

Executive Summary

Originally envisioned as a replacement to the current Operations Center, budget limitations have shifted the project scope to renovation of the existing 6,271 square foot building in conjunction with a 9,515 square foot building addition, resulting in a total building area of 15,786 square feet.

The goal of the project remains the same – expanding the Operations Center to provide space for relocation of Community Development, Engineering, Building Division and Municipal Court.

Site modifications will be minimal, limited to a new outdoor patio area and code-required modifications to parking, walkways, landscaping and associated stormwater and utilities.

Document Organization

This narrative is intended to parallel the Tualatin Development Code, responding to applicable sections as appropriate.

- Sections colored GREY are believed not applicable, but are included for the convenience of the reviewer.
- Responses are colored RED to distinguish them from code text, and referenced drawings or page numbers are identified as BOLD text.

Applicable Review Criteria - Tualatin Development Code (TDC)

CHAPTER 32 - PROCEDURES

TDC 32.010. - Purpose and Applicability.

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
Architectural Review						

• Architectural Review (except as specified below) (limited land use)	II	CM	ARB/CC	Yes	Yes	TDC 33.020
Public Facilities Decision in conjunction with Architectural Review (limited land use)	II	CM	CC	Yes	Yes	TDC 33.020
Plan Amendments						
Tree Removal Permit	II	CM	CC	Yes	Yes	TDC 33.110

RESPONSE: Based on TDC Table 32-1, we understand this review to be a TYPE II Procedure.

TDC 32.110. - Pre-Application Conference.

RESPONSE: Consistent with TDC 32.110, a Pre-Application Conference has been completed and is documented on **Page 159** of the AR Application. This standard has been met.

TDC 32.120. - Neighborhood/Developer Meetings.

RESPONSE: Consistent with TDC 32.120, a Neighborhood Meeting has been completed and is documented as **Pages 72-76** of the AR Application. This standard has been met

TDC 32.130. - Initiation of Applications.

RESPONSE: This application is initiated by the Project Architect, an agent of the Owner; in conjunction with the Owner’s representative as identified and signed on the Land Use Application – Type II on **Page 80**. This standard has been met.

TDC 32.140. - Application Submittal.

(a) *A completed application form.*

RESPONSE: A ‘Land Use Application – Type II’ form, has been completed and is included on **Page 80** of this submittal. This standard has been met.

(b) *A written statement addressing each applicable approval criterion and standard;*

RESPONSE: This narrative provides a written statement addressing each applicable approval criterion and standard. This standard has been met.

(c) *Any additional information required under the TDC for the specific land use action sought;*

RESPONSE: A Tree Removal request is included in this submittal – please see **Sheet L1.00**

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

RESPONSE: An application fee is provided by Owner under a separate cover please see **Page 19**. This standard has been met.

- (e) Recorded deed/land sales contract with legal description.

RESPONSE: A recorded Record of Survey and legal description of the property has been completed - please see **Page 165**. This standard has been met.

- (f) A preliminary title report or other proof of ownership.

RESPONSE: A recent Title Report has been completed for this property - please see **Page 67**. This standard has been met.

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

(i) The mailing list for the notice; - please see **Page 76**.

(ii) A copy of the notice; - please see **Page 73**.

(iii) An affidavit of the mailing and posting; - please see **Page 72**.

(iv) The original sign-in sheet of participants; and - please see **Page 74**.

(v) The meeting notes described in TDC 32.120(7). - please see **Page 74**.

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

RESPONSE: No City-recognized Citizen Involvement Organizations (CIOs) boundaries are included, or are adjacent to this property – not applicable.

- (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.

(Ord. 1414-18;12-10-18)

TDC 32.150. - Sign Posting.

- (1) *When Signs Posted*. Signs in conformance with these standards must be posted as follows:

- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and

RESPONSE: Signs were posted in compliance with TDC 32.150 (1) (a), as documented on page 73. This standard has been met.

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

RESPONSE: Signs will be posted in compliance with TDC 32.150 (1) (b) following this application. This standard will be met.

- (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 18 inches by 24 inches (18" x 24"); and
(c) Sign text must be at least two inch font.

RESPONSE: Signs are designed to conform with standards (a) through (c). This standard has been met.

- (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.

RESPONSE: Signs have/will be posted in compliance with standard (3); with photo documentation available. This standard has been met.

- (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 40-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 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.

RESPONSE: Signs have/will be re-posted and removed in compliance with standard (4); with photo documentation available. This standard will be met.

TDC 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.

(Ord. 1414-18;12-10-18)

TDC 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).

RESPONSE: Submittal information required has been provided, as documented in TDC 32.140(1) above. This standard has been met.

- (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.
- (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.

(Ord. 1414-18;12-10-18)

CHAPTER 33 - APPLICATIONS AND APPROVAL CRITERIA

TDC 33.020. - Architectural Review.

- (1) *Purpose.* The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and the lack of proper attention to site development and landscaping, in the business, commercial, industrial, and certain residential areas of the City hinders the harmonious development of the City; impairs

the desirability of residence, investment or occupation in the City; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the City; and destroys a proper relationship between the taxable value of property and the cost of municipal services therefore. The purposes and objectives of community design standards are to:

- (a) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of development.
- (b) Discourage monotonous, drab, unsightly, dreary and inharmonious development.
- (c) Promote the City's natural beauty and visual character and charm by ensuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain, natural environment, and landscaping. Exterior appearances of structures and other improvements should enhance these qualities.
- (d) Encourage site planning and development to incorporate bikeways, pedestrian facilities, greenways, wetlands, and other natural features of the environment and provide incentives for dedication of access easements and property to the public through shift of residential density, system development charge credits, landscaping credits and setback allowances.
- (e) Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
- (f) Stabilize and improve property values and prevent blighted areas and thus increase tax revenues.
- (g) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.
- (h) Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.
- (i) Sustain the comfort, health, safety, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City.
- (j) Determine the appropriate yard setbacks, building heights, minimum lot sizes when authorized to do so by City ordinance.

(2) *Applicability.*

- (a) The following types of development are subject to Architectural Review:
 - (i) Any exterior modifications to improved or unimproved real property;
 - (ii) Any remodeling that changes the exterior appearance of a building;
 - (iii) Any site alteration which alters the topography, appearance or function of the site; and
 - (iv) Any change in occupancy from single family use to commercial or industrial use.
- (b) Examples of development subject to Architectural Review, include but are not limited to the following:
- (c) Exceptions to Architectural Review. The following applications for development do not require Architectural Review:

(3) *Types of Architectural Review Applications—Procedure Type.*

- (a) *Single Family Dwelling, Clear and Objective.* Development applications submitted for a single family dwelling in compliance with the Clear and Objective Standards in TDC 73A.110 are subject to Type I review.
- (b) *Accessory Dwelling Unit.* Development applications submitted for an accessory dwelling unit in compliance with the Clear and Objective Standards in TDC 34.600(Accessory Dwelling Units Standards) are subject to Type I review.
- (c) *General Development.* All development applications, (except Single Family Dwelling, Clear and Objective and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.
- (d) *Large Commercial, Industrial, and Multifamily Development.* Development applications that propose any of the following are subject to Type III Review by the Architectural Review Board as the hearing body:
 - (e) *Minor Architectural Review.* An application for a Minor Architectural Review must be approved, approved with conditions, or denied following review based on finding that:

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

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

RESPONSE: Contact information is provided on **page 5** of this submittal. This standard has been met.

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

RESPONSE: The above drawings are provided on **pages 21-29 & 163** of this submittal. This standard has been met.

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

RESPONSE: A material board is provided as a separate item with this submittal; duplicated in a photograph on **page xxx** of this submittal. This standard has been met.

- (d) Title report; and

RESPONSE: A title report is provided on **page 67** of this submittal. This standard has been met.

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

RESPONSE: A service provider letter is provided on **page 68** of this submittal. This standard has been met.

(5) *Approval Criteria.*

- (a) *Single Family Dwelling, Clear and Objective.* Applications for Single Family Dwelling, Clear and Objective, must comply with the standards in TDC 73A.110.

(b) *General Development.*

- (i) Applications for General Single Family Dwellings (not clear and objective), must comply with TDC 73A.140.
- (ii) Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

- (c) *Large Commercial, Industrial, and Multifamily Development.* Applications for Large Commercial, Industrial, and Multifamily Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.
- (6) *Conditions of Approval.*
 - (a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:
 - (i) Protect the public from the potentially deleterious effects of the proposal;
 - (ii) Fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the proposal; and
 - (iii) Further the implementation of the requirements of the Tualatin Development Code.
 - (b) Types of conditions of approval that may be imposed include, but are not limited to:
 - (i) *Development Schedule.* A reasonable time schedule placed on construction activities associated with the proposed development, or portion of the development.
 - (ii) *Dedications, Reservation.* Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title or easements to the City or a non-profit conservation organization, or a homeowners' association.
 - (iii) *Construction and Maintenance Guarantees.* Security from the property owners in such an amount that will assure compliance with approval granted.
 - (iv) *Plan Modifications.* Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this chapter.
 - (v) *Other Approvals.* Evaluation, inspections or approval by other agencies, jurisdictions, public utilities, or consultants, may be required for all or any part of the proposed development.
 - (vi) *Access Limitation.* The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.
- (7) *Modifications to Previously Approved Final Architectural Review Decisions.* An applicant who wishes to modify a previously approved final Architectural Review decision may utilize one of the following procedures:
- (8) *Effective Date.* The effective date of an Architectural Review decision or Minor Architectural Review decision is the date the notice of decision is mailed.
- (9) *Permit Expiration.* Architectural Review decisions (including Minor Architectural Review decisions) expire two 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 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 60 (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.

(Ord. 1414-18; 12-10-18)

TDC 33.080. - Signs—Permits, Design Review, and Variances.

- (1) *Purpose.* To implement the standards of TDC Chapter 38 and the Sign Objectives in Chapter 20. Sign Variance review provides a public hearing process to review special situations that are not anticipated by the Sign Regulations in TDC Chapter 38, including TDC 38.100, 38.110, 38.120 and 38.140-38.240.
- (2) *Applicability.* The requirements of this section apply to sign permits, sign design review and sign variances as required in accordance with TDC Chapter 38.
- (3) *Procedure Type.* Sign permits, sign design review and variances are processed in accordance with the procedures in TDC Chapter 32 as follows:
 - (a) Sign Permits are subject to Type I review.
 - (b) Sign Design Reviews are subject to Type I review.
 - (c) Sign Variances are subject to Type III review.

