



ARCHITECTURAL REVIEW BOARD DECISION

ARB Hearing Continued to: February 22, 2023

Original Date: November 30, 2022

Case #:	AR 22-0008
Project:	Alden Apartments
Location:	7800 SW Sagert Street and 20400 SW Martinazzi Avenue, Tax Map/Lot: 2S125BA00100
Representative	Heather Austin, AICP, 3j Consulting, Inc.
Owner:	CR Alden Communities, LLC

I. FINDINGS

- A. An application for Architectural Review (AR 22-0008) was filed by 3j Consulting, Inc., to demolish 2 existing buildings and to construct 45 attached townhouse units within 12 buildings, and 8 new carports containing 132 off-street parking spaces for a total of 442 parking spaces within the existing parking lot. The applicant also submitted a tree removal permit to remove 51 trees to construct the improvements.
- B. The Architectural Review Board (ARB) conducted a noticed quasi-judicial public hearing on February 22, 2023 in conformance with the laws of the State of Oregon and the City of Tualatin.
- C. At The Architectural Review Board concludes that the findings and analysis, testimony at the public hearing, and materials in the record address the criteria of TDC 33.020(5) for the approval of the AR 22-0008 with Conditions of Approval.

II. ACTION

The Architectural Review Board Decision approves AR 22-0008 and adopted the staff analysis and findings, dated February 22, 2023, with the following Conditions of Approval:

GENERAL:

- A1. This Architectural Review approval shall expire after two years 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 TDC 33.020(10).

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

Submit to [eTrakit](#) for review and approval:

- A2. The applicant must apply for applicable Engineering Erosion Control, Water Quality, and Public Works permits:
 - a. Apply using [eTrakit](#). With the initial Engineering permit(s) application(s) include:

- i. One combined set of 24"x36" plans including all applicable Engineering permits attached to one Engineering permit. Include a note on other Engineering permits stating which application includes the set; and,
 - ii. Payment for an Erosion Control permit fee per the fee schedule; and,
 - iii. Engineering estimate and deposit for each Water Quality or Public Works permit per the fee schedule; and,
- b. Deliver two 24"x36" hard copies of the combined Engineering permit plan sets to:

City of Tualatin
Attn: Engineering Division c/o Principal Engineer
10699 SW Herman Road
Tualatin, OR 97062

- A3. The applicant must submit Final Street Improvement Plans for SW Avery Street, SW Martinazzi Avenue, and SW Sagert Street adjacent to the lot in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show:
- a. Dedication of half-street right-of-way from centerline totaling:
 - i. 25 feet for SW Avery Street; and,
 - ii. 38 feet for SW Martinazzi Avenue; and,
 - iii. 37 feet for SW Sagert Street; and,
 - b. Any additional dedication needed for SW Avery Street and SW Martinazzi Avenue and construction:
 - i. On the north side of SW Avery Street to the Shaniko Greenway Trail:
 1. A 4-foot-wide planter strip; and,
 2. Street trees; and,
 3. Widened to accommodate any required LIDA street swales for public stormwater to meet current CWS requirements; and,
 4. A 5-foot-wide public sidewalk; and,
 5. Street lighting improvements as necessary to meet Tualatin standards.
 - ii. Ramps at the northeast corner of the intersection of SW Avery Street and SW Martinazzi Avenue; and,
 - c. Ramp replacement at the intersection of SW Avery Street and SW Martinazzi:
 - i. For the northeast and southeast corners crossing the east side of the intersection; and,
 - ii. For the northwest and northeast corners crossing the north side of the intersection with curb extensions; and,
 - d. Continental striping of all four crosswalks of the intersection of SW Avery Street and SW Martinazzi Avenue.
 - e. SW Martinazzi Avenue on the east side including:
 - i. Preferred half-street improvements including on-street parallel parking along Martinazzi. This section may be adjusted as necessary (as determined by the City Engineer) to preserve existing large mature trees; and,
 - ii. Street lighting improvements as necessary to meet City Engineer standards including PGE's Option A.
 - iii. A planter strip with street trees:
 6. With a minimum 6-foot width where possible; and,

