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Application and Subject Property Summary

Property Ownership	
Property Owner/Applicant	Nyberg Road Property, LLC. 1200 SW 66 th Ave., Ste. 300 Portland, OR 97225
Applicant's Representative	Ken Sandblast, AICP Westlake Consultants, Inc. 15115 SW Sequoia Pkwy., Ste. 150 Tigard, OR 97224 ksandblast@westlakeconsultants.com
Civil Engineer	Mark Zeman, PE. Westlake Consultants, Inc. 15115 SW Sequoia Pkwy., Ste. 150 Tigard, OR 97224 mzeman@westlakeconsultants.com
Architect	Jennifer Nye William Wilson Architects 1022 SW Salmon St. Portland, OR 97205 nye@wwarchitects.com
Landscape Architect	Chris Freshley Christopher Freshley Landscape Architects 1020 SW Taylor St # 355 Portland, OR 97205 chris@freshleylandscapearchitect.com
Arborist	Todd Prager Teragan & Associates, Inc. 3145 Westview Circle Lake Oswego, OR 97034 todd@teragan.com
Tax Assessment Details	
Tax Maps/Tax Lots	2S124A/2601 and 2600
Site Size	10.99 Gross / 10.98 Net Acres
Site Address	6645 SW Nyberg Ln. Tualatin, OR 97062
Political Boundaries	
City	Tualatin
County	Washington County
Planning Information	
Zoning Designation	RH

Comprehensive Plan Designation	MFR
Citizen Involvement Organization	East Tualatin CIO
Urban Growth Boundary	Inside
Environmental Findings	
Flood Plain (FEMA 100 yr.)	Inside
Watershed	Fanno Creek-Tualatin River
Service Providers	
Fire Protection	Tualatin Valley Fire and Rescue District
Parks	Tigard-Tualatin Aquatic District
School District	Tigard-Tualatin School District
Sewer	Clean Water Services
Water	City of Tualatin
Police	Tualatin Police Department
Sanitary Hauler	Republic Services
Transit District	Tri-County Metropolitan (TriMet)

Application Description

This Application requests an Architectural Review of 5-building apartment complex, totaling 264-units in four buildings, and one aquatics center building on the 10.99 acre subject property located at 6645 SW Nyberg Ln. Tualatin, OR 97062, and identified as Tax Lot 2600 and 2601 of Tax Map 2S124A. The subject property is zoned RH, and has frontage on the existing Nyberg Ln. and Nyberg St. public rights-of-way.

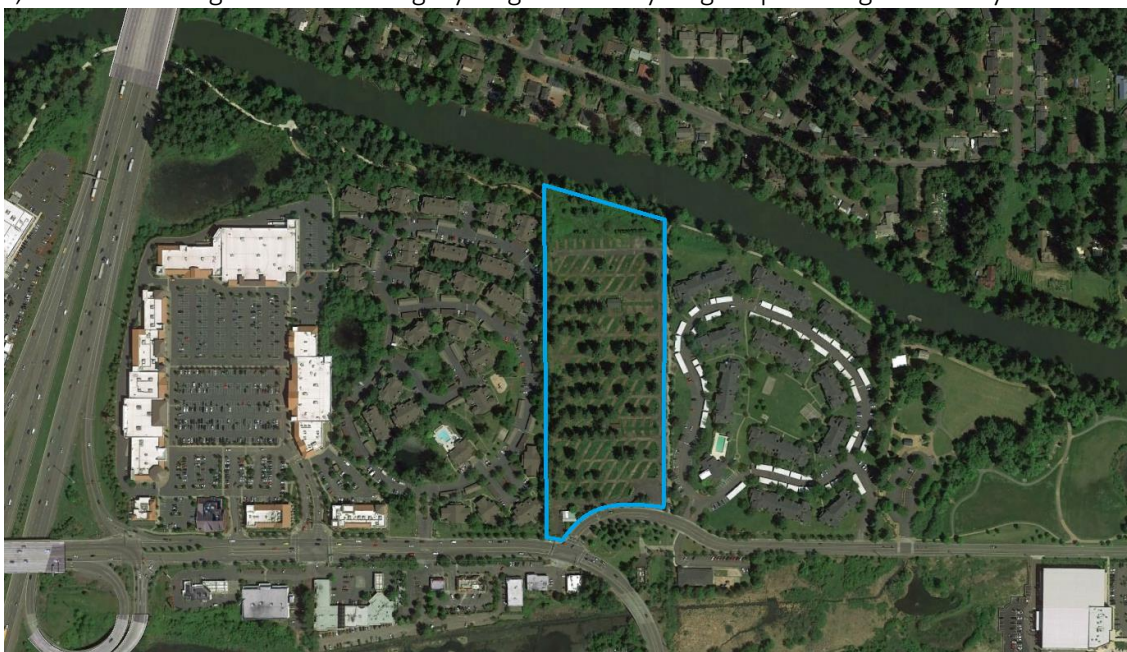


Figure 1: Aerial – Subject Property

Summary of Proposed Improvements

- 4-Building Apartment Complex (total of 264-units)
- 2,456 S.F. Aquatic Center Building
- 46.1% open space including 33.6% landscaping and 31% shared outdoor area including 11% children's play area
- 32-foot wide private driveway, including 32-feet of pavement, providing access to all proposed units, as well as ingress and egress to the existing Nyberg Ln. public right-of-way
- Secondary emergency access is provided to the Forest Rim Apartments to the west of the subject property
- Public sanitary sewer, and water, private stormwater facility and franchise utility services to serve the proposed development.
- Tualatin River Greenway Trail accessway

Existing Conditions

The subject property is 10.99 AC.

The highest elevation of the subject property is approximately 144-feet above mean sea level, along the western property line, approximately midway between the subject property's northern and southern property lines. The highest elevation along the western boundary slopes to the NE at approximately 2%, and slopes to the SE at approximately 2%.

As depicted by *Figure 1: Aerial – Subject Property* of this narrative, the subject property has frontage on the SW Nyberg Ln. and SW Nyberg St. public rights-of-way. As per the City's *Transportation System Plan*, SW Nyberg St. has a functional classification of Major Arterial, and SW Nyberg Ln. has a functional classification of Minor Collector.

There are existing frontage improvements, including standard curbs and gutters, sidewalks, and street trees within landscaping strips along the entirety of the frontage of the subject property.

The subject property is vacant, having previously served as an RV park.

Existing vegetation on the subject property is a mixture of trees and groundcover associated with the RV park previously located on the subject property. An Arborist's Report documenting existing vegetation on the subject property is provided as Exhibit L.

There are no significant natural, cultural or historical resources identified on the subject property.

The 100-year floodplain is identified in a small area at the SE corner of the subject property, and along the Tualatin River at the northern property line.

As per *Figure 73-4 Central Design District* the subject property is not located in the Central Design District (See exhibit R).

As per *Map 9-2: Neighborhood Planning Areas* the subject property is identified as Neighborhood Planning Area No. 5 (See exhibit R).

As per *Map 9-3 Central Urban Renewal Area* the subject property is not located in the Central Urban Renewal Area (See exhibit R).

The subject property is identified by *Map 9-4: Design Type Boundaries* as IN: Inner Neighborhood (See exhibit R).

As per *Map 9-5* the subject property is not identified as having a special commercial setback and commercial services overlay designation (See exhibit R).

As per *Map 71-1* the subject property is not identified as being located within the Wetlands Protection District, the Wetlands Protected Area, the Sweek Pond Management Area, or the Wetlands Fringe Area (See exhibit R).

As per *Map 72-1 Natural Resources Protection Overlay District 9NRPO) and Greenway Locations* the subject property is not identified as within a Natural Resources Protection Overlay District (See exhibit R).

Adjoining Uses and Zoning

As depicted by *Figure 2: City of Tualatin Zoning Map - Subject Property*, the subject property has a zoning designation of RH.

To the north of the subject property is the Tualatin River. To the south of the subject property are the SW Nyberg Ln. and SW Nyberg St. public rights-of-way. To the west of the subject property is the Forest Rim Apartment Complex in the RMH zoning designation. To the east of the subject property is the Stonestrow Apartment Complex in the RMH zoning designation.



Figure 2: City of Tualatin Zoning Map - Subject Property

Access

The subject property has frontage on the existing public rights-of-way, SW Nyberg Ln. and SW Nyberg St. There are no abutting properties which require access from the subject property.

As depicted by the Preliminary Engineering Plan Set provided as Exhibit J, the proposed access point on SW Nyberg Ln. is located in the southeast corner and the same location as the existing driveway to the subject property.

As depicted by the Preliminary Engineering Plan Set provided as Exhibit J, this Application proposes a private driveway entrance with 32-feet of pavement, to provide safe and efficient access to all proposed buildings on the subject property.

Public Facilities and Services

Sanitary Sewer: There is an existing 8-inch sanitary sewer line within the SW Nyberg Ln. public right-of-way which is adequate to serve the development of the subject property. Sanitary sewer will be extended through the subject property to serve the proposed development. Proposed sanitary sewer mains are 8-inches in diameter. A preliminary sanitary sewer design is provided as Sheet P600 of the Preliminary Engineering plan set provided as Exhibit J.

Water Service: Municipal water is available via an existing 8-inch water line within the SW Nyberg Ln. public right-of-way which is adequate to serve the development of the subject property. Water lines will be extended throughout the subject property to serve the proposed development. A preliminary water design is provided as Sheet P600 of the Preliminary Engineering plan set provided as Exhibit J.

Stormwater Management: As depicted by the Preliminary Engineering plan set provided as Sheet P600 of the Preliminary Engineering plan set provided as Exhibit J, there is an existing 10-inch storm drainage line in the SW Nyberg Ln. public right-of-way which is adequate to serve the development of the subject property. Storm drainage lines will be extended through the subject property to serve the proposed development. Stormwater mains a minimum of 10-inches in diameter will direct stormwater runoff to a stormwater facility, located in the SE corner of the subject property. A preliminary stormwater management design is provided as Sheet P600 of the Preliminary Engineering plan set provided as Exhibit J. A Preliminary Storm Drainage Report is provided as Exhibit K.

Streets: The subject property has frontage on the existing SW Nyberg St. and SW Nyberg Ln. public rights-of-way. In satisfaction of the City's *Transportation System Plan* SW Nyberg St. has a functional classification of Major Arterial, and SW Nyberg Ln. has a functional classification of Minor Collector. As depicted by the Preliminary Engineering Plan Set provided as Exhibit J, this Application proposes site access along the subject property's southern boundary on the SW Nyberg Ln. public right-of-way.

As depicted by the Preliminary Engineering Plan Set provided as Exhibit J, this Application proposes a private driveway entrance with 32-feet of pavement, to provide safe and efficient access to all proposed buildings on the subject property.

There are existing frontage improvements, including standard curbs and gutters, sidewalks, and street trees within landscaping strips along the entirety of the frontage of the subject property. As depicted on the Site Plan, an additional 11.5 feet of public right-of-way dedication is projected.

Transit: The existing SW 65th Ave. public right-of-way is currently served by Tri-Met Transit Line No. 76. Stop ID No. 3867 is located on SW 65th Ave. approximately 0.3-miles to the south of the subject property. The existing sidewalk network in the vicinity of the subject property provides safe and efficient access from the proposed development to existing transit facilities in the vicinity of the subject property. Furthermore, SW 65th Ave. and SW Nyberg St. are also served by the Tualatin Red Line Shuttle.

Schools: The subject property is located within the Tigard-Tualatin School District. The subject property is currently located within the Bridgeport Elementary School, Hazelbrook Middle School, and Tualatin High School attendance boundaries.

Police: The subject property is served by the Tualatin Police Department. The Tualatin Police Department is located at 8650 SW Tualatin Rd. Tualatin, OR 97062, approximately 1.5-miles northwest of the subject property.

Fire: The subject property is served by Tualatin Valley Fire & Rescue. Station No. 34 is located at 19365 SW 90th Ct., approximately 1.3-miles to the west of the subject property.

Project Description

Commons on the Tualatin is a proposed apartment multiple building complex on the 10.99 acre waterfront site. The project will include five buildings containing a total of 264 residential units and one aquatic center building. The site includes on-site parking, a leasing office, open spaces, children play areas, an outdoor pool & hot tub deck, and a new public trail connecting the two existing segments of the Tualatin River Greenway.

Building A is located on the south side of the project site. The building is three-stories over a basement level garage parking, with 52 units: 3 studios; 21 one-bedroom units; 15 two-bedroom units; and 13 three-bedroom units.

Building B is located on the east side of the project site. The building is three-stories over a basement level garage parking, with 83 units: 5 studios; 27 one-bedroom units; 39 two-bedroom units; and 12 three-bedroom units.

Building C is located on the west side of the property. The building has the same number of units and configuration as Building B.

Building D is located on the northwest portion of the project site. The building is three-stories on a concrete slab foundation, with 29 units: 5 studios; 6 one-bedroom unit; 12 two-bedroom units; and 6 three-bedroom units.

Building E is located on the northeast portion of the project site. The building is three-stories on a concrete slab foundation, with 17 units: 2 studios; 9 one-bedroom units; and 6 two-bedroom units.

Building F is located nearest the Tualatin River Greenway. The single-story ground level community center building will include a community room with kitchenette, a fitness center, a bike wash area, and a well landscaped deck with a pool and hot tub.

All buildings are connected through an accessible route. Each unit is accessed from an internal circulation corridor and connected to the ground level walkway. The proposed building heights are dimensioned on the building elevation drawings; sheets DR-09, DR-10, DR-11 and DR-12.

Commons on the Tualatin includes 494 parking spaces. 46 spaces are located within Building A garage, 88 in Building B garage, and 88 in Building C garage. 272 stalls are surface-parking distributed throughout the site.

Construction is anticipated to start in spring 2019 and continue for 24 months.

LAND USE APPLICATION REQUEST: ARCHITECTURAL REVIEW

This Application requests Architectural Review of a 5-Building Apartment Complex with aquatic center, totaling 264-units of the 9.38 AC subject property identified as Tax Lot 2601 and 2600 of Tax Map 2S124A0.

In satisfaction of *Section 31.073(1)* and *Section 31.074(1)* Architectural Reviews shall be conducted as limited land use decisions. Decisions shall be made in accordance with *Section 31.074*.

The Applicant attended a Pre-Application Conference with the City on April 4th, 2018. Documentation of the Pre-Application Conference is provided as Exhibit D.

The Applicant hosted a Neighborhood Meeting in compliance with the provisions of *Section 31.063* and *Section 31.064* on May 2nd, 2018. Documentation of the Neighborhood Meeting is provided as Exhibit E.

COMPLIANCE WITH THE CITY OF TUALATIN COMMUNITY DEVELOPMENT CODE

After reviewing the City of Tualatin *Community Development Code*, the Applicant found provisions of the following Sections to be applicable to the proposed development.

PLANNING DISTRICT STANDARDS

Chapter 31 General Provisions

Section 31.020 Classification of Planning District

Section 31.063 Neighborhood/Developer Meetings

Section 31.064 Land Use Applications Notice

Section 31.071 Architectural Review Procedure

Section 31.072 Consideration of Architectural Review Plan

Section 31.074 Architectural Review Application Review Process

Section 31.114 Conformance with Community Plan and Development Code

Chapter 34: Special Regulations

Section 34.210 Application for Architectural Review, Sub-division or Partition Review, or Tree Removal Permit.

Chapter 43 High Density Residential Planning District (RH)

Section 43.015 Permitted Density.

Section 43.020 Permitted Uses.

Section 43.050 Lot Size for Permitted Uses.

Section 43.070 Setback Requirements for Permitted Uses

Section 43.080 Projections Into Required Yards.

Section 43.100 Structure Height.

Section 43.120 Access.

Section 43.140 Floodplain District.

Section 43.160 Community Design Standard.
 Section 43.170 Landscape Standards.
 Chapter 70: Flood Plain District (FP)
 Section 70.200 Alterations to Floodplain, Drainage, or Watercourses.
 Chapter 72: Natural Resource Protection Overlay District (NRPO)
 Section 72.020 Location of Green-ways and Natural Areas.
 Section 72.030 Greenways.
 Section 72.056 Vegetated Corridors of Sensitive Areas.
 Section 72.060 Development Restrictions in Greenways and Natural Areas.
 Section 72.070 General Guidelines for Pedestrian and Bike Paths in Greenways.
 Section 72.080 Shift of Density for Residential Development Adjacent to Greenways or Natural Areas.
 Section 72.100 Parks Systems Development Charge (SDC) Credit.
 Section 72.110 Easements for Pedestrian and Bicycle Access.
 Section 72.130 Floodplain District.
 Chapter 73 Community Design Standards
 ARCHITECTURAL REVIEW APPROVAL
 Section 73.040 Architectural Review Plan Approval Required.
 Section 73.055 Conditions Placed on Architectural Review Approvals.
 Section 73.056 Time Limit on Approval.
 LANDSCAPE AND BUILDING MAINTENANCE
 Section 73.100 Landscaping Installation and Maintenance.
 DESIGN STANDARDS
 Section 73.120 Objectives.
 Section 73.130 Standards.
 Section 73.170 Structure Design – Single-family and Multi-family Uses.
 Section 73.180 Objectives – Single-family and Multi-family Uses.
 Section 73.190 Standards – Single-family and Multi-family Uses.
 Section 73.225 Mixed Solid Waste and Source Separated Recyclables Storage Areas for New or Expanded Multi-Unit Residential, Including Townhouses, Commercial, Industrial, Public and Semi-Public Development.
 Section 73.226 Objectives.
 Section 73.227 Standards.
 LANDSCAPING
 Section 73.230 Landscaping Standards.
 Section 73.231 Landscape Guide-lines for the Central Design District.
 Section 73.240 Landscaping General Provisions.
 Section 73.250 Tree Preservation.
 Section 73.260 Tree and Plant Specifications.
 Section 73.270 Grading.
 Section 73.280 Irrigation System Required.
 Section 73.290 Re-vegetation in Un-landscaped Areas.
 Section 73.300 Landscape Standards - Multi-family Uses.
 OFF-STREET PARKING LOT LANDSCAPING
 Section 73.320 Off-Street Parking Lot Landscaping Standards.
 Section 73.330 Parking Lot Landscaping - Multi-family Uses.
 Section 73.350 Off-Street Parking Lot Landscape Island Requirements - Multi-Family Uses.
 Section 73.370 Off-Street Parking and Loading.
 Section 73.380 Off-Street Parking Lots.

Section 73.400 Access.

Chapter 74 Public Improvement Requirements.

IMPROVEMENTS

Section 74.120 Public Improvements.

Section 74.130 Private Improvements.

Section 74.140 Construction Timing.

RIGHT-OF-WAY

Section 74.210 Minimum Street Right-of-Way Widths.

EASEMENTS AND TRACTS

Section 74.310 Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.

Section 74.330 Utility Easements.

Section 74.340 Watercourse Easements.

Section 74.350 Tracts.

TRANSPORTATION

Section 74.420 Street Improvements.

Section 74.425 Street Design Standards.

Section 74.440 Streets, Traffic Study Required.

Section 74.450 Bikeways and Pedestrian Paths.

Section 74.470 Street Lights.

Section 74.480 Street Signs.

UTILITIES

Section 74.610 Water Service.

Section 74.620 Sanitary Sewer Service.

Section 74.630 Storm Drainage System.

Section 74.640 Grading.

Section 74.650 Water Quality, Storm Water Detention and Erosion Control.

Section 74.660 Underground.

Section 74.700 Removal, Destruction or Injury of Trees.

Section 74.720 Protection of Trees During Construction.

