

# **River Ridge Addition Type II Architectural Review Application for Site Improvements**

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**Date:** April 2019  
(Updated May 2019)

**Submitted to:** City of Tualatin  
Planning Division  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

**Applicant:** Mountain West Investment Corporation  
201 Ferry Street SE, Suite 400  
Salem, OR 97301



**AKS**  
ENGINEERING & FORESTRY

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## **Exhibits**

- Exhibit A: Preliminary Plans (Updated May 8, 2019)
  - Exhibit B: City Application Form, Checklist, and Fact Sheet
  - Exhibit C: Preliminary Architectural Elevations
  - Exhibit D: Lighting Cut Sheets
  - Exhibit E: Transportation Impact Study
  - Exhibit F: Franchise Garbage and Recycling Hauler Letter
  - Exhibit G: Clean Water Services (CWS) Service Provider Letter
  - Exhibit H: Site Photos
  - Exhibit I: Washington County Assessor’s Map
  - Exhibit J: Ownership Information
  - Exhibit K: Pre-Application Conference Notes
  - Exhibit L: Neighborhood Meeting Documentation
  - Exhibit M: Preliminary Stormwater Report
  - Exhibit N: Mailing Labels
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# River Ridge Addition Type II Architectural Review Application for Site Improvements

**Submitted to:** City of Tualatin  
Planning Division  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

**Owner:** Loretta Garcia Trust  
17905 SW Pacific Highway  
Tualatin, OR 97062

**Applicant:** Mountain West Investment Corporation  
201 Ferry Street SE, Suite 400  
Salem, OR 97301

**Applicant's Consultant:** AKS Engineering & Forestry, LLC  
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Tualatin, OR 97062  
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**Site Location:** 17915 SW Pacific Highway

**Washington County Assessor's Map:** 2S115C, Tax Lot 2200

**Site Size:** ±0.61 acres

**Land Use District:** General Commercial (CG)



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## I. Executive Summary

The River Ridge Apartment Community is an apartment community located in the northwestern portion of Tualatin. Built in 2017, this apartment community provides needed housing for Tualatin residents.

The residents are experiencing a need for additional parking. This need can be satisfied by providing additional parking spaces on an adjacent property. Therefore, on behalf of Mountain West Investment Corporation (Applicant) AKS Engineering & Forestry, LLC submits this application for Architectural Review to construct a parking lot with a pad that can accommodate a drive-up retail establishment. This application assumes the drive-up retail establishment to be a drive-up coffee shop.

The planned improvements include 39 new parking spaces, which exceed the maximum requirements for a drive-up coffee shop. The northwestern portion of the parking lot is intended to serve as overflow parking for the River Ridge Apartments. The southwestern portion of the parking lot is intended to provide parking for the future drive-up retail establishment and has enough parking spaces to meet the minimum requirement for a retail building of this size.

This project is planned to be completed in two different stages. The first stage is planned to be constructed as soon as practicable upon issuance of the required permits. The principal components of the first stage include:

- Site grading of entire site
- 39 new parking spaces, including 10 compact spaces and 2 handicapped spaces
- Hydroseed of area planned for second phase
- Perimeter landscaping
- Portions of parking lot landscaping
- Gravel building pad for future building
- Removal of the existing residential and commercial buildings
- Frontage improvements along SW Pacific Highway 99W, including landscaping

The second stage of improvements are planned to be completed at the time that a tenant for the retail establishment has been secured and include:

- Construction of the drive-up retail establishment
- Improvements needed for the drive-up stacking area, including landscaping
- Landscaping improvements around building footprint
- Flatwork around building
- Covered bicycle parking structure
- Trash and recyclables enclosure structure

The improvements are planned take access from an existing driveway that serves the River Ridge Apartment Community and close the existing site access to SW Pacific Highway. The layout has been designed to provide future access to the adjacent property.

## II. Site Description/Setting

The subject site is located generally north of the intersection of SW Pacific Highway and SW 124<sup>th</sup> Avenue in the City of Tualatin with frontage along the north side of SW Pacific Highway (Figure 1). The site consists of Tax Lots 2200 of Washington County Assessor's Map 2S115C and is ±0.61 acres. Currently, the site has

a vacant retail building, a single-family residential house, a gravel parking area, and existing trees. To the northwest and northeast of the site is the existing River Ridge Apartment Community. To the southeast is SW Pacific Highway 99W, and to the southwest is a restaurant.



Figure 1: Vicinity Map/Aerial Photograph

### III. Applicable Review Criteria

#### TUALATIN DEVELOPMENT CODE

Chapter 32 (Procedures).

- (2) **Applicability of Review Procedures.** All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a)

through (e) below. Table 32-1 lists the City’s land use and development applications and corresponding review procedure(s).

- (b) Type II Procedure (Administrative/Staff Review with Notice). A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are “limited land use decisions” as defined in ORS 197.015 are so noted in Table 32-1.

Table 32-1 – Applications Types and Review Procedures						
Application/Action	Procedure Type	Decision Body	Appeal Body	Pre-Application Conference Required	Neighborhood /Developer Meeting Required	Applicable Code Chapter
Architectural Review	II	CM	ARB/CC	Yes	Yes	TDC 33.020

**Response:** Based on Table 32-1 above, this application will be reviewed as a Type II Procedure.

Section 32.110 - Pre-Application Conference.

- (2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

**Response:** A pre-application conference was held with City staff and the items discussed at that pre-application conference are included in this application (Exhibit K).

Section 32.120 - Neighborhood/ Developer Meetings.

- (1) Purpose. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

**Response:** A neighborhood meeting was held to discuss the project with surrounding neighbors on November 19, 2018. The appropriate neighborhood meeting materials outlined above are included in this application (Exhibit L). This procedural standard has been met.



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Section 32.140 - Application Submittal.

- (1) **Submittal Requirements.** Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:
- (a) A completed application form. The application form must contain, at a minimum, the following information:
    - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
    - (ii) The address or location of the subject property and its assessor's map and tax lot number;
    - (iii) The size of the subject property;
    - (iv) The comprehensive plan designation and zoning of the subject property;
    - (v) The type of application(s);
    - (vi) A brief description of the proposal; and
    - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

**Response:** The above information (as applicable) is listed on the City of Tualatin application form and checklist (Exhibit B). These submittal requirements have been satisfied.