- (4) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the information required by TDC 38.070 (Sign Permit Process).
- (5) *Approval Criteria.*
 - (a) A Sign Permit may be granted if the City Manager finds that the proposed sign is in compliance with the regulations in TDC Chapter 38.
 - (b) Sign Design Review may be approved if the City Manager finds that the proposed sign is in compliance with the regulations in TDC Chapter 38 and the clear and objective standards in TDC 38.075.
 - (c) Sign Variances. All six of the following criteria must be met before a variance can be granted:
 - (i) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone, and such conditions are a result of lot size or shape or topography over which the applicant or owner has no control;
 - (ii) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner or the company, or from regional economic conditions;
 - (iii) The variance is the minimum remedy necessary to eliminate the hardship;
 - (iv) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same zone however, nonconforming or illegal signs on the subject property or on nearby properties does not constitute justification to support a variance request;
 - (v) The variance must not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity; and
 - (vi) The variance must not be detrimental to the applicable Sign Design Objectives, TDC 20.030.

(Ord. 1414-18; 12-10-18)

TDC 33.110. - Tree Removal Permit/Review.

- (1) *Purpose.* To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.
- (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.
 - (a) *General Exemption.* Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:
 - (i) Not located in the Natural Resource Protection Overlay District (NRPO);
 - (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);
 - (iii) Not a Heritage Tree; and

- (iv) Not previously required to be retained or planted under an approved Architectural Review decision.
 - (b) *Forest Harvesting Exemption.* Forest Harvesting Uses, as provided by Agricultural Uses in TDC 39.300 are exempt.
 - (c) *Orchard Exemption.* Orchards Uses, as provided by Agricultural Uses in TDC 39.300, are exempt.
 - (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.)
- (3) *Procedure Type.* Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.

RESPONSE: A tree removal request is included in this submittal, for removal of existing trees affecting the proposed construction project – please see attached **page 26 / sheet L100**. This standard will be met.

- (4) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following:
- (a) *Tree Preservation Plan.* A tree preservation plan drawn to scale must include:
 - (i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;
 - (ii) All trees proposed for removal and all trees proposed to be preserved;
 - (iii) All existing and proposed structures;
 - (iv) All existing and proposed public and private improvements; and
 - (v) All existing public and private easements.

RESPONSE: Attached **page 26 / sheet L100** provides information as required by above items (4)(a)(i) through (iv). Attached Site Plan **page 22 / sheet C200** provides information on item (v) – existing public and private easements. This standard has been met.

- (b) *Tree Assessment Report.* A tree assessment prepared by a certified arborist must include:
 - (i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;
 - (ii) An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree;
 - (iii) a statement addressing the approval criteria set forth in TDC 33.110(5);
 - (iv) the name, contact information, and signature of the arborist preparing the report; and
 - (v) The tree assessment report must have been prepared and dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City.

- (c) *Tree Tags*. All trees on-site must be physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.

RESPONSE: All trees within the project area will be identified and tagged per the Tree Preservation Plan and Tree Assessment Report. This standard will be met.

(5) *Approval Criteria*.

- (a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:
- (i) The tree is diseased and:
 - (A) The disease threatens the structural integrity of the tree; or
 - (B) The disease permanently and severely diminishes the esthetic value of the tree; or
 - (C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.
 - (ii) The tree represents a hazard which may include but not be limited to:
 - (A) The tree is in danger of falling; or
 - (B) Substantial portions of the tree are in danger of falling.
 - (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.

RESPONSE: The trees identified for removal on attached page 26 / sheet L100 are in direct conflict with the proposed expansion.

- (b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.
- (i) *Evergreen Trees*. An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
 - (A) Trunk Condition—extensive decay and hollow; or
 - (B) Crown Development—unbalanced and lacking a full crown;
 - (ii) *Deciduous Trees*. A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
 - (A) Trunk Condition—extensive decay and hollow;
 - (B) Crown Development—unbalanced and lacking a full crown; or
 - (C) Structure—Two or more dead limbs.
- (6) *Emergencies*. If emergency conditions occur requiring the immediate cutting or removal of trees to avoid danger or hazard to persons or property, an emergency permit must be issued by the City Manager without payment of a fee and without formal application, provided the owner provides enough information to the City Manager to document that an emergency exists. If an emergency exists and the City Offices are closed, the emergency condition may be abated provided the person files information documenting the emergency and necessity of immediate removal of the tree as soon as practical after the City Offices reopen. An "emergency condition" for purposes of this section is when a tree presents an immediate danger of collapse, and represents a clear and present hazard to persons or property. For the purposes of this section, "immediate danger of collapse" means that the tree is already

leaning, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree cutting permit could be obtained through the nonemergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment. Examples of emergency conditions include:

- (a) A tree leaning on a structure;
 - (b) A tree leaning on another tree and there is a significant likelihood that the tree will topple or otherwise fail; or
 - (c) If a utility service has been interrupted and repairs cannot be completed without the removal of a tree.
- (7) *Conditions of Approval.* Any tree required to be retained must be protected in accordance with the TDC 73B and 73C.
- (8) *Permit Expiration.* A Tree Removal Permit is valid for one year from the date of issue. A Tree Removal Permit approved in conjunction with an Architectural Review, Subdivision, or Partition decision is valid as provided in the terms of the Architectural Review, Subdivision, or Partition decision.
- (9) *Tree removal in violation of Zone Standards.*
- (a) In addition to any applicable civil violation penalties, any property owner who removes, or causes to be removed, one or more trees in violation of applicable TDC provisions must pay an Enforcement Fee and a Restoration Fee to the City of Tualatin, as follows:
 - (i) Enforcement Fee of \$837.00 per incident, plus \$10.00 for each tree removed; and
 - (ii) Restoration Fee of \$2,000.00 per tree removed.
 - (b) The City Manager may administratively reduce or waive these fees based upon a demonstration of hardship, adequate mitigation, or other good cause shown.

(Ord. 1414-18; 12-10-18)

CHAPTER 49 - INSTITUTIONAL ZONE (IN)

TDC 49.100. - Purpose.

The purpose of the Institutional (IN) Zone is to provide areas of the City that are suitable for public, educational, religious, recreational, and incidental support facilities to serve the community. The Zone is intended to:

- (1) Be consistent with the Institutional land use designation in the Tualatin Community Plan;
- (2) Support lands and facilities that are owned and operated by governmental or nonprofit entities and that serve and benefit the community; and
- (3) Provide for location and development of permitted and conditionally permitted uses in a manner that is harmonious with adjacent and nearby residential, commercial, or manufacturing planning zones and uses; and protects the health, safety, and general welfare of adjacent residential, commercial, and manufacturing uses.

(Ord. No. 1422-19, § 1, 7-8-19)

TDC 49.200. - Use Categories.

Table 49-1
Use Categories in the IN Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	P (L)	Permitted uses limited to places of religious worship.
Community Services	P/C (L)	Permitted uses limited to public recreation buildings and facilities: <ul style="list-style-type: none"> • Community recreation building; • Indoor community aquatic centers. Conditional uses limited to outdoor public community aquatic centers
Schools	P	—
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
Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure reading stations. Conditional uses limited to: <ul style="list-style-type: none"> • Water reservoirs; • Electrical substation; and • Natural gas pumping station.
Greenways and Natural Areas	P	—

Parks and Open Space	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Government-owned parks; and • Sports fields and tennis courts.
Transportation Facilities	P	—
Wireless Communication Facility	P (L)	Subject to maximum height and minimum setback standards in TDC Chapter 73F.

(Ord. No. [1422-19](#), § 1, 7-8-19)

RESPONSE: Per Table 49-1, government office is a permitted use. While the occupant load of the Multipurpose Space makes it an “assembly” space per the building code, it serves the functions and occupants of the office space, including Courts. This standard has been met.

TDC 49.210. - Additional Limitations on Uses.

- (1) *Accessory Uses Conditionally Permitted.* The following uses may be permitted as a conditional use when incidental and subordinate to a permitted or conditionally permitted primary use:
- (a) Child day care center;
 - (b) Exterior lighting, if the height of the fixture or standard is greater than the tallest permitted building on the site; and
 - (c) Outdoor public address or audio amplification system.

(Ord. No. [1422-19](#), § 1, 7-8-19)

TDC 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.

**Table 49-2
Development Standards in the IN Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
All Uses	1.5 acres	

	(Actual = 8.72)	
MINIMUM LOT WIDTH		
Minimum Average Lot Width	100 feet (Actual = 508')	When lot has frontage on public street, minimum lot width is 40 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front	25 feet (Actual = 26'; Existing = 14'-5")	
Side	0—25 feet (Actual = 30' - Existing)	As determined through the Architectural Review process
Rear	25 feet (Actual = 517'+)	
Parking and Vehicle Circulation Areas	5 feet (Actual = 6'-6" min; 20' average - Existing)	
	10 feet	
	30 feet	
Fences	5 feet from public right-of-way (Actual = 8'-9" – Existing, west prop.)	

	line)	
Conditional Uses	—	As determined through Conditional Use Permit and Architectural Review process. No minimum setback must be greater than 50 feet.
MAXIMUM STRUCTURE HEIGHT		
All Uses	50 feet (Actual = 20')	

(Ord. No. [1422-19](#), § 1, 7-8-19)

RESPONSE: We believe this project meets all requirements of the Development Standards in the IN Zone as noted in the above table. These standards have been met.

TDC 49.310. - Projections into Required Yards.

The following architectural features may project into a required front or rear yard setback area not more than three feet, and into a required side yard not more than two feet: cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features.

TDC 49.320. - Setback Reduction for Developments Adjacent to Greenways and Natural Areas.

To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards:

- (1) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front, side or rear yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas. Setback areas that abut property lines in the RL zone are not eligible for the setback reduction.
- (2) *Location of Greenway or Natural Area Lot.* Each lot must be located wholly in one of the following conservation or protection areas:
 - (a) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72);
 - (b) Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan;
or
 - (c) Clean Water Services Vegetated Corridor.
- (3) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following:
 - (a) Dedicated to the City at the City's option;

- (b) Dedicated in a manner approved by the City to a non-profit conservation organization;
or
 - (c) Retained in private ownership.
- (4) *Ownership Considerations.* The decision-making authority must consider, but not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
- (a) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
 - (b) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
 - (c) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
 - (d) Does the lot connect publicly owned or publicly accessible properties;
 - (e) Does the lot abut an existing park, greenway, natural area or other public facility;
 - (f) Does the lot provide a public benefit or serve a public need;
 - (g) Does the lot contain environmental hazards;
 - (h) Geologic stability of the lot; and
 - (i) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18)

RESPONSE: Sun shades on the South Elevation (front yard) project 2' off the face of the building / 1' into the front yard setback. (3' max. allowed) This standard has been met.