Section 74.725 Maintenance Responsibilities.

Section 74.740 Prohibited Trees.

Section 74.745 Cutting and Planting Specifications.

Section 74.765 Street Tree Species and Planting Locations.

Chapter 75 Access Management.

Section 75.060 Existing Driveways and Street Intersections.

Section 75.140 Collector Streets.

CITY OF TUALATIN COMMUNITY DEVELOPMENT CODE PLANNING DISTRICT STANDARDS

Chapter 31 General Provisions

Section 31.020 Classification of Planning District

[Omitted for Brevity]

RESPONSE: As depicted by *Map 9-1: Community Plan Map*, the subject property is located within the RH (High Density Residential) zoning district. See Page 1 Exhibit R.

Section 31.063 Neighborhood/Developer Meetings

[Omitted for Brevity]

RESPONSE: In satisfaction of *Section 31.063(1)*, the proposed Architectural Review application is subject to the provisions of *Section 31.063*.

In satisfaction of *Section 31.063(2)*, the Applicant hosted a Neighborhood Meeting in compliance with the provisions of *Section 31.063* and *Section 31.064* on May 2, 2018. Documentation of the Neighborhood Meeting is provided as Exhibit E.

In satisfaction of *Section 31.063(10)*, Exhibit E includes the following documentation: the mailing list for the Neighborhood Meeting notice; a copy of the notice; an affidavit of mailing and posting; the sign-in sheet of participants (the original sign-in sheet is remitted with this Application; and the meeting notes.

Section 31.064 Land Use Applications Notice

[Omitted for Brevity]

RESPONSE: In satisfaction of *Section 31.064* the proposed Architectural Review application is subject to the provisions of *Section 31.063*.

In satisfaction of *Section 31.064(1)*, the Applicant hosted a Neighborhood Meeting in compliance with the provisions of *Section 31.063* and *Section 31.064* on May 2, 2018. Documentation of the Neighborhood Meeting is provided as Exhibit E.

In satisfaction of *Section 31.064(2)*, prior to submittal of this Application to the City, the Applicant posted notice of the proposed development on the frontage of the subject property. In satisfaction of *Section 31.064(2)(c)*, an Affidavit of Posting is provided as Exhibit E.

Section 31.071 Architectural Review Procedure

*(1) An applicant for a building or other permit subject to architectural review, except Level I (Clear and Objective) Single-family Architectural Review, Accessory Dwelling Unit Review, and Sign Design Review, shall discuss preliminary plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for Architectural Review of a development in the Central Design District shall conduct a Neighborhood Meeting subject to TDC 31.071(5). An applicant for Architectural Review of a development in other parts of the City shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. **[NOTE: This application is for Multi-Family Apartment Complex; therefore, the remaining portion of this section, has been omitted for brevity.]***

RESPONSE: In satisfaction of Section 31.071 (1), the Applicant met and discussed preliminary plans with the Community Development Director and City Engineer in a pre-application conference on April 4, 2018. Documentation of the Pre-App meeting is provided as Exhibit D.

(a) The project title;

RESPONSE: In satisfaction of Section 31.071 (a), see Exhibit J, Cover Sheet, P100.

(b) The names, addresses and telephone numbers of the property owners, applicants, architect, landscape architect and engineer;

RESPONSE: In satisfaction of Section 31.071 (b), see Exhibit J, Cover Sheet, P100.

(c) The signatures of the property owners and applicants;

RESPONSE: In satisfaction of Section 31.071 (c), see Exhibit A.

(d) The site address and the assessor's map number and tax lot number;

RESPONSE: In satisfaction of Section 31.071 (d), see Exhibit J, Cover Sheet, P100.

(e) A Service Provider Letter from Clean Water Services indicating a "Stormwater Connection Permit Authorization Letter" will likely be issued;

RESPONSE: In satisfaction of Section 31.071 (e), see Exhibit O, letter of progress from Dr. Martin Schott, pertaining to delineation status.

(f) Any necessary wetland delineations applicable to the site;

RESPONSE: In satisfaction of Section 31.071 (f), see Exhibit O, letter of progress from Dr. Martin Schott, pertaining to delineation status.

(g) Any Fill/Removal Permit issued by the Oregon Division of State Lands and the Army Corps of Engineers;

RESPONSE: In satisfaction of Section 31.071 (g), see Exhibit O, letter of progress from Dr. Martin Schott, pertaining to preliminary delineation status. The applicant anticipates coordination with all affected agencies at the time of building permit coordination.

(h) The application fee as established by City Council resolution;

RESPONSE: In satisfaction of Section 31.071 (h), see Exhibit A.

(i) A site plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped greenways, mixed solid waste and recyclables storage and railroad tracks. A site plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the Community Development Director. The site plan shall illustrate the location of existing structures, existing facility utilities, and whether they will be retained as part of the project. The site plan shall indicate the location of entrances and exits, pedestrian walkways and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. The site plan shall also indicate conditions and structures on adjacent properties sufficient to demonstrate that the proposed development is coordinated with existing or proposed developments on adjacent properties. Where the applicant proposes to change the existing topography, then a proposed grading plan shall be submitted drawn at a scale of 1":10', 1":20' or 1":30'. Trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site shall be indicated on the grading plan.

RESPONSE: In satisfaction of Section 31.071 (h), see Exhibit J.

(j) A landscape plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.

RESPONSE: In satisfaction of Section 31.071 (j), see Exhibit J.

(k) Architectural drawings or sketches, drawn at a scale of 1/16":1', 1/8":1' or 1/4":1', including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Building perspectives may also be needed.

RESPONSE: In satisfaction of Section 31.071 (k), see Exhibit J.

(l) Specifications as to type, color and texture of exterior surfaces of proposed structures.

RESPONSE: In satisfaction of Section 31.071 (l), see Exhibit J.

(m) A public utility facilities plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location, size and grade of all existing and proposed utility facilities, including but not limited to sanitary and storm sewers; water lines and fire hydrants; streets and sidewalks; water quality swales, traffic study information as required by the City Engineer pursuant to TDC 74.440 and other utility facilities as required by the City Engineer. A grading plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the City Engineer.

RESPONSE: In satisfaction of Section 31.071 (j), see Exhibit J.

(n) Developments in the Central Design District shall provide the Neighborhood Meeting notes and evidence of the notice and posting required in TDC 31.071(5) and shall provide narrative statements considering each of the Design Guidelines in TDC 73.610.

RESPONSE: In satisfaction of Section 31.071 (n), the project is not located within the Central Design District, therefore the above criteria is not applicable, however, the applicant held a neighborhood meeting and has provided notes, see Exhibit E.

(o) A completed City fact sheet on the project.

RESPONSE: In satisfaction of Section 31.071 (o), See Exhibit F.

(p) An 8&1/2" x 11" black and white site plan suitable for reproduction.

RESPONSE: In satisfaction of Section 31.071 (p), See Exhibit J.

(q) A letter from the franchise solid waste and recycling hauler reviewing the proposed solid waste and recyclables method and facility.

RESPONSE: In satisfaction of Section 31.071 (q), See Exhibit I.

(r) A Clean Water Services Service Provider Letter or Pre-screen for the proposed development.

RESPONSE: In satisfaction of Section 31.071 (r), see Exhibit O, letter of progress from Dr. Martin Schott, pertaining to Clean Water Services Service Provider Letter status and expected issuance.

(s) [Not applicable, omitted for brevity]

(t) the information on the Neighbor-hood/Developer meeting specified in TDC 31.063(10).

RESPONSE: In satisfaction of Section 31.071 (t), see Exhibit E.

(u) [Not applicable, omitted for brevity]

(2) Excepting Level I (Clear and Objective) Single-family Architectural Review and clear and objective Accessory Dwelling Unit Review, the applicant shall provide a list of mailing recipients pursuant to TDC 31.064(1).

(3) Excepting Level I (Clear and Objective) Single-family Architectural Review and clear and objective Accessory Dwelling Unit Review, the applicant shall post a sign pursuant to TDC 31.064(2).

RESPONSE: In satisfaction of Section 31.071 (2) and (3), the Applicant hosted a Neighborhood Meeting in compliance with the provisions of Section 31.063 and Section 31.064 on May 2, 2018. Documentation of the Neighborhood Meeting, including the sign and list provided is attached as Exhibit E.

(4) For an application to be approved, it shall first be established by the applicant that the proposal conforms to the Tualatin Development Code, and applicable City ordinances and regulations. For Expedited Architectural Review Plan Applications the application shall describe the manner in which the proposal complies with each of the expedited criterion for an Expedited Application. Failure to conform is sufficient reason to deny the application.

RESPONSE: In satisfaction of Section 31.071 (4), the above and below, along with all attachments, demonstrate how the proposal conforms to the Tualatin Development Code. See page 11 above for a complete list of all Tualatin Community Development Code sections the applicant finds applicable to this application.

(5) Excepting Level I (Clear and Objective) Single-family Architectural Review and clear and objective Accessory Dwelling Unit Review, the applicant shall hold a Neighborhood/Developer meeting pursuant to TDC 31.063 and meet the additional requirement that the Neighborhood/Developer Meeting shall be held within the Central Design District.

RESPONSE: In satisfaction of Section 31.071 (5), the Applicant hosted a Neighborhood Meeting in compliance with the provisions of Section 31.063 and Section 31.064 on May 2, 2018. Documentation of the Neighborhood Meeting is provided as Exhibit E.

Section 31.072 Consideration of Architectural Review Plan

The Architectural Review Plan shall consist of utility facilities and architectural features. Prior to the processing of the Architectural Review Plan, the following shall be completed:

(1) The applicant shall obtain any required use approvals, including but not limited to plan amendments, variances, conditional use permits, Clean Water Services Service Provider Letter, partitions, historic preservation certificate of appropriateness, property line adjustments and preliminary subdivision approvals.

RESPONSE: In satisfaction of Section 31.072(1), This Application does not request a plan amendment, variance, conditional use permit, partition, historic preservation certificate of appropriateness, property line adjustment, or preliminary subdivision approval. The applicant anticipates further coordination with all affected agencies throughout the design and approval process.

This Application acknowledges the provisions of *Section 31.072(2)* through *Section 31.072(6)*.

Section 31.074 Architectural Review Application Review Process

[Omitted for Brevity]

RESPONSE: In satisfaction of Section 31.074, the applicant acknowledges this section of the code is applicable to the application and anticipates further coordination during the review process.

Section 31.114 Conformance with Community Plan and Development Code

No building permit shall be issued by the Building Official for the City of Tualatin for the erection, construction, conversion or alteration of any building or structure or use of land unless the Community Development Director or designee has first determined that such land use, building or structure, as proposed, would comply with the Tualatin Community Plan and Development Code. All applications for building permits shall be accompanied by plans and specifications, drawn to scale, showing the exact sizes and locations on the lot of the building and other structures existing and proposed; the existing and intended use of each building, structure, structures, or part thereof; and such other information as is needed to determine conformance with the Tualatin Community Plan and Development Code. If, during the course of constructing any building or structure, the Building Official determines that such construction activity is in violation of any provision of the Tualatin Community Plan or Development Code, the Building Official is hereby authorized to issue a stop-work order under the applicable provisions of the Uniform Building Code. This remedy is in addition to and not in lieu of any other right or remedy available to the City to enforce the provisions of this ordinance. [Ord. 590-83 §1, 04/11/83; Ord. 699-86 §20, 06/23/86]

RESPONSE: In satisfaction of Section 31.114, this narrative and supporting Exhibits document the proposed development's compliance with all applicable standards of the *Tualatin Community Plan* and *Community Development Code*. Following approval of this Architectural Review Application, the proposed development will be further reviewed during the building permit review and approval process.

Chapter 34: Special Regulations

Section 34.210 Application for Architectural Review, Sub-division or Partition Review, or Tree Removal Permit.

(1) [Omitted for brevity.]

(a) The application for tree removal shall include:

(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; existing and proposed property lines; existing and proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas; and illustration of all trees on-site that are eight inches or more in diameter (including size, species, and tag i.d. number). All trees proposed for removal and all trees proposed for preservation shall be indicated on the site plan as such by identifying symbols, except as follows:

(A-D) Not Applicable, omitted for brevity.

RESPONSE: In satisfaction of Section 34.120 (a) i, the applicant has hired a certified arborist to prepare a tree preservation plan in accordance with the provisions of this section. Arborist coordination is anticipated to continue throughout the design and construction permit process. See Arborist Report, Exhibit L.

(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist's signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year proceeding the date the development application is deemed complete by the City. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.

RESPONSE: In satisfaction of Section 34.120 (a) i, the applicant has hired a certified arborist to prepare a tree preservation plan. The plan includes detailed evaluation of the health and condition of each tree and also identifies the species. Arborist coordination is anticipated throughout the design and construction permit. See Arborist Report, Exhibit L.

(iii) All trees on-site shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.

RESPONSE: In satisfaction of Section 34.120 (a) i, the applicant has hired a certified arborist to prepare a tree preservation plan. The plan includes arborist approved tree tag numbers which correspond to those shown on the site plan. Arborist coordination is anticipated throughout the design and construction permit. See Arborist Report, Exhibit L.

(b-c) [Omitted for brevity.]

Chapter 43 High Density Residential Planning District (RH)

Section 43.015 Permitted Density.

Housing density shall not exceed 25 dwelling units per net acre, except as set forth below:

(1) Where provided by TDC 43.180.

RESPONSE: In satisfaction of Section 43.050(1), the subject property is 10.99-gross-acres and 10.98 net-acres. The plan proposes 264 residential units for at total of 24 DU, under the total allowable 25 DU for the RH district.

Section 43.020 Permitted Uses.

No building, structures or land shall be used and no building or structures shall be erected, enlarged or altered except for the following uses:

- (1) Townhouses and multi-family dwellings, including duplexes and triplexes.*
- (2) Condominium dwellings constructed in accordance with TDC 40.030(2).*
- (3) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.*
- (4) Residential homes.*
- (5) Residential facilities.*
- (6) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.*
- (7) Sewer and water pump stations and pressure reading stations.*
- (8) Wireless communication facility attached.*
- (9) Wireless communication facility located within 300 feet of the centerline of I-5.*
- (10) Transportation facilities and improvements. [Ord. 824-91, § 4, 2/11/91; Ord. 849-91, § 14, 11/25/91; Ord. 965-96, § 24, 12/9/96; Ord. 979-97, § 15, 7/14/97; Ord. 1025-99, §18, 7/26/99; Ord. 1103-02, 03/25/02]*

RESPONSE: In satisfaction of Section 43.020(1) multi-family dwellings are a permitted use in the RH zoning district.

Section 43.050 Lot Size for Permitted Uses.

(1) Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process and as otherwise provided, the lot size for a permitted use pursuant to TDC 43.020(1) is:

(a) [Omitted for brevity]

(i) [Omitted for brevity]

(ii) For multiple-family residential purposes on one acre and larger, the minimum lot area shall be 1,742 square feet per dwelling unit.

RESPONSE: In satisfaction of Section 43.050(1) a ii, the applicant proposes 264 units on 10.98 net acres or 478,288 SF for a total of 1,811 SF per unit.

(b) Except for townhouses whose minimum average lot width shall be 14 feet, the minimum average lot width shall be 75 feet except on a cul-de-sac, where the minimum lot width shall be 40 feet at the street.

RESPONSE: In satisfaction of Section 43.050(1)(b), the existing lot width of the subject property is approximately 358-feet (greater than 75-feet).

(c) Except for townhouses which shall not occupy more than 90 percent of the lot area, buildings shall not occupy more than 45 percent of the lot area.

RESPONSE: In satisfaction of *Section 43.050(1)(c)*, and as depicted in Exhibit P, Building Areas, the proposed building footprints at basement and first floor levels represent 2.51 Acres or approximately 23% of lot coverage (less than 45%). As depicted

(d) [Omitted for brevity]

(2) [Omitted for brevity]

Section 43.070 Setback Requirements for Permitted Uses

Except as otherwise provided, the set-backs for permitted uses are:

(1) The front yard setback is a minimum of 20 feet for 1-story, 25 feet for 1 1/2-story, 30 feet for 2-story, and 35 feet for 2 1/2-story structures. The front yard setback for townhouses shall be 0-20 feet as determined in the Architectural Review process. The minimum setback to a garage door shall be 20 feet.

RESPONSE: In satisfaction of *Section 43.070(1)*, and as depicted by the enclosed Site Plan provided in Exhibit J, Sheet No. P400, the proposed development would dedicate an 11.5 foot of ROW and front yard setbacks which meet or exceed 35' for the 2.5 story structures.

(2) The side yard setback shall be a minimum of 5 feet for 1-story, 7 feet for 1 1/2-story, 10 feet for 2-story, and 12 feet for 2 1/2-story structures. Where living spaces face a side yard, the minimum setback shall be 10 feet. The side yard setback for townhouses shall be determined in the Architectural Review process.

RESPONSE: In satisfaction of *Section 43.070(2)*, and as depicted by the enclosed Site Plan provided in Exhibit J, Sheet No. P400, the West side of the property faces an adjacent side yard, therefore the minimum setback is ten feet. The proposed development will provide a 12-foot side-yard setback on the West side. There is a 32-foot setback proposed along the Eastern edge of the property, well in excess of the 12' minimum side-yard setback on this property line.

(4) The rear yard setback is the same as the side-yard setback.

RESPONSE: In satisfaction of *Section 43.070(4)*, as directed by *Section 43.070(2)*, and as depicted by Exhibit J, Site Plan, Sheet P400, the proposed development backs up to the Tualatin River. Building height transitions from the single-story club house to the multi-story residential units to maximize viewshed for the surrounding scenic corridor. All buildings exceed ten-foot set-back from the rear property line.

(5) Where buildings are grouped as one project on one tract of land, the minimum distance between two buildings at any given point shall not be less than the sum of the maximum required side yards, computed separately for each building at that point. The minimum distance between two buildings on separate lots for townhouses shall be determined in the Architectural Review process.

RESPONSE: In satisfaction of *Section 43.070(5)*, as depicted by the enclosed Site Plan provided as Sht. No. P400 of Exhibit J, the minimum distance between two buildings within the complex is 71 feet, between Buildings D and E well in excess of the combined total of 24'. See Sht. No. P400 of Exhibit J.

(6) Off-street parking and vehicular circulation areas shall be set back a minimum of 10 feet from any public right-of-way or property line. The setback for such areas for townhouses shall be determined in the Architectural Review process.

RESPONSE: In satisfaction of Section 43.070(6), as depicted by the enclosed Site Plan, Sheet P400 of Exhibit J, paved areas used for vehicular and pedestrian circulation and parking are not occupying the minimum required setback of 10 feet from the property line. See Sht. No. P400 of Exhibit J.

(8) Except for setbacks abutting property lines in the RL District, the decision authority may allow a reduction of up to 35% of the required front, side or rear yard setbacks, as determined in the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas, and provided the following criteria are met:

(a) A portion of the parcel must be:

(i) in the Natural Resource Protection Overlay District (NRPO), or

(ii) in an Other Natural Area identified in Figure 3-4 of the Parks and Recreation Master Plan, or

(iii) in a Clean Water Services Vegetated Corridor; and

(b) The portion of the parcel which meets the applicable criteria set forth in (a)(i), (ii), or (iii) must be placed in a Tract and must meet one of the following ownership criteria:

(i) be dedicated to the City at the City's option, or

(ii) be dedicated in a manner approved by the City to a nonprofit conservation organization, or

(iii) be retained in private owner-ship by the developer. [Ord. 862-92, §11, 3/23/92; Ord. 904-93, §7, 9/13/93; Ord. 965-96, § 28, 12/9/96; Ord. 1025-99, §22, 7/26/99; Ord. 1098-02, 02/11/02; Ord. 1224-06 §9, 11/13/06]

RESPONSE: In satisfaction of Section 43.070(8) a-biii, while a portion of the site has natural resources located upon it, no setback reductions are proposed in this application.

