



**ARCHITECTURAL REVIEW DECISION  
TUALATIN SERVICE CENTER (AR 19-0009)**

January 31, 2020

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Case #:	AR 19-0009
Project:	Tualatin Service Center
Location:	10699 SW Herman Road; Tax ID: 2S122AD Lots: 00200 & 00300
Applicant:	Andrew Kraus, Scott Edwards Architecture LLP
Owner:	City of Tualatin

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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 Municipal Code (TMC) and the Tualatin Development Code (TDC) are applicable to the subject proposal:

- TMC 3: Utilities and Water Quality
- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 49: Institutional Zone (IN)
- 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

### **B. Site Description and Proposed Development**

The subject site is an 8.72 acre lot which is zoned Institutional (IN). The property is located north of SW Herman Road and east of SW 108<sup>th</sup> Avenue, with primary, public access taken from SW Herman Road and secondary access from SW 108<sup>th</sup> Avenue.

The property is presently used as the City of Tualatin Public Works office and Operations yard.

The applicant, Scott Edwards Architecture, on behalf of the City of Tualatin, requests approval of a 9,515-square foot expansion to an existing 6,271 square foot office building located on the westerly portion of the site, as well as a parking lot expansion to add two parking spaces to the north of said building, and associated landscaped and hardscaped areas. The building would house approximately 65 staff members and will include a variety of municipal office functions.

### **C. Previous Land Use Actions**

- PTA 19-0002 – Text Amendment to Institutional (IN) Zone Chapter
- PMA 19-0002 – Rezone of site from ML to IN
- AR 12-10 – Fleet services expansion
- AR 07-26 – Fleet storage bays
- AR 05-02 – De-water facility
- AR 01-23 – Fleet services building
- AR 87-11 – Parking lot expansion
- AR 81-23 – Office expansion
- AR 80-05 – Operations building

### **D. Surrounding Uses**

Surrounding uses indicate an industrial area and include:

- North: Light Manufacturing (ML)
- DOT Storage
  - Ascentec Engineering

South: General Manufacturing (MG)

- Herman Road
- CFN Cardlock

West: Light Manufacturing (ML)

- 108<sup>th</sup> Avenue
- NW Metal Fab

East: Light Manufacturing (ML)

- Pacific Foods

Figure 1: Aerial view of subject site (highlighted)



## E. Exhibit List

A: Application Materials

A1. Applicant's Narrative

A2. Plan Set

A3. Supporting Documents

B: Clean Water Services Memo— December 24, 2019

C: Tualatin Valley Fire & Rescue Memo— December 11, 2019

D: Noticing Materials

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 19-0009 is **approved** subject to the following conditions:

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### GENERAL:

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- A1. This Architectural Review approval expires after two years from the date of issuance unless a building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division, or an extension is granted under the terms of Section 33.020(10) or most current revision of the TDC.

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### PRIOR TO EROSION CONTROL AND PUBLIC WORKS PERMIT ISSUANCE:

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***Submit to the Engineering Division (Tony Doran, 503.691.3035 or tdoran@tualatin.gov) for review and approval:***

- A2. The applicant must submit final plans to the in accordance with code section TMC 3-3, TDC 74.610, and the Public Works Construction Code.
- A3. The applicant must submit final erosion control plans in accordance with code section TMC 3-5-050 and 3-5-060 plus TDC 74.640:
- For a City of Tualatin erosion control permit.
  - That minimize the impact of stormwater from the development to adjacent properties.
- A4. The applicant must submit final stormwater plans and calculations in accordance with TMC 3-5-200 through 3-5-430 plus TDC 74.630 and 74.650 that:
- Include a copy of DEQ design approval of the existing and proposed drywell facilities served by this development.
  - Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter conditions to obtain a Stormwater Connection Permit Authorization Letter.
- A5. In accordance with code section TDC 74.120 and 74.420, the applicant must submit final public works plans that show the existing public sidewalks, driveways, and ramps within SW 108th Avenue and SW Herman Road right-of-way meeting ADA standards or propose reconstruction to meet Public Works Construction Code.
- Proof of the Sidewalk and Street Tree Program's reconstruction of deficient sidewalks with City Engineer approval may suffice in lieu of a public works permit.
  - Reconstruction, whether by the project or the Street Tree Program, of deficient sidewalks, driveways, and ramps must be completed prior to a Certificate of Occupancy.
- A6. The applicant must submit plans that show approvable street trees and planting locations in accordance with TDC 74.485 and 74.765.
- Proof of the Sidewalk and Street Tree Program's replanting of SW 108th Avenue street trees with City Engineer approval may suffice in lieu of a public works permit.
  - Planting and installation of root barriers must be completed prior to a Certificate of Occupancy.
- A7. In accordance with TDC 75.040 and 75.140 the applicant must:
- Submit final plans showing access from private property to SW 108th Avenue meeting code that shows at least one access at least 32 feet wide.