7. Widened to preserve street and private trees or accommodate any required LIDA street swales for public stormwater to meet current CWS requirements; and,
 - iv. A 6-foot-wide sidewalk meandered as needed for topography, tree preservation, and to match the planter strip; and,
 - f. An 8-foot-wide public utility easement and any required slope easement, or existing equivalent approved by the City Engineer, adjacent to SW Avery Street, SW Martinazzi Avenue, and SW Sagert Street including:
 - i. Five feet of public utility easement surrounding water meter, backflow protection, and fire vault; and,
 - ii. Any proposed private retaining walls must be outside of public utility and slope easements; and,
 - iii. The City Engineer may allow existing right-of-way in excess of the Preferred half-street to equivalently reduce the required easement width; and,
 - g. Bring into compliance of ADA standards:
 - i. All public sidewalks adjacent to the lot; and,
 - ii. Driveways serving the lot; and,
 - iii. All ramps adjacent to the lot including receiving ramps at the northwest and southeast corner at the intersection of SW Avery Street and SW Martinazzi Avenue.
- A4. The applicant must submit Final Water System Plans in accordance with Tualatin Development Code (TDC) 74.610, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
 - a. Separate laterals for domestic and fire services; and,
 - b. A gate valve at the main for both domestic and fire service laterals; and
 - c. Adjacent to public right-of-way:
 - i. Reduced pressure backflow prevention for the domestic lateral; and,
 - ii. Water meter(s) behind the curb within the planter strip, and
 - iii. If within final plans, irrigation after a domestic meter and reduced pressure backflow device; and,
 - iv. Fire vault(s) surrounded by a five foot public utility easement.
- A5. The applicant must submit Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74.620, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show location of the lines, grade, materials, and other details including cleanout at right-of-way.
- A6. The applicant must submit:
 - a. Proof from DEQ of approval of construction of the Underground Infiltration Facility or accommodation of associated stormwater infiltration volume within detention facilities approvable under City of Tualatin codes and Clean Water Services' Design and Construction Standards; and,
 - b. Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.630 and 74.650, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:
 - i. Provide a downstream analysis, including but not limited to erosion, and include solutions within final plans for ¼ mile downstream from the release

- from the private development through the public stormwater system, in accordance with TMC 3-5-210(4); and,
- ii. Accommodate up to a 25-year storm event within the City of Tualatin's public stormwater system with a maximum capacity of 82% for Tualatin's lines in accordance with TDC 74.640, CWS D&CS 5.05.2.d, and the City Engineer; and,
 - iii. Evaluate the 100-year check storm for any release directly or indirectly to ODOT's stormwater system in accordance with the ODOT Hydraulics Manual; and
 - iv. Address runoff from all new and modified private and public impervious areas; and,
 - v. Prove gravity flow five feet from the outside of the established line of the building to the public stormwater system or as otherwise approved by the City Engineer, in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4); and,
 - vi. Discharge to an approved public system; and,
 - vii. 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; and,
 - viii. Prove infiltration rates in accordance with CWS D&CS 4.08.03; and,
 - ix. Detain as required for conveyance with the City of Tualatin's stormwater system and up to the 50-year storm event for release to ODOTs stormwater system in accordance with the ODOT Hydraulics Manual, TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08; and,
 - x. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for ½ the 2-year storm event and the 5-year and 10-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5; and,
 - xi. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
 - 1. The submitted Clean Water Services' Service Provider Letter CWS File Number dated July 19, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter, and,
 - 2. Requirements stated within the Clean Water Services' Memorandum dated November 10, 2022; and,
- c. Financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1; and,
 - d. A copy of the recorded private stormwater maintenance agreement in accordance with TMD 3-5-390(4). 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, and treatment.
- A7. The applicant must submit Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that:
- a. Minimize the impact of stormwater from the development to adjacent properties; and,

- b. Are sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality if disturbance is between 1 and 5 acres.

