



City of Durham

17160 SW Upper Boones Ferry Rd.
Durham, Oregon 97224

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NOTICE OF PLANNING COMMISSION DECISION

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.

DECISION

A public meeting was held after 7:30 p.m. on February 7, 2023, and the Durham Planning Commission unanimously APPROVED the Durham Estates subdivision (City File #593-22) based on the finding of fact in the January 31, 2023 City Staff Report 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. 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

Date Mailed: February 9, 2023

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.