- b. Submit final plans that show vision clearance triangles meeting code to SW 108th Avenue and SW Herman Road.

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**PRIOR TO BUILDING PERMIT ISSUANCE:**

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***Submit to the Planning Division (Erin Engman, 503.691.3024 or eengman@tualatin.gov) for review and approval:***

- A8. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and includes:
  - a. A six-foot wide striped walkway that connects the addition's main entrance to the fleet building main entrance through the drive aisle and a six-foot wide concrete walkway to the public sidewalk along SW Herman Road, pursuant to TDC 73A.500(1).
  - b. Tree protection fencing and tree protection measures on grading plan as described on Sheet L100, pursuant to TDC 73B.070(3).
  - c. All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.060(1).
  - d. A minimum five-foot wide landscaped area along the building perimeter viewable from the general public including parking lots and public rights-of-way, pursuant to TDC 73B.060(1).
  - e. A plan sheet with a turning template or other means of demonstrating that all parking areas have adequate vehicular backing and maneuvering room and are designed in compliance with the standards of TDC 73C.020. Drive aisles must be a minimum of 24 feet wide when 90 degree stalls are located on both sides of the drive aisle and a minimum of 22 feet wide (12 feet wide for one-way traffic) for on-site drive aisles without parking spaces which provide access to parking areas.
  - f. Site parking must meet ADA standards applicable at time of site alteration, pursuant to TDC 73C.020(6).
  - g. A minimum of eleven covered bicycling parking spaces in the form of secure stationary racks, lockable enclosures, or bicycle storage rooms that meet the standards of TDC 73C.050(2).
  - h. A minimum of three vanpool and carpool parking spaces, pursuant to TDC 73C.100(2).
  - i. A minimum five-foot wide landscaped perimeter along the westerly property line to screen parking and vehicular circulation areas, including loading areas that includes deciduous trees located not more than 30 feet apart on average as measured on center, complementary shrubs or ground cover, planted so as to achieve 90 percent coverage and reach a mature height of 30 inches within three years per TDC 73C.240(3).
  - j. The northern three parking lot landscape islands, in the western lot, must meet the standards of TDC 73C.240(4), including one deciduous shade tree for every four parking spaces, except as shown on Sheet L100.
  - k. Landscape areas flanking the southern driveway access off of SW 108th Avenue that meet the standards of TDC 73C.240(5). Landscape areas must be at least five feet in width and extend 25 feet from the right-of-way line.
  
- A9. The applicant must submit Final Color Architectural Elevations (in .pdf format) to the Planning Division that in in substantial conformance to the submitted elevations.

**Submit to the Engineering Division (Tony Doran, 503.691.3035 or tdoran@tualatin.gov) for review and approval:**

- A10. The applicant must obtain Erosion Control and Public Works Permits from the City of Tualatin.
- A11. The applicant must financially secure all public improvements in accordance with PWCC 102.14.00.

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**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

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***The applicant must contact the Planning Division (Erin Engman, 503.691.3024 or eengman@tualatin.gov) for a site inspection at least 72 hours prior to requesting a certificate of occupancy. This inspection is separate from inspection(s) done by the Building Division.***

- A12. The applicant must construct proposed buildings and all site improvements as illustrated on the approved Final Site Plan and Final Color Architectural Elevations.
- A13. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.500(3)(d).

**Submit to the Engineering Division (Tony Doran, 503.691.3035 or tdoran@tualatin.gov):**

- A14. The applicant must complete all the private stormwater and public improvements as shown on the approved plans. All improvements must also be accepted by the City in accordance with TDC 74.420.
- A15. The applicant must submit a copy of the DEQ Rule Authorization letter proving registration of drywells utilized by this development.
- A16. The applicant must submit paper and electronic as-builts of the Engineering permits.