PRIOR TO BUILDING PERMIT ISSUANCE:

- A8. The applicant must submit copies of recorded deeds of right-of-way dedication along with public utility and slope easements, as approved by the City Engineer, in accordance with Tualatin Development Code (TDC) 74.210 and 74.330 which show:
 - a. Right-of-way dedication including:
 - i. A half-street from centerline for a total of:
 - 1. 25 feet for SW Avery Street; and,
 - 2. 38 feet for SW Martinazzi Avenue; and,
 - 3. 37 feet for SW Sagert Street; and,
 - ii. Any additional at the intersection of SW Avery Street and SW Martinazzi Avenue to construct a 5-foot-wide public sidewalk and 4-foot-wide planter strip along with ramps at the northeast corner of the intersection; and,
 - iii. Any additional to accommodate and any final public street improvements or stormwater LIDA facilities; and,
 - b. 8-foot-wide public utility and any necessary slope easements, adjacent to SW Avery Street, SW Martinazzi Avenue, and SW Sagert Street including:
 - i. A 10-foot-wide public utility easement centered on any water lateral extending onsite past the public utility easement adjacent to right-of-way; and,
 - ii. Five feet of public utility easement surrounding water meters, backflow protection, and fire vaults; and
 - iii. Reduced width of easements from standard due to existing right-of-way in excess of the Preferred half-street width as determined by the City Engineer; and,
- A9. The applicant must obtain:
 - a. A National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality, and,
 - b. ODOT Miscellaneous Permit
 - c. Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.
- A10. The applicant must submit a Final Site Plan Set (in PDF format) to the Planning Division that is in substantial conformance to the submitted site plans and includes:
 - a. Tree Preservation Plan that corresponds to the Tree Assessment Report (submitted as Exhibit A3) that is drawn to scale that includes the location of all trees proposed for removal and preservation that are eight inches or more in diameter, all existing and proposed structures, all existing and proposed public and private improvements, and all existing public and private easements in accordance with TDC 33.110(4)(a).
 - b. Private outdoor areas of 80 square feet or greater attached to each ground level unit, consistent with TDC 73A.200(1).
 - c. Balcony areas of 48 square feet or greater provided for each above-ground unit, consistent with TDC 73A.200(2).
 - d. Entry areas of 24 square feet or greater provided for each unit, or a minimum combined area of 1,392 square feet or greater for each multi-family building, consistent with TDC 73A.200(3).
 - e. Shared outdoor area of 72,000 square feet or greater with features consistent with TDC 73A.200(4).

- f. Children’s play area of 36,000 square feet or greater with design features consistent with TDC 73A.200(5).
- g. Storage areas for each unit that are a minimum of: 36 square feet for two-bedroom units, and 48 square feet for three-bedroom or greater units, consistent with TDC 73A.200(6).
- h. Walkways that are a minimum of 6 feet in width; constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete; and meet ADA standards at time of construction, consistent with TDC 73A.200(7).
- i. An accessway that is a minimum 8 feet in width; constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete; meets ADA standards at time of construction; and connects the private on-site walkways to the public sidewalk or multiuse path on Boones Ferry Road, consistent with TDC 73A.200(7). The width may be reduced, as needed to accommodate right-of-way improvements and/or constraints, subject to approval by the City Engineer.
- j. The applicant shall provide detailed information including materials and colors proposed for the carports in compliance with TDC 73A.200(9).
- k. The applicant or property owner must submit scaled elevations illustrating that demonstrates compliance with TDC 73A.200(11).
- l. Trees identified for retention in Tree Assessment Report (Exhibit A3) must be identified on the grading plan, consistent with TDC 73B.080(3) and reflect the applicants Arborist report recommendations. Tree protection fencing and other preservation measures recommended by the Arborist should also be specified on the grading plan.
- m. The applicant shall provide and irrigation plan in compliance with 73B.080(5).
- n. The applicant must provide information that demonstrates compliance with site lighting requirements of TDC 73A.200(10)(b) and parking lot landscaping requirements of TDC 73C.020(11).
- o. Parking space dimensional information conforming to TDC Appendix B Figure 73-1 must be provided.
- p. Where bicycle parking spaces are not located within a garage of a dwelling unit, the applicant must provide information that demonstrates compliance with 73.050 (2).
- q. The applicant shall provide additional information that demonstrates the abutting sidewalk to the existing driveways are at least 6-feet in width in compliance with TDC 73C.130 (c).
- r. The applicant shall provide landscaping plans that illustrate clear vision requirements of TDC 73C.210 (2) are met.

