



ARCHITECTURAL REVIEW DECISION
Marvelous Motors (AR 21-0003)
 February 25, 2022

Case #:	AR 21-0003
Project:	Marvelous Motors Service Building Expansion
Location:	17835 SW Pacific Highway; Tax Map/Lots: 2S115C/2190 and 2192
Applicant:	Ramin Sabeti of Marvelous Motors
Owner:	Ramin Sabeti of Marvelous Motors

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

I. INTRODUCTION

A. Applicable Criteria

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

- TMC 3: Utilities and Water Quality
- TMC 4: Building
- Chapter 4: CWS Design and Construction Standards
- TDC 31: General Provisions
- TDC 32: Procedures
- TDC 33: Architectural Review Standards
- TDC 54: General Commercial Zone (CG)
- TDC 73A: Site Design
- 73B: Landscaping Design
- 73C: Parking Standards
- 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvements Requirements
- TDC 75: Access

B. Site Description

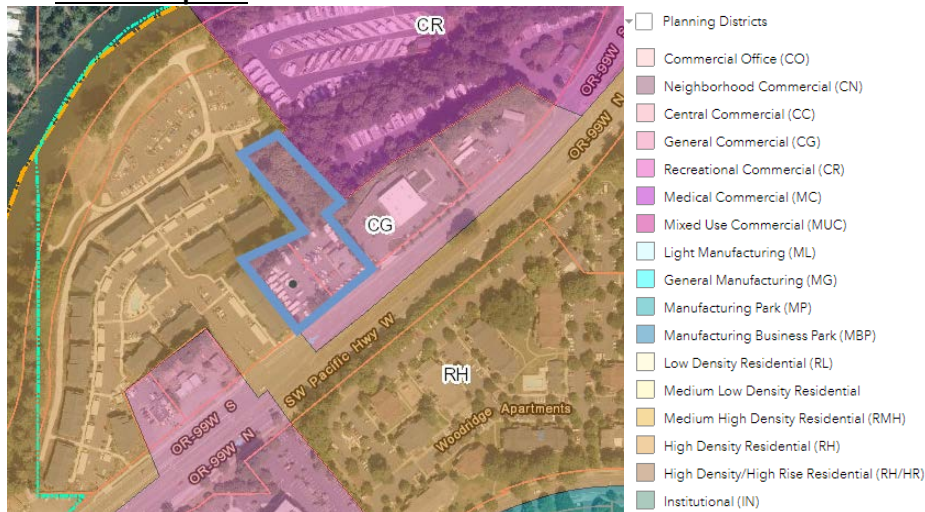


Figure 1 Aerial view of site with zoning (TualGIS)

The 1.64 acre site is comprised of two tax lots zoned General Commercial (CG). This property is located north of SW Pacific Highway and northeast of SW 124th Avenue. Existing public access is taken from SW Pacific Highway.

The site is improved and includes an existing used car dealership, which is a previously established nonconforming use, two buildings, site lighting, paved surface parking lot, stormwater facility and site landscaping. One of the existing buildings is the subject of the architectural review. The applicant requests retroactive Architectural Review approval for the subject new building, which was constructed prior to City approval.

As noted above, the site includes an auto dealership, which is not a permitted use in the CG District. The existing nonconforming use was established on the property prior to annexation into the City of Tualatin. Per TDC Chapter 35 Nonconforming Situations, nonconforming use of land may be continued, but not altered or enlarged. Because new structures to support the existing nonconforming use of

vehicle sales are not allowed, the applicant is required to limit the use of the proposed structure to Vehicle Repair, which is listed as a permitted use within the CG District.

C. Proposed Project

The applicant requests retroactive Architectural Review approval for a 1,050 square foot building on a concrete slab for servicing vehicles and storage of associated tools. The use for the proposed building is limited to service and repair vehicles, and not for activities associated with sale or display of vehicles for sale.

