



City of Tualatin

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August 12, 2019

CITY ENGINEER'S REVIEW FINDING AND DECISION FOR AR 19-0004, RIVER RIDGE ADDITION

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I. RECOMMENDATION

Based on the findings presented, the City Engineer approves AR 19-0004, River Ridge Addition with the following conditions:

A. PRIOR TO ISSUANCE OF EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMITS FOR THE FIRST PHASE:

- PFR-1 The applicant must submit sanitary sewer system plans that:
- Are in accordance with code section TMC 3-2-020, -030, -060, -080, and -160 and the Public Works Construction Code.
 - Show location of the sanitary sewer lines, grade, materials, and other details including a cleanout at the right-of-way.
 - Comply the contractor insurance and bond requirements of the City of Tualatin.
- PFR-2 The applicant must submit final water system plans that:
- Are in accordance with code section TMC 3-3-40, -110, -120, and -130.
 - Show location of the water lines, grade, materials, and other details prior to obtaining a public works permit including that show:
 - A gate valve near the main.
 - No bends within the right-of-way.
 - A separate backflow device for the irrigation system on the private-side service.
- PFR-3 The applicant must submit plans for a City of Tualatin erosion control permit in accordance with code section TMC 3-5-060.
- PFR-4 In accordance with TMC 3-5-200 the applicant must:
- Submit final stormwater calculations including conveyance and plans.
 - Evaluate the outdoor seating areas and the trash enclosure to determine what treatment options are possible and propose an acceptable treatment.
 - Submit a copy of the recorded private stormwater easement on River Ridge Apartment's lot to the north, TLID 2S115C002300 in accordance with TMC 3-5-200.
 - Submit a copy of the ODOT Miscellaneous Permit to allow the second phase's roof to connect to the state highway drainage facilities.
- PFR-5 In accordance with TMC 3-5-280 the applicant must:
- Submit final private water quality facility plans and calculations must identify that design storm requirements of phosphorus and treatment storm events are met.
 - Include a cleanout at the right-of-way.
 - Submit financial assurance.
 - Record a stormwater facility agreement identifying the responsible party for the long-term compliance with the operation and maintenance plan.
- PFR-6 The applicant must submit a recorded copy of an 8-foot wide public utility easement adjacent to SW Pacific Highway right-of-way in accordance with TDC 74.330.
- PFR-7 The applicant must submit plans that show improvement of all public sidewalks and driveways abutting the property to meet ADA/PROWAG in accordance with TDC 74.420.

- PFR-8 In accordance with TDC 74.425, 74.430, and 74.440 the applicant must submit final plans that include signage at the private access to River Ridge Apartments main access to provide notice stating "Do Not Block Intersection".
- PFR-9 In accordance with TDC 74.485 and 74.765 plus PWCC 203.2.16, the applicant must:
- a. Submit plans that show approvable street trees and planting locations:
 - b. Include root barriers ten feet wide and two feet deep centered on the trunk protecting public impervious areas and utilities.
 - c. Submit a copy of the ODOT permit and Design Exception Request for clear zone for planting trees in the planter strip.
- PFR-10 The applicant must submit plans that demonstrate compliance with the submitted Service Provider Letter conditions to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650.
- PFR-11 The applicant must submit plans that minimize the impact of stormwater from the development to adjacent properties consistent with TMC 3-5-200.
- PFR-12 The applicant must record a revised public access easement that modifies the shared access easement allowing Casa Colima Mexican Restaurant, TLID 2S115C002203, to have access to SW Pacific Highway through the River Ridge Parking lot development, TLID 2S115C002200, instead of River Ridge Apartments, TLID 2S115C002300, in accordance with TDC 75.040.
- PFR-13 The applicant must submit plans that show temporary pedestrian access during reconstruction of any public sidewalks or driveway within right-of-way in accordance with TDC 75.040.
- PFR-14 In accordance with TDC 74.425, 74.430, 74.440 and 75.040 the applicant must submit final plans that vision clearance is maintained.
- PFR-15 The applicant must submit PDFs of final site and permit plans.

B. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE FIRST PHASE:

- PFR-16 The applicant must obtain Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin and an ODOT Miscellaneous Permit.
- PFR-17 The applicant must financially secure all public improvements in accordance with PWCC 102.14.00.

C. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST PHASE:

- PFR-18 The applicant must complete all the private and public improvements as shown the approved plans. All improvements must also be accepted by the City in accordance with TDC 74.420.
- PFR-19 In accordance with TDC 74.425, 74.430, 74.440 and 75.040 the applicant must submit sight distance verification, documented and stamped by a registered professional Civil or Traffic Engineer in the State of Oregon.

PFR-20 The applicant must submit as-built plans for review and acceptance by the City. The plans must be submitted on paper and electronically.

D. PRIOR TO ISSUANCE OF BUILDING, EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMITS FOR THE SECOND PHASE:

PFR-21 The applicant must submit State Highway Approach Road Permit from ODOT in accordance with TDC 74.420.

II. APPEAL

Request for appeal of this decision must be received by the Engineering Division within the 14-day appeal period ending on **August 26, 2019 at 5 PM**. Issues must have been described with adequate clarity and detail with identification of the associated Tualatin Municipal or Development Code section to afford a decision maker an opportunity to respond to the issue. A request for appeal must be submitted on the forms provided by the City, signed by the appellant and include the applicable appeal fee.

III. STANDARDS AND APPLICABLE CRITERIA

Tualatin Municipal Code (TMC)
Title 03: Utilities and Water Quality

Tualatin Development Code (TDC)
Chapter 74: Public Improvement Requirements
Chapter 75: Access Management

IV. CONCLUSIONS

A. TMC TITLE 03: UTILITIES AND WATER QUALITY

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

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

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

2. TMC 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.

(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.

3. TMC 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:
- (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. TMC 3-2-070 PRIVATE SEWAGE DISPOSAL.

- (1) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Oregon Department of Environmental Quality, the Oregon State Health Division, Washington County Department of Public Health, and the Plumbing Code of the State of Oregon.
- (2) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance; and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials, except as provided below, or as the City Council shall otherwise permit. Where existing septic tank facilities shall be maintained in use and, when so ordered by the City under TMC 3-2-060, approved, pumping facilities shall be installed to pump the septic tank effluent into the available sanitary sewer system.

5. TMC 3-2-080 SEWER CONTRACTOR INSURANCE AND BOND.

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

employees, and contractors. The certificate of insurance shall be approved by the Public Works Director before any work is commenced by the person.

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

6. TMC 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.

FINDINGS:

The submitted plans include the site's sanitary sewer lateral shown on sheet P07 connecting perpendicularly to the public main within SW Pacific Highway with no bends within the right-of-way. This concept is acceptable. The plans do not show a clean out at the right-of-way. The applicant has not submitted for a public works permit or provided associated contractor insurance and bond. The applicant must submit final sanitary sewer plans that shown a clean out at the right-of-way and provide contractor insurance and bond prior to issuance of the public works permit.

This criterion is satisfied with conditions of approval.

II. TMC CHAPTER 03-03: WATER SERVICE

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

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

2. TMC 3-3-110 CONSTRUCTION STANDARDS.

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

3. TMC 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;
- (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.

4. TMC 3-3-130 CONTROL VALVES.

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

FINDING:

The plans show on sheet PO1 the existing water meter located in the public right-of-way will be utilized to serve the site in accordance with the above provisions. This application does not include public water mains that will be extended. The applicant proposes, within their narrative, backflow prevention device installation.

No gate valve is shown near the main. A gate valve must be installed near the main. The water lateral has two 90 degree bends within right-of way. There must be no bends within right-of-way. Separate backflow devices must be provided for domestic and irrigation.

To bring the water system into compliance with code final plans must include:

- 1) Install a gate valve near the main.*
- 2) Have no bends within the right-of-way.*
- 3) Have a separate backflow device for the irrigation system on the private-side service.*

A public works construction permit for water system plans must be obtained prior to obtaining a Building Permit. The applicant has not applied for a public works permit for these improvements. The applicant must submit water system plans that show location of the water lines, grade, materials, and other details prior to obtaining a public works permit.

This criterion is satisfied with conditions of approval.