- (b) A written statement addressing each applicable approval criterion and standard;
- (c) Any additional information required under the TDC for the specific land use action sought;

**Response:** The narrative below addresses applicable criterion and standards. These submittal requirements have been satisfied.

- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;

**Response:** The required application fee is included with the application materials. This submittal requirement has been satisfied.

- (e) Recorded deed/land sales contract with legal description.
- (f) A preliminary title report or other proof of ownership.

**Response:** Ownership information for the property is included with this application (Exhibit J). These submittal requirements have been satisfied.

- (g) For those applications requiring a neighborhood/developer meeting;

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- (i) The mailing list for the notice;
  - (ii) A copy of the notice;
  - (iii) An affidavit of the mailing and posting;
  - (iv) The original sign-in sheet of participants; and
  - (v) The meeting notes described in TDC 32.120(7).

**Response:** A neighborhood meeting was held to discuss the project with surrounding neighbors on November 19, 2018. The appropriate neighborhood meeting materials outlined above are included in this application (Exhibit L). This procedural standard has been met.

- (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

**Response:** The Riverpark and Commercial CIOs were provided a notice of the neighborhood meeting via email to discuss the project at the neighborhood meeting. A copy of the email correspondence is included with the neighborhood meeting materials (Exhibit L). This submittal requirement has been satisfied.

Section 32.150 - Sign Posting.

- (1) When Signs Posted. Signs in conformance with these standards must be posted as follows:
  - (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and

**Response:** A sign was posted announcing the neighborhood meeting. An affidavit of posting of the neighborhood meeting sign is included with this application (Exhibit L). This submittal requirement has been satisfied.

- (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.

**Response:** This requirement is understood. Once the application has been assigned a file number by the City a sign will be posted. This requirement will be satisfied.

Section 33.020 - Architectural Review.

- (3) Types of Architectural Review Applications - Procedure Type.
  - (c) General Development. All development applications, (except Single Family Dwelling, Clear and Objective and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.

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**Response:** This Architectural Review Application will be reviewed through a Type II procedure.

(4) **Application Materials.** The application must be on forms provided by the City. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:

(a) The project name and the names, addresses, and telephone numbers of the architect, landscape architect, and engineer on the project;

**Response:** The above information (as applicable) is listed on the City of Tualatin application form and checklist (Exhibit B). These submittal requirements have been satisfied.

(b) Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;

**Response:** Preliminary Plans, including the information listed above, are included in this application (Exhibit A). This submittal requirement has been satisfied.

(c) A materials board that includes example building materials and textures;

**Response:** Preliminary Architectural Elevations that include planned building materials are included with this application (Exhibit C). This submittal requirement has been satisfied.

(d) Title report; and

**Response:** Ownership information for the property is included with application (Exhibit J). This submittal requirement has been satisfied.

(e) A Service Provider Letter from Clean Water Services.

**Response:** A Sensitive Area Pre-Screening Site Assessment signed by Clean Water Services staff is included in this application (Exhibit G). This submittal requirement has been satisfied.

(5) **Approval Criteria.**

(b) **General Development.**

(ii) Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

**Response:** As discussed further in this application, these standards are satisfied. This criterion is met.

(6) **Conditions of Approval.**

(a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:

(i) Protect the public from the potentially deleterious effects of the proposal;

(ii) Fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the proposal; and

(iii) Further the implementation of the requirements of the Tualatin Development Code.

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**Response:** Improvements included in this project (as described in this written narrative and as shown on the Preliminary Plans) are not anticipated to cause deleterious effects and are not expected to increase the need for public facilities and services. These criteria are understood.

(b) Types of conditions of approval that may be imposed include, but are not limited to:

(i) **Development Schedule.** A reasonable time schedule placed on construction activities associated with the proposed development, or portion of the development.

**Response:** Improvements included in this application are planned to be completed in two stages as shown on the Preliminary Plans. The first stage of construction is intended to be completed as soon as necessary approvals have been obtained, and the second stage is planned to be completed at such time as a viable tenant has been secured for the drive-up retail establishment.

(ii) **Dedications, Reservation.** Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title or easements to the City or a non-profit conservation organization, or a homeowners' association.

**Response:** This application does not involve or require the dedication or reservation of land or the granting of an easement for the uses listed in this section. Therefore, a condition of approval related to granting of land or easements for parks, pathways, greenways, riverbanks, etc. is not applicable to this application.

(iii) **Construction and Maintenance Guarantees.** Security from the property owners in such an amount that will assure compliance with approval granted.

**Response:** This criterion is understood. If required, the Applicant will provide construction and/or maintenance guarantees if required for the planned improvements.

(iv) **Plan Modifications.** Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this chapter.

(v) **Other Approvals.** Evaluation, inspections or approval by other agencies, jurisdictions, public utilities, or consultants, may be required for all or any part of the proposed development.

**Response:** These criteria are understood.

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- (vi) **Access Limitation.** The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

**Response:** As shown on the Preliminary Plans, this project is planned to take access from an existing access driveway used by the River Ridge Apartment Community and discontinue access directly onto SW Pacific Highway. As such, further access limitations are neither necessary nor warranted.

Section 33.110 - Tree Removal Permit / Review.

- (3) **Procedure Type.** Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.
- (4) **Specific Submittal Requirements.** In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following:
  - (a) **Tree Preservation Plan.** A tree preservation plan drawn to scale must include:
    - (i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;
    - (ii) All trees proposed for removal and all trees proposed to be preserved;
    - (iii) All existing and proposed structures;
    - (iv) All existing and proposed public and private improvements; and
    - (v) All existing public and private easements.

**Response:** This Architectural Review application includes tree removal. A preliminary Tree Preservation and Removal Plan containing the above-reference items (as applicable) is included in the Preliminary Plans (Exhibit A). Therefore, these submittal requirements are satisfied.

- (b) **Tree Assessment Report.** A tree assessment prepared by a certified arborist must include:
  - (i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;
  - (ii) An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree;
  - (iii) a statement addressing the approval criteria set forth in TDC 33.110(5);

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- (iv) the name, contact information, and signature of the arborist preparing the report; and
  - (v) The tree assessment report must have been prepared and dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City.
- (c) **Tree Tags.** All trees on-site must be physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.

