



# City of Tualatin

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August 12, 2019

## ARCHITECTURAL REVIEW AND PUBLIC FACILITIES DECISION

AR 19-0004

**\*\* APPROVAL WITH CONDITIONS \*\***

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Case #:	AR 19-0004
Project:	River Ridge Addition
Location:	17915 SW Pacific Highway; Tax lot: 2S1 15C 2200
Applicant:	Chris Goodell, AKS Engineering & Forestry, LLC: 503-563-6151
Owner:	Loretta Garcia Trust

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Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503.691.3026 and allow as much lead time as possible.

## I. INTRODUCTION

### A. Applicable Criteria

The following Chapters of the Tualatin Development Code (TDC) are applicable to the subject proposal:

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 33.110: Tree Removal Permit/Review
- TDC 54: General Commercial Zone (CG)
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 74: Public Improvement Requirements\*
- TDC 75: Access Management\*

*\*Addressed in Exhibit B (City Engineer's Review, Findings, and Decision)*

### B. Project and Site Description

The site at 17915 SW Pacific Highway is a 0.61 acre lot which is zoned General Commercial (CG). The property is developed with a vacant multi-tenant commercial building, single-family house, gravel parking area, and trees. The site has a gentle downhill slope to the northeast.

The applicant, Mountain West, represented by AKS Engineering & Forestry, is requesting approval of a phased commercial development. Phase I includes demolition of the existing buildings to construct a 39 stall parking lot, associated landscaping, and pad for future drive-through building. Phase II will complete construction of the drive-through retail establishment and associated hardscaped and landscaped areas. Access is proposed from an existing driveway that serves the neighboring property to the east, River Ridge Apartment Community, with drive aisle designed to provide future access to the adjacent property to the west.

### C. Previous Land Use Actions

- August 26, 2013 - Property annexed into City of Tualatin (ANN 13-0001)

### D. Surrounding Uses

Surrounding uses include residential and commercial. Adjacent land uses include:

North: High-Density Residential (RH)

- River Ridge Apartments
- Tualatin River

South: General Commercial (CG)

- Oregon 99W / SW Pacific Highway
- Four-story office building

West: General Commercial (CG)

- Restaurant

East: High-Density Residential (RH)  
• River Ridge Apartments

Figure 1: Aerial view of subject site (highlighted)



## E. Exhibit List

A: Application Materials:

- A1. Applicant's Narrative
- A2. Plan Set
- A3. Traffic Report
- A4. Supporting Documents

B: City Engineer's Public Facilities Review and Decision for AR 19-0004

C: Clean Water Services Memo— June 19, 2019

D: Tualatin Valley Fire & Rescue Memo— June 6, 2019

E: ODOT Memo—June 18, 2019

F: Noticing Materials

## F. Public and Agency Comments

Agency comments were received from CWS (Exhibit C), TVF&R (Exhibit D), and Oregon Department of Transportation (Exhibit E). No comments were received from community members during the public comment period.

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented, staff **approves** AR 19-0004 subject to the following architectural features conditions (A):

### GENERAL:

- A1. The Architectural Review approval for Phase I – parking lot shall expire after two years. Approval for Phase II – complete build-out shall expire after four years unless a building permit application has been issued, and substantial construction pursuant thereto has taken place, and an inspection has been performed by a member of the Building Division, under the terms of Section 33.020(10).
- A2. The applicant must comply with the incorporated Public Facilities Recommendation (Exhibit B) from the City of Tualatin Engineering Division, pursuant to Section 33.020(6)(a)(ii).

### PRIOR TO BUILDING OR ENGINEERING PERMIT ISSUANCE:

- A3. The applicant must submit revised plans showing:
  - a. An access stub on the western property line connecting to tax lot 2203 as indicated on Sheet P11 at 24-feet in width. Plans must indicate warning signage, will be provided at the stub to prevent use until such time the neighboring property redevelops.
- A4. The applicant must install the tree protection fencing consistent with Section 73B.070(3). Please contact the Planning Division and provide at least 48 hours' notice.

### PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A5. The applicant must install the drive-through window a minimum of 50 feet from the residentially zoned property to the northeast, pursuant to Section 73A.300(3).
- A6. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.400(4)(b).
- A7. The applicant must install bicycle parking signage per MUTCD standards and vanpool/carpool parking signage, pursuant to Section 73C.050(2)(d) and 73C.100(2).
- A8. Warning signage must be placed along the access stub constructed in accordance with Condition A3 in the form of reflector diamonds or similar treatment.
- A9. The applicant must construct proposed buildings and all site improvements as illustrated on approved plans and conditions of approval. A site inspection by the Planning Division staff is required to verify satisfaction of all requirements. Please contact the Planning Division and provide at least 48 hours' notice. This inspection is separate from inspection(s) done by the Building Division.

### THE FOLLOWING CODE REQUIREMENTS APPLY TO THE SITE IN AN ON-GOING MANNER:

- A10. All mechanical equipment must be screened in accordance with Section 73A.300(5). Prior to approval of a mechanical permit, the applicant or property owner must submit scaled elevations that illustrate screening by a parapet or other method.
- A11. All sign permits require separate sign permit approval. This approval does not constitute sign permit approval.

- A12. All landscaping approved through the AR process must be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.
- A13. All building exterior improvements approved through the AR process must be continually maintained, including necessary painting and repair, so as to remain substantially similar to original approval through the AR process, except as permitted under Section 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.
- A14. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1.
- A15. Site landscaping shall be maintained to meet the vision clearance requirements of TDC Figure 73-2.
- A16. The proposed development must comply with all applicable standards and objectives set forth in TDC Chapters 73A through 73D.

### III. PLANNING FINDINGS

#### Chapter 32: Procedures

[...]

#### Section 32.010 – Purpose and Applicability.

[...]

**(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.

[...]

**(3) Determination of Review Type.** Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

**Table 32-1 – Applications Types and Review Procedures**

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
<b>Architectural Review</b>						
<b>Architectural Review (except as specified below) (limited land use)</b>	<b>II</b>	<b>CM</b>	<b>ARB / CC</b>	<b>Yes</b>	<b>Yes</b>	<b>TDC 33.020</b>
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

[...]

#### **Finding:**

*The requested application is classified as Type II Procedure Types according to Table 32-1. It has been processed according to the applicable code for Type II procedures. This standard is met.*

**Section 32.030 – Time to Process Applications.**

**(1) Time Limit - 120-day Rule.** The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)

[...]

**Finding:**

*The application was deemed complete on June 4, 2019. The 120<sup>th</sup> day will be October 2, 2019. The final action will take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.*

**Section 32.110 – Pre-Application Conference.**

**(1) Purpose of Pre-Application Conferences.** Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

**(2) When Mandatory.** Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.

**(3) Timing of Pre-Application Conference.** A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

**(4) Application Requirements for Pre-Application Conference.**

**(a) Application Form.** Pre-application conference requests must be made on forms provided by the City Manager.

**(b) Submittal Requirements.** Pre-application conference requests must include:

**(i)** A completed application form;

**(ii)** Payment of the application fee;

**(iii)** The information required, if any, for the specific pre-application conference sought; and

**(iv)** Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.

**(5) Scheduling of Pre-Application Conference.** Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

**(6) Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.** A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:

**(a)** An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;

**(b)** The proposed use, layout, and/or design of the proposal have significantly changed; or

**(c)** The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

**Finding:**

*A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on October 3, 2018, six months prior to submittal. These standards are met.*

**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.

**(3) Timing.** A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

**(4) Time and Location.** Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:

(a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.

(b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

**(5) Notice Requirements.**

(a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:

(i) All property owners within 1,000 feet measured from the boundaries of the subject property;

(ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and

(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

(c) The City will provide the applicant with labels for mailing for a fee.

(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

**(6) Neighborhood/Developer Sign Posting Requirements.** The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

**(7) Neighborhood/Developer Meeting Requirements.** The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.



**Finding:**

*The applicant has provided evidence that they held a Neighborhood/Developer meeting on November 19, 2018, approximately five months prior to application submittal. The applicant has provided documentation of sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from the meeting. These standards are met.*

**Section 32.130 – Initiation of Applications.**

**(1) Type I, Type II, Type III, and Type IV-A Applications. Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:**

- (a) The owner of the subject property;**
- (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;**
- (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or**
- (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.**

[...]

