

# **City of Tualatin Architectural Review (AR) Applicant's Statement**

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**Norwood Pump Station  
August 2021**

**Prepared for  
Clean Water Services**

**Prepared by**



**Tetra Tech, Inc.**

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# Introduction and Project Description

Clean Water Services (the Applicant) is proposing a land use review for the Norwood Pump Station (Project) to serve the proposed Autumn Sunrise residential development and other residential development that is generally located south of SW Norwood Road and east of SW Lower Boones Ferry Road in Tualatin, Oregon. The Pump Station will be located on a tract (Tract F) within the Autumn Sunrise subdivision that is currently under review with City staff. Stormwater from the Norwood Pump Station will be treated and detained in the Autumn Sunrise stormwater facility, which was designed to accommodate the Pump Station. The proposal involves an Architectural Review application with the City of Tualatin. This Applicant's Statement demonstrates that the Norwood Pump Station complies with the City of Tualatin (City) land use standards.

## Site Description

The Project site is on the northeast corner of Tax Lot 100 of Washington County Assessor's Map 2S 1 35D in the City of Tualatin's Medium-Low Density Residential zone. This locates the Pump Station site just southeast of the NW Norwood Road and SW Vermillion Drive intersection. The site is currently vacant and undeveloped.

## Tualatin Municipal Code

### ***3-02 Sewer Regulations***

#### *TMC 3-2-020 Application, Permit and Inspection Procedure*

- (1) No person shall connect to any part of the sanitary sewer system without first making an application and securing a permit from the City for such connection, nor may any person substantially increase the flow, or alter the character of sewage, without first obtaining an additional permit and paying such charges therefore as may be fixed by the City, including such charges as inspection charges, connection charges and monthly service charges.*
- (2) Upon approval of the application and payment of all charges, the City will issue a sewer connection permit for the premises covered in the application. The application and permit shall be on forms provided by the City.*
- (3) After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the City. The applicant's signature on an application for any permit as set forth shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other City of Tualatin ordinances, rules and regulations, laws of the State of Oregon, and with the plans and specifications filed with the application, if any, together with such*

*corrections or modifications as may be made or permitted by the City, if any. Such agreement shall be binding upon the applicant and may be altered only by the City upon the written request for the alteration from the applicant.*

- (4) It shall be the duty of the person doing the work authorized by permit to notify the City that said work is ready for inspection.*
- (5) All sewer construction work shall be inspected by an inspector acting for the City to insure compliance with all requirements of the City. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the City's public sewer until the work covered by the permit has been completed, inspected, and approved by the inspector. All sewers shall be tested for leakage in the presence of the inspector and shall be cleaned of all debris accumulated from construction operations.*
- (6) When any work has been inspected and the test results are not satisfactory, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the City.*
- (7) All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the work.*

*(Ord. 496-80 §2, 1-14-80) (iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes.*

**Response:** The proposed sanitary sewer connections will follow the procedures listed above, as demonstrated on the preliminary plans. The Pump Station will not generate any sewage, and it is only conveying sewage from the Autumn Sunrise development to the City. The Autumn Sunrise subdivision application denotes sanitary sewer main and sanitary force main connections for the proposed Norwood Pump Station.

*TMC 3-2-030 Materials and Manner of Construction.*

- (1) All building sewers, side sewers and connections to the main sewer shall be so constructed as to conform to the requirements of the Oregon State Plumbing Laws and rules and regulations and specifications for sewerage construction of the City.*
- (2) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Inspector, to meet all requirements of the City.*
- (3) A public works permit must be secured from the City and other agency having jurisdiction by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.*

- (4) *The City and its officers, agents or employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for and shall save the City and its officers, agents and employees harmless from any liability imposed by law upon the City or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same.*

*(Ord. 496-80 §3, 1-14-80)*

Response: The proposed sanitary sewer connections will follow the procedures listed above, as demonstrated on the preliminary plans. All utilities in the public right-of-way will be constructed by the Autmun Sunrise developer. The Norwood Pump Station is confined entirely within the Pump Station tract, so CWS should not need to secure a public works permit from the City or Washington County.

*TMC 3-2-040 Restrictions As to Use of Sanitary Sewer System.*

- (1) *Neither temporary nor permanent drainage of excavations into the sanitary sewerage system shall be permitted. Drainage from roofs, foundation drains, uncontaminated cooling water, surface or ground water drains shall not be permitted into the sanitary sewerage system. Overflows or drains from private or public swimming pools shall not be permitted without written consent of the City.*
- (2) *The City reserves the right to reject the application for service for any property owner upon whose property industrial or commercial activities create a waste of unusual strength, character or volume. All applications for the discharge of industrial waste shall be reviewed on an individual basis by the City. Certain restricted wastes may require pretreatment facilities prior to discharge to the sewerage system. Where pretreatment facilities are required, they shall be installed and maintained continuously by the owner at his expense in satisfactory and effective operation. An inspection and sampling manhole shall be constructed and made available to the City for examination and testing at any time.*
- (3) *No person shall discharge or cause to be discharged any substances, materials, waters, or wastes, if it appears likely to the City that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance, or will violate standards established by the Department of Environmental Quality. In determining the acceptability of these wastes, the City will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials used in construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.*
- (4) *No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:*

- (a) *Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.*
- (b) *Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process; or which constitute a hazard in the receiving waters of the sewage treatment plant including but not limited to cyanides.*
- (c) *Any waters having a pH lower than six and one-half or higher than eight and one-half, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.*
- (d) *Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.*
- (e) *Oil-component wastes, except where separators are employed, the effluent from which contains no more than 20 Mg/L of oil.*
- (f) *Any liquid or vapor having a temperature higher than 150° F. (65° C.)*
- (g) *Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 Mg/L or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.)*
- (h) *Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of ¾ horsepower or greater shall be subject to review and approval of the City.*
- (i) *Any waters or wastes containing strong acid, iron, pickling wastes or concentrated plating solutions, whether neutralized or not.*
- (j) *Any waters or wastes containing iron, [chromium], copper, zinc, lead, fluorides, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established for such materials.*
- (k) *Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the USA as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.*