**Response:** A tree assessment prepared by a certified arborist is included in a table on Sheet 4 of the Preliminary Plans (Exhibit A). The table lists each tree on the site, the health of the tree, and if it is intended to be preserved. On-site trees were tagged with numbers that correlate to the tree numbers listed in the tree assessment table. TDC 33.110(5) is addressed below. These submittal requirements are satisfied.

(5) **Approval Criteria.**

- (a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:
  - (...)
  - (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.

**Response:** As shown on the Preliminary Tree Preservation and Removal Plan the trees that are planned to be removed are necessary due to the planned improvements included in the application. This criterion is met.

**Chapter 54 (General Commercial (CG) Zone).**

**Section 54.300 - Development Standards.**

Development standards in the CG zone are listed in Table 54-2. Additional standards may apply to some uses and situations, see TDC 54.310.

Table 54-2 - Development Standards in the CG District		
MINIMUM SETBACKS		
Standard	Requirement	Limitations and Code References
Front	5-20 feet	Determined through Architectural Process
Side and Rear	0-15 feet	Determined through Architectural Process
Rear	0-15 feet	Determined through Architectural Process
Corner Lots	0-20 feet along each frontage	Must be a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined in the Architectural Review process.
Parking and Vehicle Circulation Areas	5 feet	Except as approved through Architectural Review process
Fences	5 feet	From public right-of-way
MAXIMUM STRUCTURE HEIGHT		
All Uses	45 feet	

**Response:** As shown on the Preliminary Plans, the setbacks either meet or exceed these minimum setback requirements (as applicable) for the planned improvements. These criteria are met.

#### Chapter 73A - Site Design

##### Section 73A.300 - Commercial Design Standards.

The following standards are minimum requirements for commercial development in all zones:

- (1) Walkways. Commercial development must provide walkways as follows:
  - (a) Walkways must be a minimum of 6 feet in width;
  - (b) Walkways must be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete (not gravel or woody material);
  - (c) Walkways must meet ADA standards applicable at time of construction or alteration;
  - (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;

**Response:** This application includes planned concrete walkways from the sidewalk along Pacific Highway to the future drive-up retail establishment entrance and parking lot to be constructed to the applicable ADA standards. These standards are met.

- (e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;

**Response:** This application does not include walkways through parking areas. Therefore, this standard is not applicable.

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- (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and

**Response:** As shown on the Preliminary Plans, there is a planned walkway from the sidewalk abutting SW Pacific Highway to the building entrance that could be used by bicyclists visiting the planned retail establishment. This standard is satisfied.

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

**Response:** This application for a parking lot does not have a walkway and bikeway circulation system nor is one warranted for this type of project. It is not adjacent to a park or greenway with a bike or pedestrian path. Therefore, this standard is not applicable.

(2) Accessways.

- (a) When Required. Accessways are required to be constructed when a common wall development is adjacent to any of the following:
  - (i) Residential property;
  - (ii) Commercial property;
  - (iii) Areas intended for public use, such as schools and parks; and
  - (iv) Collector or arterial streets where transit stops, or bike lanes are provided or designated.

**Response:** The subject site is adjacent to an existing apartment community. As discussed at the pre-application conference and as shown on the existing site photos, an accessway from the apartments to the planned parking lot along the existing access road is not possible due to large utility vaults. The Applicant plans to install a pedestrian walkway from the existing apartments to the parking lot for residents to use. This planned future walkway is shown on the Preliminary Plans and is planned to be constructed under a separate permit. This standard is satisfied.

(3) Drive-up Uses. Drive-up uses must comply with the following:

- (a) Provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:
  - (i) Banks--each lane must be 100 feet long;
  - (ii) Restaurants--each lane must be 160 feet long; and
  - (iii) Other uses—each lane must be between 80 and 160 feet long, as determined by the City.

**Response:** This application includes a drive-up restaurant. As shown on the Preliminary Plans, the stacking area is planned to exceed the minimum stacking area outlined above. This standard is met.



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- (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.

**Response:** As shown on the Preliminary Plans, the planned stacking area does not interfere with the planned parking areas. This standard is met.

- (c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.

**Response:** As shown on the Preliminary Plans, the drive-up window for the retail building is planned to be located a minimum of 50 feet from the adjacent property to the northeast, and the drive-up aisle is located more than 50 feet from the nearest residential building.

- (d) The width and turning radius of drive-up aisles must be approved by the City.

**Response:** The final site improvements are planned to be submitted for review by the City prior to installation. This standard will be satisfied.

- (e) A wall or other visual or acoustic may be required by the City.

**Response:** This condition is understood, however based on the distance from the drive-up aisle to the nearest residential building a wall is neither necessary nor warranted.

- (4) Safety and Security. Commercial development must provide safety and security features as follows:

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;

**Response:** As shown on the Preliminary Architectural Elevations (Exhibit C), the drive-up retail establishment has planned windows and lighting on all four sides of the building. The design allows for good visibility of the site from the inside of the building and allows the interior to be seen from the SW Pacific Highway. This standard is satisfied.

- (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;

**Response:** As shown on the Preliminary Lighting Plan (Exhibit A), LED lights are planned to be installed in the parking lot. The Lighting Plan includes photometrics that show that the planned lighting is located so that light is not cast onto SW Pacific Highway. This criterion is met.

- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and

**Response:** Arrows can be painted on the asphalt to direct drive-up traffic, and signage can be installed on the future building to identify the entrance. This standard can be satisfied.

- (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum 6 foot tall security fence or wall.

**Response:** This application does not include the above-ground structures noted above. This standard is not applicable.

- (5) Service, Delivery, and Screening. Commercial development must provide service, delivery, and screening features as follows:

- (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;

**Response:** This application does not include the above-ground structures noted above. This standard is not applicable.

- (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and

**Response:** This application includes a storage area for trash and recycling. This area is planned to be screened as shown on the Preliminary Architectural Elevations (Exhibit C). This standard is met.

- (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

**Response:** This application does not include the above-ground structures noted above. This standard is not applicable.

Chapter 73B - Landscaping Standards

Section 73B.020 – Landscape Area Standards Minimum Areas by Use and Zone

The following are the minimum areas required to be landscaped for each use and zone:

ZONE	MINIMUM AREA REQUIREMENT*	MINIMUM AREA REQUIREMENT WITH DEDICATION FOR A FISH AND WILDLIFE HABITAT*
(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District - All uses	15% of the total area to be developed	12.5% of the total area to be developed

**Response:** As shown on the Landscape Calculations Table on the Preliminary Landscape Plan, the planned landscaping exceeds the minimum 15%. This standard is satisfied.

