



ANALYSIS AND FINDINGS
ALDEN APARTMENTS

ARB Hearing: February 22, 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

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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 Permit/Review
- TDC 42: Medium High Density Residential (RH) Zone
- TDC 73A: Site Design Standards
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvements
- TDC 75: Access

B. Site Description

The subject site is a 16.7 acre property with the street addresses of 7800 SW Sagert Street and 20400 SW Martinazzi Avenue (Washington County Tax Lot: 2S125BA00100). As illustrated in Figure 1, the site is zoned Medium High Density Residential (RMH). Access is provided from SW Sagert Street and SW Martinazzi Avenue. SW Avery Street also abuts the site to the south but there is no ingress/egress access. The I-205 eastbound exit ramp from I-5 abuts the property to the east. Alden Apartments currently consists of 26 buildings with 211 dwelling units that are served by 372 off-street parking spaces. The land reaches a high point of 254 feet in elevation near the center of the property and has lower elevations around the perimeter of the property.

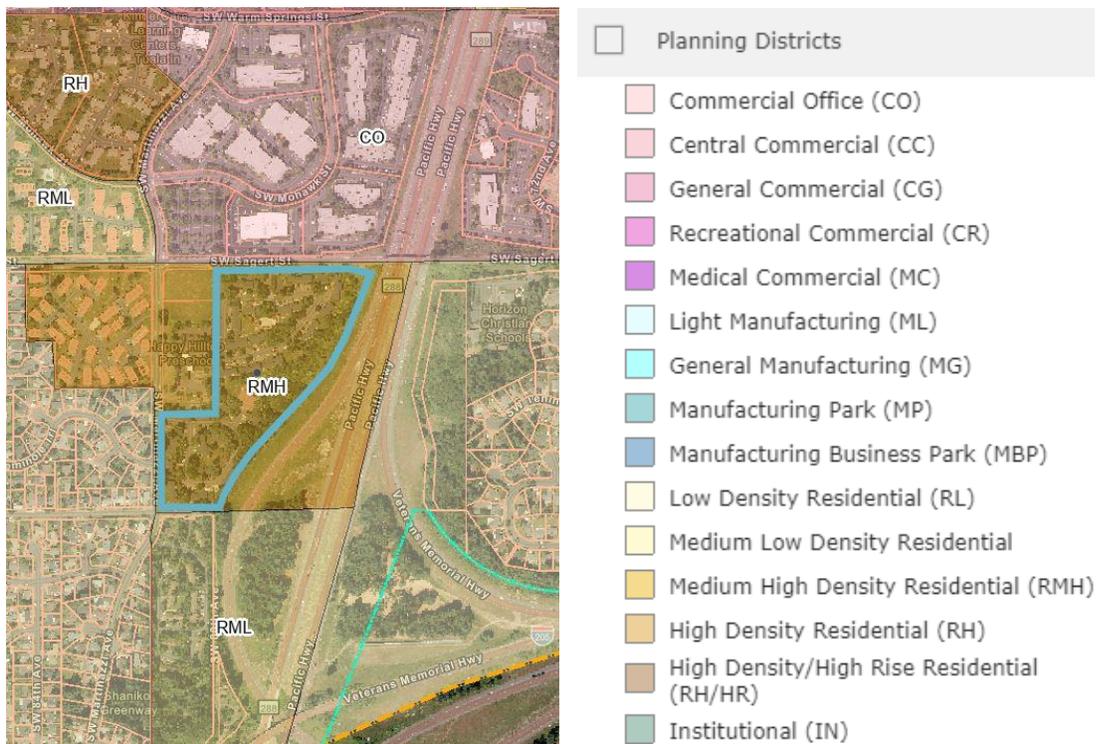
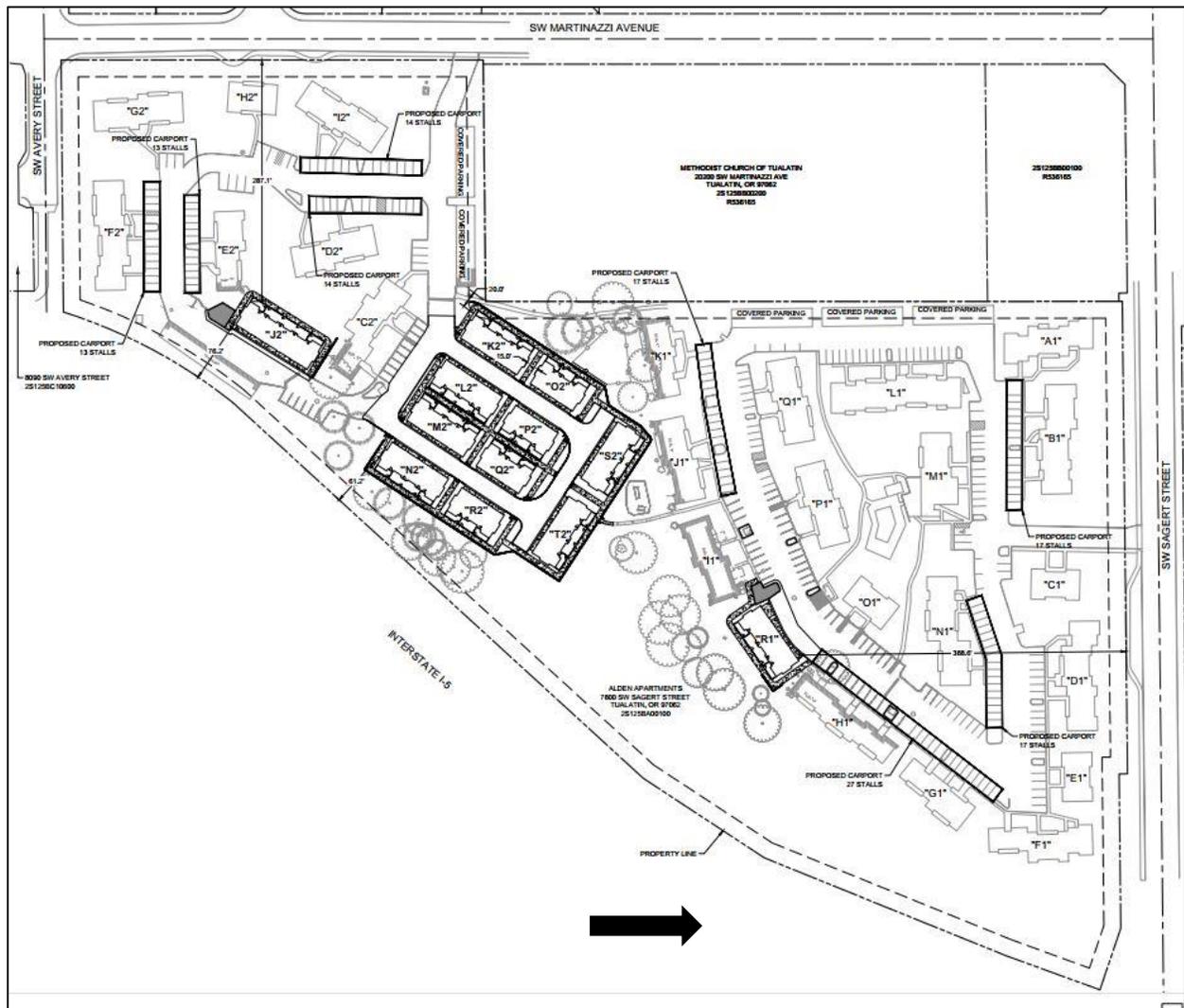


Figure 1: Aerial view of subject site (highlighted)

C. Proposed Project

As described in the applicant’s narrative and illustrated on their plan set (Exhibit A1 and A2), CR Alden Communities, LLC. proposes to demolish 2 existing buildings and construct 12 new buildings consisting 45 townhouses. There will be four 3-unit buildings, seven 4-unit buildings and one 5-unit building. There are currently 211 dwelling units spread throughout 26 buildings. The proposed development would increase the total number of dwelling units to 240 within 36 buildings (Figure 2). Eight new carports will be constructed within the existing parking lots. A total of 442 parking spaces will be provided for all units within Alden Apartments. An existing basketball court and other paved play areas will be removed for the proposed construction. There will be 5 outdoor play areas to serve the entire development. The existing swimming pool will also remain.