**Finding:**

*The applicant has provided a title report within Exhibit A showing Loretta Garcia Estate to be the current owner of the subject site. Mountain West is in the process of land conveyance. The application has been signed by agents of both the Garcia Estate and Mountain West. This standard is met.*

**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).****
- (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;**
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;**
- (e) Recorded deed/land sales contract with legal description.**
- (f) A preliminary title report or other proof of ownership.**
- (g) For those applications requiring a neighborhood/developer meeting:
  - (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).

(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;

(i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

(2) **Application Intake.** Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.

(3) **Administrative Standards for Applications.** The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

**Finding:**

*The applicant submitted an application for AR 19-0004 on April 12, 2019. These application was deemed complete on June 4, 2019. The general land use submittal requirements were included with this application. These standards are met.*

**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
- (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.

(2) **Sign Design Requirements.** The applicant must provide and post a sign(s) that conforms to the following standards:

- (a) Waterproof sign materials;
- (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and
- (c) Sign text must be at least two (2) inch font.

(3) **On-site Placement.** The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.

(4) **Removal.** If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:

- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
- (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

**Finding:**

*The applicant provided certification within Exhibit A that signs in conformance with this section were placed on site in accordance with this section. This standard is met.*

**Section 32.160 – Completeness Review.**

**(1) Duration.** Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.

**(2) Considerations.** Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

**(3) Complete Applications.** If an application is determined to be complete, review of the application will commence.

**(4) Incomplete Applications.** If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

**(5) Vesting.** If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

**(6) Void Applications.** An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

[...]

**Finding:**

*The applicant submitted an application for AR 19-0004 on April 12, 2019. Revisions were submitted May 14, 2019. The application was deemed complete June 4, 2019. These standards are met.*

**Section 32.220 – Type II Procedure (Administrative Review with Notice).**

Type II decisions are made by the City Manager with public notice and an opportunity for review and comment. The local appeal body for each application type is specified in Table 32-1. Type II decisions include limited land use decisions under ORS 197.195.

**(1) Submittal Requirements.** Type II applications must include the submittal information required by TDC 32.140(1).

**(2) Determination of Completeness.** After receiving an application for filing, the City Manager will review the application for completeness in accordance with TDC 32.160.

**(3) Written Notice of Application and Opportunity to Comment.** Once the application has been deemed complete, the City must mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days before making the Type II decision to allow interested people and agencies the opportunity to submit written comments on the application before the City issues the decision.

- (a) Recipients:

- (i) The applicant and the owners of the subject property;**
  - (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
  - (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;**
  - (iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
  - (v) Any person who submits a written request to receive a notice;**
  - (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and**
  - (vii) Utility companies (as applicable).**
- (b) The mailed notice of pending Type II Decision, at a minimum, must contain all of the following information:**
- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
  - (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
  - (iii) The proposed site plan;**
  - (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
  - (v) The type of application and a concise description of the nature of the land use action;**
  - (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
  - (vii) Brief summary of the local decision making process for the land use decision being made;**
  - (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**
  - (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;**
  - (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;**
  - (xi) A statement that comments received after the close of the public comment period will not be considered;**
  - (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and**
  - (xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.**

**(c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.**

**(d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.**

**(4) Decision.** At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:

**(a) Explains the criteria and standards considered relevant to the decision;**

**(b) States the facts relied upon in issuing the decision; and**

**(c) Explains the justification for the decision based on the criteria, standards and facts set forth.**

**Finding:**

*After submittal and completeness review as required by this section, notice for the Type II application for AR 19-0004 was mailed by city staff on June 4, 2019 and contained the information required by this section. These standards are met.*

**(5) Notice of Type II Decision.** Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision must contain all of the following information:

**(a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;**

**(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;**

**(c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;**

**(d) The date the decision becomes final, unless an appeal is submitted; and**

**(e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.**

**(6) Appeal of a Type II Decision.** Appeals may be made in accordance with TDC 32.310.

**(7) Effective Date of Type II Decision.** A Type II Decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise.

**Finding:**

*A final decision and any appeal will follow the requirements of this section. These standards will be met.*

**Chapter 33: Applications and Approval Criteria**

[...]

**Section 33.020 Architectural Review**

[...]

**(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.**

[...]

