



# City of Tualatin

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June 17, 2019

## CITY ENGINEER'S REVIEW FINDING AND DECISION FOR AR19-0001, LMC TETON BUILDING ADDITION

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## I. RECOMMENDATION

Based on the findings presented, the City Engineer approves AR19-0001, LMC Teton Building Addition with the following conditions:

### A. PRIOR TO ISSUANCE OF EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMITS:

- PFR-1 The applicant must submit plans for a City of Tualatin erosion control permit in accordance with code section TMC 3-5-060.
- PFR-2 The applicant must submit plans for a 1200CN NPDES Erosion Control Permit in accordance with code section TMC 3-5-060.
- PFR-3 The applicant must submit final stormwater calculations in accordance with TMC 3-5-200.
- PFR-4 The applicant must submit a Flood Hazard Area Development Permit application consistent with TDC 70.120 with an associated elevation certificate for construction plans and statement of no rise on construction and grading plans stamped by an engineer registered in the state of Oregon.
- PFR-5 The applicant must submit plans that show the closure of the north access driveway on SW Teton Avenue in accordance with TDC 75.040. The plans must also show improvement of all sidewalks abutting the property to meet ADA/PROWAG in accordance with TDC 74.420.
- PFR-6 The applicant must submit plans that demonstrate compliance with the submitted Service Provider Letter conditions to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650.
- PFR-7 The applicant must submit plans that minimize the impact of stormwater from the development to adjacent properties consistent with TMC 3-5-200.
- PFR-8 The applicant must submit a plan sheet that identifies all City Engineer, Planning Division, and Clean Water Service's Service Provider Letter conditions of approval.
- PFR-9 The applicant must submit PDFs of final site and permit plans.

### B. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- PFR-10 The applicant must obtain Erosion Control, Flood Hazard Area Development, Public Works, and Water Quality Permits from the City of Tualatin.
- PFR-11 The applicant must financially secure all public improvements in accordance with PWCC 102.14.00.

### C. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

- PFR-12 The applicant must submit an elevation certificate for finished construction demonstrating compliance with TDC 70.170 and 70.180.
- PFR-13 The applicant must complete all the public improvements as shown the approved plans. All improvements must also be accepted by the City in accordance with TDC 74.420.

PFR-14 The applicant must dedicate sufficient right-of-way to provide a total of 37 feet from centerline to the property line for SW Teton Avenue and submit a recorded copy of a 6-foot wide public utility easement behind the SW Teton Avenue and SW Spokane Court right-of-way in accordance with TDC 74.210.

## **II. APPEAL**

Request for appeal of this decision must be received by the Engineering Division within the 14-day appeal period ending on **xx, 2019 at 5 PM**. Issues must have been described with adequate clarity and detail with identification of the associated Tualatin Municipal or Development Code section to afford a decision maker an opportunity to respond to the issue. A request for appeal must be submitted on the forms provided by the City, signed by the appellant and include the applicable appeal fee.

## **III. STANDARDS AND APPLICABLE CRITERIA**

Public Works Construction Code (PWCC)

Tualatin Municipal Code (TMC)

Title 03: Utilities and Water Quality

Tualatin Development Code (TDC)

Chapter 70: Flood Plain District (FP) - NEW FLOODPLAIN CODE  
EFFECTIVE OCTOBER 19, 2018 Chapter 74: Public Improvement  
Requirements

Chapter 72: Natural Resource Protection Overlay District (NRPO)

Chapter 74: Public Improvement Requirements

Chapter 75: Access Management

#### **IV. CONCLUSIONS**

##### **A. TMC TITLE 03: UTILITIES AND WATER QUALITY**

##### **I. TMC CHAPTER 03-02: SEWER REGULATIONS; RATES**

##### **1. TMC 3-2-020 APPLICATION, PERMIT AND INSPECTION PROCEDURE.**

**(1) No person shall connect to any part of the sanitary sewer system without first making an application and securing a permit from the City for such connection, nor may any person substantially increase the flow, or alter the character of sewage, without first obtaining an additional permit and paying such charges therefore as may be fixed by the City, including such charges as inspection charges, connection charges and monthly service charges.**

#### **FINDINGS:**

The development is proposing to continue to use the existing sanitary sewer lateral. No new laterals are proposed.

This criterion is satisfied.

##### **II. TMC CHAPTER 03-03: WATER SERVICE**

##### **1. TMC 3-3-040 SEPARATE SERVICES REQUIRED.**

**(1) Except as authorized by the City Engineer, a separate service and meter to supply regular water service or fire protection service shall be required for each building, residential unit or structure served. For the purposes of this section, trailer parks and multi-family residences of more than four dwelling units shall constitute a single unit unless the City Engineer determines that separate services are required.**

#### **FINDING:**

The development is proposing to continue to use the existing water lateral. No new laterals are proposed.

This criterion is satisfied.

### **III. TMC 3-5 ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS**

#### **1. TMC 3-5-050 EROSION CONTROL PERMITS.**

- (1) Except as noted in subsection (3) of this section, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.
- (2) No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the City has issued an Erosion Control Permit covering such work, or the City has determined that no such permit is required. No public agency or body shall undertake any public works project without first obtaining from the City an Erosion Control Permit covering such work, or receiving a determination from the City that none is required.

#### **FINDINGS:**

The site disturbance area is 42,687 square feet, under one acre. However, the ADA improvements to the public right of way bring the total disturbance area to 47,260 sf, greater than one acre.

The applicant shall obtain a 1200CN Construction Erosion Control permit from Clean Water Services as agent for Oregon DEQ and obtain a grading and erosion control permit from the City of Tualatin prior to issuance of permits allowing construction activities.

This criterion is satisfied with conditions of approval PFR-1 and PFR-2.