CHAPTER 70 - FLOODPLAIN DISTRICT (FP)

RESPONSE: Project is not within a Floodplain – please see **page 18**. This standard does not apply.

CHAPTER 71 - WETLANDS PROTECTION DISTRICT (WPD)

TDC 71.025. - Boundaries.

- (1) The boundaries of the Wetlands Protection Area (WPA) are described as shown on Exhibit N.

RESPONSE: Project is not within a Wetlands Protection District (WPD) as indicated on Exhibit N – please see **page 18**. This standard does not apply.

CHAPTER 72. - NATURAL RESOURCE PROTECTION OVERLAY DISTRICT (NRPO)

RESPONSE: Project is not within the Natural Resources Protection Overlay District. This standard does not apply.

CHAPTER 73A - SITE DESIGN STANDARDS

General Purpose and Objectives of Site and Building Design Standards

Residential Design Standards

Common Wall Design Standards

Commercial Design Standards

Industrial Design Standards

Institutional Design Standards

GENERAL PURPOSE AND OBJECTIVES OF SITE AND BUILDING DESIGN STANDARDS

TDC 73A.010. - Site and Building Design Standards Purpose and Objectives.

- (1) *Purpose.* The purpose of the site and building design objectives and standards found in TDC 73A through TDC 73G is to promote functional, safe, innovative, and attractive sites and buildings that are compatible with the surrounding environment, including, but not limited to:
 - (a) The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and
 - (b) The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.
- (2) *Objectives.* The objectives of site and building design standards in TDC 73A through TDC 73G are to:
 - (a) Enhance Tualatin through the creation of attractively designed development and streetscapes;
 - (b) Encourage originality, flexibility, and innovation in building design;
 - (c) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
 - (d) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
 - (e) Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
 - (f) Enhance energy efficiency through the use of landscape and architectural elements; and
 - (g) Minimize disruption of natural site features such as topography, trees, and water features.

INSTITUTIONAL DESIGN STANDARDS

TDC 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;

RESPONSE: All proposed walkways are six feet minimum in width, as illustrated by Site Plan sheet C2.00. This standard has been met.

- (b) Walkways must be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete (not gravel or woody material);

RESPONSE: All proposed walkways are constructed of asphalt or concrete as illustrated by Site Plan page 22 / sheet C2.00. This standard has been met.

- (c) Walkways must meet ADA standards applicable at time of construction or alteration;

RESPONSE: All proposed walkways are designed for ADA compliance as illustrated by Site Plan page 22 / sheet C2.00. This standard has been met.

- (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;

RESPONSE: Walkways are provided between main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way as illustrated by Site Plan page 22 / sheet C2.00. This standard has been met.

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

RESPONSE: Walkways through parking areas, drive aisles, and loading areas will be painted to provide a raised, different appearance than adjacent paved vehicular areas, as indicated on page 22 / sheet C2.00. This standard has been met.

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

RESPONSE: Bikeways are provided to link short-term bike storage to the public way – please see page 22 / sheet C2.00. This standard has been met.

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

RESPONSE: Walkways provide access to sidewalks in the public right-of-way, thereby connecting to bikeways and greenways. This standard has been met.

(2) Accessways.

- (a) When Required. Accessways are required to be constructed when a common wall development is adjacent to any of the following:

- (i) Residential property;
- (ii) Commercial property;
- (iii) Areas intended for public use, such as schools and parks; and
- (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.

- (b) Design Standard. Accessways must meet the following design standards:

- (i) Accessways must be a minimum of eight feet in width;
 - (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;
 - (iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material;
 - (iv) Accessways must meet ADA standards applicable at time of construction or alteration;
 - (v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;
 - (vi) Accessways must not be gated to prevent pedestrian or bike access;
 - (vii) 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; and
 - (viii) Must be constructed, owned and maintained by the property owner.
- (c) Exceptions. The Accessway standard does not apply to the following:
- (i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and
 - (ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.

(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;

RESPONSE: Prominent windows on the North, South and East facades provide a direct line-of-site to pedestrian, parking and loading areas – please see **page 28 / sheet A2.06 & 2.07**. All pedestrian, parking and loading areas are illuminated – please see **pages 163-165** This standard has been met.

- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;

RESPONSE: Windows and interior lighting are located to enable surveillance of interior activity from the public right-of-way as well as from public parking areas – please see **page 28 / sheet A2.06 & 2.07**. This standard has been met.

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

RESPONSE: Exterior lighting has been selected and located to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way – please see pages 163-165 . This standard has been met.

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

RESPONSE: A building address has been assigned to the existing building and will remain in use. Additional identification will be provided including a ground-mounted monument sign and building-mounted address signage. This standard will be 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.

RESPONSE: None of the above, above-ground utility devices are anticipated. An existing fueling station immediately north of the existing building is, and will remain, protected by a 6' high security fence. This standard has been 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;

RESPONSE: Above grade and on-grade electrical and mechanical equipment will be screened with sight obscuring fences, walls or landscaping – please page 27 / sheet L200. This standard has been met.

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

RESPONSE: No new outdoor storage is anticipated. If this changes, it will be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping. This standard has been met.

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

RESPONSE: None of the above, above-ground utility devices are anticipated. An existing fueling station immediately north of the existing building is, and will remain, protected by a 6' high, site-obscuring security fence. This standard has been 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
- (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:

- (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;
- (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
- (iii) Provide a transit passenger landing pad accessible to disabled persons;
- (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
- (v) Provide lighting at the major transit stop.

(Ord. 1414-18, 12-10-18)

RESPONSE: The project site is not adjacent to Transit. It is however, located on the route of the Tualatin Shuttle, where a designated “stop” is being considered. This standard has been met.

CHAPTER 73B - LANDSCAPING STANDARDS

TDC 73B.010. - Landscape Standards Purpose and Objectives.

- (1) Purpose. The purpose of this Chapter is to establish standards for landscaping within Tualatin in order to enhance the environmental and aesthetic quality of the City.
- (2) Objectives. The objectives of this Chapter are to:
 - (a) Encourage the retention and protection of existing trees and requiring the planting of trees in new developments;
 - (b) Use trees and other landscaping materials to temper the effects of the sun, wind, noise, and air pollution.
 - (c) Use trees and other landscaping materials to define spaces and the uses of specific areas; and
 - (d) Use trees and other landscaping materials as a unifying element within the urban environment.

TDC 73B.020. - Landscape Area Standards Minimum Areas by Use and Zone.

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

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
(1) RL, RML, RMH, RH and RH/HR zones—Permitted Uses	None	None
(2) RL, RML, RMH, RH and RH/HR zones—Conditional Uses, except Small Lot Subdivisions	25 percent of the total area to be developed	20 percent of the total area to be developed

(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed
(4) CO, CR, CC, CG, ML and MG zones within the Core Area Parking District—All uses	10 percent of the total area to be developed	7.5 percent of the total area to be developed
(5) IN, CN, CO/MR, MC and MP zones—All uses	25 percent of the total area to be developed Required: 20,000 sf x 0.25 = 5,000 sf. Actual: 8,900 sf / 44%	22.5 percent of the total area to be developed N/A
(6) Industrial Business Park Overlay District and MBP—must be approved through Industrial Master Plans	20 percent of the total area to be developed	Not applicable
* For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement," the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.		

TDC 73B.060. - Additional Minimum Landscaping Requirements for Institutional Uses.

- (1) *General.* In addition to the requirements in TDC 73B.020, institutional uses 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.
 - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.

RESPONSE: Scope of work is limited to a portion of the existing project site. Within that scope, all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas will be landscaped – see **page 27 / sheet L200** This standard will be met.

- (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:

- (i) Pedestrian amenities such as landscaped plazas and arcades; and
- (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.

RESPONSE: Building perimeters viewable by the general public from parking lots or the public right-of-way are limited to the South and East sides of building, which are provided with landscape areas exceeding the required 5-foot minimum – see page 27 / sheet L200. This standard has been met.

- (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.
- (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.
- (2) *MP Area—Wetland Buffer.* Wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:
 - (a) Area counted as landscaping is limited to a maximum of two and one-half percent of the total land area to be developed;
 - (b) Area to be counted as landscape must be within the boundaries of the subject property;
 - (c) No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel;
 - (d) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer must perform, or bear the cost of, all necessary mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and Clean Water Services; and
 - (e) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer must include an enhanced mitigation plan approved by the Oregon Division of State Lands and Clean Water Services as part of the Architectural Review submittal. The developer must complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.

TDC 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">• Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.
------------------------------	--

	<ul style="list-style-type: none"> • The foliage crown of trees cannot be used to meet this requirement. • A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: <ul style="list-style-type: none"> • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility. <p>RESPONSE: Landscaping has been designed in conformance with the above criteria as indicated on attached page 27 / sheet L200. This standard <u>has been met</u>.</p>
(2) Fences	<ul style="list-style-type: none"> • 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.
(3) Tree Preservation	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction: <ul style="list-style-type: none"> ◦ Must provide above and below ground protection for existing trees and plant materials identified to remain; ◦ 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; ◦ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; ◦ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; ◦ 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 ◦ Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • 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

	<p>complementary with existing, landscape materials. Native trees are encouraged</p> <ul style="list-style-type: none"> • 100 percent 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 <p>RESPONSE: Trees will be preserved in compliance with this section as indicated on Tree Preservation Plan page 26 / sheet L100. This standard <u>has been met</u>.</p>
(4) Grading	<ul style="list-style-type: none"> • After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility. <p>RESPONSE: Grading will be completed in compliance with this section as indicated on Grading Plan page 23 / sheet C210. This standard <u>has been met</u>.</p>
(5) Irrigation	<ul style="list-style-type: none"> • Landscaped areas must be irrigated with an automatic underground or drip irrigation system • Exceptions: <ul style="list-style-type: none"> ◦ Irrigation requirement does not apply to duplexes and townhouses. <p>RESPONSE: Irrigation will be completed in compliance with this section as indicated on page 27 / sheet L200. This standard <u>has been met</u>.</p>
(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> • Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity. <p>RESPONSE: Vegetation will be replanted in compliance with this section - see Site Grading Plan page 23 / sheet C210. This standard <u>has been met</u>.</p>

TDC 73B.080. - Minimum Standards Trees and Plants.

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

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

(6) Lawns	<ul style="list-style-type: none">• Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;• 100 percent coverage and weed free; and• Healthy, disease-free, damage-free, characteristic of the species.
-----------	---

(Ord. 1414-18, 12-10-18)

RESPONSE: Trees will be planted in compliance with this section as indicated on Landscape Plan page 27 / sheet L200. This standard has been met.

