



April 17, 2019
revised May x, xxxx

City of Tualatin
Attn: Engineering Department
18880 SW Martinazzi Avenue
Tualatin, OR 97062-7092

RE: PGE Integrated Operations Center
Public Facilities Narrative

Below are our responses to City of Tualatin Municipal Code Title 03: Utilities and Water Quality.

CHAPTER 03-02 Sewer Regulations; Rates

Section 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.

(2) Upon approval of the application and payment of all charges, the City will issue a sewer connection permit for the premises covered in the application. The application and permit shall be on forms provided by the City.

(3) After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the City. The applicant's signature on an application for any permit as set forth shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other City of Tualatin ordinances, rules and regulations, laws of the State of Oregon, and with the plans and specifications filed with the application, if any, together with such corrections or modifications as may be made or permitted by the City, if any. Such agreement shall be binding upon the applicant and may be altered only by the City upon the written request for the alteration from the applicant.

(4) It shall be the duty of the person doing the work authorized by permit to notify the City that said work is ready for inspection.

(5) All sewer construction work shall be inspected by an inspector acting for the City to insure compliance with all requirements of the City. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the City's public sewer until the work covered by the permit has been completed, inspected, and approved by the inspector. All sewers shall be tested for leakage in the presence of the inspector and shall be cleaned of all debris accumulated from construction operations.

(6) When any work has been inspected and the test results are not satisfactory, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the City.

(7) All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the work.

RESPONSE: The applicant acknowledges and will comply the application, permit and inspection procedures for the construction and connection of sanitary sewers.

Section 3-2-030 Material and Manner of Construction

(1) All building sewers, side sewers and connections to the main sewer shall be so constructed as to conform to the requirements of the Oregon State Plumbing Laws and rules and regulations and specifications for sewerage construction of the City.

(2) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Inspector, to meet all requirements of the City.

(3) A public works permit must be secured from the City and other agency having jurisdiction by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

(4) The City and its officers, agents or employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for and shall save the City and its officers, agents and employees harmless from any liability imposed by law upon the City or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same.

RESPONSE: The applicant acknowledges and will comply the material and manner of construction of sanitary sewers. The applicant does not propose any connection to old building sewers.

Section 3-2-060 Use of Public Sewer Required

(1) No person shall discharge to a natural outlet within the City of Tualatin, or in an area under the jurisdiction of the City, any sewage or polluted waters, except where suitable treatment has been provided in accordance with this ordinance.

(2) Except as provided in this chapter, no person shall construct or maintain a privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the corporate limits of the City of Tualatin, or in any area under the jurisdiction of the City.

(3) The owner of all buildings situated within the City and abutting on a street, sewer easement, alley or right-of-way in which there is located a public sanitary sewer of the City is required at his or her expense

to connect such building directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with this ordinance, within 90 days after the date of official notice to do so; provided that the public sewer is available to or on the property and/or at a property line of the property and the structures or buildings are within 300 feet of the public sewer.

(a) In the event that, during the period of 90 days, the owner files written objections with the City Recorder against being required to connect to the public sewer, the City shall not enforce this subsection upon the owner until the Council shall have, at a meeting, heard the objections of the owner and rendered its decision. The meeting of the Council at which the objections are heard shall be held not less than ten (10) days or more than 30 days from and after the date of the filing of the objections with the City Recorder. Not less than seven days prior to the date set by the Council for the meeting, the City shall give due notice of the date set to the owner. The decision of the Council shall be final, and no appeal shall be taken by the owner except as is provided by law.

(b) In its consideration of filed written objections, the City Council may defer the required connection to the public sewer in the following cases:

(i) Where the sewer line which could serve the owner's property is (a) extended by a person other than the owner to benefit property other than the owner's property; and (b) the owner's pro rata share of the cost of construction of the sewer line extension is not payable under the provisions of the Bancroft Bonding Act (ORS Chapter 223), then the required sewer connection may be deferred until declaration by the City Council of a health hazard resulting from nonconnection, or the termination date of a reimbursement agreement between the City and the person making the sewer line extension, whichever event first occurs.

(ii) In those cases where a structure or structures are located and used upon real property in such a manner that the use is a non-conforming use under the City of Tualatin zoning ordinance, then connection to the public sewer may be deferred for a period of two years after official notice to connect, or declaration by the City Council of a health hazard resulting from nonconnection, or a change in the use or occupancy of the premises, whichever event first occurs.

(iii) A connection to the public sewer may be deferred until construction of a sanitary sewer improvement in the vicinity of the owner's property in such cases where the Public Works Director shall determine in writing that the owner's property will be better served by the sewer line to be constructed.

(4) In the event the owner does not connect to a public sewer in accordance with subsection (3) of this section, the Council may order the connection and assess the cost thereof in accordance with TMC 6-5-200 and 6-5-210.

RESPONSE: The applicant proposes to discharge all sewer and/or polluted waters to the City of Tualatin municipal sewer system.

An offline sewage holding tank is proposed for emergency use. The tank will only be used if the proposed connection to the municipal system is compromised due to a natural disaster.

Any septic system found and associated with the structures to be demolished on the site will be removed in accordance with DEQ requirements.

Section 3-2-070 Private Sewage Disposal

(1) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Oregon Department of Environmental Quality, the Oregon State Health Division, Washington County Department of Public Health, and the Plumbing Code of the State of Oregon.

(2) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance; and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials, except as provided below, or as the City Council shall otherwise permit. Where existing septic tank facilities shall be maintained in use and, when so ordered by the City under TMC 3-2-060, approved, pumping facilities shall be installed to pump the septic tank effluent into the available sanitary sewer system.

(3) The provisions of this article shall be in addition to and not in derogation of the requirements of general law.

RESPONSE: As noted in the response above the applicant proposes to connect to the City of Tualatin municipal sewer system.

In the event of a natural disaster which compromises the municipal sewer system the sewage holding tank will be used. The sewage holding tank would be managed by a sewage disposal service until the municipal service could be restored.

Section 3-2-080 Sewer Contractor Insurance and Bond

(1) No person shall make connections of private sewers to the sanitary sewer system of the City on behalf of any owner or owners of property within the City without first filing with the Public Works Director a certificate of insurance evidencing coverage for public liability in the amount of \$50,000.00 for injury or death to one person and \$100,000.00 for injury or death to two or more persons arising out of a single occurrence, and \$50,000.00 for property damage resulting from any single occurrence for any claims, demands, suits, or actions for property damage, personal injury or death resulting from any activities of such persons, firms or corporations and their officers, agents, employees, and contractors. The certificate of insurance shall be approved by the Public Works Director before any work is commenced by the person.

(2) In addition to the coverage for public liability, and prior to the commencement of any work, the person shall post a corporate surety bond issued by a company authorized to sell such bonds in the State of Oregon, with the Public Works Director. The financial limits of the bond shall be determined by the Public Works Director. The bond shall guarantee all work performed by said person, within the 12-month period next following the posting of the bond, for the benefit of the City, against defects in materials, workmanship, and labor for a period of one year after completion of the work. The person shall post such a bond for each 12-month period within which any such work shall be performed within the City. The completion date shall be determined in writing by the Public Works Director.

RESPONSE: The applicant acknowledges and will comply the contractor insurance and bond requirements of the City of Tualatin.

Section 3-2-160 Construction Standards

All sewer line construction and installation of services and equipment shall be in conformance with the City of Tualatin Public Works Construction Code. In addition, whenever a property owner extends a sewer line, the extension shall be carried to the opposite property line or to such other point as determined by the Public Works Director.

RESPONSE: All sewer line construction and installation shall be completed in conformance with the City of Tualatin Public Works Construction Code.

The applicant anticipates the need to extend municipal sewer service to the site in SW Itel Street approximately 200 feet. Additional extension to opposite property lines is not anticipated.

CHAPTER 03-03 Water Service

Section 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.

(2) For nonresidential uses, separate meters shall be provided for each structure. Separate meters shall also be provided to each buildable lot or parcel on which water service is or will be provided.

RESPONSE: The applicant proposes a single structure. The applicant proposes running a private water line from the main structure to the guard booth. The guard booth is an auxiliary use to the main structure and therefore a separate water meter is not proposed.

Section 3-3-100 Meters

(1) Meters up to and including two inches will be furnished by the City. Meters larger than two inches may be furnished by the customer upon approval of the Operations Director.

(2) All meters, including those for fire protection service, shall be located within the public right-of-way or within an access easement approved by the City Engineer.

(3) All meters, whether furnished by the City or a customer, shall be owned and maintained by the City.

(4) Meters will be sealed by the City at the time of installation, and no seal shall be altered or broken except by one of its authorized agents.