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Section 73B.040 - Additional Minimum Landscaping Requirements for Commercial Uses.

- (1) General. In addition to requirements in TDC 73B.020, commercial uses must comply with the following:
  - (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.

**Response:** As illustrated on the Preliminary Landscape Plan, landscaping improvements are planned for those areas that are not occupied by the above elements. This criterion is met.

- (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:
  - (i) Pedestrian amenities such as landscaped plazas and arcades; and
  - (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.
- (c) 5-foot-wide landscaped area requirement does not apply to:
  - (i) loading areas,
  - (ii) bicycle parking areas,
  - (iii) pedestrian egress/ingress locations, and
  - (iv) where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than 8 feet.

**Response:** As shown on the Preliminary Landscape Plan (Exhibit A), a landscaped area meeting the above requirements is planned to be installed around the building perimeter (as applicable). This criterion is met.

- (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.

**Response:** This property is not abutted by the RL zone or MP zone. Therefore, this criterion is not applicable.

Section 73B.070 - Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

- (1) Required Landscape Areas

- Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.
- The foliage crown of trees cannot be used to meet this requirement.
- A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.
- Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).

**Response:** The Preliminary Landscape Plan included in this application has been designed to satisfy the above requirements. These standards are met.

- Must be controlled by pruning, trimming, or otherwise so that:
  - o It will not interfere with designated pedestrian or vehicular access; and
  - o It will not constitute a traffic hazard because of reduced

**Response:** As shown on the Preliminary Plans, this application includes planned landscaping improvements. The Applicant understands that these types of improvements require maintenance. Therefore, this standard is satisfied.

(2) Fences

- Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.

**Response:** This application does not include fencing. Therefore, this standard is not applicable.

(3) Tree Preservation

- Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.

**Response:** The trees that are planned to be retained are identified on the Preliminary Plans (Exhibit A). This standard is satisfied.

- During construction:
  - o Must provide above and below ground protection for existing trees and plant materials identified to remain;
  - o Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line;

**Response:** The Preliminary Plans included in this application show tree-protection fencing around the trees that are planned to be retained. These standards are satisfied.

- o If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;

- o Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;
- o Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and
- o Tree root ends must not remain exposed.

**Response:** This condition is understood, and proper care of the trees that are planned to be retained will be taken during construction.

- Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.

**Response:** As shown on the Preliminary Landscape Plan, the planned landscaping under the trees that are planned to be retained are appropriate for this location. This standard is met.

- When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged

**Response:** This application includes removal of existing trees as shown on Preliminary Plans (Exhibit A). However, the trees that are planned to be removed are not considered to be preserved trees. Therefore, this standard is not applicable.

(4) Grading

- After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.
- All planting areas must be graded to provide positive drainage.
- Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.
- Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.

**Response:** The above landscaping installation practices are noted on the Preliminary Landscape Plan. This standard is satisfied.

(5) Irrigation

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- Landscaped areas must be irrigated with an automatic underground or drip irrigation system

**Response:** As shown on the Preliminary Plans, the subject site includes planned irrigation for the landscaped areas. Therefore, this standard is satisfied.

(6) Re-vegetation in Un-landscaped Areas

- Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements.
- Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.
- The use of native plant materials is encouraged to reduce irrigation and maintenance demands.
- Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

**Response:** This project is planned to be completed in two phases. The second phase includes the building, the drive-up area and landscaping around the drive-up and building. As shown on the Preliminary Plans, these areas that are planned to be completed in phase two are planned to be planted with turf along with the improvements completed during the first phase. Therefore, this standard is satisfied.

Chapter 73 C - Parking Standards

Section 73C.020 - Parking Lot Design Standards.

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

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

**Response:** As shown on the Preliminary Plans, the planned parking spaces are designed in conformance with the dimensional standards of this section. Therefore, this criterion is met.

- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;
- (3) Parking stalls must be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;

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**Response:** As shown on the Preliminary Plans, the parking area drive aisles and stalls are planned to be constructed with an asphalt surface. These criteria are met.

- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;

**Response:** As shown on the Preliminary Plans, this application includes planned parking area improvements. As shown on the plans, the parking lot is planned to be constructed of asphalt which is a porous material and is an appropriate material for all-weather use. The planned sidewalks have curbs and are raised above the parking lot by 6 inches, preventing drainage from the parking area. Therefore, this standard is satisfied.

- (5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.

**Response:** As shown on the Preliminary Plans, curbing is provided that will prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways. Therefore, this standard is met.

- (6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;

**Response:** As shown on the Preliminary Plans, there are two planned disability parking spaces, which is appropriate for the project. This criterion is met.

- (7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;

**Response:** As shown on the table on the preliminary Site Plan included in the Preliminary Plans, the number of sub-compact vehicle parking spaces does not exceed 35% of the total required parking spaces. Therefore, this criterion is met.

- (8) Groups of more than 4 parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;

**Response:** As shown on the Preliminary Plans, this application includes on-site drive aisles that are planned to be at least 12-feet wide for those portions that are intended for one-way traffic and at least 24-feet wide for those portions that are intended for two-way traffic. Vehicles can utilize these drive aisles for backing movements. This criterion is met.

- (9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;

**Response:** This application does not include a new drive to the off-street parking area. Access to the off-street parking area is planned to be taken from an existing drive that provides access to the River Ridge Apartment Community. This criterion is not applicable.

- (10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way

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traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;

**Response:** As shown on the Preliminary Plans, this application includes on-site drive aisles that are planned to be at least 12-feet wide for those portions that are intended for one-way traffic and at least 24-feet wide for those portions that are intended for two-way traffic. This criterion is met.

- (11) Artificial lighting, must be deflected to not shine or create glare in a residential zone, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor;

**Response:** As shown on the Preliminary Lighting Plan (Exhibit A), LED lights are planned to be installed in the parking area. The Lighting Plan includes photometrics that show that the planned lighting will cast minimal light on surrounding properties. This criterion is met.

- (12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and (13) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.

**Response:** This application includes landscaping around the parking areas as shown on the Preliminary Plans and further discussed in 73C.200 below. This criterion is met.