Previous Land Use Actions

- Annexation local file ANN 93-03
- Architectural Review local file AR 95-53
- Security Lighting INT-95-03

D. Surrounding Zoning and Land Use

Surrounding uses include:

North: Recreational Commercial (CR)

- Multiple family residential (parking for River Ridge Apartments), campground

South: Medium-High Density Residential (RMH)

- SW Pacific Highway, multiple-family residential

West: High Density Residential (RH)

- Multiple family residential (River Ridge Apartments)

East: General Commercial (CG), Recreational Commercial (CR)

- Campground, automotive repair

E. Exhibit List

A: Application Materials

A1. Applicant's Narrative

A2. Plan Set and Elevations

A3. Stormwater Report

A4. Supporting Documents

B: Clean Water Services Memorandum

C: Land Use Decision for AR-95-53

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 21-0003 is **approved** subject to the following conditions:

GENERAL:

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

PRIOR TO EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE:

Submit to the Engineering Division via [eTrakit](#) for review and approval:

- A2. In accordance with TMC 3-5-050 and 3-5-060, TDC 74.640, Public Works Construction Code, and Clean Water Services' Design and Construction Standards Chapters 2 and 6 the applicant must submit:
- a. Final erosion control plans that minimize the impact of stormwater from the development to adjacent properties.
- A3. In accordance with TMC 3-5-200 through 3-5-430, TDC 70.170, TDC 74.630 and 74.650, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design and Construction Standards (D&CS) Chapter 4 the applicant must submit:
- a. Final stormwater plans and calculations certified by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) proving proposed systems:
 - i. Address runoff from all new and modified private impervious areas.
 - ii. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2.
 - iii. Infiltrate up to the 100 year storm event in accordance with TMC 3-5-220(4), TMC 3-5-230, and CWS D&CS 4.08.
 - iv. Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter dated May 19, 2021 conditions to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).
 - v. Comply with all requirements stated within the Service Provider Letter and CWS Memo dated February 2, 2022.
 - b. Submit financial assurance for construction performance in accordance with TMC 3-390(c), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1.
 - c. Submit a copy of the recorded private stormwater maintenance agreement for this development. The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, infiltration, and treatment.

PRIOR TO BUILDING PERMIT ISSUANCE:

Submit to the Planning Division (Keith Leonard, 503.691.3029 or kleonard@tualatin.gov) for review and approval:

- A4. The applicant shall provide Final Site Plan Set and Final Color Architectural Elevations (in .pdf format) that are in substantial conformance to the submitted plans and demonstrate:
- a. Compliance with TDC Table 54-2.
 - b. All proposed walkways are 6 feet in width in compliance with TDC 73A.300(1).
 - c. All parking lot landscaped areas or areas adjacent pedestrian walkways provide parking bumpers around the perimeter of the subject property in compliance with TDC 73C.020(5).
 - d. All required disability parking spaces to be provided in the required location(s) as approved by the Tualatin Building Division.
 - e. 24-foot wide drive aisles throughout the parking and vehicular circulations areas of the property, as required by AR95-53.
 - f. Two (2) bicycle parking spaces in compliance with TDC 73.100 as required by AR 95-53.
 - g. One (1) vanpool/carpool off-street parking space that meets the requirement of TDC 73C.100(2) as required by AR 95-53.

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

- A5. The applicant must obtain Erosion Control and Water Quality Permits from the City of Tualatin.

PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLETENESS OR OCCUPANCY:

The applicant must contact the Planning Division (Keith Leonard, 503.691.3029 or kleonard@tualatin.gov) for a site inspection at least 72 hours prior to requesting a certificate of completeness.

This inspection is separate from inspection(s) done by the Building Division. The following conditions must be satisfied:

- A6. The applicant must construct all building and site improvements proposed, including landscaping and screen, as conditioned, and as illustrated on the approved Final Site Plan and Final Color Architectural Elevations. All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.070(1)(a).

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

- A7. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with TDC 74.120.
- A8. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.

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

- A9. The applicant shall only use the new building for automotive repair activity and no activities or uses related to automotive sales or the auto dealership business shall be allowed to operate within the new building. All site, building exterior, and landscaping improvements approved through the AR process (including but not limited to AR95-53 and AR21-0003) must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) Modifications to Previously Approved Final Architectural Review Decisions.
- A10. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 75-1.
- A11. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.