(5) If a change in size of a meter and service is required, the change shall be accomplished on the basis of a new installation.

(6) The customer is responsible for maintaining access to the meter free and clear of all shrubs, landscaping and other materials. Any obstructions may be trimmed or removed by the City and the cost therefore billed to the customer of the premises served.

RESPONSE: The applicant is proposing a 4-inch domestic water meter to be located within the public right-of-way. The applicant is proposing the fire meters be located in fire service vaults within easements adjacent to the public right-of-way.

Section 3-3-110 Construction Standards

All water line construction and installation of services and equipment shall be in conformance with the City of Tualatin Public Works Construction Code. In addition, whenever a property owner extends a water line, which upon completion, is intended to be dedicated to the City as part of the public water system, said extension shall be carried to the opposite property line or to such other point as determined by the City Engineer. Water line size shall be determined by the City Engineer in accordance with the City's Development Code or implementing ordinances and the Public Works Construction Code.

RESPONSE: All water line construction and installation shall be completed in conformance with the City of Tualatin Public Works Construction Code.

In coordination with the Public Works Director an approximate 600 lineal foot 12-inch water main extension is required is SW 120th Avenue. The extension will proceed east down Itel approximately 175 lineal feet to create a 12-inch looped system.

Section 3-3-120 Backflow Prevention Devices and Cross Connections

(1) Except where this ordinance provides more stringent requirements, the definitions, standards, requirements and regulations set forth in the Oregon Administrative Rules pertaining to public water supply systems and specifically OAR 333 Division 61 in effect on the date this ordinance becomes effective are hereby adopted and incorporated by reference.

(2) The owner of property to which City water is furnished for human consumption shall install in accordance with City standards an appropriate backflow prevention device on the premises where any of the following circumstances exist:

(a) Those circumstances identified in regulations adopted under subsection (1) of this section;

(b) Where there is a fire protection service, an irrigation service or a nonresidential service connection which is two inches (2") or larger in size;

(c) Where the potable water supply provided inside a structure is 32 feet or more, higher than the elevation of the water main at the point of service connection;

(3) All double check detector assemblies used for system containment on fire protection services shall be approved by the Oregon State Health Division. The meter register on all double check detector assemblies shall be indicated in cubic feet measurement.

(4) Except as otherwise provided in this subsection, all irrigation systems shall be installed with a double check valve assembly. Irrigation system backflow prevention device assemblies installed before the effective date of this ordinance, which were approved at the time they were installed but are not on the current list of approved device assemblies maintained by the Oregon State Health Division, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When devices of this type are moved, or require more than minimum maintenance, they shall be replaced by device assemblies which are on the Health Division list of approved device assemblies.

(5) Any installation, corrective measure, disconnection or other change to a backflow prevention device shall be performed at the sole expense of the owner of the property. All costs or expenses for any correction or modification to the City's system caused by or resulting from a cross connection shall be the responsibility of the owner and/or the user of the cross connection.

(6) Any backflow prevention device which is installed on property for the protection of the City water supply shall be tested at the time of installation and immediately after the device is moved or relocated. The property owner shall forward the results of such testing to the Operations Director within ten (10) days of the date of installation or relocation.

RESPONSE: The applicant will comply with this ordinance and all requirements set forth in OAR 333 Division 61 concerning backflow protection and cross connections. Backflow devices are proposed for all water connections to the municipal systems.

Section 3-3-120 Control Valves

The customer shall install a suitable valve, as close to the meter location as practical, the operation of which will control the entire water supply from the service. The operation by the customer of the curb stop in the meter box is prohibited.

RESPONSE: The applicant acknowledges this requirement and will provide suitable valves as close to the meter location as practicable.

CHAPTER 03-05 Soil Erosion, Surface Water Management, WQ Facilities, and Building and Sewers

EROSION CONTROL

Section 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.

(3) No Erosion Control Permit from City is required for the following:

(a) For work of a minor nature provided all the following criteria are met:

(A) The development does not require a development permit or approval from the City;

(B) No development activity or disturbance of land surface occurs within 100 feet of a sensitive area defined in TMC 3-5.270;

(C) The slope of the site is less than 20 percent;

(D) The work on the site involves the disturbance of less than 500 square feet of land surface; and

(E) The excavation, fill or combination thereof involves less than 20 cubic yards of material.

(b) Permits and approvals of land division, interior improvements to an existing structure, and other activities for which there is no physical disturbance to the surface of the land.

(c) A permit shall not be required for activities within the City which constitute accepted farming practices as defined in ORS 215.203, provided any erosion does not cause sedimentation in waters of the Tualatin River basin.

(4) An exception from the permit requirement shall not relieve the property or its owner from the prohibition of TMC 3-5.040.

RESPONSE: The applicant acknowledges the need for an erosion control permit. No land disturbing activities will commence until the erosion control permit is issued.

Section 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, pre-pared by an Oregon registered profession-al 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.

RESPONSE: The applicant acknowledges this requirement and will provide a site specific erosion control plan prepared by an Oregon registered professional engineer.

ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS

Section 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.

RESPONSE: The applicant acknowledges this requirement and will construct permanent on-site stormwater quantity detention facilities designed in accordance with this title and limiting offsite discharge of stormwater to pre-development rates.

Section 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.*

If the increase in surface waters leaving a development will cause or contribute to damage from flooding, then the identified capacity deficiency shall be corrected prior to development or the development must construct onsite detention. To determine if the runoff from the development will cause or contribute to damage from flooding the City Engineer will consider the following factors:

- (1) The potential for or extent of flooding or other adverse impacts from the run-off of the development on downstream properties;*
- (2) The potential for or extent of possibility of inverse condemnation claims;*
- (3) Incremental impacts of runoff from the subject and other developments in the basin; and*
- (4) Other factors that may be relevant to the particular situation.*

The purpose of the City Engineer's review is to protect the City and its inhabitants from the impacts or damage caused by runoff from development while recognizing all appropriate limitations on exactions from the development.

RESPONSE: The applicant acknowledges this requirement.

Section 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:

(1) There is an identified downstream deficiency, as defined in TMC 3-5-210, and detention rather than conveyance system enlargement is determined to be the more effective solution.

(2) There is an identified regional detention site within the boundary of the development.

(3) There is a site within the boundary of the development which would qualify as a regional detention site under criteria or capital plan adopted by the Unified Sewerage Agency.

(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.

RESPONSE: The applicant acknowledges this requirement and that the site is located within the Hedges Creek Subbasin. Permanent on-site stormwater quantity detention facilities will be constructed.

Section 3-5-230 On-Site Detention Design Criteria

(1) Unless designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity onsite detention facilities shall be designed to capture run-off so the run-off rates from the site after development do not exceed predevelopment conditions, based upon a 25-year, 24-hour return storm.

(2) When designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed predevelopment rates for the 2 through 100 year storms, as required by the determined downstream deficiency.

(3) Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or subbasin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.

RESPONSE: The applicant acknowledges this requirement. Due to the uncertainties associated with the downstream system we are proposing to mitigate runoff rates to predevelopment rates for the 2 through 100 year storms. On-site detention will not have an adverse effect upon receiving waters in the

basin or subbasin in the event of flooding and will not increase the likelihood or severity of flooding problems downstream of the site.

Section 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.

RESPONSE: The applicant acknowledges this requirement and no water quality facilities will be constructed in existing or created wetlands.

PERMANENT ON-SITE WATER QUALITY FACILITIES

Section 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.

RESPONSE: The applicant acknowledges this requirement and will obtain permits from the city before construction begins.

Section 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.

RESPONSE: The proposed development is not subject to the exemptions of TMC 3-5-310 and therefore this section does not apply.

Section 3-5-350 Phosphorous Removal Standards

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

RESPONSE: The applicant acknowledges this requirement and will provide stormwater quality control facilities designed to remove 65 percent of the phosphorous from 100 percent of the new constructed impervious area.

Section 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.

RESPONSE: The applicant acknowledges this requirement and will use the required storm event for design of stormwater quality facilities.

Section 3-5-370 Design Requirements

The removal efficiency in TDC Chapter 35 specifies only the design requirements and are not intended as a basis for performance evaluation or compliance determination of the stormwater quality control facility installed or constructed pursuant to this Title III.

RESPONSE: The applicant acknowledges this requirement.

Section 3-5-380 Criteria for Granting Exemptions to Construction of On-Site Water Quality Facilities

On-site facilities shall be constructed as required by OAR 340-41-455, unless otherwise approved by the City on a case by case basis due to the size of the development, topography, or other factors causing the City to determine that the construction of onsite permanent stormwater treatment systems is impracticable or undesirable. Determinations by the City may be based upon, but not limited to, consideration of the following factors:

Site topography, geological stability, hazards to public safety, accessibility for maintenance, environmental impacts to sensitive areas, size of the site and development, existence of a more efficient and effective regional site within the basin capable of serving the site, and consistency with sub-basin master plan.

