

NOTICE OF DECISION
CITY OF KING CITY PLANNING COMMISSION
131st & FISCHER ZONE CHANGE AND SUBDIVISION
File No. LU 18-03

The City of King City Planning Commission held public hearings on December 5 and 19, 2018 to consider the application. The Commission's decision is based on the facts, findings, and conclusions noted below.

GENERAL INFORMATION

Application

Case No. LU 18-03

Zone Change-Plan Amendment/Subdivision/Goal 5 Safe Harbor Review/Tree Removal

Applicant

Mark Dane
Mark Dane Planning
14631 SW Millikan Way, Suite 6
Beaverton, OR 97003

Owner

Summa Lodge Homes, LLC
1925 NW Amberglen Parkway, Suite 100
Beaverton, OR 97006

Request

Approval of a zone change from the R-12 to the NMU (Neighborhood Mixed-Use) zone; subdivision approval to create 16 residential lots and one additional parcel for future neighborhood commercial, residential, or mixed-use development; a tree removal permit; and Goal 5 Safe Harbor review regarding the drainageway and habitat on the west edge of the property.

Location

Northwest corner of SW 131st Avenue and SW Fischer Road. Assessors Map No. 2S1 16AC, Tax Lot 800). See map.

Comprehensive Plan Designation

Medium Density Residential.

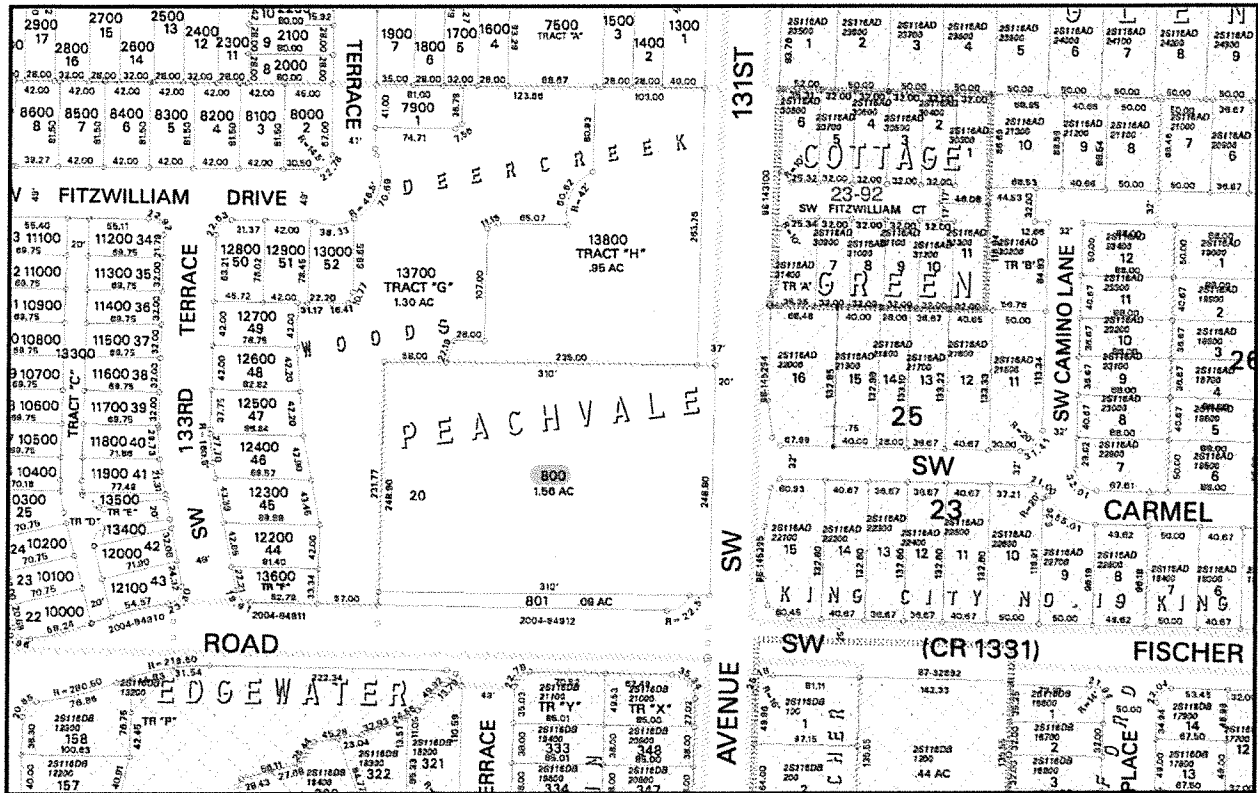
Zoning Designation

R-12 (Attached Residential) Zone

Planning Commission Final Order
12.19.18

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Site Map



BACKGROUND INFORMATION

Site Conditions

The property is developed with one single family residence. It has frontage on SW 131st Avenue to the east and SW Fischer Road on the south. A drainageway is located along the western boundary of the property. As described in the application, there are a number of mature trees on the site. The total property area is 1.56 acres. Except for the drainageway, the property is relatively level and covered with grass and several mature trees. One small wetland area has been identified within this drainageway along the western property boundary (Exhibit 6 of this application).

Access to the existing residence, located in the northwestern portion of the property is provided by an existing driveway on SW 131st Avenue. The SW 131st Avenue frontage improvements do not include curb or sidewalk, while the SW Fischer Road frontage is fully improved.

Vicinity Description

The plan and zoning designations and current land use of the surrounding area are summarized in the table below:

Land Use Summary

Parcels	Plan/Zone Designation	Land Use
Subject Property	King City R-12 (Attached Residential)	One single family residence
North	King City R-12 (Attached Residential)	Multi-family residences
East	King City AT (Apartment Townhouse)	Single and multi-family residences
South	King City R-9 (Small Lot & Attached Residential)	Single family residences

Project Description

The application consists of four parts that are summarized below.

Zone Change/Comprehensive Plan Amendment

The property is currently zoned R-12 – Attached Residential, which allows a variety of housing types with a maximum density of 12 units per acre. The applicant requests a change in the zoning to NMU – Neighborhood Mixed-Use, which allows the same residential uses as R-12 with the addition of neighborhood-scale commercial uses. The King City Comprehensive Plan provides criteria for evaluating changes in zoning.

