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**GENERAL INFORMATION**

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**SITE INFORMATION**

Parcel Number:

2S125BA00100

Address:

7800 SW Sagert Street and 20400 SW Martinazzi Avenue

Gross Site Area:

17.09 acres

Zoning Designation:

RMH (Medium High Density Residential)

Existing Use:

Apartment Complex

Surrounding Zoning:

The properties to the north are zoned CO (Commercial Office). The properties to the south are zoned RML (Medium Low Density Residential). The properties to the east are zoned RMH (I-205 Freeway is along the eastern boundary of the site). The properties to the west are zoned RMH and RL (Low Density Residential).

Street Classification:

SW Sagert Street is classified as a minor arterial. SW Martinazzi Avenue is classified as a minor collector. SW Avery Street is classified as a local street.

## **INTRODUCTION**

### **APPLICANT'S REQUEST**

Colrich California Construction, LLC (“the Applicant”) proposes an addition to the existing Alden Apartments site and seeks approval of a Type III Architectural Review Application. In conjunction with the architectural review, the Applicant requests a Tree Removal Permit. This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of Tualatin’s Development Code (TDC) and Municipal Code (TMC). This narrative describes the proposed development and demonstrates compliance with the relevant approval standards of the TDC and TMC.

Architectural Reviews are evaluated under the Type III decision process. Tree Removal Permits require a Type II decision process that are processed concurrently with the Architectural Review process. The Architectural Review Board will render the Type III decision after a public hearing on the application is held.

### **SITE DESCRIPTION/SURROUNDING LAND USE**

The site is located at 7800 SW Sagert Street in the City of Tualatin. The tax lot ID is 2S125BA00100. The zoning of the property is RMH (Medium High Density Residential). The site is just over 17 acres in size and has frontage on SW Sagert Street (minor arterial), SW Martinazzi Avenue (minor collector) and SW Avery Street (local). The site is developed with the Alden Apartments Complex site topography, surrounding zoning and uses, etc.

### **PROPOSAL**

This land use application proposes a site addition to the existing Alden Apartments site. The addition includes 45 new townhome units in 12 new buildings. Two existing buildings are proposed for removal for a net gain of 10 buildings on the site. The removal of 49 trees is proposed as part of the development application as described in the tree removal permit application.

### **NEIGHBORHOOD MEETING**

The Applicant conducted a neighborhood meeting on August 10, 2022, to explain the proposed development and answer questions from the surrounding property owners. The submitted materials include the required documentation in Appendix F-Neighborhood Meeting Materials.

## **APPLICABLE ZONING CODE CRITERIA**

The following sections of the Tualatin Development Code and Tualatin Municipal Code have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for Architectural Review and Tree Permit applications.

### **CHAPTER 32 - PROCEDURES**

#### **TDC 32.010. - Purpose and Applicability. *[City code text omitted for brevity]***

**Finding:** This proposal includes a Multifamily Housing Project abutting a single-family district and therefore requires a Type III architectural review with the Architectural Review Board as the decision authority. The proposed tree removal permit is a Type II but will be reviewed and decided by the Architectural Review Board in conjunction with the multifamily redevelopment. This standard is met.

#### **TDC 32.110. - Pre-Application Conference. *[City code text omitted for brevity]***

**Finding:** A pre-application conference was held with City staff on March 9, 2022, in advance of the Neighborhood/Development Meeting and the application submittal. This application is being submitted within 6 months of the pre-application conference. The pre-application notes are included as Appendix E-Pre-Application Notes. This standard is met.

#### **TDC 32.120. - Neighborhood/Developer Meetings. *[City code text omitted for brevity]***

**Finding:** A Neighborhood/Developer Meeting was held on August 10, 2022, at the Tualatin Public Library at 6pm (weekday). Notice of the meeting was posted at the site's driveways on Sagert and Martinazzi and on Avery adjacent to the site and mailed 14 calendar days prior to the meeting. The Notice, sign-in sheet and meeting notes are included with this submittal in Appendix F- Neighborhood Meeting Materials. This standard is met.

#### **TDC 32.130. - Initiation of Applications. *[City code text omitted for brevity]***

**Finding:** This application is being initiated by the property owner. This standard is met.

#### **TDC 32.140. - Application Submittal. *[City code text omitted for brevity]***

**Finding:** This submittal is on forms provided by the City and includes all required items, including Appendix A-Land Use Application and Title Report. This standard is met.

**TDC 32.150. - Sign Posting. [City code text omitted for brevity]**

**Finding:** The Neighborhood/Developer Meeting sign was posted on all 3 public rights-of-way adjacent to the property and was designed to meet city standards, as shown the pictures included with Appendix F- Neighborhood Meeting Materials. The land use action sign will be similarly designed and posted once the application is submitted. This standard is met.