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**THE FOLLOWING ITEMS APPLY TO THE SITE IN AN ON-GOING MANNER:**

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- A17. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) (Modifications to Previously Approved Final Architectural Review Decisions).
- A18. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1.
- A19. Site landscaping shall be maintained to meet the vision clearance requirements of TDC Figure 73-2.
- A20. All above-grade and on-grade electrical and mechanical equipment must be screened in accordance with TDC 73A.500(4). Prior to approval of an electrical and/or mechanical permit, the applicant or property owner must submit scaled elevations illustrating that above-grade or on-grade equipment will be screened by sight-obscuring fence, landscaping, or other method.

- A21. A minimum of 69 parking spaces must be available for the parking of operable passenger automobiles of customers, patrons, and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business, pursuant to TDC 73C.010(2).
- A22. Loading facilities must be permanently maintained as a condition of use, pursuant to 73C.120(4).
- A23. The proposed development must comply with all applicable policies and regulations set forth by the TDC, or most current revision thereto.

### III. FINDINGS

The Planning Division findings reference the TDC, unless otherwise noted.

#### 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>						
Architectural Review (except as specified below) (limited land use)	II	CM	ARB / CC	Yes	Yes	TDC 33.020
[...]						
* 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 December 10, 2019. The 120<sup>th</sup> day will be April 9, 2020. 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 November 6, 2019, approximately two weeks 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 14, 2019, seven days prior to application submittal. The applicant has provided documentation of sign posting and notification in compliance with this section. No members of the public attended 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 the City of Tualatin to be the current owner of the subject site. The application has been signed by an agent of the City of Tualatin. 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 19-0009 on November 21, 2019. These application was deemed complete on December 10, 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 A3 that signs in conformance with this section were placed on site in accordance with this section. These standards are 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 19-0009 on November 21, 2019. The application was deemed complete December 10, 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 19-0009 was mailed by city staff on December 10, 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, this standard 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) Exemptions.** The following actions are exempt from the requirements of a tree removal permit.

[...]

**(d) Public Property Exemption.** Tree removal on federal, state, county, or City property is exempt from the requirements of a tree removal permit. This exemption includes, but is not limited to road, improvements and maintenance to City parks, rights-of-way, water, sanitary sewer, and stormwater facilities. (Removal of trees from public right-of-way are governed by TDC Chapter 74.)

[...]

**Finding:**

*The applicant has proposed to remove five trees from the property, which is a City-owned property. Therefore, the proposed removal is exempt from the requirements of a tree removal permit. These standards are not applicable.*

**Chapter 49: Institutional Zone (IN)**

[...]

**Section 49.200 Use Categories**

**(1) Use Categories.** Table 49-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the IN zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 49-1 and restrictions identified in TDC 49.210. 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.

[...]

Table 49-1: Use Categories in the IN Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INSTITUTIONAL USE CATEGORIES		
Offices	P (L)	Permitted uses limited to government offices
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Public Safety and Utility Facilities	P (L)	Permitted uses limited to public works storage yard and shop

[...]

**Finding:**

*The subject property is within the Institutional (IN) Planning District. As noted in Table 49-1, the proposed uses, government offices and public works operations, are Permitted uses. This standard is met.*

**Section 49.300 Development Standards**

Development standards in the IN zone are listed in Table 49-2. Additional standards may apply to some uses and situations, see TDC 49.310.

[...]

<b>Table 49-2: Development Standards in the IN Zone</b>			
<b>STANDARD</b>	<b>DIRECTION</b>	<b>REQUIRED (FT)</b>	<b>PROPOSED (FT)</b>
Front Yard Setback	South	25 feet	26 feet
Rear Yard Setback	North	25 feet	517 feet
Side Yard Setback	West	0 to 25 feet	28 feet (Existing)
Parking and Circulation Setback	South	5 feet	6.5 feet
Fence Setback	West	5 feet	0 feet (Existing)
Maximum Structure Height	--	50 feet	20 feet

[...]

**Finding:**

*The existing structure predates the Institutional standards applied through PTA / PMA 19-0002 and has a front yard setback of 14.5 feet. However the building expansion and associated improvements, as shown in Exhibit A2 (Site Plan C200 and Elevations A2.07) will comply. These standards are met.*

**Chapter 73A: Site Design**

[...]