CHAPTER 73C - PARKING STANDARDS

In General

Parking Lot Landscaping

IN GENERAL

TDC 73C.010. - Off-Street Parking and Loading Applicability and General Requirements.

- (1) *Applicability.* Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:
 - (a) Establishment of a new structure or use;
 - (b) Change in use; or
 - (c) Change in use of an existing structure.
- (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:
 - (i) The requirements apply to both the existing structure and use, and enlarging a structure or use;
 - (ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;
 - (iii) Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;
 - (iv) Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;
 - (v) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;

- (vi) Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;
- (vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;
- (viii) Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;
- (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;
- (x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones; and
- (xi) Required vanpool and carpool parking must meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

RESPONSE: Vanpool and carpool parking will meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage, as illustrated on page 168. This standard will be met.

TDC 73C.020. - Parking Lot Design Standards.

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

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

RESPONSE: As illustrated on pages 167 & 168, parking lot design will comply with dimensional standards set forth in Figure 73-1. This standard will be met.

- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;

RESPONSE: Drive aisles are existing and constructed of asphalt. As illustrated on Public Facilities Plan page 25 / sheet C300, any/all modifications will be also be constructed of asphalt. This standard will be met.

- (3) Parking stalls must be constructed of asphalt, concrete, previous 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;

RESPONSE: Parking stalls are mostly existing and constructed of asphalt. As illustrated on Public Facilities Plan **page 25 / sheet C300**, any/all modifications and new work will be also be constructed of asphalt. There are no areas in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor. This standard will be met.

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

RESPONSE: As illustrated on Public Facilities Plan **page 25 / sheet C300** and Site Grading Plan **sheet C210**, parking lots are designed and will be maintained for all-weather use and are drained to avoid water flow across sidewalks. This standard will be 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.

RESPONSE: As illustrated on Site Grading Plan **sheets C210 & 220**, concrete curbing is provided to prevent cars from encroaching on adjacent landscaped areas. Parking modifications are minimal – there are no adjacent pedestrian walkways. This standard will be met.

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

RESPONSE: As illustrated on **page 168** (2) assessable stalls are required and provided, 1 of which is van-assessable. As illustrated on Existing Conditions **page 21 / sheet C100**, ADA parking stalls are existing, and meet ADA standards applicable at this time. As illustrated on Site Grading **sheet C210**, the accessible path will also meet ADA standards applicable at this time. This standard will be met.

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

RESPONSE: As illustrated on Existing Conditions **page 21 / sheet C100** and Site Plan **sheet C200**, no sub-compact stalls are proposed. This standard will be met.

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

RESPONSE: As illustrated on Site Plan **sheet C200**, no parking spaces are located or served by driveways that would require backing movements or other maneuvering within a street right-of-way. This standard will be met.

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

RESPONSE: As illustrated on Site Plan **sheet C200**, the northwest driveway off SW 108th is being widened and associated security fencing is to be modified to assure all drives to off-street parking areas are 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. This standard will be met.

(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;

RESPONSE: As illustrated on Site Plan **sheet C200**, all drive aisles comply with the dimensional requirements above. This standard will be 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;

RESPONSE: As illustrated on Site Plan Photometric **pages 163-165 sheet E101PH**, artificial lighting has been designed to not shine or create glare in the street right-of-way. This standard will be met.

Other provisions, including residential zones, Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor are N/A.

(12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and

RESPONSE: As illustrated on Landscape Plan **sheet L200**, parking lot landscaping has been provided in compliance with the requirements of TDC 73C.200. This standard will be met.

(13) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.

RESPONSE: No residential zones or residential uses are adjacent to this project site – **N/A**.

TDC 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.

RESPONSE: As illustrated on **sheet C200**, a minimum of (4) long-term bicycle parking spaces will be provided within the existing on-site maintenance building. This standard will be met.

- (b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.

RESPONSE: As illustrated on **sheet C200**, a minimum of (6) short-term parking spaces (including secure stationary racks and accommodating a bicyclist's lock securing the frame and both wheels) will be provided adjacent to the building entry. This standard will be 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-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;
- (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;
- (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;
- (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;
- (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;
- (g) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking; and
- (h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.

RESPONSE: Bicycle storage will be designed in compliance with TDC 73C.050 (2) standards (a) through (g) . (Standard (h) is N/A) This standard will be met.

TDC 73C.060. - Transit Facility Conversion.

Parking on existing residential, commercial, and industrial development may be redeveloped as a transit facility as a way to encourage the development of transit supportive facilities such as bus stops and pullouts, bus shelters and park and ride stations. Parking spaces converted to such uses in conjunction with the transit agency and approved through the Architectural Review process will not be required to be replaced.

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

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

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
(b) Institutions				
(i) Convalescent home, nursing home or sanitarium	1.00 space per 2 beds for patients or residents	None	2, or 1.00 space for every six beds, whichever is greater	50
(ii) Hospital	1.00 space per 500 square feet of gross floor area	None	1 space per 1,000 gross square feet	First ten spaces or 40 percent whichever is greater
(c) Places of Public Assembly				
(i) Library, reading room	1.00 space per 400 square feet of public area	None	2, or 1.5 spaces per 1,000 gross square feet, whichever is greater	10
(ii) Nursery, primary, elementary or middle school, child day care center	2.00 spaces per employee	None	4, or 1.00 space per five students based on the design capacity of the facility, whichever is greater	75
(iii) Senior high school	0.2 spaces per student and staff	Zone A and Zone B: 0.3 spaces per student plus 1.00 space per staff	4, or 1.00 space per five students based on the design capacity of the facility, whichever is greater	25

(iv) Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length	Zone A: 0.6 spaces per seat Zone B: 0.5 spaces per seat	1.0 space per 40 seats or 80 feet of bench length	35
(e) Commercial				
(i) Retail shops (under 100,000 square feet of gross floor area)	4.00 spaces per 1,000 square feet of gross floor area	Zone A: 5.1 spaces per 1,000 square feet of gross floor area Zone B: 6.2 spaces per 1,000 square feet of gross floor area	0.50 space per 1,000 square feet of gross floor area	50
(ii) Retail store handling exclusively bulky merchandise such as furniture or automobiles and service or repair shops	1.00 space per 400 square feet of sales floor area	Zone A: 5.1 spaces per 1,000 square feet of gross floor area Zone B: 6.2 spaces per 1,000 square feet of gross floor area	2, or 0.20 space per 1,000 square feet of sales floor area, whichever is greater	50
(iii) Shopping center (over 100,000 square feet of gross floor area)	4.1 spaces per 1,000 square feet of gross floor area	Zone A: 5.1 spaces per 1,000 square feet of gross floor area Zone B: 6.2 spaces per 1,000 square feet of gross floor area	0.50 space per 1,000 square feet of gross floor area	50

(iv) Banks/Savings and loans	4.30 spaces per 1,000 square feet of gross floor area	Zone A: 5.4 spaces per 1,000 square feet of gross floor area Zone B: 6.5 spaces per 1,000 square feet of gross floor area	2, or 0.33 spaces per 1,000 square feet, whichever is greater	10
(v) Medical & dental offices	3.90 spaces per 1,000 square feet of gross floor area	Zone A: 4.9 spaces per 1,000 square feet of gross floor area Zone B: 5.9 spaces per 1,000 square feet of gross floor area	2, or 0.33 spaces per 1,000 gross square feet, whichever is greater	First ten spaces or 40 percent, whichever is greater
(vi) General office	2.70 spaces per 1,000 square feet of gross floor area	Zone A: 3.4 spaces per 1,000 square feet of gross floor area Zone B: 4.1 spaces per 1,000 square feet of gross floor area	2, or 0.50 spaces per 1,000 gross square feet, whichever is greater	First ten spaces or 40 percent, whichever is greater
(viii) Restaurant	10.00 spaces per 1,000 square feet of gross floor area	Zone A: 19.1 spaces per 1,000 square feet of gross floor area Zone B: 23.0 spaces per 1,000 square	2.00 spaces per 1,000 gross square feet	25

		feet of gross floor area		
(ix) Drive-up restaurant	9.90 spaces per 1,000 square feet of gross floor area	Zone A: 12.4 spaces per 1,000 square feet of gross floor area Zone B: 14.9 spaces per 1,000 square feet of gross floor area	2.00 spaces per 1,000 gross sq. ft	25
(x) Motel	1.00 space per room	None	0.20 space per room	10
(xi) Mortuary	1.00 space per four seats or an eight feet of bench length in chapels	None	1.0 space per 40 seats or 80 feet of bench length	10
(xii) Office furniture and office furniture sales	1.00 space per 550 gross square feet	None	2, or 0.20 space per 1,000 square feet of sales floor area, whichever is greater	10
(xiii) Park and ride lots	None	None	5 percent of auto spaces	100
(xiv) Major transit stops (not Park and Ride lots)	None	None	4	100
(xv) Wireless communication facility	1.0 space	None	N/A	N/A
(f) Industrial				

(i) Manufacturing	1.60 spaces per 1,000 square feet of gross floor area	None	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(ii) Warehousing	0.30 spaces per 1,000 square feet of gross floor area	Zone A: 0.4 spaces per 1,000 square feet of gross floor area Zone B: 0.5 spaces per 1,000 square feet of gross floor area	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(iii) Wholesale establishment	3.00 spaces per 1,000 square feet of gross floor area	None	2, or 0.50 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(g) Exempt Uses				
(i) Parking Structures	Exempt	Exempt	Exempt	Exempt
(ii) Fleet Parking	Exempt	Exempt	Exempt	Exempt
(iii) Parking for vehicles for sale, lease, or rent	Exempt	Exempt	Exempt	Exempt
(iv) Car/Vanpool Parking	Exempt	Exempt	Exempt	Exempt
(v) Dedicated Valet Parking	Exempt	Exempt	Exempt	Exempt
(vi) User-Paid Parking	Exempt	Exempt	Exempt	Exempt

RESPONSE: While property is zoned 'Institutional' | Government Office, **Vehicle Parking** has been assessed based on 'Commercial' | General Office'. Please see **pages 167 & 168** for a full assessment of existing and proposed parking. This standard has been met.

Bicycle Parking:

Per TDC 73C.100 (1) :

(iv) Assembly: 1 spaces per 40 seats. $100 / 40 = 3$
35% covered = 1

(vi) Commercial: 0.50 spaces per 1,000 gross square feet. $(15,629 - 1,500) / 1,000 = 14 \times 0.50 = 7$

40% covered = 3

(ii) Fleet: Exempt

Total Spaces: 10 Total Covered: 4

RESPONSE: As illustrated on **page 22 / sheet C200**, bicycle storage has been provided per TDC 73C.100 (1). This standard has been 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
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces

RESPONSE: Required Parking Space: 68 Required Carpool Spaces: $68 / 25 = 3$

As illustrated above and Parking Plan **pages 167 & 168**, carpool spaces are provided in compliance with this requirement. This standard has been met.