**TDC 32.160. - Completeness Review.**

**Finding:** The Applicant acknowledges the completeness review timeframes and process. This standard is met.

**TDC 32.230. - Type III Procedure (Quasi-Judicial Review—Public Hearing).**

**Finding:** The Applicant acknowledges the Type III Procedure. This standard is met.

**CHAPTER 33 - APPLICATIONS AND APPROVAL CRITERIA**

**TDC 33.020. - Architectural Review.**

**(2) Applicability.**

**(a) The following types of development are subject to Architectural Review:**

- (i) Any exterior modifications to improved or unimproved real property;**
- (ii) Any remodeling that changes the exterior appearance of a building;**
- (iii) Any site alteration which alters the topography, appearance or function of the site; and**
- (iv) Any change in occupancy from single family use to commercial or industrial use.**

**Finding:** Architectural review is applicable to the proposed site addition. This standard is met.

**(3) Types of Architectural Review Applications—Procedure Type.**

**(g) Large Commercial, Industrial, and Multifamily Development. Development applications that propose any of the following are subject to Type III Review by the Architectural Review Board as the hearing body:**

- (i) New Commercial Buildings 50,000 square feet and larger;**
- (ii) New Industrial Buildings 150,000 square feet and larger; and**
- (iii) New Multifamily Housing Projects with 100 units or more units (or any number of units abutting a single family district).**

**Finding:** The new multifamily units are within a project that has over 100 units and is abutting a single-family district and, therefore, the Type III Review by the Architectural Review Board is applicable. This standard is met.

**(4) Application Materials.** *The application must be on forms provided by the City. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:*

- (a) The project name and the names, addresses, and telephone numbers of the architect, landscape architect, and engineer on the project;*
- (b) Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;*
- (c) A building materials plan that includes a written description and image representation of facade, windows, trim, and roofing materials, colors, and textures;*
- (d) Title report; and*
- (e) A Service Provider Letter from Clean Water Services.*

**Finding:** This land use application includes all required submittal materials. This standard is met.

**(5) Approval Criteria.**

- (c) General Development. Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.*
- (d) 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:** This land use application includes all required submittal materials. Compliance with applicable standards is addressed further in this narrative. This standard is met.

**(6) Conditions of Approval.**

- (a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:*
  - (i) Implement identified public facilities and services needed to serve the proposed development;*
  - (ii) Implement identified public facilities and services needed to be altered or increased attributable to the impacts of the proposed development; and*
  - (iii) Implement the requirements of the Tualatin Development Code.*
- (b) Types of conditions of approval that may be imposed include, but are not limited to:*
  - (i) Development Schedule. A reasonable time schedule placed on construction activities associated with the proposed development, or portion of the development.*
  - (ii) Dedications, Reservation. Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title or easements to the City or a non-profit conservation organization, or a homeowners' association.*
  - (iii) Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.*
  - (iv) Plan Modifications. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this chapter.*

*(v) Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities, or consultants, may be required for all or any part of the proposed development.*

*(vi) Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.*

**Finding:** The Applicant acknowledges that an Architectural Review decision may include conditions of approval. This standard is met.

**TDC 33.110. - Tree Removal Permit/Review.**

**(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:** This architectural review submittal includes application for a tree removal permit. This standard is met.

**(4) Specific Submittal Requirements.** In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following:

**(a) Tree Preservation Plan.** A tree preservation plan drawn to scale must include:

**(i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;**

**(ii) All trees proposed for removal and all trees proposed to be preserved;**

**(iii) All existing and proposed structures;**

**(iv) All existing and proposed public and private improvements; and**

**(v) All existing public and private easements.**

**(b) Tree Assessment Report.** A tree assessment prepared by a certified arborist must include:

**(i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;**

**(ii) An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree;**

**(iii) a statement addressing the approval criteria set forth in TDC 33.110(5);**

**(iv) the name, contact information, and signature of the arborist preparing the report; and**

**(v) The tree assessment report must have been prepared and dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City.**

**(c) Tree Tags.** All trees on-site must be physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.

**Finding:** This land use application includes a tree preservation plan and tree assessment report, included in Appendix D.1- Arborist Report and meeting the criteria of this section. This standard is met.

**(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:** Removal of 35 of the 49 regulated trees planned for removal is necessary to construct proposed improvements. The tree preservation plan included in Appendix D.1-Arborist Report of this submittal, shows that these trees are within the footprint of proposed buildings, drive aisles, sidewalks and retaining walls or within areas of required grading with severe impacts within critical root zones. The other 14 regulated trees planned for removal are all deciduous trees with poor crown development or poor structure including 13 invasive species trees and one 29-inch diameter silver maple, tree #1122, which is in poor condition with very poor structure including multiple upright leaders, a history of branch failure and numerous epicormic sprouts. The following table provides a summary of the number of inventoried trees planned for retention and removal. This standard is met.



Treatment	Total	Percent
Retain	37	42%
Remove	51	58%
Remove to Construct Proposed Improvements (criteria a-iii)	35	40%
Remove for Poor Crown Development (criteria b-ii-B)	8	9%
Remove for Poor Structure (criteria b-ii-C)	6	7%
Trees <8" DBH Planned for Removal Two or more dead limbs	2	2%
Percent of Total	88	100%

**(6) Emergencies. [City code text omitted for brevity]**

**Finding:** There are no tree emergencies identified with this submittal and therefore this standard is not applicable.

**(7) Conditions of Approval. Any tree required to be retained must be protected in accordance with the TDC 73B and 73C.**

**Finding:** All retained trees will be protected as identified in Appendix D.1-Arborist Report, and the Tree Inventory and Protection Plan, Sheet C110 of Appendix C- Land Use Plans-Civil. This standard is met.

