



**ARCHITECTURAL REVIEW DECISION  
BRIDGEPORT VILLAGE REFRESH PROJECT (AR 21-0017)**

March 7, 2022

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Case #:	AR 21-0017
Project:	Bridgeport Village Refresh Project
Location:	7455 SW Bridgeport Rd; Tax ID: 2S113DB01700
Applicant:	Dale Pinney, First Western Development Advisors
Owner:	BV CenterCal LLC

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

## I. INTRODUCTION

### A. Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 33.110 Tree Removal
- TDC 57: Mixed Use Commercial District (MUC)
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 74: Public Improvement Requirements

### B. Site Description

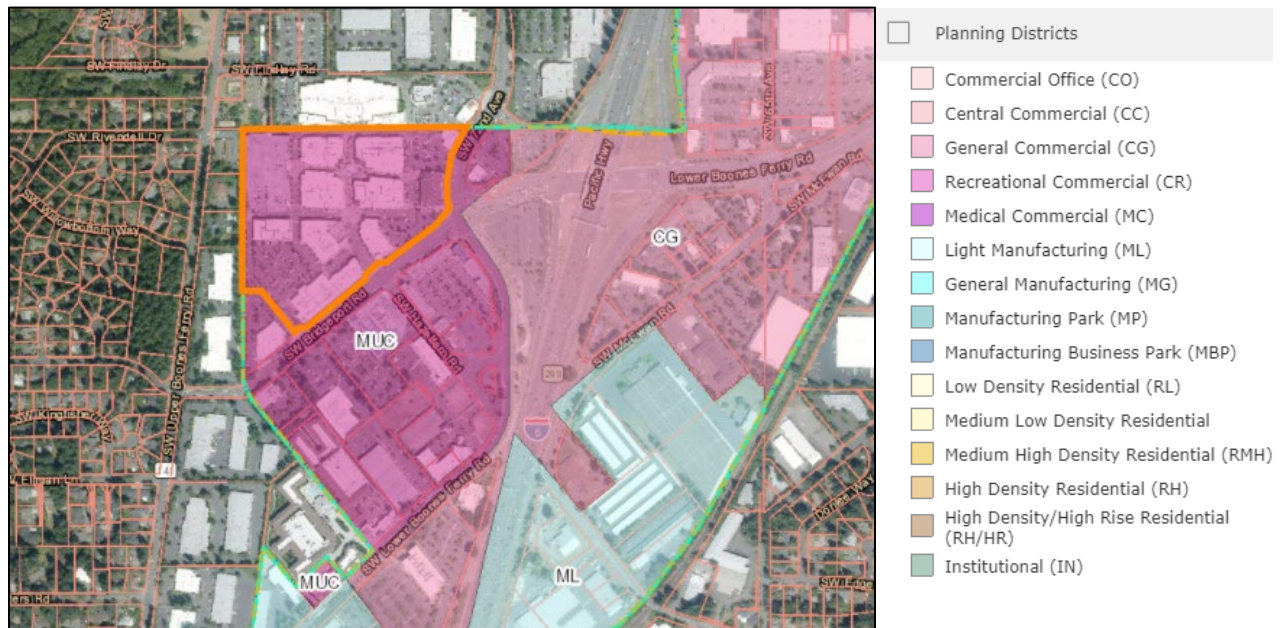


Figure 1 Aerial view of site with zoning (TualGIS)

The 18.68 acre site is an existing regional shopping center comprised of one tax lot zoned Mixed Use Commercial (MUC). This property is located north of SW Bridgeport Road and east of SW 72<sup>nd</sup> Avenue. The primary public access is taken from SW Bridgeport Road, a short distance from Interstate-5 exit 290.

The shopping center straddles the Tualatin-Tigard border. An adjacent property to the north is developed with a Theater and Pad 5, and is located within Tigard's jurisdiction. The subject property is developed with Buildings A-G, Crate and Barrel, a parking garage, and a central village green with vendor kiosks.

### **C. Proposed Project**

The applicant, First Western Development Advisors, on behalf of BV CenterCal LLC is proposing a comprehensive refresh of the regional shopping center. The applicant had phased their updates to include development of four outdoor canopies, a new façade treatment for Building C, an amended canopy and patio for Building D, and modification of exterior paint colors for Buildings A-G and the parking garage building under Minor Architectural Review 21-0032. The subject proposal includes an improved canopy at Building E with fireplace feature, an outdoor plaza at Building G with seating, as well as hardscape and landscape improvements throughout the center that include a new children’s play area and outdoor theater with stage. Existing concrete walkways and plazas within the village green and north and south pedestrian corridors will be replaced and will include patterned tiles and pavers to demarcate canopied gathering spaces.