TDC 73C.120. - Off-Street Loading Facilities Minimum Requirements.

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

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
Commercial	Less than 5,000	0	0	0
	5,000—25,000	1	12 feet x 25 feet	14 feet

	25,000—60,000	2	12 feet × 35 feet	14 feet
	60,000 and over	3	12 feet × 35 feet	14 feet
Industrial	Less than 5,000	0	0	0
	5,000—25,000	1	12 feet × 60 feet	14 feet
	25,000—60,000	2	12 feet × 60 feet	14 feet
	60,000 and over	3	12 feet × 60 feet	14 feet
Institutional	Less than 5,000	0	0	0
	5,000—25,000	1	12 feet × 25 feet	14 feet
	25,000—60,000	2	12 feet × 35 feet	14 feet
	60,000 and over	3	12 feet × 35 feet	14 feet

RESPONSE: As calculated below, a single loading berth is required and provided and as illustrated on Site Plan **sheet C200**. This standard has been met.

Office: 14,129

Assembly: 1,500 (100 seats)

Total: 15,629 sf = **(1) Loading Berth**

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

RESPONSE: As illustrated on Site Plan **sheet C200**, loading berths do not use the public right-of-way as part of the required off-street loading area. This standard has been met.

(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.

RESPONSE: As illustrated on Site Plan **sheet C200**, loading berths are screened from public view, public streets, and adjacent properties by an existing security fence and sight-obscuring landscaping. This standard has been met.

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

RESPONSE: The loading berth area is existing. This standard has been met.

(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.

RESPONSE: As illustrated on Site Plan **sheet C200**, loading berths are on the same lot they are intended to serve and are not part of the area used to satisfy off-street parking requirements. This standard has been met.

(6) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children must be located on the site of a school or child day care center having a capacity greater than 25 students.

RESPONSE: Project is not a school – not applicable.

TDC 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 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
100-249	2	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

RESPONSE: As illustrated on Site Plan **sheet C200** the existing driveway from SW Herman Road provides 36 feet of ingress/egress width; extending its full length. (More than 50 feet) The existing southern-most driveway off SW 108th Street exceeds 24 feet width. The north-most driveway off SW 108th Street is being widened to 24 feet to comply with this requirement – see **sheet C200**. This standard will be met.

(5) *One-way Ingress or Egress*. When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements. However, the hard surfaced pavement of one-way drives must not be less than 16 feet for multi-family residential, commercial, or industrial uses.

RESPONSE: **N/A**; there are no one-way ingress/egress drives.

(6) *Maximum Driveway Widths and Other Requirements*.

- (a) Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.

RESPONSE: As illustrated on Site Plan **sheet C200** and noted above, driveway widths for do not exceed 40 feet. This standard has been met.

- (b) Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.

RESPONSE: **N/A;** driveways are not within 5 feet of adjacent properties.

- (c) The provisions of subsection (b) do not apply to townhouses and duplexes, which are allowed to construct driveways within five feet of adjacent property lines.

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

RESPONSE: As illustrated on Site Plan **sheet C100** distance between driveways well exceed 40 feet. This standard has been met.

- (e) Must comply with the distance requirements for access as provided in TDC 75.

RESPONSE: As illustrated on Site Plan **sheet C100** design is in compliance with requirements for access as provided in TDC 75 – please see TDC 75 below. This standard has been met.

- (f) Must comply with vision clearance requirements in TDC 75.

RESPONSE: As illustrated on Site Plan **sheet C100** Design is in compliance with requirements vision clearance as provided in TDC 75 – please see TDC 75 below. This standard has been met.

PARKING LOT LANDSCAPING

TDC 73C.200. - Parking Lot Landscaping Standards Purpose and Applicability.

- (1) *Purpose.* The goals of the off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns, reduce the total number of spaces, reduce the impervious surface area and stormwater runoff, and enhance the visual environment. The design of the off-street parking area must be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics.
- (2) *Applicability.* Off-street parking lot landscaping standards apply to any surface vehicle parking or circulation area.

TDC 73C.240. - Institutional Parking Lot Landscaping Requirements.

Institutional uses must comply with the following landscaping requirements for parking lots in all zones.

RESPONSE: Much of the overall project site is dedicated to City of Tualatin fleet vehicles; existing and intended to remain as-is. Per TDC 73C.100 (1)(g)(ii) 'fleet' parking is exempt. Site drawings within this submittal delineate this dedicated fleet services area, and responses to the following requirements apply to all other site areas.

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

RESPONSE: As illustrated on Landscape Plan **sheet L200**, all areas not necessary for vehicular parking and maneuvering will be landscaped. This standard has been met.

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

RESPONSE: The northwest driveway on SW 108th street is being widened to meet 24 foot minimum width requirement and clear zones are provided is indicated on **sheet C200**. The ends of all other on-site drive aisles and at driveway entrances are existing, including clear zones. This standard has been met.

- (a) Exception: does not apply to parking structures and underground parking.

- (3) *Perimeter*. Minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following:

RESPONSE: The perimeter of off-street parking and vehicular circulation areas along SW Herman Road is already provided (existing) with landscaping exceeding 5 feet in width, as illustrated on Existing Conditions drawing **sheet C100**. Likewise, the street-side of off-street parking and vehicular circulation areas along SW 108th is already provided (existing) with landscaping exceeding 5 feet in width. The other sides of this parking and vehicular circulation area are contiguous with fleet vehicle parking – exempt per TDC 73C.100 (1)(g)(ii). This standard has been met.

- (a) Deciduous trees located not more than 30 feet apart on average as measured on center;

RESPONSE: As illustrated on Existing Conditions drawing **sheet C100**, deciduous trees spaced 30 feet apart on average already exist at most of the project perimeter and are being added at 30 feet on center to all other areas as indicated on Landscape Plan **sheet L200**. This standard has been met.

- (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;

RESPONSE: Shrubs and ground cover already exist across most of the project site. Groundcover consisting of Coral Beauty Cotoneaster, Moonshadow Wintercreeper and Star Jasmine; selected to achieve 90% coverage within three years, is being added to all other areas as indicated on Landscape Plan **sheet L200**. This standard has been met.

- (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;

RESPONSE: New plantings have been specifically selected to reach a mature height of 30 inches in three years, providing year-round screening of vehicular headlights. Please see Landscape Plan **sheet L200**. This standard has been met.

- (d) Native trees and shrubs are encouraged; and

RESPONSE: As illustrated on Landscape Plan **sheet L200**, native trees and shrubs have been used where deemed appropriate. This standard has been met.

- (e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.

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

RESPONSE: Existing landscape islands for parking areas along SW Herman Road have been deemed compliant with requirements of the TDC. Responses to the following items apply to parking areas along SW 108th

Landscape islands have been sized to exceed 25 square feet per parking stall as follows:

Required: 46 stalls x 25sf = 1,150sf minimum

Provided: [(4) islands at 360 sf = 1,440 sf] + [(1) island at 200 sf] = 1,640 sf.

This standard has been met.

- (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;

RESPONSE: Select islands are lowered to receive run-off as shown on Site Grading sheets **C210 & 220**. This standard has been met.

- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;

RESPONSE: All islands are protected by curbs as shown on Site Grading sheets **C210 & 220**. This standard has been met.

- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;

RESPONSE: Islands are provided at all aisle ends as shown on Site Grading sheets **C210 & 220**. This standard has been met.

- (d) Landscape separation required for every eight continuous spaces in a row;

RESPONSE: Islands are provided to limit continuous spaces to eight, as shown on Site Grading sheets **C210 & 220**. This standard has been met.

- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;

RESPONSE: Islands are planted with (2) deciduous shade trees each (one / four spaces) as illustrated on Landscape Plan **sheet L200**; and are evenly dispersed throughout the parking area. This standard has been met.

- (f) Must be planted with groundcover or shrubs;

RESPONSE: Islands are planted with groundcover and shrubs as illustrated on Landscape Plan sheet L200. This standard has been met.

- (g) Native plant materials are encouraged;

RESPONSE: As illustrated on Landscape Plan sheet L200, native plant materials have been used where appropriate. This standard has been met.

- (h) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);

RESPONSE: Landscape islands with trees have been designed eight feet wide, inside-of-curb to inside-of-curb. This standard has been met.

- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and

RESPONSE: Groundcover inside islands is Coral Beauty Cotoneaster – selected, sized and spaced to achieve 90 percent coverage within three years. This standard has been met.

- (j) Exception: Landscape square footage requirements do not apply to parking structures and underground parking.

- (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 five feet in width on each side of the site access;

RESPONSE: As illustrated on Existing Conditions sheet C100, landscape areas exceeding five feet wide currently exist at the existing driveway access on SW Herman Road and the existing southern access on SW 108th Ave. The northern driveway access on SW 108th Ave serves fleet vehicles – exempt per TDC 73C.100 (1)(g)(ii). This standard has been met.

- (b) Landscape area must extend 25 feet from the right-of-way line; and

RESPONSE: The landscape area at the existing driveway access on SW Herman Road extends 40 feet from the right-of-way line. The landscape area at the existing southern access on SW 108th Ave extends 30 feet from the right-of-way line. This standard has been met.

- (c) Exceptions: Does not apply to parking structures and underground parking which must be determined through the Architectural Review process.

(Ord. 1414-18, 12-10-18)

CHAPTER 73D - WASTE AND RECYCLABLES MANAGEMENT STANDARDS

TDC 73D.010. - Applicability and Objectives.

- (1) *Applicability.* The requirements of this Chapter apply to all new or expanded:

- (a) Common wall residential developments containing five or more units;
(b) Commercial developments;

- (c) Industrial developments; and
- (d) Institutional developments.

(2) *Objectives.* Mixed solid waste and source separated recyclable storage areas should be designed to the maximum extent practicable to:

- (a) Screen elements such as garbage and recycling containers from view;

RESPONSE: All elements are screened from public view by a chain-link fence with privacy slats as illustrated by the photographs included in **page 68** of the AR Application. This standard has been met.

- (b) Ensure storage areas are centrally located and easy to use;

RESPONSE: Storage areas are located for ease of use of those with the greatest storage and trash need – the warehouse building. Please see the site diagram included in **page 68** of the AR Application. This standard has been met.

- (c) Meet dimensional and access requirements for haulers;

RESPONSE: As indicated in the letter from the hauler included in **page 68** of the AR Application, dimensional and access requirements have been met.