**(8) Permit Expiration. A Tree Removal Permit is valid for one year from the date of issue. A Tree Removal Permit approved in conjunction with an Architectural Review, Subdivision, or Partition decision is valid as provided in the terms of the Architectural Review, Subdivision, or Partition decision.**

**Finding:** The Applicant acknowledges the approval timeline. This standard is met.

**(9) Tree removal in violation of Zone Standards. [City code text omitted for brevity]**

**Finding:** This proposal does not include tree removal in violation of Zone Standards and therefore this standard is not applicable.

**CHAPTER 42 - MEDIUM HIGH DENSITY RESIDENTIAL ZONE (RMH)**

**TDC 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.**

**TDC 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.**

**Finding:** This application proposes multi-family structures, which are permitted outright in the RMH zoning district. This standard is met.

**TDC 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 RMH Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
Maximum Density- Household Living Uses	Maximum: 15 units per acre Minimum: 11 units per acre	
Min. Lot Size- Multi-Family Structure and Duplex (1+ acre site)	2,904 square feet per unit	
Mini. Avg. Lot Width Multi-Family Structure	75 feet	May be 40 feet on a cul-de-sac street.
Min. Front Setback		Minimum setback to a garage door must be 20 feet.
<ul style="list-style-type: none"> <li>• 1 story structure</li> <li>• 1.5 story structure</li> <li>• 2 story structure</li> <li>• 2.5 story structure</li> </ul>	20 feet 25 feet 30 feet 35 feet	
Min. Side and Rear Setback		Where living spaces face a side yard, the minimum setback must be 20 feet
<ul style="list-style-type: none"> <li>• 1 story structure</li> <li>• 1.5 story structure</li> <li>• 2 story structure</li> <li>• 2.5 story structure</li> </ul>	5 feet 7 feet 10 feet 12 feet	
Min. Distance Between Buildings w/in One Development	10 feet	For Townhouses (or Rowhouse), determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	10 feet	
Max. height- All Uses	35 feet	May be increased to a maximum of 50 feet with a conditional use permit, if all setbacks are not less than 1½ times the height of the building.
Max. Lot Coverage	40%	

**Finding:** The addition of 30 dwelling units on this site will result in a total number of 240 dwelling units on 17.09 acres, or 14.04 dwelling units per acre, falling between the minimum of 11 and maximum of 15. The 3,102 square feet per dwelling unit on this site exceeds the minimum of 2,904 square feet per unit. As demonstrated on the submitted site plan, Sheet C601 of Appendix C- Land Use Plans-Civil, all required setbacks are met. The new structures will be 35 feet in height, not exceeding the maximum. As shown on Sheet A1 Appendix B- Land Use Plans-Architectural, total lot coverage is 12%, below the maximum of 40%. This standard is met.

**TDC 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.***

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

**Finding:** This application does not propose any projections into required yards. This application does not include a request for density bonus or setback reduction for developments adjacent to Greenways and Natural Areas. As such, these standards are not applicable.

**CHAPTER 73A - SITE DESIGN STANDARDS**

**TDC 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:** Each of the two-bedroom townhome units includes a ground-floor, private open area of 157 square feet, including the required 24 square foot entry area required by subsection (3), below. Each of the three-bedroom townhome units includes a ground-floor, private open area of 103 square feet, including the required 24 square foot entry area required by subsection (3), below. These ground-floor private open areas are shown on Sheets A12 and A13 of Appendix B- Land Use Plans-Architectural. This standard is 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:** Though each of the 45 proposed units are ground-level, they do include second-story decks. Two-bedroom unit decks are 64 square feet and three-bedroom unit decks are 75 square feet, as shown on Sheets A12 and A13 of Appendix B- Land Use Plans-Architectural. This standard, although not strictly applicable, is 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:** As discussed above, entry areas meeting this standard are shown on Sheets A12 and A13 of Appendix B- Land Use Plans-Architectural. This standard is 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**

**(ii) Four hundred fifty square feet per dwelling unit for 55 and older communities.**

**(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 Alden Apartments development has shared outdoor areas meeting these criteria that will be maintained. The 240 total units requires 72,000 square feet of outdoor area. At build out, Alden Apartments will provide 83,776 square feet of shared outdoor areas in compliance with these criteria, as shown on Sheet A1 of Appendix B- Land Use Plans-Architectural. This standard is 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***
- (e) The children's play area standard does not apply to:***
  - (i) Duplexes and townhouses;***
  - (ii) Fifty-five and older communities; and***
  - (iii) Any development with less than 12 dwelling units.***

**Finding:** As shown on Sheet A1 of Appendix B- Land Use Plans-Architectural, a minimum of 36,000 square feet of children's play area meeting these design standards will be provided at full build out. This standard is 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:** Each of the proposed 45 units is provided with enclosed storage, 40 square feet for the 2-bedroom units and 49 square feet for the 3-bedroom units, as shown on Sheets A12 and A13 of Appendix B- Land Use Plans-Architectural. This standard is met.

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

- (a) Walkways for duplexes and townhouses must be a minimum of three feet in width;***
- (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 on Sheet C601 of Appendix C- Land Use Plans-Civil, the walkways are a minimum of 6 feet in width, are constructed of concrete and meet ADA standards. This standard is met.