#### **2. TMC 3-5-060 PERMIT PROCESS.**

- (1) Applications for an Erosion Control Permit. Application for an Erosion Control Permit shall include an Erosion Control Plan which contains methods and interim facilities to be constructed or used concurrently and to be operated during construction to control erosion. The plan shall include either:
- (a) A site specific plan outlining the protection techniques to control soil erosion and sediment transport from the site to less than one ton per acre per year as calculated using the Soil Conservation Service Universal Soil Loss Equation or other equivalent method approved by the City Engineer, or
  - (b) Techniques and methods contained and prescribed in the Soil Erosion Control Matrix and Methods, outlined in TMC 3-5.190 or the Erosion Control Plans - Technical Guidance Handbook, City of Portland and Unified Sewerage Agency, January, 1991.
- (2) Site Plan. A site specific plan, prepared by an Oregon registered professional engineer, shall be required when the site meets any of the following criteria:

- (a) greater than five acres;**
- (b) greater than one acre and has slopes greater than 20 percent;**
- (c) contains or is within 100 feet of a City-identified wetland or a waterway identified on FEMA floodplain maps; or**
- (d) greater than one acre and contains highly erodible soils.**

**FINDING:**

The site disturbance area is 42,687 square feet, under one acre. However, the ADA improvements to the public right of way bring the total disturbance area to 47,260 sf, greater than one acre.

The applicant shall obtain a 1200CN Construction Erosion Control permit from Clean Water Services as agent for Oregon DEQ and obtain a grading and erosion control permit from the City of Tualatin prior to issuance of permits allowing construction activities.

This criterion is satisfied with conditions of approval PFR-1 and PFR-2.

**3. TMC 3-5-200 DOWNSTREAM PROTECTION REQUIREMENT.**

**Each new development is responsible for mitigating the impacts of that development upon the public storm water quantity system. The development may satisfy this requirement through the use of any of the following techniques, subject to the limitations and requirements in TMC 3-5-210:**

- (1) Construction of permanent on-site stormwater quantity detention facilities designed in accordance with this title;**
- (2) Enlargement of the downstream conveyance system in accordance with this title and the Public Works Construction Code;**
- (3) The payment of a Storm and Surface Water Management System Development Charge, which includes a water quantity component designated to meet these requirements.**

**FINDINGS:**

The proposed addition to the building will result in a net decrease of impervious area of about 1700 square feet. Existing drainage systems will be fully protected and are sized to adequately handle the full site. The existing wet pond to the south (PWQF\_ID 234, Site\_ID 152), deemed in "fair" condition by the City of Tualatin 4/19/18, was designed to manage water quality per CWS R&O 90-30 in 1992. The existing facility will therefore be sufficient to meet downstream protection standards, and no additional stormwater facilities are proposed as part of this project.

This criterion is satisfied with conditions of approval PFR-3.

**4. TMC 3-5-210 REVIEW OF DOWNSTREAM SYSTEM.**



**For new development other than the construction of a single family house or duplex, plans shall document review by the design engineer of the downstream capacity of any existing storm drainage facilities impacted by the proposed development. That review shall extend downstream to a point where the impacts to the water surface elevation from the development will be insignificant, or to a point where the conveyance system has adequate capacity, as determined by the City Engineer. To determine the point at which the downstream impacts are insignificant or the drainage system has adequate capacity, the design engineer shall submit an analysis using the following guidelines:**

- (1) evaluate the downstream drainage system for at least ¼ mile;**
- (2) evaluate the downstream drainage system to a point at which the runoff from the development in a build out condition is less than 10 percent of the total runoff of the basin in its current development status. Developments in the basin that have been approved may be considered in place and their conditions of approval to exist if the work has started on those projects;**
- (3) evaluate the downstream drainage system throughout the following range of storms: 2, 5, 10, 25 year;**
- (4) The City Engineer may modify items 1, 2, 3 to require additional information to determine the impacts of the development or to delete the provision of unnecessary information.**

**FINDING:**

The site is located in the Hedges Creek Subbasin and discharges directly to the protected area. Therefore, the site is excepted from the onsite detention facility requirement and Hedges Creek is considered to have adequate capacity.

This criterion is satisfied.

**5. TMC 3-5-220 CRITERIA FOR REQUIRING ON-SITE  
DETENTION TO BE CONSTRUCTED.**

**The City shall determine whether the onsite facility shall be constructed. If the onsite facility is constructed, the development shall be eligible for a credit against Storm and Surface Water System Development Charges, as provided in City ordinance.**

**On-site facilities shall be constructed when any of the following conditions exist:**

- (4) The site is located in the Hedges Creek Subbasin as identified in the Tualatin Drainage Plan and surface water runoff from the site flows directly or indirectly into the Wetland Protected Area (WPA) as defined in TDC 71.020. Properties located within the Wetland Protection District as described in TDC 71.010, or within the portion of the subbasin east of SW Tualatin Road are excepted from the on-site detention facility requirement.**

**FINDING:**

The site is located in the Hedges Creek Subbasin and discharges directly to the protected area. Therefore, the site is excepted from the onsite detention facility requirement and Hedges Creek is considered to have adequate capacity.

This criterion is satisfied.

## **6. TMC 3-5-250 FLOODPLAIN DESIGN STANDARDS.**

### **(1) Balanced Cut and Fill Standard.**

All fill placed in a floodplain shall be balanced with an equal amount of removal of soil material. No net fill in any floodplain is allowed with two exceptions:

- (a) When an engineering study has been conducted and approved by the City showing that the increase in water surface elevation resulting from the fill will not cause or contribute to significant damage from flooding to existing buildings or dwellings on properties upstream and downstream;**
- (b) When an area has received special protection from floodplain improvement projects which either lower the floodplain, or otherwise protect affected properties, are approved by the City, where the exceptions comply with adopted master plans, if any, and where all required permits and approvals have been obtained in compliance with other local, state, and federal laws regarding fill in floodplains, including FEMA rules.**

### **(2) Excavation Restricted.**

Large areas may not be excavated in order to gain a small amount of fill in a floodplain. Excavation areas shall not exceed the fill areas by more than 50 percent of the square footage, unless approved by the City.