- (d) Designed to mitigate the visual impacts of storage areas;

RESPONSE: Elements are located at the rear of the project site, well away from public view, and are screened to mitigate visual impact. This standard has been met.

- (e) Provide adequate storage for mixed solid waste and source separated recyclables; and

RESPONSE: As indicated in the memorandum included in **page 68** of the AR Application, adequate room is provided for mixed solid and separated recycling, as well as for future food composting. This standard has been met.

- (f) Improve the efficiency of collection of mixed solid waste and source separated recyclables.

RESPONSE: Extra space is provided within the screened enclosure, providing an opportunity to continually improve efficiency. This standard has been met.

TDC 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.

TDC 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 seven feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.
- (2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:
 - (a) Common wall residential five to ten units must provide 50 square feet.
 - (b) Common wall residential greater than ten units must provide 50 square feet plus an (additional five square feet per unit above ten).
 - (c) Commercial, industrial, and institutional developments must provide a minimum storage area of ten square feet plus:
 - (i) Office—Four square feet/1,000 square feet gross leasable area (GLA);

Office & Assembly: $15,629 \text{ gsf} / 1,000 = 16 \times 4 = 64 \text{ sf} + 10 \text{ sf} = 74 \text{ sf required}$

(ii) Retail—Ten square feet/1,000 square feet GLA;

(iii) Wholesale/Warehouse/Manufacturing—Six square feet/1,000 square feet GLA;

Warehouse: $17,052 \text{ sf} / 1000 = 17 \times 6 = 102 \text{ sf required}$

(iv) Educational and Institutional—Four square feet/1,000 square feet GLA; and

(v) All other uses—Four square feet/1,000 square feet GLA.

RESPONSE: As indicated in the memorandum included in **page 68** of the AR Application, the current trash enclosure is 30 feet by 20 feet = **600 square feet provided**. While TDC 73D.030 (2)(c) is based on gross leasable area (GLA) the above breakdown is based on a more stringent assessment using gross square feet (GSF). As the above assessment illustrates, even using gross square feet, the provided 600 square foot enclosure well exceeds the calculated 176 square feet. This standard has been met.

- (3) Mixed solid waste and source separated recyclables storage areas for multiple tenants on a single site may be combined and shared.

TDC 73D.070. - Location, Design and Access Standards.

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

- (1) *Location Standards.*

- (a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste.

- (b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
- (c) Exterior storage areas must:
 - (i) Be located in central and visible locations on the site to enhance security for users;

RESPONSE: The existing location is visible to occupants of both the Warehouse and Administration building, as well as the staff and fleet parking areas. This standard has been met.

- (ii) Be located in a parking area; and

RESPONSE: The existing location is within the fleet services parking area and adjacent to the staff parking area. This standard has been met.

- (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

RESPONSE: The existing location is not within a required yard setback or yard adjacent to a public or private street. This standard has been met.

(2) *Design Standards.*

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

RESPONSE: As indicated in the letter from the hauler included on **page 68** of the AR Application, dimensional and access requirements have been met.

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

RESPONSE: Existing outdoor storage areas comply with Oregon Building and Fire Code requirements. This standard has been met.

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

RESPONSE: Exterior storage area is enclosed by a combination of six-foot-high sight obscuring fence, landscape and building walls as indicated in the memorandum included on **page 68** of the AR Application.

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

RESPONSE: Plants are placed around the enclosure as indicated in the memorandum included on **page 68** of the AR Application.

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

RESPONSE: As indicated in the letter from the hauler included on **page 68** of the AR Application, provided gate openings are adequate for service.

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

RESPONSE: Horizontal clearance exceeds ten feet, and the storage area is not covered. This standard has been met.

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

RESPONSE: Pedestrian access is provided per the memorandum included on **page 68** of the AR Application.

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

RESPONSE: The exterior storage area is paved per the memorandum included on **page 68** of the AR Application. This standard has been met.

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

RESPONSE: Storage areas and containers will be labeled to indicate the type of material accepted. This standard will be met.

(3) *Access Standards.*

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

RESPONSE: Storage areas are available to users at all hours of building occupancy and to the hauler throughout normal business hours. Should improved security measures limit future access, the hauler would be provided with an access code or device for access. This standard has been met.

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

RESPONSE: Storage areas have been designed for easy access, acceptable to the hauler as indicated in the letter from the hauler included on **page 68** of the AR Application. This standard has been met.

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

RESPONSE: Storage areas are accessible to hauler trucks without requiring backing out of a driveway onto a public street as indicated in the site diagram included on **page 68** of the AR Application. This standard has been met.

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

RESPONSE: As indicated on Site Plan sheet C100 and the site diagram included on **page 68** of the AR Application, Storage areas are located so that pedestrian and vehicular traffic

movement are not obstructed on site or on public streets adjacent to the site. This standard has been met.

(e) The following is an exception to the access standard:

(i) Access may be limited for security reasons.

CHAPTER 74 - PUBLIC IMPROVEMENT REQUIREMENTS

IN GENERAL

TDC 74.010. - Purpose.

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

(Ord. 895-93, § 14, 5-24-93)

TDC 74.020. - Authority.

- (1) The City Manager may develop standard forms, including but not limited to deeds, easements, interim access agreements, escrow agreements, street improvement agreements, subdivision compliance agreements and agreements to dedicate right-of-way, to include the contents and warranties when they are submitted, and the procedure for implementation necessary to carry out the purpose of this chapter.
- (2) Easements submitted on a final plat or on a separate easement form must be subject to this chapter.
- (3) Supervision of Planting. The City Manager has jurisdiction over all trees, plants and shrubs planted or growing in or upon the public rights-of-way of the City and their planting, removal, care, maintenance and protection. The City Manager is to enforce these provisions.

(Ord. 635-84, § 40, 6-11-84 and Ord. 895-93, § 14, 5-24-93; Ord. 963-96, § 7, 6-24-96; Ord. 1414-18, 12-10-2018)

IMPROVEMENTS

TDC 74.110. - Phasing of Improvements.

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

(Ord. 895-93, 5-24-1993; Ord. 1414-18, 12-10-2018)

RESPONSE: Improvements will not be phased. N/A

TDC 74.120. - Public Improvements.

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

RESPONSE: Public improvements will be installed at the expense of the applicant, and will be constructed and guaranteed consistent with TDC 74.120 (1). This standard will be met.

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

RESPONSE: We understand the City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.

(Ord. 895-93, 5-24-1993; Ord. 1224-06 § 35, 11-13-06; Ord. 1414-18, 12-10-2018)

TDC 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.

(Ord. 895-93, 5-24-1993; Ord. 1414-18, 12-10-2018)

RESPONSE: Private improvements will be installed and maintained at the expense of the applicant. This standard will be met.

TDC 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.

RESPONSE: All the public improvements required under this chapter will be completed and accepted by the City prior to the issuance of a Certificate of Occupancy. This standard will be met.

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

RESPONSE: All the private improvements required under this chapter will be approved by the City prior to the issuance of a Certificate of Occupancy. This standard will be met.

(Ord. 895-93, 5-24-1993; Ord. 1414-18, 12-10-2018)

RIGHT-OF-WAY

TDC 74.210. - Minimum Street Right-of-Way Widths.

The width of streets in feet must not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is required to be improved according to the standards of the TDC, the width of the right-of-way must not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

- (1) For subdivision and partition applications, wherever existing or future streets adjacent 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 must be shown on the final subdivision or partition plat prior to approval of the plat by the City. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.

RESPONSE: This submittal does not involve a subdivision or partition applications. This section is not applicable.

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

RESPONSE: The right-of-way along SW Herman Road currently meets requirements of TDC Chapter 74. This standard has been met. The right-of-way for SW 108th Ave will be impacted by a previously scheduled, extensive roadway improvement project. We propose deferring right-of-way improvements along this frontage to correspond with design and schedule parameters of this previously scheduled extensive improvement project. This standard will be met.

- (3) For development applications that will impact existing streets not adjacent to the applicant's property, and to construct necessary street improvements to mitigate those impacts would require additional right-of-way, the applicant must be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form must be obtained from the City Manager and upon completion returned to the City Manager for acceptance by the City. On subdivision and partition plats the right-of-way dedication must be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication must be accepted by the City prior to issuance of building permits. The City may elect to exercise eminent domain and condemn necessary off-site right-of-way at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.

RESPONSE: This submittal does not impact existing streets not adjacent to the applicant's property. This section is not applicable.

- (4) If the City Manager deems that it is impractical to acquire the additional right-of-way as required in subsections (1)—(3) of this section from both sides of the center-line in equal amounts, the City Manager may require that the right-of-way be dedicated in a manner that would result in unequal dedication from each side of the road. This requirement will also apply to slope and utility easements as discussed in TDC 74.320 and 74.330. The City Manager's recommendation must be presented to the City Council in the preliminary plat approval for subdivisions and partitions, and in the recommended decision on all other development applications, prior to finalization of the right-of-way dedication requirements.
- (5) Whenever a proposed development is bisected by an existing or future road or street that is of inadequate right-of-way width according to TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G, additional right-of-way must be dedicated from both sides or from one side only as determined by the City Manager to bring the road right-of-way in compliance with this section.
- (6) When a proposed development is adjacent to or bisected by a street proposed in TDC Chapter 11, Transportation Plan (Figure 11-3) and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G must be dedicated by the applicant. The dedication of right-of-way required in this subsection must be along the route of the road as determined by the City.

(Ord. 895-93, 5-24-1993; Ord. 933-94 § 50, 11-28-94; Ord. 979-97 § 52, 7-14-97; Ord. 1026-99 § 98, 8-9-99; Ord. 1354-13 § 17, 02-25-13; Ord. 1414-18, 12-10-2018)

TDC 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.
- (4) Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.
- (5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.

- (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.
- (7) For subdivision and partition applications, the street improvements required by TDC Chapter 74 must be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.
- (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.
- (9) In addition to land adjacent to an existing or proposed street, the requirements of this section must apply to land separated from such a street only by a railroad right-of-way.
- (10) Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.
- (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.
- (13) The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.
- (14) The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.
- (15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.
- (16) The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.
- (17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.

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

(Ord. 895-93, 5-24-1993; Ord. 933-94 § 56, 11-28-94; Ord. 1026-99 § 100, 8-9-99; Ord. 1103-02, 3-25-02; Ord. 1224-06 § 36, 11-13-06; Ord. 1354-13 § 19, 02-25-13; Ord. 1414-18, 12-10-2018)

RESPONSE: The right-of-way along SW Herman Road currently meets requirements of TDC Chapter 74. This standard has been met. The right-of-way for SW 108th Ave will be impacted by a previously scheduled, extensive roadway improvement project. We propose deferring right-of-way improvements along this frontage to correspond with design and schedule parameters of this previously scheduled extensive improvement project. This standard will be met.