#### Section 73C.030 - Shared Parking Requirements.

Parking facilities may be shared by users on adjacent parcels if the following standards are met:

- (1) One of the parcels has excess parking spaces, considering the present use of the property; the other parcel lacks sufficient area for required parking spaces;
- (2) The total number of parking spaces meets the standards for the sum of the number of spaces required for each use;

**Response:** This application involves additional parking spaces that are intended to be shared by the residents of the existing River Ridge Apartments and the planned future drive-up retail establishment. Since the existing apartments were previously approved, it can be assumed that they were constructed with at least the minimum number of spaces typically required for that type of use. As shown on the Preliminary Plans, the amount of parking spaces required for the planned future drive-up retail establishment is 15, and the Preliminary Plans show that 39 parking spaces are included with the project. These requirements are satisfied.

- (3) Legal documentation, to the satisfaction of the City Attorney, must be submitted verifying permanent use of the excess parking area on one lot by patrons of the uses deficient in required parking area;

**Response:** The Applicant understands this requirement and can provide documentation allowing for the shared use of the parking area, if required.



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- (4) Physical access between adjoining lots must be such that functional and reasonable access is provided to uses on the parcel deficient in parking spaces;

**Response:** As shown on the Preliminary Plans, the Applicant plans to apply for and construct a pedestrian walkway from the existing apartment community to the planned parking lot through a separate permit. This requirement is satisfied.

- (5) Adequate directional signs must be installed specifying the joint parking arrangement; and

**Response:** The Applicant understands this requirement and can install signage if required. This requirement can be satisfied.

- (6) Areas in the Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor would be better protected.

**Response:** This property is not included in any of the above areas. Therefore, this criterion is not applicable.

Section 73C.050 - Bicycle Parking Requirements and Standards.

- (1) Requirements. Bicycle parking facilities must include;
- (a) Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;
    - (i) Long-term bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.
  - (b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.

**Response:** As shown on the Preliminary Architectural Elevations, three covered bicycle spaces are planned to be provided with the future construction of the drive-up retail building. These requirements are met.

- (2) Standards. Bicycle parking must comply with the following:
- (a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;
  - (b) A five (5) foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;
  - (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;

- (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;
- (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;
- (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;
- (g) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking; and
- (h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.

**Response:** As shown on the Preliminary Architectural Elevations, there are three covered bicycle parking spaces located near the entrance of the future drive-up retail establishment. These standards are satisfied.

Section 73C.100 - Off-Street Parking Minimum/Maximum Requirements.

- (1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC 73C.110.

Off-Street Parking				
Use	Minimum Motor Vehicle Parking Requirement	Maximum Motor Vehicle Parking Requirement	Bicycle Parking Requirement	Percentage of Bicycle Parking to be Covered
<b>Commercial</b>				
(ix) Drive-up restaurant	9.90 spaces per 1,000 sq. ft. of gross floor area	Zone B: 14.9 spaces per 1,000 sq. ft. gross floor area	2.00 spaces per 1,000 gross sq. ft	25

**Response:** As shown on the table on the Preliminary Architectural Elevations, the planned motor vehicle and bicycle parking meet the above off-street parking requirements. This criterion is met.

Section 73C.130 - Parking Lot Driveway and Walkway Minimum Requirements.

Parking lot driveways and walkways must comply with the following requirements:

- (2) Commercial Uses. Ingress and egress for commercial and institutional uses must not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
1-99	1	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only.

**Response:** This site is planned to take access from an existing access that serves the River Ridge Apartment Community.

Section 73C.220 - Commercial Parking Lot Landscaping Requirements.

Commercial uses must comply with the following landscaping requirements for parking lots in all zones:

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

**Response:** As illustrated on the Preliminary Plans, landscaping improvements are planned for those areas that are not occupied by the above elements. This criterion is met.

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

**Response:** As shown on the Preliminary Plans, the ends of drive aisles and driveway entrance are planned to be planted with materials that meet the height requirements listed above. This requirement is satisfied.

- (3) Perimeter. Minimum 5 feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following.
- (a) Deciduous trees located not more than 30 feet apart on average as measured on center;
  - (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;
  - (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;
  - (d) Native trees and shrubs are encouraged; and
  - (e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.

**Response:** This application involves off-street parking and vehicular circulation areas. As shown on the enclosed Preliminary Landscape Plan perimeter site landscaping is included that meets the requirements above. These requirements are met.

- (4) Landscape Island. Minimum 25 square feet per parking stall must be improved with landscape island areas and must comply with the following.

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;
- (d) Landscape separation required for every eight continuous spaces in a row.
- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;
- (f) Must be planted with groundcover or shrubs;
- (g) Native plant materials are encouraged;
- (h) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);
- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and

**Response:** As shown on the Preliminary Landscape Plan, the planned landscaping improvements meet or exceed the requirements noted above. These standards are met.

- (5) Driveway Access. For lots with 12 or more parking spaces, site access from the public street must be defined by:
  - (a) Landscape area at least 5 feet in width on each side of the site access;
  - (b) Landscape area must extend 25 feet from the right-of-way line; and

**Response:** The access for this project is planned to be taken from an existing access that is used by the River Ridge Apartment Community. As shown on the Preliminary Plans, there is a planned landscape area on the site where this property abuts the existing access road. This landscape area extends more than 25 feet from the right-of-way line. These standards are met.

#### Chapter 73D - Waste and Recyclables Management Standards

##### Section 73D.020 - Design Methods.

An applicant required to provide mixed solid waste and source separated recyclables storage areas must comply with one of following methods:

- (1) The minimum standards method in TDSC 73D.030;
- (2) The waste assessment method in TDC 73D.040;
- (3) The comprehensive recycling plan method in TDC 73D.050; or
- (4) The franchised hauler review method in TDC 73D.060.

##### Section 73D.030 - Minimum Standards Method.

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

- (1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.
- (2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:
  - (c) Commercial, industrial, and institutional developments must provide a minimum storage area of 10 square feet plus:
    - (ii) Retail -10 square feet/1000 square feet GLA;

**Response:** This application includes a drive-up retail establishment within the General Commercial zone and is using the Minimum Standards Method to calculate dimensional standards for the minimum size of the solid waste and recyclables storage area. As shown on the Architectural Site Plan, the square footage of the planned storage area exceeds the above minimum requirements. To the extent that they apply, these standards are met.