### **(3) Excavation and Fill Volume Calculation.**

Any excavation dug below the winter "low water" elevation shall not count towards compensating for fill, since these areas would be full of water in the winter, and not available to hold storm water following a rain. Winter "low water" elevation is defined as the water surface elevation during the winter when it has not rained for at least three days, and the flows resulting from storms have receded. This elevation may be determined from records, studies or field observation. Any fill placed above the 100 year floodplain will not count towards the fill volume.

### **(4) Excavation Grade Design Standard.**

The excavated area must be designed to drain if it is an area identified to be dry in the summer; for example, if it is to be used for a park, or if it is to be mowed in the summer. Excavated areas identified as to remain wet in the summer, such as a constructed wetland, shall be designed not to drain. For areas that are to drain, the lowest elevation should be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the drainage way. One percent slopes will be allowed in small areas.

### **(5) Excavation Location.**

Excavation to balance a fill does not need to be on the same property as the fill, but shall be in the same drainage basin, within points of constriction on the conveyance system, if any, as near as practical to the fill site, and shall be constructed as a part of the same development project which placed the fill.

**FINDINGS:**

Per FEMA, this site has a floodplain elevation of 133.1 (NAVD 88), which is equal to 129.58 (NVD 29) as referenced on plans. The entirety of the project site is therefore located in the floodplain (max elevation of 129.20). The proposed building addition will match the finished floor of the existing office building, which is equal to 126.87.

Matching the existing finish floor will involve cutting down the grade where the proposed building will be located, which will balance the volume of fill created by the waterproofed building and create a net cut of 660 cubic yards. The proposed elevations will match elevations in existing areas for much of the site, including the existing building and the parking area south of the addition. For building waterproofing, the proposed addition will utilize a below-grade waterproofing system of either sheet waterproofing or fluid-applied waterproofing materials.

Plans will be submitted clarifying locations and volumes of cut and fill to balance the fill/floodproofing within the floodplain. A development permit will be obtained prior to construction or onsite grading

This criterion is satisfied with conditions of approval PFR-4 and PFR-12.

**IV. TMC 3-5 PERMANENT ON-SITE WATER QUALITY FACILITIES**

**1. TMC 3-5-280 PLACEMENT OF WATER QUALITY FACILITIES.**

**Title III specifies that certain properties shall install water quality facilities for the purpose of removing phosphorous. No such water quality facilities shall be constructed within the defined area of existing or created wetlands unless a mitigation action, approved by the City, is constructed to replace the area used for the water quality facility.**

**FINDING:**

No new water quality facilities are proposed for this project, since the existing facility was designed to manage the whole site. Existing water quality facilities located in the wetland will be protected, but will not be modified, only maintained per CWS requirements.

This criterion is met.

**2. TMC 3-5-330 PERMIT REQUIRED.**

**Except as provided in TMC 3-5-310, no person shall cause any change to improved or unimproved real property that will, or is likely to, increase the rate or quantity of run-off or pollution from the site without first obtaining a permit from the City and following the conditions of the permit.**

**FINDINGS:**

The total impervious area for the site will be reduced, so this project will not increase the runoff rate for the site.

This criterion is satisfied.

**3. TMC 3-5-340 FACILITIES REQUIRED.**

**For new development, subject to the exemptions of TMC 3-5-310, no permit for construction, or land development, or plat or site plan shall be approved unless the conditions of the plat, plan or permit approval require permanent stormwater quality control facilities in accordance with this Title III.**

**FINDINGS:**

No new stormwater facilities are proposed for this project, but the existing stormwater facility will be sufficient to manage the site. The permitted plans will reflect this and will meet the standards required by this code section.

This criterion is satisfied.

**4. TMC 3-5-350 PHOSPHOROUS REMOVAL STANDARD.**

**The stormwater quality control facilities shall be designed to remove 65 percent of the phosphorous from the runoff from 100 percent of the newly constructed impervious surfaces. Impervious surfaces shall include pavement, buildings, public and private roadways, and all other surfaces with similar runoff characteristics.**

**FINDINGS:**

The existing facility was designed to manage this site per 1992 CWS standards requiring phosphorus removal and will be sufficient to meet the requirements of this code section.

This criterion is satisfied.

**5. TMC 3-5-360 DESIGN STORM.**

**The stormwater quality control facilities shall be designed to meet the removal efficiency of TMC 3-5-350 for a mean summertime storm event totaling 0.36 inches of precipitation falling in four hours with an average return period of 96 hours.**

**FINDINGS:**

The existing stormwater wet pond was designed to manage the 0.36-inch water quality storm, per CWS R&O 90-30 (1992).

This criterion is satisfied.

**6. TMC 3-5-430 PLACEMENT OF WATER QUALITY FACILITIES.**

**No water quality facilities shall be constructed within the defined area of existing or created wetlands unless a mitigation action is approved by the City, and is constructed to replace the area used for water quality.**

**FINDINGS:**

No new water quality facilities are proposed for this project, since the existing facility was designed to manage the whole site. Existing water quality facilities located in the wetland will be protected, but will not be modified.

This criterion is satisfied.