A regional public facility may be constructed to serve private non-residential development provided:

- (1) The facility serves more than one lot; and*
- (2) All owners sign a stormwater facility agreement; and*
- (3) Treatment accommodates reasonable worst case impervious area for full build-out, stormwater equivalent to existing or proposed roof area is privately treated in LIDA facilities, and any detention occurs on each lot.*

RESPONSE: The applicant does not plan on seeking an exemption to construction of on-site water quality facilities and therefore this section does not apply.

Section 3-5-390 Facility Permit Approval

A stormwater quality control facility permit shall be approved only if the following are met:

- (1) The plat, site plan, or permit application includes plans and a certification prepared by an Oregon registered, professional engineer that the proposed stormwater quality control facilities have been designed in accordance with criteria expected to achieve removal efficiencies for total phosphorous required by this Title III. Clean Water Services Design and Construction Standards shall be used in preparing the plan for the water quality facility; and*

(2) The plat, site plan, or permit application shall be consistent with the areas used to determine the removal required in TMC 3-5-350; and

(3) A financial assurance, or equivalent security acceptable to the City, is provided by the applicant which assures that the stormwater quality control facilities are constructed according to the plans established in the plat, site plan, or permit approval. The financial assurance may be combined with our financial assurance requirements imposed by the City; and

(4) A stormwater facility agreement identifies who will be responsible for assuring the long term compliance with the operation and maintenance plan.

RESPONSE: The applicant acknowledges and will comply with these facilities permit approval requirements.

Section 3-5-430 Facility Permit Approval

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.

RESPONSE: The applicant acknowledges this requirement and no water quality facilities will be constructed in existing or created wetlands.

Below are our responses to City of Tualatin Development Code Chapter 74: Public Improvements Requirements.

TDC CHAPTER 74: Public Improvement Requirements

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.

RESPONSE: The proposed development will be completed in a single phase with the following potential exception. The applicant is exploring the potential phasing of the half street improvements on SW 124th Avenue with Washington County.

Washington County has expressed interest in including the half street improvements on SW 124th in the SW Tualatin Sherwood Road widening project. The benefits of this are continuity of design and potential economic incentives available to the project. PGE would partner with Washington County on the costs associated with the widening. That project is scheduled for construction in 2024.

If a path forward is identified for this partnering PGE would require occupancy of the building prior to completion of the SW 124th half street improvements.

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.

RESPONSE: The applicant anticipates that Public Improvements will be required. The improvements will be constructed in accordance with the Public Works Construction Code.

(2) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.

RESPONSE: The proposed project will not have a negative impact on fish and wildlife habitat.

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.

RESPONSE: PGE will construct and maintain all private improvements.

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.

RESPONSE: Public and private improvements will be completed prior to receiving a Certificate of Occupancy with the potential exception of the SW 124th Avenue half street improvements.

Section 74.210 Minimum Street Right-of-Way Widths.

The width of streets in feet must 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 must not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

(1) For subdivision and partition applications, wherever existing or future streets adjacent...

RESPONSE: The proposed development is not a subdivision or partition and therefore this section does not apply. The same holds true for all requirements "For subdivision and partition applications" in the code.

(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.

RESPONSE: The proposed development will dedicate right-of-way to the City for existing and future streets. SW 120th Avenue is an existing street adjacent to the property. SW 120th Avenue is identified as a Commercial Industrial Connector in the TSP. The TSP identifies the right-of-way width for Commercial/Industrial Connectors as 64 feet. The site's existing property line on SW 120th is 30 feet from centerline on the north end of the site and jogs to 20 feet from centerline on the south side of the site. We would anticipate a dedication requirement to provide a new property line 30 feet from centerline along the Site's SW 120th northerly frontage to match the existing right of way width on the southerly frontage.

Additional dedications will be provided on SW 124th Avenue and Tualatin-Sherwood Road to Washington County.

(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 must be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form must be obtained from the City Manager and upon completion returned to the City Manager for acceptance by the City. On subdivision and partition plats the right-of-way dedication must be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication must 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 must determine when condemnation proceedings are to be used.

RESPONSE: The proposed development will not impact existing streets not adjacent to the site.

(4) If the City Manager 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 Manager 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 Manager's recommendation must 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: The need to acquire additional right-of-way is not anticipated and therefore this section does not apply.

(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 must be dedicated from both sides or from one side only as determined by the City Manager to bring the road right-of-way in compliance with this section.

RESPONSE: SW Blake Street will bisect the site and is covered in our response to Item 6 below.

(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 must be dedicated by the applicant. The dedication of right-of-way required in this subsection must be along the route of the road as determined by the City.

RESPONSE: SW Blake Street is a proposed street that will bisect the site. We anticipate the following dedication requirements. SW Blake Street is identified as a Minor Collector in the Transportation System Plan (TSP). We propose to dedicate the right-of-way for the construction of SW Blake Street through the site on the alignment as shown on the Public Facilities Plan. The TSP identifies a minimum and preferred

section for a Minor Collector. The minimum right-of-way width is 62 feet and the preferred right-of-way width is 76 feet. We are proposing a 76-foot dedication width. Along the south property line that full width will be split with the adjacent property reducing the dedicated width to 38 feet.

Section 74.220 Parcels Excluded from Development.

On subdivision development applications which include land partitioned off or having adjusted property lines from the original parcel, but do not include the original parcel, the applicant must be responsible for obtaining any necessary right-of-way from the owner of the original parcel if the right-of-way is needed to accommodate street improvements required of the applicant. The applicant must submit a completed right-of-way dedication deed to the City Manager for acceptance. The right-of-way dedication must be accepted by the City prior to the City approving the final subdivision plat.

RESPONSE: The proposed development is not a subdivision and therefore this section does not apply.

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 must be surveyed, staked and marked with a City approved boundary marker prior to acceptance by the City.

(2) For subdivision and partition applications, the Greenway, Natural Area, bike...

(3) For all other development applications, Greenway, Natural Area, bike, and pedestrian path dedications and easements must be submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the dedication or easement by the City.

RESPONSE: The proposed development does not include Greenways, Natural Areas, Bike and Pedestrian Paths and therefore this section does not apply.

Section 74.320 Slope Easements.

(1) The applicant must obtain and convey to the City any slope easements determined by the City Manager to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or accessway or utility improvements required to be constructed by the applicant.

(2) For subdivision and partition applications, the slope easement dedication area must...

(3) For all other development applications, a slope easement dedication must be submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.

RESPONSE: Slope easements may be required for SW Blake Street. The size and location of the slope easement will be determined during the design of the public improvements. If required, the easement will be submitted to the City prior to building permit issuance.

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.

(2) For subdivision and partition applications, the on-site public utility easement dedication area...

(3) For subdivision and partition applications which require off-site public utility easements...

(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.

(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.

RESPONSE: The proposed development will grant utility easements as required to the City prior to building permit issuance. We are proposing a minimum 6-foot wide public utility easement along the following street frontage: SW Blake Street, SW 124th Avenue, SW Tualatin Sherwood Road and SW 120th Avenue.

Section 74.340 Watercourse Easements.

(1) Where a proposed development site is traversed by or adjacent to a watercourse, drainage way, channel or stream, the applicant must provide a storm water easement, drainage right-of-way, or other means of preservation approved by the City Manager, conforming substantially with the lines of the watercourse. The City Manager must determine the width of the easement, or other means of preservation, required to accommodate all the requirements of the Surface Water Management Ordinance, existing and future storm drainage needs and access for operation and maintenance.

(2) For subdivision and partition applications, any watercourse easement dedication area...

(3) For all other development applications, any watercourse easement must be executed on a dedication form submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.

(4) The storm water easement must 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.

RESPONSE: There are no watercourses, drainage ways, or channels adjacent to the development. There is an 8-foot long stream identified in the Wetland Delineation Report. The stream is located at the northwest corner of the site and will be impacted by the planned widening of SW Tualatin-Sherwood Road. A 50-foot vegetated corridor will be provided around the stream as detailed in the Clean Water Services Site Assessment and Service Provider Letter.

Section 74.350 Maintenance Easement or Lots.

A dedicated lot or easement will be required when access to public improvements for operation and maintenance is required, as determined by the City Manager. Access for maintenance vehicles must be constructed of an all-weather driving surface capable of carrying a 50,000-pound vehicle. The width of the lot or easement must be at least 15-feet in order to accommodate City maintenance vehicles. In subdivisions and partitions, the easement or lot must be dedicated to the City on the final plat. In any other development, the easement or lot must be granted to the City and recorded prior to issuance of a building permit.