#### Section 73D.070 - Location, Design and Access Standards.

The following location, design, and access standards are applicable to all storage areas:

- (1) Location Standards.
  - (a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste.
  - (b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
  - (c) Exterior storage areas must:
    - (i) Be located in central and visible locations on the site to enhance security for users;
    - (ii) Be located in a parking area; and
    - (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

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**Response:** As shown on the Preliminary Plans, the location of the storage area for garbage and recyclables is planned to be located along the northeastern property line. This location was determined based on requirements provided by Republic Services and their ability to service the site. This location is visible from the parking lot and planned future drive-up retail establishment and is not adjacent to a front yard or a public or private street. These standards are satisfied.

(2) Design Standards.

- (a) The dimensions of the storage area must accommodate containers consistent with current methods of local collection at time of construction or alteration.

**Response:** As shown on the Preliminary Plans, the trash and recyclable storage area is large enough to accommodate containers that are of the appropriate size for this type of use. This standard is satisfied.

- (b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.

**Response:** This condition is understood.

- (c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height.

**Response:** As shown on the Preliminary Architectural Elevations, the enclosure is planned to be screened as required above. This standard is satisfied.

- (d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.

**Response:** As shown on the Preliminary Landscape Plan, the enclosure is planned to have landscaping materials planted around the enclosure. This standard is satisfied.

- (e) Gate openings for haulers must be a minimum of 10 feet wide and must be capable of being secured in a closed and open position.

**Response:** As shown on the Preliminary Architectural Elevations, the planned gate opening of the enclosure exceeds 10 feet. This standard is satisfied.

- (f) Horizontal clearance must be a minimum of 10 feet and a vertical clearance of 8 feet is required if the storage area is covered.

**Response:** As shown on the Preliminary Plans, the enclosure is not planned to be covered. This standard does not apply.

- (g) A separate pedestrian access must also be provided in common wall, commercial, and institutional developments.

**Response:** As shown on the Preliminary Plans, the enclosure has a separate pedestrian access. This standard is satisfied.

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- (h) Exterior storage areas must have either a concrete or asphalt floor surface.

**Response:** As shown on the Preliminary Plans, the storage area is planned to have a concrete surface. This standard is satisfied.

- (i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.

**Response:** The Applicant understands that the garbage and recycling containers are to be labeled. This standard can be satisfied.

(3) Access Standards.

- (a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.

**Response:** The Applicant understands that the storage areas must be made available to future users and to the haulers. This standard is satisfied.

- (b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.

- (c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.

- (d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.

**Response:** As shown on the Preliminary Plans, the storage area is in a location that is easily accessible and doesn't require hauler trucks to back out of a driveway or on to a public street and won't cause obstructions to vehicular traffic on site or on public streets. The Preliminary Plans showing the location of the planned storage area have been reviewed and approved by Republic Service (Exhibit F). These standards are satisfied.

**TDC Chapter 74: Public Improvement Requirements**

**Section 74.010 Purpose.**

The City's Community Plan sets forth the requirements for providing adequate transportation and utility systems to serve the community's present and future needs. Land development without adequate transportation and utility systems will adversely affect the overall economic growth of the City and cause undue damage to the public health and welfare of its citizens. Consequently, the City finds that it is in the public interest to require land development to meet the following improvement requirements.

**Section 74.020 Authority.**

- (1) The City Manager may develop standard forms, including but not limited to deeds, easements, interim access agreements, escrow agreements, street improvement agreements, subdivision

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compliance agreements and agreements to dedicate right-of-way, to include the contents and warranties when they are submitted, and the procedure for implementation necessary to carry out the purpose of this chapter.

- (2) Easements submitted on a final plat or on a separate easement form must be subject to this chapter.
- (3) Supervision of Planting. The City Manager has jurisdiction over all trees, plants and shrubs planted or growing in or upon the public rights-of-way of the City and their planting, removal, care, maintenance and protection. The City Manager is to enforce these provisions.

**Response:** To the extent applicable, these provisions can be met.

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:** As shown on the Preliminary Plans and previously discussed in the Executive Summary, the Applicant intends to develop this site in two phases. The public improvements are planned to be constructed during the first phase of construction.

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:** As shown on the Preliminary Plans, this application includes improvements to the public sidewalk within the Pacific Highway right-of-way. The Applicant understands this requirement and if necessary, will provide the City with a construction improvement guarantee.

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:** This application involves site improvements for a planned parking lot and future drive-through retail establishment. As such, most of the improvements included with this application are private improvements. The Applicant understands this requirement and that these types of improvements require maintenance.



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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:** To the extent applicable, these provisions can be met.

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.

- (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:** This application involves an Architectural Review for a site that is adjacent to SW Pacific Highway that currently has adequate right-of-way width. As such, no additional right-of-way dedication is required. This criterion is not applicable.

Section 74.330 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.

**Response:** As shown on the Preliminary Plans, this application does not include tracts. Utilities for the future drive-through retail establishment will be connected to existing water and sewer lines within the existing SW Pacific Highway right-of-way. No new easements are necessary. These criteria are not applicable.

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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.
- (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 project has frontage onto SW Pacific Highway. As shown on the Preliminary Plans, the sidewalk adjacent to SW Pacific Highway is planned to be removed and replaced with the construction improvements. These standards are satisfied.

- (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:** This project was discussed in detail at the pre-application conference with City staff, who did not indicate that any off-site improvements were required or warranted. This standard is not applicable.

- (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 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:** As shown on the Preliminary Plans, the sidewalk adjacent to SW Pacific Highway is planned to be removed and replaced. No further improvements were discussed at the pre-application conference nor are they required. This standard is satisfied.

- (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 required street improvements, as applicable, are shown on the Preliminary Plans. This standard is satisfied.

- (8) For development applications other than subdivisions and partitions, all street improvements required by this section must be completed

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and accepted by the City prior to the issuance of a Certificate of Occupancy.

**Response:** As demonstrated in the responses to and in compliance with the TDC, the provision above can be met at the time of construction.

- (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:** As shown on the Preliminary Plans, where applicable, the improvements have been designed to meet requirements of ODOT. This standard is satisfied.