Section 43.080 Projections Into Required Yards.

Cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may extend or project into a required front and rear yard setback area not more than three feet and into a required side yard not more than two feet, or into the required open space as established by coverage standards in this chapter. The distances for such projections for townhouses shall be determined in the Architectural Review process. [Ord. 731-87, § 2, 9/14/87; Ord. 1025-99, §23, 7/26/99]

RESPONSE: In satisfaction of Section 43.080, the only projections into required yards proposed are balconies located on the west side of Building B. Those are projected up to 1.9 feet into the required setback, complying with the maximum of 2 feet. See Exhibit J, Architectural Design Review Plan-set.

Section 43.100 Structure Height.

(1) Except as otherwise provided, the maximum structure height is 35 feet.

RESPONSE: In satisfaction of Section 43.100 (1), proposed building heights are represented on the building elevations drawings, sheets DR-09, DR-10, DR-11, and DR-12 and are below the 35 feet maximum structure height allowed. See Exhibit J, Architectural Design Review Plan-set.

Section 43.120 Access.

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Ord. 872-92, §6, 6/29/92; Ord. 956-96, §31, 1/8/96; Ord. 1025-99, §25, 7/26/99]

RESPONSE: In satisfaction of Section 43.120, the subject property has frontage on the existing SW Nyberg St. and SW Nyberg Ln. public rights-of-way. As depicted by the Preliminary Engineering Plan Set provided as Exhibit J, this Application proposes a private driveway entrance including 32-feet of pavement, to provide safe and efficient access to all proposed buildings on the subject property.

Section 43.140 Floodplain District.

Refer to TDC Chapter 70 below.

RESPONSE: In satisfaction of Section 43.140, applicable provisions of *Chapter 70* are addressed via this narrative (see *Chapter 70* below).

Section 43.160 Community Design Standard.

Refer to TDC Chapter 73 below.

RESPONSE: In satisfaction of Section 43.160, applicable provisions of *Chapter 73* are addressed via this narrative (see *Chapter 73* below).

Section 43.170 Landscape Standards.

Refer to TDC Chapter 73. {Omitted for Brevity}

RESPONSE: In satisfaction of Section 43.170, applicable provisions of *Chapter 73* are addressed via this narrative (see *Chapter 73* below).

Chapter 70: Flood Plain District (FP)

RESPONSE: As depicted on the submitted plan set, there are two areas of the subject site with existing topography below the 100-yr floodplain elevations: (i) along the bank of the Tualatin River in the north area of the property and (ii) a small area in the southeast corner of the property. This application proposes to fill the southeast corner and balance that with equivalent floodplain capacity along the bank in the north area. The total volume involved in the balance is less than 50 cubic yards and will be accomplished as part of the removal of the dog park area within the vegetated corridor along the river bank area of the property. After reviewing Chapter 70, the following sections are found applicable for this application:

Section 70.200 Alterations to Floodplain, Drainage, or Watercourses.

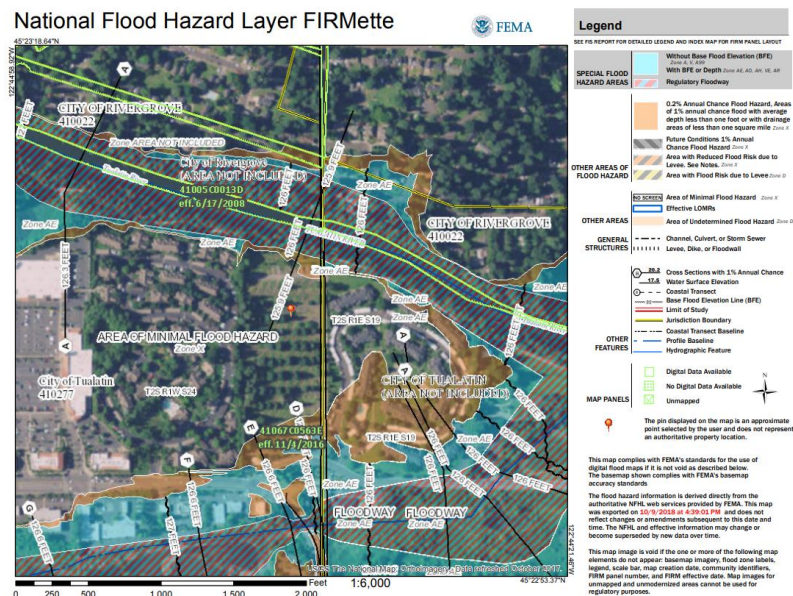
(1) Applicants proposing to increase the Base Flood Elevation by more than one foot or alter a watercourse must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before any encroachment,

including fill, new constructions, substantial improvement, or other development, in the regulatory floodway is permitted.

RESPONSE: This application does propose any increase to the Base Flood Elevation nor any fill or improvements with the floodway.

Within six months of project completion, an applicant for a Letter of Map Revision (LOMR) must submit a completed application to FEMA and submit evidence to the City that a Letter of Map Revision (LOMR) has been requested that reflects the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM). The applicant must prepare and submit technical data to support the Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) application and pay any processing or application fees to FEMA. [Ord. 1397-16, 10/24/16]

RESPONSE: As provided for in this section, within six months of completion of the balanced cut and fill upon the site, a LOMR application will be submitted by the property owner to FEMA. The Applicant expects a condition of approval to be included that a copy of FEMA approval be provided prior to final occupancy approval by the City.



Chapter 72: Natural Resource Protection Overlay District (NRPO)

Section 72.020 Location of Green-ways and Natural Areas.

(1) The designated significant natural resources are the Greenways and Natural Areas on Map 72-1, which shows the general location of the NRPO District. The general locations of Other [n] Natural Areas are shown on the Recreation Resources Map (Figure 3-4) of the Parks and Recreation Master Plan.

RESPONSE: As depicted on the Map 72-1, the subject site contains a designated Greenway location. The applicant has met with City staff on several occasions to review design and construction of the Greenway pathway and associated improvements upon the subject site. This application proposes construction of a Greenway path.

Section 72.030 Greenways.

(2) Riverbank Greenway (NRPO-GR).

(a) Except as provided in Subsection (b), the NRPO District along the south bank of the Tualatin River, beginning at the City's western Urban Growth Boundary (UGB) and extending to the City's eastern UGB, and along the north bank of the Tualatin River from the northwest corner of Tax Lot 1007 to the southeast corner of Tax Lot 1006, Washington County Tax Map 2S1 24B, shall have a width as measured from a line 40 feet inland from the top of the bank extending to the middle of the river. The top of the bank shall be where the landform called "the bank" changes from a generally up-slope feature to a generally flat feature. The NRPO District shall automatically apply to property annexed to the City, except as provided for in Appendix G to the Parks and Recreation Master Plan.

RESPONSE: The subject site is located within the area of the City defined by this section by being located along the south bank of the Tualatin River. This application proposes to construct the Greenway pathway linking existing Riverbank Greenway on adjacent properties to both the east and west.

Section 72.056 Vegetated Corridors of Sensitive Areas.

Lands subject to these regulations are also subject to the regulations in the Unified Sewage Agency's Design and Construction Standards. [Ord. 947-95, §5, 7/24/95; Ord. 979-97, §37, 7/14/97; Ord. 1070-01 §10, 4/9/01; Ord. 1070-01, 4/09/01]

RESPONSE: As depicted on the submitted site plan set, there is a Clean Water Services (CWS) vegetated corridor located on the subject associated with the Tualatin River. Martin Schott & Associates has completed a natural resources report assessing the existing vegetated corridor condition and a CWS is pending approval confirming compliance with applicable design and construction standards.

Section 72.060 Development Restrictions in Greenways and Natural Areas.

(1) Except as provided in Subsection (2), no building, structure, grading, excavation, placement of fill, vegetation removal, impervious surface, use, activity or other development shall occur within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas.

(2) The following uses, activities and types of development are permitted within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas provided they are designed to minimize intrusion into riparian areas:

(a) Public bicycle or pedestrian ways, subject to the provisions of TDC 72.070.

(c) Except in Wetland Natural Areas, private driveways and pedestrian ways when necessary to afford access between portions of private property that may be bisected by a Greenway or Open Space Natural Area.

(f) Landscaping, when part of a landscape plan approved through the Architectural Review process. City initiated landscape projects are exempt from the Architectural Review process. Landscaping in Greenways and Natural Areas shall comply with the approved Plant List in the Parks and Recreation Master Plan. When appropriate, technical advice shall be obtained from the Oregon Department of Fish and Wildlife, U.S. Soil Conservation Service, or similar agency, to ensure the proposed landscaping will enhance the preservation of any existing fish or wildlife habitats in the vicinity.

RESPONSE: This application proposes construction upon the subject site of a pedestrian and bicycle pathway, including associated amenities and signage, to provide a final linkage City's masterplanned

Greenway corridor along the south bank of the Tualatin River. A landscaping plan is submitted with this application which provides native planting satisfying both City and CWS requirements.

(3) The City may, through the subdivision, conditional use, architectural review, or other development approval process, attach appropriate conditions to approval of a development permit. Such conditions may include, but are not limited to:

- (a) Use of Greenways and Natural Areas for storm drainage purposes;*
- (b) Location of approved landscaping, pedestrian and bike access areas, and other non-building uses and activities in Greenways and Natural Areas;*
- (c) Setback of proposed buildings, parking lots, and loading areas away from the Greenway and Natural Area boundary.*

RESPONSE: As provided for in this section, this Architectural Review application proposes both Greenway improvements and one storm outfall. Appropriate conditions of approval, if any, are expected to be determined through the review and approval process for this application.

(4) Greenways and Natural Areas in which an access easement is owned by the City, but retained in private ownership, shall be maintained by the property owner in their natural state and may only be modified if a landscape and maintenance plan complies with the approved Plant List in the Parks and Recreation Master Plan, and has been approved through the Architectural Review process or by the Parks and Recreation Director when Architectural Review is not required.

RESPONSE: As provided for in this section, this Architectural Review application proposes the Tualatin Greenway pedestrian and bicycle improvements be placed within an easement upon the subject site. The submitted landscaping complies with native planting requirements of both City and CWS.

(5) The Parks and Recreation Director shall be included as a commentor when a development application proposes dedication of Greenway or Natural Area property to the City or when development is pro-posed on Greenway or Natural Areas property maintained by the Parks and Recreation Department. [Ord. 673-85, §2, 8/12/85; Ord. 933-94, §34, 11/28/94; Ord. 947-95, §5, 7/24/95; Ord. 979-97, §38, 7/14/97]

RESPONSE: Prior to submittal of this land use application, the Applicant has met with City staff on three different occasions to specifically review and discuss Greenway construction and improvements. In satisfaction of this subsection, the City Parks Director will be provided an opportunity to review and comment on this application as part of formal land use application review.

Section 72.070 General Guidelines for Pedestrian and Bike Paths in Greenways.

To construct bike and pedestrian paths in greenways, the developer of the path shall adhere to the following guidelines, wherever practicable:

- (1) Incorporate trails into the surrounding topography.*
- (2) Provide viewing opportunities for special vistas, wetlands, and unique natural features.*
- (3) Protect existing vegetation to the greatest extent possible. In wooded areas meander paths through the woods to avoid significant trees. An arborist should be consulted to determine methods for minimizing impact of construction of paths near trees greater than 5 inch caliper as measured 4 feet above-grade.*
- (4) Replant trees in the vicinity where they were removed. Use native species as outlined in the approved plant list incorporated in the Parks and Recreation Master Plan.*

- (5) *Minimize impact on wetland environments. Build paths above wetlands wherever possible. Use boardwalks, bridges or other elevated structures when passing through a wetland. Direct trails away from sensitive habitat areas such as nesting or breeding grounds.*
- (6) *Provide interpretive opportunities along the trail. Use interpretive signage and displays to describe plant and animal species, nesting areas, wildlife food sources, and geologic, cultural and historic features.*
- (7) *Provide amenities along the trail. Place benches, picnic tables, trash receptacles and interpretive signage where appropriate.*
- (8) *Where paths are placed in utility corridors, path design should be coordinated with the City's Engineering and Building Department and Operations Department to allow utility maintenance.*
- (9) *Mitigate surface water drainage near wetlands and streams. Where hard surface trails occur adjacent to wetlands or creeks, provide, when appropriate, an open water system through swales, trench percolation, or on-site detention ponds to prevent erosion and negative impacts.*
- (10) *Incorporate signage. Place properly scaled and sited regulatory and guide signs to instruct users on accessibility, local conditions, safety concerns and mileage information. [Ord. 635-84, §35, 6/11/84 and Ord. 933-94, §35, 11/28/94; Ord. 947-95, §5, 7/24/95]*

RESPONSE: This section contains the guidelines for this application to provide the Greenway construction and improvements on the subject site as practicable. In depicted on the preliminary engineering plan set, the proposed Greenway trail location is incorporated into the existing topography by being located on grade as much as practicable while physically connecting to existing elevated Greenway boardwalks both east and west of the site. Further the proposed pathway avoids significant trees located near the east property line. As depicted on the landscape plan, the Greenway area is proposed to be replant with native species. Final Greenway improvements, including any signage and amenities, will be reviewed and approved by the City during building permit process. A storm outfall is proposed at the northeast corner of the property along the riverbank which is designed to provide both access and mitigation for any construction impacts.

Section 72.100 Parks Systems Development Charge (SDC) Credit.

Ordinance 833-91 establishes a System Development Charge for Parks in residential planning districts. The ordinance contains provisions for credits against the Parks SDC, subject to certain limitations and procedures. Credit may be received up to the full amount of the Parks SDC fee. Dedication of NRPO District Areas, Other Natural Areas or vegetated corridors located within or adjacent to the NRPO District listed in the SDC capital improvement list are eligible for an SDC credit. Dedication and improvement of bicycle and pedestrian paths may also be eligible for an SDC credit. [Ord. 933-94, §39, 11/28/94; Ord. 947-95, §5, 7/24/95; Ord. 979-97, §43, 7/14/97]

RESPONSE: As provided for in this section, the subject site is a residential planning district and this application proposes to receive credit for the full amount of Greenway construction and improvements provided. The details of both Greenway construction and improvements, as well as applicable Parks SDC credit will be reviewed and approved by City during building permit processing for Commons on the Tualatin.

Section 72.110 Easements for Pedestrian and Bicycle Access.

In any portion of the NRPO District, the City may, through the subdivision, partition, conditional use, architectural review, or other applicable development approval process, require that easements for pedestrian and bicycle access and maintenance uses be granted as a condition of approval when said easements are necessary to achieve the purposes of the Parks and Recreation Master Plan, Greenways Development Plan, or Bikeways Plan. [Ord. 933-94, §40, 11/28/94; Ord. 947-95, §5, 7/24/95; Ord. 979-97, §44, 7/14/97]

RESPONSE: As provided for in this section, this Architectural Review application proposes the Tualatin Greenway pedestrian and bicycle improvements be placed within an easement upon the subject site. The final configuration of the easement will be determined during the City’s building permit review and approval for Commons on the Tualatin.

Section 72.130 Floodplain District.

In cases where land within the NRPO District is also within the Floodplain District, Chapter 70 , any development permitted by TDC 72.060 shall be subject to the provisions of Chapter 70. [Ord. 933-94, §42, 11/28/94; Ord. 947-95, §5, 7/24/95; Ord. 979-97, §46, 7/14/97]

RESPONSE: There is a portion of the Greenway corridor upon the subject site that contains land below the 100-yr floodplain elevation. This application proposes no Greenway development contained within Subsection 72.060 below the 100-yr floodplain elevation.

Chapter 73 Community Design Standards

ARCHITECTURAL REVIEW APPROVAL

Section 73.040 Architectural Review Plan Approval Required.

[Omitted for brevity.]

Section 73.050 (1), (2), and (3) of this section are not applicable to this application and have been Omitted for Brevity.

(4) As part of Architectural Review, the property owner may apply for approval to remove trees, in addition to those exemptions allowed in TDC 34.200(3), by submitting information concerning proposed tree removal, pursuant to TDC 34.210(1). The granting or denial of a tree removal permit shall be based on the criteria in TDC 34.230.

RESPONSE: In satisfaction of Section 73.040 (4), and pursuant to TDC 34.200 and 210, the applicant has contracted with a professional arborist to submit for review an application to remove trees at time of site development. See Exhibit L and below for further details.

(5) Conflicting Standards. In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73 and other applicable Chapters, conflict or are different, they shall be resolved in accordance with TDC 57.200(2).

RESPONSE: In satisfaction of Section 73.040 (5), the applicant acknowledges the Section 73.050 (5) of the code is applicable to the application and anticipates further coordination during the review process. The remaining provision of this Section are not applicable to this application.

Section 73.055 Conditions Placed on Architectural Review Approvals.

[Omitted for brevity.]

RESPONSE: In satisfaction of Section 73.055, the applicant acknowledges this section of the code is applicable to the application and anticipates further coordination throughout the design and review process.

Section 73.056 Time Limit on Approval.

[Omitted for brevity.]

RESPONSE: In satisfaction of Section 73.056, the applicant acknowledges this section of the code is applicable to the application and anticipates further coordination throughout the design and review process.

LANDSCAPE AND BUILDING MAINTENANCE

Section 73.100 Landscaping Installation and Maintenance.

(1) All landscaping approved through the Architectural Review Process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved through the Architectural Review Process, unless subsequently altered with Community Development Director approval.

RESPONSE: In satisfaction of Section 73.100 (1), the project owner will contract with a professional landscape grounds maintenance company on a yearly basis to maintain all exterior landscape.

(2) All building exterior improvements approved through the Architectural Review Process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review Process, unless subsequently altered with Community Development Director approval. [Ord. 862-92, § 51, 3/23/92; Ord. 904-93, § 45, 9/13/93]

RESPONSE: In satisfaction of Section 73.100 (1), the project owner will contract with a professional landscape grounds maintenance company on a yearly basis to maintain all exterior landscape.

Section 73.110 Site Planning – Multi-Family Uses

RESPONSE: In satisfaction of Section 73.110, Commons on the Tualatin design will comply with the objectives, standards, and purposes for a multi-family development aligning with the Code of TDC Section 73.020(2).

DESIGN STANDARDS

Section 73.120 Objectives.

All multi-family projects, including townhouses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. Site elements shall be placed and designed, to the maximum extent practicable, to:

(1) Retain and incorporate existing trees and other significant natural features and habitat such as drainage-ways and wetlands.

RESPONSE: In satisfaction of Section 73.120 (1), significant trees are retained wherever possible on-site; see arborist report Exhibit L. Preliminary site analysis identifies no wetlands on-site to be preserved, see Exhibit O. Clean Water Services is the anticipated service provider for the portion of the site along the Tualatin River; see Exhibit G.

(2) Minimize soil removal from the site and grade changes.

RESPONSE: In satisfaction of Section 73.120 (2), the proposed site plan has no development which would be impacted by steep slopes. See Exhibit M, Geotechnical evaluation and Preliminary Engineering Plan Set, Exhibit J Sheet P500.

(3) Minimize the effects of noise and dust pollution on areas surrounding and within the site.

RESPONSE: In satisfaction of Section 73.120 (3), the applicant acknowledges this section of the code is applicable to the project and anticipates coordination with DEQ, CWS and all affected entities throughout the design and approval process.