Zone changes and plan amendments must be approved by the King City Council. The remaining elements of this application may be approved by the Planning Commission, and no City Council review is required (however, Planning Commission decisions may be appealed to the City Council). Therefore, the Planning Commission action has two parts: 1) recommendation to the City Council regarding the zone change; and 2) a decision pertaining to the subdivision, tree removal, and Goal 5 safe harbor review subject to City Council approval of the zone change.

Subdivision Review

The applicant proposes to develop the property with 16 residential lots and one larger parcel (Lot 17) on the corner of SW 131st Avenue and SW Fischer Road, which is intended for future neighborhood commercial, residential, and/or mixed-use development. *The site layout and buildings shown on the 17 lots are illustrative only, and they are not formally considered as part of this application.* Future development of Lot 17 will be subject to review and approval of a site development review application (Exhibit 8 Plan Set, Sheet P2 – Preliminary Plat). The townhomes on Lots 1 – 16 will be subject to building permit review and confirmation of compliance with applicable zoning requirements, such as height, setbacks, and building façade design.

Access is proposed by creating a street with an entrance and exit on both SW 131st Avenue and SW Fischer Road. This street, located in Tract B, is proposed to be 26 feet wide with an allowance for parking on one side. An additional 22-foot wide street access is proposed to serve Lots 7 – 11. None of the lots would have direct access to either SW 131st Avenue or SW Fischer Road. The entire street

system is proposed to be private.

Proposed pedestrian access improvements include completing the missing sidewalk along the SW 131st Street frontage, sidewalk along both sides of the 28-foot wide private street, and sidewalk on one side of the 22-foot wide private street. An additional pedestrian connection is proposed within Tract C between Lots 4 and 5 to connect with an existing public walkway, which is located within the recently completed apartment complex to the north.

A traffic report, submitted by ARD Engineering (Exhibit 9 of the application), evaluates the operation of the new street access points on SW 131st Avenue and SW Fischer Road as well as the 131st/Fischer intersection. The analysis takes potential future traffic volumes following development of Urban Reserve Area 6D (URA 6D) into account. The SW 131st Avenue access is directly across from SW Carmel Street, and the southern access on SW Fischer Road is offset to the east from SW 132nd Terrace.

The report concludes that the additional traffic will not have a significant detrimental impact on the street system and that the intersection off-set at SW 132nd Terrace will not pose operational or safety issues. Even with additional traffic forecast for the future, the operation of the two new access points and the 131st/Fischer intersection are anticipated to operate satisfactorily.

Tree Removal

A tree removal plan was submitted. The applicant indicates that 15 trees, located on the upland portion of the site, and 5 street trees are proposed for removal to accommodate necessary site grading, homes, and the completion of frontage improvement along SW Fischer Road (Exhibit 2 of the application). Trees within the western drainageway are proposed to be retained. The applicant did not submit a protection plan for the trees that are to remain.

Goal 5 Safe Harbor Review

The western drainageway is identified as an area that could be subject to periodic flooding. In addition, the environmental and habitat value of this drainage course is protected through a combination of city, Clean Water Services (CWS) and state regulations. CWS has issued a Service Provider Letter (Exhibit 6 of the application) outlining the requirements for development of this property.

In addition, a wetland delineation report was submitted to and approved by the Oregon Division of State Lands (Exhibit 6 of the application). As indicated in the report, a very small wetland was identified along the western property line. The applicant proposes to protect the wetland and larger drainageway area, shown as Tract A in the preliminary plat, from development impacts.

Community Meeting

Chapter 16.46 of the King City Community Development Code (CDC) requires applicants to hold a community meeting to introduce a development proposal to neighboring property owners prior to submitting a formal application. As described in the application, this meeting was held on January 8,

2018 in compliance with the requirements stipulated in Chapter 16.46

Agency Comments

The City Engineer submitted a memorandum noting a number of applicable requirements and coordination obligations as the applicant finalizes the design and builds the project. (Attachment A).

Pride Disposal Co. indicated that it can serve the residential portion of the development and will need to review a specific development application for Lot 17 in the future (Attachment B).

No other agency comments have been received.

FINDINGS AND CONCLUSIONS

The King City Comprehensive Plan contains the applicable evaluation criteria when considering a zone change in the Land Use Designations and Location Criteria section.

The King City Community Development Code (CDC) contains the applicable review standards. The relevant evaluation criteria related to the remaining three applications are found in CDC Chapters:

- 16.102 Neighborhood Mixed-Use (NMU) Zone;
- 16.124 Landscaping and Beautification;
- 16.128 Tree Removal;
- 16.132 Parking and Loading;
- 16.136 Circulation and Access;
- 16.142 Goal 5 Safe Harbor Review;
- 16.144 Vision Clearance;
- 16.146 Residential Density Calculation;
- 16.148 Signs;
- 16.196 Subdivision;
- 16.208 Improvements; and
- 16.212 Neighborhood Circulation.

Land Use Designations and Location Criteria – Mixed Use (Comprehensive Plan)

The location criteria are intended to provide guidance for the Planning Commission and City Council when land use and zoning designations for specific properties are proposed to be amended. They describe the basic characteristics a property or properties should have to be eligible for a particular land use designation.

The NMU Zone is designed to allow for a mix of neighborhood-scale and medium density residential uses. Properties designated NMU should have six basic location characteristics.:

1. *The site shall have direct access to a collector or arterial street. Access to a collector or arterial street via a local street may be appropriate to comply with driveway access requirements and*

if it is found that adverse traffic impacts will not be created for surrounding properties, which are greater than what is possible under the existing zoning.

The property has access to SW 131st Avenue, which is designated as a collector street. The portion of SW Fischer Road, which abuts the property, is designated as a neighborhood collector. SW Fischer Road is designated as a collector to the east of the SW 131st Avenue intersection.

2. *Sufficient facility and service capacity to accommodate this type of development. The important facilities and services to be considered include but are not limited to sewer, water, storm drainage, police and fire protection, health services, public transit, and street capacity.*

The facilities serving the West King City area were designed to accommodate development of the properties including this one. The proposed zone change will affect the mix of uses on the property but the intensity of development and its potential demand on public facilities and services will remain comparable to the current R-12 Zone. Necessary public facilities and services can be provided.