- (l) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the USA in compliance with applicable state or federal regulations.*
- (m) Materials which exert or cause:
  - (i) Unusual concentration of inert suspended solids (such as, but not limited to, fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).*
  - (ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).*
  - (iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.**
- (n) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of discharge to the receiving waters.*
- (o) Industrial plants may be required to have separate collection systems; one system to be installed for customary sanitary sewerage connected directly to the City system; a second system to be installed to collect processing wastes from shop sinks, floor drains, wash stations, plating or cleaning works, and all other industrial waste sources. The second system is to discharge into an exterior concrete sump of sufficient capacity to hold at least one day's discharge from these sources and be connected to the City system only by a valved overflow. The sump shall be readily accessible for inspection and analysis by the City and the USA, and only properly treated or neutralized wastes will be allowed to flow into the City system. The City reserves the right to require that City approval be secured for each incident of discharge.*
- (5) The interpretation of technical provisions of this ordinance, review of plans and specifications required thereby, determination of the suitability of alternate materials and types of construction and the development of rules and regulations covering unusual conditions not inconsistent with the requirements of this ordinance shall be made by the City and, where necessary, in consultation with the USA.*

*(Ord. 496-80 §4, 1-14-80)*

Response: The Project will not generate any sewage, as it will only convey sewage from the Autumn Sunrise development to the City. Therefore, these standards are not applicable. Any temporary drainage from excavations will not be discharged into the sewer system.

*TMC 3-2-050 Industrial Wastes.*

Response: The proposed Pump Station does not involve industrial wastes; these criteria are not applicable.



*TMC 3-2-060 Use of Public Sewers Required*

- (1) No person shall discharge to a natural outlet within the City of Tualatin, or in an area under the jurisdiction of the City, any sewage or polluted waters, except where suitable treatment has been provided in accordance with this ordinance.*
- (2) Except as provided in this chapter, no person shall construct or maintain a privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the corporate limits of the City of Tualatin, or in any area under the jurisdiction of the City.*
- (3) The owner of all buildings situated within the City and abutting on a street, sewer easement, alley or right-of-way in which there is located a public sanitary sewer of the City is required at his or her expense to connect such building directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with this ordinance, within 90 days after the date of official notice to do so; provided that the public sewer is available to or on the property and/or at a property line of the property and the structures or buildings are within 300 feet of the public sewer.*
  - (a) In the event that, during the period of 90 days, the owner files written objections with the City Recorder against being required to connect to the public sewer, the City shall not enforce this subsection upon the owner until the Council shall have, at a meeting, heard the objections of the owner and rendered its decision. The meeting of the Council at which the objections are heard shall be held not less than ten days or more than 30 days from and after the date of the filing of the objections with the City Recorder. Not less than seven days prior to the date set by the Council for the meeting, the City shall give due notice of the date set to the owner. The decision of the Council shall be final, and no appeal shall be taken by the owner except as is provided by law.*
  - (b) In its consideration of filed written objections, the City Council may defer the required connection to the public sewer in the following cases:*
    - (i) Where the sewer line which could serve the owner's property is (a) extended by a person other than the owner to benefit property other than the owner's property; and (b) the owner's pro rata share of the cost of construction of the sewer line extension is not payable under the provisions of the Bancroft Bonding Act (ORS Chapter 223), then the required sewer connection may be deferred until declaration by the City Council of a health hazard resulting from nonconnection, or the termination date of a reimbursement agreement between the City and the person making the sewer line extension, whichever event first occurs.*
    - (ii) In those cases where a structure or structures are located and used upon real property in such a manner that the use is a non-conforming use under the City of Tualatin zoning ordinance, then connection to the public sewer may be deferred for a period of two years after official notice to connect, or declaration by the City Council of a health hazard resulting from*

*nonconnection, or a change in the use or occupancy of the premises, whichever event first occurs.*

- (iii) *A connection to the public sewer may be deferred until construction of a sanitary sewer improvement in the vicinity of the owner's property in such cases where the Public Works Director shall determine in writing that the owner's property will be better served by the sewer line to be constructed.*

- (4) *In the event the owner does not connect to a public sewer in accordance with subsection (3) of this section, the Council may order the connection and assess the cost thereof in accordance with TMC 6-5-200 and 6-5-210.*

*(Ord. 496-80 §6, 1-14-80; Ord. 648-84, 10/22/84)*

Response: The planned addition and subject improvements includes a connection to the sanitary sewer system in the Autumn Sunrise subdivision that connects to the City's public sanitary sewer system. The Project will not generate any sewage, as it will only convey sewage from the Autumn Sunrise development to the City. The applicable criteria are met.

*TMC 3-2-160 Construction Standards.*

*All sewer line construction and installation of services and equipment shall be in conformance with the City of Tualatin Public Works Construction Code. In addition, whenever a property owner extends a sewer line, the extension shall be carried to the opposite property line or to such other point as determined by the Public Works Director.*

*(Ord. 496-80 §18, 1-14-80)*

Response: The proposed sanitary sewer design will conform to Public Works Construction Code.

### **3-03 Water Service**

*TMC 3-3-040 Separate Services Required.*

- (1) *Except as authorized by the City Engineer, a separate service and meter to supply regular water service or fire protection service shall be required for each building, residential unit or structure served. For the purposes of this section, trailer parks and multi-family residences of more than four dwelling units shall constitute a single unit unless the City Engineer determines that separate services are required.*
- (2) *For nonresidential uses, separate meters shall be provided for each structure. Separate meters shall also be provided to each buildable lot or parcel on which water service is or will be provided.*

*(Ord. 839-91 §4, 7/22/9)*

Response: The proposed Pump Station will include a separate service and meter to supply regular water service and fire service, as demonstrated on the preliminary site plan.

*TMC 3-3-050 Regular Service.*

- (1) *Upon the application for water service, and payment of all charges, the City will install a service connection and meter of such size and location as approved by the City Engineer. Service connections and meters larger than two inches may be installed by the property owner after approval from the City Engineer.*
- (2) *Where the service connection and meter have been installed, regular service shall be provided upon application and payment of all charges if the structure for which service is desired complies with Subsection (3) of this section.*
- (3) *Regular service shall not be provided until the structure to which water is furnished has received either an approved final inspection in the case of a single-family residence, or a temporary or permanent certificate of occupancy in the case of all other structures.*
- (4) *The customer shall, at the customer's own risk and expense, furnish, install and keep in good and safe condition equipment that may be required for receiving, controlling, applying and utilizing water. The City shall not be responsible for loss or damage caused by the improper care or wrongful act of the customer or the customer's agent in installing, maintaining, using, operating or interfering with the equipment.*
- (5) *The service connection, whether located on public or private property, is the property of the City; and the City reserves the right to have it repaired, maintained and replaced.*

*(Ord. 839-91 §5, 7-22-91)*

Response: The proposed Pump Station will include a separate service and meter to supply regular water service and fire service, as demonstrated on the preliminary site plan. Compliance with the applicable City standards will be demonstrated at the time of building and construction permit applications.