***(8) Accessways.***

- (a) When Required. Accessways are required to be constructed when a multi-family development is adjacent to any of the following:***
  - (i) Residential property;***
  - (ii) Commercial property;***
  - (iii) Areas intended for public use, such as schools and parks; and***
  - (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.***

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

- (i) Accessways must be a minimum of eight feet in width;**
- (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;**
- (iii) Private accessways must be constructed of asphalt, concrete, 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. [City code text omitted for brevity]**

**Finding:** The additional structures being added to this site are internal to the Alden Apartments and do not impact any areas where accessways would be required. As such, this standard is not applicable.

**(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:** Carports are shown on the Overall Site Plan, Sheet C600 of Appendix C-Land Use Plans-Civil, adjacent to some of the existing apartment units. The design is shown on Sheet A11 of Appendix B-Land Use Plans-Architectural. The carports are compatible with the complex in that the form matches the modern townhouse/multi-family design, materials and color reflect those utilized on the multi-family buildings and construction will occur concurrently for the townhomes and carports. This standard is 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:** As shown on Sheets A2, A3, A5 and A10 of Appendix B-Land Use Plans-Architectural, the private outdoor areas are separated by a minimum 4-foot-high wall. Photometrics demonstrating that outdoor lighting will be directed at pathways and other appropriate areas and will not produce direct glare on adjacent properties or shine into residential units, public right-of-way or fish and wildlife habitat areas are included as Appendix D.2-

Photometrics. Building identification will be provided consistent with the Oregon Fire Code, as reviewed, approved and inspected with the building permit. This standard is 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:** Provisions for postal delivery will be coordinated with the US Postal Service. Pedestrian access from each unit entry to the postal delivery areas, shared activity areas and parking areas is provided via accessways, as shown on Sheet C601 of Appendix C-Land Use Plans-Civil. All equipment will be screened from view by being located on the side or rear of the buildings and with landscaping, as shown on Sheets A6 and A7 of Appendix B-Land Use Plans-Architectural. This standard is met.

**CHAPTER 73B - LANDSCAPING STANDARDS**

**TDC 73B.020. - Landscape Area Standards Minimum Areas by Use and Zone.**

***The following are the minimum areas required to be landscaped for each use and zone:***

**Finding:** There is no minimum area requirement in the RMH zone for permitted uses, including this multi-family development. This standard is met.

**TDC 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:** All areas of the Alden Apartments site that are not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas are or will be landscaped at the conclusion of construction of this site addition in a way similar to the existing site, as demonstrated in Appendix D.3-Landscaping Plans. This standard is met.

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

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

***[City code text omitted for brevity]***

**Finding:** Appendix D.3-Landscaping Plans, demonstrates compliance with the landscaping requirements. The landscaping is planned and will be installed so as to be fully ground-covering in 3 years, of appropriate materials and maintainable as directed. Tree preservation is identified in Appendix D.1-Arborist Report. The landscape plan does not include fences. Grading, irrigation and re-vegetation area all proposed to meet these criteria. This standard is met.

**TDC 73B.090. - Minimum Standards Trees and Plants.**

***The following minimum standards apply to the types of landscaping required to be installed for all zones. [City code text omitted for brevity]***

**Finding:** Appendices D.1-Arborist Report and D.3-Landscaping Plans demonstrate compliance with the minimum standards for installation of trees, shrubs, groundcover and lawns. This standard is met.

**CHAPTER 73C - PARKING STANDARDS**

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

***Applicability. Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:***

- (a) Establishment of a new structure or use;***
- (b) Change in use; or***
- (c) Change in use of an existing structure.***

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

- (a) The following apply to property and/or use with respect to the provisions of TDC 73C.100:***
  - (i) The requirements apply to both the existing structure and use, and enlarging a structure or use;***
  - (ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;***
  - (iii) Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;***
  - (iv) Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;***
  - (v) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;***
  - (vi) Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;***



- (vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;*
- (viii) Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;*
- (ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;*
- (x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones;*
- (xi) Required vanpool and carpool parking must meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage;*
- (xii) Where uses are mixed in a single building, parking must be a blend of the ratio required less ten percent for the minimum number of spaces. The maximum number of spaces must be ten percent less than the total permitted maximum for each use; and*
- (xiii) If the applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.*

**Finding:** The total amount of parking proposed at full build-out meets the code requirement for the entire site, the existing apartments and the new townhouse-style apartments. No joint-use parking is proposed. Parking calculations are rounded up to the nearest whole. Required parking spaces will be available for operable passenger vehicles, as ensured by the property management team. These parking-related standards are met.

**TDC 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: [City code text omitted for brevity]*

**Finding:** There are no new parking lots proposed with this site re-development. Each of the units will have two parking spaces within an attached garage. This standard is not applicable to the proposed addition to this site.

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

*(1) Requirements. Bicycle parking facilities must include: [City code text omitted for brevity]*

**Finding:** TDC 73C.100 exempts multi-family dwellings where garages are provided as an integral element of a unit from providing bicycle parking and as such, no bicycle parking is required.