RESPONSE: The applicant acknowledges this requirement. We anticipate that there may be a need for a public stormwater facility near the intersection of SW Tualatin-Sherwood Road and SW 124th Avenue that would require an access easement.

Section 74.410 Future Street Extensions.

(1) Streets must be extended to the proposed development site boundary where necessary to do any one of the following:

- (a) give access to, or permit future development of adjoining land;*
- (b) provide additional access for emergency vehicles;*
- (c) provide for additional direct and convenient pedestrian, bicycle and vehicle circulation;*
- (d) eliminate the use of cul-de-sacs except where topography, barriers such as railroads or freeways, existing development, or environmental constraints such as major streams and rivers prevent street extension; and*
- (e) eliminate circuitous routes. The resulting dead-end streets may be approved without a turnaround. A reserve strip may be required to preserve the objectives of future street extensions.*

RESPONSE: The proposed development will extend SW Blake Street east from SW 124th Avenue. SW Blake Street will be a dead-end street until the redevelopment of the large quarry parcels south of the site. There are currently no known plans for the redevelopment of the quarry parcels.

The development is proposing to construct SW Blake Street to the site access point and not the easterly site boundary. The development is proposing to dedicate right-of-way to the easterly boundary. While SW Blake Street will eventually provide access to future development to the south, the quarry site has access to SW 120th Avenue and SW 124th Avenue as well. Constructing SW Blake Street to the easterly

site boundary as part of this project would result in approximately 800 lineal feet of dead end, unused roadway.

(2) Proposed streets must comply with the general location, orientation and spacing identified in the Functional Classification Plan (Figure 11-1), Local Streets Plan (TDC 11.630 and Figure 11-3) and the Street Design Standards (Figures 74-2A through 74-2G).

(a) Streets and major driveways, as defined in TDC 31.060, proposed as part of new residential or mixed residential/commercial developments must comply with the following standards:

(i) full street connections with spacing of no more than 530 feet between connections, except where prevented by barriers;

(ii) bicycle and pedestrian accessway easements where full street connections are not possible, with spacing of no more than 330 feet, except where prevented by barriers;

(iii) limiting cul-de-sacs and other closed-end street systems to situations where barriers prevent full street extensions; and

(iv) allowing cul-de-sacs and closed-end streets to be no longer than 200 feet or with more than 25 dwelling units, except for streets stubbed to future developable areas.

(b) Streets proposed as part of new industrial or commercial development must comply with TDC 11.630, Figure 11-1, and Figures 74-2A through 74-2G.

RESPONSE: The location of the 124th/Blake intersection was determined and set approximately 1,100 feet south of SW Tualatin-Sherwood Road by Washington County in conjunction with planning efforts associated with the Willamette Water Supply Program (WWSP) treatment plant project. This location is further north than the location identified in the Southwest Concept Plan (SCP) and the Transportation System Plan (TSP).

The development is proposing to extend SW Blake Street east as necessary to accommodate necessary radii and queuing and then southerly, paralleling SW 124th Avenue to southerly property line where it will turn east again and run parallel with the southerly property line to the eastern property line in alignment with the location identified in the SCP.

The SCP shows SW 120th splitting South of SW Itel. South of SW Itel two streets would run south to SW Blake Street. The two streets were envisioned to support a high-density mixed-use development area. The westerly street would cut through the PGE site and the easterly street would run adjacent to Itel Commerce Park. The mixed-used development would sit between the two streets.

With the development of the PGE IOC, the high-density mixed-use development west of the water bodies will not be constructed. Due to this, dual north south connections between Itel and Blake are no longer required. We believe the easterly north-south connection provides the best benefit for future

development and the best chance for eventual construction and that the westerly north south connection is not required. Additional items supporting the elimination of the western leg include:

- The easterly connection avoids conflicts with ponds east of the proposed site that are on the National Wetland Inventory.
- The easterly connection avoids topographic constraints associated with the west leg along the east property line.
- The easterly connection avoids delineated wetlands at the southeast corner of the PGE site.
- The easterly connection provides better potential access to the flag portion of the quarry site as the westerly connection would need to cross the mapped wetlands.

(3) During the development application process, the location, width, and grade of streets must be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The arrangement of streets in a subdivision must either:

(a) provide for the continuation or appropriate projection of existing streets into surrounding areas; or

(b) conform to a street plan approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical.

RESPONSE: The proposed SW Blake Street alignment is located on a ridge at the high point of the proposed site. In order to allow access from SW Blake Street to the proposed development the elevation of SW Blake Street at the driveway location needs to be minimized.

A profile for the proposed alignment of SW Blake Street is included on Exhibit A.

(4) The City Manager may require the applicant to submit a street plan showing all existing, proposed, and future streets in the area of the proposed development.

RESPONSE: The proposed alignment of SW Blake Street is shown graphically on Exhibit A.

(5) The City Manager may require the applicant to participate in the funding of future off-site street extensions when the traffic impacts of the applicant's development warrant such a condition.

RESPONSE: The applicant does not believe that the limited traffic impacts of the proposed development warrant funding of any additional off-site street improvements.

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.

RESPONSE: In addition to the construction of SW Blake Street described above, a half street improvement will be constructed along the site frontage on SW 120th Avenue.

(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: The applicant does not anticipate the need to rebuild or reconstruct any existing facilities located within the right-of-way to bring them into compliance with the Public Works Construction Code.

The northerly 250 feet of SW 120th Avenue meets the pavement width requirements outlined in the City of Tualatin Commercial/Industrial Connector section. The existing 6-foot sidewalk is adjacent to the curb as opposed to behind the planter strip as shown on the Section. Maintaining the sidewalk for this section in its current curb location will provide an equal function to placing it behind a 4-foot planter strip and therefore we recommend that this condition can remain. Portions of the sidewalk determined not to meet current ADA/PROWAG requirements including the existing driveway will be reconstructed to meet those requirements.

The southern 390 will be constructed with a 4-foot planter strip in between the sidewalk and curb as shown on the Public Facilities Plan included in this application.

(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: The applicant does not anticipate the need to rebuild or reconstruct any existing facilities located within the right-of-way to bring them into compliance with the Public Works Construction Code.

(4) Where development abuts an existing street, the improvement required must 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 Manager 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 must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.

RESPONSE: The applicant acknowledges this requirement and does not believe it will impact requirements for this development.

(5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.

RESPONSE: Additional improvements as required by an Access Management Plan are not required.

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

RESPONSE: The proposed half street improvement on SW 120th Avenue will include curbs, sidewalks, buffering, storm drainage, street lights, street signs and street trees. SW 120th Avenue is a Commercial/Industrial Connector and therefore bikeways are not required. Transit facilities do not exist on SW 120th Avenue.

(7) For subdivision and partition applications, the street improvements...

RESPONSE: The proposed development does not include a subdivision or partition and therefore this section does not apply.

(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.

RESPONSE: Street improvements will be completed prior to receiving a Certificate of Occupancy. The exception being the potential phasing of the half street improvements required for SW 124th Avenue.

(9) In addition to land adjacent to an existing or proposed street, the requirements of this section must apply to land separated from such a street only by a railroad right-of-way.

RESPONSE: There are no railroad rights-of-way adjacent to the site therefore this section does not apply.

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

RESPONSE: SW Blake Street will be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code to from SW 124th Avenue to the site access point approximately 300 feet from the southerly site property line.

(11) Existing streets which abut the proposed development site must 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: SW 120th Avenue is identified as a Commercial/Industrial Connector in the TSP. The half street of SW 120th Avenue adjacent to the site will be improved to match the Commercial/Industrial standard section in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425.

This will require the addition of curb, sidewalk, planter strip, storm drainage, street lights, street signs and street trees.

(12) Sidewalks with appropriate buffering must 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: Sidewalks with appropriate buffering will be constructed as required.

(13) The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.

RESPONSE: The project is adjacent to SW 124th Avenue and SW Tualatin-Sherwood Road, two roadways under Washington County jurisdiction. The development team has had initial meetings and correspondence with Washington County concerning the required improvements on those roadways. We have the following understanding.

On SW 124th Avenue half street improvement will be required. The condition will likely include pavement width for a 14-foot left turn, two 12-foot travel lanes and an 8-foot bike lane along with curb, planter strip and sidewalk. The county may include this work in their SW Tualatin Sherwood Road widening project which is scheduled to be constructed in 2024 with funding provided by PGE.