**INSTITUTIONAL DESIGN STANDARDS**

**Section 73A.500 – Institutional Design Standards.**

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

**(1) Walkways. Institutional development must provide walkways as follows:**

- (a) Walkways must be a minimum of six 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:**

*As demonstrated in Exhibit A2 (Site Plan C200), a 6 foot-wide concrete walkway is provided between the main entrance and SW Herman Road. A striped walkway is proposed to connect the new expansion to the existing fleet building. Further evaluation for ADA standards will be conducted during the building permit phase. There are no outdoor recreation access routes required for this site. With Condition of Approval A8.a., these standards are met.*

**(3) Safety and Security. Institutional 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 in the elevations, Exhibit A2, extensive windows are provided on the south and north elevations facing public right-of-way and parking areas. The photometric plan contained in Exhibit A2 includes surface mounted and wall mounted lighting. Two wall-mounted light fixtures will be placed on the north elevation to light the adjacent parking and courtyard area. Eighteen surface mounted lights will be placed near the main entrance and fueling area. All lights selected are full cutoff to reduce light pollution. These standards are 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 A13, this standard is met.*

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

**Finding:**

*An existing fueling station is located north of the existing building and will remain protected by a 6 foot high security fence. This standard is met.*

**(4) Service, Delivery, and Screening. Institutional 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**

**Finding:**

*Existing electrical equipment is located along western building elevation, adjacent to SW 108<sup>th</sup> Avenue. It is unclear if additional above or on-grade electrical or mechanical equipment is proposed as part of this application. Storage associated with the public works yard will remain in the rear, loading area of the site, screened by existing landscaping and fencing. With Condition of Approval A20, this standard is met.*

**(5) Adjacent to Transit. Institutional 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; and**
- [...]**

**Finding:**

*The subject site abuts SW Herman Road, which is designated a partial fixed-route shuttle service street in TDC Chapter 11 (Figure 11-5). As shown in Exhibit A2 (Site Plan C200) and conditioned in A3.a., a sidewalk connection is proposed from the addition's main entrance to Herman Road. 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
[...]	
(5) IN, CN, CO/MR, MC and MP zones—All uses	25% of the total area to be developed

[...]

**Finding:**

*Overall, the site is 41% (155,370 of 379,848 square feet) landscaped. As shown on the Landscape Plan L200 in Exhibit A2, approximately 44% of the identified proposal area is to be landscaped. This standard is met.*

**Section 73B.060 – Additional Minimum Landscaping Requirements for Institutional Uses.**

**(1) General.** In addition to requirements in TDC 73B.020, institutional 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, shade trees, canopies.
- (c) Five-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 eight feet.

[...]

**Finding:**

*All sides of the subject building’s perimeter will be viewable from parking areas and the public right-of-way. As shown on the Landscape Plan L200, building perimeter landscaping is either existing or proposed. A landscaped courtyard is proposed where the existing building and addition connect, on the north side. With Conditions of Approval A8.c. and d., these standards are met.*

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

The following are minimum standards for landscaping for all zones.

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

*As shown in Exhibit A2, Landscape Plan L200, 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 Eddie's Dogwood and European Hornbeam, which will not interfere with visibility. This standard is met.*

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

*The subject site is not located in a habitat area. Existing fence locations will not impede migratory paths of wild animals. This standard is met.*

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

*Five trees will be impacted by development and are proposed for removal as previously discussed. 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:**

*The site has been previously graded and is relatively flat in the identified project area, as shown in Exhibit A2 (Sheet C210). 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:**

*As shown in Exhibit A2 (Landscape Plan L200), the proposal includes an automatic irrigation system for all landscaped areas. 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:**

*As shown in Exhibit A2 (Landscape Plan L200), 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> </ul>

	<ul style="list-style-type: none"> <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 in Exhibit A2 (Plant Schedule of the Landscaping Plan L200), 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.010. - Off-Street Parking and Loading Applicability and General Requirements.**

**(2)General Requirements.** Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.

**(a)**The following apply to property and/or use with respect to the provisions of TDC 73C.100:

**(ix)**Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;

**Finding:**

*The general parking requirements are addressed in below. Outdoor storage and fleet vehicle parking are proposed on site. With Condition of Approval A21 required spaces will be available for patron parking.*

**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:**

*Parking areas are not fully dimensioned in Exhibit A2 (Site Plan C200). It appears that drive aisles and the western ADA stall, as illustrated, do not meet the dimensional requirements of Figure 73-1. Drive aisles to the western parking area appear to be 20 feet wide, as opposed to the required 24 feet. The western ADA stall lacks adequate clearance to back out of the stall. With Condition of Approval A8.e., this standard will be 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:**