3. *Traffic congestion, parking, or safety problems shall not be created or exacerbated by commercial development on the site. This determination shall be based upon such considerations as street capacity, existing and projected traffic volumes, speed limits, number and type of turning movements, and the traffic generating characteristics of the potential commercial and residential activities on the site.*

The potential traffic impacts of this development have been analyzed by a qualified traffic engineer. Given the comparable level of development allowed by the R-12 and proposed NMU zones, the traffic impact of the proposed zone change and resulting development is found to be a negligible difference from the existing R-12 zoning. The NMU Zone includes development limitations (Section 16.102.040) including 12 units per acre for residential development and a Floor Area Ratio (FAR) of 1.5 to 1 to ensure that resulting development is consistent with surrounding residential neighborhoods. The applicant has demonstrated that functional and safe access can be provided.

4. *No natural development limitations such as unstable soils or flooding that affect significant portions of the property.*

The only development limitations are found in the extreme western portion of the property. This area will be protected, and no development is proposed for this area.

5. *Opportunities will be available to achieve a compatible relationship with surrounding land uses including but not limited to:*

- *The site configuration and characteristics that allow for the privacy of adjacent residential uses.*
- *Commercial activities on the site that will not interfere with nearby residential uses.*

SW 131st Avenue and SW Fischer Road provide physical separation from residences across the street, and street trees will provide some visual screening. The residences on the east side of SW 131st Avenue are oriented toward SW Carmel Street and have a solid fence and vegetative screening along the SW 131st frontage. The residences along the south side of SW Fischer on both sides of SW 131st, have a landscaped buffer between the homes and the street. The two recently completed three-story apartment buildings to the north have a landscaped buffer along the south property line. The single family homes to the west are separated by the vegetated drainageway, which is protected from development.

As noted herein, the commercial uses allowed in the NMU Zone include a limited array of neighborhood-scale service, retail, and dining uses. Auto-oriented uses and drive-through windows are not permitted. The NMU Zone also features a full range of design requirements, such as maximum height limits, parking lots only to the rear or side of buildings, buffering from noise, lights, and limits on hours of operation, which are all designed to address potential compatibility issues. Finally, the future development of Lot 17 will be subject to site development review approval, where CDC requirements and a specific development proposal will be reviewed by the city, including a public hearing with the Planning Commission. The commission would have the authority to impose conditions of approval to further address specific compatibility issues.

6. *Significant unique natural features on the site which can be maintained.*

The significant natural resource area on the site is the drainageway on the western boundary of the property. As noted herein, it will be protected from development and preserved.

The applicable criteria in the Comprehensive Plan are satisfied, and the proposed zone change from R-12 to NMU should be approved.

Neighborhood Mixed-Use Zone (16.102)

CDC Sections 16.102.020 through 16.102.030 list the uses that are permitted or conditional. Townhomes (attached single family) on Lots 1-16 and commercial uses on Lot 17 are either permitted or conditional uses as described in these two CDC sections.

CDC Section 16.102.040 contains the dimensional standards for the NMU Zone. The proposed subdivision features lot sizes and dimensions, which satisfy the basic dimensional standards for lots.

The applicable dimensional standards for single family attached lots and the proposed dimensions are noted in the following table. There are no minimum dimensional standards for commercial or mixed-use development (Lot 17).

Minimum Standard – Single Family Attached		Proposed
Lot size	1,500 square feet	1,500 to 2,495 square feet
Lot width	20 feet	20 to 25 feet
Lot depth	60 feet	75 to 80± feet*

*This measurement is from the proposed private street curb.

While the building footprints of the proposed townhomes are shown, they are technically not part of subdivision review, and the building dimensions are reviewed and approved during the building permit review process. However, it is important to ensure that the subdivision design will enable subsequent development to meet CDC standards. Perhaps the most significant will be to design the townhomes to satisfy the 18-foot garage door setback to enable parking in the driveways.

Subdivision design issues related to the NMU Zone standards along with standards for parking (16.132) circulation and access (16.136), and neighborhood circulation (16.212) will need to be considered to enable the residential development in the subdivision to ultimately comply with all applicable standards.

Landscaping and Beautification (16.124)

Sections 16.124.050 and 060 require street trees along street frontages with an average spacing between 20 to 40 feet depending upon tree species.

The landscaping plan (Exhibit 8 Plan Set, Sheet P4) includes trees along the private street frontages within the development and along SW 131st Avenue and SW Fischer Road. Section 16.124.060 requires yard trees have an average spacing of 25 to 40 feet, depending upon the mature size of the tree. Trees are shown with spacing of 20 to 30 feet. However, the plan does not indicate a proposed tree species. The tree species and spacing should be reviewed as a condition of approval to ensure appropriate street tree selection and planting. Landscaping for Lot 17 shall be reviewed as part of a future site development review application.

Tree Removal (16.128)

Chapter 16.128 is intended to minimize the number of trees removed and to encourage the retention of trees as property is developed.

Section 16.128.050 B. requires consideration of the following criteria:

- 1. The condition of the trees with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services or pedestrian or vehicular traffic safety.*
- 2. The necessity to remove trees in order to construct proposed improvements, or to otherwise utilize the applicant's property in a reasonable manner.*
- 3. The topography of the land and the effect of tree removal on erosion, soil retention, stability of earth, flow of surface waters, protection of nearby trees and wind breaks.*

4. *The number and density of trees existing in the neighborhood, the character and property uses in the neighborhood, and the effect of the tree removal upon neighborhood characteristics, beauty and property values.*
5. *The tree(s) is necessary to comply with conditions of development approval or compliance with provisions of Chapter 16.124.*
6. *The adequacy of the applicant's proposals, if any, to plant new trees or vegetation as a substitute for the trees to be cut.*

Of the 20 trees to be removed, 5 street trees are proposed for removal to allow minor reconfiguration of the existing street improvements, and replacement with 7 new trees. The remaining trees are proposed for removal to accommodate the proposed development. The majority of the trees are old fruit trees of limited environmental or aesthetic value. The development will provide mitigation for the tree removal with the planting of street trees as noted above. The trees within the western drainageway shall be retained. The applicant should provide a tree protection plan to demonstrate how the trees to be retained will be protected during construction.

Parking and Loading (16.132)

Section 16.132.030 requires one parking space per residential unit.