**B. TDC 70: FLOOD PLAIN DISTRICT (FP) - NEW FLOODPLAIN CODE EFFECTIVE OCTOBER 19, 2018**

**I. TDC SECTION 70.110 - DEVELOPMENT PERMIT REQUIRED.**

**A development permit shall be obtained before construction or development begins within any area of special flood hazard established by TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard). The permit shall be for all structures, including manufactured homes, as set forth in TDC 70. 030 (Definitions), and for all other development, including fill and other activities, also as set forth in TDC 70. 030 (Definitions).**

**FINDINGS:**

A development permit and floodplain permit will be obtained for this project.

This criterion is satisfied with conditions of approval PFR-4, PFR-10, and PFR-12.

**II. TDC SECTION 70.120 - APPLICATION FOR DEVELOPMENT PERMIT.**

**Application for a development permit shall be made on forms furnished by the Local Floodplain Administrator and may include, but not be limited to, plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:**

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;**

- (2) Elevation in relation to mean sea level of floodproofing of any structure;**
- (3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in TDC 70.180 (Specific Standards for Nonresidential Structures); and**
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.**

**FINDINGS:**

A development permit and floodplain permit will be obtained for this project and will include plans detailing proposed work and elevations in relation to floodplain data. No watercourse will be altered or relocated as a result of the proposed development.

This criterion is satisfied with conditions of approval PFR-4, PFR-10, and PFR-12.

**III. TDC SECTION 70.170 - GENERAL STANDARDS.**

**In all areas of special flood hazards, the following standards are required:**

- (1) Anchoring.**
  - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.**
  - (b) All manufactured dwellings shall be anchored according to TDC 70. 180( 3)( Specific Standards for Manufactured Dwellings).**
- (2) Construction Materials and Methods.**
  - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.**
  - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.**
  - (c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.**
- (3) Utilities.**
  - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;**
  - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and**
  - (c) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.**
- (4) Subdivision Proposals.**
  - (a) All subdivision proposals shall be consistent with the need to minimize flood damage.**
  - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed so as to minimize flood damage.**

- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.**
- (d) here base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).**
- (5) AH and AO Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.**

**FINDINGS:**

Per FEMA, this site has a floodplain elevation of 133.1 (NAVD 88), which is equal to 129.58 (NVD 29) as referenced on plans. The entirety of the project site is therefore located in the floodplain (max elevation of 129.20). The proposed building addition will match the finished floor of the existing office building, which is equal to 126.87.

Matching the existing finish floor will involve cutting down the grade where the proposed building will be located, which will balance the volume of fill created by the floodproofed building and create a net cut of 660 cubic yards. The proposed elevations will match elevations in existing areas for much of the site, including the existing building and the parking area south of the addition. For building waterproofing, the proposed addition will utilize a below-grade waterproofing system of either sheet waterproofing or fluid-applied waterproofing materials. New construction will be anchored and constructed with materials and equipment appropriate for flood areas, and service facilities will be elevated to minimize water from entering during flood conditions.

This criterion is satisfied with conditions of approval PFR-4, PFR-10, and PFR-12.

**IV. TDC SECTION 70.180 - SPECIFIC STANDARDS.**

**In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard) or TDC 70.140(2) (Use of Other Base Flood Data (In A and V Zones)), the following provisions are required:**

**(2) Nonresidential Construction.**

**New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum according to ASCE 24; or, together with attendant utility and sanitary facilities, shall:**

- (a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;**
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;**
- (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development**

- and review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in TDC 70.140(3)(b) (Duties and Responsibilities of the Local Floodplain Administrator);
- (d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in TDC 70.180(1)(d)(Specific Standards for Residential Construction).
- (e) Applicants shall supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

**FINDINGS:**

Per FEMA, this site has a floodplain elevation of 133.1 (NAVD 88), which is equal to 129.58 (NVGD 29) as referenced on plans. The entirety of the project site is therefore located in the floodplain (max elevation of 129.20). The proposed building addition will match the finished floor of the existing office building, which is equal to 126.87.

The proposed addition will utilize a below-grade waterproofing system of either sheet waterproofing or fluid-applied waterproofing materials. New construction will be anchored and constructed with materials and equipment appropriate for flood areas, and service facilities will be elevated to minimize water from entering during flood conditions.

This criterion is satisfied with conditions of approval PFR-4, PFR-10, and PFR-12.

**C. TDC CHAPTER 72: NATURAL RESOURCE PROTECTION OVERLAY DISTRICT (NRPO)**

**I. TDC SECTION 72.030 GREENWAYS.**

**(3) Creek Greenways (NRPO-GC).**

- (a) Except as provided in Subsections (b-d), the NRPO-GC District shall have a width of 50 feet centered on the centerline of Hedges Creek from SW Ibach Street to the western boundary of the Wet-lands Protection District and from the eastern boundary of the Wetlands Protection District to the Tualatin River, and centered on Nyberg Creek from SW Tonka Street to the Tualatin River.
- (c) Property owners on opposite sides of a creek may enter into a written agreement to allow the NRPO-GC District to be off-center, but in no case shall it be less than 15 feet on one side of the creek. Such agreement shall be binding on property owners, their heirs and assigns; shall be approved by City Council and shall be placed on permanent file with the City Recorder.



- (d) The NRPO-GC District shall have a width of 50 feet extending out from the top of the stream bank or from the upland edge of wetlands within the stream riparian area on the following creek sections:**
  - (i) Hedges Creek from SW 105th Avenue downstream to the private driveway culvert at the upper end of the fire pond at Tri-County Industrial Park,**
  - (ii) Hedges Creek from the fire pond dam's outlet at Tri-County Industrial Park downstream to SW Tualatin-Sherwood Road, and**

**FINDINGS:**

The lot for this site includes a wetland area that is part of the Hedges Creek wetlands. However, the development area at its outer limit is approximately 130 feet to the north of the wetland boundary, and the greenway will not be affected or encroached on by the proposed project.