Washington County is currently working on a widening project for SW Tualatin-Sherwood Road. They have indicated that they would not be seeking funds for the future widening from the proposed development.

(14) The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.

RESPONSE: This section does not apply.

(15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be

required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.

RESPONSE: The project does propose to take access off a future public street as opposed to one of the two arterials that are adjacent to the site. As noted in our response to Item 13 above, the project will provide half street improvements on SW 124th Avenue as required by Washington County. Improvements on SW Tualatin-Sherwood Road are not anticipated as part of this project due to the future widening project that will be completed by Washington County.

As outlined in the Transportation Impact Study for the development completed by Lancaster Engineering a traffic signal is not warranted at the 124th/Blake intersection. Pavement markings will be provided to delineate a southbound left turn lane from 124th onto Blake. A stop controlled left and right turn lane with approximately 60-feet of queuing will be provided on Blake at the intersection. These improvements will be constructed in accordance with the Public Works Construction Code and Washington County standards.

(16) The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.

RESPONSE: The applicant does not anticipate the need for an agreement guaranteeing future performance and/or construction of street improvements.

(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: As outlined in the Transportation Impact Study for the development completed by Lancaster Engineering intersections will operate at a level of service above D and E.

(18) Pursuant to requirements for off-site improvements as conditions of development approval, proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to comply with the City's Mid-Block Crossing Policy.

RESPONSE: The proposed development is not adjacent to a major transit stop and therefore this section does not apply.

Section 74.425 Street Design Standards.

(1) Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of

streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.

RESPONSE: SW Blake Street is Minor Collector in the TSP. SW 120th Avenue is identified as a Commercial Industrial Connector.

(2) The proposed street design standards are shown in Figures 72A through 72G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets.

RESPONSE: The applicant does not anticipate modifications to the street improvements requirements in TDC 74.420 will be required with the following exceptions:

- Modifications to SW Blake Street eliminating on-street parking and lane striping as described in our response to 74.425.4.
- Maintaining the existing curb tight sidewalk on the north half of SW 120th Avenue and transitioning to a separated sidewalk on the south end for the new construction.

(3) In accordance with the Tualatin Basin Program for fish and wildlife habitat it is the intent of Figures 74-2A through 74-2G to allow for modifications to the standards when deemed appropriate by the City Manager to address fish and wildlife habitat.

RESPONSE: The applicant does not anticipate the need to modify the proposed street design standards to address fish and wildlife habitat.

(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.*

RESPONSE: The development is proposing to construct SW Blake Street in general conformance with the preferred standard for a Minor Collector. However, as outlined in the Transportation Impact Study, due to the industrial character of the area, which lacks residential or commercial development that may generate foot traffic and the security needs of PGE, it is recommended that SW Blake Street be constructed without on-street parking from SW 124th Avenue eastward to the proposed driveway access point.

The applicant is proposing to construct the full pavement width of 52-feet outlined in the preferred section. However, in lieu of a 8' parking, 6' bike, 12' travel, 12' travel, 6' bike, 8' parking we are proposing a 7' bike, 12' travel, 14' center, 12' travel, 7' configuration.

The proposed configuration will allow for the required left and right turn lanes at SW 124th Avenue and a left turn lane into the site. It also allows for the flexibility of the future extension of SW Blake Street to meet the preferred standard.

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.

RESPONSE: The applicant does not anticipate the need for a written agreement guaranteeing future performance will be required for this development.

(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).

RESPONSE: The applicant does not anticipate modifications to the street improvements requirements in TDC 74.420 will be required with the following exceptions:

- Modifications to SW Blake Street eliminating on-street parking and lane striping as described in our response to 74.425.4.
- Maintaining the existing curb tight sidewalk on the north half of SW 120th Avenue and transitioning to a separated sidewalk on the south end for the new construction.

(3) To accommodate bicyclists on streets prior to those streets being upgraded to the full standards, an interim standard may be implemented by the City. These interim standards include reduction in motor vehicle lane width to 10 feet [the minimum specified in AASHTO's A Policy on Geo-metric Design of Highways and Streets (1990)], a reduction of bike lane width to 4-feet (as measured from the longitudinal gutter joint to the centerline of the bike lane stripe), and a paint-striped separation 2 to 4 feet wide in lieu of a center turn lane. Where available roadway width does not provide for these minimums, the roadway can be signed for shared use by bicycle and motor vehicle travel. When width constraints occur at an intersection, bike lanes should terminate 50 feet from the intersection with appropriate signing.

RESPONSE: The applicant does not anticipate the need for interim modifications to accommodate bicyclists.

Section 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.

RESPONSE: A Transportation Impact Study for the development has been completed by Lancaster Engineering and is included in this application. The study shows that the transportation facilities in the vicinity of the development are capable of accommodating the amount of traffic expected to be generated by the development with the following improvements:

- The existing two-way left turn lane striping on SW 124th Avenue should be reconfigured to provide a dedicated left-turn lane for the southbound left turn movement at Blake Street.
- SW Blake Street should be constructed with a separate westbound left- and right-turn lanes in preparation for a future signal which is not warranted currently.

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

RESPONSE: The Transportation Impact Study is included in the Architectural Review submittal.

(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.

RESPONSE: The scope of the Transportation Impact Study was coordinated by Lancaster Engineering with the City of Tualatin and Washington County.

(4) The applicant must implement all or a portion of the improvements called for in the traffic study as determined by the City Manager.

RESPONSE: The responses in this narrative and the Public Facilities Plan are based on the recommendations included in the Traffic Impact Study.

Section 74.460 Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.

RESPONSE: The proposed development is not a subdivision or partition and therefore this section does not apply.

Section 74.470 Street Lights.

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

RESPONSE: Street lights will be provided in accordance with the Public Works Construction Code on SW Blake Street, SW 120th Avenue and SW 124th Avenue.

(2) The applicant must submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.

RESPONSE: The street lighting plan will be submitted prior to issuance of the Public Works Permit.

Section 74.475 Street Names.

(1) A street name must not be used which will duplicate or be confused with the names of existing streets in the Counties of Washington or Clackamas, except for extensions of existing streets. Street names and numbers must conform to the established pattern in the surrounding area.

(2) The City Manager must maintain the approved list of street names from which the applicant may choose. Prior to the creation of any street, the street name must be approved by the City Manager.

RESPONSE: The development is not proposing any new street names and therefore this section does not apply.

Section 74.480 Street Signs.

(1) Street name signs must be installed at all street intersections in accordance with standards adopted by the City.

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

(3) Prior to approval of the final subdivision or partition plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street signs, traffic control signs and street name signs. The location, placement, and cost of the signs must be determined by the City.

RESPONSE: The applicant acknowledges this requirement and anticipates the need to install street and traffic signs as determined during the Public Works Permit review process.

Section 74.485 Street Trees.

(1) Prior to approval of a residential subdivision or partition final plat...

(2) In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.

(3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.

RESPONSE: The applicant acknowledges this requirement and anticipates the need to install street trees as determined during the Public Works Permit review process.

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.

RESPONSE: The applicant proposes to receive water service from the proposed 12-inch public water main in SW 120th Avenue as described below.

(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.

RESPONSE: In coordination with the Public Works Director a 12-inch water main extension is required in SW 120th Avenue and approximately 200 lineal feet in SW Itel Street completing a loop in the municipal system.

(3) As set forth in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must 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 must 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.

RESPONSE: The existing 16-inch main in SW Tualatin Sherwood Road is a service level A main. The existing 12-inch main stubbed into SW 120th Avenue is a service level B main. We understand that service level B main has the higher reservoir elevation and therefore the project will connect to it for water service.

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.

RESPONSE: The applicant proposes to receive sanitary sewer service from the proposed 12-inch public sanitary sewer main in SW Itel Street as described below.

(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.

RESPONSE: In coordination with the Public Works Director an approximately 200 lineal foot, 12-inch sanitary sewer main extension is required in SW Itel Street.

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.

RESPONSE: The site currently drains to two 21-inch culverts that run under Tualatin Sherwood Road at the northeast corner of the site. The proposed development proposes to maintain the current drainage path and outfall to the two 21-inch culverts.

(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.

RESPONSE: Stormwater calculations have been provided in the Architectural Review submittal.

(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.

RESPONSE: There are no undeveloped parcels adjacent to the site. The property is surrounded by public streets on three sides and an active quarry site to the south. Review of the historic topography does not indicate a natural drainage way at the southerly property line, hence no potential for upstream development. Drainage from the quarry appears to pass through a series of ponds near the southerly end of the existing SW 120th Street. These flows are collected along the east property line near the existing wetland and will be conveyed through the site to the existing twin 21-inch culverts under Tualatin-Sherwood Road.