*TMC 3-3-080 Fire Protection Service.*

Response: Dedicated fire protection is not required as there is a fire hydrant directly across the street from the site. The proposed Pump Station does not propose a fire protection facility, these conditions are not applicable.

*TMC 3-3-100 Meters.*

- (1) *Meters up to and including two inches will be furnished by the City. Meters larger than two inches may be furnished by the customer upon approval of the Operations Director.*
- (2) *All meters, including those for fire protection service, shall be located within the public right-of-way or within an access easement approved by the City Engineer.*
- (3) *All meters, whether furnished by the City or a customer, shall be owned and maintained by the City.*
- (4) *Meters will be sealed by the City at the time of installation, and no seal shall be altered or broken except by one of its authorized agents.*

- (5) *If a change in size of a meter and service is required, the change shall be accomplished on the basis of a new installation.*
- (6) *The customer is responsible for maintaining access to the meter free and clear of all shrubs, landscaping and other materials. Any obstructions may be trimmed or removed by the City and the cost therefore billed to the customer of the premises served.*

*(Ord. 839-91 §10, 7-22-91)*

Response: The meter size is anticipated to be 1” and located within the public right-of-way, as demonstrated on the preliminary site plan.

*TMC 3-3-110 Construction Standards.*

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

*(Ord. 839-91 §10, 7-22-91)*

*TMC 3-3-120 Backflow Prevention Devices and Cross Connections.*

- (1) *Except where this ordinance provides more stringent requirements, the definitions, standards, requirements and regulations set forth in the Oregon Administrative Rules pertaining to public water supply systems and specifically OAR 333 Division 61 in effect on the date this ordinance becomes effective are hereby adopted and incorporated by reference.*
- (2) *The owner of property to which City water is furnished for human consumption shall install in accordance with City standards an appropriate backflow prevention device on the premises where any of the following circumstances exist:*
  - (a) *Those circumstances identified in regulations adopted under subsection (1) of this section;*
  - (b) *Where there is a fire protection service, an irrigation service or a nonresidential service connection which is two inches or larger in size;*
  - (c) *Where the potable water supply provided inside a structure is 32 feet or more, higher than the elevation of the water main at the point of service connection;*
- (3) *All double check detector assemblies used for system containment on fire protection services shall be approved by the Oregon State Health Division. The meter register on all double check detector assemblies shall be indicated in cubic feet measurement.*
- (4) *Except as otherwise provided in this subsection, all irrigation systems shall be installed with a double check valve assembly. Irrigation system backflow prevention device assemblies*

*installed before the effective date of this ordinance, which were approved at the time they were installed but are not on the current list of approved device assemblies maintained by the Oregon State Health Division, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When devices of this type are moved, or require more than minimum maintenance, they shall be replaced by device assemblies which are on the Health Division list of approved device assemblies.*

- (5) *Any installation, corrective measure, disconnection or other change to a backflow prevention device shall be performed at the sole expense of the owner of the property. All costs or expenses for any correction or modification to the City's system caused by or resulting from a cross connection shall be the responsibility of the owner and/or the user of the cross connection.*
- (6) *Any backflow prevention device which is installed on property for the protection of the City water supply shall be tested at the time of installation and immediately after the device is moved or relocated. The property owner shall forward the results of such testing to the Operations Director within ten days of the date of installation or relocation.*

*(Ord. 839-91 §12, 7-22-91)*

Response: The preliminary site plan shows a water line connection to a hydrant and hose rack. The preliminary plans also show proposed installation of a Reduced Pressure Backflow Assembly (RPBA) at the water meter.

*TMC 3-3-130 Control Valves.*

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

*(Ord. 839-91 §13, 7-22-91)*

Response: The necessity for control valves suitable to the site will be assessed at the time of Engineering Review.

### ***3-05 Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers***

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

- (1) *Except as noted in subsection (3) of this section, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees. Such changes to land shall include, but are not*

*limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.*

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

*(Ord. 846-91 §5, 10-28-91)*

**Response:** An Erosion Control permit is required for this project and will be submitted to the City during Engineering Review.

*TMC 3-5-060 Permit Process.*

- (1) *Applications for an Erosion Control Permit. Application for an Erosion Control Permit shall include an Erosion Control Plan which contains methods and interim facilities to be constructed or used concurrently and to be operated during construction to control erosion. The plan shall include either:*

- (a) *A site specific plan outlining the protection techniques to control soil erosion and sediment transport from the site to less than one ton per acre per year as calculated using the Soil Conservation Service Universal Soil Loss Equation or other equivalent method approved by the City Engineer, or*
  - (b) *Techniques and methods contained and prescribed in the Soil Erosion Control Matrix and Methods, outlined in TMC 3-5.190 or the Erosion Control Plans - Technical Guidance Handbook, City of Portland and Unified Sewerage Agency, January, 1991.*
- (2) *Site Plan. A site specific plan, prepared by an Oregon registered professional engineer, shall be required when the site meets any of the following criteria:*
- (a) *Greater than five acres;*
  - (b) *Greater than one acre and has slopes greater than 20 percent;*
  - (c) *Contains or is within 100 feet of a City-identified wetland or a waterway identified on FEMA floodplain maps; or*
  - (d) *Greater than one acre and contains highly erodible soils.*

*(Ord. 846-91 §6, 10-28-91)*

Response: An Erosion Control permit, in accordance with code requirements, will be submitted to the City during Engineering Review.

*TMC 3-5-200 Downstream Protection Requirement.*

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

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

*(Ord. 846-91 §20, 10-28-91)*

Response: All stormwater from the facility will be conveyed to the Autumn Sunrise treatment facility, which has been sized to accommodate treatment and detention of the proposed Pump Station site.