The applicant proposes to provide a one-car garage for each unit. Although house plans have not been provided, the landscaping plan (Exhibit 8 Plan Set, Sheet P4) suggests that each townhome is envisioned to have a recessed garage door, providing sufficient room to park an additional vehicle in the driveway with sufficient room to not block the sidewalk (18-foot garage setback is required from the edge of the sidewalk). In addition, it appears that approximately 8 on-street parking spaces will be possible on the internal street, plus 8-9 parallel spaces along the SW 131st Avenue and SW Fischer Road frontages. Required parking for development on Lot 17 will be determined as part of a future site development review application. Comments have not been received from Tualatin Valley Fire and Rescue (TVFR). However, in the review of previous subdivisions, TVFR consistently has not allowed parking on one side of a two-way street that is less than 28 feet wide. The applicant will either need to remove parking on one side or widen the street to a curb-to-curb minimum of 28 feet.

Circulation and Access (16.136)

Section 16.132.030 B. requires private streets or driveways to be a minimum of 24 feet wide with a walkway on at least one side when more than three dwelling units are served.

A 22-foot wide common driveway with a 5-foot sidewalk on one side is proposed to serve Lots 7 – 11. This driveway standard in CDC 16.132.030 is admittedly unclear about whether the 24-foot width requirement for private driveways serving this number of units includes the walkway. To assist in interpreting this provision, the city's standards for minor local public streets is considered. Local, low traffic streets may be built with a 22-foot curb-to-curb width plus a 5-foot sidewalk on one side. The proposed driveway is consistent with these standards, and is interpreted to satisfy the driveway standards in CDC 16.136.030.

Section 16.136.030 C. requires more than 6 lots to be served by a public street.

Section 16.136.030 D. states that uniform fire code requirements must be met.

The applicant is proposing only private streets within the subdivision. The main circulation street is proposed to be 26-foot wide with sidewalks on both sides. As noted above, parallel parking is proposed on one side. TVFR requires a minimum of 20 feet clear, and as noted above, a 28-foot street width would be required to allow parking on one side and meet the emergency access requirement.

Section 16.136.050 C. requires efficient pedestrian connections internally and with adjacent facilities.

This would include the street sidewalks and the pedestrian pathway to the north. At a minimum, this northern pathway connection and sidewalk along the main circulation street should be within a public access easement.

Given the issues pertaining to providing adequate parking, fire access, and pedestrian circulation, the main internal street connection between SW 131st Avenue and SW Fischer Road should be publicly dedicated and have a width of 28 feet. The pedestrian connection to the north, via Tract C, should be within a public access easement. This will result in reducing the size of Lot 17 slightly, but the subdivision can fundamentally be maintained and constructed as proposed.

Goal 5 Safe Harbor Review (16.142)

Section 16.142.060 contains the requirements for the types of development allowed within drainage areas.

The applicant does not propose any development within the sensitive areas as demonstrated in wetland delineation report and related materials in Exhibit 6 of the application. Section 16.142.060 B. has general approval criteria for vegetation removal within identified drainage areas. Because no vegetation removal is proposed, this section is satisfied. In addition, CWS will ensure that its requirements, as noted in the Service Provider Letter (Exhibit 6), are satisfied.

Vision Clearance (16.144)

Section 16.144.030 requires vision triangles of 35 feet at street intersections and 15 feet at driveway entrances.

The vision clearance triangles required in this CDC chapter can be satisfied in the development. The requirements of this chapter will be reviewed again for compliance during the final plat review, approval of final landscaping plans, and future site development review for Lot 17.

Residential Density Calculation (16.146)

This chapter sets forth the methodology for calculating development density. The NMU Zone requires a maximum density of 18 units per acre for developments that are entirely residential. Developments that are either commercial or mixed-use are not limited by the number of units but by total floor area ratio (FAR) of 1.5 to 1.0. This means that the total floor area of buildings may not be more than 1.5

times the area of the site. For this application, there are two alternatives for calculating the allowable density. One would be to subtract the area of the future commercial site (Lot 17) from the total area of the property (67,820 sf) minus the size of Lot 17 (14,826 sf) yielding 52,994 sf (or 1.22 acres) times 12 du/ac, which equals 14.6 or 15 units.

The second would be to calculate the entire development on all 17 lots based upon a maximum FAR of 1.5 to 1.0. With a total site area of 67,820 square feet, a 1.5 to 1.0 FAR would yield a total allowable floor area (residential and commercial) of 101,730 square feet. As shown, the proposed 3-story townhomes would have the potential for a floor area of approximately 3,000 square feet each or a total of 48,000 square feet of floor area for the 16 townhomes. This would leave 53,730 square feet of floor area available for the commercial/mixed use development on Lot 17. The applicant shows two conceptual buildings that would have 4,200 square feet of floor area at one story and up to 12,600 square feet at three stories.

The proposed 16 townhome units plus the future development on Lot 17 can meet the overall density requirement for the entire property.

Signs (16.148)

Signs are not included in the application. Sign permits must be approved by the city prior to installation of any future signs.

Fences and Walls (16.180)

Section 16.180.040 imposes a 6-foot maximum height limit on fences located in the rear or side yard.

The applicant indicates that a 6-foot good neighbor fence is proposed along rear and side yards. This satisfies the 6-foot maximum height standard in Section 16.180.040 A. for fences in the side or rear yard.

Subdivision (16.196)

Section 16.196.060 A contains the approval standards for a preliminary plan:

- 1. The proposed preliminary plat and the neighborhood circulation plan (Section 16.212.040) comply with the applicable provisions of this title;*

The circulation plan is addressed later in this report.

- 2. The proposed plat name is not duplicative;*

The plat name will be reviewed and approved by Washington County to meet this criterion.

- 3. The proposed street and accessways are designed in accordance with Chapter 16.212;*

The circulation plan is addressed later in this report.

4. *Parks shall be conveniently located so as to provide direct public access and availability from a public street; and*
5. *Park shall be bordered by at least one public street to encourage public use and provide visual access.*

The open space areas, including the city park to the southwest and Deer Creek greenway access, are readily available to this development. In addition, a public space is proposed as part of the future development of Lot 17.

Improvements (16.208)

This chapter requires that public improvements be made to support development, and applies during construction and recording the final subdivision plat.

The conditions of approval will satisfy the city requirements.

Neighborhood Circulation (16.212)

Section 16.212.050 contains the following approval standards for on-site street and accessway circulation.