**Finding:**

*Chapters TDC 73A through 73D relating to site design, landscape design, parking standards, and waste and recyclables management standards are applicable to the subject proposal. Findings to these standards are located in appropriate sections of this report. TDC Chapter 73E through 73G are not applicable. With conditions, the approval criteria is met.*

**(9) Permit Expiration. Architectural Review decisions (including Minor Architectural Review decisions) expire two (2) years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.**

**(10) Extension of Permit Expiration.**

**(a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.**

**(b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.**

**(c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:**

**(i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.**

**(ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.**

**(d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.**

**(e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:**

**(i) The applicant submitted a written extension request prior to the expiration date;**

**(ii) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;**

**(iii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and**

**(iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.**

**(f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.**

**(g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.**

**Finding:**

*The proposed application is approved subject the compliance with the above criteria. With Condition of Approval A1, these standards are met.*

**Section 33.110 Tree Removal Permit/Review**

**(2) Applicability.** No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.

[...]

**(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.

**Finding:**

*The applicant has submitted a tree inventory and assessment in conjunction with the Architectural Review application. The criteria in TDC 33.110 are the basis on approval or denial for tree removal as part of this Architectural Review. These standards are met.*

**Section 33.110 Tree Removal Permit/Review Approval Criteria**

**(5) Approval Criteria.**

**(a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:**

**(i) The tree is diseased and:**

- (A) The disease threatens the structural integrity of the tree; or**
- (B) The disease permanently and severely diminishes the esthetic value of the tree; or**
- (C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.**

**(ii) The tree represents a hazard which may include but not be limited to:**

- (A) The tree is in danger of falling; or**
- (B) Substantial portions of the tree are in danger of falling.**

**(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.**

**Finding:**

*The assessment report included as Sheet P04, in Exhibit A, identifies 10 trees proposed for removal on the development site due to (iii) development. These standards are met.*

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

[...]

**Section 54.200 Use Categories**

**(1) Use Categories.** Table 54-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 54-1 and restrictions identified in TDC 54.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

[...]

Excerpted from Table 54-1: Use Categories in the CG Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>COMMERCIAL USE CATEGORIES</b>		
Eating and Drinking Establishments	P	--

**Finding:**

*The subject property is within the General Commercial (CG) Planning District. As noted in Table 54-1 of TDC, Use Categories in the CG Zone, the eating and drinking establishments, including take-out and drive through facilities are permitted outright. The planned improvements include an accessory parking lot with 39 parking spaces. 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 building pad and future drive-through establishment. This standard is met.*

**Section 54.210 Additional Limitations on Uses**

**(1) Size Limitation on Retail Uses.** If located on land designated Employment Area, Corridor or Industrial Area on Map 9-4, uses in the following categories must not be greater than 60,000 square feet of gross floor area per building or business:

(a) Eating and Drinking Establishments;

[...]

**Finding:**

*The site is located in a Corridor Area on Map 9-4. The future drive-through establishment will be 1,200 square feet. This standard is met.*

**Section 54.220 – Outdoor Uses**

All uses must be conducted wholly within a completely enclosed building, except as provided by this section.

**(1) Permitted Uses.** Off-street parking and loading, outdoor play areas of child day care centers as required by state day care certification standards, Basic Utilities, Wireless Communication Facilities, and nursery or greenhouse uses are permitted outright as outdoor uses.

[...]

**Finding:**

*Off-street parking is the only outdoor use proposed. This standard is met.*

**Section 54.300 Development Standards**

Development standards in the CG zone are listed in Table 54-2.

[...]

Excerpted from Table 54-2: Development Standards in CG Zone			
STANDARD	DIRECTION	REQUIRED (FT)	PROPOSED (FT.)
<b>MINIMUM SETBACKS</b>			
Front	South	5-20 feet	<i>9 feet</i>
Rear	North	0 -15 feet	<i>115 feet</i>
Side	East	0 -15 feet	<i>16.83 feet</i>
Side	West	0 -15 feet	<i>110 feet</i>
Parking and Circulation		5 feet	<i>7.5 feet</i>
Fences		5 feet	<i>None</i>
Maximum Structure Height		45 feet	<i>20 feet</i>

**Finding:**

*As shown in the Architectural Site Plan (Exhibit A), these standards are met.*



## Chapter 73A: Site Design

[...]