TDC 74.485. - Street Trees.

- (1) Prior to approval of a residential subdivision or partition final plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.
- (2) In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.
- (3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.

(Ord. 895-93, 5-24-1993; Ord. 1192-05, 7-25-05; Ord. 1414-18, 12-10-2018)

RESPONSE: Street trees will be provided in compliance with TDC 74.485 as shown on attached Landscape plan **sheet L200** and in conjunction with improvements as defined under the response to TDC 74.420. This standard will be met.

UTILITIES

TDC 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.

(Ord. 895-93, 5-24-1993; Ord. 933-94, § 59, 11-28-94; Ord. 1414-18, 12-10-2018)

RESPONSE: Modifications to existing water service will be completed in compliance with TDC 74.610. This standard will be met.

TDC 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.

(Ord. 895-93, 5-24-1993; Ord. 933-94, § 60, 11-28-94; Ord. 1414-18, 12-10-2018)

RESPONSE: Calculations will be provided and modifications to existing Sanitary Sewer Service will be completed in compliance with TDC 74.620. This standard will be met.

TDC 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.

(Ord. 895-93, 5-24-1993; Ord. 933-94, § 61, 11-28-94; Ord. 952-95, § 2, 10-23-95; Ord. 1414-18, 12-10-2018)

RESPONSE: Calculations will be provided and modifications to existing Storm Drainage System will be completed in compliance with TDC 74.630. This standard will be met.

TDC 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.

(Ord. 895-93, 5-24-1993; Ord. 1414-18, 12-10-2018)

RESPONSE: Modifications to existing Grading will minimize impact to adjacent properties and will be completed in compliance with TDC 74.640. This standard will be met.

TDC 74.650. - Water Quality, Storm Water Detention and Erosion Control.

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

- (1) On subdivision and partition development applications, prior to approval of the final plat, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be satisfied and obtain a Stormwater Connection Permit from Clean Water Services; or
- (2) On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.
- (3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

(Ord. 895-93, 5-24-1993; Ord. 952-95, § 3, 10-23-95; Ord. 1070-01, 4-9-01; Ord. 1327-11 § 1; 6-27-11; Ord. 1414-18, 12-10-2018)

RESPONSE: Project will comply with the water quality, storm water detention and erosion control requirements in the Surface Water Management Ordinance as indicated in the Storm Drainage Report, page 30 and Site Plan sheets C200, C210 and C220. This standard will be met.

TDC 74.660. - Underground.

- (1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.
- (2) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.

(Ord. 895-93, 5-24-1993; Ord. 1414-18, 12-10-2018)

RESPONSE: Utilities will be installed in compliance with TDC 74.660. This standard will be met.

TDC 74.670. - Existing Structures.

- (1) Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.
- (2) The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.
- (3) The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.

(Ord. 895-93, 5-24-1993; Ord. 1414-18, 12-10-2018)

RESPONSE: Existing structures are currently connected underground to City utilities, and street improvements will be completed as indicated in TDC 74.420. This standard will be met.

TDC 74.700. - Removal, Destruction or Injury of Trees.

It is unlawful for a person, without a written permit from the City Manager, to remove, destroy, break or injure a tree, plant or shrub, that is planted or growing in or upon a public right-of-way within the City, or cause, authorize, or procure a person to do so, authorize or procure a person to injure, misuse or remove a device set for the protection of any tree, in or upon a public right-of-way.

(Ord. 963-96, § 9, 6-24-96. Ord. 1079-01, § 1, 7-23-01; Ord. 1079-01, 7-23-01; Ord. 1414-18, 12-10-2018)

RESPONSE: Trees will not be injured or removed without a Tree Removal Permit. This standard will be met.

TDC 74.705. - Street Tree Removal Permit.

- (1) A person who desires to remove or destroy a tree, as defined in TDC 31.060, in or upon public right-of-way must make application to the Operations Director on City forms.
- (2) The applicant must provide:
 - (a) The applicant's name and contact information and if applicable that of the applicant's contractor;
 - (b) The number and species of all street trees the applicant desires to remove;
 - (c) A clear description of the street trees' the applicant desires to remove;
 - (d) The date of removal;
 - (e) The reason(s) for removal; and
 - (f) Other information as the Operations Director deems necessary.
- (3) Upon the City Manager approving the removal of a street tree, the applicant or designated contractor must replace each removed tree on a one-for-one basis by fulfilling the following requirements:

- (a) Remove both the tree and stump prior to planting a replacement tree, or request the City to remove the tree and stump and pay the applicable fee(s) established in TDC 74.706; and
- (b) Replace the removed tree by planting a species of street tree permitted by Schedule A of the TDC Chapter 74 within the time period specified in writing by the City Manager; or, the applicant may request within 60 days of the permit approval date that the City replace the street tree and pay the applicable fee(s) established in TDC 74.706. If an applicant opts for the City to plant the replacement tree, the City may plant the tree on its usual tree-planting schedule. Planting done by the applicant or designated contractor must comply with all applicable TDC sections and any additional requirements imposed by the City Manager.
- (c) The applicant must comply with all applicable TDC sections and additional requirements imposed by the City Manager. The City Manager may waive the one-for-one replacement requirement if the City Manager determines that the replacement would:
 - (i) Conflict with public improvements or utility facilities, including but not limited to fire hydrants, water meters and pipes, lighting fixtures, traffic control signs; private improvements or utility facilities—including but not limited to driveways and power, gas, telephone, cable television lines; or, minimum vision clearance;
 - (ii) Interfere with the existing canopy of adjacent trees, the maturation of the crown of the proposed replacement tree, or both;
 - (iii) Cause a conflict by planting trees too close to each other, hurting their health;
 - (iv) Limit the selection of species from Schedule A: and;
 - (v) Direct how to plant replacement tree(s).
- (d) A person who fails to comply with TDC 74.705 must pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.

(Ord. 963-96, § 9, 6-24-96. Ord. 1079-01, § 2, 7-23-01; Ord. 1279-09 § 3, 3-23-09; Ord. 1414-18, 12-10-2018)

RESPONSE: Street Trees will not be removed without application and approval of a Street Tree Removal Permit. This standard will be met.

TDC 74.706. - Street Tree Fees.

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

(Ord. 1279-09 § 4, 3-23-09)

RESPONSE: Fees for tree removal will be paid in accordance with TDC 74.706. This standard will be met.

TDC 74.707. - Street Tree Voluntary Planting.

A person who desires to plant a tree in or upon a public right-of-way may plant or have the City plant a species of street tree permitted by TDC Chapter 74 Schedule A without a City permit, if

the tree is not a replacement for a tree that the person has removed. Such a person may submit a request to the City with payment of fee(s) so that the City may plant a street tree. If a stump exists where a street tree is to be planted, the person must remove the stump or pay a fee to the City as established in TDC 74.706 so that the City may remove the stump on behalf of the person. In all instances, a person who desires to plant a tree must comply with other applicable TDC sections and any additional requirements of the City Manager.

(Ord. 1279-09 § 5, 3-23-09; Ord. 1414-18, 12-10-2018)

TDC 74.708. - Street Tree Emergencies.

- (1) If emergency conditions occur that require the immediate cutting or removal of street trees to avoid danger or hazard to persons or property, the City Manager must issue emergency permits without payment of fees and formal applications. If the City Manager is unavailable, the adjacent property owners may proceed to cut the trees without permits to the extent necessary to eliminate the immediate danger or hazard. If a street tree is cut under this section without filing of an application with the City Manager, the person doing so must report the action to the City Manager within two City business days without payment of fee and must provide such information and evidence as may be reasonably required by the City Manager to explain and justify the removal.
- (2) In all instances, a person who removes a street tree as a result of an emergency must replace it within 60 days of notifying the City Manager. The City reserves the right to waive this requirement.
- (3) A person who fails to comply with TDC 74.708 must pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.
- (4) If no emergency is found to exist, no person must cut or remove a street tree without complying with the requirement of the Tualatin Development Code.

(Ord. 1279-09 § 6, 3-23-09; Ord. 1414-18, 12-10-2018)

TDC 74.710. - Open Ground.

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

(Ord. 963-96, § 9, 6-24-96; Ord. 1414-18, 12-10-2018)

RESPONSE: Open ground requirements will be maintained in accordance with TDC 74.710. This standard will be met.

TDC 74.715. - Attachments to Trees.

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

(Ord. 963-96, § 9, 6-24-96; Ord. 1414-18, 12-10-2018)

TDC 74.720. - Protection of Trees During Construction.

- (1) During the erection, repair, alteration or removal of a building or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave a tree in or upon a public right-of-way in the vicinity of the building or structure without a good and sufficient guard or protectors to prevent injury to the tree arising out of or by reason of such erection, repair, alteration or removal.
- (2) Excavations and driveways must not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Manager. During excavation or construction, the person must guard the tree within six feet and all building material or other debris must be kept at least four feet from any tree.

(Ord. 963-96, § 9, 6-24-96; Ord. 1414-18, 12-10-2018)

RESPONSE: Trees will be protected during construction in accordance with TDC 74.720 and as shown on **sheet L100**. This standard will be met.

TDC 74.725. - Maintenance Responsibilities.

Trees, shrubs or plants standing in or upon a public right-of-way, on public or private grounds that have branches projecting into the public street or sidewalk must be kept trimmed by the owner of the property adjacent to or in front of where such trees, shrubs or plants are growing so that:

- (1) The lowest branches are not less than 12 feet above the surface of the street, and are not be less than 14 feet above the surface of streets designated as state highways.
- (2) The lowest branches are not less than eight feet above the surface of a sidewalk or footpath.
- (3) A plant, tree, bush or shrub must not be more than 24 inches in height in the triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, such an area defined by a line across the corner between the points on the street right-of-way line measured ten feet back from the corner, and extending the line to the street curbs or, if there are no curbs, then to that portion of the street or alley used for vehicular traffic.
- (4) Newly planted trees may remain untrimmed if they do not interfere with street traffic or persons using the sidewalk or obstruct the light of a street electric lamp.
- (5) Maintenance responsibilities of the property owner include repair and upkeep of the sidewalk in accordance with the City Sidewalk Maintenance Ordinance.

(Ord. 963-96, § 9, 6-24-96; Ord. 1414-18, 12-10-2018)

TDC 74.730. - Notice of Violation.

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

(Ord. 963-96, § 9, 6-24-96. Ord. 1079-01, § 3, 7-23-01; Ord. 1414-18, 12-10-2018)

TDC 74.735. - Trimming by City.