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

**(1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC 73C.110.**

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
<b>(a) Residential Uses</b>				
<i>(viii) Multi-family dwellings in complexes with private internal driveways</i>	<i>1.0 space/studio, 1.25 space/1 bedroom, 1.50 space/2 bedroom, 1.75 space/3= bedroom</i>	<i>None</i>	<i>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</i>	<b>100</b>

**Finding:** Each of the 45 proposed townhome units contain two motor vehicle parking spaces in an attached garage. At full build-out, as identified on Sheet A1 of Appendix B-Land Use Plans-Architectural, the Alden Apartments site will contain 442 parking spaces, far exceeding the code requirement of 361:

$$65 \text{ 3br units} * 1.75 + 111 \text{ 2br units} * 1.5 + 64 \text{ 1br units} * 1.25 = 113.75 (114) + 166.5 (167) + 80 = 361 \text{ required parking spaces.}$$

The proposal meets the parking requirement for the additional townhouse-style units and meets the overall parking requirements for the site. This standard is met.

**TDC 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: [City code text omitted for brevity]**

**Finding:** No changes are proposed to the two existing driveways, one to Martinazzi and one to Sagert. The proposed units will utilize the same driveways utilized by the current residents. This standard is met.

**PARKING LOT LANDSCAPING**

TDC 73C.200. - Parking Lot Landscaping Standards

TDC 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:*

*[City code text omitted for brevity]*

**Finding:** No parking lots are proposed with the addition of these units as all new parking is provided in attached garages. This standard is not applicable.

#### CHAPTER 73D - WASTE AND RECYCLABLES MANAGEMENT STANDARDS

TDC 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 TDSC 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:** This proposal provides mixed solid waste and source separated recyclables storage areas in compliance with the minimum standards method, as detailed below and supported by Appendix D.4-Republic Services Service Provider Letter. This standard is met.

TDC 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 seven 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.*

*(3) Mixed solid waste and source separated recyclables storage areas for multiple tenants on a single site may be combined and shared.*

**Finding:** Appendix D.4-Republic Services Service Provider Letter demonstrates that storage is proposed for each individual dwelling unit. An 18-square-foot storage area is proposed for each unit. Therefore, for a 3-unit building, the total size of storage is 54 square feet and for a 4-unit building, the total size of storage is 72 square feet, both of which exceed the 50 square foot minimum for common wall residential. This standard is met.

**TDC 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 six 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 ten feet wide and must be capable of being secured in a closed and open position.*

*(f) Horizontal clearance must be a minimum of ten feet and a vertical clearance of eight 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.*

**(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:** Appendix D.4-Republic Services Service Provider Letter, identifies the size and location of the storage areas. Storage is proposed for each individual dwelling unit. An 18-square-foot storage area is proposed for each unit. Therefore, for a 3-unit building, the total size of storage is 54 square feet and for a 4-unit building, the total size of storage is 72 square feet, both of which exceed the 50 square foot minimum for common wall residential. In addition, Republic Services provided a Service Provider Letter supporting this proposal. This standard is met.

## **CHAPTER 74 - PUBLIC IMPROVEMENT REQUIREMENTS**

### **TDC 74.210. - Minimum Street Right-of-Way Widths.**

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

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

*(3) For development applications that will impact existing streets not adjacent to the applicant's property, and to construct necessary street improvements to mitigate those impacts would require additional right-of-way, the applicant must be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form must be obtained from the City Manager and upon completion returned to the City Manager for acceptance by the City. On subdivision and partition plats the right-of-way dedication must be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication must be accepted by the City prior to issuance of building permits. The City may elect to exercise eminent domain and condemn necessary off-site right-of-way at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.*

*(4) If the City Manager deems that it is impractical to acquire the additional right-of-way as required in subsections (1)—(3) of this section from both sides of the center-line in equal amounts, the City Manager may require that the right-of-way be dedicated in a manner that would result in unequal dedication from each side of the road. This requirement will also apply to slope and utility easements as discussed in TDC 74.320 and 74.330. The City Manager's recommendation must be presented to the City Council in the preliminary plat approval for subdivisions and partitions, and in the recommended decision on all other development applications, prior to finalization of the right-of-way dedication requirements.*

*(5) Whenever a proposed development is bisected by an existing or future road or street that is of inadequate right-of-way width according to TDC Chapter 74, Public Improvement*

**Requirements, Figures 74-2A through 74-2G, additional right-of-way must be dedicated from both sides or from one side only as determined by the City Manager to bring the road right-of-way in compliance with this section.**

**(6) When a proposed development is adjacent to or bisected by a street proposed in the Transportation System Plan and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G must be dedicated by the applicant. The dedication of right-of-way required in this subsection must be along the route of the road as determined by the City.**

**Finding:** The three streets abutting this property are developed and as stated in Appendix D.5-Trip Generation Letter, additional improvements are not needed to accommodate the additional units on this existing multi-family residential site. The existing access points will continue to operate at acceptable levels as will nearby street intersections. The addition of 30 residential units (45 new, 15 to be removed) does not warrant right-of-way improvements beyond what was originally completed with the initial 210 multi-family residential units. 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.**

**(2) For subdivision and partition applications, the on-site public utility easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; and**

**(3) For subdivision and partition applications which require off-site public utility easements to serve the proposed development, a utility easement must be granted to the City prior to approval of the final plat by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.**

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

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

**Finding:** Appendix E-Pre-Application Notes identifies an 8-foot public utility easement to be provided along all street frontages. The Applicant will provide this PUE prior to issuance of building permits. This standard is 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.***

***(7) For subdivision and partition applications, the street improvements required by TDC Chapter 74 must be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.***

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

***(9) In addition to land adjacent to an existing or proposed street, the requirements of this section must apply to land separated from such a street only by a railroad right-of-way.***

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

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

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

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

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

**(15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.**

**(16) The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.**

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

**(18) Pursuant to requirements for off-site improvements as conditions of development approval, proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to comply with the City's Mid-Block Crossing Policy.**

**Finding:** As identified in Appendix D.5-Trip Generation Letter, the added units (minus the units being removed) are anticipated to add an additional 16 AM Peak trips and 18 PM Peak trips to the site. The other, existing 295 apartment units account for approximately 78 AM Peak trips and 104 PM Peak Trips, demonstrating that the increased trips are not anticipated to create a significant impact on the surrounding roadway system and therefore street improvements are not warranted as part of this site re-development. This standard is not applicable.