Figure 2: Site Plan (overview)



In conjunction with this Architectural Review application, the applicant has submitted a Tree Removal Permit application. The Arborists’ Tree Assessment Report (Exhibit A3) surveyed 88 trees and recommends the preservation of 37 on-site trees that are over 8” in diameter. There will be a total of 49 trees removed with two other non-regulated trees proposed for removal.

D. Previous Land Use Actions

- ANN69-01 Property Annexed into Tualatin
- AR78-03 Phase I Maricopa Hills
- AR78-24 Phase II Maricopa Hills

E. Surrounding Uses

Adjacent land uses and zoning includes:

North: Office Commercial Zone (CO)

- Office
- SW Sagert Street

East: Medium High Density Residential Zone (RMH)

- I-205 On Ramp to I-5

South: Medium Low Density Residential Zone (RML)

- Multi-Family Residential
- SW Avery Street

West: Medium High Density Residential Zone (RMH) and Low Density Residential Zone (RL)

- Single Family Residential Property
- Duplex and Triplex Residential Development
- Tualatin United Methodist Church Campus
- Vacant
- SW Martinazzi Avenue

F. Exhibit List

Exhibit 1 - Narrative

Exhibit 2 – Plan Set and Elevations

Exhibit 3 – Tree Assessment Report

Exhibit 4 – Transportation Impact Analysis

Exhibit 5 – Preliminary Stormwater Report

Exhibit 6 – Supporting Documents

Exhibit A – Engineering Memo for AR22-0008 Revised

Exhibit B – Public Noticing Requirements

Exhibit C – Tualatin Valley Fire & Rescue Conditions

Exhibit D – Clean Water Services Memorandum

Exhibit E – ODOT Response

Exhibit F – Figure 73-1 Parking Space Design Standards

Exhibit G – Figure 73-2 Vision Clearance Area

Exhibit H – Map 8-1 Tualatin Functional Classification Plan

Exhibit I – Map 8-4 Tualatin Bicycle and Pedestrian Plan

Exhibit J – Map 8-5 Tualatin Transit Plan

Exhibit K – Applicant email with public improvement cost estimate

II. PLANNING FINDINGS

These findings reference the Tualatin Development Code (TDC), 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).

[...]

(c) Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.

[...]

(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	Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood /Developer Mtg Required	Applicable Code Chapter
Architectural Review						
Multifamily Housing Projects 100 units and above (or any number of units abutting a single family district) •as requested by the CM	III	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:

Alden Apartments currently has 211 dwelling units. The proposal is requesting an increase of 29 units for a total of 240 units. Additionally, the subject property abuts RL and RML zoned properties. Therefore the proposed project will require a Type III Review according to Table 32-1. The application has been processed according to the applicable code for Type III 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 September 29, 2022, while the hearing for AR 22-0008 is scheduled for November 30, 2022. The applicant requested an extension in writing from March 28, 2023 until April 25, 2023. Final action will take place by April 25, 2023 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:

The subject land use action is identified as requiring a pre-application conference in Table 32-1. The applicant participated in a pre-application meeting on March 9, 2022, within the six month deadline for application submittal after the applicant and representative of the property owner attended a preapplication meeting. 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 within Exhibit A6 that they held a Neighborhood/Developer meeting on August 10, 2022, a little over 5 months prior to application submittal. The applicant has provided documentation of sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from the meeting. 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 application has been signed by Matthew Moiseve, a representative of Colrich California Construction, LLC., who is the owner of the subject property. Heather Austin of 3j Consulting, Inc. has signed as the applicant representing the property owner. 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 the subject application on September 1, 2022. The applicant subsequently submitted additional information on September 27, 2022, October 5, 2022 and October 10, 2022. The application was deemed complete on September 29, 2022. The material submitted after the initial application submittal did not change the development plans that were submitted on September 1, 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 A6 that signs were placed on site in accordance with this section. This standard is 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 subject application was submitted on September 1, 2022. The application was deemed complete on September 29, 2022. These standards are met.

TDC 32.170. - Revised Applications.

Revisions or alterations of an application may be made following the determination that an application is complete, provided such revisions or alterations do not render the application incomplete and do address applicable requirements. When revisions or alterations are desired by the applicant or required by the City, the applicant must provide fully revised application materials and clearly identifying those application materials which are revised.

Finding:

The applicant submitted the subject application on September 1, 2022. The applicant submitted additional information on September 27, 2022, October 5, 2022 and October 10, 2022. The application was deemed complete on September 29, 2022. The material submitted after the initial application submittal did not change the development plans or render the application incomplete and do address applicable requirements. This standard is met.

Section 32.230 – Type III Procedure (Quasi-Judicial Review – Public Hearing).

Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.

(1) Submittal Requirements. Type III 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 will for completeness in accordance with TDC 32.160.

(3) Written Notice of Public Hearing – Type III. Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.

(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 recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;**
- (v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
- (vi) Any person who submits a written request to receive a notice;**
- (vii) 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; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and 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;

(viii) Utility companies (as applicable); and,

(ix) Members of the decision body identified in Table 32-1.

(b) The Notice of a Public Hearing, 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 type of application and a concise description of the nature of the land use action;

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

(v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;

(vi) The date, time and location of the hearing;

(vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;

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

(ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and

(x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

(c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

Finding:

After submittal and completeness review as required by this section, notice for the Type III hearing concerning AR 22-0008 was mailed by city staff on November 9, 2022 and a second notice was mailed on January 6, 2023 (Exhibit B), which contained the information required by this section. No public comments were received at the time the Analysis and Findings were drafted. Agency comments were received and are included in Exhibits C, D and E. These standards are met.

(4) Conduct of the Hearing - Type III.

The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or

reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:

- (a) At the commencement of the hearing, the person chairing the hearing must state to those in attendance all of the following information and instructions:**
 - (i) The applicable substantive criteria;**
 - (ii) That testimony, arguments and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;**
 - (iii) That failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue;**
 - (iv) At the conclusion of the initial evidentiary hearing, the decision body must deliberate and make a decision based on the facts and arguments in the public record; and**
 - (v) Any participant may ask the decision body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the decision body grants the request, it will schedule a date to continue the hearing as provided in TDC 32.230(4)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.230(4)(f).**
- (b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the decision body must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the decision body must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the decision body must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.**
- (c) Presenting and receiving evidence.**
 - (i) The decision body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;**
 - (ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and**
 - (iii) Members of the decision body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.**
- (d) The decision body, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.**
- (e) If the decision body decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is**

submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.

(f) If the decision body leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:

(i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

(ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030, unless the applicant waives his or her right to a final decision being made within the required timeframe; and

(iii) If requested by the applicant, the decision body must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

Finding:

The Architectural Review Board will follow the hearing requirements set forth by this section. These standards will be met.

(5) Notice of Adoption of a Type III Decision.

Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption 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 that a copy of the decision and 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 a request for appeal is submitted; and

(e) The notice must include an explanation of rights to appeal the decision to the City Council in accordance with TDC 32.310.

(6) Appeal of a Type III Decision. Appeal of an Architectural Review Board or Planning Commission Type III Decision to the City Council may be made in accordance with TDC 32.310.

(7) Effective Date of a Type III Decision.

(a) The written order is the final decision on the application.

(b) The mailing date is the date of the order certifying its approval by the decision body.