III. TMC 3-5 ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS

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

- (1) Except as noted in subsection (3) of this section, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.**
- (2) No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the City has issued an Erosion Control Permit covering such work, or the City has determined that no such permit is required. No public agency or body shall undertake any public works project without first obtaining from the City an Erosion Control Permit covering such work, or receiving a determination from the City that none is required.**
- (3) No Erosion Control Permit from City is required for the following:**
 - (a) For work of a minor nature provided all the following criteria are met:**
 - (A) The development does not require a development permit or approval from the City;**
 - (B) No development activity or disturbance of land surface occurs within 100 feet of a sensitive area defined in TMC 3-5.270;**
 - (C) The slope of the site is less than 20 percent;**
 - (D) The work on the site involves the disturbance of less than 500 square feet of land surface; and**
 - (E) The excavation, fill or combination thereof involves less than 20 cubic yards of material.**
 - (b) Permits and approvals of land division, interior improvements to an existing structure, and other activities for which there is no physical disturbance to the surface of the land.**
 - (c) A permit shall not be required for activities within the City which constitute accepted farming practices as defined in ORS 215.203, provided any erosion does not cause sedimentation in waters of the Tualatin River basin.**
- (4) An exception from the permit requirement shall not relieve the property or its owner from the prohibition of TMC 3-5.040.**

2. TMC 3-5-060 PERMIT PROCESS.

- (1) Applications for an Erosion Control Permit. Application for an Erosion Control Permit shall include an Erosion Control Plan which contains methods and interim facilities to be constructed or used concurrently and to be operated during construction to control erosion. The plan shall include either:**
 - (a) A site specific plan outlining the protection techniques to control soil erosion and sediment transport from the site to less than one ton per acre per year as calculated using the Soil Conservation Service Universal Soil Loss Equation or other equivalent method approved by the City Engineer, or**
 - (b) Techniques and methods contained and prescribed in the Soil Erosion Control Matrix and Methods, outlined in TMC 3-5.190 or the Erosion Control Plans - Technical Guidance Handbook, City of Portland and Unified Sewerage Agency, January, 1991.**
- (2) Site Plan. A site specific plan, pre-pared by an Oregon registered profession-al engineer, shall be required when the site meets any of the following criteria:**
 - (a) greater than five acres;**
 - (b) greater than one acre and has slopes greater than 20 percent;**

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

FINDINGS:

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. This amount of disturbance requires a City erosion control permit. The applicant has not applied for erosion control permits. The applicant must obtain an erosion control permit from the City of Tualatin prior to issuance of permits for public improvements and water quality/quantity work.

This criterion is satisfied with conditions of approval.

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

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

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

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

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

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

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

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

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

- (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 exempted from the on-site detention facility requirement.

6. TMC 3-5-230 ON-SITE DETENTION DESIGN CRITERIA.

- (1) Unless designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity onsite detention facilities shall be designed to capture run-off so the run-off rates from the site after development do not exceed predevelopment conditions, based upon a 25-year, 24-hour return storm.
- (2) When designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed predevelopment rates for the 2 through 100 year storms, as required by the determined downstream deficiency.
- (3) Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or subbasin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.

7. TMC 3-5-240 ON-SITE DETENTION DESIGN METHOD.

- (1) The procedure for determining the detention quantities is set forth in Section 4.4 Retention/Retention 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 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.

FINDINGS:

A Preliminary Stormwater Report for the first phase parking lot has been prepared that shows that the peak post-developed flow rate from the site will be less than the existing peak rate. The plans show the first phase parking lot to be constructed of porous pavement, which is a one to one equivalent for treatment. This concept is acceptable. The applicant must submit final stormwater calculations including conveyance plus plans.

The preliminary report indicates 469 square feet of impervious areas related to the concrete walkway and seating area drains to their landscaping without and 805 square feet related to other portions of the seating area and trash enclosure are unable to be collected as they flow directly to the adjacent River Ridge Apartments lot to the north. As the main treatment for the site is porous pavers, this doesn't allow for treatment of additional impervious areas. A fee-in-lieu was requested for untreated impervious areas. Unless proven that no possible water quality treatment option is able to be constructed a fee-in-lieu must not be granted. The applicant has not evaluated all possible treatment options for impervious areas proposed to be untreated.