This criterion is satisfied.

**II. TDC SECTION 72.040 NATURAL AREAS.**

- (1) Natural Areas are the wetlands and upland open space areas on Map 72-1. They provide flood control, water quality, erosion control, fish and wildlife habitat, and valuable scenic qualities. Natural Areas may include restored and enhanced wetlands, park sites and other areas accessible by the public for passive recreation.**
- (2) Wetland Natural Areas.**
  - (a) Wetland Preservation Natural Areas (NRPO-WPNA) are shown on Map 72-1. They include all land within a delineated wetland boundary.**
  - (b) Wetland Conservation Natural Areas (NRPO-WCNA) are shown on Map 72-1. Except as provided in Subsection (c), they include all land within a delineated wetland boundary.**
  - (c) For uses not permitted in TDC 72.060(3), excavation, fill or removal in a NRPO-WCNA is allowed subject to the Oregon Division of State Lands (DSL) requirements and the following standards:**
    - (i) The wetland acreage affected by the excavation, fill or removal shall not exceed 30% of the subject property's delineated wetland acreage. The wetland acreage affected shall include excavation, fill or removal activities conducted since March 1, 1996.**
    - (ii) The excavation, fill or removal shall not reduce or block water features such as springs, drainage courses and streams.**
    - (iii) The wetland's functions and values listed in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) shall be retained or improved through mitigation and/or enhancement. The wetland's functions and values may be assessed using the Oregon Freshwater Wetland Assessment Methodology (DSL, 1996, as amended).**
    - (iv) Mitigation shall be conducted either on the subject property or within the same stream watershed as the subject wetland unless the applicant demonstrates the impracticality of doing so.**

**FINDINGS:**

The project site is located to the north of a Protected Area per Map 72-1. The wetland will not be touched by the project work, there will be no fill or excavation within the protected area, and erosion control measures will be taken to prevent the project from affecting the wetland.

This criterion is satisfied.

**III. TDC 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.**
- (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.**

**FINDINGS:**

There will be no structures, grading, excavation, fill, or any other development within the protected area. The project will utilize the existing wet pond in the sensitive area, but the pond will not be modified in any way.

This criterion is satisfied.

**IV. TDC 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.**

**FINDINGS:**

The project will comply with requirements based on this code section.

This criterion is satisfied.

## **D. TDC CHAPTER 74: PUBLIC IMPROVEMENT REQUIREMENTS**

### **I. TDC SECTION 74.110 PHASING OF IMPROVEMENTS.**

The applicant may build the development in phases. If the development is to be phased the applicant must submit a phasing plan to the City Manager for approval with the development application. The timing and extent or scope of public improvements and the conditions of development must be determined by the City Council on subdivision applications and by the City Manager on other development applications.

#### **FINDINGS:**

The public improvements for this project will be constructed in a single phase.

This criterion is satisfied.

### **II. TDC SECTION 74.120 PUBLIC IMPROVEMENTS.**

(1) Except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. Work must not be undertaken on any public improvement until after the construction plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.

#### **FINDINGS:**

As part of the project, improvements to both the SW Teton Ave frontage and the SW Spokane Ct frontage will be made under a Public Works Permit at the expense of the owner. The existing curbs will be protected and the sidewalk panels will be replaced as needed to bring the sidewalks into ADA compliance. The ramp crossing at the corner meets ADA standards and will be protected. In addition, the northern driveway approach on SW Teton Avenue will be closed, and the driveway pan at the southern entry will be replaced.

This criterion is satisfied with conditions of approval PFR-5, PFR-10, and PFR-13.

### **III. TDC SECTION 74.130 PRIVATE IMPROVEMENTS.**

All private improvements must be installed at the expense of the applicant. The property owner must retain maintenance responsibilities over all private improvements.

#### **FINDINGS:**

All private improvements will be constructed at the expense of ownership.

This criterion is satisfied with conditions of approval PFR-13.

#### **IV. TDC SECTION 74.140 CONSTRUCTION TIMING.**

**(1) All the public improvements required under this chapter must 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.**

**(2) All private improvements required under this Chapter must 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.**

#### **FINDINGS:**

All public and private improvements will be complete prior to receiving a Certificate of Occupancy.

This criterion is satisfied with conditions of approval PFR-12.

#### **V. TDC 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.**

**(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 must 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 must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.**

#### **FINDINGS:**

A 7.00-ft right-of-way dedication will be made on SW Teton as part of this project, for a street width of 37 feet from centerline. Traffic study has confirmed that the street is functioning at its current width. Per the traffic study, the additional trips associated with this development are not expected to have a significant effect on the existing transportation system; therefore, the dedication will be made anticipating a future

reconstruction of the sidewalk corridor, but the corridor will retain its current paved width and curb-tight sidewalk while allowing for future development to construct per standard corridor.

This criterion is satisfied with conditions of approval PFR-5, PFR-10, PFR-13, and PFR-14.

## **VI. TDC 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 must be granted to the City.**

### **FINDINGS:**

Existing utility easements will be maintained. The City Engineer has determined that side and rear easements are not needed. On the SW Teton frontage, a, 6' easement will be provided in addition to the 7' ROW dedication. On SW Spokane, a 6' easement will also be provided from the property line, to accommodate franchise utilities.

This criterion is satisfied with conditions of approval PFR-14.

**(4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement must be granted to the City; building permits must 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 must determine when condemnation proceedings are to be used.**

### **FINDINGS:**

Existing utility easements will be maintained. The City Engineer has determined that side and rear easements are not needed. On the SW Teton frontage, a, 6' easement will be provided in addition to the 7' ROW dedication. On SW Spokane, a 6' easement will also be provided from the property line, to accommodate franchise utilities.