Storm drainage facilities will be provided for SW 120th Avenue, SW 124th Avenue and SW Blake Street. The applicant proposes to extend a 12-inch public storm main in SW 120th Avenue from SW Tualatin Sherwood Road to SW Iteel Street. The main will serve as one potential connection point for redevelopment of the quarry site and rerouting of the current drainage that runs through the site.

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.

RESPONSE: The proposed development will not negatively impact the drainage of adjacent parcels.

(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.

RESPONSE: A Grading Plan is provided with the Architectural Review submittal that demonstrates the feasibility of onsite drainage and shows no adverse drainage impacts to adjacent properties.

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:

(1) On subdivision and partition development applications, prior to approval of the final plat...

(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.

RESPONSE: Permanent on-site water quality and stormwater detention facilities will be provided. The proposed facilities are shown on the plans and stormwater calculations submitted with the Architectural Review submittal.

(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.

RESPONSE: The applicant acknowledges the stated requirements and will comply with the required documentation and approval process.

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 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.

RESPONSE: Utility services lines to the site will be placed underground.

(2) 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 must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.

RESPONSE: Utility services lines serving the site will be placed underground and will not require upgrades to existing overhead utilities. This section is not applicable.

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.

(2) The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.

(3) The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.

RESPONSE: The proposed development does not plan on retaining any structures on the site. The existing farm house and farm structures will be removed.

Section 74.700 Removal, Destruction or Injury of Trees.

It is unlawful for a person, without a written permit from the City Manager, 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.

RESPONSE: The applicant acknowledges and will comply with the requirements. There are no trees within the existing public right-of-way adjacent to the site. Tree removal will be required for the

widening of SW 124th Avenue on the south end of the site and for the construction of SW Blake Street through the site.

Section 74.705 Street Tree Removal Permit.

(1) A person who desires to remove or destroy a tree, as defined in TDC 31.060, in or upon public right-of-way must make application to the Operations Director on City forms.

(2) The applicant must provide:

(a) the applicant's name and contact information and if applicable that of the applicant's contractor;

(b) the number and species of all street trees the applicant desires to remove;

(c) a clear description of the street trees' the applicant desires to remove;

(d) the date of removal;

(e) the reason(s) for removal; and

(f) other information as the Operations Director deems necessary.

(3) Upon the City Manager approving the removal of a street tree, the applicant or designated contractor must replace each removed tree on a one-for-one basis by fulfilling the following requirements:

(a) Remove both the tree and stump prior to planting a replacement tree, or re-quest the City to remove the tree and stump and pay the applicable fee(s) established in TDC 74.706; and

(b) Replace the removed tree by planting a species of street tree permitted by Schedule A of the TDC Chapter 74 within the time period specified in writing by the City Manager; or, the applicant may request within sixty (60) days of the permit approval date that the City replace the street tree and pay the applicable fee(s) established in TDC 74.706. If an applicant opts for the City to plant the replacement tree, the City may plant the tree on its usual tree-planting schedule. Planting done by the applicant or designated contractor must comply with all applicable TDC sections and any additional requirements imposed by the City Manager.

(c) The applicant must comply with all applicable TDC sections and additional requirements imposed by the City Manager. The City Manager may waive the one-for-one replacement requirement if the City Manager determines that the replacement would:

(i) conflict with public improvements or utility facilities, including but not limited to fire hydrants, water meters and pipes, lighting fixtures, traffic control signs; private improvements or utility facilities – including but not limited to driveways and power, gas, telephone, cable television lines; or, minimum vision clearance;

(ii) interfere with the existing canopy of adjacent trees, the maturation of the crown of the proposed replacement tree, or both;

(iii) cause a conflict by planting trees too close to each other, hurting their health;

(iv) limit the selection of species from Schedule A: and;

(v) direct how to plant replacement tree(s).

(d) A person who fails to comply with TDC 74.705 must pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.

RESPONSE: There are no trees within the existing public right-of-way adjacent to the site and street tree removals are not anticipated.

Section 74.706 Street Tree Fees.

A person who applies to remove a street tree under TDC 74.705 must pay all costs incurred by the City as reflected in the applicable fees listed in the city of Tualatin Fee Schedule. City actions and associated fees include but are not limited to inspection of a street tree requested for removal, removal of a street tree, removal of a stump, planting of a street tree, and inspection(s) to determine if the applicant has fulfilled permit requirements.

RESPONSE: The project will not remove any street trees.

Section 74.707 Street Tree Voluntary Planting.

A person who desires to plant a tree in or upon a public right-of-way may plant or have the City plant a species of street tree permitted by TDC Chapter 74 Schedule A without a City permit, if the tree is not a re-planting for a tree that the person has removed. Such a person may submit a request to the City with payment of fee(s) so that the City may plant a street tree. If a stump exists where a street tree is to be planted, the person must remove the stump or pay a fee to the City as established in TDC 74.706 so that the City may remove the stump on behalf of the person. In all instances, a person who desires to plant a tree must comply with other applicable TDC sections and any additional requirements of the City Manager.

RESPONSE: New street trees will be proposed in conjunction with the Public Works Permit submittals.

Section 74.708 Street Tree Emergencies.

(1) If emergency conditions occur that require the immediate cutting or removal of street trees to avoid danger or hazard to persons or property, the City Manager must issue emergency permits without payment of fees and formal applications. If the City Manager is unavailable, the adjacent property owners may proceed to cut the trees without permits to the extent necessary to eliminate the immediate danger or hazard. If a street tree is cut under this section without filing of an application with the City

Manager, the person doing so must report the action to the City Manager within two City business days without payment of fee and must provide such information and evidence as may be reasonably required by the City Manager to explain and justify the removal.

(2) In all instances, a person who removes a street tree as a result of an emergency must replace it within sixty (60) days of notifying the City Manager. The City reserves the right to waive this requirement.

(3) A person who fails to comply with TDC 74.708 must pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.

(4) If no emergency is found to exist, no person must cut or remove a street tree without complying with the requirement of the Tualatin Development Code

RESPONSE: The applicant does not anticipate any street tree emergencies associated with the project.

Section 74.710 Open Ground.

When impervious material or substance is laid down or placed in or upon a public right-of-way near a tree, at least nine square feet of open ground for a tree up to three inches in diameter must be provided about the base of the trunk of each tree.

RESPONSE: The development does not propose any new impervious surface adjacent to any existing street trees.

Section 74.715 Attachments to Trees.

It is unlawful for a person to attach or keep attached a rope, wire, chain, sign or other device to a tree, plant or shrub in or upon a public right-of-way or to the guard or stake intended for the protection of such tree, except as a support for a tree, plant or shrub.

RESPONSE: The development does not propose any attachment to existing or proposed trees.

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.

(2) Excavations and driveways must not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Manager. During excavation or construction, the person must guard the tree within six feet and all building material or other debris must be kept at least four feet from any tree.

RESPONSE: There are no trees within the existing public right-of-way adjacent to the site and therefore tree protection is not required.

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 must 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.

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

(3) A plant, tree, bush or shrub must not 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.

(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.

(5) Maintenance responsibilities of the property owner include repair and upkeep of the sidewalk in accordance with the City Sidewalk Maintenance Ordinance.

RESPONSE: Maintenance requirements are noted.

Section 74.730 Notice of Violation.

When the owner, lessee, occupant or person in charge of private grounds neglects or refuses to trim a tree, shrub or plant as provided in TDC 74.725, the City Manager must cause a written notice to trim such tree or trees, shrubs or plants to be served upon such owner, lessee, occupant or person in charge, within 10 days after the giving the notice; and if the owner, lessee or occupant or person in charge fails to do so, the person is guilty of violating this ordinance and subject to the penalties in TDC 74.760. The notice must be served upon the owner, lessee, occupant or person in charge either by "Certified Mail-Return Receipt Requested", or by posting the same notice on the property or near to the trees, shrubs or plants to be trimmed.

RESPONSE: Notice of Violation process is noted.

Section 74.735 Trimming by City.

If the owner, lessee, occupant or person in charge of the property fails and neglects to trim the trees, shrubs or plants within 10 days after service of the notice in TDC 74.730, the City Manager may trim the trees, shrubs or plants. Such trimming by the City does not act to relieve such owner, lessee, occupant or person in charge of responsibility for violating this Chapter.

RESPONSE: City's right to trim trees is acknowledged.

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 City standards, including Table 74-1. Any tree planted subsequent to adoption of this Chapter not in compliance with City standards, including Table 74-1, must be removed at the expense of the property owner.

RESPONSE: City's right to trim trees is acknowledged.

Section 74.750 Removal or Treatment by City.