### COMMERCIAL DESIGN STANDARDS

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

**Finding:**

*This application includes six-foot wide, concrete walkways that connect the future establishment entrance and parking lot to the sidewalk along Pacific Highway and to the River Ridge apartment complex to the north. Further evaluation for ADA standards will be conducted during the building permit phase. No walkways are proposed through the parking or drive aisle areas. A recreation route is located west of this site and is not applicable to this application. These standards are met.*

**(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.

**Finding:**

*This proposal does not include a common wall development. This standard is not applicable.*

**(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:
  - [...]
  - (ii) Restaurants--each lane must be 160 feet long; and
  - [...]
- (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.
- (c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.
- (d) The width and turning radius of drive-up aisles must be approved by the City.
- (e) A wall or other visual or acoustic may be required by the City.

**Finding:**

*This application includes a drive-up restaurant. As shown on the Architectural Site Plan, the queue length is 189' and does not interfere with parking area movements. The location of the drive-up window is located approximately of 55 feet from the adjacent residential property. With a Condition of Approval A5, this standard is met*

- (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;**
  - (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;**

**Finding:**

*As shown on the Exterior Elevations (Exhibit A), the drive-up retail establishment has extensive windows and lighting on the south, west, and east elevations of the building. A drive-through window is located on the north elevation. 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. As shown on the Preliminary Lighting Plan, three light poles, mounted at 20-25 feet in height are planned to be installed in the parking lot, with photometric data indicating that the planned lighting is not cast onto SW Pacific Highway. This standard is met.*

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

**Finding:**

*The applicant will be required to provide building identification in a manner that complies with the above criterion, subject to approval by TVF&R. With Condition of Approval A6, this standard is met.*

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

**Finding:**

*There are no electrical and mechanical equipment notated on the Site Plan or Landscape Plan submitted as part of Exhibit A. With Condition of Approval A10, the standard is met. No facilities described in section "b" and "c" are provided on this site.*

- (6) Adjacent to Transit. Commercial development adjacent to transit must comply with the following:**
- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.**
  - (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:**

[...]

**Finding:**

*The subject site abuts SW Pacific Highway, which is designated as a transit street in TDC Chapter 11 (Figure 11-5). As shown on the Site Plan in Exhibit A, two sidewalk connections are proposed from the subject site to the public sidewalk improvements along Pacific Highway. The site is not adjacent to a major transit stop. This standard is met.*

**Chapter 73B: Landscaping Standards**

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

Excerpted from 73B.020	
ZONE	MINIMUM AREA REQUIREMENT
[...]	
(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

[...]

**Finding:**

*As shown on the Preliminary Landscape Plan P09 in Exhibit A, approximately 27% of the site is provided with landscaping. This standard is met.*

**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.
- (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.

[...]

**Finding:**

*As shown on the Preliminary Landscape Plans P09 and P10 in Exhibit A, all areas not occupied by buildings, parking spaces, drive aisles, or pedestrian areas, are proposed to be landscaped with a variety of materials for Phase 1 and full build out.*

*The building's southern and western perimeter are viewable by the general public. As shown on the Preliminary Landscape Plan P09, the western elevation features the building entrance and bicycling parking facility, and the southern elevation features a nine foot wide landscape area. Pedestrian amenities are proposed along the eastern elevation. These standards are met.*

**Section 73B.070 – Minimum Landscaping Standards for All Zones.**

**The following are minimum standards for landscaping for all zones.**

<p><b>(1) Required Landscape Areas</b></p>	<ul style="list-style-type: none"> <li>• <b>Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.</b></li> <li>• <b>The foliage crown of trees cannot be used to meet this requirement.</b></li> <li>• <b>A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.</b></li> <li>• <b>Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).</b></li> <li>• <b>Must be controlled by pruning, trimming, or otherwise so that:</b></li> <li>• <b>It will not interfere with designated pedestrian or vehicular access; and</b></li> <li>• <b>It will not constitute a traffic hazard because of reduced visibility.</b></li> </ul>
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**Finding:**

*As shown in the Preliminary Landscape Plans P09 and P10 (Exhibit A), living grass and plant materials are proposed to cover the new landscape areas. New plantings near pedestrian areas are generally shrubs and grasses, as well as Vine Maple and Golden Desert Ash, which will not interfere with visibility. This standard is met.*