III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

Tualatin Municipal Code (TMC) - TITLE 4 - Building

[...]

TMC 4-1-080 - Violation is Civil Infraction.

(1) It is unlawful and a civil infraction for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the City, or cause the same to be done, contrary to or in violation of this Chapter. (2) A person who violates or refuses to comply with this Chapter commits a civil infraction and is subject to a fine of up to \$1,000.00. Each violation, and each day that a violation continues, constitutes a separate civil infraction. (3) Unless the building codes adopted in TMC 4-1-010 provide otherwise, the civil infraction procedures in TMC 7-01 apply to the prosecution of any violation of this Chapter.

[...]

Chapter 31: General Provisions

[...]

TDC 31.111. - Civil Violation.

(1) Any person who violates any provision of the Tualatin Development Code commits a civil infraction and is subject to a fine of up to \$1,000.00 for each violation. Each violation, and each day that a violation continues, is a separate civil infraction.

(2) Where a specific violation of the Tualatin Development Code specifies a different fine, the fine specific to that violation controls.

(3) The civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of the Tualatin Development Code.

(4) The remedies for civil infraction are not exclusive and are in addition to any other remedies provided by law or in equity.

[...]

Finding:

The concrete pad and detached accessory building were constructed without prior approval. AR21-0003 requests retroactive Architectural Review for the building. On December 2, 2020 the property owner, Ramin Sabeti, was advised by the City's Code Compliance Officer to stop all work and obtain an architectural review approval. The applicant must comply with all Conditions of Approval or a Civil Violation will result.

Chapter 32: Procedures

[...]

Section 32.010 – Purpose and Applicability.

[...]

(2) Applicability of Review Procedures. All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

[...]

(b) Type II Procedure (Administrative/Staff Review with Notice). A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table

32-1. Those Type II decisions which are “limited land use decisions” as defined in ORS 197.015 are so noted in Table 32-1.

[...]

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

Table 32-1 – Applications Types and Review Procedures

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

Finding:

The proposed Architectural Review application is classified as a Type II review procedure according to TDC Table 32-1. It has been processed according to Type II procedures. This standard is met.

[...]

Section 32.030 – Time to Process Applications.

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

[...]

Finding:

In accordance with Oregon Revised Statutes (ORS) 227.178(2) the application was deemed incomplete on March 5, 2021. Per subsection (b) of the ORS some of the missing information was provided and the applicant indicated via email that no other information would be provided. At the request of the applicant, the application was deemed complete on August 10, 2021. In an email dated November 9, 2021, the applicant requested a decision extension until March 10, 2022. A second decision extension request was made by the applicant to April 7, 2022, which is the maximum allowed extension of 245 days under ORS 227.178 subsection 7. Final action on this application will be completed by April 7, 2022 as per the above section. This standard is met.

Section 32.110 – Pre-Application Conference.

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

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

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

(4) Application Requirements for Pre-Application Conference.

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

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

(i) A completed application form;

(ii) Payment of the application fee;

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

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

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

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

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

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

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

Finding:

A pre-application meeting is mandatory for the subject application per Table 32-2, above. The applicant participated in a pre-application meeting on December 2, 2020 and had a follow up conference within six months prior to the application submittal on February 2, 2011. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

(1) Purpose. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

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

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

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

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

(5) Notice Requirements.

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

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

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

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

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

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

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

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

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

Finding:

The applicant has provided evidence that a virtual Neighborhood/Developer meeting was held on January 8, 2021 to accommodate the social distancing efforts in response to COVID-19 and declared State of Emergency (Resolution No. 5488-20). These standards are met.

Section 32.130 – Initiation of Applications.

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

(a) The owner of the subject property;

(b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;

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

[...]

Finding:

The applicant has provided a title report within Exhibit A4 showing Ramin Sabeti lists as the current owner of the subject site. The application has been signed Ramin Sabeti. This standard is met.

Section 32.140 – Application Submittal.