(4) Create areas for recreation which are suitable for passive and active uses.

RESPONSE: In satisfaction of Section 73.120 (4), the applicant proposes a private clubhouse (Building F) with pool for residents and the site backs up to the Tualatin River Greenway Trail. Recreation areas are designed as inclusive, barrier free opportunities for all people. With both passive and active uses, residents and the public are accommodated in a manner that does not restrict or inhibit adjacent properties. See Exhibit J, Site Plan, Sheet P400.

(5) Provide the opportunity for residents to watch over shared outdoor areas, entry areas and vehicular parking areas through placement and orientation of kitchen or living room windows, or both.

RESPONSE: In satisfaction of Section 73.120 (5), shared outdoor areas, entry areas and vehicular parking areas occur through placement and orientation of kitchen or living room windows are integrated in the Architectural design of the buildings where possible. See Exhibit J, Architecture Design and Review plan set.

(6) Provide protection from adverse climate conditions such as summer overheating and winter storms. Architectural and landscape elements such as porches, trellises, awnings, trees and shrubs including native species, are examples of items which may mitigate these impacts.

RESPONSE: In satisfaction of Section 73.120 (6), porches, trellises, awnings, trees and shrubs including native species, are integrated into the Architectural design of the buildings where possible. See Exhibit J, Landscape Plan, Sheets L1-10.

(7) Parking lot location and design should minimize distances between resident vehicular parking and entry areas while providing a suitable transition in materials and scale between vehicular areas and living areas.

RESPONSE: In satisfaction of Section 73.120 (7), the landscape design is developed in a way that articulates spaces and separates pedestrian paths and outdoor areas from vehicular circulation and parking. It creates a pleasant route for pedestrian and vehicles, breaking up the appearance of paved areas, providing safety, visual aesthetics, and shade to the paths. See Exhibit J, Landscape Plan, Sheets L1-10.

(8) Protect parked vehicles from moving vehicles.

RESPONSE: In satisfaction of Section 73.120 (8), the parking lot design meets all set-back requirement from the main road, see setback requirements Section 43.070. The parked vehicles are separated from the moving vehicles by the provision of a 32-foot drive aisle.

(9) Select and locate plant materials to appropriately articulate space, frame views and vistas, provide seasonal variety, create usable ground surfaces, discourage intrusion into private outdoor areas, and curtail erosion.

RESPONSE: In satisfaction of Section 73.120 (9), See Exhibit J, Landscape Plan, Sheets L1-10.

(10) Provide shade and break up the appearance of large expanses of paved areas.

RESPONSE: In satisfaction of Section 73.120 (10), the applicant proposes to meet all Landscape Island Parking target standards as outlined in Section 73.320. The landscape design is developed in a way that articulates spaces and separates pedestrian paths and outdoor areas from vehicular circulation and parking. See Exhibit J, Landscape Plan, Sheets L1-L10.

(11) Screen vehicular headlights from shining into residential units.

RESPONSE: In satisfaction of Section 73.120 (11), The applicant proposes dense landscaping in planter strips in front of residential units shielding the view of headlights from interior spaces. See Exhibit J, Landscape Plan, Sheets L1-L10.

(12) Screen elements such as mechanical and electrical facilities from view.

RESPONSE: In satisfaction of Section 73.120 (12), all mechanical and electrical facilities will be shielded from view using vegetation, and other finished building materials. See Exhibit J, Landscape Plan, Sheets L1-L10 and Architecture Design Review Plan set.

(13) Avoid barriers to disabled individuals.

RESPONSE: In satisfaction of Section 73.120 (13), the applicant proposes all walkways within the development to be compliant with ADA standards and proposes to meet all ADA parking stall targets. See Exhibit J, Landscape Plan, Sheets L1-L10 and Architecture Design Review Plan set.

(14) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site.

RESPONSE: In satisfaction of Section 73.120 (14), the design includes a connection of two segments of the existing Tualatin River Greenway, and incorporates a deck with river view, bringing a greater benefit for the neighborhood. By being connected to the complex, the Greenway offers recreation opportunity for the residents. See Exhibit J Sheet 400.

(15) Provide, protect and maintain visual and physical corridors to adjacent wetlands, waterways, Natural Areas and Greenways.

RESPONSE: In satisfaction of Section 73.120 (15), the site backs up to the Tualatin River Greenway. As part of the planned improvements for the site a viewing platform is proposed off the trail's main walkway. See Exhibit J Sheet 400. Building height decreases as it approaches the scenic corridor.

(16) Provide safe and convenient walk-ways for pedestrians to move from parking areas to building entrances.

RESPONSE: In satisfaction of Section 73.120 (16), the landscape design is developed in a way that articulates spaces and separates pedestrian paths and outdoor areas from vehicular circulation and parking. It creates a pleasant route for pedestrian and vehicles, breaking up the appearance of paved areas, providing safety, visual aesthetics, and shade to the paths. In addition, the design gives privacy for the residential units located on the ground level, while providing views for upper levels units.

(17) Provide and maintain a circulation system of safe and convenient walkways and bikeways that link buildings on the site with adjacent public streets and accessways.

RESPONSE: In satisfaction of Section 73.120 (17), the project includes a connection to the existing Tualatin River Greenway, and incorporates a deck with river view, bringing a greater benefit for the neighborhood. By being connected to the complex, the Greenway offers recreation opportunity for the residents. The design includes safe and convenient walk-ways for pedestrian and vehicles, breaking up the appearance of paved areas. By incorporating visual aesthetics and shade to the paths, the design gives privacy for the residential units located on the ground level, while providing views for upper levels increasing safety. See Exhibit J Sheets L1-L10.

(18) Provide direct and convenient accessways between the development and publicly-owned land intended for general public use; arterial and collector streets where a transit stop and a bike lane is provided or designated; and abutting residential, commercial and semi-public property. Accessways should be designed and located in a manner which does not restrict or inhibit opportunities for developers of adjacent properties to connect with an accessway and which provides continuity from property to property for pedestrians and bicyclists to use the accessway. [Ord. 862-92, §51, 3/23/92; Ord. 895-93, §4, 5/24/93; Ord. 898-93, § 3, 6/4/93; Ord. 979-97, §51, 7/14/97; Ord. 1025-99, §34, 7/26/99; Ord. 1097-02, 2/11/02; Ord. 1224-06 §20, 11/13/06]

RESPONSE: In satisfaction of Section 73.120 (18), the applicant proposes a minimum 6' sidewalk between the main entry and interior sidewalks and internal circulation sidewalks. An 8' connection is planned between the Tualatin Greenway Corridor. Proposed accessways do not restrict or inhibit opportunities for developers of adjacent properties to connect from property to property for pedestrians and bicyclists as the site is surrounded on all sides by walkways. See Exhibit J Sheets L1-L10.

Section 73.130 Standards.

The following standards are minimum requirements for multi-family and townhouse development:

(1) Private Outdoor Areas.

(a) Except within the Central Design District, or within the Mixed Use Commercial Overlay District in which case the Architectural Review process shall determine the appropriate outdoor area, a separate outdoor area of not less than 80 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner which enables the resident to control access from separate to common areas with elements, such as walls, fences or shrubs.

RESPONSE: In satisfaction of Section 73.130 Standards (1) a, residential units located on the grade level or within 2.5 feet above grade level have a minimum of 80 square feet each of private balcony space. All units above ground level have a private deck 62 square feet or more each. See Exhibit J Sheets L1-L10.

(b) Except for townhouses, a separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias shall be provided for each unit located above the ground level, except that within the Central Design District or the Mixed Use Commercial Overlay District such outdoor areas may be less than 48 square feet.

RESPONSE: In satisfaction of Section 73.130 Standards (1) b, all units above ground level have a private deck with 62 square feet or above. See Exhibit J, Architect Design and Review plan set.

(2) Entry Areas.

(a) Except as provided in TDC 73.130(2)(b), a private main entry area shall be provided in addition to required private outdoor areas and designed so that they are considered a private extension of each dwelling unit. Except for townhouses, each entrance area shall be a minimum of 24 square feet in area for each dwelling unit and may be combined to serve more than a single unit, subject to the following mini-mum area requirements:

- (i) Two dwelling units for one-story buildings or two-story townhouses (48 square feet).*
- (ii) Four dwelling units for two-story buildings (96 square feet).*
- (iii) Six dwelling units for three-story buildings (144 square feet).*
- (iv) Unlimited for four-story and greater and for buildings with dwelling unit entries from interior corridors.*

RESPONSE: In satisfaction of Section 73.130 Standards (2) a i-iv, each building's entrances; both main and secondary; are separated from vehicular circulation by landscaping and the units are accessed by interior corridors. See Exhibit J, Architect Design and Review plan set.

(b) [Not applicable, omitted for brevity.]

(c) Entry areas shall be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, walls or other means that enable the resident to supervise and control access and to retain privacy.

RESPONSE: In satisfaction of Section 73.130 Standards (2) b and c., parking areas are separated by change in grade and landscaped areas by step up in elevation and low landscape barriers. See site plan Exhibit J, Site Plan, Sheet P400 and Landscape Plan Sheets L1-10.

(3) Shared Outdoor Areas and Children's Play Areas.

(a) Except for townhouses, projects with 12 or more dwelling units shall provide year round shared outdoor areas for both active and passive recreation (gazebos and other covered spaces are encouraged to satisfy part of this requirement) totaling not less than 450 square feet per dwelling unit. Except adult only projects, a minimum of 150 square feet of the 450 square feet shall be provided as a children's play area.

RESPONSE: In satisfaction of Section 73.130 Standards (3) a., the project includes approximately 141,063 square feet of shared outdoor area representing more than 500 square feet per unit. Children play area is represented in 48,960 square feet, which portray more than 180 square feet per unit. See Exhibit J, Civil Site Plan.

(b) The shared outdoor and children's play areas shall be located and designed in a manner which:

(i) Provides approximately the same accessibility to the maximum number of dwelling units possible;

(ii) Allows residents to watch over these areas from windows in at least two adjacent dwelling units. These windows must provide viewing from the kitchen, living room, dining room or other activity room (bedrooms or bathrooms are not included);

(iii) Provides a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of 10 feet wide;

(iv) Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;

(v) Provides both sunny and shady spots; and

(vi) Provides a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify).

RESPONSE: In satisfaction of Section 73.130 Standards (3). B i-vi, those areas provide different kind of activities, incorporate shading spots and, when in proximity of vehicular circulation or parking, are protected with a landscape strip of at least 10 feet or a fence/ wall. Outdoor areas, including recreation areas, walkways, vehicular circulation and parking, are observable from decks and activity rooms within the units. See Exhibit J, Architect Design and Review plan set.

(4) Safety and Security.

(a) Except for townhouses, private outdoor areas shall be separated from shared outdoor areas and children's play areas with elements such as walls, buildings, landscaping, and changes in grade in a manner which enables residents to utilize these areas as an extension of their units.

RESPONSE: In satisfaction of Section 73.130 Standards (4). a, outdoor areas, including recreation areas, walkways, vehicular circulation and parking, are observable from decks and activity rooms within the units. An outdoor lighting system is designed to provide enhanced security and visibility and to indirectly illuminate vehicular areas to not disturb residential units with light trespassing. See Exhibit J, Lighting Plan, Sheet LP.

(b) Windows shall be located to encourage watching over entry areas, shared outdoor areas, walkways and parking areas.

RESPONSE: In satisfaction of Section 73.130 Standards (4). B, all proposed windows and balconies are oriented, wherever possible, towards outdoor, entry and walkway areas. See Exhibit J, Architectural Design Review Plan Set.

(c) An outdoor lighting system shall be provided which facilitates police observation and resident observation through strategic location, orientation and brightness without shining into residential units, public rights-of-way, or fish and wildlife habitat areas.

RESPONSE: In satisfaction of Section 73.130 Standards (4). c, an outdoor lighting system is designed to provide more security and visibility and is directed to vehicular areas in order to not disturb residential units. See Exhibit J, Lighting Plan, Sheet LP.

(d) An identification system shall be established which clearly orients visitors and emergency services as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

RESPONSE: In satisfaction of Section 73.130 Standards (4). d, entryway signage shall be provided and building numbers shall be clearly posted, See Exhibit J, Architect Design and Review plan set.

(5) Service, Delivery and Screening.

(a) Provisions for postal delivery shall be conveniently located and efficiently designed for residents and mail delivery personnel.

RESPONSE: In satisfaction of Section 73.130 Standards (5), postal delivery areas are located on buildings A, B, and C, and an accessible and safe route connects them to buildings D and E. See Exhibit J, Architect Design and Review plan set.

(b) Safe pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas shall be provided. Elements such as, but not limited to, concrete paths, raised walkways through vehicular areas or bark chip trails will meet this requirement.

RESPONSE: In satisfaction of Section 73.130 Standards (5) b, The proposed accessway for the development is a 32 feet wide two-way asphalt street and the walkways are 6 feet wide with a mix of raised crossings and curb ramps for accessibility. See Exhibit J, Site Plan, Sheet P400.

(c) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.

RESPONSE: In satisfaction of Section 73.130 Standards (5) c, all above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping. See Exhibit J Landscape Plan, Landscape Plan, Sheets L1-10 and Architect Design and Review plan set.

(6) Accessways.

(a) Accessways shall be constructed, owned and maintained by the property owner.

RESPONSE: In satisfaction of Section 73.130 Standards (6) a, the applicant proposes to construct and maintain accessways in accordance with all applicable Tualatin Development Code Provisions. See Exhibit J, Site Plan, Sheet P400.

(b) Accessways shall be provided between the development's walkway and bikeway circulation system and all of the following locations that apply:

(i) adjoining publicly-owned land intended for public use, including schools, parks, or bike lanes. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;

- (ii) adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;*
- (iii) adjoining undeveloped residential or commercial property; and*
- (iv) adjoining developed sites where an accessway is planned or provided.*

RESPONSE: In satisfaction of Section 73.130 Standards (6) b, the applicant proposes to construct and maintain accessways in accordance with all applicable Tualatin Development Code Provisions. See Exhibit J Site Plan Sheet P400.

(c) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to a vacant parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's review and approval.

RESPONSE: In satisfaction of Section 73.130 Standards (6) c, the site is surrounded on all sides by developed parcels with walkway connections on all sides of the site. See Exhibit J Site Plan Sheet P400.

- (d) Accessways for multi-family development shall:*
- (i) be a minimum of 8 feet in width;*
 - (ii) be constructed in accordance with the Public Works Construction Code if they are public accessways, and if they are private accessways they shall be constructed of asphalt, concrete or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;*
 - (iii) not have fences or gates which prevent pedestrian and bike access at the entrance to or exit from any accessway; and*
 - (iv) have curb ramps wherever the accessway crosses a curb.*

RESPONSE: In satisfaction of Section 73.130 Standards (6) d, the applicant proposes a ten-foot accessway tapering to a six-foot concrete sidewalk from the collector street access and an eight-foot path connects the greenway to the sidewalks internal circulation system. All proposed accessways shall be constructed in accordance with Public Works Construction and ADA codes. There are no proposed gates or fences on the accessway and ADA ramps are planned across each curb crossing. See Exhibit J Site Plan Sheet P400.

(e) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

RESPONSE: In satisfaction of Section 73.130 Standards (6) e, proposed outdoor recreation access routes connect the sites accessway to the greenway corridor and to the entryway. See Exhibit J Site Plan Sheet P400.

(7) Walkways.

- (a) Except for townhouses, walkways for multi-family development shall be a minimum of 6 feet in width and be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.*

RESPONSE: In satisfaction of Section 73.130 Standards (7) a, a six-foot concrete sidewalk connects the development. All proposed accessways shall be constructed in accordance with Public Works Construction and ADA codes. See Exhibit J Site Plan Sheet P400.

(b) Curb ramps shall be provided wherever a walkway crosses a curb.

RESPONSE: In satisfaction of Section 73.130 Standards (7) b, all proposed walkways shall be constructed in accordance with ADA standards. See Exhibit J, Site Plan, Sheet P400.

(8) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC Chapter 73, does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with the OSSC. [Ord. 725-87, §4, 6/22/87; Ord. 862-92, §51, 3/23/92; Ord. 882-92, §13, 12/14/92; Ord. 895-93, §6, 5/24/93; Ord. 898-93, §4, 6/14/93; Ord. 904-93, §46, 9/13/93 Ord. 947-95, §6, 7/24/95; Ord. 1008-98, §1-5, 7/13/98; Ord. 1025-99, §35, 7/26/99; Ord. 1224-06 §21, 11/13/06; Ord. 1252-08 §1, 2/11/08]

RESPONSE: In satisfaction of Section 73.130 Standards (8), ADA ramps are planned across curb crossings where safe and create a contiguous path throughout the site. See Exhibit J Site Plan Sheet P400.

Section 73.170 Structure Design – Single-family and Multi-family Uses.

(2) Purpose – Multi-family Uses.

The purpose of multi-family, including townhouse, building design objectives and standards is to implement the purposes and objectives of TDC 73.020(2). The objectives and standards are intended to promote functional, safe, innovative and attractive buildings which are compatible with the surrounding environment. This concerns the building form including the articulation of walls, roof design, materials, colors, placement of elements such as windows, doors, mechanical equipment and identification features. [Ord. 862-92, §51, 3/23/92. Ord. 1025-99, §36, 7/26/99; Ord. 1260-08 §7, 5/12/08]

RESPONSE: In satisfaction of Section 73.170 (2), the Commons on the Tualatin offer a functional and innovative design, while being compatible with the surrounding community. Find more information on Section 73.180.

Section 73.180 Objectives – Single-family and Multi-family Uses.

(1) [Not applicable, omitted for brevity.]

(2) Objectives – Multi-family Uses.

All multi-family projects, including town-houses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. Buildings shall be designed, to the maximum extent practicable, to:

- (a) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors.
 - (b) Enhance energy efficiency through the use of landscape and architectural elements, such as arcades, sun-screens, lattice, trellises, roof overhangs and window orientation.
 - (c) Create subclusters and stagger unit alignments.
 - (d) Utilize functional building elements such as carports and garages, balconies, entry areas and sun screens where possible to accomplish unit identity, pride of place and visual diversity.
 - (e) Give consideration to organization, design and placement of windows as viewed on each elevation. The system may be a variation on a theme or consistent symmetry and must operate in concert with the provision of adequate interior privacy, safety, daylight and ventilation.
 - (f) Select building materials which contribute to the project's identity, form and function, as well as to the existing site and surrounding natural landscape and development.
 - (g) Select colors in consideration of lighting conditions under which the structure is viewed, the ability of the material to absorb, reflect or transmit light, and the color's functional role (whether to blend into the environment, express a particular character, discriminate materials, define form and volume or simply as an identification feature such as with color coding).
 - (h) Minimize disruption of natural site features such as topography, trees and water features.
- [Ord. 727-87, §7, 7/13/87; Ord. 862-92, §51, 3/23/92; Ord. 1025-99, §37, 7/26/99; Ord. 1097-02, 02/11/02; Ord. 1260-08 §8, 5/12/08]

RESPONSE: In satisfaction of Section 73.180 (2) a-h, the complex is located between two existing multi-family residential developments. They are compatible to the proposed buildings that are using similar materials, colors, and landscape integration. Commons on the Tualatin will greatly contribute to its surrounding community by connecting two existing sections of the Tualatin River Greenway.