<p><b>(2) Fences</b></p>	<ul style="list-style-type: none"> <li>• <b>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.</b></li> </ul>
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**Finding:**

*This application does not include fencing. This standard is not applicable.*

<p><b>(3) Tree Preservation</b></p>	<ul style="list-style-type: none"> <li>• <b>Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</b></li> <li>• <b>During construction:</b></li> <li>• <b>Must provide above and below ground protection for existing trees and plant materials identified to remain;</b></li> <li>• <b>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;</b></li> <li>• <b>If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</b></li> <li>• <b>Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</b></li> <li>• <b>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</b></li> <li>• <b>Tree root ends must not remain exposed.</b></li> <li>• <b>Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</b></li> </ul>
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	<ul style="list-style-type: none"> <li>• 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</li> <li>• 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development</li> </ul>
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**Finding:**

*Tree protection fencing is proposed for Tree 10291, as well as for trees along the western property line. With Condition of Approval A4, these standards are met.*

(4) Grading	<ul style="list-style-type: none"> <li>• 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.</li> <li>• All planting areas must be graded to provide positive drainage.</li> <li>• Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>• 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.</li> </ul>
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**Finding:**

*Proposed grading associated with this project is designed to mimic existing conditions in direction and type of flow. Per the Preliminary Grading Plan, all landscaped areas shall have positive drainage. Grading and erosion control is further addressed in the Public Facilities Decision (Exhibit B). This standard is met.*

(5) Irrigation	<ul style="list-style-type: none"> <li>• Landscaped areas must be irrigated with an automatic underground or drip irrigation system</li> <li>• Exceptions: Irrigation requirement does not apply to duplexes and townhouses.</li> </ul>
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**Finding:**

*The attached landscape plans include an automatic, underground irrigation system for all landscaped areas (see Note 8 of the Preliminary Landscape Plan). This standard is met.*

(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>• The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>• Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul>
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**Finding:**

*This project is planned to be completed in two phases. The application proposes to improve the entire site with the exception of the gravel building pad in Phase I. This standard is met.*

**Section 73B.080 – Minimum Standards Trees and Plants.**

The following minimum standards apply to the types of landscaping required to be installed for all zones.

Standard	
(1) Deciduous Shade Trees	<ul style="list-style-type: none"> <li>• One and on-half inch caliper measured six inches above ground;</li> <li>• Balled and burlapped; bare root trees will be acceptable to plant during their dormant season;</li> <li>• Reach a mature height of 30 feet or more;</li> <li>• Cast moderate to dense shade in summer;</li> <li>• Live over 60 years;</li> <li>• Do well in urban environments, tolerant of pollution and heat, and resistant to drought;</li> <li>• Require little maintenance and mechanically strong;</li> <li>• Insect- and disease-resistant;</li> <li>• Require little pruning; and</li> <li>• Barren of fruit production.</li> </ul>
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> <li>• One and on-half inch caliper measured six inches above ground;</li> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species</li> </ul>
(3) Coniferous Trees	<ul style="list-style-type: none"> <li>• 5 feet in height above ground;</li> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.</li> </ul>
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> <li>• One to five gallon size;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• Side of shrub with best foliage must be oriented to public view.</li> </ul>
(5) Groundcovers	<ul style="list-style-type: none"> <li>• Fully rooted;</li> <li>• Well branched or leafed;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• English ivy (<i>Hedera helix</i>) is prohibited.</li> </ul>
(6) Lawns	<ul style="list-style-type: none"> <li>• Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</li> <li>• 100 percent coverage and weed free; and</li> <li>• Healthy, disease-free, damage-free, characteristic of the species.</li> </ul>

**Finding:**

*As shown on the Plant Schedule of the Preliminary Landscaping Plan (Exhibit A), new landscaping proposed in the development area will meet the planting standards for each plant category. These standards are met.*

**Chapter 73C – 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; [...]

**Finding:**

*As shown on the Site Plan (Exhibit A), 27 parking stalls measuring 9' x 16' are proposed around the showroom building and are adjacent to a 7.5' landscape strip that can accommodate vehicle overhang of 2.5", thus meeting the dimensional requirements of Figure 73-1. Ten subcompact parking stalls measuring 8' x 15' are proposed on the southern portion of parking lot. The drive aisle between parking lanes is 24'. This standard 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;**