This criterion is satisfied with conditions of approval PFR-14.

**(5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must 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. Other easements may be required as determined by the City Manager.**

### **FINDINGS:**

Existing utility easements will be maintained. The City Engineer has determined that side and rear easements are not needed. On the SW Teton frontage, a, 6' easement

will be provided in addition to the 7' ROW dedication. On SW Spokane, a 6' easement will also be provided from the property line, to accommodate franchise utilities.

This criterion is satisfied with conditions of approval PFR-14.

## **VII. TDC 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 must be improved to standards as set out in the Public Works Construction Code.**

### **FINDINGS:**

As part of the project, improvements to both the SW Teton Ave frontage and the SW Spokane Ct frontage will be made under a Public Works Permit. The existing curbs will be protected and the sidewalk panels will be replaced as needed to bring the sidewalks into ADA compliance.

This criterion is satisfied with conditions of approval PFR-5, PFR-10, PFR-13, and PFR-14.

**(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.**

### **FINDINGS:**

As part of the project, improvements to both the SW Teton Ave frontage and the SW Spokane Ct frontage will be made under a Public Works Permit. The existing curbs will be protected and the sidewalk panels will be replaced as needed to bring the sidewalks into ADA compliance.

This criterion is satisfied with conditions of approval PFR-5, PFR-10, PFR-13, and PFR-14.

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

### **FINDINGS:**

As part of the project, improvements to both the SW Teton Ave frontage and the SW Spokane Ct frontage will be made under a Public Works Permit. The existing curbs will be protected and the sidewalk panels will be replaced as needed to bring the sidewalks into ADA compliance.

This criterion is satisfied with conditions of approval PFR-5, PFR-10, PFR-13, and PFR-14.

### **VIII. TDC SECTION 74.425 STREET DESIGN STANDARDS.**

**(4) All streets must be designed and constructed according to the preferred standard. The City Manager 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 Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:**

**(a) Arterials:**

- (i) Whether adequate right-of-way exists;**
- (ii) Impacts to properties adjacent to right-of-way;**
- (iii) Current and future vehicle traffic at the location; and**
- (iv) Amount of heavy vehicles (buses and trucks).**

**(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); and**
- (iv) Proximity to property zoned manufacturing or industrial.**

**(c) Local Streets:**

- (i) Local streets proposed within areas which have environmental constraints and/or sensitive areas and will not have direct residential access may utilize the minimum design standard.**
- (ii) When the minimum design standard is allowed, the City Manager may determine that no parking signs are required on one or both sides of the street.**

#### **FINDINGS:**

SW Teton Ave is classified as a minor arterial, and the project will dedicate 7 feet per the preferred layout (Fig 74-2b). However, per traffic study confirming that the street is functioning at its current width the project will be protecting the existing layout of the curb-tight sidewalks. SW Spokane Court is a local street which would be a 50-foot wide cross-section, but is currently dedicated and built to a 60-foot wide cross-section which is acceptable. All modifications to the existing sidewalks will be to bring cross-slopes into compliance with accessibility standards and ROW will be dedicated in anticipation of future modifications to the sidewalk layout.

This criterion is satisfied with conditions of approval PFR-5, PFR-10, PFR-13, and PFR-14.

**IX. TDC SECTION 74.430 STREETS, MODIFICATIONS OF REQUIREMENTS IN CASES OF UNUSUAL CONDITIONS.**

**(1) When, in the opinion of the City Manager , the construction of street improvements in accordance with TDC 74.420 would result in the creation of a hazard, or would be impractical, or would be detrimental to the City, the City Manager may modify the scope of the required improvement to eliminate such hazardous, impractical, or detrimental results. Examples of conditions requiring modifications to improvement requirements include but are not limited to horizontal alignment, vertical alignment, significant stands of trees, fish and wildlife habitat areas, the amount of traffic generated by the proposed development, timing of the development or other conditions creating hazards for pedestrian, bicycle or motor vehicle traffic. The City Manager may determine that, although an improvement may be impractical at the time of development, it will be necessary at some future date. In such cases, a written agreement guaranteeing future performance by the applicant in installing the required improvements must be signed by the applicant and approved by the City.**

**FINDINGS:**

SW Teton Ave is classified as a minor arterial, and the project will dedicate 7 feet per the preferred layout (Fig 74-2b). However, per traffic study confirming that the street is functioning at its current width the project will be protecting the existing layout of the curb-tight sidewalks. SW Spokane Court is a local street which would be a 50-foot wide cross-section, but is currently dedicated and built to a 60-foot wide cross-section which is acceptable. All modifications to the existing sidewalks will be to bring cross-slopes into compliance with accessibility standards and ROW will be dedicated in anticipation of future modifications to the sidewalk layout.

This criterion is satisfied with conditions of approval PFR-5, PFR-10, PFR-13, and PFR-14.

**(2) When the City Manager determines that modification of the street improvement requirements in TDC 74.420 is warranted pursuant to subsection (1) of this section, the City Manager must prepare written findings of modification. The City Manager must forward a copy of said findings and description of modification to the applicant, or his authorized agent, as part of the Utility Facilities Review for the proposed development, as provided by TDC Chapter 32 (Procedures). The decision of the City Manager may be appealed to the City Council in accordance with TDC Chapter 32 (Procedures).**

**FINDINGS:**

SW Teton Ave is classified as a minor arterial, and the project will dedicate 7 feet per the preferred layout (Fig 74-2b). However, per traffic study confirming that the street is functioning at its current width the project will be protecting the existing layout of the curb-tight sidewalks. SW Spokane Court is a local street which would be a 50-foot wide cross-section, but is currently dedicated and built to a 60-foot wide cross-section which is acceptable. All modifications to the existing sidewalks will be to bring cross-slopes



into compliance with accessibility standards and ROW will be dedicated in anticipation of future modifications to the sidewalk layout.