Buildings are designed to create dynamic facades, with non-linear walls and balconies, different materials and colors, and incorporating landscape areas. Each building utilizes fiber cement board siding with a wood tone, white color, and either a blue or red accent color to give identity and unity to the complex. Special detailed corners and entrances utilizes for a more refined look. Two types of railing materials create a visual diversity. The windows vary in size to offer greater views and balance the façade. Materials are expressed on sheet DR-00 and rendered on the elevations on sheets DR-09, DR-10, DR-11, and DR-12.

Section 73.190 Standards – Single-family and Multi-family Uses.

(2) Standards - Multi-family Uses.

The following standards are minimum requirements for multi-family and townhouse development.

(a) Storage.

(i) Except as provided in Subsection (a)(ii), enclosed storage areas are required and shall be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Garages are not intended to satisfy storage requirements. Each storage area shall be a minimum of 6 feet in height and have a minimum floor area of:

- (A) 24 square feet for studio and one bedroom units;*
- (B) 36 square feet for two bed-room units; and*
- (C) 48 square feet for greater than two bedroom units.*

RESPONSE: In satisfaction of Section 73.190 (2) a i. A-C, based on the unit mix, Commons on the Tualatin requires 8,741 square feet of storage area. The project exceeds the requirement proposing 9,302 square feet of storage spread throughout all buildings. Each building includes an easily accessible bike storage located on the garage or first floor, with a total of 264 long-term bicycle parking spaces and 16 outdoor

storage racks to accommodate short-term parking needs. An additional 14 storage rooms with secured, private partitions are provided throughout Buildings A, B, and C. Most of the 3-bedroom units have a private storage space within the unit. Calculations are indicated on the cover page DR-00 and rooms are indicated on floor plans.

(b) [Not applicable, omitted for brevity.]

Section 73.225 Mixed Solid Waste and Source Separated Recyclables Storage Areas for New or Expanded Multi-Unit Residential, Including Townhouses, Commercial, Industrial, Public and Semi-Public Development.

RESPONSE: In satisfaction of Section 73.225, mixed solid waste and source separated recyclables storage areas are designed with the objective of bringing comfort to the residents while not disturbing the overall exterior appearance of the complex.

Section 73.226 Objectives.

All new or expanded multi-family, including townhouses, commercial, industrial, public and semi-public projects should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments such as apartments. Mixed solid waste and source separated recyclable storage areas shall be designed to the maximum extent practicable, to:

(1) Screen elements such as garbage and recycling containers from view.

RESPONSE: In satisfaction of Section 73.226 (1), the compartment will be enclosed and screened from above to mitigate visual impacts.

(2) Ensure storage areas are centrally located and easy to use.

RESPONSE: In satisfaction of Section 73.226 (2), trash and recyclable containers are indicated on a strategic location on the southwest portion of the site providing easy access to residents and haulers. Additionally, buildings A-C have indoor storage and all buildings will have optional concierge trash pick-up service available to residents.

(3) Meet dimensional and access requirements for haulers.

RESPONSE: In satisfaction of Section 73.226 (3), the applicant has provided the Waste Hauler with a proposed plan set and will coordinate to ensure the proposed plan provides accessible, adequate storage space for the project. See Exhibit I.

(4) Designed to mitigate the visual impacts of storage areas.

RESPONSE: In satisfaction of Section 73.226 (4), the compartment will be enclosed and screened from above to mitigate visual impacts.

(5) Provide adequate storage for mixed solid waste and source separated recyclables.

RESPONSE: In satisfaction of Section 73.226 (5), the proposed plan provides adequate storage for mixed solid waste and source separated recyclables. See Section 73.277 below for further description and details.

(6) Improve the efficiency of collection of mixed solid waste and source separated recyclables. [Ord. 898-93, §7, 6/14/93. Ord. 1025-99, §40, 7/26/99; Ord. 1097-02, 2/11/02]

RESPONSE: In satisfaction of Section 73.226 (6), concierge trash collection is also available for the convenience of residents, offering a simple and sanitary service of frequent door-to-door trash and recyclable pick up.

Section 73.227 Standards.

The following standards are minimum requirements for mixed solid waste and source separated recyclables storage areas. To provide for flexibility in designing functional storage areas, this section provides four different methods to meet the objectives of providing adequate storage for mixed solid waste and source separated recyclables and improving the efficiency of collection. An applicant shall choose and implement one of the following four methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; 3) comprehensive recycling plan; or 4) franchised hauler review, as more fully described in subsections (2), (3), (4) and (5) of this section.

RESPONSE: In satisfaction of Section 73.227, the project is following the Minimum Standard Method, meeting the minimum storage areas more fully described below.

(1) [Section 73.227 numbers (1) and (3-5) are not applicable to this application and have been omitted for brevity.]

(2) Minimum Standards Method. This method specifies a minimum storage area requirement based on the size and general use category of the new or expanded development. This method is most appropriate when specific use of a new or expanded development is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

(a) The size and location of the storage area(s) shall be indicated on the site plan. Compliance with the requirements set forth below are reviewed through the Architectural Review process.

(i) The storage area requirement is based on the area encompassed by predominant use(s) of the building (e.g., residential, office, retail, wholesale/warehouse/manufacturing, educational/institutional or other) as well as the area encompassed by other distinct uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building shall be the sum of the area of each use.

RESPONSE: In satisfaction of Section 73.227 2 (a) i, this application proposes Multi-family residential housing and associated accessory uses. The proposed storage areas are based upon Multi-family use.

(ii) Storage areas for multiple uses on a single site may be combined and shared.

RESPONSE: In satisfaction of Section 73.227 2 (a) ii, storage area for all buildings is co-located in the outdoor storage enclosure on the Southwest corner of the site between buildings A and B.

(iii) The specific requirements are based on an assumed storage area height of 4 feet for mixed solid waste and source separated recyclables. Vertical storage higher than 4 feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans shall include drawings to illustrate the layout of the storage area and dimensions for containers.

RESPONSE: In satisfaction of Section 73.227 2 (a) iii, the storage area is located within an outdoor enclosure area of 2,194 SF. No vertical storage is proposed in-excess of seven feet. See Exhibit J, Architect Design and Review plan set.

(iv) Multi-family residential developments containing 5-10 units shall provide a minimum storage area of 50 square feet. Multi-family residential developments containing more than 10 units shall provide 50 square feet plus an additional 5 square feet per unit for each unit above 10.

RESPONSE: In satisfaction of Section 73.227 2 (a) iv, there are 264 units, the first ten units require 50 SF of space, the remaining 254 units require 5 SF per unit of additional space for a total of 1,320 SF of required storage space. All storage is anticipated to be housed within the 2,194 SF outdoor enclosure.

(3-5) [Not applicable, omitted for brevity.]

(6) Location, Design and Access Standards for Storage Areas. The following location, design and access standards are applicable for storage areas:

(a) Location Standards

(i) To encourage its use, the storage area for source separated recyclables may be co-located with the storage area for mixed solid waste.

(ii) Indoor and outdoor storage areas shall comply with Building and Fire Code requirements.

RESPONSE: In satisfaction of Section 73.227 6 (a) i, the storage area for the recyclables is co-located with the storage area for mixed solid waste. The storage area enclosure shall comply with all Building and Fire Code requirements. See Exhibit I and Exhibit J, Architect Design and Review plan set.

(iii) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.

RESPONSE: In satisfaction of Section 73.227 6 (a) iii, storage areas are centrally located and combined; each unit shall have the opportunity to participate in trash collection services and have access and use of the outdoor storage area. See Exhibit I and Exhibit J, Architect Design and Review plan set.

(iv) Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street.

RESPONSE: In satisfaction of Section 73.227 6 (a) iv, storage is located outside of the front yard setback and is not adjacent to a public street. See Exhibit I and Exhibit J, Architect Design and Review plan set.

(v) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.

RESPONSE: In satisfaction of Section 73.227 6 (a) v, storage areas are centrally located and combined; the enclosure is surrounded by upper level balconies which provide visibility for enhanced security. See Exhibit I and Exhibit J, Architect Design and Review plan set.

(vi) Exterior storage areas can be located in a parking area, if the proposed use provides parking spaces required through the Architectural Review process. Storage areas shall be appropriately screened according to TDC 73.227(6)(b)(iii).

RESPONSE: In satisfaction of Section 73.227 6 (a) vi, the enclosure area is screened and located adjacent to the site's surface parking. Ample parking is provided for residents in underground garages. See Exhibit I and Exhibit J, Architect Design and Review plan set.

(vii) Storage areas shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on site or on public streets adjacent to the site.

RESPONSE: In satisfaction of Section 73.227 6 (a) vii, storage area is accessible for collections vehicles, the enclosure is in an off-street parking area which does not obstruct vehicle traffic.

(b) Design Standards

(i) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection at the time of Architectural Review approval.

RESPONSE: In satisfaction of Section 73.227 6 (b) i, all storage is located in a way which accommodates containers consistent with current methods of local collection. Enclosure dimensions and location has been coordinated with the Waste Hauler. See Exhibit I and Exhibit J, Architect Design and Review plan set.

(ii) Storage containers shall meet Fire Code standards and be made and covered with water proof materials or situated in a covered area.

RESPONSE: In satisfaction of Section 73.227 6 (b) ii, the storage containers meet Fire code and will be located within an enclosure. See Exhibit I and Exhibit J, Architect Design and Review plan set.

(iii) Exterior storage areas shall be enclosed by a sight obscuring fence or wall at least 6 feet in height. In multi-family, commercial, public and semi-public developments evergreen plants shall be placed around the enclosure walls, excluding the gate or

entrance openings. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position. A separate pedestrian access shall also be provided in multi-family, commercial, public and semi-public developments.

RESPONSE: In satisfaction of Section 73.227 6 (b) iii, Storage space is screened with enclosure walls. The gate openings have been coordinated with the waste hauler. See Exhibit I and Exhibit J, Architect Design and Review plan set.

(iv) Exterior storage areas shall have either a concrete or asphalt floor surface.

RESPONSE: In satisfaction of Section 73.227 6 (b) iv, Storage area flooring will be hard surfaced.

(v) Storage areas and containers shall be clearly labeled to indicate the type of material accepted.

RESPONSE: In satisfaction of Section 73.227 6 (b) iv, all storage shall be labeled to indicate material accepted.

(c) Access Standards

(i) Access to storage areas can be limited for security reasons. However, the storage areas shall be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.

RESPONSE: In satisfaction of Section 73.227 6 (c) i, the storage shall be accessible to users and haulers at convenient times.

(ii) Storage areas shall be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet vertical clearance is required if the storage area is covered.

RESPONSE: In satisfaction of Section 73.227 6 (c) ii, Storage space openings and dimensions meet minimum standards and are being coordinated with the waste hauler. See Exhibit I.

(iii) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow vehicles to safely exit the site in a forward motion. [Ord. 898-93, §8, 6/4/93]

RESPONSE: In satisfaction of Section 73.227 6 (c) iii, Storage space is screened with enclosure walls. The enclosure area is in an area that ensures minimal backing and adequate turn radius. See Exhibit I and Exhibit J, Architect Design and Review plan set.

LANDSCAPING

Section 73.230 Landscaping Standards.

[Omitted for brevity.]

(1) By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;

RESPONSE: In satisfaction of Section 73.230 (1), existing site trees will be retained to the extent possible.

(2) By using trees and other landscaping materials to temper the effects of the sun, wind, noise, and air pollution.

RESPONSE: In satisfaction of Section 73.230 (2), extensive tree and shrubs will be planted on site to mitigate environmental impacts.

(3) By using trees and other landscaping materials to define spaces and the uses of specific areas; and

RESPONSE: In satisfaction of Section 73.230 (3), trees and shrubs are used to delineate and define areas on site such as children's play areas and building entries.

(4) Through the use of trees and other landscaping materials as a unifying element within the urban environment. [Ord. 705-86, §6, Sept. 8, 1986]

RESPONSE: In satisfaction of Section 73.230 (1), trees and shrubs are used extensively throughout the project to unify and provide continuity amongst the various site buildings, adjacent properties and Tualatin River.

Section 73.231 Landscape Guide-lines for the Central Design District.

[Omitted for brevity.]

RESPONSE: The applicant acknowledges this section of the code is applicable to the project and anticipates further coordination during the design review process.

Section 73.240 Landscaping General Provisions.

(1-8) [Not applicable, omitted for brevity.]

(9) Yards adjacent to public streets, except as described in the Hedges Creek Wetlands Mitigation Agreement, TDC 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.

RESPONSE: In satisfaction of Section 73.240 (9), the Landscape yard adjacent to Nyberg Lane will be planted with lawn and trees, existing street trees will remain. See Exhibit J, Landscape Plan, Sheets L1-10.

(10) Yards not adjacent to public streets or Low Density Residential (RL) or Manufacturing Park (MP) Planning Districts shall be planted with trees, shrubs, grass or other live groundcover, and maintained consistent with a landscape plan indicating areas of future expansion, as approved through the Architectural Review process.

RESPONSE: In satisfaction of Section 73.240 (10), The east and west side yards are proposed to be planted with trees, shrubs and groundcover. The north side yard is a Vegetated Corridor planted to CWS standards. There are no future expansion areas on site.

(11) Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials. (The foliage

crown of trees shall not be used to meet this requirement.) A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. Disturbed soils are encouraged to be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

RESPONSE: In satisfaction of Section 73.240 (11), The ground plane of all landscape areas will be covered with either lawn or shrubs and groundcover. All landscape areas can be expected to achieve full coverage within 3 years. All landscape planting soils will be amended In satisfaction of the recommendations of the Soils Laboratory tests.

(12) [Not applicable and omitted for brevity.]

(13) [Not applicable and omitted for brevity.]

Section 73.250 Tree Preservation.

(1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.

RESPONSE: In satisfaction of Section 73.250 (1), Trees to remain are identified on the Tree Preservation plan. See Exhibit L for further details.

(2) During the construction process:

(a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.

(b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.

(c) If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist as defined in TDC 31.060.

(d) Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.

(e) Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment shall only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met.

(f) Tree root ends shall not remain exposed.

RESPONSE: In satisfaction of Section 73.250 (2) a-f, a consulting arborist has recommended an erect six-foot metal tree protection fence installed around all trees to be preserved. In areas where possible foot traffic may occur near tree drip lines and outside of critical root zones, the arborist will oversee excavation near trees with drip lines outside of protective fencing areas; additionally, six-inches of protective wood chips will be placed over sensitive areas in order to minimize disturbance to existing vegetation. See Exhibit L.

(3) Landscaping under preserved trees shall be compatible with the retention and health of said tree.

RESPONSE: In satisfaction of Section 73.250 (3), all new landscaping under existing trees to remain will be compatible with the existing trees

(4) When it is necessary for a preserved tree to be removed in accordance with TDC 34.210 the landscaped area surrounding the tree or trees shall be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, nearby landscape materials. Native trees are encouraged

RESPONSE: In satisfaction of Section 73.250 (4), new trees that replace existing trees will be similar and complimentary with existing nearby landscape.

(5) Pruning for retained deciduous shade trees shall be in accordance with National Arborist Association "Pruning Standards For Shade Trees," revised 1979.

RESPONSE: In satisfaction of Section 73.250 (5), all pruning of existing deciduous trees to remain will be in accordance with the National Arborist Association pruning standards for Shade Trees.

(6) Except for impervious surface areas, one hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape plan (as approved through the Architectural Review process) shall apply directly to the percentage of landscaping required for a development. [Ord. 904-93, §55, 9/13/93; Ord. 1224-06, §26, 11/13/06]

RESPONSE: In satisfaction of Section 73.250 (6), 100% of all landscape areas under existing trees to remain will apply to the percentage of required landscape development.

Section 73.260 Tree and Plant Specifications.

(1) The following specifications are minimum standards for trees and plants:

(a) Deciduous Trees:

Deciduous shade and ornamental trees shall be a minimum one and one-half inch (1 1/2") caliper measured six inches (6") above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be characteristically shaped specimens.

RESPONSE: In satisfaction of Section 73.260 (1) a, deciduous shade and ornamental trees are specified at a minimum of 2-inch caliper. All trees will be B&B or in containers, no bare root trees will be used.

(b) Coniferous Trees.

Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimens.

RESPONSE: In satisfaction of Section 73.260 (1) b, conifer trees are specified at a minimum size of 8-10 feet and will be balled and burlapped. No bare root trees will be used.

(c) Evergreen and Deciduous Shrubs.

Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

RESPONSE: In satisfaction of Section 73.260 (1) c, evergreen and deciduous shrubs are specified at a minimum of 3 Gallon with the majority of shrubs specified as 5-gallon.

(d) Groundcovers.

Groundcovers shall be fully rooted and shall be well branched or leafed. English ivy (Hedera helix) is considered a high maintenance material which is detrimental to other landscape materials and buildings and is therefore prohibited.

RESPONSE: In satisfaction of Section 73.260 (1) d, groundcover will be fully rooted and well branched, sizes will range from 4" pot at 12 inches on center to 1 gallon at 30 inches on center. No English Ivy is proposed for this project.

(e) Lawns.

Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free.

RESPONSE: In satisfaction of Section 73.260 (1) e, lawns will be specified using locally produced Willamette Valley weed free grass seed.

(2) Landscaping shall be installed in accordance with the provisions of Sunset New Western Garden Book (latest edition), Lane Publishing Company, Menlo Park, California or the American Nurserymen Association Standards (latest edition).

RESPONSE: In satisfaction of Section 73.260 (2), landscaping will be installed in accordance with the American Nurserymen Association Standards.

(3) The following guidelines are suggested to ensure the longevity and continued vigor of plant materials:

(a) Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.

(b) Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

RESPONSE: In satisfaction of Section 73.260 (3) a-b, proposed landscape plant material is locally grown hardy plant material suitable for the local environment. Soil type, spacing, exposure to sun, wind slope, buildings, overhangs and adjacent vegetation are all factors considered in the plant selection.

(4) All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species.

RESPONSE: In satisfaction of Section 73.260 (4), all plant material shall be healthy disease-free stock, plant material will be inspected prior to installation and plant material not conforming will be rejected.

(5) All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:

(a) It will not interfere with designated pedestrian or vehicular access; and

(b) It will not constitute a traffic hazard because of reduced visibility. [Ord. 904-93, §57, 9/13/93]

RESPONSE: In satisfaction of Section 73.260 (5) a-b, all landscape plant material will be maintained by a professional landscape maintenance company contracted by the project owner. Site vehicular vision triangles will be maintained.

Section 73.270 Grading.

(1) After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

RESPONSE: In satisfaction of Section 73.270 (1), final landscape grading will restore cut and fill areas to provide a suitable base for landscaping.

(2) All planting areas shall be graded to provide positive drainage.

RESPONSE: In satisfaction of Section 73.270 (2), all landscape areas will have positive drainage and will avoid ponding.

(3) Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.

RESPONSE: In satisfaction of Section 73.270 (3), all soil, water, plant material and mulch will be designed to avoid washing across roadway or walkways.

(4) Impervious surface drainage shall be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.

RESPONSE: In satisfaction of Section 73.270 (4), surface drainage of impervious surfaces will be directed away from walkways, buildings and outdoor private and shared use areas. There are no surface water quality facilities on site.

Section 73.280 Irrigation System Required.

Except for townhouse lots, landscaped areas shall be irrigated with an automatic underground or drip irrigation system. [Ord. 1025-99, §42, 7/26/99]

RESPONSE: In satisfaction of Section 73.280, the project will be irrigation by a fully automatic underground irrigation system.

Section 73.290 Re-vegetation in Un-landscaped Areas.

The purpose of this section is to ensure erosion protection, and in appropriate areas to encourage soil amendment, for those areas not included within the landscape percentage requirements so native plants will be established, and trees will not be lost.