**Finding:**

*The applicant proposes porous pavement for the drive aisles and parking stalls, which is an acceptable material per this section. This standard is met.*

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

**Finding:**

*Vehicle areas will be constructed with porous pavement, with curbed sidewalks raised above the parking area. This standard is met.*

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

**Finding:**

*Curbs are provided to separate parking from landscaping and pedestrian areas. This standard is met.*

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

**Finding:**

*Two ADA parking stalls are included with the proposal. ADA standards must be addressed during the building permit process. This standard 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;**

**Finding:**

*Twelve stalls are needed to satisfy the requirements of TDC 73C.100, as discussed later in this report. The 35% allowance would provide flexibility for four compact stalls outright. There are 27 stalls provided over the minimum requirement; therefore the proposal of ten subcompact stalls meets the standard.*

**(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;**

**(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;**

**(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 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;**

**Finding:**

*The proposed parking is located over 100' from the right-of-way, no vehicles will need to back into the street with the proposed site layout. As reflected in the submitted Site Plan, all drive aisles are 24' wide, and the 12' wide drive through aisle has been designed to facilitate the forward flow of traffic. These standards are met.*

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

[...]

**Finding:**

*The project site is adjacent to a residential planning district and SW Pacific Highway. As shown in the proposed Lighting Plan within Exhibit A, the LED light fixtures are designed to direct light in the desired area and include shields which limit offsite spill and glare. This standard is met.*

**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.**

**Finding:**

*The applicant proposes to provide a covered bike shelter on the Site Plan. This standard is 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;**  
 [...]

**Finding:**

*The Site Plan (Exhibit A) indicates that bicycle parking will be provided on the northwest corner of the building's patio. No dimensional details of the bicycle parking facility are provided; however a 8' x 8' footprint is shown. Adequate lighting will be provided in the area, as reflected on the Preliminary Lighting Plan. With Condition of Approval A7 these standards are met.*

**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:**

USE	MINIMUM VEHICLE PARKING	MAXIMUM VEHICLE PARKING	BICYCLE PARKING	% COVERED BICYCLE PARKING
(e) Commercial				
(ix) Drive-up restaurant	9.90 spaces per 1,000 square feet of gross floor area	14.9 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 gross square feet	25

**Finding:**

*The 1,200 square building is subject to drive-up restaurant parking requirements. A minimum of 12 and a maximum of 18 vehicle parking spaces are permitted. Two covered bicycle parking spaces are also required. The submitted site plan includes 39 vehicle parking spaces and three covered bicycle parking spaces. The applicant is proposing to share the excess parking with the adjacent property to the north as permitted in Section 73C.030. This standard is met.*

**(2) In addition to the general parking requirements in subsection (1), the following are the minimum number of off-street vanpool and carpool parking for commercial, institutional, and industrial uses.**

Number of Required Parking Spaces	Number of Vanpool or Carpool Spaces
10 to 25	2

[...]

**Finding:**

*The proposed building requires a minimum of 12 vehicle parking spaces and therefore requires two vanpool or carpool spaces. No carpool/vanpool spaces are shown on the Site Plan. With Condition of Approval A7, this standard is met.*

**Section 73C.120 – Off-Street Loading Facilities Minimum Requirements.**

**(1) The minimum number of off-street loading berths for commercial, industrial, and institutional uses is as follows:**

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
[...]				
Commercial	Less than 5,000	0	0	0

[...]

**Finding:**

*The proposed building is 1,200 SF, which is below the threshold that requires an off-street loading facilities. No loading berths are proposed; therefore this section does not apply.*

**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 feet thereafter	Curbs required; walkway 1 side only

[...]