(c) A decision of the Architectural Review Board or Planning Commission is final unless:

(i) a written appeal is received at the City offices within 14 calendar days of the date notice of the final decision is mailed; or

(ii) The City Manager or a member of the City Council requests a review of the decision within 14 calendar days of the date notice of the final decision is mailed.

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.

(c) Large Commercial, Industrial, and Multifamily Development. Applications for Large Commercial, Industrial, and Multifamily Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

Finding:

The subject application, which is for multi-family development, and must comply with the standards and objectives in TDC 73A through 73G. These standards are met with findings and conditions for 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.

[...]

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

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

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

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

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

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

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

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

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

(f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of

receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.

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

Finding:

The proposed application is approved subject to compliance with the above criteria. With recommended Condition of Approval A1, these standards are met.

Section 33.110 Tree Removal Permit/Review

(1) Purpose. To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.

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

[...]

(3) Procedure Type. Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.

Finding:

In conjunction with the Architectural Review, the applicant has submitted a Tree Removal Permit application. The criteria in TDC 33.110, addressed below, are the basis for approval or denial for tree removal as part of this Architectural Review. These standards are met.

Section 33.110 Tree Removal Permit/Review Approval Criteria

(5) Approval Criteria.

(a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:

(i) The tree is diseased and:

(A) The disease threatens the structural integrity of the tree; or

(B) The disease permanently and severely diminishes the esthetic value of the tree; or

(C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.

(ii) The tree represents a hazard which may include but not be limited to:

(A) The tree is in danger of falling; or

(B) Substantial portions of the tree are in danger of falling.

(iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.

(b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.

(i) Evergreen Trees. An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:

(A) Trunk Condition - extensive decay and hollow; or

(B) Crown Development - unbalanced and lacking a full crown;

(ii) Deciduous Trees. A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:

- (A) Trunk Condition - extensive decay and hollow;**
- (B) Crown Development - unbalanced and lacking a full crown; or**
- (C) Structure - Two or more dead limbs.**

Finding:

The applicant's Arborists' Tree Assessment Report surveyed a total of 88 trees within site development area (Exhibits A2 and A3). Two of the trees planned to be removed had a diameter less than 8 inches. A total of 35 of 49 regulated trees would be removed in order to construct the project. The other 14 regulated trees planned for removal are all deciduous trees with poor crown development or poor structure including 13 invasive species and one 29-inch diameter silver maple. The report recommends the preservation of 37 on-site trees that are over 8" in diameter. There will be a total of 49 trees removed. Of the on-site trees proposed for removal, the majority are to be removed to construct the proposed improvements in accordance with criterion 33.110(5)(a)(iii). There are also eight trees that are either dead or in poor condition, meeting the criterion of 33.110(5)(a)(i).

The Arborists' Tree Assessment Report lists the following tree protection specifications.

- 1. Preconstruction Conference.** *The project arborist shall be on site to discuss methods of tree removal and tree protection prior to any construction.*
- 2. Protection Fencing.** *All trees to be retained shall be protected by 5-foot-tall metal fencing secured to steel posts placed no further than 8-feet apart and shall be installed as depicted on the tree preservation plan. Trees located farther than 30-feet from construction activity do not require tree protection fencing.*
- 3. Tree Protection Zone Maintenance.** *The protection fencing shall not be moved, removed, or entered by equipment except under direction of the project arborist. The contractor shall not store materials or equipment within the TPZ.*
- 4. Erosion Control.** *Beneath the dripline of protected trees, erosion control fencing shall not be trenched in per manufacturer's specifications to avoid root impacts. Instead, alternative means of erosion control are required, such as wrapping the base of silt fencing around a straw wattle and staking the wattle into the ground or using compost socks or straw wattles staked into the ground in lieu of silt fencing.*
- 5. Crown Pruning.** *The project arborist can help identify where crown pruning is necessary to provide construction clearance and remove dead and defective branches for safety once trees planned for removal have been removed and the site is staked and prepared for construction. Pruning shall be performed by a Qualified Tree Service and conducted in accordance with ANSI A300 pruning standards and ISA Best Management Practices for pruning.*

With recommended Condition of Approval A10.a., which requires the applicant to provide a tree preservation plan that corresponds to the submitted Tree Assessment Report, and recommended Condition of Approval A11 related to tree protection, these standards are met.

CHAPTER 42 – Medium High Density Residential (RMH) Zone

[...]

Section 42.200. - Use Categories.

(1) Use Categories. Table 42-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RMH zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 42-1 and restrictions identified in TDC 42.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or

appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

(2) Overlay Zones. Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 42-1
 Use Categories in the RMH Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 43.220.
[...]		

[...]

Use Category from TDC 39.200:

(1) Characteristics. Household Living is the residential occupancy of an owner-occupied or rented dwelling unit by a family or household. Dwelling units must be self-contained, with cooking, sleeping and bathroom facilities. Occupancy is long-term, 30 days or more, and non-transient.

[...]

Finding:

The proposal would construct 45 self-contained multi-family dwelling units for long-term rental. Refer to housing type discussion below. This standard is met.

Section 42.220. - Housing Types.

Table 42-2 lists Housing Types permitted in the RMH zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RMH zone.

**Table 42-2
 Housing Types in the RMH Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
[...]		
Multi-Family Structure	P	See TDC definition in 31.060.
[...]		

Definition from TDC 31.060:

Multi-Family Structure. A structure containing five or more dwelling units on one lot. The land underneath the structure is not divided into separate lots. Multi-Family Structure includes, but is not limited to structures commonly called apartments, condominiums, and garden apartments.

Finding:

The applicant proposes to demolish 2 existing buildings and construct 12 new buildings consisting 45 townhouses. There will be four 3-unit buildings, seven 4-unit buildings and one 5-unit building. There are currently 211 dwelling units spread throughout 26 buildings. The proposed development would increase the total number of dwelling units to 240 within 36 buildings.

Section 42.300 – Development Standards.

Development standards in the RMH zone are listed in Table 42-3. Additional standards may apply to some uses and situations, see TDC 42.310.

**Table 42-3
 Development Standards in the RH Zone**

	Requirement	Minimum Proposed
MAXIMUM DENSITY		
Household Living Uses	Maximum: 15 units per acre Minimum: 11 units per acre	14.4 dwelling units per acre
MINIMUM SETBACKS		
Front (SW Sagert St. and SW Martinazzi Ave.)	35 feet	61.2 feet
Side	12 feet	20 feet
Rear	12 feet	20 feet
Between Buildings	10 feet	15 feet
Parking and Circulation Areas	10 feet	20 feet
MAXIMUM STRUCTURE HEIGHT		
All uses	35 feet	35 feet
MAXIMUM LOT COVERAGE		
All Other Permitted Uses	40%	12%
<i>Note: Calculations were based on data illustrated on the Applicant’s site plan sheets in Exhibit A2.</i>		

[...]

Finding:

Density, setbacks, parking and circulation areas, and building height are reflected in Exhibits A1 and A2. The applicant is proposing 3-story attached townhomes. The site plan, Sheet C600 of Exhibit A2, illustrates a portion of the patio and fence of building “K2” being located within the setback, which is permitted. No portion of the “K2” building is located within the required setback. As shown in the table above, these standards are met.

Section 42.310. - Projections into Required Yards.

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

Finding:

No projections into required setbacks are proposed. This provision has not been utilized.

Section 42.320. - Density Bonus or Setback Reduction for Developments Adjacent to Greenways and Natural Areas.

[...]

Finding:

The proposal is not located adjacent to identified greenways or natural areas. This provision is not applicable.

Chapter 73A: Site Design

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

(1) Purpose. The purpose of the site and building design objectives and standards found in TDC 73A through TDC 73G is to promote functional, safe, innovative, and attractive sites and buildings that are compatible with the surrounding environment, including, but not limited to:

- (a)** The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and
- (b)** The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.