(1) Submittal Requirements. Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

- (a) A completed application form.** The application form must contain, at a minimum, the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;**
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;**
 - (iii) The size of the subject property;**
 - (iv) The comprehensive plan designation and zoning of the subject property;**
 - (v) The type of application(s);**
 - (vi) A brief description of the proposal; and**
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).**
- (b) A written statement addressing each applicable approval criterion and standard;**
- (c) Any additional information required under the TDC for the specific land use action sought;**
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;**
- (e) Recorded deed/land sales contract with legal description.**
- (f) A preliminary title report or other proof of ownership.**
- (g) For those applications requiring a neighborhood/developer meeting:**
 - (i) The mailing list for the notice;**
 - (ii) A copy of the notice;**
 - (iii) An affidavit of the mailing and posting;**
 - (iv) The original sign-in sheet of participants; and**
 - (v) The meeting notes described in TDC 32.120(7).**
- (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;**
- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;**

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

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

Finding:

The applicant submitted an application for AR 21-0003 on February 11, 2021 which was deemed incomplete on March 5, 2021. Some additional information was provided by the applicant after the application was deemed incomplete. At the request of the applicant, the application was deemed complete on August 10, 2021. A second decision extension request was made by the applicant to April 7, 2022. The applicant has submitted the above referenced information. These standards are met.

Section 32.150 - Sign Posting.

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

- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and**
- (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.**

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

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

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

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

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

Finding:

The applicant provided certification within Exhibit A4 that one sign in conformance with this section was placed on site in accordance with this section of the TDC for the Neighborhood Meeting. A second sign for the land use application notice meeting the requirements of the TDC was also placed onsite. These standards are met.

Section 32.160 – Completeness Review.

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

(2) Considerations. Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A

determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

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

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

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

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

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

[...]

Finding:

The applicant submitted an application for AR 21-0003 on February 11, 2021, which was deemed incomplete on March 5, 2021. Additional items were subsequently submitted by the applicant after the application was deemed incomplete. At the request of the applicant, the application was deemed complete on August 10, 2021. This standard is met.

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

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

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

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

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

(a) Recipients:

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

- (a) Explains the criteria and standards considered relevant to the decision;**
- (b) States the facts relied upon in issuing the decision; and**
- (c) Explains the justification for the decision based on the criteria, standards and facts set forth.**

Finding:

After submittal and completeness review of the application as required by this section, notice for the Type II application for AR 21-0003 was mailed by city staff on December 13, 2021 to all required recipients. The comment period expired on December 27, 2021. The mailed notice contained the information required by this section. No public comment pertaining to the application has been received. The decision has been drafted in accordance with this section of the TDC. These standards are met.

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

- (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;**
- (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;**
- (c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;**
- (d) The date the decision becomes final, unless an appeal is submitted; and**
- (e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.**

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

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

Finding:

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

Chapter 33: Applications and Approval Criteria

[...]

Section 33.020 Architectural Review

[...]

(5) Approval Criteria.

(b) General Development.

[...]

(ii) Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

(6) Conditions of Approval.

(a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:

- (i) Protect the public from the potentially deleterious effects of the proposal;**
- (ii) Fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the proposal; and**
- (iii) Further the implementation of the requirements of the Tualatin Development Code.**

Finding:

The subject application, which is for “general development,” must comply with the standards and objectives in TDC 73A through 73G. These standards are met by submittal of the subject application.

[...]

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

(10) Extension of Permit Expiration.

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

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

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

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

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

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

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

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

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

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

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

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

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

Finding:

The proposed application is approved subject to Conditions of Approval for a period of 2 years after the effective date of the notice of decision. Any decision extension request must follow the aforementioned process prior to the Architectural Review approval expiring.

Section 33.110 Tree Removal Permit/Review

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

[...]

- (3) Exemptions. The following actions are exempt from the requirements of a tree removal permit.**
- (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.**
- (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.

Finding:

The applicant did not provide an arborists report for staff to review. The applicant's narrative does not state that any trees will be removed. Note 11 on the applicant's site plan (Exhibit A2) states "remove existing over growth of evasive [sic] species plant and misc. shrub debris to support the proper flow and performance of the existing storm water filtration system". Based on the applicants' narrative and site plan there are no trees proposed for removal therefore an arborists report and tree removal permit are not warranted. These criteria are not applicable based on the information provided by the applicant.