- A. *The following review standards in this section shall be used to:*
 1. *Provide a generally direct and interconnected pattern of streets and accessways to ensure safe and convenient access for motor vehicles, pedestrians, bicyclists, and transit users; and*
 2. *Ensure that proposed development will be designed in a manner, which will not preclude properties within the circulation analysis area from meeting the requirements of this section.*

The proposed circulation on the property and the surrounding area will provide for a system with internal access for vehicles, pedestrians, and bicyclists. The connections SW 131st Avenue and SW Fischer Road will provide adequate access in and out of the development.

- B. *On-site streets for residential, office, retail, and institutional development shall satisfy the following criteria:*
 1. *Block lengths for local and collector streets shall not exceed 530 feet between through streets, measured along the nearside right-of-way line of the through street.*

The blocks will all be less than 200 feet.

2. *The total length of a perimeter of a block for local and collector streets shall not exceed 1,800 feet between through streets, measured along the nearside right-of-way line.*

The block surrounding Lot 17 will be less than 500 feet.

3. *Streets shall connect to all existing or approved public stub streets, which abut the development site.*

No street stubs are, or will be, available.

4. *Within the West King City Planning Area, local streets shall be located and aligned to connect with the planned neighborhood collector street extending west from SW Fischer Road and/or to SW 131st Avenue.*

The proposed street connection between SW 131st Avenue and SW Fischer Road satisfies this requirement.

5. *Within the West King City Planning Area, street system design shall include a minimum of two future local street connections to SW 137th Avenue*

Not applicable – this property is well removed from SW 137th Avenue.

6. *Although an interconnected street system is required by the provisions of this chapter, local street systems shall be designed to discourage motorists traveling between destinations that are outside of the neighborhood being served by the local streets.*

The proposed street system is for local access only and will not encourage through traffic from outside the area.

7. *Cul-de-sacs and permanent dead-end streets shall be prohibited except where construction of a through street is found to be impractical according to the provisions of Section 16.212.080 A.*

Only a common driveway is proposed to serve Lots 7 – 11, and a dead-end street is not proposed.

8. *When cul-de-sacs are allowed, they shall be limited to 200 feet and no more than 25 dwelling units unless a modification is justified as provided in Section 16.212.080 A.*

This is not applicable because a cul-de-sac is not proposed.

C. *On-site sidewalks and accessways for residential, office, retail, and institutional development shall satisfy the following criteria:*

1. *For blocks abutting an arterial or major collector and exceed lengths of 530 feet, an accessway shall be provided to connect streets for every 330 feet of block length or portion thereof.*

Not applicable – no arterial or major collector streets are involved.

2. *Accessways shall connect with all existing or approved accessways, which abut the*

development site.

A connection to the existing pedestrian accessway to the north will be provided.

3. *Accessways shall provide direct access to abutting pedestrian-oriented uses and transit facilities, which are not served by a direct street connection from the subject property. Accessways shall provide future connection to abutting underdeveloped or undeveloped property, which is not served by a direct street connection from the subject property, where the abutting property line exceeds 330 feet. Where the abutting property line exceeds 530 feet, additional accessways may be required by the approval authority based on expected pedestrian demand. In the case where the abutting properties are Limited Commercial and/or residential, the approval authority may determine that such a connection or connections are not feasible or present public safety issues. The approval authority may reduce the number of required accessways to abutting properties if:*
 - a. *Such a reduction results in spacing of streets and/or accessways of 330 feet or less; and*
 - b. *Reasonably direct routes are still provided for pedestrian and bicycle travel in areas where pedestrians and bicycle travel is likely if connections are provided.*

Direct pedestrian access will be provided to the proposed future commercial and/or mixed-use development on Lot 17. This will be accomplished by completing the sidewalk system along SW 131st Avenue and completing the accessway connection to the north.

4. *Direct connection of cul-de-sacs and dead-end streets to the nearest available street or pedestrian oriented use.*

Not applicable – no cul-de-sac streets are proposed.

5. *Accessways may be required to stub into adjacent developed property if the approval authority determines that existing development patterns or other constraints do not physically preclude future development of an accessway on the developed property and the adjacent developed property attracts, or is expected to attract, a greater than average level of pedestrian use.*

As noted above, provision has been made to allow a connected pathway system to the north.

6. *The city design standards for neighborhood collector and local streets include sidewalks on both sides of the street.*

Sidewalks are proposed on both sides of the main interior street and along one side of the driveway serving Lots 7 - 11.

D. *The King City Comprehensive Plan includes capacity guidelines for neighborhood collector and local streets. To ensure that new development does not place undue traffic burdens on neighborhood streets, the following maximum dwelling unit standards shall apply to any subdivision, site plan review, or conditional use in the SF, AT, R-9, R-12, R-15, and R-24 zone:*

1. *A maximum of 300 single and/or multiple family dwellings shall be served exclusively by one neighborhood collector street to reach the regional street system of major collector and arterial streets. In the case of single family residential subdivisions, a preliminary plat approval may exceed this standard, but all final plats shall comply with this section.*

Not applicable – the property is connected to SW 131st Avenue and SW Fischer Road by a local street and driveway system, not a neighborhood collector.

2. *A maximum of 120 single and/or multiple family dwellings shall be served exclusively by one local street to reach a neighborhood collector street or the regional street system of major collector and arterial streets. In the case of single family residential subdivisions, a preliminary plat approval may exceed this standard, but all final plats shall comply with this section.*

This 17-lot subdivision complies with this standard.

3. *The circulation analysis required in Section 16.212.040 shall demonstrate how the standards in subsections 1 and 2 above will be satisfied when full development or development phases are completed.*

The subdivision and the subsequent development will be consistent with the local street access standard noted above.

Section 16.212.070 contains the following approval standards regarding accessway and greenway design.

- A. *Accessways shall be direct with at least one end of the accessway always visible from any point along the accessway.*

The pedestrian accessway connection to the north will be short, direct, and capable of meeting this standard.

- B. *Accessways shall have a maximum slope of 5 percent wherever practical.*

The slope shall be addressed as part of the final plat, but it should not be a problem.

- C. *Accessways shall be no longer than 300 feet in length between streets. The length of the accessway shall be measured from the edge of right-of-way between streets. Accessways shall include a 10-foot wide right-of-way with a minimum 8-foot wide paved surface to safely accommodate both pedestrians and bicyclists. When the approval authority determines that a proposed accessway will accommodate significant volumes of pedestrian and/or bicycle traffic,*

the right-of-way width and pavement width may be increased to a maximum of 15 feet and 12 feet respectively.