*TMC 3-5-210 Review of Downstream System.*

*For new development other than the construction of a single family house or duplex, plans shall document review by the design engineer of the downstream capacity of any existing storm drainage facilities impacted by the proposed development. That review shall extend downstream to a point*

*where the impacts to the water surface elevation from the development will be insignificant, or to a point where the conveyance system has adequate capacity, as determined by the City Engineer.*

*To determine the point at which the downstream impacts are insignificant or the drainage system has adequate capacity, the design engineer shall submit an analysis using the following guidelines:*

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

*If the increase in surface waters leaving a development will cause or contribute to damage from flooding, then the identified capacity deficiency shall be corrected prior to development or the development must construct onsite detention. To determine if the runoff from the development will cause or contribute to damage from flooding the City Engineer will consider the following factors:*

- (1) The potential for or extent of flooding or other adverse impacts from the run-off of the development on downstream properties;*
- (2) The potential for or extent of possibility of inverse condemnation claims;*
- (3) Incremental impacts of runoff from the subject and other developments in the basin; and*
- (4) Other factors that may be relevant to the particular situation.*

*The purpose of the City Engineer's review is to protect the City and its inhabitants from the impacts or damage caused by runoff from development while recognizing all appropriate limitations on exactions from the development.*

*(Ord. 846-91 §21, 10-28-91; Ord. 972-97 §1, 2/24/1997)*

**Response:** All stormwater from the facility will be conveyed to the Autumn Sunrise treatment facility, which has been sized to accommodate treatment and detention of the proposed Pump Station site.

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

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



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

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

*(Ord. 846-91 §22, 10-28-91; Ord. 952-95 § 4, 10/23/1995)*

**Response:** All stormwater from the facility will be conveyed to the Autumn Sunrise treatment facility; therefore, no on-site detention is proposed. These standards are not applicable.

*TMC 3-5-230 On-Site Detention Design Criteria.*

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

*(Ord. 846-91 §23, 10-28-91)*

**Response:** All stormwater from the facility will be conveyed to the Autumn Sunrise treatment facility; therefore, no on-site detention is proposed. These standards are not applicable.

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

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

than that set forth herein shall obtain City approval prior to submitting calculations utilizing the proposed procedure.

- (2) For single family and duplex residential subdivisions, stormwater quantity detention facilities shall be sized for the impervious areas to be created by the subdivision, including all residences on individual lots at a rate of 2,640 square feet of impervious surface area per dwelling unit, plus all roads which are assessed a surface water management monthly fee under Unified Sewerage Agency rules. Such facilities shall be constructed as a part of the subdivision public improvements. Construction of a single family or duplex residence on an existing lot of record is not required to construct stormwater quantity detention facilities.
- (3) All developments other than single family and duplex, whether residential, multi-family, commercial, industrial, or other uses, the sizing of stormwater quantity detention facilities shall be based on the impervious area to be created by the development, including structures and all roads and impervious areas which are assessed a surface water management monthly fee under Unified Sewerage Agency rules. Impervious surfaces shall be determined based upon building permits, construction plans, site visits or other appropriate methods deemed reliable by City.

(Ord. 846-91 §24, 10-28-91)

Response: All stormwater from the facility will be conveyed to the Autumn Sunrise treatment facility; therefore, no on-site detention is proposed. These standards are not applicable.

*TMC 3-5-280 Placement of Water Quality Facilities.*

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

(Ord. 846-91 §28, 10-28-91; Ord. 972-97 § 3, 2/24/1997; Ord. 1068-01 §2, 3/26/2001; Ord. 1068-01, 03/26/2001)

Response: All stormwater from the facility will be conveyed to the Autumn Sunrise treatment facility; therefore, no on-site detention is proposed. These standards are not applicable.

#### **STANDARD SPECIFICATIONS FOR BUILDING AND SIDE SEWERS**

*TMC 3-5-440 General Provisions.*

- (1) The specifications contained in this Title III, together with the State of Oregon Uniform Plumbing Code and all other applicable requirements of federal, state and local law, shall govern the installation of all building and side sewers.
- (2) No person other than the owner of the property on which the sewer is being installed or a state or DEQ licensed sewer contractor may excavate or dig up such property and install building sewers within the City.

(3) *Each single family residence shall be served by a side sewer discharging directly into a public sanitary sewer line. The minimum size of a side sewer shall be four-inch for PVC and six-inch for concrete.*

*(Ord. 846-91 §44, 10-28-91)*

*TMC 3-5-450 Building Sewers.*

(1) *Materials. Pipes for building sewers shall be one of the following types or approved equal:*

(a) *A.B.S. (Acrylonitrile Butadiene Styrene), conforming to ASTM D2751.*

(b) *P.V.C. (Polyvinyl Chloride), conforming to ASTM D3034.*

(c) *Concrete conforming to ASTM C-14, Class 2.*

(d) *Ductile iron or cast iron conforming to Class 50.*

(2) *Joints. The ends of pipes, collars, gaskets and retaining clamps shall be kept clean and free of foreign material when pipe is laid. All joints shall be made watertight and gastight.*

(3) *Cleanouts. All changes in direction shall be made with long radius bends, 45 degrees, 22½ degrees, tee or wye branches with straight-through opening plugged for a cleanout. Cleanouts shall be installed in the building sewer between the building outlet and the side sewer when the distance is greater than 100 feet. All bends within the sewer shall not exceed 135 degrees without an additional cleanout. Cleanouts shall be plugged to prevent entrance of dirt, roots, or ground water. Plugs shall be sealed with rubber gaskets and secured against back pressure.*

(4) *Size. The minimum size of any building sewer shall be determined on the basis of the total number of fixture units drained by such sewer in accordance with Table 4-3 of the Oregon State Plumbing Code.*

(5) *Installation.*

(a) *Connection. Where two buildings are adjacent to one another on the same lot, each building shall have a separate connection pipe to the receiving line. The pipes from each building shall be in separated ditches to point of connection on the receiving line. A duplex may be served by one side sewer providing that a deed restriction is placed on the property requiring the owners thereof to be jointly responsible for maintenance of the building sewers and side sewer. A copy of the deed restriction shall be submitted at the time of sewer permit application. No roof, surface, foundation, footing or other ground water drain shall be connected to the sanitary system.*