(2) Objectives. The objectives of site and building design standards in TDC 73A through TDC 73G are to:

- (a)** Enhance Tualatin through the creation of attractively designed development and streetscapes;
- (b)** Encourage originality, flexibility, and innovation in building design;
- (c)** Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
- (d)** Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
- (e)** Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
- (f)** Enhance energy efficiency through the use of landscape and architectural elements; and
- (g)** Minimize disruption of natural site features such as topography, trees, and water features.

Finding:

The Architectural Review Board may review the both building and site development designs for compliance with TDC 73A.010 (1) and (2). Additional Conditions of Approval may result after the ARB reviews the project for compliance with these Objectives.

Section 73A.200 – Multi-Family Design Standards.

The following standards are the minimum standards for all other residential development in all zones that does not meet the definition of single-family dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster or is 5 or more dwelling units. These standards do not apply to development in the Central Design District and Mixed Use Commercial (MUC) zone, which have separate standards and may be less than the minimums provided below.

(1) Private Outdoor Areas. Multi-family uses must provide private outdoor area features as follows:

- (a)** A separate outdoor area of not less than 80 square feet must be attached to each ground level dwelling unit; and
- (b)** The private outdoor area must be separated from common outdoor areas with walls, fences or shrubs.

Finding:

Private outdoor areas are proposed for all proposed units, as shown in Exhibit A2. Each of the two-bedroom townhome units have a ground-floor private open area of 157 square feet that includes the required 24 square foot entry area required by subsection (3), below. Each of the three-bedroom townhome units have a ground floor private open area of 103 square feet, including the required 24 square foot entry area required by subsection (3), below. With recommended Condition of Approval A10.b., these standards are met.

(2) Balconies, Terraces, and Loggias. Multi-family uses must provide balconies, terraces, and loggias features as follows:

- (a) A separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias must be provided for each unit located above the ground level.**

Finding:

There will be a total of 45 new townhome units with ground level access and a second story balcony. The two-bedroom units will have 64 square feet and the three-bedroom units will have 75 square feet of second-story balcony area (Exhibits A1 and A2). With recommended Condition of Approval A10.c., these standards are met.

(3) Entry Areas. Multi-family uses must provide entry area features as follows:

- (a) A private main entry area must be provided as a private extension of each dwelling unit;**
- (b) The entry area must be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, or walls;**
- (c) The entry area must be a minimum of 24 square feet in area for each dwelling unit; and**
- (d) The entry area may be combined to serve more than one unit as determined by the City.**

Finding:

The applicant's narrative points to plan sheets A12 and A13 (see Exhibit A1 and A2) to illustrate the proposed floor plans for the two- and three-bedroom units. Although entry areas are illustrated on these drawings there are no specific dimensions provided. With recommended Condition of Approval A10.d., these standards will be met.

(4) Shared Outdoor Areas. Multi-family uses must provide shared outdoor area features as follows:

- (a) Must provide year round shared outdoor areas for both active and passive recreation;**
- (b) The shared outdoor area must be a minimum of:
 - (i) Three hundred square feet per dwelling unit; or**
 - [...]****
- (c) Gazebos and other covered spaces are encouraged to satisfy this requirement;**
- (d) The shared outdoor area must be separated from all entryway and parking areas with a landscaped transition area measuring a minimum of ten feet wide;**
- (e) The shared outdoor area must have controlled access from off-site as well as from on-site parking and entrance areas with a minimum 4-foot high fence, wall, or landscaping; and**
- (f) The shared outdoor area standard does not apply to any development with less than 12 dwelling units.**

Finding:

The existing and proposed development will have a combined total of 240 total units, which requires 72,000 square feet of Shared Outdoor Area. As proposed, the project will provide a total of 83,776

square feet of Shared Outdoor Area (Exhibits A1 and A2). Design details of the Shared Outdoor Areas were not provided. With recommended Condition of Approval A10.e., these standards are met.

(5) Children's Play Areas. Multi-family uses must provide children's play area features as follows:

- (a) The children's play area must be a minimum of 150 square feet per dwelling unit;**
 - (b) The children's play area must provide a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of ten feet wide;**
 - (c) The children's play area must have controlled access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with a minimum 4-foot high fence, wall, or landscaping; and**
 - (d) The children's play area must provide a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify); and**
- [...]

Finding:

Once constructed there will be a total of 240 dwelling units, which requires 36,000 square feet of Children's Play Area. The applicants site plan (Exhibit A2) illustrates that a total of 36,000 square feet square feet of Children's Play Area will be provided in 5 separate locations spread throughout the site. An existing basketball court and another unidentified paved area is proposed for removal. An existing swimming pool would remain. The actual designs of the Children's Play Areas were not provided. Children's Play Areas are located interior to the site and are separated from vehicular circulation areas by building structures or by landscaped areas. With recommended Condition of Approval A10.f., these standards are met.

(6) Storage. Multi-family uses must provide storage features as follows:

- (a) Enclosed storage areas are required for each unit.**
 - (i) Garages do not satisfy the storage requirements. An enclosed storage area may be located within the garage of the individual unit. Enclosed storage areas may also be located within commonly accessible shared garage.**
- (b) Each storage area must be a minimum of six feet in height and have a minimum floor area of:**
 - (i) 24 square feet for studio and one bedroom units;**
 - (ii) 36 square feet for two bedroom units; and**
 - (iii) 48 square feet for greater than two bedroom units.**

Finding:

As described in Exhibit A1 and shown in Exhibit A2, storage areas for each of the proposed 45 units including 40 square feet for the 2-bedroom units and 49 square feet for the 3-bedroom units. Design details of the storage areas were not provided. With recommended Condition of Approval A10.g., these standards are met.

(7) Walkways. Multi-family uses must provide walkways as follows:

[...]

- (b) All other multi-family development must have walkways of a minimum of six feet in width;**
- (c) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable; and**
- (d) The walkways must meet ADA standards applicable at time of construction or alteration.**

Finding:

As shown in Exhibit A2, walkways are located throughout the site and are a minimum of 6-feet wide, constructed of concrete and ADA compliant. With recommended Condition of Approval A10.h., these standards are met.

(8) Accessways.

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

[...]

(iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.

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

(i) Accessways must be a minimum of eight feet in width;

(ii) Public accessways must be constructed in accordance with the Public Works Construction Code;

(iii) Private accessways must be constructed of asphalt, concrete, pavers or grasscrete. Gravel or bark chips are not acceptable;

(iv) Accessways must meet ADA standards applicable at time of construction or alteration;

(v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;

(vi) Accessways must not be gated to prevent pedestrian or bike access;

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

(viii) Must be constructed, owned and maintained by the property owner.

(c) Exceptions. The Accessway standard does not apply to the following:

[...]

Finding:

There are existing bike lanes located along SW Martinazzi Avenue and SW Sagert Street frontages. SW Avery Street is classified as a Local Street, SW Sagert Street is a Minor Arterial and SW Martinazzi Avenue is a Minor Collector (Exhibit K). The SW Avery Street right-of-way east of the SW Martinazzi Avenue Intersection does not have an existing bike lane. Accessways are defined as "...non-vehicular, paved pathway designed for pedestrian and bicycle use and providing convenient linkages between a development and adjacent residential and commercial properties and areas intended for public use, which includes, but is not limited to, schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An accessway is not a sidewalk." The narrative states that the existing development has established accessways that will continue to be utilized (Exhibit A1). All accessways must meet current TDC requirements including the design standards under TDC 73A.200.(8)(b) and ADA requirements. Comprehensive Plan Map 8.5 Tualatin Transit Plan and TriMet route maps illustrate the portion of SW Sagert Street that abuts the subject property being on the existing Fixed Route Bus Transit Service for Bus 76. SW Sagert Street along the frontage of the subject property is illustrated as a Potential Future Route Shuttle Service as Demand Grows. Bus 96 has a fixed route on SW Martinazzi Avenue. The applicant is not requesting an exceptions. With recommended Condition of Approval A10.i., these standards are met.