The accessway should be less than 150 feet and will be able to meet the length standard. The preliminary plat shows a width of 9.38 feet for tract C at the street and 10.1 feet at the northern property line. This width will need to be adjusted to comply with minimum 10-foot width standard.

- D. Fencing along or within 10 feet of lot lines adjacent to accessways is permitted, provided that it complies with the provisions of Chapter 16.180 – Fences and Walls.*

Fencing will probably be used, consistent with this requirement.

- E. The paved portion of the accessway shall be free of horizontal obstruction and shall have a 9-foot, 6-inch vertical clearance to accommodate bicyclists.*

No overhead obstructions will be present.

- F. All unpaved portions of accessways shall be landscaped. New landscaping materials shall be selected and sited in conformity with Chapter 16.124, Landscaping and Beautification, and be limited to canopy trees, shrubs, ground cover, vines, flowers, lawns, brick, bark, timber, decorative rock, or other decorative materials.*

Landscaping and specific design details can be addressed as part of final plat approval.

- G. Existing trees within the right-of-way are subject to preservation or removal according to procedures in Chapter 16.128, Tree Removal.*

No significant tree removal will be necessary.

- H. Where street lighting is not present at accessway entrances, pedestrian scale lighting shall be provided, which:*

- 1. Does not exceed 16 feet in height;*
- 2. Has a minimum of 0.5 footcandles average illumination and a uniformity ratio not exceeding 5:1;*
- 3. The lamp shall include a high-pressure sodium bulb with an unbreakable lens; and*
- 4. Lamps shall be oriented so as not to shine excessive amounts of light upon adjacent residences.*

Exterior lighting details shall be reviewed for CDC compliance as part of final design approval.

- I. Accessway lighting, as described in the Section 16.212.060 H. may also be required at intermediate points along the accessway as determined by the city engineer.*

Lighting details shall be addressed as part of final design approval.

- J. *Accessway surfaces shall be constructed of asphaltic concrete or other all-weather surfaces approved by the city engineer.*

The pavement type will be identified as part of final design approval.

- K. *Accessway curb ramps shall be provided where accessways intersect with streets.*

Specific design details shall be addressed as part of final approval.

- L. *Accessways shall be signed to prohibit access by unauthorized motor vehicles where accessways intersect with streets.*

This shall be addressed as part of final design approval.

- M. *Accessways shall require a physical barrier at all intersections with streets, to prevent use of the facility by unauthorized motor vehicles. Barriers shall:*

1. *Be removable, lockable posts permitting access by authorized vehicles;*
2. *Be reflectorized for night visibility and painted a bright color for day visibility; and*
3. *Be spaced 5 feet apart.*

Specific design details for pedestrians shall be addressed as part of final approval.

- N. *When an accessway is provided between two properties, and at least one of the accessways is an internal connection, the accessway shall be 10 feet wide. For example, a shopping center required to provide a connection to an undeveloped office commercial property shall leave at least a 10-foot wide gap in any fence or berm built near the property line at the end of the connection.*

Specific design details for pedestrians shall be addressed as part of final approval.

- O. *When an accessway is required to connect to an existing accessway, and the existing accessway has a paved width less than 10 feet, a transition shall be provided between the two accessways as part of the required accessway.*

Specific design details for pedestrians shall be addressed as part of final approval.

- P. *Greenways, intended to partially fulfill the circulation review standards of this chapter shall meet the standards of Section 16.212.060, with the following modifications:*

1. *A minimum 30-foot wide right-of-way width;*
2. *A minimum 10-foot wide paved accessway surface; and*
3. *A greenway may exceed 300 feet in length.*

Not applicable – a greenway path is not proposed.

Section 16.212.080 allows the Planning Commission to modify the circulation analysis review standards of Sections 16.212.050 through 070 through a planning commission review based upon the relevant approval criteria in this section. The following modifications should be considered by the Planning Commission:

Not applicable – no modifications are requested or necessary.

RECOMMENDATION – Zone Change

Based upon the above facts, findings, and conclusions, the Planning Commission RECOMMENDS APPROVAL of the proposed zone change-plan amendment from R-12 to NMU to the King City Council.

DECISION – Subdivision, Tree Removal, and Goal 5 Safe Harbor Review

Based upon the above facts, findings, and conclusions, the planning consultant recommends that the Planning Commission APPROVE the proposed subdivision, tree removal, and Goal 5 safe harbor review applications subject to King City Council approval of the zone change application and the following conditions:

Subdivision

1. Conditions 2 through 32 below shall be satisfied prior to recording the final subdivision plat with Washington County.
2. The final plat shall contain lots in a configuration that is consistent with the preliminary plat:
 - a. The minimum and maximum density requirements of the NMU zone shall be satisfied.
 - b. The main circulation street shall be publicly dedicated and built to a sufficient width to satisfy city and TVFR standards.
 - c. The access serving Lots 7 – 11 may be private and located within a tract.
 - d. The north pathway connection shall be within a public access easement and shall satisfy city standards.
 - e. The final plat shall be approved by the City Manager and the City Engineer as provided in CDC Section 16.196.070-130.
3. The applicant shall provide verification to the City Manager that all necessary permits and public facility improvements have been obtained and are financially assured. These shall include:
 - a. CWS requirements identified in the Service Provider Letter.
 - b. The applicant shall provide suitable access as determined by TVFR.
 - c. City Engineer requirements as identified in Conditions 9 through 28.
 - d. Tigard Water District approval of public water facilities.
 - e. Verification of Pride Disposal approval for waste and recyclable facilities.
 - f. Utility facilities approved by the service providers including, but not limited to: electricity, street lighting, natural gas, cable access, and telephone.
4. The proposed tracts shown on the preliminary plat shall be designated on the final plat in a manner that is approved by the City Manager and/or CWS.
5. A final plan for providing the street trees, as required by the CDC, shall be provided for City Manager approval, which includes:
 - a. Street trees that meet the CDC minimum size requirement of 2 inches at 4 feet above grade.
 - b. A plan for when the trees will be planted, by whom, and how they will be maintained.