(b) *Connection to Cesspools and Septic Tanks.*

(A) *Direct connection from all plumbing fixtures in the building to the sanitary sewer system is required.*

(B) *No connection shall be allowed from a cesspool, septic tank, or kitchen grease trap to the building sewer.*

- (C) *When a private sewage disposal system is abandoned and no longer to be used, all septic tanks, cesspools, and similar private systems shall be pumped and backfilled in accordance with the Department of Environmental Quality regulations.*
- (6) *Excavation. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City.*
- (7) *Alignment. All pipe shall be true to grade with the bells up grade. Pipe shall be carefully centered prior to jointing. The bottom of the trench shall be smooth and free from rocks which may injure the pipe. The pipe shall be laid on four inches of 3/4-inch minus crushed rock throughout its entire length, and any such piping laid in fill shall be laid on a bed of approved materials and shall be adequately supported to the satisfaction of the City.*
- (8) *Grade. All sewers shall be laid on a grade of not less than 1/4 inch per foot for a four-inch pipe and 3/16-inch per foot for a six-inch pipe.*
- (a) *Special Release. If the grade of the side sewer or building sewer is to be less than 1/4 inch per foot for a four-inch pipe, or 3/16-inch per foot for a six-inch pipe, the property owner shall sign and acknowledge a grade release in a form approved by the City. The effect of such form shall be to release the City from all future claims for damages due to the installation of said sewer. If there is doubt about the grade, a grade release shall be procured before the pipe is laid. If upon inspection the grade is inadequate, the grade release shall be filed with the City Engineer before backfilling takes place. In all special cases, the installation of a backwater valve will be required.*
- (b) *Elevation. In any buildings, structures, or premises in which the house waste drain is too low to permit gravity flow to the sewer, the sewage may with the approval of the City be lifted by artificial means and discharged to the sewer. Wherever a situation exists involving an unusual danger of back-up, the City may prescribe the minimum elevation at which the house drain may be discharged to the public sewer. Sewers below such minimum elevation shall be lifted by artificial means, or if approved by the City, a back-water sewage valve may be installed. The effective operation of the back-water valve shall be the responsibility of the owner of the property served.*
- (9) *Backfill. If common material is available which is free from rocks one inch in diameter, it may be used to backfill the remainder of the ditch. If suitable material is not available, 3/4-inch minus granular material shall be used to backfill the trench to a point six inches above the top of the pipe. The remainder of the ditch may then be backfilled with common material.*
- A modified method of backfilling shall be used where the house service laterals cross lawn, shrub, or planting areas between the curb and the property line. In this area, backfill shall be modified so that a minimum of 18 inches and a maximum of 36 inches of compacted top soil shall be provided in the upper portions of the trench. The lower portions of the trench shall be backfilled as described above.*

- (10) *Cover. Cover on private property shall be not less than 12 inches from top of pipe to finished grade.*
- (11) *Sewer and Water Lines. Building sewers or drainage piping of materials which are not approved for use within a building shall not be laid in the same trench with water service pipes unless both of the following requirements are met.*
- (a) *Separation. The bottom of the water pipe, at all points, shall be at least 12 inches above the top of the sewer line.*
- (b) *Placement. The water pipe shall be placed on a shelf excavated at one side of the common trench.*
- (12) *Testing. All building sewers shall be tested for leakage 15 minutes prior to the City inspection and prior to backfilling the trench. Sewers shall be tested by plugging the building sewer at its point of connection with the side sewer and completely filling the building sewer with water from the lowest point to the highest point thereof. The building sewer shall be watertight and have no visible leakage. A tee shall be installed at the property line at the expense of the installer. After the test is complete, a plug shall be inserted in the tee. After a satisfactory test has been performed, the trench shall be backfilled. (Ord. 846-91 §45, 10-28-91)*

Response: Sewer service connections will be designed in accordance with the requirements of the above standards.

*TMC 3-5-460 Installation of Side Sewers.*

- (1) *Material.*
- (a) *Pipes for side sewers shall be one of the following types or approved equal:*
- (A) *PVC (Polyvinyl chloride), conforming to ASTM D3034.*
- (B) *Concrete conforming to ASTM C-14, Class 2.*
- (C) *Ductile iron conforming to Class 51.*
- (2) *Excavation and Backfill. All excavation and backfill shall comply with the standards set forth in the City's Public Works Construction Code.*
- (3) *Alignment and Grade. Side sewers shall be laid in a straight grade and alignment from the main sewer line to the edge of right-of-way or edge of permanent easement. The grade shall be a minimum of two percent. The pipe shall be laid on a pipe base of 4-inches of 3/4 inch-minus crushed rock. All plastic pipe shall have 3/4 inch-minus rock placed 6-inches over the top of the pipe.*
- (4) *Markings. The side sewers shall be marked with a detectable underground magnetic tape. The magnetic tape shall be placed from the main pipeline to the end of the side lateral. The magnetic tape shall be green in color and have the following marking depending whether it is a sanitary or storm line:*
- (a) *CAUTION STORM DRAIN BURIED BELOW*

*(b) CAUTION SEWER BURIED BELOW*

*A two × four stake shall be installed at the end of the side sewer extending from the invert of the pipe to the ground surface. A magnetic tape shall be placed alongside the two × four.*

*(5) Testing. Sanitary side sewers shall be air tested in accordance with the standards set forth in the City's Public Works Construction Code. (Ord. 846-91 §46, 10-28-91)*

Response: Sewer service connections will be designed in accordance with the requirements of the above standards. All new piping will consist of one of the materials listed above and will be constructed according to the installation standards.

# Tualatin Development Code

## ***TDC 33 Applications and Approval Criteria***

*TDC 33.200. 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.*
- (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.*
  - (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.*
- (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.*
- (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)*

**Response:** The Autumn Sunrise subdivision application included a an AKS Engineering & Forestry (AKS) Preliminary Tree Assessment Report (Attachment G), which included the Pump Station site in its analysis area. The Tree Preservation and Removal Plan within the Autumn Sunrise Tree Assessment details additional tree related information, protection measures, and tree protection fencing locations. This application for the Pump Station does not propose any changes to the AKS assessment.