(9) Carports and Garages. Multi-family uses must provide Carports and Garage features as follows:

(a) The form, materials, color, and construction must be compatible with the complex they serve.

Finding:

The applicant’s overall site plan, Sheet C600 in Exhibit A2, illustrates 8 new carports located throughout the property. Sheet A11 of Exhibit A2 illustrates the proposed carport design. Colors for the proposed carports were noted as “to be determined”. With Condition of Approval A10.j., these standards are met.

(10) Safety and Security. Multi-family units must provide safety and security features as follows:

- (a) Private outdoor areas must be separated from shared outdoor areas and children's play areas with a minimum 4-foot high fence, wall, or landscaping;**
- (b) An outdoor lighting system that does not produce direct glare on adjacent properties and without shining into residential units, public rights-of-way, or fish and wildlife habitat areas; and**
- (c) Building identification must be provided consistent with the Oregon Fire Code.**

Finding:

Exhibits A1 (Narrative) and A2 (Plan Set), describe and illustrate a 4 foot high fence that will be utilized for the ground floors of each of the proposed townhouse units. A scaled elevation drawing illustrating the fence height was not provided. The applicant has provided an outdoor lighting plan that appears to meet lighting requirements within the development area. The applicant has also stated that the Oregon Fire Code will be met for building identification. With recommended Condition of Approval A14, these standards are met.

(11) Service, Delivery and Screening. Multi-family uses must provide service, delivery, and screening features as follows:

- (a) Provisions for postal delivery must be made consistent with US Postal Service regulations conveniently located and efficiently designed for residents;**
- (b) Pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas must be provided via accessways; and**
- (c) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping.**

Finding:

A1 (narrative) states that the location of postal delivery will be coordinated with the US Post Office. Additional information pertaining to the onsite postal delivery location was not provided. Details regarding electrical and mechanical screening will be needed to assess adequacy of screening. With recommended Condition of Approval A10.k., these standards will be met.

Chapter 73B: Landscaping Standards

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

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

Finding:

While there is no minimum landscape requirement for the RMH zone, there are minimum landscaping requirements for multifamily housing developments that are addressed below. As stated on Sheet A1 in Exhibit A2, approximately 245,007 square feet (33%) of landscaping is included within the entire site. This standard is not applicable.

Section 73B.030 – Additional Minimum Landscaping Requirements for Multi-Family Residential Uses.

(1) General. In addition to requirements in TDC 73B.020, Multi-Family Residential Uses must comply with the following additional standards.

(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.

Finding:

Landscaping appears to be provided in all areas not otherwise occupied by buildings, vehicle areas, or pedestrian amenity areas. The site is not located adjacent to the Hedges Creek Wetland. With recommended Condition of Approval A15, this standard is met.

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"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot be used to meet this requirement. • A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
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Finding:

The density of plantings as shown on the Landscape Plans (Exhibit A2) is sufficient to provide full coverage of landscaping within three years. These standards are met.

<p>(2) Fences</p>	<p>Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.</p>
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Finding:

There are no established wildlife crossings in the vicinity and no Metro riparian and upland wildlife areas mapped within the confines of the property. This standard is not applicable.

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

The Arborist Report (Exhibit A3) surveyed a total of 88 trees on-site development site area. Two the trees planned to be removed had a diameter less than 8 inches. A total of 35 of 49 regulated trees would be removed in order to construct the project. The other 14 regulated trees planned for removal are all deciduous trees with poor crown development or poor structure including 13 invasive species and one 29-inch diameter silver maple. The report recommends the preservation of 37 on-site tree that are over 8" diameter. There will be a total of 51 trees removed. Of the on-site trees proposed for removal, the majority are to be removed in order to construct the proposed improvements in accordance with criterion 33.110(5)(a)(iii). There are also eight trees that are either dead or in poor condition, meeting the criterion of 33.110(5)(a)(i). The Arborist Report also provided recommendation pertaining protections for trees during construction. Sheet C110, C200 and C300 of Exhibit A2 illustrated tree protection fencing will be utilized. With recommended Conditions of Approval A10.I. and A11, these standards are met.

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

The applicant is required to obtain an erosion control and grading permit with the City. With recommended Condition of Approval A2, this standard is met.

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

According to the applicant’s narrative (Exhibit A1) all landscaped areas will be irrigated. Details of the irrigation system were not provided. With Condition of Approval A10.m., this standards will be met.

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

The applicant proposes to landscape all areas not otherwise proposed for development. Drought tolerant plants, as well as some natives, have been selected to reduce irrigation and maintenance needs. With recommended Condition of Approval A16, this standard is met.

Section 73B.080 – Minimum Standards Trees and Plants.

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

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

(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> • One to five gallon size; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • Side of shrub with best foliage must be oriented to public view.
(5) Groundcovers	<ul style="list-style-type: none"> • Fully rooted; • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited.
(6) Lawns	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species.

Finding:

Per the Plant Schedule provided on the Landscape Plan included in Exhibit A2, the standards for groundcover, shrubs, and trees to be planted are met.

Chapter 73C: Parking Standards

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

[...]

(2) General Requirements. Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.

(a) The following apply to property and/or use with respect to the provisions of TDC 73C.100:

(i) The requirements apply to both the existing structure and use, and enlarging a structure or use;

(ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;

[...]

(iv) Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;

(v) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;

[...]

(viii) Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;

(ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;

(x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones; and [...]

Finding:

The parking requirements were reviewed under TDC 73C.100, which found a minimum of 361 spaces with the applicant proposing 442 spaces. All parking spaces are located within the subject property. These standards are met.

Section 73C.020 – Parking Lot Design Standards.

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

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

Dimensional and design information pertaining to parking stalls and parking lot driving aisle width were not provided. There are 8 new carports being proposed with a total of 132 stalls. Exhibit A1 (narrative) states that each of the units will have two parking spaces within an attached garage. With Condition of Approval A17, these standards are met.

- (11) Artificial lighting, must be deflected to not shine or create glare in a residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor;**
- (12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and**
- (13) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.**

Finding:

The applicant provided a lighting diagram for just the proposed development site, sheet E01 and E02 of Exhibit A2 lists the proposed light fixtures. The applicant indicated on Sheet E02 that the lighting requirements of TDC 63.055 will be met, however this section is applicable to Industrial zoned property. TDC 73A.200 (10) (b) requires lighting systems that do not produce direct glare on adjacent properties and without shining into residential units, public rights-of-way, or fish and wildlife habitat areas. Compliance with TDC 73C.210 is discussed in detail below. The applicant is not proposing on-street parking related to the proposed development. With Condition of Approval A10.n., these standards will be met.

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

(1) Requirements. Bicycle parking facilities must include:

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

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

- (a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;**
- (b) A five (5) foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;**
- (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;**
- (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;**
- (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;**
- (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;**
- [...]**
- (h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.**

Finding:

As described in the Narrative (Exhibit A1), the applicant proposes to provide bicycle parking within attached garages for each proposed unit. Per TDC 73.100 there are no separate bicycle facilities required for the proposed townhouses. Because bicycle parking will be provided within each unit’s garage, these standards do not apply.