*Parking areas are constructed of asphalt. These standards are met.*

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

**Finding:**

*Vehicle areas are paved to drain into catch basins. 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:**

*ADA standards are also addressed during the building permit process. With Condition of Approval A8.f., 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:**

*No subcompact stalls are included in the proposal. This standard is met.*



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

**(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:**

*No vehicles will need to back into the street with the proposed site layout. As mentioned previously, one ADA stall appears to not have been designed with adequate drive aisle space. Additionally the western drive aisle is approximately 20 feet wide, which does provide adequate width when 90 degree stalls are located on both sides of the drive aisle. With Condition of Approval A8.e., this standard is 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 does not abut a residential planning district. As shown in Exhibit A2 (Photometric Plan E101PH), the proposed light fixtures are designed to not shine in the Herman Road or 108<sup>th</sup> Avenue right-of-way. 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:**

*As shown in Exhibit A2 (Site Plan C200), short-term bike stalls are proposed at the entrance of the building addition and long-term stalls are proposed in the maintenance building; however no design details have been provided. With Conditions of Approval A8.g. and A12 these standards are met.*

**(2) Standards. Bicycle parking must comply with the following:**

**(a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;**

**(b) A five (5) foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;**

- (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;
- (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;
- (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;
- [...]

**Finding:**

As mentioned previously, bicycle parking is included in the proposal; however no design details have been provided. With Conditions of Approval A8.g. and A12 these standard 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
<b>(c) Places of Public Assembly</b>				
(iv) Other places of public assembly	1.0 space per 4 seats or 8 ft of bench length	Zone B: 0.5 spaces per seat	1.0 space per 40 seats or 80 ft of bench length	35%
<b>(e) Commercial</b>				
(vi) General office	2.7 spaces per 1,000 SF of GFA	Zone B: 4.1 spaces per 1,000 SF of GFA	2, or 0.5 spaces per 1,000 SF of GFA, whichever is greater	First 10 spaces or 40%, whichever is greater
<b>(f) Industrial</b>				
(ii) Warehousing	0.3 spaces per 1,000 SF of GFA	Zone B: 0.5 spaces per 1,000 SF of GFA	2, or 0.1 spaces per 1,000 SF of GFA, whichever is greater	First 5 spaces or 30%, whichever is greater
<b>(g) Exempt Uses</b>				
(ii) Fleet Parking				

**Finding:**

	Zoning Req. Use	Zone B		Gross Area	Min.	Max.
		Required Min.	Required Max.			
A	(E) Warehousing	0.3 / 1,000	0.5 / 1,000	17,052 sf	5	9
B	(E) General Office	2.7 / 1,000	4.1 / 1,000	6,271 sf	17	26
C	(N) General Office	2.7 / 1,000	4.1 / 1,000	8,015 sf (w/out Court)	22	33
D	(N) Public Assembly	1 / 4 seats	0.5 / seat	100 Seat (Court/1,500sf)	25	50
TOTAL:				32,838 sf	69	118

*Parking requirements have been evaluated based on the sum of the requirements of the several uses proposed on-site. A minimum of 69 parking stalls and a maximum of 118 parking stalls is required. As shown in Exhibit A2 (P-2) 101 parking spaces are proposed. A total of eleven covered bicycle parking spaces are required. With Conditions of Approval A8.g. and A12, 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
26 and greater	1 for each 25 spaces

**Finding:**

*The building addition requires a minimum of 69 vehicle parking spaces and therefore requires three vanpool or carpool spaces. With Condition of Approval A8.h., 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
[...]				
Institutional	25,000—60,000	2	12 feet × 35 feet	14 feet

**(2) Loading berths must not use the public right-of-way as part of the required off-street loading area.**

**(3) Required loading areas must be screened from public view, public streets, and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.**

**(4) Required loading facilities must be installed prior to final building inspection and must be permanently maintained as a condition of use.**

**(5) The off-street loading facilities must in all cases be on the same lot or parcel as the structure they are intended to serve. In no case must the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.**

[...]

**Finding:**

*The total building area of all structures is 29,329 square feet in size, which requires two off-street loading facilities. Four berths are existing and were approved through AR 12-10. With Condition of Approval A22, this standard is met.*

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

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

[...]

**(4) Institutional Uses. Ingress and egress must not be less than 24 feet. In all other cases, ingress and egress for 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 ft for first 50 ft from ROW, 24 feet thereafter	Curbs required; walkway 1 side only

[...]