**TDC 41 Medium Low Density Residential**

*TDC 41.200. Use Categories.*

- (1) *Use Categories. Table 41-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 41-1 and restrictions identified in TDC 41.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.*
- (2) *Overlay Zones. Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.*

**Table 41-1  
Use Categories in the RML Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		

Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure reading stations.  Conditional uses limited to water reservoirs, with a maximum height of 75 feet.
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Response: The subject property is in the RML zone. As noted in Table 41-1 (above), the proposed pump station is a permitted use. This standard is met.

*TDC 41.210. Additional Limitations on Uses.*

Response: This application does not propose any uses with additional limitations. This standard is not applicable.

*TDC 41.220. Housing Types.*

Response: This application involves basic utilities for a pump station (permitted in the RML zone) and does not propose housing types. These standards are not applicable.

*TDC 41.300. Development Standards.*

*Table 41-3*

*Development Standards in the RML Zone*

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
<b>MAXIMUM DENSITY</b>		
Household Living Uses	Maximum:10 units per acre Minimum: 7 units per acre	
Manufactured Dwelling Parks	12 units per acre	Limited to single-wide dwelling parks or any part of a single-wide dwelling park.
Retirement Housing Facility, or Congregate Care Facility	15 units per acre	
Nursing Facility	15 units per acre	
Group Living Uses	15 units per acre	
<b>MINIMUM LOT SIZE</b>		

Townhouse (or Rowhouse)	1,400 square feet	
Multi-Family Structure and Duplex		
• Development on Less than One Acre	10,000 square feet	For up to two units, plus an additional 4,195 square feet for each unit exceeding two.
• Development on More than One Acre	4,356 square feet per unit	
Multi-Family Structure under Condominium Ownership	20,000 square feet	Limited to the primary condominium lot.
All Other Permitted Uses	10,000 square feet	
Conditional Uses	20,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
<b>MINIMUM AVERAGE LOT WIDTH</b>		
Townhouse(or Rowhouse)	14 feet	
Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Multi-Family Structure under Condominium Ownership	100 feet	Limited to the primary condominium lot. Minimum lot width at street is 40 feet.
All Other Permitted Uses	75 feet	
Conditional Uses	100 feet	Minimum lot width at street is 40 feet.
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front Setback		Minimum setback to a garage door must be 20 feet.
• 1 story structure	20 feet	

• 1.5 story structure	25 feet	
• 2 story structure	30 feet	
• 2.5 story structure	35 feet	
• Townhouse (or Rowhouse)	0-20 feet	As determined through Architectural Review process.
Side and Rear Setback		Where living spaces face a side yard, the minimum setback must be ten feet
• 1 story structure	5 feet	
• 1.5 story structure	7 feet	
• 2 story structure	10 feet	
• 2.5 story structure	12 feet	
Corner Lots	—	On corner lots, the setback is the same as the front yard setback on any side facing a street other than an alley.
Minimum Distance Between Buildings within One Development	10 feet	For Townhouses, determined through the Architectural Review process
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet
Any Yard Area Adjacent to Basalt Creek Parkway	50 feet	
<b>MAXIMUM STRUCTURE HEIGHT</b>		
All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
<b>MAXIMUM LOT COVERAGE</b>		
Townhouse (or Rowhouse)	90%	

All Other Permitted Uses	40%	
Conditional Uses	45%	

Response: This application involves basic utilities for a pump station (permitted in the RML zone) and does not propose housing types. The Pump Station will be located on a tract (Tract F) within the Autumn Sunrise subdivision that is currently under review with City staff. These development standards are not applicable to this basic utility use.

### ***TDC 63 Industrial Uses and Manufacturing Zones—Environmental Regulations***

*TDC 63.020. Applicability.*

*The regulations of this Chapter apply to:*

- (1) All industrial uses and utilities, regardless of the Planning District in which they are located, and*
- (2) All Manufacturing Planning Districts, regardless of the use category.*

Response: This application involves basic utilities for a pump station (permitted in the RML zone). Therefore, the following environmental regulations are applicable.

*TDC 63.051. Noise.*

*All uses and development must comply with the Oregon State Department of Environmental Quality standards relating to noise and the City of Tualatin noise ordinance in, TMC 6-14.*

Response: The Pump Station will have an emergency standby generator that will run for approximately 15 minutes once per week and during the day. In an emergency (i.e. power outage) it will run continuously until power is restored. To minimize impacts the emergency generator will be housed in a weatherproof sound attenuated enclosure and placed at the far north east corner of the site as far from the homes as possible. TMC 6-14-060 implies that an emergency standby generator is exempt from the noise ordinance provisions including the decibel limits stipulated in TMC 6-14-050; therefore, the use will comply with the Oregon State Department of Environmental Quality noise standards and the City of Tualatin noise ordinance in TMC 6-14.

*TDC 63.052. Vibration.*

- (1) Restrictions. All uses and development must not cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section.*
  - (a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district must not exceed 0.01 inches per second (0.00025 meters per second) RMS velocity.*

- (b) *Ground vibration as measured at a common property boundary of any two properties within any industrial planning district must not exceed 0.1 inches per second (0.0025 meters per second) RMS velocity.*
- (2) *Method of Measurement. Vibration measurement procedures must conform to the methods described in this section and to procedures approved by the Oregon Department of Environmental Quality.*
  - (a) *Instrumentation must be capable of measuring RMS value of the vibration velocity over the frequency range of ten to 1,000 hertz.*
  - (b) *Measurement values must be recorded for a sufficient period of observation to provide a representative sample.*
  - (c) *Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of nine inches (22.9 cm.) in length, driven flush with the ground surface.*
- (3) *Exemptions. The requirements of TDC 63.052(1) do not apply to:*
  - (a) *Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad;*
  - (b) *Vibration resulting from the operation of any road vehicle;*
  - (c) *Vibration resulting from construction activities and use of construction equipment; and*
  - (d) *Vibration resulting from roadway maintenance and repair equipment.*

Response: The Pump Station is not expected to produce ground vibration in excess of the standards set forth above. The only equipment that might create noticeable vibration is the generator, which will be fit with vibration isolators.