### **D. Previous Land Use Actions**

- AR 05-05 – Building F Modifications
- AR 04-18 – Multi-Tenant Building Pad 3
- AR 04-05 – Multi-Tenant Building Pad 6
- AR 03-15 – Revised Bridgeport Village Phase A
- AR 03-09 – Bridgeport Village Phase A

### **E. Surrounding Uses**

Surrounding uses indicate industrial areas that include:

North: City of Tigard

South: Mixed Use Commercial (MUC)

- SW Bridgeport Road
- The Pointe at Bridgeport Shopping Center
- Whole Foods

West: Mixed Use Commercial (MUC)

- Bridgeport Village Pad 4
- City of Durham

East: Mixed Use Commercial (MUC)

- SW 72<sup>nd</sup> Avenue
- Vacant Restaurant Building

### **F. Exhibit List**

- A: Application Materials
  - A1. Applicant’s Narrative
  - A2. Plan Set and Elevations
  - A3. Stormwater Report
  - A4. Supporting Documents
- B: Notice of Application
- C: Clean Water Services Memorandum

*The complete file, including Exhibits, is available for review at no cost and copies can be obtained at a reasonable cost by contacting [planning@tulatin.gov](mailto:planning@tulatin.gov) or 503-691-3026 and referencing Case File AR 21-0017.*

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 21-0017 is **approved** subject to the following conditions:

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### GENERAL:

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

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

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*Submit to [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. The existing stormwater treatment facilities and structures must be inspected, upgraded, and maintained to meet standards.
    - ii. Address runoff from all new and modified private impervious areas.
    - iii. Detain modified impervious areas to meet hydromodification standards 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.
    - iv. Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter dated October 26, 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 (Exhibit C).
  - 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 with the addition of the new detention facility. 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.

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**PRIOR TO BUILDING PERMIT ISSUANCE:**

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- A4. The applicant must obtain Erosion Control and Water Quality Permits from the City of Tualatin.
- A5. Please contact Building Services at (503) 691-3044 to schedule a pre-submittal meeting with Building Division staff prior to submitting for Building Permits.
- A6. The applicant must submit to the Planning Division a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted plans and includes:
  - a. Details demonstrating the modified "Front Door" walkways will comply with TDC 73A.410(1).
  - b. Landscape details for the landscaped areas proposed south of Building E and north of Building G, in conformance with TDC 73B.090.

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**PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLETION:**

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- A7. All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.050(1)(a).
- A8. Areas impacted by grading must be revegetated pursuant to TDC 73B.080(4).
- A9. The applicant must construct all site improvements as illustrated on the approved Final Site Plan. The applicant must contact the Planning Division for a site inspection at least 72 hours prior to requesting a certificate of occupancy. This inspection is separate from inspection(s) done by the Building Division.
- A10. 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.
- A11. 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.

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

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- A12. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A13. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.
- A14. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 73-2.

### III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

#### Chapter 32: Procedures

[...]

#### **Section 32.010 – Purpose and Applicability.**

[...]

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

[...]

**(b) Type II Procedure (Administrative/Staff Review with Notice).** A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are “limited land use decisions” as defined in ORS 197.015 are so noted in Table 32-1.

[...]

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

**Table 32-1 – Applications Types and Review Procedures**

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

#### **Finding:**

*The proposed Architectural Review application is classified as Type II Procedure Type according to Table 32-1. It has been processed according to the applicable code for Type II procedures. This standard is met.*

[...]

**Section 32.030 – Time to Process Applications.**

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

[...]

**Finding:**

*The application was deemed complete on January 18, 2022. The 120<sup>th</sup> day will be May 18, 2022. The final action will take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.*

**Section 32.110 – Pre-Application Conference.**

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

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

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

**(4) Application Requirements for Pre-Application Conference.**

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

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

**(i) A completed application form;**

**(ii) Payment of the application fee;**

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

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

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

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

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

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

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

**Finding:**

*A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on July 8, 2020 and engaged staff with subsequent discussions in August 2021. The application was submitted approximately four months later on November 29, 2021. 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 Neighborhood/Developer meeting was held on December 8, 2021. The applicant has provided documentation of sign posting and notification in compliance with this section. Two members of the public attended the meeting, who showed interest in the children play area updates and shared concern over stormwater impacts to adjacent properties to the west. 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 BV CenterCal LLC. to be the current owner of the subject site. The application has been electronically signed by an agent of BV CenterCal LLC. 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 21-0017 on November 29, 2021. The application was deemed complete on January 18, 2022. The general land use submittal requirements were included with this application. These standards are met.*

**Section 32.150 - Sign Posting.**

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

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

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

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

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

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

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

**Finding:**

*The applicant provided certification within Exhibit A4 that signs in conformance with this section were placed on site in accordance with this section. These standards are met.*

**Section 32.160 – Completeness Review.**

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

**(2) Considerations.** Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

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

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

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

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

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

[...]