**Finding:**

*Site access is existing. The main entrance, located off Herman Road, is 36 feet in width. The southern-most driveway off SW 108th Street exceeds 24 feet width. The northern-most driveway off SW 108th Street is being widened to 24 feet to comply with this requirement. This standard is met.*

**PARKING LOT LANDSCAPING**

**Section 73C.240 – Institutional Parking Lot Landscaping Requirements.**

**Institutional 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 eight feet as measured from the ground level.

**Finding:**

*Landscaping will be required in all areas not necessary for vehicular park and maneuvering. The plantings proposed for the parking area will leave a vertical clear zone as shown in Exhibit A2 (Landscape Plan L200). With Condition of Approval A19 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:**

*The Final Site Plan will be required to conform to these requirements. With Condition of Approval A8.i., 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:**

*Modifications are proposed to the western parking area. As shown in Exhibit A2 (Landscape Plan L200), there are 46 parking spaces proposed in this area, requiring 1,150 square feet of landscape island area. Approximately 1,640 square feet of landscape island area is provided, with all islands being curbed and measuring at least five feet wide. Landscape separation is provided every eight space; however the minimum standard of one shade tree per four stalls has not been met. Twelve shade trees are required for the 46 stalls, and seven are illustrated. The southern-most island is located adjacent to a fueling station and is not an appropriate location for shade trees. With Condition of Approval A8.j., 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:**

*There are three driveway access points to the site. One driveway provides access to the site off of SW Herman Road and meets the standard. Two driveways provide access from SW 108<sup>th</sup> Avenue. The northern driveway is utilized by fleet vehicles, while the southern driveway provides access to the employee parking lot and is unimproved on its southern flank. With Condition of Approval A8.k. , 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 existing waste and recycling storage area is identified within Exhibit A2 (Existing Conditions C100). The area accommodates one three-yard recycling bin and two five-yard trash bins; 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:**

**(i) Office—Four square feet/1,000 square feet gross leasable area (GLA);**

[...]

**(iii) Wholesale/ Warehouse/ Manufacturing - 6 square feet/1000 square feet GLA;**

[...]

**Finding:**

*The total site will include 15,629 square feet of office use and 17,052 square feet of warehouse use; requiring a minimum storage area of 175 square feet. As shown on the Existing Conditions plan, the storage area is approximately 15 feet by 25 feet or 375 square feet. No modifications to the existing storage area are proposed. This standard is met.*

**Chapter 74: Public Improvement Requirements  
TMC Title 3: Utilities and Water Quality**

**Finding:**

*The applicant's plans show connection to the public utilities, in compliance with TMC Title 03.*

**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.**

**Finding:**

*Sheet C300 shows the proposed sanitary sewer line construction and installation design. The building addition is proposed to be serviced by a new 4" connection to the existing private onsite 8" sanitary sewer service located north of the existing building. The existing 8" service lateral connects to the*

*existing public 8" sanitary sewer main within SW 108th Avenue. No excavation into the public street is anticipated for sewer connection and installation. No temporary or permanent drainage connections to the public sanitary sewer are designed. The proposed private sanitary sewer improvements do not require a public works permit.*

**TMC Chapter 03-03 – Water Service.**

**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.**

**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.**

**3-3-120 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.**

**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.**

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

**Finding:**

*Sheet C300 shows the proposed domestic water and fire water lines.*

*The proposed project is to construct a building addition. The existing building is currently being served by 2" domestic water meter and service line. This connection is to water service level A which is appropriate for this site. The proposed project will connect into the existing 2" service line on the private side of the meter.*

*The proposed 6" fire water line connection for the building addition is to the existing DCVA of a fire water system for the existing maintenance building. Fire vaults are typically to be located adjacent to right-of-way within a public easement for City access and maintenance. As this site is owned and operated by the City, access and maintenance of the line and vault is under Operations control, therefore the location as proposed is acceptable per the City Engineer.*

*The domestic water and fire water lines are on separate services. The proposed project utilizes the existing meters and water services in place. No changes to service or meter size is proposed. The proposed project utilizes the existing backflow prevention devices in place with all new connections occurring on the private side of the backflow device. No changes to service lines, meter or backflow preventers is proposed.*

**TMC Chapter 03-05 – Erosion Control, Surface Water Management, Water Quality Facilities, and Building and Sewers.**

**3-5-050 Erosion Control Permits.**

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



**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.**

**Finding:**

*The application materials indicate disturbance of approximately 0.5 acres. The applicant must obtain an erosion control permit from the City of Tualatin prior to issuance of permits allowing construction activities.*