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

**(1) When, in the opinion of the City Manager, the construction of street improvements in accordance with TDC 74.420 would result in the creation of a hazard, or would be impractical, or would be detrimental to the City, the City Manager may modify the scope of the required improvement to eliminate such hazardous, impractical, or detrimental results. Examples of conditions requiring modifications to improvement requirements include but are not limited to horizontal alignment, vertical alignment, significant stands of trees, fish and wildlife habitat areas, the amount of traffic generated by the proposed development, timing of the development or other conditions creating hazards for pedestrian, bicycle or motor vehicle traffic. The City Manager may determine that,**



*although an improvement may be impractical at the time of development, it will be necessary at some future date. In such cases, a written agreement guaranteeing future performance by the applicant in installing the required improvements must be signed by the applicant and approved by the City.*

*(2) When the City Manager determines that modification of the street improvement requirements in TDC 74.420 is warranted pursuant to subsection (1) of this section, the City Manager must prepare written findings of modification. The City Manager must forward a copy of said findings and description of modification to the applicant, or his authorized agent, as part of the Utility Facilities Review for the proposed development, as provided by TDC Chapter 32 (Procedures). The decision of the City Manager may be appealed to the City Council in accordance with TDC Chapter 32 (Procedures).*

*(3) To accommodate bicyclists on streets prior to those streets being upgraded to the full standards, an interim standard may be implemented by the City. These interim standards include reduction in motor vehicle lane width to ten feet (the minimum specified in AASHTO's A Policy on Geo-metric Design of Highways and Streets (1990)), a reduction of bike lane width to 4-feet (as measured from the longitudinal gutter joint to the centerline of the bike lane stripe), and a paint-striped separation two to four feet wide in lieu of a center turn lane. Where available roadway width does not provide for these minimums, the roadway can be signed for shared use by bicycle and motor vehicle travel. When width constraints occur at an intersection, bike lanes should terminate 50 feet from the intersection with appropriate signing.*

**Finding:** TDC 74.430 grants the City Manager the ability to “modify the scope of the required improvement to eliminate such hazardous, impractical or detrimental results” based on “the amount of traffic generated by the proposed development”. It is the Applicant’s understanding based on Appendix D.5-Trip Generation Letter, that the amount of traffic that will be generated by the site redevelopment will not be significant enough to warrant right-of-way improvements adjacent to (or off-site from) this development, thus meeting this standard.

#### **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:** Appendix D.5-Trip Generation Letter finds that a full traffic study is not warranted with this site redevelopment application. This standard is met.

**TDC 74.450. - Bikeways and Pedestrian Paths.**

*(1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path, as set forth in TDC Chapter 11, Transportation Figure 11-4, the City may require that a bikeway, pedestrian path, or multi-use path be constructed, and an easement or dedication provided to the City.*

*(2) Where required, bikeways and pedestrian paths must be provided as follows:*

- (a) Bike and pedestrian paths must be constructed and surfaced in accordance with the Public Works Construction Code.*
- (b) The applicant must install the striping and signing of the bike lanes and shared roadway facilities, where designated.*

**Finding:** The Applicant is not aware of bikeways or pedestrian paths abutting or within this site and as such, this standard is not applicable.

**TDC 74.470. - Street Lights.**

*(1) Street light poles and luminaries must be installed in accordance with the Public Works Construction Code.*

*(2) The applicant must submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.*

**TDC 74.485. - Street Trees.**

*(1) Prior to approval of a residential subdivision or partition final plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.*

*(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:** As stated above, right-of-way improvements are not warranted with this site redevelopment and therefore, neither are street lights or street trees. These standards are not applicable.

**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.*

*(2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.*

*(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.*

**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.*

*(2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.*

**Finding:** Sheet C400 Utility Plan of Appendix C-Land Use Plans-Civil identifies water and sanitary sewer serving each unit and meeting city standards. 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. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.*

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

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

**Finding:** The Applicant proposes a storm drainage system meeting city standards. The plans currently identify a combination of infiltration planters and underground stormwater storage. However, Sheet C400 Utility Plan, of Appendix C-Land Use Plans-Civil identifies a potential stormwater facility at ground level that may be utilized (identified as “Stormwater Alternative: Infiltration Rain Garden”). The Applicant proposes to establish the final storm drainage system configuration at time of engineering review. The application includes Appendix D.6-Preliminary Stormwater Report, demonstrating compliance with city standards. This standard is met.

**TDC 74.640. - Grading.**

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

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

**Finding:** Sheet C500 of Appendix C-Land Use Plans-Civil identifies site grading meeting all applicable standards. This standard is met.