*TDC 63.053 Air Quality.*

- (1) *Restrictions. All uses and development must comply with the most recent air quality standards adopted by the Oregon Department of Environmental Quality. Plans of construction and operations must comply with the recommendations and regulations of the State Department of Environmental Quality.*
- (2) *Method of Measurement. All measurements of air pollution must be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods or measurement approved by the City. Upon request of the City, persons responsible for a suspected source of air pollution must provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.*

Response: The Pump Station will comply with the air quality standards set forth above. The standby generator will have a diesel engine that will have emissions controls required to meet the recommendations and regulations of the State Department of Environmental Quality.

*TDC 63.054. Odors.*

*All uses and development must not emit odors in such quantities as to create a nuisance condition at any point beyond the subject property line of the emitting use.*

Response: The Project is not anticipated to cause odor. The Pump Station is designed with provisions to add odor control treatment if needed, which will avoid creating a nuisance condition at any point beyond the subject property line tract.

*TDC 63.055. Heat and Glare.*

*(1) All uses and development must conduct all operations producing heat or glare entirely within an enclosed building.*

*(2) All uses and development may utilize exterior lighting, but the exterior lighting must be screened, baffled or directed away from residential planning districts.*

Response: The Pump Station will not produce heat and glare. Lighting for the facility will be downward facing yard lights, directed away from residential planning districts. Proposed facility lighting is detailed further on the Electrical Pump Station Site Plan (Attachment C).

*TDC 63.056. Storage and Stored Materials.*

*(1) All uses and development must store all materials, including wastes, in a manner that will not attract or aid the propagation of insects or rodents, or in any other way create a health or safety hazard.*

*(2) All uses and development that utilize open storage that would otherwise be visible at the property line must conceal it from view at the abutting property line by a sight obscuring fence not less than six feet high and not accessible to the general public to protect public safety.*

Response: All waste will be contained to avoid health and safety hazards. Sewage will be contained within a below-ground wet well that will have a concrete lid and locked access hatches. This standard is met.

*TDC 63.057. Liquid or Solid Waste Materials.*

*All uses and development are prohibited from disposing waste onto the site or into adjacent drainage ditches, creeks or other natural waterways in violation of State of Oregon DEQ standards, Clean Water Services Standards, City Standards, or in a manner that causes harm to wildlife.*

Response: The Pump Station will not dispose of waste into adjacent drainage ditches, creeks or other natural waterways.

*TDC 63.058. Dangerous Substances.*



All uses and development are prohibited from the storage, transfer, or processing of hazardous, toxic, or radioactive waste.

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

**Response:** The sanitary Pump Station is a basic utility permitted in the RML zone necessary to adequately transfer wastewater from the associated Autumn Sunrise residential development. The use will comply with applicable DEQ, Clean Water Services, and City standards.

### ***TDC 73A Site Design Standards***

**Response:** The sanitary Pump Station is a basic utility permitted in the RML zone necessary to support the associated Autumn Sunrise residential development. The Applicant held a Pre-Application Meeting on May 19, 2021 to discuss the proposal with City staff. Per the Pre-Application meeting notes (Attachment E), staff indicated community design standards broken down by residential, industrial, and institutional development are not applicable.

### ***TDC 73B Landscaping Standards***

*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:*

<i>Zone</i>	<i>Minimum Area Requirement*</i>	<i>Minimum Area Requirement with dedication for a fish and wildlife habitat*</i>
<i>(1) RL, RML, RMH, RH and RH/HR zones—Permitted Uses</i>	<i>None</i>	<i>None</i>

**Response:** As a permitted use in the RML zone, the proposed sanitary Pump Station is not subject to minimum area requirements for landscaping, as detailed in the above table. The sanitary Pump Station will be fenced and screened in compliance with City standards.

*TDC 73B.030. Additional Minimum Landscaping Requirements for Common Wall Residential Uses.*

**Response:** The proposed sanitary Pump Station is a basic utility permitted in the RML zone and does not involve common wall residential uses. These standards are not applicable.

*TDC 73B.080. Minimum Landscaping Standards for All Zones*

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

<i>(1) Required Landscape Areas</i>	<ul style="list-style-type: none"><li><i>• Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.</i></li><li><i>• The foliage crown of trees cannot be used to meet this</i></li></ul>
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	<p>requirement.</p> <ul style="list-style-type: none"> <li>• A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.</li> <li>• Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).</li> <li>• Must be controlled by pruning, trimming, or otherwise so that:</li> <li>• It will not interfere with designated pedestrian or vehicular access; and</li> <li>• It will not constitute a traffic hazard because of reduced visibility.</li> </ul>
(2) Fences	<ul style="list-style-type: none"> <li>• Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.</li> </ul>
(3) Tree Preservation	<ul style="list-style-type: none"> <li>• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</li> <li>• During construction: <ul style="list-style-type: none"> <li>○ Must provide above and below ground protection for existing trees and plant materials identified to remain;</li> <li>○ Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line;</li> <li>○ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</li> <li>○ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</li> <li>○ Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and</li> <li>○ Tree root ends must not remain exposed.</li> </ul> </li> <li>• Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</li> <li>• When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged</li> <li>• 100 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</li> </ul>

<i>(4) Grading</i>	<ul style="list-style-type: none"> <li>• <i>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.</i></li> <li>• <i>All planting areas must be graded to provide positive drainage.</i></li> <li>• <i>Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</i></li> <li>• <i>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.</i></li> </ul>
<i>(5) Irrigation</i>	<ul style="list-style-type: none"> <li>• <i>Landscaped areas must be irrigated with an automatic underground or drip irrigation system</i></li> <li>• <i>Exceptions:</i> <ul style="list-style-type: none"> <li>◦ <i>Irrigation requirement does not apply to duplexes and townhouses.</i></li> </ul> </li> </ul>
<i>(6) Re-vegetation in Un-landscaped Areas</i>	<ul style="list-style-type: none"> <li>• <i>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.</i></li> <li>• <i>Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</i></li> <li>• <i>The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</i></li> <li>• <i>Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</i></li> </ul>

*(Ord. No. 1438-20 , § 26, 6-22-20)*

*Editor's note(s)—See editor's note, § 73B-060. TDC 73B.090. Minimum Standards Trees and Plants.*

Response:. The proposed sanitary Pump Station is a basic utility permitted in the RML zone. The development code specifies landscaping standards for pump stations in commercial or industrial zones but is comparatively silent for basic utility uses in residential zones. As such, the Applicant has not identified explicit code requirements for landscaping and screening for the proposed Pump Station in the RML zone. Regardless, the Applicant is proposing to surround the Pump Station with six-foot security fencing enhanced with perimeter shrubs for screening.