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

(Ord. 963-96, § 9, 6-24-96. Ord. 1079-01, § 4, 7-23-01; Ord. 1414-18, 12-10-2018)
TDC 74.740. - Prohibited Trees.

It is unlawful for a person to plant a tree within the right-of-way of the City of Tualatin that is not in conformance with City standards, including Table 74-1. Any tree planted subsequent to adoption of this Chapter not in compliance with City standards, including Table 74-1, must be removed at the expense of the property owner.

(Ord. 963-96, § 9, 6-24-96; Ord. 1414-18, 12-10-2018)
TDC 74.745. - Cutting and Planting Specifications.

The following regulations are established for the planting, trimming and care of trees in or upon the public right-of-way of the City.

- (1) When trees are cut down, the stump must be removed to a depth of six inches below the surface of the ground or finish grade of the street, whichever is of greater depth.
- (2) Trees must be planted in accordance with City standards, Table 74-1, except when a greater density is allowed under a special permit from the City Manager.

(Ord. 963-96, § 9, 6-24-96. Ord. 1079-01, § 5, 7-23-01; Ord. 1414-18, 12-10-2018)
TDC 74.750. - Removal or Treatment by City.

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

(Ord. 963-96, § 9, 6-24-96; Ord. 1079-01, § 6, 7-23-01; Ord. 1414-18, 12-10-2018)
TDC 74.755. - Appeal of Permit Denial.

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

(Ord. 963-96, § 9, 6-24-96. Ord. 1079-01, § 7, 7-23-01; Ord. 1414-18, 12-10-2018)
TDC 74.760. - Penalties.

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

(Ord. 963-96, § 9, 6-24-96; Ord. 1414-18, 12-10-2018)

TDC 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.

(Ord. 963-96, § 9, 6-24-96; Ord. 1279-09 § 7, 3-23-09; Ord. 1414-18, 12-10-2018)

Table 74-1
Street Tree Species

The following street trees are authorized for planting in the City of Tualatin. Please refer to Map 74-1 to reference locations of the following species of trees.					
Species Common Names	Planting Strip Width (feet)			Power line Compatible	Spacing on center (feet)
	4	5	6+		
Zone 1					
Leprechaun Ash	•	•	•		30
Purple Beech	•	•	•		30
European Hornbeam	•	•	•	•	30
Armstrong Maple	•	•	•		30
Scanlon/Bowhall Maple	•	•	•		30
Skyrocket English Oak	•	•	•		30
Capital Flowering Pear	•	•	•		30
Persian Parrotia	•	•	•		30
Eastern Redbud	•	•	•		30
Zelkova Musashino	•	•	•		30

Autumn Applause Ash		•	•		30
Shademaster Honey Locust		•	•		30
Zone 2					30
Golden Desert Ash	•	•	•	•	30
Leprechaun Ash	•	•	•		30
Purple Beech	•	•	•		30
Goldenrain	•	•	•		30
European Hornbeam	•	•	•	•	30
Ivory Japanese Lilac	•	•	•	•	30
Amur Maackia	•	•	•	•	30
Amur Maple	•	•	•	•	30
Crimson Sentry Maple	•	•	•	•	30
Trident Maple	•	•	•	•	30
Skyrocket English Oak	•	•	•	•	30
Persain Parrotia	•	•	•		30
Eastern Redbud	•	•	•		30
Yellowwood	•	•	•		30
Raywood Ash		•	•	•	30
Urbanite Ash		•	•		30
Ginko		•	•		30

Greenspire Linden		•	•		30
Crimson King Maple		•	•		30
Tri-Color Beech			•		60
Frontier Elm			•		60
Globe Sugar Maple			•		60
Red Sunset Maple			•		60
Red Oak			•		60
Scarlet Oak			•		60

(Ord. 963-96 § 9, 6-24-96; Ord. 1079-01 § 8, 7-23-01; Ord. 1279-09 § 8, 3-23-09)

RESPONSE: Landscape **sheet L200** defines street trees as Amur Maple at 30 feet on center – allowed by Table Table 74-1 and matching existing street trees. This standard will be met.

CHAPTER 75 - ACCESS MANAGEMENT

TDC 75.010. - Purpose.

The purpose of this chapter is to promote the development of safe, convenient and economic transportation systems and to preserve the safety and capacity of the street system by limiting conflicts resulting from uncontrolled driveway access, street intersections, and turning movements while providing for appropriate access for all properties.

(Ord. 635-84, § 43, 6-11-1984; Ord. 982-97, § 2, 8-4-1997; Ord. 1103-02, 3-25-02)

TDC 75.020. - Permit for New Driveway Approach.

- (1) *Applicability.* A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.
- (2) *Exceptions.* A driveway approach permit is not required for:
 - (a) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or
 - (b) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.

- (3) *Procedure Type.* A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).
- (4) *Submittal Requirements.* In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:
 - (a) A site plan, of a size and form and in the number of copies meeting the standards established by the City Manager, containing the following information:
 - (i) The location and dimensions of the proposed driveway approach;
 - (ii) The relationship to nearest street intersection and adjacent driveway approaches;
 - (iii) Topographic conditions;
 - (iv) The location of all utilities;
 - (v) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (vi) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to TDC Chapter 73B or 73C; and
 - (vii) The location of any street trees adjacent to the location of the proposed driveway approach.

RESPONSE: The project site is served by (3) existing driveways, (2) of which meet current requirements and will remain as-is. As illustrated on Site Plan sheet C200, the northwest driveway off SW 108th is being widened, and attached pages 21-27 illustrate compliance with TDC 75.020. This standard will be met.

- (b) Identification of the uses or activities served, or proposed to be served, by the driveway approach; and

RESPONSE: Driveway approach will primarily be used for access of fleet service vehicles.

- (c) Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (5) *Criteria.* A Driveway Approach Permit must be granted if:
 - (a) The proposed driveway approach meets the standards of this Chapter and the Public Works Construction Code;
 - (b) No site conditions prevent placing the driveway approach in the required location;
 - (c) The number of driveway approaches onto an arterial are minimized;
 - (d) The proposed driveway approach, where possible:
 - (i) Is shared with an adjacent property; or
 - (ii) Takes access from the lowest classification of street abutting the property;
 - (e) The proposed driveway approach meets vision clearance standards;
 - (f) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
 - (g) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

- (h) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
 - (i) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.
- (6) *Effective Date.* The effective date of a Driveway Approach Permit approval is the date the notice of decision is mailed.
- (7) *Permit Expiration.* A Driveway Approach Permit approval expires one year from the effective date, unless the driveway approach is constructed within the one-year period in accordance with the approval decision and City standards.

(Ord. 1414-18, 12-10-2018)

TDC 75.030. - Driveway Approach Closure.

- (1) The City Manager may require the closure of a driveway approach where:
- (a) The driveway approach is not constructed in conformance with this Chapter and the Public Works Construction Code;
 - (b) The driveway approach is not maintained in a safe manner;
 - (c) A public street improvement project is being constructed, and closure of the driveway approach will more closely conform to the current driveway approach standards;
 - (d) A new building or driveway is constructed on the property;
 - (e) A plan text amendment or zone change is proposed for the property served by the driveway;
 - (f) A change of use or activity in an existing building increases the amount of required parking;
 - (g) The driveway approach has been abandoned; or
 - (h) There is a demonstrated safety issue.
- (2) *Notice.* Notice of driveway approach closure must be given in writing to the property owner and any affected tenants stating the grounds for closure, the date upon which the closure becomes effective, and the right to appeal.
- (3) *Appeals.* Any person entitled to notice under subsection (2) of this section may appeal the decision to the City Council.
- (4) *Effect.* Closure is effective immediately upon the mailing of notice of the decision. Unless otherwise provided in the notice, closure terminates all rights to continue the use the driveway approach for which the notice of closure has been issued.
- (5) *Failure to Close Driveway.* If the owner fails to close the driveway approach to conform to the notice within 90 days, the City Manager may cause the closure to be completed and all expenses assessed against the property owner.

(Ord. 1414-18, 12-10-2018)

TDC 75.040. - Driveway Approach Requirements.

- (1) The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or

parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.

- (2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.
- (3) Joint and Cross Access.
 - (a) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.
 - (b) A system of joint use driveways and cross access easements may be required and may incorporate the following:
 - (i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
 - (ii) A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
 - (iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and
 - (iv) An unified access and circulation system plan for coordinated or shared parking areas.
 - (c) Pursuant to this section, property owners may be required to:
 - (i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
 - (ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - (iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and
 - (iv) If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.
- (4) Requirements for Development on Less than the Entire Site.
 - (a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

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

RESPONSE: Existing and modified driveways connect directly with public streets as illustrated on attached Site Plan sheet C200. This standard has been met.

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

RESPONSE: Sidewalks currently exist at all street frontages, however the sidewalk fronting SW 108th Ave has been deemed non-compliant with ADA requirements. Consistent with TDC 74.420, we propose deferring right-of-way improvements along this frontage to correspond with design and schedule parameters of previously scheduled extensive improvement project. This standard will be met.

- (8) The standards set forth in this Code are minimum standards for driveway approaches, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.
- (9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width):

**TABLE 75-1
Driveway Approach Width**

Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Single-Family Residential, townhouses, and duplexes	10 feet	26 feet for one or two care garages 37 feet for three or more garages
Multi-family	2 Units = 16 feet 3-49 Units = 24 feet	May provide two 16 foot one-way driveways instead of one 24-foot driveway

	50-499 = 32 feet Over 500 = as required by the City Manager	May provide two 24-foot one-way driveways instead of one 32-foot driveway
Commercial	1-99 Parking Spaces = 32 feet 100-249 Parking Spaces = two approaches each 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
Industrial	36 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
Institutional	1-99 Parking Spaces = 32 feet 100-249 Parking Spaces = two approaches each 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet

RESPONSE: Consistent with Table 75-1, Site Plan **sheet C200** illustrates a 24 foot wide driveway with a 32 foot approach. This standard will be met.

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

RESPONSE: As illustrated on Site Plan **sheet C200** driveway separation well-exceeds 40 feet. This standard has been met.

(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.

RESPONSE: As illustrated on Site Plan **sheet C200** all driveways are more than 150 feet from the intersection. This standard has been met.

(12) *Vision Clearance Area.*

- (a) *Local Streets.* A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).
- (b) *Collector Streets.* A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be ten 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 eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

(Ord. 1414-18, 12-10-2018)

RESPONSE: As illustrated on Site Plan **sheet C200** vision clearance areas well exceed clearance requirements. This standard has been met.

--- END OF TDC NARRATIVE ---