 background, and 2024 total traffic conditions. No capacity-based mitigation needs were identified.
2. A roadway striping change is recommended on SW Upper Boones Ferry Road to accommodate turning movements to/from the new site access roadway as documented in this report.
3. A STOP (R1-1) sign should be installed eastbound on the new site access street approach to SW Upper Boones Ferry in accordance with City/ODOT standards and the Manual on Uniform Traffic Control Devices (MUTCD).
4. To provide adequate sight distance eastbound on the local street (SW Taylor Road) at SW Upper Boones Ferry Road, it is recommended that 1) all existing trees and shrubbery located within the sight lines be removed as part of the development and 2) all site improvement vegetation, signage, and other above ground objects along the SW Upper Boones Ferry Road frontage be set back/placed outside of the sight lines. A final sight distance evaluation be performed post construction and prior to site occupancy to confirm that adequate intersection sight distance is provided.

The applicant indicates a willingness to comply with all of the recommendations from the Traffic Impact Analysis.

7. Section 5 Tree Protection (See applicant’s sheet P3.1 Tree Mitigation Plan)
5.7 Type “G” Permit. For Previously Undeveloped Property.

FINDING: Tree removal is reviewed as part of a separate application (File #667-22).

8. Section 8 Subdivision Requirements

FINDINGS: The City Engineer Curran-McLeod, Inc. provided a report and will be reviewing the final subdivision plat. Their report identifies several conditions to be satisfied in accordance with the subdivision plan being reviewed by the Planning Commission, and the final plat requirements of the city, Washington County, and state statute. The engineer’s conditions of approval are included in the recommended conditions of approval at the end of this report.

9. Section 9.7 Type 2 Procedures & Criteria:

FINDINGS: The applicant filed a development application in 2022 in accordance with City application requirements., and it was deemed complete on January 3, 2023. The City’s Type 2 review procedure requires a notice be sent to property owners within 300 feet to provide them an opportunity to comment prior to a public meeting of the Durham Planning Commission. Notice was sent at least 20 days before the public meeting scheduled for February 7, 2023.

No public comments have been received at the time this report was published on January 31, 2023. The meeting will be conducted as outlined in DDC Procedures Section 9.6.

III. DECISION

On February 7, 2023, the Durham Planning Commission unanimously approved the Durham Heights PRD, City file #593-22, based on the findings of fact in the City Staff Report, and in this decision, subject to the following conditions of approval:

IV. CONDITIONS OF APPROVAL

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

1. Final plat corrections shall include clarification of ownership, public access and tract maintenance for Tracts A and B.
2. Comply with CWS Memorandum dated January 20, 2023 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. 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.
 - c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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.

- h. 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.

- 3. Obtain City approval of the Homeowners Association (HOA) documents and maintenance provisions for Tracts A and B. This shall include a provision in the final HOA documents prohibiting yard debris dumping or other material dumping or pesticide applications into Tracts A and B. Landscaping plans for Tract B shall be revised to complement Tract B of Durham Heights and shall include a pathway from Cambridge Lane to Tract B of Durham Heights and may include other amenities such as a seating area. Alternatively, Tract A may be enlarged to satisfy the recreational open space minimum area of 5,838 feet.
- 4. 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 city's certified arborist
- 5. Comply with the City staff and City Engineer's comments to date, including final plat requirements as may be revised during the final plat review, as follows:
 - a. If a water well is located anywhere on the subject site, it shall be abandoned per City Engineer inspection and according to OWRD regulations.
 - b. The existing oil tank on the site shall be abandoned. If the tank is buried, it shall be abandoned according to DEQ requirements, and the City Engineer shall inspect abandonment.
 - c. Provide Typical Sections for SW Taylor Road and SW Cambridge Road and design for ADA-compliant sidewalks.
 - d. Show proposed utility connections assuming the Durham Heights developer will only have constructed utilities to the limit of his road construction.
 - e. If the wall in Tract A will be over 4 feet tall, stamped plan designed by a structural engineer shall be included and the necessary structural permit shall be submitted to the building authority.
 - f. It is understood that all parties - the developer of Durham Heights, the developer of Durham Estates, and the City - are hopeful that street and utility improvements will be constructed along with the Durham Heights subdivision. In the event that this does not occur, a Major Modification application shall be submitted according to DDC 10.5 including revised construction plans reflecting the existing conditions prior to construction, and the current Durham Estates Type 2 application will no longer be valid.

- g. Include all lighting in the final plans.
- h. Right of way dedication shall be submitted to the City for review.

Prior to issuance of any City permits and/or following construction approvals:

- 6. Comply with the applicant’s Traffic Impact Report recommendations.
- 7. Comply with ODOT requirements for access via Taylor Road to Upper Boones Ferry Road.
- 8. Comply with the TVFR fire safety requirements as described in their January 6, 2023 letter.
- 9. 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.
- 10. 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.
- 11. 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.
- 12. The improvements shown for Tracts A and B shall be provided.
- 13. Reciprocal access easements shall be provided and recorded for Lots 2, 5, 6, and 9.
- 14. Per DDC 11.1, this approval shall be valid for a one-year period.

DATE OF PLANNING COMMISSION DECISION: February 7, 2023

SIGNED: _____
Susan Deeming, Chair
City of Durham Planning Commission

ATTEST: _____
Linda Tate, City Administrator

Date Mailed: _____