This criterion is satisfied with conditions of approval PFR-5, PFR-10, PFR-13, and PFR-14.

#### **X. TDC 74.440 STREETS, TRAFFIC STUDY REQUIRED**

- (1) The City Manager 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 Manager determines that such a study is necessary in connection with a proposed development project in order to:**
- (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or**
  - (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.**

##### **FINDINGS:**

A traffic study has been conducted and is included with the Architectural Review submittal. The study includes existing conditions, trip generation, turning analysis and site distance, and was conducted by a registered transportation engineer. It has been determined that while the development will create additional trips, this will not have a significant impact on the existing transportation system.

This criterion is met.

- (2) The required traffic study must be completed prior to the approval of the development application.**

##### **FINDINGS:**

A traffic study has been conducted and is included with the Architectural Review submittal. The study includes existing conditions, trip generation, turning analysis and site distance, and was conducted by a registered transportation engineer. It has been determined that while the development will create additional trips, this will not have a significant impact on the existing transportation system.

This criterion is met.

- (3) The traffic study must include, at a minimum:**
- (a) an analysis of the existing situation, including the level of service on adjacent and impacted facilities.**
  - (b) an analysis of any existing safety deficiencies.**
  - (c) proposed trip generation and distribution for the proposed development.**
  - (d) projected levels of service on adjacent and impacted facilities.**

- (e) recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.**
- (f) The City Manager will determine which facilities are impacted and need to be included in the study.**
- (g) The study must be conducted by a registered engineer.**

**FINDINGS:**

A traffic study has been conducted and is included with the Architectural Review submittal. The study includes existing conditions, trip generation, turning analysis and site distance, and was conducted by a registered transportation engineer. It has been determined that while the development will create additional trips, this will not have a significant impact on the existing transportation system.

This criterion is met.

**XI. TDC SECTION 74.470 STREET LIGHTS.**

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

**FINDINGS:**

Both frontages are already adequately lit and additional street lights will not be necessary as part of this project. The layout of the existing frontages will not be altered. The illumination standards are met and additional improvements are not needed.

This criterion is satisfied.

**XII. TDC SECTION 74.485 STREET TREES.**

- (1) Prior to approval of a residential subdivision or partition final plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.**

**FINDINGS:**

The existing condition of the Teton frontage consists of a curb-tight sidewalk, the location of which is being protected. Additional street trees will not be planted due to the potential future shift of the sidewalk location.

This criterion is satisfied.

### **XIII. TDC SECTION 74.610 WATER SERVICE.**

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

**FINDINGS:**

The addition to the existing office building will connect to the existing water system onsite for domestic water and fire protection, as shown on sheet C0.50. There are no undeveloped adjacent properties without public utility access.

This criterion is satisfied.

**(2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.**

**FINDINGS:**

The addition to the existing office building will connect to the existing water system onsite for domestic water and fire protection, as shown on sheet C0.50. There are no undeveloped adjacent properties without public utility access.

This criterion is satisfied.

### **XIV. TDC SECTION 74.620 SANITARY SEWER SERVICE.**

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

**FINDINGS:**

The addition to the existing office building will connect to the existing sanitary sewer system onsite, as shown on sheet C0.50. There are no undeveloped adjacent properties without public utility access.

This criterion is satisfied.

**(2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.**

**FINDINGS:**

The addition to the existing office building will connect to the existing sanitary sewer system onsite, as shown on sheet C0.50. There are no undeveloped adjacent properties without public utility access.

This criterion is satisfied.

**XV. TDC SECTION 74.630 STORM DRAINAGE SYSTEM.**

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

**FINDINGS:**

No new connection to the public system is proposed; stormwater runoff from modified area will connect to the existing storm system. All lines will be sized to convey expected flows, and the redevelopment will result in a net decrease in impervious area for the total site. There are no undeveloped adjacent properties without public utility access.

This criterion is satisfied.

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

**FINDINGS:**

No new connection to the public system is proposed; stormwater runoff from modified area will connect to the existing storm system. All lines will be sized to convey expected flows, and the redevelopment will result in a net decrease in impervious area for the total site. There are no undeveloped adjacent properties without public utility access.

This criterion is satisfied.

**(3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the Tualatin Drainage Plan in TDC Chapter 14.**

**FINDINGS:**

No new connection to the public system is proposed; stormwater runoff from modified area will connect to the existing storm system. All lines will be sized to convey expected flows, and the redevelopment will result in a net decrease in impervious area for the total site. There are no undeveloped adjacent properties without public utility access.

This criterion is satisfied.

**XVI. TDC SECTION 74.640 GRADING.**

**(1) Development sites must 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.**

**FINDINGS:**

An erosion control plan will be provided and existing drainage patterns will be maintained. This project will not impact adjacent properties.

This criterion is satisfied with conditions of approval PFR-1, PFR-2, and PFR-10.

**(2) A development applicant must 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 Manager may require the applicant to remove all excess material from the development site.**

**FINDINGS:**

All existing sanitary sewer and stormwater systems that will be reused for this project flow by gravity. An erosion control plan will be provided and existing drainage patterns will be maintained. This project will not impact adjacent properties.

This criterion is satisfied with conditions of approval PFR-1, PFR-2, and PFR-10.