**Finding:**

*The applicant submitted an application for AR 21-0017 on November 29, 2021. The application was then deemed complete on January 18, 2022. These standards are met.*

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

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

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

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

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

- (a) Recipients:
  - (i) The applicant and the owners of the subject property;

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

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

**(iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**

**(v) Any person who submits a written request to receive a notice;**

**(vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and**

**(vii) Utility companies (as applicable).**

**(b) The mailed notice of pending Type II Decision, at a minimum, must contain all of the following information:**

**(i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**

**(ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**

**(iii) The proposed site plan;**

**(iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**

**(v) The type of application and a concise description of the nature of the land use action;**

**(vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**

**(vii) Brief summary of the local decision making process for the land use decision being made;**

**(viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**

**(ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;**

**(x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;**

**(xi) A statement that comments received after the close of the public comment period will not be considered;**

**(xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and**

**(xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.**

(c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.

(4) Decision. At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:

(a) Explains the criteria and standards considered relevant to the decision;

(b) States the facts relied upon in issuing the decision; and

(c) Explains the justification for the decision based on the criteria, standards and facts set forth.

**Finding:**

*After submittal and completeness review as required by this section, notice for the Type II application for AR 21-0017 was mailed by city staff on January 18, 2022 and contained the information required by this section, as attached in Exhibit B. No public comment have been received. These standards are met.*

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

(a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;

(c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;

(d) The date the decision becomes final, unless an appeal is submitted; and

(e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.

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

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

**Finding:**

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

## **Chapter 33: Applications and Approval Criteria**

[...]

### **Section 33.020 Architectural Review**

[...]

#### **(5) Approval Criteria.**

##### **(b) General Development.**

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

**Finding:**

*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 the compliance with the above criteria. With Condition of Approval A1, these standards are met.*

**Section 33.110 Tree Removal Permit/Review**

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

[...]

**Finding:**

*TDC 31.060 defines a tree as: A living, standing, woody plant having a trunk eight inches or more in diameter, widest cross section, at a point four feet above mean ground level. The proposal includes removal of seven trees under eight inch diameter and eleven replacement trees in the narrative*

*submitted as Exhibit A1. A landscape plan has been included under Exhibit A2 to amend on-site landscaping. The tree removal permit standards do not apply.*

**Chapter 57: Mixed Use Commercial (MUC) Zone**

[...]

**Section 61.200 Use Categories**

**(1)Use Categories.** Table 61-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 61-1 and restrictions identified in TDC 61.210. 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.

[...]

<b>Table 57-1: Use Categories in the MUC Zone</b>		
<b>USE CATEGORY</b>	<b>STATUS</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
<b>COMMERCIAL USE CATEGORIES</b>		
Eating and Drinking Establishments	P	P
Medical Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Retail Sales and Services	P/C (L)	Pet day care without outdoor activity area is permitted outright. Mortuary not permitted. Conditional uses limited to: <ul style="list-style-type: none"> <li>• Outdoor sales subject to TDC 57.210.</li> </ul> All other retail sales and service uses permitted outright.

[...]

**Finding:**

*The proposal is within the Mixed Use Commercial (MUC) Planning District. The shopping center is existing and includes a mix of office, retail, and restaurant uses. No amendments to use are included in the proposal. This standard remains met.*

**TDC 57.300. - Development Standards.**

**Development standards in the MUC zone are listed in Table 57-3. Additional standards may apply to some uses and situations, see TDC 57.400.**

[...]

**Finding:**

*The shopping center is existing. No amendments to setback, building height, or lot coverage are included under this proposal. These standards were met under past land use approvals.*

**Chapter 73A: Site Design**

**TDC 73A.400 - Mixed Use Commercial Design Applicability; Exceptions.**

**(1)Applicability.** The mixed-use design standards apply to:

- (a)New buildings in the Mixed-Use Commercial (MUC) zone.**
- (b)Expansion or substantial exterior remodeling of existing non-residential development in the Mixed-Use Commercial (MUC) zone which is greater than 50 percent of the building's gross floor area or alters any facade visible from a public or private street frontage by more than 50 percent.**

**Finding:**

*No new buildings are included within this proposal. The proposal includes remodeling of the eastern elevation of Building C, which is an interior facing façade that is not visible from public or private street frontages. The proposal also includes an improved canopy at Building E with fireplace feature. The canopy feature is limited to 24% of the building façade visible from private street frontage. While these standards are largely unapplicable, the proposal does include improvements to existing walkways as discussed in TDC 73A.410 below.*

**TDC 73A.410 - Mixed Use Commercial Design Standards.**

The following are the minimum standards for development in the Mixed-Use Commercial zone.