- (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:** A Transportation Impact Study that show the existing study intersection operates at the above thresholds has been prepared and included in this application (Exhibit E). This criterion is met.

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

**Response:** A Transportation Impact Study for the site has been prepared by DKS and is included with this application (Exhibit E). These criteria are met.

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

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- (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; and
  - (g) The study must be conducted by a registered engineer.

**Response:** A Transportation Impact Study for the site has been prepared by DKS and is included with this application (Exhibit E). The study includes an analysis of the existing conditions, proposed trip generation, and recommendations of necessary improvements. These criteria are met.

- (3) 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 recommendations included in the study include adding bicycle parking spaces, having the existing apartment community continue to refrain from installing items in the north corner adjacent to the existing driveway, and installing signage that provides notice to not block the intersection. As shown on the Preliminary Plans, there are three planned bicycle parking spaces. Signage can be installed if required. Any future improvements by the existing River Ridge Apartment Community in the north corner adjacent to the driveway will need further approvals by the City. This criterion is met.

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

- (1) Accessways must be constructed by the applicant, dedicated to the City on the final residential, commercial or industrial subdivision or partition plat, and accepted by the City.

**Response:** This application involves an architectural review for a parking lot and future drive-through retail establishment that is planned to take access from an existing driveway that serves the River Ridge Apartment Community. No new accessways are included with this application. Therefore, this criterion is not applicable.

**Section 74.485 Street Trees.**

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

**Response:** As shown on the Preliminary Landscape Plan, this application includes street trees that are planned to be planted along SW Pacific Highway. The street trees are planned to be installed at the same time as the sidewalk improvements to SW Pacific Highway. This criterion is met.

**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

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plans must be submitted to the City Manager for review and approval prior to construction.

**Response:** As shown on the Preliminary Plans, water service for the future retail establishment will be provided by installing a new water service from the existing water line located in the SW Pacific Highway right-of-way. No new public water lines are included in this application. Construction plans meeting the Public Works Construction Code will be submitted to the City for review prior to construction. Therefore, this criterion is met.

**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:** As shown on the Preliminary Plans, sanitary sewer service for the future retail establishment will be provided by installing a new service from the existing on-site sewer lateral. No new public sanitary sewer lines are included in this application. Construction plans meeting the Public Works Construction Code will be submitted to the City for review prior to construction. Therefore, this criterion is met.

**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.
- (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:** As shown on the Preliminary Plans, stormwater impact to adjacent properties will be minimized with the construction of porous asphalt paving. Grading has been designed to mimic the existing conditions in direction and type of flow. Drainage from the future retail establishment will be provided with the installation of a new storm lateral that will provide gravity drainage to the SW Pacific Highway storm system. The peak post-developed flow rate from the site will be less than the existing peak flow rate. These criteria are met.

**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.
- (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:** As shown on the Preliminary Grading Plans, the site has been graded to minimize impacts of storm water runoff onto adjacent properties. Further, a Preliminary Stormwater Report

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(Exhibit M) has been prepared that shows that the peak post-developed flow rate from the site will be less than the existing peak rate. These criteria are met.

**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, 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 satisfied and obtain a Stormwater Connection Permit from Clean Water Services; or
- (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.
- (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:** This application involves Architectural Review. A Preliminary Stormwater Report (Exhibit M) has been prepared that shows that with the construction of porous AC pavement, on-site impervious areas can be minimized to where the post-development peak runoff rate is less than the existing peak rates. Therefore, no detention facility is planned. A separate stormwater report will be prepared to document the downstream system to treat the roof runoff utilizing the existing ODOT infrastructure and will be submitted as part of the construction approval process. A stormwater facility agreement will be included with the building permit application submittal for the parking area. These criteria are met.

**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.
- (2) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate

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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:** As shown on the Preliminary Plans, there are existing overhead utilities along SW Pacific Highway that are adequate to serve this site. New utility services to serve the site are planned to be located underground. No deeds or easements are anticipated or warranted. These criteria are met.

**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:** As shown on the Preliminary Landscape Plan, there are street trees planned to be planted in the SW Pacific Highway right-of-way. This site is located within Zone 2 as shown on the City's Street Tree Plantings Map 74-1. The Preliminary Landscape Plan shows that European Hornbeam are the planned street trees in this location which are shown to be an acceptable species in Table 74-1. This criterion is met.

**Section 75.020 Permit for New Driveway Approach.**

- (1) **Applicability.** A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.

**Response:** This Application involves Architectural Review for a parking area and future drive-up retail establishment that is planned take access from an existing driveway that serves the River Ridge Apartment Community. New driveway approaches are not included or warranted with this application. A Transportation Impact Study was prepared by DKS Associates (Exhibit E) that found that the existing driveway approach will continue to meet ODOT mobility standards with the addition of trips generated from the future site. To the extent that this is applicable, this criterion is satisfied.

**Section 75.070 Existing Driveways and Street Intersections.**

- (1) Existing driveways with access onto arterials on the date this chapter was originally adopted are allowed to remain. If additional development occurs on properties with existing driveways with access onto arterials then this Chapter applies and the entire site must be made to conform with the requirements of this chapter.
- (2) The City Manager may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means.

**Response:** As shown on the Preliminary Plans, the site is planned to take access to SW Pacific Highway from an existing approved right-in/right-out access that serves the River Ridge

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Apartment Community. The existing site access to the subject site from SW Pacific Highway is planned to be closed. These criteria are met.

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.

(3) PACIFIC HIGHWAY 99W

- (c) On the northwesterly side of Pacific Highway 99W access will be provided by Cipole Road and Pacific Drive. West of Cipole Road and north of Pacific Highway 99W access will be provided by Pacific Drive. Pacific Drive will be extended as a frontage road toward the 124th Avenue intersection as far as is practicable as determined by the City Manager . Past that point shared driveways shall be used as determined by the City Manager . Pacific Drive will be reconfigured to align with 130th Avenue to form a new intersection. From the reconfigured intersection with Pacific Drive and Pacific Highway 99W to 124th Avenue, interim accesses may be approved in accordance with TDC Chapter 75. Between 124th Avenue and the Tualatin River on the northwesterly side of Pacific Highway 99W existing accesses will remain except as noted below for development or redevelopment due to the median of Pacific Highway 99W these will be limited to right-turn in, right-turn out. Any redevelopment in this area will require that the driveway accesses be consolidated to a minimum number as determined by the City Manager.