**Finding:**

*This site takes access from an existing driveway that serves the River Ridge Apartment Community. The applicant is not proposing to decrease the existing driveway width as part of this application. This standard does not apply.*

**PARKING LOT LANDSCAPING**

**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.
- (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.

**Finding:**

*New landscaping is provided throughout the parking area where vehicular parking and maneuvering is not necessary, except for pedestrian facilities that feature outdoor seating areas. The plantings proposed for the parking area will leave a vertical clear zone as shown in the Preliminary Landscape Plan (Exhibit A). With Condition of Approval A14 the standard is met.*

**(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 [...]

**Finding:**

*As shown on the Preliminary Landscape Plan (Exhibit A), 7.5-13.17 feet of landscaping is proposed along the perimeter of vehicular circulation areas that contain a mix of all the above plantings. A variety of deciduous trees including Bowhall Maple and Golden Desert Ash will be spaced 30' on-center. Groundcover is proposed at one to two gallons in size and spaced to accommodate their size at maturity, while still providing at least 90% coverage. These standards 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 [...]**

**Finding:**

*As shown in the Site Plan (Exhibit A), there are 39 parking spaces proposed, requiring 975 square feet of landscape island area. Approximately 1,414 square feet of landscape island area is provided, with the islands all being curbed and measuring at least five feet wide. Landscape separation is provided every eight spaces or better and at island ends. Ten parking area trees are provided for the 39 spaces, meeting the minimum standard of one tree per four stalls. 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**

**Finding:**

*Landscape areas flanking the driveway are located on an adjacent lot. The application includes landscape improvements that are 6 feet in width and 25 feet in length from the right-of-way where the driveway abuts the site. This standard is 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.**

**Finding:**

*The applicant is opting to conform with the minimum standards method, as outlined in TDC 73D.030. Findings addressing compliance with the applicable standards are included below.*

**Section 73D.030 – Minimum Standards Method.**

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

(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.

**Finding:**

*The mixed solid waste and recycling storage area is located along the eastern property line as indicated on the Site Plan. Additional trash enclosure details were included Detail A and B. No vertical or stacked storage is proposed. This standard is met.*

(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;

[...]

**Finding:**

*The subject proposal includes a 1,200 square foot drive-through restaurant; therefore, the required minimum storage area is 10 square feet plus 10 square feet per 1,000 square feet of GLA (totaling 22 square feet). As shown in the submitted Site Plan, the proposed waste storage area is approximately 228 square feet, thereby exceeding the minimum requirement. This standard is 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.**

**Finding:**

*The mixed solid waste and recycling storage area is sited on the eastern property line. The trash is located close to the building for convenient transport. The enclosure is not located in the front-yard setback or adjacent to streets. These standards are met.*

**(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.**
- (b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.**
- (c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height.**
- (d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.**
- (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.**
- (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.**
- (g) A separate pedestrian access must also be provided in common wall, commercial, and institutional developments.**
- (h) Exterior storage areas must have either a concrete or asphalt floor surface.**
- (i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.**

**Finding:**

*The proposed enclosure is 21.33' x 10.67' and is capable of housing two four-yard storage containers. The enclosure includes a 6' tall masonry wall that is landscaped with Luykens Laurel. Metal gate openings are located on the eastern elevation, with pedestrian access available at both the eastern and southern elevations. The enclosure features a reinforced concrete slab. These standards are met.*

**(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.**
- (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.**

[...]

**Finding:**

*A service provider letter from waste-hauler Republic Services was included with the application. The enclosure is located adjacent to the exit drive aisle to prevent any backing movements that would interfere with vehicle maneuvering or pedestrian ways. These standards are met.*

**Section 33.020 – Architectural Review.**

[...]

**(9) Permit Expiration. Architectural Review decisions (including Minor Architectural Review decisions) expire two (2) years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.**

**(10) Extension of Permit Expiration.**

**(a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.**

**(b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.**

**(c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:**

**(i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.**

**(ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.**

**(d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.**

**(e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:**

**(i) The applicant submitted a written extension request prior to the expiration date;**

**(ii) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;**

**(iii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and**

**(iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.**

**(f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.**

**(g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.**

**Finding:**

*The proposed application is approved subject the compliance with the above criteria. With Condition of Approval A1, these standards are met.*

#### IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days on August 27, 2019 unless a written appeal is received by the **Planning Division at 18880 Martinazzi Avenue, Tualatin, Oregon 97062 before 5:00 p.m., August 26, 2019. The appeal must be submitted on the City appeal form with all the information requested provided thereon, signed by the appellant, and include the applicable appeal fee.** The plans and appeal forms are available at the Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB).

Submitted by:



Erin Engman  
Associate Planner