**(1) Walkways.** Mixed-Use Commercial zone development must provide walkways as follows:

- (a) Walkways must be a minimum of six feet in width;**
- (b) Walkways must be constructed with scored concrete or modular paving materials;**
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;**
- (d) Walkways must be continuous and connect all building entrances within the development to one another and to: all public streets or private access abutting the site: all parking areas, storage areas, recreational facilities and common areas associated with the development; and adjacent development, transit stops, and public greenways and parks; and**
- (e) Walkways must provide connection to an abutting street every 200 linear feet of frontage.**

**Finding:**

*The proposal includes modifications to the shopping centers pedestrian corridors. The interior pedestrian corridors or spokes of the development proposed in Exhibit A2 meet these requirements. The applicant has also identified a desire to update the “Front Door” crosswalks where private streets intersect at the primary entrance off of SW Bridgeport Road but has not submitted a proposal for review. With Condition of Approval A6.a., these standards will apply to the “Front Door” walkways at the private intersection.*

**Chapter 73B: Landscaping Standards**

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

Excerpted from 73B.020	
Zone	Minimum Area Requirement
[...]	
<b>(4) ... MUC District—All uses</b>	10 percent of the total area to be developed

**Finding:**

*The shopping center is located in the MUC zoning district. The proposal includes modifications to existing site landscaping; as described in the Applicant Narrative included as Exhibit A1. The project impacts are limited to 32,500 square feet of the overall 27.5 acre site. Within the project area is an existing 1,210 square feet of landscaping. The proposal will increase this area to 4,030 square feet or 12% of the project area. This standard is met.*

**TDC 73B.050 - Additional Minimum Landscaping Requirements for all uses in the MUC Zone.**

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



- (b) A landscape area may be occupied by utilities, screening, sidewalks, bikeways; and
- (c) Landscape screening provisions are superseded by the vision clearance requirements of Figure 73-2.

(2) Standards. The matrices in Tables 73B-1 and 73B-2 must be used in calculating widths of landscape buffer areas, as well as screening improvements to be installed between proposed uses and abutting uses. Landscape buffers are not required between abutting uses that are of a different type when the uses are separated by a street.

(a) Buffer. The minimum improvements within a buffer area must include landscaping and screening specified in Tables 73B-1 and 73B-2. Landscape improvements must meet the following specifications:

[...]

(b) Screening. Where screening is specified in Tables 73B-1 and 73B-2, the following standards apply, in addition to those required for buffering:

[...]

**Finding:**

*As shown on the Landscape Plan in Exhibit A2, landscape modifications are limited to the interior courtyard and interior pedestrian corridors or spokes of the development. There are no impacts proposed to the existing landscape buffer and screening areas around the shopping center perimeter. With Conditions of Approval A7 and A13, standard (1) is met. Standard (2) remains met under past land use approvals.*

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

The following are minimum standards for landscaping for all zones.

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

*As shown on the Landscape Plan included in Exhibit A2, these standards are met.*

<p>(2) Fences</p>	<ul style="list-style-type: none"> <li>• Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.</li> </ul>
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**Finding:**

*The subject site is not located in a habitat area, and no fencing is proposed. This standard is not applicable.*

<p>(3) Tree Preservation</p>	<ul style="list-style-type: none"> <li>• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</li> <li>• During construction:</li> <li>• Must provide above and below ground protection for existing trees and plant materials identified to remain;</li> </ul>
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	<ul style="list-style-type: none"> <li>• Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line;</li> <li>• If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</li> <li>• Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</li> <li>• Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and</li> <li>• Tree root ends must not remain exposed.</li> <li>• Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</li> <li>• When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged</li> <li>• 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development</li> </ul>
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**Finding:**

*As mentioned in TDC 33.110, the proposed impacts to landscape and hardscape areas will not affect trees over eight inches of diameter breast height. Tree preservation standards do not apply to the proposal.*

<p><b>(4) Grading</b></p>	<ul style="list-style-type: none"> <li>• After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.</li> <li>• All planting areas must be graded to provide positive drainage.</li> <li>• Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>• Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.</li> </ul>
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**Finding:**