(1) Where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements, vegetation shall be replanted.

RESPONSE: In satisfaction of Section 73.290 (1), all areas on site will be landscaped.

(2) Plant materials shall be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.

RESPONSE: In satisfaction of Section 73.290 (2), all landscape areas will be irrigated by an automatic underground irrigation system controlled by an automatic controller and monitored by a professional landscape maintenance company.

(3) The use of native plant materials is encouraged to reduce irrigation and maintenance demands.

RESPONSE: In satisfaction of Section 73.290 (3), native and other hardy locally adaptive plant material is specified.

(4) Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity. [Ord. 1224-06 §27, 11/13/06]

RESPONSE: In satisfaction of Section 73.290 (4), all landscape soils will be tested by a soils laboratory and soils will be amended in satisfaction of their recommendations.

Section 73.300 Landscape Standards - Multi-family Uses.

All areas within a development, including townhouses, not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas shall be landscaped. Townhouse developments may include hard surfaces in outdoor areas such as patios and storage areas as determined in the Architectural Review process. [Ord. 1025-99, §43, 7/2/99]

RESPONSE: In satisfaction of Section 73.300, all areas on site will be landscaped.

OFF-STREET PARKING LOT LANDSCAPING

Section 73.320 Off-Street Parking Lot Landscaping Standards.

(1) General Provisions. In addition to the goals stated in TDC 73.110 and 73.140, the goals of the off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns, reduce the total number of spaces, reduce the impervious surface area and stormwater runoff and enhance the visual environment. The design of the off-street parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

RESPONSE: In satisfaction of Section 73.320 (1), trees are used extensively throughout the project parking lot to provide a near continuous tree canopy over parking areas reducing glare, heat buildup and providing visual relief. Smaller trees are used at pedestrian walks across drive aisles to emphasize crossings and circulation.

(2) Application. Off-street parking lot landscaping standards shall apply to any surface vehicle parking or circulation area.

[Ord. 904-93, §59, 9/13/93; Ord. 1224-06 §28, 11/13/06]

RESPONSE: In satisfaction of Section 73.320 (2), all off-street parking lot landscaping standards are applied to the site design for the surface vehicle parking and circulation areas. See Exhibit J, Landscape Plan, Sheets L1-10.

Section 73.330 Parking Lot Landscaping - Multi-family Uses.

(1) Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.

RESPONSE: In satisfaction of Section 73.330 (1), all areas not used for vehicular parking, maneuvering, buildings or pedestrian walkways are landscaped.

(2) A clear zone shall be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level.

RESPONSE: In satisfaction of Section 73.330 (2), clear zones and the ends of drive aisles and driveway entries will be maintained between 30 inches and 8 feet.

(3) Except for townhouse lots, a minimum 10-foot landscape setback shall be provided between the property lines and parking areas. This area shall be planted with deciduous trees an average of not more than 30 feet on center and shrubs at least 30 inches in height which provide screening of vehicular headlights. Trees shall meet the requirements of TDC 73.360(7). Native trees and shrubs are encouraged.

RESPONSE: In satisfaction of Section 73.330 (3), a minimum 10-foot setback is provided between property lines and parking. Conifer trees at 12 feet on center are used in lieu of deciduous trees at 30 feet on center to provide for better screening. Evergreen and deciduous shrubs that will achieve heights in excess of 30 inches are used with the trees to screen headlights. Smaller Varieties of native conifers such as the Virescens Cedar are used due to PGE power line height restrictions.

(4) Except for townhouse lots, provide a landscaped transition area of at least 10 feet in width between parking and vehicle circulation areas and buildings and shared outdoor areas. Deciduous shade trees located at not less than 30 feet on center shall be located in this transition area. The trees shall meet the requirements of TDC 73.360(7). Groundcover plants mixed with low shrubs must completely cover the remainder of this area within three years. Native trees and shrubs are encouraged. [Ord. 882-92, §17, 12/14/92. Ord. 1025-99, §44, 7/26/99; Ord. 1224-06 §29, 11/13/06]

RESPONSE: In satisfaction of Section 73.330 (4), Parking stalls, vehicular and pedestrian circulation spaces are offset at least 10 feet from property lines, proposed buildings, and shared outdoor areas by landscaped areas.

Section 73.350 Off-Street Parking Lot Landscape Island Requirements - Multi-Family Uses.

(1) Except for townhouse lots that are not required to have landscape island areas, a minimum of 25 square feet per parking stall shall be improved with landscape island areas. They may be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping. They shall be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands. They shall be dispersed throughout the parking area (see TDC 73.380(3)). They shall be planted with groundcover or shrubs. They shall be planted with deciduous shade trees when needed to meet the parking lot shade tree requirements. Native plant materials are encouraged. Landscape square footage requirements shall not apply to parking structures and underground parking.

RESPONSE: In satisfaction of Section 73.350 (1), 272 number of above ground parking stalls are proposed. Code requires 25 s.f. of landscape per stall for a minimum of 6,800 s.f. 7,999 sf. of landscape is proposed. All islands are protected by curbs. Islands are dispersed throughout the parking lot Islands are planted with Deciduous shade trees and shrubs such as Frontier Elm trees and David Viburnum shrubs. 46 landscape islands are proposed and planted with deciduous shade trees to satisfy the parking lot shade tree requirements.

(2) Landscape island areas with trees shall be a minimum of 5 feet in width (from inside of curb to curb).

RESPONSE: In satisfaction of Section 73.350 (2), landscape islands are a minimum 5 foot inside width

(3) A minimum of one deciduous shade tree shall be provided for every four parking spaces to lessen the adverse impacts of glare, reduce heat from paved surfaces, and to emphasize circulation patterns. Required shade trees shall be within 5 feet of the face of a perimeter parking lot curb and shall be uniformly distributed throughout the parking lot (see TDC 73.380(3)), except that within the Central Design District landscape islands and shade trees may be placed to frame views of the Tualatin Commons water feature or identified architectural focal elements. The trees shall meet the requirements of TDC 73.360(7).

RESPONSE: In satisfaction of Section 73.350 (3), There are 272 above grade parking spaces requiring 1 tree per 4 stalls or 68 parking lot shade trees. 101 deciduous parking lot shade trees are provided. Parking lot shade trees are within 5 feet of the face of the perimeter parking lot curb.

(4) Required plant material in landscape islands shall achieve 90 percent coverage within three years. Native shrubs and trees are encouraged. [Ord. 882-92, §19, 12/14/92; Ord. 904-93, §62, 9/13/93; Ord. 1025-99, §45, 7/26/99; Ord. 1224-06 §31, 11/13/06]

RESPONSE: In satisfaction of Section 73.350 (4), trees and shrubs will achieve 90 percent coverage within three years.

Section 73.370 Off-Street Parking and Loading.

(1) General Provisions.

(a) At the time of establishment of a new structure or use, or change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces, off-street vanpool and carpool parking spaces for commercial, institutional and industrial uses, off-street bicycle parking, and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare or that a lesser number of vehicle parking spaces will be sufficient to carry out the objectives of this section. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In case of conflicts between guidelines or objectives in TDC Chapter 73, the proposal shall provide a balance.

RESPONSE: The site is located outside of the Central Design District area. With a total of 20 studio units, 90 one-bedroom units, 111 two-bedroom units, and 43 three-bedroom units, the minimum number of required vehicular parking spaces is 375. The number of required bicycle spaces is a minimum of one space per unit. The proposed complex design offers a total of 490 vehicular parking stalls. Each proposed building includes

an accessible indoor bicycle parking room. Combined, all five rooms will have 119 long-term bicycle parking stalls, the remaining 145 bicycle parking will be accommodated by placing individual hooks within units. In addition, 16 outdoor bicycle racks have been provided to accommodate short-term bicycle parking needs. All minimum parking design guidelines are met as described throughout this narrative and demonstrated in Exhibit J, Site Plan, Sheet P400.

(b) [Not applicable and omitted for brevity.]

(c) Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.

RESPONSE: In satisfaction of Section 73.370 (1) c, floor area square footage is broken out by building use including Multi-family residential and Community Clubhouse. See Exhibit P.

(d) Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift.

RESPONSE: In satisfaction of Section 73.370 (1) d, adequate parking has been provided, see section 73.370 for further details. See section 73.370 for further details.

(e) Calculations to determine the number of required parking spaces and loading berths shall be rounded to the nearest whole number.

RESPONSE: In satisfaction of Section 73.370 (1) e, parking space calculations have been rounded to the nearest whole number.

(f) [Not applicable, omitted for brevity.]

(g) [Not applicable, omitted for brevity.]

(h) [Not applicable, omitted for brevity.]

(i) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located shall be in the same ownership as the structure.

RESPONSE: In satisfaction of Section 73.370 (1) i, all parking is located on the subject site.

(j) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.

RESPONSE: In satisfaction of Section 73.370 (1) j, storage and vehicle spaces have been separated and adequately provided.

(k) [Not applicable and omitted for brevity.]

(l) [Not applicable and omitted for brevity.]

(m) [Not applicable and omitted for brevity.]

(n) Bicycle parking facilities shall include long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms (indoor or outdoor) in which the bicycle is stored, and short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels. The Community Development Director, their designee, or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Section 73.370.

RESPONSE: In satisfaction of Section 73.370 (1) n, both long and short-term bicycle parking will be provided. See section 73.370 for further details.

(o) Each bicycle parking space shall be at least 6 feet long and 2 feet wide, and overhead clearance in covered areas shall be at least 7 feet, unless a lower height is approved through the Architectural Review process.

(p) A 5-foot-wide bicycle maneuvering area shall be provided beside or between each row of bicycle parking. It shall be constructed of concrete, asphalt or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be maintained.

(q) Access to bicycle parking shall be provided by an area at least 3 feet in width. It shall be constructed of concrete, asphalt or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be maintained.

RESPONSE: In satisfaction of Section 73.370 (1) o-q, short and long-term bicycle parking shall conform to the standards contained within this section.

(r) Required bicycle parking shall be in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, shall be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas.

RESPONSE: In satisfaction of Section 73.370 (1) r, all long-term bicycle parking areas are provided indoors and shall have adequate lighting with no impact to street or habitat areas. Short-term bicycle parking is located near the entrance of buildings and shall comply with all standard lighting practices as outlined in Section 73.380 (6) and in conformance with all public works design and construction standards.

(s) Long-term bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.

RESPONSE: In satisfaction of Section 73.370 (1) s, long-term bicycle parking is provided in secure and accessible locations. See Exhibit J, Architect Design and Review plan set.

(t) [Not applicable and omitted for brevity.]

(u) *Bicycle parking areas and facilities shall be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the main entrance and at the location of the bicycle parking facilities.*

RESPONSE: In satisfaction of Section 73.370 (1) u, signage shall be provided in all appropriate locations.

(v) *Required bicycle parking spaces shall be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This shall not preclude the operation of private for-profit bicycle parking businesses.*

RESPONSE: In satisfaction of Section 73.370 (1) v, bicycle spaces shall be provided at a nominal charge.

(w) [Not applicable and omitted for brevity.]

(x) [Not applicable and omitted for brevity.]

(2) *Off-Street Parking Provisions.*

(a) *The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except for minimum parking requirements for the uses in TDC 73.370(2)(a) (Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv) within the Core Area Parking District (CAPD). Minimum standards for off-street motor vehicle parking for the uses in 73.370(2) (a) Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv in the CAPD are in TDC 73.370(2)(b). The maximum requirements are divided into Zone A and Zone B, as shown on the Tualatin Parking Zone Map, Figure 73-3. The following are exempt from calculation of maximum parking requirements: parking structures; fleet parking; parking for vehicles for sale, lease or rent; car/vanpool parking; dedicated valet parking; and user-paid parking.*

USE	MINIMUM MOTOR VEHICLE PARKING REQUIREMENT	MAXIMUM MOTOR VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
(iii) Multi-family dwellings in complexes with private internal driveways	1.0 space/studio,	None	Developments with four or more units; none required if a garage is provided as an integral element of a unit; otherwise 1.00 space per unit	100
	1.25 space/1 bedr.,			
	1.50 space/2 bedr.,			
	1.75 space/3= bedr.			
	in addition to garage			

RESPONSE: In satisfaction of Section 73.370 (2) a, with a total of 20 studio units, 90 one-bedroom units, 111 two-bedroom units, and 43 three-bedroom units, the minimum required number of parking spaces is 375 spaces. The complex offers a total of 490 parking stalls. Each proposed building includes an accessible indoor bicycle parking room, with a total of 98 stalls.

Section 73.380 Off-Street Parking Lots.

A parking lot, whether an accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

(1) Off-street parking lot design shall comply with the dimensional standards set forth in Figure 73-1 of this section, except for parking structures and underground parking where stall length and width requirements for a standard size stall shall be reduced by .5 feet and vehicular access at the entrance if gated shall be a minimum of 18 feet in width.

RESPONSE: In satisfaction of Section 73.380 (1), All other parking spaces are regular 9 feet wide and 18.5 feet deep. Applicable code requires a minimum of 7 accessible spaces, while the project includes 13 accessible parking stalls, 6 of which are covered. See Exhibit J Site Plan Sheet P400.

(2) Parking stalls for sub-compact vehicles shall not exceed 35 percent of the total parking stalls required by TDC 73.370(2). Stalls in excess of the number required by TDC 73.370(2) can be sub-compact stalls.

RESPONSE: In satisfaction of Section 73.380 (2), the site plan includes 34 sub-compact parking spaces, which are 8.5 feet wide and 15 feet deep, representing 12% of the total of off-street parking stalls. All other surface level parking spaces are regular 9 feet wide and 18.5 feet deep. See Exhibit J Site Plan Sheet P400.

(3) Off-street parking stalls shall not exceed eight continuous spaces in a row without a landscape separation, except for parking structures and underground parking. For parking lots within the Central Design District that are designed to frame views of the central water feature or identified architectural focal elements as provided in TDC 73.350(3), this requirement shall not apply and the location of parking lot landscape islands shall be determined through the Architectural Review process.

RESPONSE: In satisfaction of Section 73.380 (3), All vehicle circulation and parking areas are proposed to be developed in asphalt, separated by landscape areas by curbs and wheel bumpers. The maximum of continuous parking spaces without landscape separation is 8 stalls. See Exhibit J, Site Plan, Sheet P400.

(4) Parking lot drive aisles shall be constructed of asphalt or concrete, including pervious concrete. Parking stalls shall be constructed of asphalt or concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Drive aisles and parking stalls shall be maintained adequately for all-weather use and drained to avoid water flow across sidewalks. Pervious surfaces such as pervious concrete, pavers and grasscrete, but not gravel or woody material, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or in a Clean Water Services Vegetated Corridor. Parking lot landscaping shall be provided pursuant to the requirements of TDC 73.350 and TDC 73.360. Walkways in parking lots shall be provided pursuant to TDC 73.160.

RESPONSE: In satisfaction of Section 73.380 (4), all on site drive aisles are two-way traffic with a minimum of 24 feet. All vehicle circulation and parking are going to be developed in asphalt, separated by landscape areas by curbs and wheel bumpers.

(5) [Not applicable and omitted for brevity.]

(6) Artificial lighting, which may be provided, shall be deflected to not shine or create glare in a residential planning district, an adjacent dwelling, street right-of-way in such a manner as to impair the use of such way or a Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or a Clean Water Services Vegetated Corridor.

RESPONSE: In satisfaction of Section 73.380 (6), the applicant's lighting shall comply with this section. See Exhibit J, Lighting Plan.

(7) [Not applicable and omitted for brevity.]

(8) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.

RESPONSE: In satisfaction of Section 73.380 (8), all on site drive aisles are two-way traffic with a minimum of 24 feet. All vehicle circulation and parking are going to be developed in asphalt, separated by landscape areas by curbs and wheel bumpers.

(9) Parking bumpers or wheel stops or curbing shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.

RESPONSE: In satisfaction of Section 73.380 (9), all on site drive aisles are two-way traffic with a minimum of 24 feet. All vehicle circulation and parking are going to be developed in asphalt, separated by landscape areas by curbs and wheel bumpers.

(10) Disability parking spaces and accessibility shall be provided in accordance with applicable federal and state requirements.

RESPONSE: In satisfaction of Section 73.380 (10), All other parking spaces are regular 9 feet wide and 18.5 feet deep. Local code requires a minimum of 7 accessible spaces, while the project includes 13 accessible parking stalls, 6 of which are covered.

(11) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, shall have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, shall have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic. [Ord. 882-92, §22, 12/14/92; Ord. 904-93, §68, 69 and 70, 9/13/93; Ord. 920-94, §22, 4/11/94; Ord. 956-96, §38, 1/8/96; Ord. 1224-06 §34, 11/13/06; Ord. 1354-13 §14, 02/25/13]

RESPONSE: In satisfaction of Section 73.380 (11), all on site drive aisles are two-way traffic with a minimum of 24 feet.

Section 73.400 Access.

(1) The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. Access management and spacing standards are provided in this section of the TDC and TDC Chapter 75. No building or other permit shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until the required increase in ingress and egress is provided.

RESPONSE: In satisfaction of Section 73.400 (1), See Exhibit J for how the proposed project meets access management and spacing standards as provided by this section TDC and TDC Chapter 75. The applicant acknowledges the applicability of this section and anticipates further coordination during the review process.

(2) [Not applicable and omitted for brevity.]

(3) [Not applicable and omitted for brevity.]

(4) [Not applicable and omitted for brevity.]

(5) [Not applicable and omitted for brevity.]

(6) Except as provided in TDC 53.100, all ingress and egress shall connect directly with public streets. [Ord. 882-92, § 24,12/14/92]

RESPONSE: In satisfaction of Section 73.400 (6), all ingress and egress to the site directly connects with Nyberg Lane, which is a public street.

(7) Vehicular access for residential uses shall be brought to within 50 feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

RESPONSE: In satisfaction of Section 73.400 (7), all ingress and egress drive aisles within the site are 50 feet or less from the landing of the dwelling units. See Exhibit J Sheet P400.

(8) To afford safe pedestrian access and egress for properties within the City, a sidewalk shall be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design and in a manner approved by the City Engineer. Sidewalks approved by the City Engineer may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grades and alignment established by the City Engineer.

RESPONSE: In satisfaction of Section 73.400 (8), existing sidewalks are installed along the public right of way; additionally, a sidewalk connecting to the street frontage is proposed, see Exhibit J Sheet P400.

(9) The standards set forth in this Code are minimum standards for access and egress, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.

RESPONSE: In satisfaction of Section 73.400 (9), the applicant acknowledges the provisions of this section and anticipates further coordination during the architectural review process as required.

(10) Minimum access requirements for residential uses:

(a) [Not applicable and omitted for brevity.]

(b) Ingress and egress for multi-family residential uses shall not be less than the following:

Dwelling Units	Minimum Number Required	Minimum Width	Walkways, Etc.
50-499	1	32 feet	6-foot walkway, 1 side only; curbs required
	or		
	2	24 feet	

RESPONSE: In satisfaction of Section 73.400 (10) b, the applicant proposes a 32-foot wide paved drive aisle with 6-foot walkway on one side and curbs on both sides. See Exhibit J Sheet P400.

(13) [Not applicable and omitted for brevity.]

(14) Maximum Driveway Widths and Other Requirements.

(a) Unless otherwise provided in this chapter, maximum driveway widths shall not exceed 40 feet.

RESPONSE: In satisfaction of Section 73.400 (14) a, the applicant proposes a 32-foot wide paved drive entrance with 6-foot walkway on one side and curbs on both sides. See Exhibit J Sheet P400.