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

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
(a) Residential Uses				
(viii) Multi-family dwellings in complexes with private internal driveways	1.0 space/studio, 1.25 space/1 bedroom, 1.50 space/2 bedroom, 1.75 space/3= bedroom	none	Developments with five or more units; none required if a garage is provided as an integral element of a unit; otherwise 1.00 space per unit	100

Finding:

The applicant is proposing 45 new townhouse units that will contain two motor vehicle parking spaces within each units attached garage. The applicant’s narrative (Exhibit A1) states for the entire Alden Apartment property there will be a total of 65 three-bedroom units requiring a total of 114 off-street parking spaces. There will be 111 two-bedroom units requiring a total of 167 off-street parking spaces. There are 64 one-bedroom units requiring a total of 96 off-street parking spaces. Based on the total number of bedrooms in each unit, a total of 361 off-street parking spaces are required and the applicant is proposing 442 parking spaces. Off-street parking space dimensional information was not provided. With Condition of Approval A10.o, these standards will be met.

Table 1: Minimum and Proposed Parking by Use

Use	Total Units	Vehicle Parking Min.	Proposed	Bike Parking Min.*	Proposed**
Multi-family	240	361	442	195	45
* Required for existing units that will remain after construction of new units.					
** Applicant has indicated each of the 45 proposed units will have two parking spaces within each attached garage.					

The applicant is proposing 45 new townhome units that will contain two motor vehicle parking spaces within each units attached garage. The application material states there are 65 three-bedroom units requiring a total of 114 off-street parking spaces. There are 111 two-bedroom units requiring a total of 167 off-street parking spaces. There are 64 one-bedroom units requiring a total of 96 off-street parking spaces. A total of 361 off-street parking spaces are required and the applicant is proposing 442 off-street parking spaces. The applicant has proposed to locate bicycle parking in the garages of the new units. It’s unclear if the existing units are provided with at least one bicycle parking space. With recommended Condition of Approval A18 and A10.p., which will require additional bike parking details, these standards are met.

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

Finding:

The proposal is for a residential use development. This standard does not apply.

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

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

Finding:

The proposal is for a residential use development. This standard does not apply.

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

(1) Residential Use. Minimum requirements for residential uses:
[...]

(c) Ingress and egress for multi-family residential uses must not be less than the following:

Dwelling Units	Minimum Number Required	Minimum Width	Walkways, Etc.
50-499	1 or 2	32 feet 24 feet	6-foot walkway, 1 side only; curbs required

[...]

Finding:

The parking lot driveways, one on SW Sagert Street and a second on SW Martinazzi Avenue, are existing and are not part of the current application. The driveways have existing abutting walkways that appears to be approximately 5 feet in width. Additional findings are provided in Chapter 75. With Condition of Approval A10.q., these standards will be met.

(6) Maximum Driveway Widths and Other Requirements.

[...]

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

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

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

Finding:

The driveways are existing and no modifications are being proposed. These standards are not applicable.

Section 73C.210. - Multi-Family Parking Lot Landscaping Requirements. Multi-family residential uses (as defined in TDC 31.060) must comply with the following landscaping requirements for parking lots in all zones:

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

Finding:

The applicant is not proposing an expansion or alteration of the existing parking lot landscaping. This standard is met.

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

[...]

Finding:

The landscaping in the area of the driveways is existing and no changes are proposed. Clear vision triangles were not placed landscaping plans (Sheets L101 and L102 of Exhibit A2). With recommended Condition of Approval A10.r. and A19 related to maintenance, this standard is met.

(3) Setback. Minimum 10-foot landscape setback must be provided between the property lines and parking areas and must comply with the following:

- (a) Must be planted with deciduous trees an average of not more than 30 feet on center and shrubs at least 30 inches in height which provide screening of vehicular headlights; and
- (b) Native trees and shrubs are encouraged.

Finding:

The applicant is not proposing an expansion or alteration of the existing parking lot or parking lot landscaping. This standard is met.

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

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

Finding:

The applicant is not proposing an expansion or alteration of the existing parking lot or parking lot landscaping. This standard is met.

(5) Transition. Minimum 10-foot landscaped transition area between parking and vehicle circulation areas and buildings and shared outdoor areas and must comply with the following:

- (a) Deciduous shade trees located at not less than 30 feet on center must be located in this transition area;
- (b) Groundcover plants mixed with low shrubs must completely cover the remainder of this area within three years;
- (c) Native trees and shrubs are encouraged; and
- (d) Exceptions: [...]

Finding:

The applicant is not proposing an expansion or alteration of the existing parking lot or parking lot landscaping. This standard is met.

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

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;**
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;**
- (c) Landscape separation required for every eight continuous spaces in a row;**
- (d) Must be planted with one deciduous shade trees for every four parking spaces. Required trees must be evenly dispersed throughout the parking lot;**
- (e) Must be planted with groundcover or shrubs;**
- (f) Native plant materials are encouraged;**
- (g) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);**
- (h) Required plant material in landscape islands must achieve 90 percent coverage within three years; and**
- (i) Exceptions: [...]**

Finding:

The applicant is not proposing an expansion or alteration of the existing parking lot or parking lot landscaping. This standard is met.

Chapter 73D: Waste and Recyclables Management Standards

Section 73D.010 – Applicability and Objectives.

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

- (a) Common wall residential developments containing five or more units;**
[...]

Section 73D.020 - Design Methods.

An applicant required to provide mixed solid waste and source separated recyclables storage areas must comply with one of following methods:

- (1) The minimum standards method in TDC 73D.030;**
- (2) The waste assessment method in TDC 73D.040;**
- (3) The comprehensive recycling plan method in TDC 73D.050; or**
- (4) The franchised hauler review method in TDC 73D.060.**

Finding:

The applicant's narrative proposes to use the Minimum Standards Method (TDC 73D.030), which is most appropriate when a use is not known. The use of the project is known and will follow a waste and recycling program that is similar to single-family residential pickup. The process as described in the Republic Services service provider letter, Exhibit A6, states each unit will have separate waste and recycle containers that will be placed at the end of each unit's driveway for automated side-loaded pickup. With there being one 5-unit building, seven 4-unit buildings and four 3-unit buildings, there is no specific method in the TDC that matches to proposed waste and recycling program described by Republic

Services. There will be no centralized waste collection for the proposed units. As discussed below, these standards are met.

Section 73D.030 – Minimum Standards Method.

This method specifies a minimum storage area requirement based on the size and general use category of the new or expanded development. This method is most appropriate when specific use of a new or expanded development is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

(1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.

(2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:

(a) Common wall residential five to ten units must provide 50 square feet.

(b) Common wall residential greater than ten units must provide 50 square feet plus an additional five square feet per unit above ten.

[...]

Finding:

The applicant proposes trash to be picked up via separate trash and recycle cart receptacles. Waste and recyclable pickup will require occupants of each proposed dwelling unit to place the containers at the end of each dwelling unit's driveway in a location accessible for automated side-load service. Republic Service has the franchise agreement to provide waste and recycling services. Republic Services indicated that the proposed method for waste and recycling pick up is acceptable. The proposal includes 45 new residential units and there is no TDC described method that matches the Republic Services approved method. There is one 5-unit building proposed with the others being 3- and 4-unit buildings. Per 73D.020 (b), If all the new units were in one building with a centralized waste and recycling pick up area then a total of 275 square feet would be required. Per TDC 73D.020(a), the one 5-unit building would require 50 square feet with 90 square feet being proposed. The applicant's narrative (Exhibit A1) states that 18 square feet is proposed for each unit which would total 810 square feet and exceed the minimum required area for the minimum standard method. With recommended Condition of Approval A20, these standards are met.

Section 73D.070 – Location, Design and Access Standards.

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

(1) Location Standards.

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

(b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.

(c) Exterior storage areas must:

(i) Be located in central and visible locations on the site to enhance security for users;

- (ii) Be located in a parking area; and
- (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

(2) Design Standards.