- c. A method for financially ensuring the installation and long-term survival of the trees.
 - d. City Manager review and approval of selected trees before they are planted.
- 6. Prior to issuance of any development or building permits, site and landscaping plans and supporting information shall be submitted for City Manager approval. The plans and related information shall include:
 - a. Final landscaping plan for all common tracts.
 - b. Final grading plan.
 - c. A pathway connection with the existing public pathway to the north in Tract C.
 - d. An exterior lighting plan that will provide sufficient shielding from light and glare for nearby residential uses and security for common areas and the pathway.
- 7. Prior to occupancy of the residences, the improvements and landscaping described in Conditions 5 and 6 above shall be installed or financially assured.
- 8. Signs shall be approved and permitted by the city prior to installation.
- 9. Development of this site will require public and private facility improvements designed and constructed in accordance with the current City-adopted Zoning and Development Ordinance and City design and construction standards. Current City Standards include the most recent version of the Washington County Uniform Road Improvement Design Standards and the American Public Works Association (APWA) Standard Specification for Public Works Construction. In addition, improvements must be designed and constructed in accordance with all City requirements and conditions of approval. All final design plans and documents must be stamped by a Professional Engineer (P.E.) licensed in the State of Oregon.
- 10. Construction plans will generally include but not limited to the following:
 - a. Cover sheet
 - b. Existing site conditions
 - c. Site plan
 - d. Grading and erosion control plan
 - e. Utility plan
 - f. Plan and profile for street and storm
 - g. Plan and profile for sanitary and water
 - h. Street illumination plan
 - i. Street tree plan
 - j. Signing plan
 - k. Stormwater quality facility
 - l. Miscellaneous details for street, sanitary, storm, signing...
- 11. An electronic copy and three sets of complete construction plans shall be submitted to the City for preliminary review and comment. The design engineer shall submit a construction cost estimate for the required public improvements with the preliminary construction plans for review and comment. A deposit in the amount of five percent of the total accepted engineer's estimated value of public improvements must be provided to the City. The engineer's estimate is to be presented in a "schedule of unit prices" format, reflecting cost estimates for the

various anticipated construction bid items.

12. Following receipt of City review and comment on preliminary construction plans and after required revisions are made, the applicant shall circulate construction plans to all utility service companies within the City and other agencies as required. Prior to final approval of construction plans, all proposed utility and agency comments, revisions, and drawings must be received and approved by the City. A revised engineer's construction cost estimate for public improvements shall be submitted with the final construction plans for review and acceptance by the City prior to approval of the construction plans.
13. A public improvements performance bond shall be provided to the City prior to construction in an amount equal to 125 percent of the final accepted engineer's estimate.
14. A maintenance bond in the amount of 20 percent of the final accepted engineer's estimate is required prior to final City acceptance of constructed public improvements. The maintenance bond shall remain in effect for a period of not less than one year after all public improvements are accepted by the City.
15. A development agreement between Applicant and the City must be executed prior to construction of public improvements.

City/Agency Coordination

16. The Applicant is to coordinate with the City and all appropriate utilities and agencies throughout the application, review, and construction process. Agency/utility coordination includes, but is not limited to, Clean Water Services (CWS) regarding sanitary and storm sewer system improvements, Tualatin Valley Fire & Rescue (TVF&R) regarding emergency access, City of Tigard Water for water system improvements, City of King City and Washington County for work relating to SW Fischer Road, Pride Disposal Company for garbage and recycling collection, and the City of King City regarding planning, street improvements, surface water drainage improvements, and site development interests including on-site grading and other work requiring building permits. Throughout the land-use and development process the applicant is to provide copies of all agency or utility approvals and permits to the City for its permanent files. The City is to be notified of any potential design conflicts, and/or any other potential conflicts between the various utility and agency requirements.

Street Improvements

17. General access is proposed from both SW 131st Avenue and SW Fischer Road through a 26-foot wide paved street within a 28-foot right-of-way, approximately 300 feet long to access all lots. To meet City standards, the access shall be through a public 28-foot wide paved street within a 39-foot right-of-way to include the sidewalks on both side of the main street. In addition, access to Lot 7 through Lot 11 is proposed thru a private paved alley, approximately 89 feet long. Plans identify the access to be 22 feet wide, however the actual measurement shows 17 feet between property lines. Corrections are required. As proposed, circulation internal to the Development allows adequate circulation of fire trucks provided the paved area is adjusted to 28 feet, however final approval from TVFR regarding safety and firefighting apparatus access is still required.

18. As currently proposed, the public sidewalks are outside of public right-of-way. All curb-tight sidewalks on the main street are to be on public right-of-way. Design shall show a cross section to illustrate the proposed right-of-way and 8-foot wide utility easement.
19. SW Fischer Road east of SW 131st Avenue is a Washington County Road. As a county road, any further improvements that may impact County right-of-way are to be coordinated with Washington County. Improvements on SW Fischer Road west of SW 131st Avenue are to be coordinated with the City.
20. SW 131st Avenue was a collector under the jurisdiction of Washington County. The City maintained the collector status for SW 131st when jurisdiction was transferred from the county. Status includes required dedication of right-of-way and half street improvement to County Standards along the site frontage of the 131st Avenue right-of-way. The proposed improvements are also to include an 8-foot-wide public utility easement (PUE) along SW 131st Avenue as required along the frontage of all existing and proposed public streets including SW Fischer Road.
21. The City currently has improvements planned on SW 131st Avenue. Applicant is to coordinate the improvements with the City for the section adjacent to the new subdivision mainly between SW Carmel Street and SW Fischer Road.

Storm Drainage Improvements

22. The applicant is to coordinate with Clean Water Services to design needed storm drainage improvements in accordance with Clean Water Services requirements. Typically, both storm water quality provisions as well as storm water conveyance provisions are required. Private facilities and connections are to be designed and constructed in accordance with all applicable City codes and standards. Public facilities require public easements, including the proposed storm Water Quality Swale between Lot 11 and Lot 12.

Sanitary Sewer Improvements

23. The applicant is to coordinate with CWS to determine sanitary service availability and to design and construct needed sanitary sewer improvements in accordance with CWS requirements. Privately owned facilities are to be designed and constructed in accordance with all applicable City codes and standards.

Water System Improvements

24. The applicant is to coordinate with City of Tigard Water to design needed water system improvements. New public water system improvements are to be constructed in accordance with the current City of Tigard Water adopted design and construction standards. Permits from City of Tigard Water will be required.