The applicant must evaluate the outdoor seating areas and the trash enclosure to determine what treatment options are possible and propose an acceptable treatment. For example shared Proprietary Treatment Systems are allowed between private property owners parking areas which could enable the applicant to prove the existing facility has capacity, remains in good condition, and provide easement/agreement. The seating area to the west could be constructed of pervious material.

Stormwater beyond the design storm events may overflow the porous pavement onto the adjacent River Ridge main apartment complex prior to release into the Tualatin River. A private stormwater easement is needed to allow such overflow to not directly go to the public stormwater system. The applicant must submit a copy of the recorded private stormwater easement on River Ridge Apartment's lot to the north, TLID 2S115C002300.

A separate final stormwater report must be prepared for the second phase's 1,200 square foot roof runoff to document the downstream system to treat the roof runoff utilizing the existing ODOT infrastructure and must be submitted as part of the construction approval process. The applicant must submit a copy of the ODOT Miscellaneous Permit to allow the second phase's roof to connect to the state highway drainage facilities including a cleanout at the right-of-way.

This criterion is satisfied with conditions of approval.

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

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

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

FINDING:

No wetlands exist on-site, and the proposed water quality facility consisting of pervious pavement is not sited within the defined area of a created wetland.

This criterion is met.

2. TMC 3-5-330 PERMIT REQUIRED.

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

3. TMC 3-5-340 FACILITIES REQUIRED.

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

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

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

5. TMC 3-5-360 DESIGN STORM.

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

6. TMC 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.

FINDINGS:

The Preliminary Stormwater Report illustrates the planned stormwater infrastructure facilities. The stormwater infrastructure and facilities are being designed in accordance with City, CWS, and ODOT

standards (as applicable). As discussed in the Preliminary Stormwater Report, 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. Additional treatment must be determined for areas requested for a fee-in-lieu of treatment.

The applicant has not submitted an application for a Water Quality Permit for the private stormwater facility. The final private water quality facility plans and calculations must identify that design storm requirements of phosphorus and treatment storm events are met. Financial assurance must be submitted. A stormwater facility agreement identifying the responsible party for the long-term compliance with the operation and maintenance plan must be recorded. The applicant must obtain a Water Quality Permit prior to commencing private or public work.

This criterion is satisfied with conditions of approval.

7. TMC 3-5-430 PLACEMENT OF WATER QUALITY FACILITIES.

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

FINDINGS:

No wetlands exist on-site, and the proposed water quality facility consisting of pervious pavement is not sited within the defined area of a created wetland.

This criterion is satisfied.

B. TDC CHAPTER 74: PUBLIC IMPROVEMENT REQUIREMENTS

I. SECTION 74.110 PHASING OF IMPROVEMENTS.

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

FINDINGS:

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. Within ODOT's response dated August 7, 2019 the applicant must obtain a State Highway Approach Road Permit for the second phase.

This criterion is satisfied with conditions of approval.

II. TDC SECTION 74.120 PUBLIC IMPROVEMENTS.

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

FINDINGS:

As shown on the Preliminary Plans, this application includes private sanitary sewer and water lateral improvements within SW Pacific Highway right-of-way. The applicant must obtain a public works permit prior to commencing work and complete construction to Public Works Construction Code standards prior to approval.

This criterion is satisfied with conditions of approval.

III. TDC SECTION 74.130 PRIVATE IMPROVEMENTS.

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

FINDINGS:

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. All private improvements must be installed at the expense of the applicant and maintained by the property owner.

This criterion is satisfied with conditions of approval.

IV. TDC SECTION 74.140 CONSTRUCTION TIMING.

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

(2) All private improvements required under this Chapter must be approved by the City prior to the issuance of a Certificate of Occupancy; or for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

FINDINGS:

All public and private improvements must be completed and accepted by the City prior to issuance of a certificate of occupancy.

This criterion is satisfied with conditions of approval.

V. TDC SECTION 74.210 MINIMUM STREET RIGHT-OF-WAY WIDTHS.

The width of streets in feet shall not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is

required to be improved according to the standards of the TDC, the width of the right-of-way shall not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

(2) For development applications other than subdivisions and partitions, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width, the additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G of the Tualatin Community Plan must be dedicated to the City for use by the public prior to issuance of any building permit for the proposed development. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.