(b) Except for townhouse lots, no driveways shall be constructed within 5 feet of an adjacent property line, except when two adjacent property owners elect to provide joint access to their respective properties, as provided by Subsection (2).

RESPONSE: In satisfaction of Section 73.400 (14) b, the applicant proposes a 32-foot wide paved drive entrance with 6-foot walkway on one side and curbs on both sides. See Exhibit J Sheet P400.

(c) There shall be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Engineer.

RESPONSE: In satisfaction of Section 73.400 (14) c, the applicant proposes a 32-foot wide paved drive entrance with 6-foot walkway on one side and curbs on both sides. See Exhibit J Sheet P400.

(15) Distance between Driveways and Intersections.

Except for single-family dwellings, the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection.

(a) At the intersection of collector or arterial streets, driveways shall be located a minimum of 150 feet from the intersection.

RESPONSE: In satisfaction of Section 73.400 (15) a, the proposed drive entrance is approximately 250 feet from the stop bars at the existing Nyberg Lane intersection to the beginning of the driveway. See Exhibit J Sheet 400.

(b-d) [Not applicable and omitted for brevity.]

(16) Vision Clearance Area.

(a) [Not applicable and omitted for brevity.]

(b) Collector Streets - A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections shall be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area shall be 10 feet (see Figure 73-2 for illustration).

RESPONSE: In satisfaction of Section 73.400 (16) b, the proposed site access is at the same location as the existing access drive entrance. All proposed landscape will be designed and installed with sufficient set-back distance from the intersection. See Exhibit J, Site Plan, Sheet P400.

(c) Vertical Height Restriction - Except for connection items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction shall be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

RESPONSE: In satisfaction of Section 73.400 (16) c, the proposed site access is taken from existing improvements. All existing landscape was designed and installed with sufficient set-back distance from the intersection. See Exhibit J, Site Plan, Sheet P400.

(17) Major driveways, as defined in 31.060, in new residential and mixed-use areas are required to connect with existing or planned streets except where prevented by topography, rail lines, freeways, pre-existing development or leases, easements or covenants, or other barriers. [Ord. 895-93 §3, 5/24/93; Ord. 945-95, 5/8/95; Ord. 1025-99, §7, 7/26/99; Ord. 1026-99 §97, 8/9/99; Ord. 1103-02, 3/25/02; Ord. 1096-02, 1/28/02; Ord. 1354-13 §16, 02/25/13]

RESPONSE: In satisfaction of Section 73.400 (17), the proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. See Exhibit J, Site Plan, Sheet P400.

Chapter 74 Public Improvement Requirements.

IMPROVEMENTS

Section 74.120 Public Improvements.

(1) Except as specially provided, all public improvements shall be installed at the expense of the applicant. All public improvements installed by the applicant shall be constructed and guaranteed as

to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. No work shall be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and a Public Works Permit issued and the required fees paid.

RESPONSE: In satisfaction of Section 74.120 (1), the proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. See Exhibit J, Site Plan, Sheet P400.

(2) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative affects of public streets by modifying right-of-way widths and street improvements when appropriate. The City Engineer is authorized to modify right-of-way widths and street improvements to address the negative affects on fish and wildlife habitat. [Ord. 895-93, 5/24/1993; Ord. 1224-06 §35, 11/13/06]

RESPONSE: In satisfaction of Section 74.120 (2), the proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. See Exhibit J, Site Plan, Sheet P400.

Section 74.130 Private Improvements.

All private improvements shall be in-stalled at the expense of the applicant. The property owner shall retain maintenance responsibilities over all private improvements. [Ord. 895-93, 5/24/1993]

RESPONSE: In satisfaction of Section 74.130, the proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. The property owner shall maintain all access easements.

Section 74.140 Construction Timing.

(1) All the public improvements required under this chapter shall be completed and accepted by the City prior to the issuance of a Certificate of Occupancy; or, for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

RESPONSE: In satisfaction of Section 74.140 (1), the applicant anticipates further coordination throughout the design and approval process.

(2) All private improvements required under this chapter shall be approved by the City prior to the issuance of a Certificate of Occupancy; or for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations. [Ord. 895-93, 5/24/1993]

RESPONSE: In satisfaction of Section 74.140 (2), the applicant anticipates further coordination throughout the design and approval process.

RIGHT-OF-WAY

Section 74.210 Minimum Street Right-of-Way Widths.

The width of streets in feet shall not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is required to be improved according to the standards of the TDC, the width of the right-of-way shall not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

(1) [Not applicable, omitted for brevity.]

(2) For development applications other than subdivisions and partitions, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width, the

additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G of the Tualatin Community Plan shall be dedicated to the City for use by the public prior to issuance of any building permit for the proposed development. This right-of-way dedication shall be for the full width of the property abutting the roadway and, if required by the City Engineer, additional dedications shall be provided for slope and utility easements if deemed necessary.

RESPONSE: In satisfaction of Section 74.210 (1), the proposed site access is located at the same point as the existing driveway improvements which connect directly to Nyberg Ln. The applicant anticipates further coordination throughout the design and approval process.

(3) For development applications that will impact existing streets not adjacent to the applicant's property, and to construct necessary street improvements to mitigate those impacts would require additional right-of-way, the applicant shall be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form shall be obtained from the City Engineer and upon completion returned to the City Engineer for acceptance by the City. On subdivision and partition plats the right-of-way dedication shall be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication shall be accepted by the City prior to issuance of building permits. The City may elect to exercise eminent domain and condemn necessary off-site right-of-way at the applicant's request and expense. The City Council shall determine when condemnation proceedings are to be used.

RESPONSE: In satisfaction of Section 74.210 (3), the proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. The applicant anticipates further coordination throughout the design and approval process.

(4) If the City Engineer deems that it is impractical to acquire the additional right-of-way as required in subsections (1)-(3) of this section from both sides of the center-line in equal amounts, the City Engineer may require that the right-of-way be dedicated in a manner that would result in unequal dedication from each side of the road. This requirement will also apply to slope and utility easements as discussed in TDC 74.320 and 74.330. The City Engineer's recommendation shall be presented to the City Council in the preliminary plat approval for subdivisions and partitions, and in the recommended decision on all other development applications, prior to finalization of the right-of-way dedication requirements.

RESPONSE: In satisfaction of Section 74.210 (4), the proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. The applicant anticipates further coordination throughout the design and approval process.

(5) Whenever a proposed development is bisected by an existing or future road or street that is of inadequate right-of-way width according to TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G, additional right-of-way shall be dedicated from both sides or from one side only as determined by the City Engineer to bring the road right-of-way in compliance with this section.

RESPONSE: In satisfaction of Section 74.210 (5), the proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. The applicant anticipates further coordination throughout the design and approval process.

(6) When a proposed development is adjacent to or bisected by a street proposed in TDC Chapter 11, Transportation Plan (Figure 11-3) and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G shall be dedicated by the applicant. The dedication of right-of-way required in this subsection shall be along the route of the road as determined by the City.[Ord. 895-93, 5/24/1993; Ord. 933-94 §50, 11/28/94; Ord. 979-97 §52, 7/14/97; Ord. 1026-99 §98, 8/9/99; Ord. 1354-13 §17, 02/25/13]

RESPONSE: In satisfaction of Section 74.210 (6), the proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. The applicant anticipates further coordination throughout the design and approval process.

EASEMENTS AND TRACTS

Section 74.310 Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.

(1) Areas dedicated to the City for Greenway or Natural Area purposes or easements or dedications for bike and pedestrian facilities during the development application process shall be surveyed, staked and marked with a City approved boundary marker prior to acceptance by the City.

RESPONSE: In satisfaction of Section 74.310 (1), the proposed development contains and accessway. The applicant anticipates further coordination throughout the design and approval process.

(2) [Not applicable, omitted for brevity.]

(3) For all other development applications, Greenway, Natural Area, bike, and pedestrian path dedications and easements shall be submitted to the City Engineer; building permits shall not be issued for the development prior to acceptance of the dedication or easement by the City. [Ord. 895-93, 5/24/1993; Ord. 933-94 §50, 11/28/94; Ord. 979-97 §52, 7/14/97; Ord. 1026-99 §98, 8/9/99].

RESPONSE: In satisfaction of Section 74.310 (3), the proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. The applicant anticipates further coordination throughout the design and approval process.

Section 74.330 Utility Easements.

(1) Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities shall be granted to the City.

RESPONSE: In satisfaction of Section 74.330 (1),

(2) [Not applicable, omitted for brevity].

(3) [Not applicable, omitted for brevity].

(4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement shall be granted to the City; building permits shall not be issued for the development prior to acceptance of the easement by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council shall determine when condemnation proceedings are to be used.

RESPONSE: In satisfaction of Section 74.330 (4), the applicant anticipates further coordination throughout the design and approval process.

(5) The width of the public utility easement shall meet the requirements of the Public Works Construction Code. All subdivisions and partitions shall have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines. [Ord. 895-93, 5/24/1993; Ord. 933-94, § 52, 11/28/94]

RESPONSE: In satisfaction of Section 74.330 (5), the applicant anticipates further coordination throughout the design and approval process.

Section 74.340 Watercourse Easements.

(1-3) [Not applicable, omitted for brevity].

(4) The storm water easement shall be sized to accommodate the existing water course and all future improvements in the drainage basin. There may be additional requirements as set forth in TDC Chapter 72, Greenway and Riverbank Protection District, and the Surface Water Management Ordinance. Water quality facilities may require additional easements as described in the Surface Water Management Ordinance. [Ord. 895-93, 5/24/1993; Ord. 933-94, § 53, 11/28/94]

RESPONSE: Given the Greenway is present on the site the applicant anticipates further coordination throughout the design and approval process.

Section 74.350 Tracts.

A dedicated tract or easement will be required when access to public improvements for operation and maintenance is required, as determined by the City Engineer. Access for maintenance vehicles shall be constructed of an all-weather driving surface capable of carrying a 50,000-pound vehicle. The width of the tract or easement shall be 15-feet in order to accommodate City maintenance vehicles. In subdivisions and partitions, the tract shall be dedicated to the City on the final plat. In any other development, an access easement shall be granted to the City and recorded prior to issuance of a building permit. [Ord. 895-93, 5/24/1993; Ord. 933-94, § 54, 11/28/94]

RESPONSE: In satisfaction of Section 74.350, the applicant anticipates further coordination throughout the design and approval process.

TRANSPORTATION

Section 74.420 Street Improvements.

When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, subject to the following provisions:

(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 shall be improved to standards as set out in the Public Works Construction Code.

RESPONSE: In satisfaction of Section 74.420 (1), all proposed frontage improvements shall comply with the City's Public Works Construction Code. Further coordination on frontage improvements throughout the design and approval process is anticipated.

(2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.

RESPONSE: In satisfaction of Section 74.420 (2), all proposed frontage improvements shall comply with the City's Public Works Construction Code. Further coordination on frontage improvements throughout the design and approval process is anticipated.

(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.

RESPONSE: In satisfaction of Section 74.420 (3), the applicant has hired Lancaster Engineering to produce a traffic impact study. The report identifies off-site mitigation for the intersection of SW 65th and SW Borland; the applicant anticipates further coordination on off-site improvements throughout the approval process. See Exhibit N, page 21, for mitigation analysis recommendations.

(4) Where development abuts an existing street, the improvement required shall apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Engineer to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement shall connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.

RESPONSE: In satisfaction of Section 74.420 (4), all proposed frontage improvements shall comply with the City's Public Works Construction Code. Further coordination on frontage improvements throughout the design and approval process is anticipated.

(5) [Not applicable, omitted for brevity.]

(6) All required street improvements shall include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.

RESPONSE: In satisfaction of Section 74.420 (6), all proposed frontage improvements shall comply with the City's Public Works Construction Code. Further coordination on frontage improvements throughout the design and approval process is anticipated.

(7) [Not applicable, omitted for brevity.]

(8) For development applications other than subdivisions and partitions, all street improvements required by this section shall be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.

RESPONSE: In satisfaction of Section 74.420 (8), all proposed frontage improvements shall comply with the City's Public Works Construction Code. Further coordination on frontage improvements throughout the design and approval process is anticipated prior to issuance of a Certificate of Occupancy.

(9) [Not applicable, omitted for brevity.]

(10) Streets within, or partially within, a proposed development site shall be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.

RESPONSE: In satisfaction of Section 74.420 (10), all proposed frontage improvements shall comply Public Works Construction Code. Further coordination on frontage improvements throughout the design and approval process is anticipated.

(11) Existing streets which abut the pro-posed development site shall be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).

RESPONSE: In satisfaction of Section 74.420 (11), all proposed frontage improvements shall comply with the City's Public Works Construction Code. Further coordination on frontage improvements throughout the design and approval process is anticipated.

(12) Sidewalks with appropriate buffering shall be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.

RESPONSE: In satisfaction of Section 74.420 (12), all proposed frontage improvements shall comply with the City's Public Works Construction Code. Further coordination on frontage improvements throughout the design and approval process is anticipated.

(13) [Not applicable, omitted for brevity.]

(14-16) [Not applicable, omitted for brevity.]

(17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.

RESPONSE: In satisfaction of Section 74.420 (17), the applicant has hired Lancaster Engineering to produce a traffic impact study. All intersections meet or exceed City Level of Service (LOS) expectations considering 2019 background conditions. See Exhibit N, Traffic Report, Page 18 for Capacity Analysis.

(18) [Not applicable, omitted for brevity.]

Section 74.425 Street Design Standards.

(1-3) [Omitted for brevity.]

(4) All streets shall be designed and constructed according to the preferred standard. The City Engineer may reduce the requirements of the preferred standard based on specific site conditions, but in no event will the requirement be less than the minimum standard. The City Engineer shall take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:

- (a) *[Not applicable, omitted for brevity.]*
- (b) *Collectors:*
 - (i) *Whether adequate right-of-way exists*
 - (ii) *Impacts to properties adjacent to right-of-way*
 - (iii) *Amount of heavy vehicles (buses and trucks)*
 - (iv) *Proximity to property zoned manufacturing or industrial.*
- (c) *[Not applicable, omitted for brevity.]*

RESPONSE: In satisfaction of Section 74.425 (4) a-c, the proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. An additional 11.5 feet of right of way is being dedicated to meet minimum standards. The applicant anticipates further coordination on frontage improvements throughout the design and approval process.

Section 74.440 Streets, Traffic Study Required.

(1) The City Engineer may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Engineer determines that such a study is necessary in connection with a proposed development project in order to: [Remaining portion of this chapter has been omitted for brevity]

RESPONSE: In satisfaction of Section 74.440 (1), the applicant has hired Lancaster Engineering to produce a traffic impact study; see Exhibit N. The applicant anticipates further coordination throughout the approval and permit process.

Section 74.450 Bikeways and Pedestrian Paths.

(1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path, as set forth in TDC Chapter 11, Transportation Figure 11-4, the City may require that a bikeway, pedestrian path, or multi-use path be constructed, and an easement or dedication provided to the City.

RESPONSE: In satisfaction of Section 74.450 (1), the applicant proposes to dedicate and easement for the Tualatin Greenway bike path.

(2) Where required, bikeways and pedestrian paths shall be provided as follows:
(a) Bike and pedestrian paths shall be constructed and surfaced in accordance with the Public Works Construction Code.

RESPONSE: In satisfaction of Section 74.450 (2), all proposed improvements shall meet Public Works Construction Code. Further coordination is anticipated during the design and review process.

(b) The applicant shall install the striping and signing of the bike lanes and shared roadway facilities, where designated. [Ord. 895-93, 5/24/1993; Ord. 933-94, § 57, 11/28/94; Ord. 1354-13 §21, 02/25/13]

RESPONSE: In satisfaction of Section 74.450 (2) b, the applicant shall comply with all required striping and signage of bicycle lanes.

Section 74.470 Street Lights.

(1) Street light poles and luminaries shall be installed in accordance with the Public Works Construction Code.

RESPONSE: In satisfaction of Section 74.470 (1), all lighting shall be installed per the public works construction code. See Exhibit J, Lighting Plan.

(2) The applicant shall submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit. [Ord. 895-93, 5/24/1993]

RESPONSE: In satisfaction of Section 74.470 (2), all interior lighting shall be installed per the public works construction code, no exterior lighting on public streets is proposed. See Exhibit J, Lighting Plan.

Section 74.480 Street Signs.

(1) [Not applicable, omitted for brevity.]

(2) Stop signs and other traffic control signs (speed limit, dead-end, etc.) may be required by the City.

RESPONSE: The proposed site access is taken from existing driveway improvements which connect directly to Nyberg Ln. The applicant anticipates further coordination on frontage improvements throughout the design and approval process.

(3) [Not applicable, omitted for brevity.]

UTILITIES

Section 74.610 Water Service.

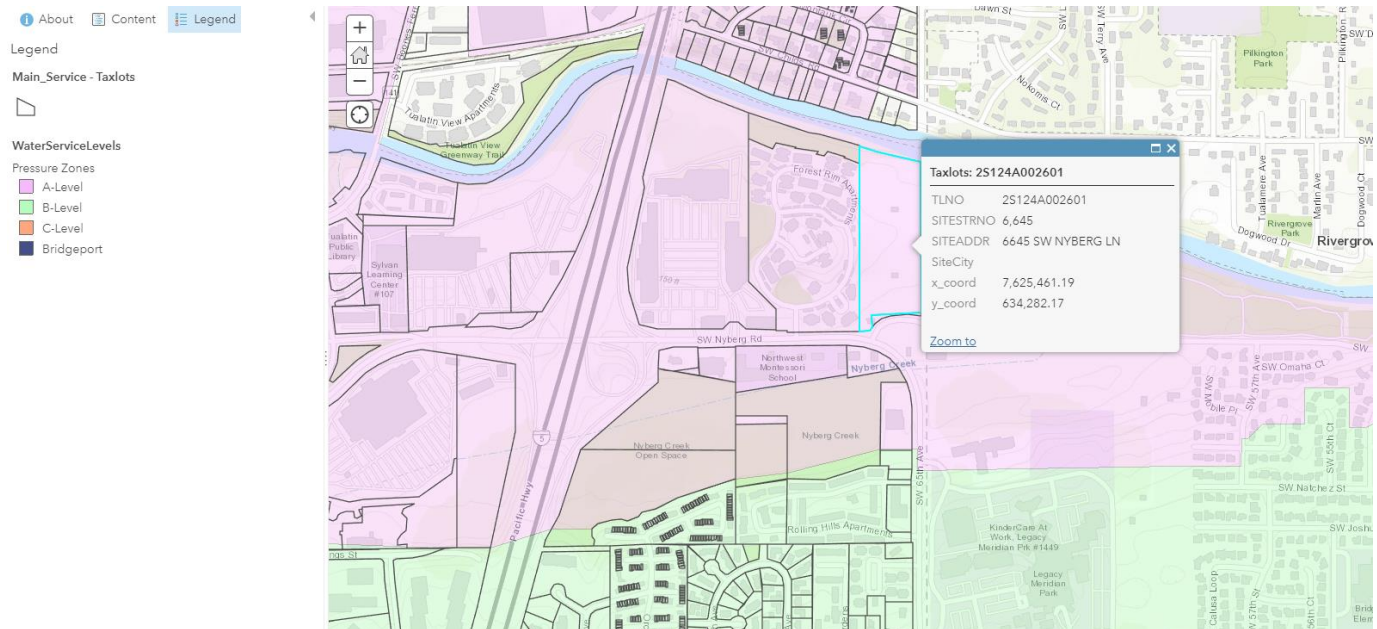
(1) Water lines shall be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans shall be submitted to the City Engineer for review and approval prior to construction.