*The proposal includes grading, as shown in Exhibit A2. Grading and erosion control is further addressed in Chapter 74. With Condition of Approval A8, these standards are met.*

<p><b>(5) Irrigation</b></p>	<ul style="list-style-type: none"> <li>• Landscaped areas must be irrigated with an automatic underground or drip irrigation system</li> <li>• Exceptions: Irrigation requirement does not apply to duplexes and townhouses.</li> </ul>
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**Finding:**

*Irrigation will be provided in landscaped areas, as described on the Landscape Plan in Exhibit A2. This standard is met.*

<p><b>(6) Re-vegetation in Un-landscaped Areas</b></p>	<ul style="list-style-type: none"> <li>• Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements.</li> <li>• Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>• The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>• Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul>
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**Finding:**

*The applicant proposes to landscape all areas not otherwise proposed for development within the development area. These standards are met.*

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

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

**Finding:**

*A plant schedule and details has been provided in Exhibit A2; however Site Layout Plan, Sheets A-05, A-06, and A-16 included landscape planter areas that are not reflected on the submitted landscape plans. With Condition of Approval A6.b., 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;**

[...]

**(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:**

*As shown on Site Plan, the proposal will impact one existing parking stall located at the northeast corner of Building G, by the Peet’s Coffee tenant. The proposal also includes restriping of crosswalk located at the “Front Door” intersection of private drives between Buildings C-F. The parking stall and drive aisles standards remain 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:**

*As shown on the Lighting Concept Plan, improvements are proposed interior to the site, and lighting will not shine into the street right-of-way. The site is not adjacent to a residential zone or natural area. This standard is met.*

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

[...]

**Finding:**

*There are no modifications existing bicycle parking included in the proposal. These standards remain met.*

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

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

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING
Commercial		
Shopping Center over 100,000 SF	4.1 spaces per 1,000 square feet of gross floor area	5.1 spaces per 1,000 square feet of gross floor area

**Finding:**

*Existing parking for the overall development was reviewed and approved through AR 03-09. The shopping center required a minimum of 1,910 parking spaces and provided 2,074 spaces. MAR 21-0028 approved the removal of two parking spaces, and the subject proposal includes the removal of one additional space. The overall shopping center will maintain 2,071 parking spaces, exceeding the requirement.*

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

[...]

**Finding:**

*There are no modifications existing loading facilities included in the proposal. These standards remain met.*

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

[...]

**Finding:**

*There are no modifications existing site ingress/egress included in the proposal. These standards remain met.*

**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:**

*Landscape modifications are limited to the interior courtyard and interior pedestrian corridors or spokes of the development. This section does not apply.*

**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; [...]

**Finding:**

*The proposal does not include an expansion of the existing shopping center. These standards do not apply.*

**Chapter 74: Public Improvement Requirements**

**Section 74.640 Grading.**

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

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

**Finding:**

*The proposed disturbance is approximately 0.75 acres. Disturbance between 500 square feet to 1 acre meets the threshold to require an Erosion Control permit from the City of Tualatin. This permit must assure measures will be installed to prevent sediment or erosion from leaving the site.*

*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.*

*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.*

*With Condition of Approval A2, these standards are met.*

**Section 74.630 Storm Drainage System.**

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

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

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

[...]

**Section 74.650 Water Quality, Storm Water Detention and Erosion Control.**

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

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

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

**Finding:**

*The applicant submitted a Stormwater Report provided by Humber Design Group dated December 8, 2021. The report indicates a proposed stormwater facility designed to detain approximately 0.75 acres of modified impervious area to meet current hydromodification standards. The facility's location will be south of SW Findley Road within an existing parking lot within the City of Tigard's jurisdiction. The land use decision AR 03-09 which allowed Bridgeport Village development resulted with the City of Tualatin as the responsible jurisdiction to routinely confirming adequate maintenance has been performed via the Private Water Quality Facility Program within the Bridgeport Village development.*

*Existing stormwater facilities provide treatment for the existing surfaces. The existing stormwater treatment facilities and structures must be inspected, upgraded, and maintained to meet standards.*

*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 October 26, 2021 indicating that Sensitive Areas do not exist within the area of development. A CWS Memorandum was received dated February 2, 2022 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).*

*With Condition of Approval A3, these standards are met.*

**Section 74.120 Public Improvements.**

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

**plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.**

**Section 74.130 Private Improvements.**

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

**Section 74.140 Construction Timing.**

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

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

**Finding:**

*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.*

*With Conditions of Approval A10 and A11, these standards are met.*



#### **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 21, 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:



Erin Engman  
Senior Planner