*The stormwater and grading activities direct stormwater to onsite drywells. Adjacent parcels are not negatively impacted from stormwater from this development. The applicant must submit final plans minimizing impact to adjacent properties, allowing drainage prior to development, and gravity drainage from development.*

**TMC Additional Surface Water Management Standards.**

**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.**

**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.**

**3-5-220 Criteria for Requiring On-Site Detention to be Constructed.**

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

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

- (1) There is an identified downstream deficiency, as defined in TMC 3-5-210, and detention rather than conveyance system enlargement is determined to be the more effective solution.
- (2) There is an identified regional detention site within the boundary of the development.
- (3) There is a site within the boundary of the development which would qualify as a regional detention site under criteria or capital plan adopted by the Unified Sewerage Agency.
- (4) The site is located in the Hedges Creek Subbasin as identified in the Tualatin Drainage Plan and surface water runoff from the site flows directly or indirectly into the Wetland Protected Area (WPA) as defined in TDC 71.020. Properties located within the Wetland Protection District as described in TDC 71.010, or within the portion of the subbasin east of SW Tualatin Road are excepted from the on-site detention facility requirement.

**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.

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

- (1) The procedure for determining the detention quantities is set forth in Section 4.4 Retention/Detention Facility Analysis and Design, King County, Washington, Surface Water Design Manual, January, 1990, except subchapters 4.4.5 Tanks, 4.4.6 Vaults and Figure 4.4.4G Permanent Surface Water Control Pond Sign. This reference shall be used for procedure only. The design criteria shall be as noted herein. Engineers desiring to utilize a procedure other than that set forth herein shall obtain City approval prior to submitting calculations utilizing the proposed procedure.
- (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.

**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.

**3-5-330 Permit Required.**

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

**3-5-350 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.

**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.

**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.

**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.

**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.**

**Finding:**

*Sheet C300 shows the proposed stormwater construction and installation design. The applicant submitted a Preliminary Stormwater Management Report dated November 2019 and prepared by HHPR.*

*The proposed project reduces site impervious area by 700 square feet. Detention requirements are met as all water is fully detained through infiltration. The existing and proposed stormwater runoff management system utilizes onsite infiltration facilities to fully infiltrate all runoff water up to the 100-year storm event. No runoff will leave the site or enter the public storm conveyance system. There will be no impacts to the downstream system.*

*A final stormwater management report and design plans must be submitted with DEQ design approval of the existing and proposed drywells utilized by the development prior to issuance of construction permits. Construction of the stormwater and drywell system, DEQ registration, and a copy of the DEQ Rule Authorization letter must be completed or provided prior to occupancy.*

*The applicant's plans show no water quality facilities in existing or created wetlands. There are no undeveloped parcels adjacent to the site.*

**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.**

**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.**

**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.**

**Finding:**

*Public improvements must be installed at the expense of the applicant, and will be constructed and guaranteed consistent with TDC 74.120 (1). Private improvements must be installed and maintained at the expense of the applicant. All public and private improvements proposed and modified by conditions of approval must be completed prior to receiving a Certificate of Occupancy.*

**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.

**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.

(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.

[...]

(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.

[...]

(11) Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).

**(12) Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.**

[...]

**(17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.**

[...]

**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).**

**Section 74.440 Streets, Traffic Study Required.**

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

**(a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or [...]**

**(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.**

**Section 74.470 Street Lights.**

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

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

**Section 74.660 Underground.**

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

**Finding:**

*The Tualatin Ops Site Transportation Planning Rule Analysis dated April 26, 2019 and prepared by DKS, previously used for the planning zone change to Institutional zoning, was sufficient to evaluate this development and does not indicate mitigation requirements.*

*SW 108th Avenue was constructed as a City project to improve the Leveton District area. The cross-section is less than current full construction of a Minor Arterial; however as the properties remain under City ownership the City will dedicate right-of-way and construct capital project improvements as a future project, as determined by the City Engineer.*

*A previous City Capital project constructed SW Herman Road to an appropriate cross-section considering the railroad on the south side. No additional dedication or cross-section improvements are needed.*