Sensitive Area/Wetland Mitigation

25. The applicant shall coordinate with CWS to provide an off-site wetland mitigation plan, if required. Typically, CWS require review and permits separate from the City. An approved SPL, in accordance with CWS design and construction standards (R&O 07-20), shall be required

prior to land use approval for the Subdivision.

Pedestrian Pathway

26. To allow pedestrian path connection to existing public pedestrian path north of the new development, a 9-foot wide access is proposed between Lot 4 and Lot 5. It is recommended that a 5-foot wide concrete paved pedestrian pathway be constructed within a public easement, minimum width of 10 feet, between lots 4 and 5, to allow straight pedestrian access. The pathway shall meet current ADA standards and all other applicable City design and construction standards.
27. The applicant shall provide verification to the City Manager that all necessary permits and public facility improvements have been obtained and are financially assured. These shall include Washington County, CWS, Division of State Lands, Tigard Water, TVFR, and Pride Disposal.
28. The final subdivision plat (or first phase if platted in phases) and supplemental information, as required this decision and the CDC, shall be submitted within one year of this decision for approval by the City Manager.


Tree Removal

29. The tree protection program and methods described in an arborist's report shall be provided to City Manager review and approval. It will then be followed at all times during construction. Prior to approving an occupancy permit, the applicant shall submit an arborist report to the City Manager confirming that the trees to be retained are in healthy and stable condition following construction.
30. Prior to removal of any trees, the applicant shall identify the trees in the field for review and approval by the City Manager.
31. Once the specific trees to be saved are identified in the field, a tree protection program and methods shall be submitted to the City Manager for approval prior to tree removal, grading, or construction. At a minimum, this program shall not allow work, construction, parking, storage, vegetation removal, or similar activities in identified areas necessary for tree survival and health. A fence or similar barrier shall be erected and maintained until construction is completed and occupancy permits are obtained. The approved protection program shall be followed at all times during construction. Prior to approving any phase of the final plat, the applicant shall submit an arborist report to the City Manager confirming that the provisions of the protection program were followed during construction and that the trees are in healthy and stable condition.

Goal 5 Safe Harbor Review

32. Final grading and construction plans shall be submitted to CWS and the City Engineer for approval.

INTRODUCED AND ADOPTED THIS 19 day of December 2018.


Carolyn Griffith
Planning Commission, Chair

ATTEST:


Michael Weston, City Manager

*This decision may be appealed within 14 calendar days of date of this decision by filing a signed petition for a public hearing review with the King City Planning Commission, as provided in CDC 16.48.030 and 16.68. Any appeal must be filed at King City Hall, 15300 SW 116th Avenue, King City, OR 97224 on or before **January 3, 2019 at 5:00 p.m.** A petition for review must include the name of the applicant and city case file number, the name and signature of each petitioner and statement of interest to determine party status, the date that notice of the decision was sent as specified in the notice, and the nature of the decision and grounds for appeal. Multiple parties may join in filing a single petition, but each petitioner must designate a single contact representative for all contact with the City. The appeal fee is \$600. Failure to file a signed original petition with the City, with the proper fee, by 5:00 on the due date shall be a jurisdictional defect. Only those persons entitled to the previously mailed notice of pending decision or persons who responded in writing are entitled to appeal. A motion for reconsideration may be filed as provided in CDC 16.64, but such a motion does not stop the appeal period noted above.*

Information about the appeal process, form, and fees, as well as file information about this application are available at the above address. Please contact Michael Weston for further information (503-639-4082).

ATTACHMENT A
City Engineer Comments



MEMORANDUM

DATE: November 28, 2018

PROJECT: 92-0251.127
City of King City, Land Use Action Referral – Subdivision of 16935 SW 131St Avenue, Tax Lot 800.

TO: Michael Weston, City Manager
Keith Liden, City Planner

FROM: Fulgence Bugingo, P.E.
Murraysmith

RE: City Engineer Review: Preliminary Application Review Comments

Purpose

This memorandum presents City Engineer review comments on the City of King City (City) Land Use Action Referral, dated November 6, 2018, for Tax Lot 800, Tax Map 2S, 1W, 16AC, to develop this lot into 16 townhomes within new Neighborhood Mixed-Use zone (NMU). Preliminary plans identify the property at address 16935 SW 131 St Avenue, north of SW Fischer Road.

General

Presently, the tax lot is approximately 1.55 acres and is undeveloped. The proposed development will consist of 16 residential lots and one lot for commercial use and associated parking. A two-way access to the subdivision is proposed from both SW 131St Avenue to the east and SW Fischer Road to the south. The current zoning designation has been requested to be changed to Neighborhood Mixed-Use zone (NMU).

1. Development of this site will require public and private facility improvements designed and constructed in accordance with the current City-adopted Zoning and Development Ordinance and City design and construction standards. Current City Standards include the most recent version of the Washington County Uniform Road Improvement Design Standards and the American Public Works Association (APWA) Standard Specification for Public Works Construction. In addition, improvements must be designed and constructed in accordance with all City requirements and conditions of approval. All final design plans and documents must be stamped by a Professional Engineer (P.E.) licensed in the State of Oregon.

2. Construction plans will generally include but not limited to the following:
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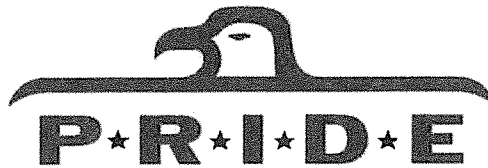
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EXHIBIT B
Pride Disposal Comments



DISPOSAL COMPANY

P.O. Box 820 Sherwood, OR 97140

Phone: (503) 625-6177 Fax: (503) 625-6179

November 20, 2018

Michael Weston
City Manager
City of King City
15300 SW 116th Ave
King City, OR 97224

Re: Case #LU 18-03 NW Corner of 131st Ave and SW Fischer Rd

We have reviewed the site plan for the above mentioned development. We will be able to service the development as it's been laid out. All residents will need to bring their receptacles to the nearest public road. With the exception of lots 8 thru 11, if the street is marked for no parking they will be able to put their receptacles curbside for service. If it is not marked for no parking then they will need to bring their receptacles to the nearest public road.

We are not approving the commercial concept at this time, we will need to see and review the enclosure prior to giving an approval letter.

If you have any additional questions, feel free to contact me.

Sincerely,

Kristen Tabscott
Pride Disposal Company
ktabscott@pridedisposal.com
(503) 625-6177