RESPONSE: In satisfaction of Section 74.610 (1), a proposed connection to an existing main serving the property is anticipated to provide adequate water for the development. Further coordination with the City Engineer for review and approval is anticipated. See Exhibit J, Preliminary Utility Plan.

(2) [Not applicable, omitted for brevity.]

(3) As set forth in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants shall be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant shall be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site. [Ord. 895-93, 5/24/1993; Ord. 933-94, § 59, 11/28/94]

RESPONSE: In satisfaction of Section 74.610 (3), the project is located within pressure zone A and does not straddle a boundary zone. Future connection to the water line is anticipated and will be further coordinated through the design and approval process. See map below and Exhibit J, Preliminary Utility Plan.



Section 74.620 Sanitary Sewer Service.

(1) Sanitary sewer lines shall be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations shall be submitted to the City Engineer for review and approval prior to construction.

RESPONSE: In satisfaction of Section 74.620 (1), a centralized sewer line runs through the middle of the property and provides a connection opportunity for each building. See Exhibit K, Stormwater Report and Exhibit J, Preliminary Utility Plan.

(2) [Not applicable, omitted for brevity.]

Section 74.630 Storm Drainage System.

(1) Storm drainage lines shall be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations shall be submitted to the City Engineer for review and approval prior to construction.

RESPONSE: In satisfaction of Section 74.630 (1), the applicant proposes the site’s drainage be divided between the northern and southern half of the property. The northern half shall drain to the Tualatin and the Southern half shall drain to an existing line in the adjacent right of way. Both drainage systems utilize underground Stormfilter Vaults as an approved proprietary filtration system per clean Water Services “2007 Design and Construction Standards for Sanitary and Surface Water Management.” See Exhibit K, Stormwater Report and Exhibit J, Preliminary Utility Plan.

(2) The storm drainage calculations shall confirm that adequate capacity exists to serve the site. The discharge from the development shall be analyzed in accordance with the City's Storm and Surface Water Regulations.

RESPONSE: In satisfaction of Section 74.630 (2), see Exhibit K, Stormwater Report and Exhibit J, Preliminary Utility Plan.

(3) [Not applicable, omitted for brevity.]

Section 74.640 Grading.

(1) Development sites shall be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.

RESPONSE: In satisfaction of Section 74.640 (1), see Exhibit J, Sheet P500.

(2) A development applicant shall submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Engineer may require the applicant to remove all excess material from the development site. [Ord. 895-93, 5/24/1993]

RESPONSE: In satisfaction of Section 74.640 (2), see Exhibit J, Sheet P500.

Section 74.650 Water Quality, Storm Water Detention and Erosion Control.

The applicant shall comply with the water quality, storm water detention and erosion control requirements in the Surface Water Management Ordinance. If required:

(1) [Not applicable, omitted for brevity.]

(2) On all other development applications, prior to issuance of any building permit, the applicant shall arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.

RESPONSE: In satisfaction of Section 74.650 (2), see Exhibit K, Stormwater Report.

(3) For on-site private and regional non-residential public facilities, the applicant shall submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant shall submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site shall occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City. [Ord. 895-93, 5/24/1993; Ord. 952-95, § 3, 10/23/95; Ord. 1070-01, 4/9/01; Ord. 1327-11 §1; 6/27/11]

RESPONSE: In satisfaction of Section 74.650 (3), further coordination is anticipated during design review and approvals.

Section 74.660 Underground.

(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities shall be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines,

and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant shall make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.

RESPONSE: In satisfaction of Section 74.660 (1), all planned utility lines shall conform with the provisions of this section. Further coordination with private utility service providers throughout the design and construction approval process.

(4) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant shall, at their own expense, provide an underground system. The applicant shall be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements shall be submitted to the City Engineer for acceptance by the City prior to issuance of the Public Works Permit. [Ord. 895-93, 5/24/1993]

RESPONSE: In satisfaction of Section 74.660 (4), all planned utility lines shall conform with the provisions of this section. Further coordination with private utility service providers throughout the design and construction approval process.

Section 74.700 Removal, Destruction or Injury of Trees.

It is unlawful for a person, without a written permit from the Operations Director, to remove, destroy, break or injure a tree, plant or shrub, that is planted or growing in or upon a public right-of-way within the City, or cause, authorize, or procure a person to do so, authorize or procure a person to injure, misuse or remove a device set for the protection of any tree, in or upon a public right-of-way. [Ord. 963-96, § 9, 6/24/96. Ord. 1079-01, § 1, 7/23/01; Ord. 1079-01, 7/23/01]

RESPONSE: In satisfaction of Section 74.700, See Exhibit L, Arborist Report.

Section 74.720 Protection of Trees During Construction.

(1) During the erection, repair, alteration or removal of a building or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave a tree in or upon a public right-of-way in the vicinity of the building or structure without a good and sufficient guard or protectors to prevent injury to the tree arising out of or by reason of such erection, repair, alteration or removal.

RESPONSE: In satisfaction of Section 74.720 (1), existing street trees will be protected during construction In satisfaction of the recommendations of the consulting arborist.

(2) Excavations and driveways shall not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Engineer. During excavation or construction, the person shall guard the tree within six feet and all building material or other debris shall be kept at least four feet from any tree. [Ord. 963-96, § 9, 6/24/96]

RESPONSE: In satisfaction of Section 74.720 (2), existing street trees are not within 6 feet of the proposed driveway. All construction activities shall occur outside the protective fencing of the existing street trees In satisfaction of the recommendation of the consulting arborist.

Section 74.725 Maintenance Responsibilities.

Trees, shrubs or plants standing in or upon a public right-of-way, on public or private grounds that have branches projecting into the public street or sidewalk shall be kept trimmed by the owner of the property adjacent to or in front of where such trees, shrubs or plants are growing so that:

(1) The lowest branches are not less than 12 feet above the surface of the street, and are not be less than 14 feet above the surface of streets designated as state highways.

RESPONSE: In satisfaction of Section 74.725 (1), existing street trees will be pruned to comply.

(2) The lowest branches are not less than eight feet above the surface of a sidewalk or footpath.

RESPONSE: In satisfaction of Section 74.725 (2), existing street trees will be pruned to comply.

(3) No plant, tree, bush or shrub shall be more than 24 inches in height in the triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, such an area defined by a line across the corner between the points on the street right-of-way line measured 10 feet back from the corner, and extending the line to the street curbs or, if there are no curbs, then to that portion of the street or alley used for vehicular traffic.

RESPONSE: In satisfaction of Section 74.725 (3), there are no trees or shrubs in the vision clearance triangle.

(4) Newly planted trees may remain untrimmed if they do not interfere with street traffic or persons using the sidewalk or obstruct the light of a street electric lamp.

RESPONSE: In satisfaction of Section 74.725 (4), newly planted trees will comply.

(5) Maintenance responsibilities of the property owner include repair and upkeep of the sidewalk in accordance with the City Sidewalk Maintenance Ordinance. [Ord. 963-96, § 9, 6/24/96]

RESPONSE: In satisfaction of Section 74.725 (5), property owner will comply.

Section 74.740 Prohibited Trees.

It is unlawful for a person to plant a tree within the right-of-way of the City of Tualatin that is not in conformance with Schedule A. Any tree planted subsequent to adoption of this Chapter not in compliance with Schedule A shall be removed at the expense of the property owner. [Ord. 963-96, § 9, 6/24/96]

RESPONSE: In satisfaction of Section 74.740, property owner will conform to Schedule A tree list.

Section 74.745 Cutting and Planting Specifications.

The following regulations are established for the planting, trimming and care of trees in or upon the public right-of-way of the City.

(1) When trees are cut down, the stump shall be removed to a depth of six inches below the surface of the ground or finish grade of the street, whichever is of greater depth.

RESPONSE: In satisfaction of Section 74.745 (1), property owner will comply.

(2) Trees shall be planted in accordance with Schedule A, except when a greater density is allowed under a special permit from the Operations Director. [Ord. 963-96, § 9, 6/24/96. Ord. 1079-01, § 5, 7/23/01]

RESPONSE: In satisfaction of Section 74.745 (2), property owner will comply.

Section 74.765 Street Tree Species and Planting Locations.

All trees, plants or shrubs planted in the right-of-way of the City shall conform in species and location and in accordance with the street tree plan in Schedule A. If the Operations Director determines that none of the species in Schedule A is appropriate or finds appropriate a species not listed, the Director may substitute an unlisted species. [Ord. 963-96, § 9, 6/24/96; Ord. 1279-09 §7, 3/23/09]

RESPONSE: In satisfaction of Section 74.765, street trees are existing, additional trees may be added to fill missing trees.

Chapter 75 Access Management.

Section 75.060 Existing Driveways and Street Intersections.

(1) [Not applicable, omitted for brevity.]

(2) The City Engineer may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means. [Ord. 635-84, §48, 6/11/84; Ord. 982-97, §7, 8/4/97]

RESPONSE: In satisfaction of Section 75.060 (2), the applicant acknowledges the applicability of this section to the application and anticipates further coordination during design review process.

Section 75.140 Collector Streets.

(a) [Not applicable, omitted for brevity.]

(b) Minor Collectors. Residential, commercial and industrial driveways where the frontage is greater or equal to 70 feet are permitted. Minimum spacing at 100 feet. Uses with less than 50 feet of frontage shall use a common (joint) access where available.

RESPONSE: In satisfaction of Section 75.140 (b), the subject site's frontage is greater than 70 feet and proposes one common access point.

(c) [Not applicable, omitted for brevity.]

CONCLUSION

As proposed, this Architectural Review Application for the 264-unit Tualatin Waterfront Apartments demonstrates through a combination of the findings in this narrative and supporting substantial evidence that all applicable City of Tualatin *Municipal Code* standards and criteria are satisfied. The Applicant thereby respectfully requests the City of Tualatin approval of this land use application.

**Commons on the Tualatin Apartments – Nyberg Road
City of Tualatin File #AR18-0007
Supplemental Narrative Responses**

1. *Provide adequate findings that describe how the following standards of the Tualatin Municipal Code (TMC) and Tualatin Development Code (TDC) are met:*

A. *TMC 3 Utilities (specifically professional engineer acceptability of proposed cut and fill)*

Response:

In satisfaction of Section 3-5-250 (1-5) a, no net fill is proposed on the site. A total of 72.4 CU yards over 3,145 SF of cut will be taken from the northeast corner of the site to fill-in 66.8 CU yards over 6,921 SF of Floodplain on the Southeast portion of the site. No excavation below the Ordinary High Water Line will occur. The area being cut on the Northern portion of the site is planned as open space with exception of the planned City improvements for the Tualatin River Greenway Path.

B. *TMC 4 Fire hydrants*

4-2-010 Hydrants and Water Supply for Fire Protection. | 4-2-020 Access to Hydrants Located on Private Property

Response:

As per Section 4-2-010 (1-2), the applicant anticipates coordinating the final location of all fire facilities and water demands with the building department throughout the permit and approval process. Preliminary water demand assumptions have been calculated using the 2018 International Building Code Section B105, Table B105.2 and the proposed square footage all buildings, which as currently proposed are sprinkled and Type V-A construction for all residential, office, and clubhouse spaces. The basement level is anticipated to be Type III-A; all square footage is assumed to be sprinkled with a 75% water demand reduction anticipated.

In addition to calculating the demand, the client hired Wyatt Fire Protection Inc. to conduct a flow test on June 26, 2018 per NFPA 291 standards on a hydrant across the street from the site at SW Nyberg Lane & SW 65th Ave (FH-0932). The test yielded a capacity result of 3,723 GPM at 20 PSI which is adequate to serve all hydrants as shown schematically on the Preliminary Utility Plan.

Preliminary calculations which demonstrate conditions at hydrants furthest from the main, prove all hydrants as sized will have adequate capacity throughout the site. Preliminary locations comply with all Tualatin Valley Fire and Rescue, State of Oregon Fire Code and Companion Handbook standards. The applicable criteria of this section have been satisfied. Please see tables at the end of this letter.

C. *TDC 43.100 Expand maximum building height finding to include discussion of Height, Structure definition found in TDC 31.060.*

Response:

In satisfaction of Section 43.100 (1) and TDC 31.060, proposed building heights are represented on the building elevations which have been revised to reflect the height of the structure below grade; see sheets DR-09, DR-10, DR-11, and DR-12 of Exhibit J. All buildings are below the 35-foot maximum structure height allowed. Since the ground surface is not more than ten feet above the lowest grade, the 35-foot building height is measured from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall and dimensioned to the average height of the highest gable of the hipped roof meeting the code definition of height.

D. TDC 70 Sections:

1. 70.110 Development *Permit Required*.

Response:

In satisfaction of TDC 70.110, the applicant anticipates coordinating with affected agencies in obtaining a development permit prior to construction in the Special Floodplain Hazard areas of the site.

2. 70.170 *General Standards*

In all areas of special flood hazards, the following standards are required:
(text omitted for brevity)

Response:

In satisfaction of TDC 70.170 (1-5), the applicant proposes fill in the area of the designated floodplain on the southeast corner of the site and does not propose any structures within the floodplain on the north of the site. The only planned site improvements in the southeast corner of the property area are road surfaces and underground utilities, therefore the provisions of this section are not applicable to this application.

3. 70.180 *Specific Standards*

Response:

In satisfaction of Section 70.110 (1) a., the project engineer has determined the base flood elevation for this project is 122.5' (NGVD 29). Building A on the site plan is the only habitable structure which has any floor area in the proximity of the Floodplain. The lowest floor in Building A is the Basement Level, the planned finish floor elevation for this level is 1.5 feet above the base flood elevation of 124' (NGVD 29). Therefore, the provisions of this section are satisfied.

4. 70.190 *Floodways*

Response:

As per TDC 70.190, the subject property contains floodway along the northern portion of the property. The applicant proposes no development within the floodway on the subject property. Therefore, the provisions of this section are satisfied.

5. 70.200 *Alterations to floodplain, Drainage, or Watercourses*

Response:

As per TDC 70.200, the applicant anticipates future coordination with FEMA regarding the proposed fill in the floodplain on the southern portion of the property. The applicant shall obtain prior approval before any encroachment, and within six months of project completion an application for letter of map revision shall be submitted. The applicant will ensure all technical data and fees requested by the agency are submitted to FEMA.

E. TDC 74 Sections: *Public Improvement Requirements*

1. 74.210 *Minimum Street Right-of-Way Widths*.

Response:

In satisfaction of Section 74.210 (2), the proposed site is adjacent to Nyberg Lane, which is classified in the City of Tualatin's Transportation system plan as a Minor Collector. As per TDC Figures 74-2A-G, the preferred width for a Collector cross-section is 76' for a full street and 38' for half-street. Current right-of-way width for the section of Nyberg Ln. adjacent to the subject property varies in width and is approximately 32-25 feet. This application proposes 11.5' of right-of-way dedication along the subject property's southern boundary, for a total of 43.5'. The

applicant acknowledges the further coordination may be requested by the City Manager with regards to slope and utility easements, however, none are anticipated or proposed at the time of this application.

2. *74.420 - Street Improvements.*

Response:

As per Section 74.420 (1-17), the existing improvements are in good condition. The only street improvements proposed are for the private driveway ramp and bicycle lane striping. The proposed right-of-way dedication width accommodates all required facilities as required by City Minor Collector standards.

The applicant has hired Lancaster Engineering to produce a traffic impact study. The report identifies off-site mitigation for the intersection of SW 65th and SW Borland; the applicant anticipates further coordination of off-site improvements throughout the approval process. All intersections meet or exceed City Level of Service (LOS) expectations considering 2019 background conditions. See Exhibit N, Traffic Report, Page 18 for Capacity Analysis.

The site is located along Nyberg Lane, however, the subject site is east of SW 65th and therefore is not subject to the Access Management Plan approval criteria listed under Chapter 75.

Further coordination regarding any frontage improvements will occur through the City's final engineering review and approval process.

3. *74.425 - Street Design Standards.*

Response:

In satisfaction of Section 74.425 (4) a-c, the subject site has frontage on both Nyberg Lane which is classified as a Minor Collector and Nyberg Rd which is classified as an Arterial. The proposed site access is taken from existing driveway improvements which connects directly to Nyberg Ln. Upon preliminary review, the City Engineer has requested the applicant dedicate an additional 11.5 feet of right-of-way to meet ½ street requirements for Nyberg Lane; no need was identified for additional right-of-way dedication along Nyberg Rd. The provisions of this section have been satisfied.

4. *74.430 - Streets, Modifications of Requirements in Cases of Unusual Conditions*

Response:

In satisfaction of Section 74.430 (2), the applicant's proposal meets all minimum street improvement requirements for Nyberg Ln; further coordination with the City Engineer is anticipated through final engineering approval process.

5. *74.440 Streets, Traffic Study Required*

Response:

The traffic impact study for 6645 SW Nyberg Lane Apartments is attached as Exhibit N.

6. *74.470 Street lights*

Response:

In satisfaction of Section 74.470 (1), all existing lighting along Nyberg shall be reviewed for compliance at the time of permitting and proposed lighting shall be installed per the public works construction code.

7. 74.640 Grading

Response:

All impervious areas and roof drains will be captured by the private on-site storm conveyance system. It has been designed to transport, as much as possible, to the Tualatin River for immediate discharge before the River peaks.

8. 74.630 and .650 Storm Drainage System; Water Quality, Storm Water Detention and Erosion Control

Response:

In satisfaction of Section 74.650 (2-3), Water Quality shall be provided by a properly sized StormFilter treatment vault for each discharge basin. Detention is not required for runoff discharged to the River. The downstream analysis provides calculations for the adequacy of the existing storm sewer system in Nyberg Road to convey flow to the wetland locate south of Nyberg. The applicant has provided a preliminary O&M manual for the StormFilter vaults (see Exhibit K Appendix D). A 1200-C Erosion Control plan and permit will be acquired prior to construction.

F. TDC 75.120(8)(g) Existing accesses

Response:

In satisfaction of Section 75.120 5 (a-b), the subject site is between Tualatin-Sherwood Rd to 65th Ave but does not fall within the areas described in either (5) a or b, therefore, the provisions of this Section do not apply.

Bld.	Proposed Square Footage (Type V-A Construction)	Proposed Square Footage (Type III-A Construction)	Estimated GPM Per Building After 75% Reduction	Minimum # of Hydrant(s) per TMC Table 4-2A	Average Spacing Between Hydrants per TMC Table 4-2A	Max. Distance From Street or Road to a Hydrant
A	62549.30	23354.02	2,237.5 GPM	2	450	225
B	92039.07	33452.69	2,687.5 GPM	3	450	225
C	92039.07	33452.69	2,687.5 GPM	3	450	225
D	33493.56		1,000 GPM	1	500	250
E	16834.02		875 GPM	1	500	250
F	2,456		375 GPM	1	500	250

In satisfaction of Table 4-2A of the Tualatin Municipal Code; hydrant locations and spacing as proposed are a maximum of 360 feet apart and the number of hydrants proposed for the site, considered in aggregate, is adequate as shown in the diagram and table below.

Hydrant Table

Building	Hydrant #(s) Available	Approximate Hydrant Spacing
A	2,4	2-4 = 315'
B	1,3,4	1-3 = 283' 3-4 = 359'
C	1,2,4	1-2 = 315' 2-4 = 294'
D	1,5	1-5 = 203'
E	1,5	1-5 = 203'
F	1,5	1-5 = 203'

Hydrant Diagram