- (a) The dimensions of the storage area must accommodate containers consistent with current methods of local collection at time of construction or alteration.
- (b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.
- (c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height.
- (d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.
- (e) Gate openings for haulers must be a minimum of 10 feet wide and must be capable of being secured in a closed and open position.
- (f) Horizontal clearance must be a minimum of 10 feet and a vertical clearance of 8 feet is required if the storage area is covered.
- (g) A separate pedestrian access must also be provided in common wall, commercial, and institutional developments.
- (h) Exterior storage areas must have either a concrete or asphalt floor surface.
- (i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.

Finding:

Republic Services has approved a method of waste and recycling storage and pick up which is the same as single-family storage and pickup. All trash and recycle cart receptacles must be placed on a level surface at the end of each unit's driveway, in a location that is accessible for automated side-load service, with a minimum spacing of 2 feet apart for each container and at least 4 feet from any fixed objects including parked vehicles, and with no overhead obstructions. The 41 units accessed by SW Martinazzi Avenue will be accessed by a new 20 foot wide access driveway between the proposed units with a turn radius of 28 feet and beveled curbing on both inside corners of the roadway to allow for truck maneuvering. The remaining 4 units will be accessed by SW Sagert Street with storage and pickup using the existing paved surface. With recommended Condition of Approval A20, these standards are met.

(3) Access Standards.

- (a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.
- (b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.
- (c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.
- (d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.
- (e) The following is an exception to the access standard:
 - (i) Access may be limited for security reasons.

Finding:

As shown in the applicant's submittal, Republic Services, the applicable waste hauler, has indicated that the dimensions and accessibility of the collection containers are acceptable (Exhibit A6). These standards are met.

Chapter 74: Public Improvement Requirements

[...]

TDC 74.120 Public Improvements.

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

Finding:

All public improvements will be installed by the applicant at their expense after approval of plans and issued Erosion Control, Water Quality, and Public Works Permits. With recommended Conditions of Approval A9 and A12, this standard is met.

TDC 74.130 Private Improvements.

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

Finding:

All private improvements will be installed by the applicant at their expense and will require prior approval of plans and building permits. With recommended Conditions of Approval A9 and A12, this standard is met.

TDC 74.140 Construction Timing.

(1) All the public improvements required under this chapter must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.

(2) All private improvements required under this Chapter must be approved by the City prior to the issuance of a Certificate of Occupancy.

Finding:

All public and private improvements proposed and modified by conditions of approval will be completed and accepted by the City prior to receiving a Certificate of Occupancy. With recommended Conditions of Approval A9 and A12, this standard is met.

[...]

TDC 74.210 Minimum Street Right-of-Way Widths.

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

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

Finding:

The proposal is adjacent to SW Avery Street, SW Martinazzi Avenue, and SW Sagert Street. Required dedication of right-of-way and construction of public street surface infrastructure will benefit this development's expected addition of bicycle, pedestrian, and vehicular trips utilizing streets and sidewalks. This includes dedication to enable construction of a sidewalk with planter strip on SW Avery Street, a parking strip on SW Martinazzi Avenue. Final plans will include a minimum of half-street right-of-way dedications to preferred cross-sections along with improvements within SW Avery Street and SW Martinazzi Avenue meeting the requirements of the City of Tualatin. With recommended Conditions of Approval A3 and A8, this standard is met.

The proposed development would add 30 new units to the existing apartment complex. In order to calculate whether the improvements recommended by Conditions of Approval A3 and A3 are "roughly proportional" to the transportation impact proposed, the calculation is based on Washington County's Transportation Development Tax (TDT) methodology, during which the County: Compiled a list of projects needed Countywide to address anticipated growth in the next 20 years... and... added together the anticipated cost of each of these projects to get a total Countywide cost of projects needed to address growth... and... Considered all of the anticipated growth Countywide and added together all of the trips that would be generated by this development and, proportionally, the base TDT that would be collected for this development. The current TDT capture rate set by Washington County is 21%. Meaning the total TDT cost for the project 30 units x \$6,542 = 196,260 / .21 = \$934,571. Although the required improvements do not need to be exactly the same as this figure, it is the basis for determining whether the improvements are "roughly proportional." The applicant provided a preliminary estimate that these improvements would be in the range of \$700,000 or less (Exhibit K). Therefore the recommended improvements are "roughly proportional."

TDC 74.320. - Slope Easements.

(1) The applicant must obtain and convey to the City any slope easements determined by the City Manager to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or accessway or utility improvements required to be constructed by the applicant.

[...]

(3) For all other development applications, a slope easement dedication must be submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.

Finding:

Any required slope easements necessary to support SW Avery Street, SW Martinazzi Avenue, and SW Sagert Street will be granted to the City. With recommended Conditions of Approval A3 and A8, this standard is met.

TDC 74.330. - Utility Easements.

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

[...]

(4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement must be granted to the City; building permits must not be issued for the development prior to acceptance of the easement by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.

(5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines. Other easements may be required as determined by the City Manager.

Finding:

Any required public utility easement will be granted to the City. The public utility easement width will be 8-foot-wide adjacent to the final dedicated right-of-way of SW Avery Street, SW Martinazzi Avenue, and SW Sagert Street. Additional width of public utility easement will include accommodation of water system meters and vaults to meet the Public Works Construction Code. With recommended Conditions of Approval A3 and A8, these standards are met.

[...]

TDC 74.420 Street Improvements.

When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, subject to the following provisions:

(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.

(2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.

(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.

(4) Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to

mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.

(5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.

(6) All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.

[...]

(8) For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.

[...]

(10) Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.

(11) Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).

(12) Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.

(13) The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.

(14) The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.

[...]

(17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.

[...]

Finding:

A Trip Generation Letter from Kittelson & Associates was submitted with plans focused on onsite redevelopment. City staff have reviewed the proposal against the above requirements. Required dedication of right-of-way and construction of public street surface infrastructure will benefit this development's expected addition of bicycle, pedestrian, and vehicular trips utilizing streets and sidewalks. This includes dedication to enable construction of a sidewalk with planter strip on SW Avery Street, and a parking strip on SW Martinazzi Avenue. With recommended Conditions of Approval A3, A8, A9 and A12, these standards are met.

TDC 74.425 Street Design Standards.

(1) Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.

(2) The proposed street design standards are shown in Figures 72A through 72G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets.

[...]

(4) All streets must be designed and constructed according to the preferred standard. The City Manager may reduce the requirements of the preferred standard based on specific site conditions, but in no event will the requirement be less than the minimum standard. The City Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:

(a) Arterials:

- (i) Whether adequate right-of-way exists;**
- (ii) Impacts to properties adjacent to right-of-way;**
- (iii) Current and future vehicle traffic at the location; and**
- (iv) Amount of heavy vehicles (buses and trucks).**

(b) Collectors:

- (i) Whether adequate right-of-way exists;**
- (ii) Impacts to properties adjacent to right-of-way;**
- (iii) Amount of heavy vehicles (buses and trucks); and**
- (iv) Proximity to property zoned manufacturing or industrial.**

[...]

Finding:

The proposal is adjacent to SW Avery Street, SW Martinazzi Avenue, and SW Sagert Street. These are designated on Tualatin Comprehensive Plan Map 8-1: Tualatin Functional Classification Plan and Traffic Signal Plan as a Local, Minor Collector, and Minor Arterial classifications, respectively. A Transportation Impact Analysis from Kittelson & Associates did not recommend additional improvements greater than the preferred cross-sections. With recommended Conditions of Approval A3 and A8, these standards are met.

TDC 74.440 Streets, Traffic Study Required.

(1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:

- (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or**
- (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.**

(2) The required traffic study must be completed prior to the approval of the development application.

(3) The traffic study must include, at a minimum:

- (a) an analysis of the existing situation, including the level of service on adjacent and impacted facilities.**
- (b) an analysis of any existing safety deficiencies.**

(c) proposed trip generation and distribution for the proposed development.

(d) projected levels of service on adjacent and impacted facilities.