FINDINGS:

This application involves an Architectural Review for a site that is adjacent to SW Pacific Highway that the plans shown has adequate right-of-way width to accommodate proposed improvements. SW Pacific Highway is under ODOT jurisdiction. ODOT's Response dated August 7, 2019 determined that adequate right-of-way exists.

This criterion is satisfied.

VI. TDC SECTION 74.330 UTILITY EASEMENTS.

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

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

(5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines. Other easements may be required as determined by the City Manager.

FINDINGS:

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.

The City Engineer has determined that an 8 foot wide public utility easement for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electrical lines and other public utilities will be granted to the City are needed adjacent to the new right-of-way and that no easement is needed on side or rear lot lines.

This criterion is satisfied with conditions of approval.

VII. TDC SECTION 74.420 STREET IMPROVEMENTS.

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

- (1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.
- (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.
- (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.
- (8) For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.
- (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.
- (17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.

FINDINGS:

A submitted Transportation Impact Study by DKS dated April 2019 did not indicate that any off-site improvements were required or warranted. This Study shows the existing study intersection operates at the above thresholds.

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. As shown on the Preliminary Plans, where applicable, the improvements have been designed to meet requirements of ODOT.

The proposed cross-section includes two 12 foot travel lanes, an 8 foot bike lane, a 6 foot planter strip with street trees, and a 6 foot sidewalk. This cross-section meets the combination of City and ODOT codes. All improvements within SW Pacific Highway right-of-way must be completed prior to the issuance of a Certificate of Occupancy.

Within ODOTs response dated August 7, 2019 the applicant must obtain a State Highway Approach Road Permit for the second phase.

This criterion is satisfied with conditions of approval.

VIII. TDC SECTION 74.425 STREET DESIGN STANDARDS.

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

(a) Arterials:

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

(b) Collectors:

- (i) Whether adequate right-of-way exists;**
- (ii) Impacts to properties adjacent to right-of-way;**
- (iii) Amount of heavy vehicles (buses and trucks); and**
- (iv) Proximity to property zoned manufacturing or industrial.**

(c) Local Streets:

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

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

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

X. TDC 74.440 STREETS, TRAFFIC STUDY REQUIRED

(1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:

- (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or**
- (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.**

- (2) The required traffic study must be completed prior to the approval of the development application.**
- (3) The traffic study must include, at a minimum:**
 - (a) an analysis of the existing situation, including the level of service on adjacent and impacted facilities.**
 - (b) an analysis of any existing safety deficiencies.**
 - (c) proposed trip generation and distribution for the proposed development.**
 - (d) projected levels of service on adjacent and impacted facilities.**
 - (e) recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.**
 - (f) The City Manager will determine which facilities are impacted and need to be included in the study.**
 - (g) The study must be conducted by a registered engineer.**

FINDINGS FOR SECTIONS 74.425, 74.430, AND 74.440:

A Transportation Impact Study for the site has been prepared by DKS dated April 2019 and is included with this application. The study includes an analysis of the existing conditions, proposed trip generation, and recommendations of necessary improvements. 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. The signage is needed to reduce the likelihood that queued vehicles will interfere with site access operations.

Sight distance must be verified, documented, and stamped by a registered professional Civil or Traffic Engineer in the State of Oregon. 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. Signage must be installed at the private access to River Ridge Apartments main access to provide notice stating "Do Not Block Intersection".

This criterion is satisfied with conditions of approval.

XI. TDC SECTION 74.470 STREET LIGHTS.

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

FINDINGS:

ODOT determined that existing street lighting meets requirements within their revised response dated August 5, 2019.

This criterion is satisfied.

XII. TDC SECTION 74.485 STREET TREES.

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

FINDINGS:

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. The street tree type and spacing have been determined acceptable by the Parks Maintenance Division Manager. The applicant must submit plans that show approvable street trees and planting locations by the City and ODOT.

Street trees must have root barriers ten feet wide and two feet deep centered on the trunk. The plans show no root barriers. The applicant must submit final plans that show root barriers ten feet wide and two feet deep centered on the trunk protecting public impervious areas and utilities.

This criterion is satisfied with conditions of approval.