The City Manager may remove or cause or order to be removed a tree, plant or shrub, planted or growing in or upon a public right-of-way which by its nature causes an unsafe condition or is injurious to sewers or public improvements, or is affected with an injurious fungus disease, insect or other pest. When, in the opinion of the City Manager, trimming or treatment of a tree or shrub located on private grounds, but having branches extending over a public right-of-way is necessary, the City Manager may trim or treat such a branch or branches, or cause or order branches to be trimmed or treated.

RESPONSE: City's right to tree removal and treatment is acknowledged.

Section 74.755 Appeal of Permit Denial.

When application for a permit under this Chapter is denied by the City Manager, an order is issued by the City Manager directing certain trees, shrubs or plants to be trimmed or removed, or a permit is granted by the City Manager containing conditions which the applicant deems unreasonable, the applicant may appeal to the Council in writing and filed with the City Recorder within 10 City business days after the denial of the permit sought or the making of the order the appellant deems unreasonable. After hearing, the Council may either grant or deny the application, rescind or modify the order from which the appeal was taken.

RESPONSE: Appeal process is noted.

Section 74.760 Penalties.

A person who violates this ordinance or fails to trim a tree or shrub for which notice to do so was provided, must, upon conviction, be fined not more than \$100.00.

RESPONSE: Penalties are noted.

Section 74.765 Street Tree Species and Planting Locations.

All trees, plants or shrubs planted in the right-of-way of the City must conform in species and location and in accordance with the street tree plan and City standards, including Table 74-1. If the City Manager determines that none of the species in City standards, including Table 74-1 is appropriate or finds appropriate a species not listed, the City Manager may substitute an unlisted species.

RESPONSE: Street tree species and locations will be submitted as part of the Public Works Permit application. The proposed street trees will conform with the City standards in Table 74-1. Any proposed tree species substitutions will be submitted for approval during the Public Works Permit process.

TDC CHAPTER 75: Access Management

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.

RESPONSE: The applicant acknowledges these requirements. The applicant plans to take access off a portion of SW Blake Street which will be constructed by the project. The large majority of traffic to the site will be required to use the primary access. A secondary access for emergency vehicles and large, non-regular truck deliveries is proposed from SW 120th Avenue.

(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.

RESPONSE: The applicant is not proposing a combined driveway approach but acknowledges that access to Tax Lot 701 may be problematic pending redevelopment of that parcel. Tax Lot 701, which is in unincorporated Washington County, currently has a curb cut on SW Tualatin Sherwood Road and does not have frontage on any other public streets.

(3) Joint and Cross Access.

(a) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.

(b) A system of joint use driveways and cross access easements may be required and may incorporate the following:

(i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

(ii) A design speed of 10 mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

(iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and

(iv) An unified access and circulation system plan for coordinated or shared parking areas.

(c) Pursuant to this section, property owners may be required to:

(i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

(ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

(iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and

(iv) If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.

RESPONSE: The applicant acknowledges these requirements.

(4) Requirements for Development on Less than the Entire Site.

(a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

(b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.

RESPONSE: The applicant acknowledges these requirements.

(5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Manager.

RESPONSE: Primary site access is proposed from SW Blake Street and secondary site access is proposed from SW 120th Avenue.

(6) Except as provided in TDC 53.100, all driveway approach must connect directly with public streets.

RESPONSE: All driveways will connect directly with public streets.

(7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must 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 must 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 must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.

RESPONSE: The applicant acknowledges these requirements. With the potential phasing of the SW 124th Avenue an agreement may be required that allows completion of the public sidewalk on SW 124th after occupancy to the building.

(8) The standards set forth in this Code are minimum standards for driveway approaches, 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: The applicant does not anticipate the need to increase the minimum standards for driveway approaches.

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

RESPONSE: The applicant acknowledges the requirement to provide two approaches with a minimum width of 32 feet for the development.

(10) Driveway Approach Separation. There must 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 Manager.

RESPONSE: The project will comply with this requirement.

(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 as required by TDC 73.400(14)(b).

(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.

RESPONSE: The project will comply the driveway spacing requirements. No driveways are proposed closer than 150 from the intersection of collector or arterial streets.

(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).

RESPONSE: The applicant acknowledges and will comply with the vision clearance requirements.

Section 75.050 Access Limited Roadways.

(1) This section applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions taken by the City pertaining to property abutting any road or street

listed in TDC 75.050(2). In addition, any property not abutted by a road or street listed in subsection (2), but having access to an arterial by any easement or prescriptive right, must be treated as if the property did abut the arterial and this Chapter applies.

(2) The following Freeways and Arterials are access limited roadways:

(d) Tualatin-Sherwood Road at all points located within the City of Tualatin Planning Area;

(f) 124th Avenue from Pacific Highway 99W south to Tonquin;

If the Council finds that any other road or street is in need of access control for any reason, it may direct that the street or road be added to this section through a Plan Text Amendment.

RESPONSE: The project does not propose to take direct access off of SW Tualatin Sherwood Road or SW 124th Avenue. The existing access points from SW Tualatin Sherwood Road to the existing residential and farm buildings will be removed. A maintenance only access may be required from SW 124th Avenue to the potential public stormwater pond located at the southeast corner of SW Tualatin Sherwood Road and SW 124th Avenue.

(3) This Chapter takes precedence over any other TDC chapter and over any other ordinance of the City when considering any development, land use approval or other proposal for property abutting an arterial or any property having an access right to an arterial.

(4) The City may act on its own initiative to protect the public safety and control access on arterials or any street to be included by TDC 75.030, consistent with its authority as the City Road Authority.

Section 75.100 Spacing Standards for New Intersections.

Except as shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), all new intersections with arterials must have a minimum spacing of one-half mile between intersections.

RESPONSE: The location of the 124th Avenue and SW Blake Street intersection was dictated to the applicant by Washington County Land Use and Transportation. The general location is shown on Figure 11-1.

Section 75.110 Joint Access Standards.

When the City Manager determines that joint accesses are required by properties undergoing development or redevelopment, an overall access plan shall be prescribed by the City Manager and all properties shall adhere to this. Interim accesses may be allowed in accordance with TDC 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

RESPONSE: The applicant plans on consolidating the two tax lots that the development is on and therefore a joint access will not be required.

Section 75.120 Collector Streets Access Standards.

(1) Major Collectors. Direct access from newly constructed single family homes, duplexes or triplexes are not permitted. As major collectors in residential areas are fully improved, or adjacent land redevelops, direct access should be relocated to the nearest local street where feasible.

(2) 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.

(3) If access is not able to be relocated to the nearest local street, the City Manager may allow interim access in accordance with 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

RESPONSE: The project proposed a primary access of SW Blake Street with is identified as a Minor Collector in the TSP. Any future development on the land southwest of SW Blake Street will need to meet access requirements outlined in this section.

Section 75.130 New Streets Access Standards.

(1) New streets designed to serve as alternatives to direct, parcel by parcel, access onto arterials are shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3). These streets are shown as corridors with the exact location determined through the partition, subdivision, public works permit or Architectural Review process. Unless modified by the City Council by the procedure set out below, these streets will be the only new intersections with arterials in the City. See map for changes

(2) Specific alignment of a new street may be altered by the City Manager upon finding that the street, in the proposed alignment, will carry out the objectives of this chapter to the same, or a greater degree as the described alignment, that access to adjacent and nearby properties is as adequately maintained and that the revised alignment will result in a segment of the Tualatin road system which is reasonable and logical.

(3) The City Council may include additional streets in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), through the plan amendment procedure. In addition to other required findings, the City Council must find that the addition is necessary to implement the objectives of this chapter.

RESPONSE: The location of the 124th/Blake intersection was determined and set approximately 1,100 feet south of SW Tualatin-Sherwood Road by Washington County in conjunction with planning efforts associated with the Willamette Water Supply Program (WWSP) treatment plant project.

The development is proposing to extend SW Blake Street east as necessary to accommodate necessary radii and queuing and then southerly, paralleling SW 124th Avenue to southerly property line where it will turn east again and run parallel with the southerly property line to the eastern property line in alignment with the location identified in the TDC Chapter 11, Transportation Figure 11-1.

Figure 11-1 shows SW 120th splitting South of SW Itel. South of SW Itel two streets would run south to SW Blake Street. The two streets were envisioned to support a high-density mixed-use development

area. The westerly street would cut through the PGE site and the easterly street would run adjacent to Itel Commerce Park. The mixed-used development would sit between the two streets.