**XVII. TDC SECTION 74.650 WATER QUALITY, STORM WATER DETENTION AND EROSION CONTROL.**

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

**(2) On all other development applications, prior to issuance of any building permit, the applicant must 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.**

**FINDINGS:**

Stormwater from modified area will be managed by the existing wet pond for water quality. A Service Provider Letter from Clean Water Services will be submitted with this application indicating that this development will not negatively impact the Sensitive Areas located onsite. A CWS Memorandum was received dated June 3, 2019 for development on this site. The applicant will submit plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted

Service Provider Letter conditions, for review and approval. A Stormwater Connection Permit Authorization Letter will be obtained and designs will comply with CWS standards. An Operations and Maintenance agreement will also be submitted. The site disturbance area is 42,687 square feet, under one acre. However, the ADA improvements to the public right of way bring the total disturbance area to 47,260 sf. An erosion control plan will be prepared and a grading and erosion control permit obtained from the City of Tualatin. In addition, the project will prepare and submit a 1200C erosion control permit package

This criterion is satisfied with conditions of approval PFR-6, PFR-10, and PFR-13.

**(3) For on-site private and regional non-residential public facilities, the applicant must 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 must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.**

#### **FINDINGS:**

Stormwater from modified area will be managed by the existing wet pond for water quality. A Service Provider Letter from Clean Water Services will be submitted with this application indicating that this development will not negatively impact the Sensitive Areas located onsite. A CWS Memorandum was received dated June 3, 2019 for development on this site. The applicant will submit plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions, for review and approval. A Stormwater Connection Permit Authorization Letter will be obtained and designs will comply with CWS standards. An Operations and Maintenance agreement will also be submitted. The site disturbance area is 42,687 square feet, under one acre. However, the ADA improvements to the public right of way bring the total disturbance area to 47,260 sf. An erosion control plan will be prepared and a grading and erosion control permit obtained from the City of Tualatin. In addition, the project will prepare and submit a 1200C erosion control permit package

This criterion is satisfied with conditions of approval PFR-6, PFR-10, and PFR-13.

### **XVIII. TDC 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 must 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 must 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.**

**FINDINGS:**

No additional utility lines in the public right of way are proposed. Onsite utilities will be exclusively underground.

This criterion is satisfied.

**XIX. TDC SECTION 74.670 EXISTING STRUCTURES.**

**(1) Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.**

**FINDINGS:**

All connections to existing utilities will be made at the expense of the applicant and there are no existing overhead utilities to be undergrounded.

This criterion is satisfied.

**E. TDC CHAPTER 75: ACCESS MANAGEMENT**

**I. TDC SECTION 75.040 – DRIVEWAY APPROACH REQUIREMENTS.**

**(1) The provision and maintenance of driveway approaches 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. No building or other permit may be issued until scale plans are presented that show how the driveway approach 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 driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.**

**FINDINGS:**

Teton Avenue between Herman Rd and Tualatin-Sherwood Rd is an access limited roadway; existing driveways are allowed to remain and no new driveways are permitted. The site currently had two driveway approaches, one to the north near the corner with Spokane Ct and one to the south of the site. The closure of the northern driveway entrance for this project has been approved; the remaining driveway, to the south, will be repaired to bring the sidewalks into ADA compliance as part of the PWP permit. The driveway approach to remain is 36 feet wide, which is compliant with the requirements for industrial sites.

Vision clearances are not an issue due to curb-tight sidewalk.

The site also abuts SW Spokane Ct, but will not be adding an entrance on that frontage due to the large grade difference between the site and the public street.

This criterion is satisfied with conditions of approval PFR-5, PFR-10, and PFR-13.

**(9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width).**

**FINDINGS:**

Teton Avenue between Herman Rd and Tualatin-Sherwood Rd is an access limited roadway; existing driveways are allowed to remain and no new driveways are permitted. The site currently had two driveway approaches, one to the north near the corner with Spokane Ct and one to the south of the site. The closure of the northern driveway entrance for this project has been approved; the remaining driveway, to the south, will be repaired to bring the sidewalks into ADA compliance as part of the PWP permit. The driveway approach to remain is 36 feet wide, which is compliant with the requirements for industrial sites.

This criterion is satisfied.

**(11) Distance between Driveways and Intersections. Except for single-family dwellings, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection.**

- (a) At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.**
- (b) At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.**
- (c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.**
- (d) When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.**

**FINDINGS:**

Teton Avenue between Herman Rd and Tualatin-Sherwood Rd is an access limited roadway; existing driveways are allowed to remain and no new driveways are permitted. The site currently had two driveway approaches, one to the north near the corner with Spokane Ct and one to the south of the site. The closure of the northern driveway entrance for this project has been approved; the remaining driveway, to the south, will be repaired to bring the sidewalks into ADA compliance as part of the PWP permit. The driveway approach to remain is 36 feet wide, which is compliant with the requirements for industrial sites.



Vision clearances are not an issue due to curb-tight sidewalk.

The site also abuts SW Spokane Ct, but will not be adding an entrance on that frontage due to the large grade difference between the site and the public street.

This criterion is satisfied.

**(12) Vision Clearance Area.**

**(a) Local Streets.** A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must 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 10 feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

**(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 must 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 must be 10 feet (see Figure 73-2 for illustration).

**(c) Vertical Height Restriction.** Except for 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 must 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).

**FINDINGS:**

Teton Avenue between Herman Rd and Tualatin-Sherwood Rd is an access limited roadway; existing driveways are allowed to remain and no new driveways are permitted. The site currently had two driveway approaches, one to the north near the corner with Spokane Ct and one to the south of the site. The closure of the northern driveway entrance for this project has been approved; the remaining driveway, to the south, will be repaired to bring the sidewalks into ADA compliance as part of the PWP permit. The driveway approach to remain is 36 feet wide, which is compliant with the requirements for industrial sites.

Vision clearances are not an issue due to curb-tight sidewalk.

The site also abuts SW Spokane Ct, but will not be adding an entrance on that frontage due to the large grade difference between the site and the public street.

This criterion is satisfied.