**Response:** As shown on the Preliminary Plans, the site is planned to take access from an existing approved right-in/right-out driveway that serves the River Ridge Apartment Community. The existing site access to the subject site from SW Pacific Highway is planned to be abandoned. This criterion is met.

CITY OF TUALATIN MUNICIPAL CODE

Chapter 03-02: Sewer Regulations; Rates

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.



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- (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:** A separate construction permit application will be submitted, and a permit will be obtained prior to commencing work. The provisions listed above can be met at the time of construction.

#### 3-2-030 Materials 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.

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- (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:** A separate construction permit application will be submitted, and a permit will be obtained and required fees will be paid prior to work commencing. The provisions listed above can be met at the time of construction.

3-2-060 Use of Public Sewers 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:

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- (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:** As demonstrated in the responses to and in compliance with the TDC, the provisions listed above can be met at the time of construction.

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

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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:** As demonstrated in the responses to and in compliance with the TDC, the provisions listed above can be met at the time of construction.

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:** As demonstrated in the responses to and in compliance with the TDC, the provisions listed above can be met at the time of construction.

Chapter 03-03: Water Service

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 existing water meter located in the public right-of-way will be utilized to serve the site in accordance with the above provisions. These standards can be met at the time of construction.

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

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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:** Construction plans will be submitted that will show new water lines to be in conformance with Tualatin Public Works Construction Code. This application does not include water lines that will be extended. To the extent applicable, the provisions listed above can be met at the time of construction.

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.

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- (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:** As applicable, a backflow prevention device will be installed in compliance with the above provisions. These standards can be met at the time of construction.

## Chapter 03-05: Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers

### 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.

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

**Response:** An erosion control permit application will be submitted separately and is planned to be obtained prior to ground disturbance. To the extent applicable, the provisions listed above can be met at the time of construction.

**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.

**Response:** An erosion control permit plan in conformance to the above provisions will be submitted with the construction plans. These standards will be met at the time of construction.

- (2) Site Plan. A site specific plan, prepared by an Oregon registered professional engineer, shall be required when the site meets any of the following criteria:
- (a) greater than five acres;
  - (b) greater than one acre and has slopes greater than 20 percent;
  - (c) contains or is within 100 feet of a City-identified wetland or a waterway identified on FEMA floodplain maps; or
  - (d) greater than one acre and contains highly erodible soils.

**Response:** This application involves a site that is ±0.61 acres. The site does not have slopes greater than 20%, nor does it contain a wetland or waterway, nor contain highly erodible soils. These standards are not applicable.

**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;

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- (3) The payment of a Storm and Surface Water Management System Development Charge, which includes a water quantity component designated to meet these requirements.

#### 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  $\frac{1}{4}$  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.

#### 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.



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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

**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 runoff 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.

**3-5-240 On-Site Detention Design Method.**

- (1) The procedure for determining the detention quantities is set forth in Section 4.4 Retention/Detention Facility Analysis and Design, King County, Washington, Surface Water Design Manual, January, 1990, except subchapters 4.4.5 Tanks, 4.4.6 Vaults and Figure 4.4.4G Permanent Surface Water Control Pond Sign. This reference shall be used for procedure only. The design criteria shall be as noted herein. Engineers desiring to utilize a procedure other than that set forth herein shall obtain City approval prior to submitting calculations utilizing the proposed procedure.
- (2) For single family and duplex residential subdivisions, stormwater quantity detention facilities shall be sized for the impervious areas to be created by the subdivision, including all residences on individual lots at a rate of 2640 square feet of impervious surface area per dwelling unit, plus all roads which are assessed a surface water

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management monthly fee under Unified Sewerage Agency rules. Such facilities shall be constructed as a part of the subdivision public improvements. Construction of a single family or duplex residence on an existing lot of record is not required to construct stormwater quantity detention facilities.

- (3) All developments other than single family and duplex, whether residential, multi-family, commercial, industrial, or other uses, the sizing of stormwater quantity detention facilities shall be based on the impervious area to be created by the development, including structures and all roads and impervious areas which are assessed a surface water management monthly fee under Unified Sewerage Agency rules. Impervious surfaces shall be determined based upon building permits, construction plans, site visits or other appropriate methods deemed reliable by City.

**Response:** This application involves Architectural Review. A Preliminary Stormwater Report (Exhibit M) has been prepared that shows that the peak post-developed flow rate from the site will be less than the existing peak rate. A separate stormwater report will be prepared to document the downstream system to treat the roof runoff utilizing the existing ODOT infrastructure and will be submitted as part of the construction approval process. These criteria are met.

**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.

**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.

**3-5-350 Phosphorous Removal Standard.**

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

**Response:** The Preliminary Stormwater Report (Exhibit M) illustrates the planned stormwater infrastructure facilities. The stormwater infrastructure and facilities are being designed in accordance with City, CWS, and ODOT standards (as applicable). Proper construction permits will be obtained prior to commencement of site alterations. Improvements will be installed per approved plans and inspected as required by the City. These standards will be met at the time of construction.

**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.

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**Response:** As discussed in the Preliminary Stormwater Report (Exhibit M), porous asphalt pavement will be utilized for on-site impervious area reduction techniques in accordance with Clean Water Services Standards. Stormwater that discharges to the ODOT right-of-way will be managed in accordance with ODOT stormwater standards. This standard will be met at the time of construction.

**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 Preliminary Stormwater Report (Exhibit M) illustrates the planned stormwater infrastructure facilities. The stormwater infrastructure and facilities are being designed in accordance with City, CWS, and ODOT standards (as applicable). Proper construction permits will be obtained prior to commencement of site alterations. Improvements will be installed per approved plans and inspected as required by the City. These standards will be met at the time of construction.

**3-5-430 Placement of Water Quality Facilities.**

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

**Response:** As discussed in the Preliminary Stormwater Report (Exhibit M), porous asphalt pavement will be utilized for on-site impervious area reduction techniques in accordance with Clean Water Services Standards. Stormwater that discharges to the ODOT right-of-way will be managed in accordance with ODOT stormwater standards. This standard will be met at the time of construction.

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#### **IV. Conclusion**

The required findings have been made, and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the City of Tualatin Development Code. The evidence in the record is substantial and supports the City's approval of the application.