XIII. TDC SECTION 74.610 WATER SERVICE.

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

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

(3) As set forth is TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

FINDINGS:

The plans show on sheet PO1 the existing water meter located in the public right-of-way will be utilized to serve the site in accordance with the above provisions. This application does not include public water mains that will be extended. The applicant proposes, within their narrative, backflow prevention device installation.

No gate valve is shown near the main. A gate valve must be installed near the main. The water lateral has two 90 degree bends within right-of way. There must be no bends within right-of-way. Separate backflow devices must be provided for domestic and irrigation.

To bring the water system into compliance with code final plans must include:

- 1) Install a gate valve near the main.*
- 2) Have no bends within the right-of-way.*
- 3) Have a separate backflow device for the irrigation system on the private-side service.*

The applicant is within service level A and is correctly connecting to this service level. The adjacent lots are developed and have access to same public main. No extensions of public water lines are required.

A public works construction permit for water system plans must be obtained prior to obtaining a Building Permit. The applicant has not applied for a public works permit for these improvements. The applicant must submit water system plans that show location of the water lines, grade, materials, and other details prior to obtaining a public works permit.

This criterion is satisfied with conditions of approval.

XIV. TDC SECTION 74.620 SANITARY SEWER SERVICE.

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

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

FINDINGS:

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 as adjacent lots are developed and have direct access to public mains. Construction plans meeting the Public Works Construction Code must be submitted to the City for review prior to construction.

This criterion is satisfied with conditions of approval.

XV. TDC SECTION 74.630 STORM DRAINAGE SYSTEM.

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

(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.

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

FINDINGS:

As shown on the Preliminary Plans and Preliminary Stormwater Report, 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 postdeveloped flow rate from the site will be less than the existing peak flow rate.

A final Stormwater Report must be submitted.

This criterion is satisfied with conditions of approval.

XVI. TDC SECTION 74.640 GRADING.

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

(2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.

FINDINGS:

A Preliminary Stormwater Report has been prepared that shows that the peak post-developed flow rate from the site will be less than the existing peak rate.

Stormwater beyond the design storm events may overflow the porous pavement onto the adjacent River Ridge main apartment complex prior to release into the Tualatin River. A private stormwater easement is needed to allow such overflow to not directly go to the public stormwater system. The applicant must submit a copy of the recorded private stormwater easement on River Ridge Apartment's lot to the north, TLID 2S115C002300.

A final Stormwater Report must be submitted.

Plans for an erosion control permit demonstrating approvable grading must be submitted minimizing the impact of stormwater runoff to adjacent properties and allows adjacent properties to drain as they did before the development.

This criterion is satisfied with conditions of approval.

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

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

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

(3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

FINDINGS:

A Preliminary Stormwater Report for the first phase parking lot has been prepared that shows that the *peak post-developed flow rate from the site will be less than the existing peak rate. The plans show the first phase parking lot to be constructed of porous pavement, which is a one to one equivalent for treatment. This concept is acceptable. The applicant must submit final stormwater calculations including conveyance and plans.*

The preliminary report indicates 469 square feet of impervious areas related to the concrete walkway and seating area drains to their landscaping without and 805 square feet related to other portions of the seating area and trash enclosure are unable to be collected as they flow directly to the adjacent River Ridge Apartments lot to the north. As the main treatment for the site is porous pavers, this doesn't allow for over treatment of the propose facility. A fee-in-lieu as requested for untreated impervious areas. Unless proven that no possible water quality treatment option is possible a fee-in-lieu must not be granted. The applicant has not evaluated all possible treatment options for impervious areas proposed to be untreated.

The applicant must evaluate the outdoor seating areas and the trash enclosure to determine what treatment options are possible and propose an acceptable treatment. For example shared Proprietary Treatment Systems are allowed between private property owners parking areas which could enable the applicant to prove the existing facility has capacity, remains in good condition, and provide easement/agreement. The seating area to the west could be constructed of pervious material.

Stormwater beyond the design storm events may overflow the porous pavement onto the adjacent River Ridge main apartment complex prior to release into the Tualatin River. A private stormwater easement is needed to allow such overflow to not directly go to the public stormwater system. The applicant must submit a copy of the recorded private stormwater easement on River Ridge Apartment's lot to the north, TLID 2S115C002300.