Chapter 54: General Commercial Zone (CG)

[...]

TDC 54.200. - Use Categories.

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

[...]

Table 54-1: Use Categories in the CG Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
Commercial USE CATEGORIES		
Vehicle Repair	P	-

[...]

Finding:

The project area is within the General Commercial (CG) Planning District. As described above, and identified within the project narrative, included in Exhibit A1, the proposed use is an automobile repair facility related that is associated with an existing nonconforming used automobile dealer named Marvelous Motors. Condition of Approval A9 will require that the subject building be limited in use to automotive repair only and not for uses associated with or related to automotive sale. This standard is met by Condition of Approval A9.

TDC 54.300. - Development Standards.

Development standards in the CG zone are listed in Table 54-2. Additional standards may apply to some uses and situations, see TDC 54.310.

**Table 54-2
Development Standards in the CG Zone**

	Standard	Minimum Proposed
MINIMUM SETBACKS		
Front (<i>East</i>)	5-20 feet	Not provided, appears to be greater than 20 feet
Side (<i>North</i>)	0-15 feet	10 feet
Side (<i>South</i>)	0-15 feet	Not provided, appears to be greater than 15 feet
Side Setback Adjacent to Residential [...] District (<i>East</i>)	50 feet	60 feet
Rear (<i>West</i>)	0-50 feet	Not provided, appears to be greater than 200 feet.
Parking and Circulation Areas <i>No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>	5 feet	5.5 feet
Parking and Circulation Areas Adjacent to Residential [...] District (<i>south</i>)	10 feet	Appears to be 10 feet
STRUCTURE HEIGHT		
Maximum Height Adjacent to Residential District* (<i>south</i>)	45 feet	12 feet

[...]

Finding:

Based on the applicant's site plan, it appears that conformance with the above standards is feasible. Condition of Approval A4(a-g) will require the applicant to provide a scaled site plan as part of their Final Plan Set that illustrates conformance with all dimensional requirements listed in Table 54-2. With Condition of Approval A4(a-g) and A6, these standards are met.

Section 54.310. - Additional Development Standards.

(1) Gateway Tower Elements. Gateway Tower Elements are permitted in the CG Planning District, subject to the following restrictions.

[...]

Finding:

The subject property is not within the Gateway Tower area. This standard is not applicable.

[...]

Chapter 73A: Site Design

TDC 73A.300. - Commercial Design Standards.

The following standards are minimum requirements for commercial development in all zones, except the Mixed-Use Commercial (MCU) zone, which has its own standards:

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

(a) Walkways must be a minimum of six feet in width;

- (b) Walkways must be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete (not gravel or woody material);**
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;**
- (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;**
- (e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;**
- (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and**
- (g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.**

Finding:

The applicant's narrative states that all sidewalks and accessible routes to the building area are existing and previously approved. Per TDC 73A.300 (1), walkways are required to be at least 6 feet in width. The applicant will be required to submit a Final Plat Set including a site plan illustrating provision of a new sidewalk between the proposed building and existing main building of at least 6 feet in width. Within Condition of Approval Number A4(a) and A6, these standards are met.

(2) Accessways.

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

- (3) Drive-up Uses.** Drive-up uses must comply with the following:
- (a) Provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:**
 - (i) Banks—Each lane must be 100 feet long;**
 - (ii) Restaurants—Each lane must be 160 feet long; and**
 - (iii) Other uses—Each lane must be between 80 and 160 feet long, as determined by the City.**
 - (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.**
 - (c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.**
 - (d) The width and turning radius of drive-up aisles must be approved by the City.**
 - (e) A wall or other visual or acoustic may be required by the City.**
- (4) Safety and Security.** Commercial development must provide safety and security features as follows:
- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;**
 - (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;**
 - (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;**
 - (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and**
 - (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.**
- (5) Service, Delivery, and Screening.** Commercial development must provide service, delivery, and screening features as follows:
- (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;**
 - (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and**
 - (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.**
- (6) Adjacent to Transit.** Commercial development adjacent to transit must comply with the following:
- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.**
 - (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:**
 - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;**
 - (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;**
 - (iii) Provide a transit passenger landing pad accessible to disabled persons;**
 - (iv) Provide an easement or dedication for a passenger shelter as determined by the City;**
 - and**
 - (v) Provide lighting at the major transit stop.**

Finding:

The applicant is not proposing new accessways nor are any required. Therefore, these criteria are not applicable.