**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:** As stated above, the Applicant intends to arrange to construct a permanent on-site water quality facility and storm water detention facility prior to issuance of any building permit. This standard is met.

**TDC 74.660. - Underground.**

***(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The***

**applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.**

**(2) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.**

**Finding:** All utilities located within the disturbance area of this site will be placed underground. No existing overhead utilities will be upgraded to serve the redevelopment. This standard is met.

#### **TDC 74.670. - Existing Structures.**

**(1) Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.**

**(2) The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.**

**(3) The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.**

**Finding:** The existing apartments on site are connected to all available City utilities. All utilities serving the apartments are underground. The adjacent street improvements are complete. This standard is met.

#### **TDC 74.720. - Protection of Trees During Construction.**

**(1) During the erection, repair, alteration or removal of a building or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave a tree in or upon a public right-of-way in the vicinity of the building or structure without a good and sufficient guard or protectors to prevent injury to the tree arising out of or by reason of such erection, repair, alteration or removal.**

**(2) Excavations and driveways must not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Manager. During excavation or construction, the person must guard the tree within six feet and all building material or other debris must be kept at least four feet from any tree.**

**Finding:** Sheet C110 of Appendix C-Land Use Plans-Civil details the tree protection plan that is consistent with Appendix D.1-Arborist Report. This standard is met.

#### **TDC 74.725. - Maintenance Responsibilities.**

**Trees, shrubs or plants standing in or upon a public right-of-way, on public or private grounds that have branches projecting into the public street or sidewalk must be kept trimmed by the owner of the property adjacent to or in front of where such trees, shrubs or plants are growing so that:**

**(1) The lowest branches are not less than 12 feet above the surface of the street, and are not be less than 14 feet above the surface of streets designated as state highways.**

***(2) The lowest branches are not less than eight feet above the surface of a sidewalk or footpath.***

***(3) A plant, tree, bush or shrub must not be more than 24 inches in height in the triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, such an area defined by a line across the corner between the points on the street right-of-way line measured ten feet back from the corner, and extending the line to the street curbs or, if there are no curbs, then to that portion of the street or alley used for vehicular traffic.***

***(4) Newly planted trees may remain untrimmed if they do not interfere with street traffic or persons using the sidewalk or obstruct the light of a street electric lamp.***

***(5) Maintenance responsibilities of the property owner include repair and upkeep of the sidewalk in accordance with the City Sidewalk Maintenance Ordinance.***

**Finding:** The Applicant acknowledges responsibility for maintenance of trees, shrubs and plants that stand or project into a public right-of-way. This standard is met.

## **CHAPTER 75 - ACCESS MANAGEMENT**

***[City code text omitted for brevity]***

**Finding:** As discussed previously, no changes are proposed to the existing access points to the site and as such, this standard is not applicable.

### **TDC 75.070. - Existing Driveways and Street Intersections.**

***(1) Existing driveways with access onto arterials on the date this chapter was originally adopted are allowed to remain. If additional development occurs on properties with existing driveways with access onto arterials then this Chapter applies and the entire site must be made to conform with the requirements of this chapter.***

***(2) The City Manager may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means.***

**Finding:** No changes are proposed to the existing driveways. No additional driveways are proposed. This standard is met.

### **TDC 75.120. - Collector Streets Access Standards.**

***(1) Major Collectors. Direct access from newly constructed single family homes, duplexes or triplexes are not permitted. As major collectors in residential areas are fully improved, or adjacent land redevelops, direct access should be relocated to the nearest local street where feasible.***

***(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.***

***(3) If access is not able to be relocated to the nearest local street, the City Manager may allow interim access in accordance with [75.060](#) of this chapter to provide for the eventual implementation of the overall access plan.***

**Finding:** This site has existing access onto Martinazzi, a minor collector at this location. The site has greater than 70 feet of frontage and the existing access is a minimum of 100 feet from the nearest access. This standard is met.

**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.*

**(14) SAGERT STREET.**

*(a) Martinazzi Avenue to 65th Avenue. No new driveways or streets shall be allowed, except the City Manager may allow one driveway from the SE corner lot of Sagert and Martinazzi. This driveway may be restricted to right-in, right-out.*

**Finding:** This site has existing access onto Sagert Street. No new access is proposed to this portion of Sagert Street. This standard is met.

**TUALATIN MUNICIPAL CODE**

**TITLE 3- UTILITIES AND WATER QUALITY**

**CHAPTER 3-02 – SEWER REGULATIONS; RATES**

**TMC 3-2-020 - Application, Permit and Inspection Procedure. [City code text omitted for brevity]**

**TMC 3-2-030 - Materials and Manner of Construction. [City code text omitted for brevity]**

**TMC 3-2-040 - Restrictions As to Use of Sanitary Sewer System. [City code text omitted for brevity]**

**TMC 3-2-060 - Use of Public Sewers Required. [City code text omitted for brevity]**

**TMC 3-2-160 - Construction Standards. [City code text omitted for brevity]**

**Finding:** Compliance with the applicable City of Tualatin and Clean Water Services standards for sanitary sewer will be demonstrated at the time of building and construction permit applications. The applicable standards will be met. Refer to the TDC 74.620 response and utility drawings in the application, as well as Appendix D.7-Clean Water Services Service Provider Letter, for additional information. This standard is met.