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

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

(Ord. 1414-18, 12-10-18; Ord. No. 1438-20 , § 27, 6-22-20)

Editor's note(s)—See editor's note, § 73B-060.

**Response:** The proposed sanitary Pump Station proposes shrubs for screening purposes. The applicant will demonstrate compliance with the applicable standards, listed above, at a subsequent stage of development review.

### **TDC 73C Parking Standards**

- (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.*

Response: The proposed sanitary Pump Station involves the establishment of a new structure, therefore this section is applicable.

(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: The parking requirements listed above are acknowledged and met as applicable.

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

Response: The Project does not involve a parking lot; therefore, the parking lot design standards are not applicable.

*TDC 73C.030. Shared Parking Requirements*

Response: The Project does not involve shared parking; therefore, the shared parking requirements are not applicable.

*TDC 73C.040. Joint Use Parking Requirements*

Response: The Project does not involve joint use parking; therefore, the joint use parking requirements are not applicable.

*TDC 73C.050. Bicycle Parking Requirements and Standards*

Response: Bicycle parking is not required for basic utilities in the RML zone; therefore, the bicycle parking requirements and standards are not applicable.

*TDC 73C.060. Transit Facility Conversion*

Response: The proposal does not involve transit facility conversion; therefore, this standard is not applicable.

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

Response: Basic utility uses, such as a pump station, in the RML zone is not classified in the development code for minimum/maximum parking requirements. The preliminary Pump Station Site Plan (Attachment C) demonstrates adequate parking for operations and maintenance crews accessing the site.

**TDC 74 Public Improvement Requirements**

*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.*

- (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.*

*(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)*

*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.*
- (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.*

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

Response: This application involves Architectural Review (AR) for the Pump Station located on Tract F of the Autumn Sunrise subdivision currently under review by City staff. The proposed improvement for the proposed Pump Station will comply with the standards above, as applicable.

*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.*

- (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 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.*
- (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.*
- (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 the Transportation System Plan 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; Ord. No. 1450-20, §§ 48, 49, 12-14-20)*



Response: This application involves Architectural Review (AR) for the Pump Station located on Tract F of the Autumn Sunrise subdivision currently under review by City staff. The proposed improvement for the proposed Pump Station will comply with the standards above, as applicable.

*TDC 74.220. Parcels Excluded from Development.*

*On subdivision development applications which include land partitioned off or having adjusted property lines from the original parcel, but do not include the original parcel, the applicant must be responsible for obtaining any necessary right-of-way from the owner of the original parcel if the right-of-way is needed to accommodate street improvements required of the applicant. The applicant must submit a completed right-of-way dedication deed to the City Manager for acceptance. The right-of-way dedication must be accepted by the City prior to the City approving the final subdivision plat.*

*(Ord. 895-93, 5-24-1993; Ord. 933-94, § 49, 11-28-94; Ord. 1414-18, 12-10-2018)*

Response: This application involves Architectural Review (AR) for the Pump Station located on Tract F of the Autumn Sunrise subdivision currently under review by City staff. This standard is not applicable.

*TDC 74.310. Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.*

- (1) Areas dedicated to the City for Greenway or Natural Area purposes or easements or dedications for bike and pedestrian facilities during the development application process must be surveyed, staked and marked with a City approved boundary marker prior to acceptance by the City.*
- (2) For subdivision and partition applications, the Greenway, Natural Area, bike, and pedestrian path dedication and easement areas must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or*
- (3) For all other development applications, Greenway, Natural Area, bike, and pedestrian path dedications and easements must be submitted to the City Manager ; building permits must not be issued for the development prior to acceptance of the dedication or easement 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. 1414-18, 12-10-2018).*

Response: This application involves Architectural Review (AR) for the Pump Station located on Tract F of the Autumn Sunrise subdivision currently under review by City staff. These standards are not applicable.

*TDC 74.320. Slope Easements.*

Response: No slope easements are required; these standards are not applicable.

*TDC 74.330. Utility Easements.*

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

- (2) For subdivision and partition applications, the on-site public utility easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; and
- (3) For subdivision and partition applications which require off-site public utility easements to serve the proposed development, a utility easement must be granted to the City prior to approval of the final plat by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.
- (4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement must be granted to the City; building permits must not be issued for the development prior to acceptance of the easement by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.
- (5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines. Other easements may be required as determined by the City Manager.

(Ord. 895-93, 5-24-1993; Ord. 933-94, § 52, 11-28-94; Ord. 1414-18, 12-10-2018)

Response: Proposed public utility easements are shown on the preliminary site plan (Attachment C), in accordance with the applicable standards listed above.

*TDC 74.340. Watercourse Easements*

Response: No watercourse easements are required; these standards are not applicable.

*TDC 74.350. Maintenance Easement or Lots.*

Response: No maintenance easements are required; these standards are not applicable.

*TDC 74.410. Future Street Extensions.*

Response: No future street extensions are required as part of this proposal; these standards are not applicable.

*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:** This proposal involves improvement specific to the Pump Station tract within the Autumn Sunrise development and does not propose road or street improvements. The Applicant

for the associated Autumn Sunrise subdivision development is responsible for the improvements to the adjacent existing street that will bring the improvement into conformance with the Transportation Plan, TCD 74.425, and the City's Public Works Construction Code.

*TDC 74.425. Street Design Standards.*

Response: This proposal involves improvement specific to the Pump Station tract within the Autumn Sunrise development and does not propose road or street improvements. The Applicant for the associated Autumn Sunrise subdivision development is responsible for the improvements to the adjacent existing street that will bring the improvement into conformance with the Street Design Standards of TCD 74.425

*TDC 74.430. Streets, Modifications of Requirements in Cases of Unusual Conditions.*

Response: This proposal does not involve any cases of unusual conditions relation to streets or modifications of requirements; therefore, these standards are not applicable.

## **Summary**

The information provided in this Exhibit and the accompanying documentation demonstrates the Project's compliance with all applicable substantive criteria in the Tualatin Municipal Code and Tualatin Development Code. Therefore, the Applicant requests approval of the application.

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