Chapter 73B: Landscaping Standards

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

Excerpted from 73B.020	
Zone	Minimum Area Requirement
[...]	
(4) CO, CR, CC, CG, MUC, ML and MG zones within the Core Area Parking District—All uses	10 percent of the total area to be developed

[...]

TDC 73B.040. - Additional Minimum Landscaping Requirements for Commercial Uses.

(1) *General.* In addition to requirements in TDC 73B.020 commercial uses, except those located in the Mixed-Use Commercial (MUC) zone, must comply with the following:

(a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.

[...]

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

(i) Pedestrian amenities such as landscaped plazas and arcades; and

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

(c) Five-foot wide landscaped area requirement does not apply to:

(i) Loading areas;

(ii) Bicycle parking areas;

(iii) Pedestrian egress/ingress locations; and

(iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports

[...]

Section 73B.080 – Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

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

<p>(3) Tree Preservation</p>	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction: • Must provide above and below ground protection for existing trees and plant materials identified to remain; • Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; • If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; • Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; • Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and • Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
<p>(4) Grading</p>	<ul style="list-style-type: none"> • After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.
<p>(5) Irrigation</p>	<ul style="list-style-type: none"> • Landscaped areas must be irrigated with an automatic underground or drip irrigation system • Exceptions: Irrigation requirement does not apply to duplexes and townhouses.
<p>(6) Re-vegetation in Un-landscaped Areas</p>	<ul style="list-style-type: none"> • Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements,. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

Section 73B.090 – Minimum Standards Trees and Plants.

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

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

Finding:

The applicant provided a Landscape Plan in Exhibit A2 from the previously approved architectural review approval AR-95-53. The landscape plans define a “development area” of 19,481 square feet for determining the amount of landscaping required. The previously approved site plan illustrates 3,378 square feet or 17.3% of the “development site” being landscaped. Prior to an occupancy permit being issued, the applicant must reestablish all landscaping that was previously required as part of the approval of architectural review AR-95-53. With Condition of Approval A6, these standards are met.

Chapter 73C: Parking Standards

Section 73C.020 – Parking Lot Design Standards.

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

- (1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;**
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;**
- (3) Parking stalls must be constructed of asphalt, concrete, previous concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;**
- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;**
- (5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.**
- (6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;**
- (7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;**
- (8) Groups of more than four parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;**

Finding:

The applicant will be required to submit a Final Plan Set that includes a site plan that demonstrates compliance with the above standards. With Conditions of Approval A4(b)(c) and A6, these standards are met.

- (9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;**
- (10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;**

Finding:

Based on a review of a previous land use decision (AR-95-53), applicable to the subject property, uses are required to maintain a minimum of 24 foot wide drive aisles, consistent with the above standards. The applicant will be required to submit a Final Plan Set that includes a site plan that demonstrates compliance with the above standards. With Condition of Approval Number A4(d) and A6, these standards are met.

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

Finding:

The applicant is not proposing a change to the parking lot or the existing site lighting. Existing lighting will be required to meet these standards. Per Condition of Approval Number A4(g) and A6, these standards are met.

- (12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and**
(13) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.

Finding:

Parking lot landscaping for the site was approved and established through previous Architectural Review approval (AR-95-53). These standards are met.

Section 73C.050 – Bicycle Parking Requirements and Standards.

(1) Requirements. Bicycle parking facilities must include:

- (a) Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;**
 - (i) Long-term bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.**
- (b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.**

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

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

[...]