A separate final stormwater report must be prepared for the second phase's 1,200 square foot roof runoff to document the downstream system to treat the roof runoff utilizing the existing ODOT infrastructure and must be submitted as part of the construction approval process. The applicant must submit a copy of the ODOT Miscellaneous Permit to allow the second phase's roof to connect to the state highway drainage facilities.

The applicant has submitted a Service Provider Letter from Clean Water Services indicating that Sensitive Areas do not exist on-site. A CWS Memorandum was received dated June 19, 2019 for development on this site. The applicant must submit final plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions.

A stormwater facility agreement must be submitted for the on-site stormwater quality and detention facility prior to issuance of a Public Works Permit. Erosion and sediment control plans must also be submitted the with Public Works Permit application.

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. This amount of disturbance requires a City erosion control permit. The applicant has not applied for erosion control permits. The

applicant must obtain an erosion control permit from the City of Tualatin prior to issuance of permits for public improvements and water quality/quantity work.

This criterion is satisfied with conditions of approval.

XVIII. TDC 74.660 UNDERGROUND

(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.

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

FINDINGS:

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.

The existing overhead power lines have been determined to be of higher voltage, therefore not to be undergrounded. As those are not undergrounded the City Engineer has determined that other overhead wires may remain.

This criterion is satisfied.

XIX. TDC 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.

FINDINGS:

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.

The street tree type and spacing have been determined acceptable by the Parks Maintenance Division Manager. The applicant must submit plans that show approvable street trees and planting locations.

This criterion is satisfied with conditions of approval.

C. TDC CHAPTER 75: ACCESS MANAGEMENT

I. TDC SECTION 75.040 – DRIVEWAY APPROACH REQUIREMENTS.

(1) The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.

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

(3) Joint and Cross Access.

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

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

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

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

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

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

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

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

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

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

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

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

FINDINGS:

The proposed development shows access via the main River Ridge Apartment development to the east then south to SW Pacific Highway's 32 foot entrance via an existing shared access easement. The applicant proposes to revise the shared access easement over the main River Ridge Apartment development to allow access for the lot to the south, TLID 2S115C002203, through this proposed River Ridge Parking lot to SW Pacific Highway. This will enable a less circuitous route though commercial

rather than residential areas and is acceptable. The applicant must record a revised public access easement that modifies the shared access easement allowing Casa Colima Mexican Restaurant, TLID 2S115C002203, to have access to SW Pacific Highway through the River Ridge Parking lot development, TLID 2S115C002200, instead of River Ridge Apartments, TLID 2S115C002300, in accordance with TDC 75.040.

The criterion is satisfied with conditions of approval.

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

FINDINGS:

Sidewalks are proposed to be reconstructed to current ODOT Standards. During any reconstruction temporary pedestrian access must be maintained.

This criterion is satisfied with conditions of approval.

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

Table 75-1 Driveway Approach Width	
Use	Minimum Driveway Approach Width
Commercial	32 feet

FINDINGS:

The plans show use of an existing shared access via River Ridge Apartments to SW Pacific Highway that is 32 feet wide, therefore in compliance with the minimum driveway approach width for commercial use.

This criterion is satisfied.

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

- (a) At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.**
- (b) At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.**
- (c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.**

- (d) When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.**

FINDINGS:

The existing driveway approach is over 625 feet from the nearest major arterial, SW 124th Avenue. This spacing meets these provisions and will continue to remain in compliance.

This criterion is satisfied.

(12) Vision Clearance Area.

- (a) Local Streets.** A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 10 feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).
- (b) Collector Streets.** A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be 10 feet (see Figure 73-2 for illustration).
- (c) Vertical Height Restriction.** Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

FINDINGS:

The vision clearance areas are not shown on the submitted plans. The applicant must submit final plans that vision clearance is maintained. The applicant must submit sight distance verification, documented and stamped by a registered professional Civil or Traffic Engineer in the State of Oregon.

This criterion is satisfied with conditions of approval.

II. TDC 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.**

III. TDC SECTION 75.140 EXISTING STREETS ACCESS STANDARDS.

(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.

FINDINGS:

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

This criterion is satisfied.