(e) recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.

(f) The City Manager will determine which facilities are impacted and need to be included in the study.

(g) The study must be conducted by a registered engineer.

(4) The applicant must implement all or a portion of the improvements called for in the traffic study as determined by the City Manager.

Finding:

A Trip Generation Letter from Kittelson & Associates did not recommend any improvements. Their summary included:

ColRich (property owner) is proposing to redevelop a portion of the Alden Apartments located in the southeast corner of the SW Martinazzi Avenue/SW Sagert Street intersection in Tualatin. The development plan proposes to remove 15 apartment units and construct 45 townhome units and associated amenities. Access to the townhomes will be provided by the existing driveways to the Alden Apartments on SW Sagert Street and SW Martinazzi Avenue. No new driveways are proposed nor modifications to off-site intersections.

This letter provides trip generation and trip distribution/assignment estimates for the proposed redevelopment in accordance with Tualatin Development Code Section 74.440. As documented herein, the proposed redevelopment is estimated to generate fewer than 500 daily trips and fewer than 60 morning and evening peak hour trips. In addition, the proposed redevelopment is expected to generate fewer than 20 large truck trips per day. Therefore, a full transportation impact analysis is not expected to be required per Tualatin Development Code Section 74.440 and the following trip generation and trip distribution estimates are expected to satisfy the requirements of the Tualatin Development Code.

City staff have reviewed the subject analysis and have determined that it meets the requirements above. This standard is met.

[...]

TDC 74.485. - Street Trees.

[...]

(2) In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.

(3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.

Finding:

The applicant will plant street trees as shown within approved permit plans. With recommended Conditions of Approval A3, A9, and A12, this standard is met.

TDC 74.610 Water Service.

(1) Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.

[...]

(3) As set forth is TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

Finding:

Existing services will be improved as needed to meet current code. Separate laterals will serve domestic and fire services. A gate valve will be located near the main for each water lateral. Water meters and fire vaults will be located adjacent to right-of-way. A public utility easement will surround the water meter and fire vault by five feet. With recommended Conditions of Approval A4, A8, A9 and A12, these standards are met.

TDC 74.620 Sanitary Sewer Service.

(1) Sanitary sewer lines must be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

Finding:

Existing services will be improved as needed to meet current code including a cleanout will be installed adjacent to right-of-way. With recommended Conditions of Approval A5, A9, and A12, this standard is met.

TDC 74.630 Storm Drainage System.

(1) Storm drainage lines must be installed to serve each property in accordance with City standards and Clean Water Services 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 and Clean Water Services standards.

[...]

TDC 74.640 Grading.

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

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

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

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

[...]

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

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

Finding:

The Utility Plan illustrates capturing stormwater runoff from the sites developed areas with conveyance discharging to an existing vegetated channel. The channel conveys flow to storm drain infrastructure within the ODOT right-of-way which conveys flow easterly for approximately 0.5 miles and discharges to Saum Creek. The submitted Preliminary Stormwater Report prepared by 3J Consulting includes modifying existing and construction of new onsite stormwater facilities to provide treatment, hydromodification, and detention for all private impervious areas including an Underground Infiltration Facility. ODOT submitted a response dated November 14, 2022 requiring a design meeting the ODOT Hydraulics Manual specifications and to obtain an ODOT Miscellaneous Permit. Modified impervious areas within SW Avery Street, SW Martinazzi Avenue, and SW Sagert Street right-of-ways will be addressed by construction of public LIDA street swales as approved by the City Engineer.

Final plans and stormwater calculations will demonstrate that the development has direct access by gravity to public stormwater systems with adequate infiltration and/or downstream capacity in accordance with City of Tualatin, Clean Water Services, DEQ, and ODOT Hydraulics Manual.

The site disturbance is approximately 1.85 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality will be provided with the construction permit submittal documents. The applicant will obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet. In addition these plans must be 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 between 1 and 5 acres of disturbance or a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres.

A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance the applicant will 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 recommended Conditions of Approval A6, A7, A9, and A12 these standards are met.

[...]

Chapter 75 Access Management

[...]

TDC 75.020. - Permit for New Driveway Approach

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

[...]

- (4) Submittal Requirements.** In addition to the application materials required by TDC 32.140, the following application materials are also required:
 - (a)** A site plan, of a size and form and in the number of copies meeting the standards established by the City Manager, containing the following information:
 - (i)** The location and dimensions of the proposed driveway approach;
 - (ii)** The relationship to nearest street intersection and adjacent driveway approaches;
 - (iii)** Topographic conditions;
 - (iv)** The location of all utilities;
 - (v)** The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (vi)** The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to TDC Chapter 73B or 73C; and
 - (vii)** The location of any street trees adjacent to the location of the proposed driveway approach.
 - (b)** Identification of the uses or activities served, or proposed to be served, by the driveway approach; and
 - (c)** Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (5) Criteria.** A Driveway Approach Permit must be granted if:
 - (a)** The proposed driveway approach meets the standards of this Chapter and the Public Works Construction Code;
 - (b)** No site conditions prevent placing the driveway approach in the required location;
 - (c)** The number of driveway approaches onto an arterial are minimized;
 - (d)** The proposed driveway approach, where possible:
 - (i)** Is shared with an adjacent property; or
 - (ii)** Takes access from the lowest classification of street abutting the property;
 - (e)** The proposed driveway approach meets vision clearance standards;
 - (f)** The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
 - (g)** The proposed driveway approach does not result in significant adverse impacts to the vicinity;
 - (g)** The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
 - (i)** The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

(6) Effective Date. The effective date of a Driveway Approach Permit approval is the date the notice of decision is mailed.

(7) Permit Expiration. A Driveway Approach Permit approval expires one year from the effective date, unless the driveway approach is constructed within the one-year period in accordance with the approval decision and City standards.

[...]

TDC 75.040. - Driveway Approach Requirements

(1) The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.

[...]

(4) Requirements for Development on Less than the Entire Site.

(a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

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

(5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Manager.

(6) Except as provided in TDC 53.100, all driveway approach must connect directly with public streets.

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

[...]

(9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width):

TABLE 75-1 Driveway Approach Width		
Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width

Multi-family	5-49 Units = 24 feet 50-499 = 32 feet Over 500 = as required by the City Manager	May provide two 16 foot one-way driveways instead of one 24-foot driveway May provide two 24-foot one-way driveways instead of one 32-foot driveway
---------------------	--	--

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

(11) Distance between Driveways and Intersections. Except for single-family dwellings, duplexes, townhouses, triplexes, quadplexes, and cottage clusters, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection.

(a) At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.

[...]

(12) Vision Clearance Area.

(a) **Local Streets.** A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

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

(c) **Vertical Height Restriction.** Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

[...]

TDC 75.120. - Collector Streets Access Standards.

[...]

(2) Minor Collectors. Residential, commercial and industrial driveways where the frontage is greater or equal to 70 feet are permitted. Minimum spacing at 100 feet. Uses with less than 50 feet of frontage shall use a common (joint) access where available.

[...]

TDC 75.140. - Existing Streets Access Standards.

The following list describes in detail the freeways and arterials as defined in TDC 75.050 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below.

[...]

(1) INTERSTATE 5 (I-5). I-5 is a State facility and access is controlled by the State.

[...]

(14) SAGERT STREET.

**(a) Martinazzi Avenue to 65th Avenue. No new driveways or streets shall be allowed,
[...]**

Finding:

No modification to existing and no new accesses are proposed. Modifications to the existing streets to match preferred cross-sections will meet vision clearance requirements. With recommended Conditions of Approval A3, A8, A9, and A12, these standards are met.

III. RECOMMENDATION

Based on the application materials and analysis and findings presented above, staff finds that the applicable criteria have been met relative to AR 22-0001, and therefore recommend approval of this application 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).