With the development of the PGE IOC, the high-density mixed-use development west of the water bodies will not be constructed. Due to this, dual north south connections between Itel and Blake are no longer required. We believe the easterly north-south connection provides the best benefit for future development and the best chance for eventual construction and that the westerly north south connection is not required. Additional items supporting the elimination of the western leg include:

- The easterly connection avoids conflicts with ponds east of the proposed site that are on the National Wetland Inventory.
- The easterly connection avoids topographic constraints associated with the west leg along the east property line.
- The easterly connection avoids delineated wetlands at the southeast corner of the PGE site.

The easterly connection provides better potential access to the flag portion of the quarry site as the westerly connection would need to cross the mapped wetlands

Section 75.140 Existing Streets Access Standards.

The following list describes in detail the freeways and arterials as defined in TDC 75.030 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below.

(4) TUALATIN-SHERWOOD ROAD

(e) Avery Street/112th to Cipole Road. On the north side of Tualatin-Sherwood Road between 112th Avenue and Cipole Road the area will be served by the following streets or driveways:

(i) 115th Avenue which will extend north to Amu Street.

(ii) 124th Avenue which will extend north and west to an intersection at 124th Avenue approximately 800 feet north of Tualatin-Sherwood Road.

(iii) 124th Avenue.

(iv) Cipole Road. The exact location and configuration of the streets or driveways shall be determined by the City Manager.

(v) On the south side of Tualatin-Sherwood Road between Avery Street and 120th Avenue the area will be served by the following street system:

(A) 115th Avenue.

(B) 120th Avenue, which may be restricted to right-in, right-out movements in the future.

The exact location and configuration of the streets shall be determined by the City Manager . No driveways will be constructed in this area and existing driveways will be removed. Tax Lot 2S127B 800 (Select Sales) shall have a cross access to 115th Avenue.

RESPONSE: The project will comply with the access standards outlined for SW Tualatin Sherwood Road.

(6) 124TH AVENUE

(d) Tualatin-Sherwood Road. Between Tualatin-Sherwood Road and Tonquin Road access to 124th Avenue shall be limited to street intersections at Blake Street and the unnamed east-west collector street. Depending on when this segment of 124th Avenue is constructed a (possibly interim) connection to Tonquin Road may also be provided.

RESPONSE: The project will comply with the access standards outlined for SW 124th Avenue.

Sincerely,
KPF Consulting Engineers

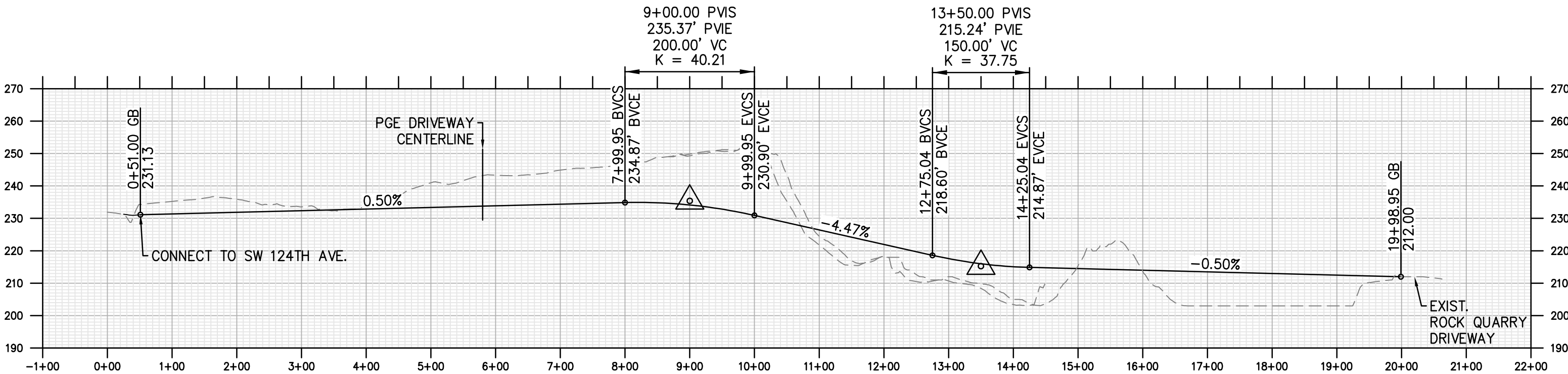
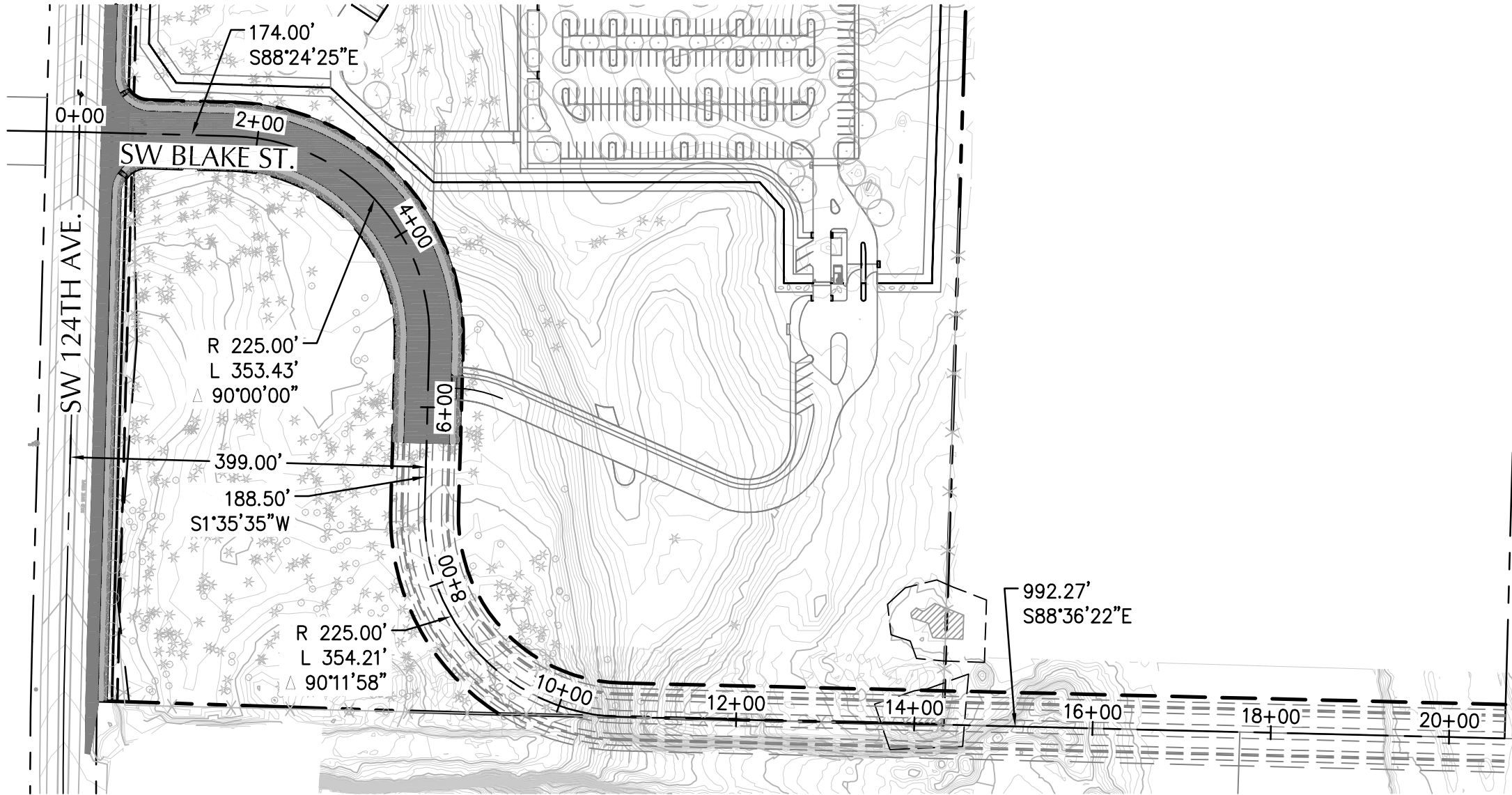
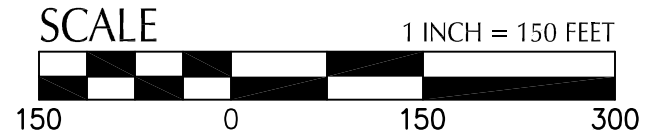
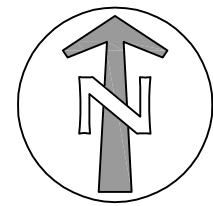
Mark Reuland, PE
Associate

Attachments: Exhibit A

1800045-pm

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SW BLAKE STREET PROFILE

SCALE: HORIZ: 1" = 150'
 VERT: 1" = 30'