**CHAPTER 3-03 - WATER SERVICE**

**TMC 3-3-040 - Separate Services Required. [City code text omitted for brevity]**

**TMC 3-3-050 - Regular Service. [City code text omitted for brevity]**

**TMC 3-3-080 - Fire Protection Service. [City code text omitted for brevity]**

**TMC 3-3-100 - Meters. [City code text omitted for brevity]**

**TMC 3-3-110 - Construction Standards. [City code text omitted for brevity]**

**TMC 3-3-120 - Backflow Prevention Devices and Cross Connections. *[City code text omitted for brevity]***

**TMC 3-3-130 - Control Valves. *[City code text omitted for brevity]***

**TMC 3-3-240 - Construction. *[City code text omitted for brevity]***

**Finding:** Compliance with the applicable City of Tualatin standards for water service will be demonstrated at the time of building and construction permit applications. Refer to the TDC 74.610 response and utility drawings in the application, Sheet FS-1 of Appendix C-Land Use Plans-Civil and Appendix D.8-TVF&R Service Provider Letter for additional information. This standard is met.

**CHAPTER 3-05 - SOIL EROSION, SURFACE WATER MANAGEMENT, WATER QUALITY FACILITIES, AND BUILDING AND SEWERS**

**TMC 3-5-040 - Erosion Prohibited. *[City code text omitted for brevity]***

**TMC 3-5-050 - Erosion Control Permits. *[City code text omitted for brevity]***

**TMC 3-5-060 - Permit Process. *[City code text omitted for brevity]***

**TMC 3-5-090 - Physical Erosion. *[City code text omitted for brevity]***

**TMC 3-5-110 - Air Pollution—Dust, Fumes, Smoke and Odors. *[City code text omitted for brevity]***

**TMC 3-5-120 - Maintaining Water Quality. *[City code text omitted for brevity]***

**TMC 3-5-130 - Fish and Wildlife Habitat. *[City code text omitted for brevity]***

**TMC 3-5-140 - Control of Noise Levels. *[City code text omitted for brevity]***

**TMC 3-5-150 - Natural Vegetation. *[City code text omitted for brevity]***

**TMC 3-5-160 - Historical and Archeological Areas. *[City code text omitted for brevity]***

**TMC 3-5-170 - Pesticides, Fertilizers. *[City code text omitted for brevity]***

**TMC 3-5-180 - Contaminated Soils. *[City code text omitted for brevity]***

**TMC 3-5-190 - Soil Erosion Control Matrix and Methods. *[City code text omitted for brevity]***

**Finding:** Compliance with the applicable City of Tualatin standards for erosion control will be demonstrated at the time of building and construction permit applications. Refer to Sheet C310 of Appendix C-Land Use Plans-Civil for further details. This standard is met.



## **ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS**

**TMC 3-5-200 - Downstream Protection Requirement. *[City code text omitted for brevity]***

**TMC 3-5-210 - Review of Downstream System. *[City code text omitted for brevity]***

**TMC 3-5-220 - Criteria for Requiring On-Site Detention to be Constructed. *[City code text omitted for brevity]***

**TMC 3-5-230 - On-Site Detention Design Criteria. *[City code text omitted for brevity]***

**TMC 3-5-240 - On-Site Detention Design Method. *[City code text omitted for brevity]***

**TMC 3-5-250 - Floodplain Design Standards. *[City code text omitted for brevity]***

**TMC 3-5-260 - Floodway Design Standards. *[City code text omitted for brevity]***

**TMC 3-5-280 - Placement of Water Quality Facilities. *[City code text omitted for brevity]***

**Finding:** Compliance with the applicable City of Tualatin standards for surface water management will be demonstrated at the time of building and construction permit applications. This standard is met.

## **PERMANENT ON-SITE WATER QUALITY FACILITIES**

**TMC 3-5-330 - Permit Required. *[City code text omitted for brevity]***

**TMC 3-5-340 - Facilities Required. *[City code text omitted for brevity]***

**TMC 3-5-345 - Inspection Reports. *[City code text omitted for brevity]***

**TMC 3-5-350 - Phosphorous Removal Standard. *[City code text omitted for brevity]***

**TMC 3-5-360 - Design Storm. *[City code text omitted for brevity]***

**TMC 3-5-370 - Design Requirements. *[City code text omitted for brevity]***

**TMC 3-5-390 - Facility Permit Approval. *[City code text omitted for brevity]***

**TMC 3-5-430 - Placement of Water Quality Facilities. *[City code text omitted for brevity]***

**Finding:** Compliance with the applicable City of Tualatin standards for on-site water quality facilities will be demonstrated at the time of building and construction permit applications. As stated previously in this narrative in TDC 74.630, the Applicant is considering below surface and above ground water quality treatment and storage. This standard is met.

## STANDARD SPECIFICATIONS FOR BUILDING AND SIDE SEWERS

**TMC 3-5-440 - General Provisions.** *[City code text omitted for brevity]*

**TMC 3-5-450 - Building Sewers.** *[City code text omitted for brevity]*

**TMC 3-5-460 - Installation of Side Sewers.** *[City code text omitted for brevity]*

**Finding:** All sewers will be built and installed to city standards as demonstrated at the time of building and construction permit applications. This standard is met.

## SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the Tualatin Architectural Review Board for this Type III Architectural Review application and associated Tree Removal Permit.