DURING CONSTRUCTION ACTIVITY:

- A11. The applicant must install the tree protection fencing consistent with the Tree Assessment Report submitted as Exhibit A3 and Section 73B.080(3). Please contact the Planning Division to schedule an inspection with a minimum of 48 hours’ notice. Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR CERTIFICATE OF COMPLETION:

- A12. 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 Tualatin Development Code (TDC) 74.120.
- A13. 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.
- A14. The applicant shall provide information that demonstrates compliance with TDC 73A.200 (10).
- A15. Areas impacted by grading and all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.030(1).
- A16. Areas impacted by grading and all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.030(1).
- A17. The applicant shall provide information that demonstrates compliance with parking lot design standards and construct any required improvements per TDC 73C.020.
- A18. The applicant shall provide information that demonstrates the entire development meets the parking requirements 73C.100.
- A19. No vehicular parking, hedge, planting, fence, wall structure, or temporary/permanent physical obstruction is permitted between 30 inches and eight feet above the established height of the curb in the vision clearance area specified in TDC Figure 73-2 (Exhibit G).
- A20. The applicant shall follow the method of waste and recycling storage and pickup as described in the letter dated September 2, 2022 from Republic Services.

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

- A21. All mechanical equipment must be screened in accordance with TDC 73A.200(11)(c). Prior to approval of a mechanical permit, the applicant or property owner must submit scaled elevations illustrating that above-grade or on-grade equipment will be screened by parapet, sight-obscuring fence, landscaping, or other method.
- A22. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A23. 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).
- A24. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1 (Exhibit F).
- A25. No vehicular parking, hedge, planting, fence, wall structure, or temporary/permanent physical obstruction is permitted between 30 inches and eight feet above the established height of the curb in the vision clearance area specified in TDC Figure 73-2 (Exhibit G).

III. APPEAL

The applicant or any person who submitted written comments or testified orally or in writing at the Tualatin Architectural Review Board hearing and who may be adversely affected by the Board's decision may file a request for review of the final decision of the Tualatin Architectural Review Board to the City Council.

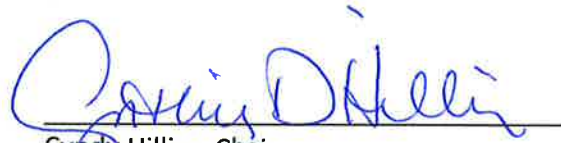
The Tualatin Architectural Review Board's decision will be final after 14 calendar days from the mailing of this order, unless a written appeal is received by the **Tualatin Planning Division at 10699 SW Herman Road, Tualatin, Oregon, before 5:00 p.m., March __, 2023. The appeal must be submitted on the City appeal form with all the information requested provided thereon, signed by the appellant, and include the applicable appeal fee.** The plans and appeal forms are available at the Planning Division offices. The appeal forms must include reasons, the current appeal fee, and meet the requirements of Section 32.310 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 22 DAY OF FEBRUARY, 2023.

ARCHITECTURAL REVIEW BOARD

CITY OF TUALATIN

BY:



Cindy Hillier, Chair
Architectural Review Board