*Sidewalks currently exist on adjacent street frontages; however, per the applicant the sidewalk fronting SW 108th Ave has been deemed non-compliant with ADA requirements near street trees planned for replacement. The submittal requests associating the Sidewalk and Street Tree Program's tree and panel modification with ADA repairs. Methodology of improving deficient panels may utilize this Program, but must result with ADA compliance of all sidewalk, driveways, and ramps. The plans do not show evaluation of sidewalks, driveways, and ramps adjacent to this development to assure existing ADA compliance or the panels to be replaced. The applicant must submit final plans that confirm ADA compliance or propose replacement of existing sidewalks, ramps, and driveways within right-of-way.*

*Past City construction of SW 108th Avenue and SW Herman Road installed street lighting at time of construction. Adjacent street lights will be upgraded to recently adopted illumination standards with future widening or as an improvement project.*

*SW 108th Avenue has no aboveground utilities adjacent to this development. SW Herman Road was constructed as a City Capital project which determined that the overhead power lines are of sufficient voltage to be allowed to remain aboveground. No undergrounding of existing utilities is required.*

**Section 74.670 Existing Structures.**

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

**Findings:**

*Existing structures are currently connected underground to City utilities.*

**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:**

*The submitted landscape sheet L200 identifies replacement trees on both SW 108th Avenue and SW Herman Road as Amur Maple at 30 feet on center. This type is allowed by Table 74-1. The applicant must submit final plans with approvable street trees and planting locations.*

*The applicant has stated intent to replace the trees as part of the Sidewalk and Street Tree Program. Proof of alternative City programs confirmed to replant deficient street trees with City Engineer approval may suffice in lieu of a public works permit. Planting and installation of root barriers must be prior to a Certificate of Occupancy.*

**Chapter 75: Access Management**

**Section 75.040 Driveway Approach Requirements.**

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

[...]

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

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

[...]

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

(10) Driveway Approach Separation. There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.

(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.

(12) Vision Clearance Area.

(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).

#### **Section 75.050 Access Limited Roadways.**

(1) This section applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions taken by the City pertaining to property abutting any road or street listed in TDC 75.050(2). In addition, any property not abutted by a road or street listed in subsection (2), but having access to an arterial by any easement or prescriptive right, must be treated as if the property did abut the arterial and this Chapter applies.

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

[...]

(o) 108th Avenue from Leveton Drive to Herman Road;

(p) Herman Road from Teton Avenue to 124th Avenue;

[...]

#### **Section 75.140 Existing Streets Access Standards.**

The following list describes in detail the freeways and arterials as defined in TDC 75.050 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below.

(16) 108TH AVENUE.

(a) Leveton Drive to Herman Road.

(ii) On the east side, the DOT Inc. site shall have a driveway that aligns with Leveton Drive. The City Operations Center (2S122AD 200 and 300) will be permitted two driveways at locations to be determined by the City Manager.

(17) HERMAN ROAD.

(b) 108th Avenue to 118<sup>th</sup>

(i) On the north side the existing driveways will be allowed to remain. No new driveways will be permitted.

#### **Findings:**

*Sheet C200 shows two parking areas, north and south, separated with a gate stated generally to remain closed. The south lot has an existing access 36 feet wide to SW Herman Road. The north lot has an existing southern access approximately 24 feet wide to SW 108th Avenue plus a proposed widened 24-foot access towards the north.*

*Development for commercial use with less than 99 parking spaces requires at least one 32-foot wide access to public right-of-way. The proposed development separates a north parking area from south, both with 99 or fewer spaces. This requires one 32-foot wide access for each area. The southern areas existing access meets minimum width requirements, but the northern area needs one access to be at*

*least 32 feet wide. The applicant must submit final plans that show one access from the north parking area to SW 108th Avenue to be at least 32 feet wide.*

*Driveway separation on SW 108th Avenue exceeds 40 feet, exceeding the minimum. All driveways are more than 150 feet from the intersection. Vision clearance areas are stated in narrative to well exceed clearance requirements, but are not shown on the plans. The applicant must submit final plans showing vision clearances meeting code.*

*The two of accesses to SW Herman Road and existing access to SW Herman Road to remain are in accordance with 75.140s access restrictions.*

#### **IV. APPEAL**

The Architectural Review portion of this decision will be final after 14 calendar days unless a written appeal is received by the **Community Development Department – Planning Division at 18880 Martinazzi Avenue, Tualatin, Oregon 97062 before 5:00 p.m., February 14, 2020. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB).

Submitted by:



Erin Engman  
Associate Planner