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

- (1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City:**

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
(e) Commercial				
(vi) General office	2.70 spaces per 1,000 square feet of gross floor area	Zone A: 3.4 spaces per 1,000 square feet of gross floor area Zone B: 4.1 spaces per 1,000 square feet of gross floor area	2, or 0.50 spaces per 1,000 gross square feet, whichever is greater	First ten spaces or 40 percent, whichever is greater

Finding:

Two (2) bicycle parking spaces are required from prior Architectural Review approval (AR-95-53) and per the above standards. The proposed 1,050 square foot building requires 3 vehicle parking spaces. The applicant will be required to submit a Final Plan Set that includes a site plan that demonstrates compliance with the above standards. With Condition of Approval A4(e) and A6, these standards are met.

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

Number of Required Parking Spaces	Number of Vanpool or Carpool Spaces
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces

[...]

Finding:

One (1) vanpool parking space is required from prior Architectural Review approval (AR-95-53) and per the above standards. The applicant will be required to submit a Final Plan Set that includes a site plan that demonstrates compliance with the above standard. With Condition of Approval A4(f) and A6, this standard is met.

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

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

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

[...]

Finding:

The applicant is proposing a building of 1,050 square feet which is below the 5,000 square foot threshold that would require an off-street loading facility. These standards are met.

Section 73C.130 – Parking Lot Driveway and Walkway Minimum Requirements. Parking lot driveways and walkways must comply with the following requirements:

[...]

(2) Commercial Uses. Ingress and egress for industrial uses must not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
1-99	1	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only

Finding:

As depicted on the Site Plan (Exhibit A2) public access will be from a single existing driveway off of SW Pacific Highway that has a width of 28 feet. No new site access or any alteration to the existing access are being proposed.

PARKING LOT LANDSCAPING

Section 73C.200 – Parking Lot Landscaping Standards Purpose and Applicability.

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

(2) Applicability. Off-street parking lot landscaping standards apply to any surface vehicle parking or circulation area.

Finding:

The proposal includes a parking and vehicle circulation area. This section of the TDC applies.

Section 73C.220 – Commercial Parking Lot Landscaping Requirements.

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

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

(2) Clear Zone. Clear zone required for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level.

(3) Perimeter. Minimum 5 feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following.

- (a) Deciduous trees located not more than 30 feet apart on average as measured on center;
- (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;
- (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;
- (d) Native trees and shrubs are encouraged; and

[...]

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

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater runoff and function as water quality facilities as well as parking lot landscaping;

- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;**
- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;**
- (d) Landscape separation required for every eight continuous spaces in a row.**
- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;**
- (f) Must be planted with groundcover or shrubs;**
- (g) Native plant materials are encouraged;**
- (h) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);**
- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and**
[...]

(5) Landscaping Along Driveway Access. For lots with 12 or more parking spaces:

- (a) Landscape area at least five feet in width on each side of the site access;**
- (b) Landscape area must extend 25 feet from the right-of-way line; and**
- (c) Exceptions: Does not apply to parking structures and underground parking which must be determined through the Architectural Review process.**

Finding:

These standards were previously satisfied through prior Architectural Review approval (AR-95-53). The applicant will be required to submit a Final Plan Set that includes a site plan that demonstrates compliance with the above standards. With Condition of Approval A4(a-g) and A6, these standards are met.

Chapter 73D: Waste and Recyclables Management Standards

TDC 73D.010. - Applicability and Objectives.

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

[...]

(b) Commercial developments; and

[...]

Finding:

The applicant is not proposing any changes to the existing waste and recycling management associated with the subject property. These standards are not applicable.

Chapter 74: Public Improvement Requirements

TMC Title 3: Utilities and Water Quality

Finding:

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

TMC Chapter 03-05 – Erosion Control, 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.

[...]

TDC 74.640 Grading.

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

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

Finding:

Erosion Control measures must be a part of the permit plans submitted for approval. The disturbance area of the site will be less than 1 acre which requires a City of Tualatin Erosion Control permit to assure measures will be installed to prevent sediment or erosion from leaving the site. Building sewer installation must meet the requirements of the Oregon Plumbing Specialty Code as enforced by the City of Tualatin. These standards are met.

Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin and CWS must be provided with the construction permit submittal documents. The applicant must obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet.

The development site must be graded to minimize the impact of stormwater runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development. A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties.

The proposed grading plan is shown to minimize the impact of stormwater runoff to adjacent properties and allows adjacent properties to drain as they did before the development.

Prior to issuance of permits for construction activities, the applicant must submit final plans:

- 1. Minimizing impact from stormwater runoff to adjacent properties*
- 2. Allowing adjacent properties to drain as they did before the new development, and*
- 3. Providing gravity drainage from this development to an approved public system.*

The standards will be met by Conditions of Approval.

TMC Additional Surface Water Management Standards.

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.

TMC 3-5-210 Review of Downstream System.

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

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

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.

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

(1) Unless designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity onsite detention facilities shall be designed to capture run-off so the run-off rates from the site after development do not exceed predevelopment conditions, based upon a 25-year, 24-hour return storm.

(2) When designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed predevelopment rates for the 2 through 100 year storms, as required by the determined downstream deficiency.

(3) Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or subbasin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.

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.

(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.

[...]

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.

[...]

TMC 3-5-330 Permit Required.

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

[...]

TMC 3-5-350 Phosphorous Removal Standard.

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

TMC 3-5-360 Design Storm.

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

[...]

TMC 3-5-390 Facility Permit Approval.

A stormwater quality control facility permit shall be approved only if the following are met:

(1) The plat, site plan, or permit application includes plans and a certification prepared by an Oregon registered, professional engineer that the proposed stormwater quality control facilities have been designed in accordance with criteria expected to achieve removal efficiencies for total phosphorous required by this Title III. Clean Water Services Design and Construction Standards shall be used in preparing the plan for the water quality facility; and

(2) The plat, site plan, or permit application shall be consistent with the areas used to determine the removal required in TMC 3-5-350; and

(3) A financial assurance, or equivalent security acceptable to the City, is provided by the applicant which assures that the stormwater quality control facilities are constructed according to the plans established in the plat, site plan, or permit approval. The financial assurance may be combined with our financial assurance requirements imposed by the City; and

(4) A stormwater facility agreement identifies who will be responsible for assuring the long term compliance with the operation and maintenance plan.

[...]

TDC 74.630 Storm Drainage System.

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

(2) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City's Storm and Surface Water Regulations.

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

[...]

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

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

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

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

Finding:

The applicant submitted a Stormwater Report provided by AKANA dated November 5, 2021. The report indicates a proposed stormwater facility designed to treat and infiltrate the 100-year stormwater event for all new and modified impervious areas. The facility's location will be near to the proposed structure and separate from other existing onsite stormwater and conveyance facilities. This is acceptable.

The applicant must provide financial assurance and obtain a Water Quality Permit for stormwater calculation evaluation and construction of new facilities prior to issuance of construction permits. The final water quality facility plans and calculations must be certified by an Oregon registered, professional engineer.

The applicant's plans show no water quality facilities in existing or created wetlands.

The applicant has submitted a Clean Water Services Service Provider Letter CWS File dated May 19, 2021 indicating that Sensitive Areas do not exist within the area of development. A CWS Memorandum (Exhibit B) dated February 2, 2022 was received for development on this site. After land use decision issuance, final plans are provided by the City to Clean Water Services for final review. Upon approval by Clean Water Services they will provide the City authorization to issue construction permits. The applicant must submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d). These standards are met by Conditions of Approval.

Chapter 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.

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.

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.

Finding:

Private improvements must be installed and maintained at the expense of the applicant. All public and private improvements proposed and modified by conditions of approval must be completed prior to receiving a Certificate of Occupancy.

These standards are met by conditions of approval.

IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days unless a written appeal is received by the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 before 5:00 p.m March 11, 2022. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB); appeals of Public Facilities Decision elements are appealed directly to City Council as specified in TDC Table 32-1.

Submitted by:



Keith Leonard, AICP
Associate Planner