



**ARCHITECTURAL REVIEW DECISION**  
**BRIDGEPORT ELEMENTARY SCHOOL GREENHOUSE (AR 22-0002)**  
 June 22, 2022

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Case #:	AR 22-0002
Project:	Bridgeport Elementary School Greenhouse
Location:	5505 SW Borland Road; Tax Lots: 21E19 01900
Applicant:	Jordan Mills, Bridgeport Elementary School Principal
Owner:	Tigard-Tualatin School District

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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 40: Low-Density Residential
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Design Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvement Requirements

### B. Site Description

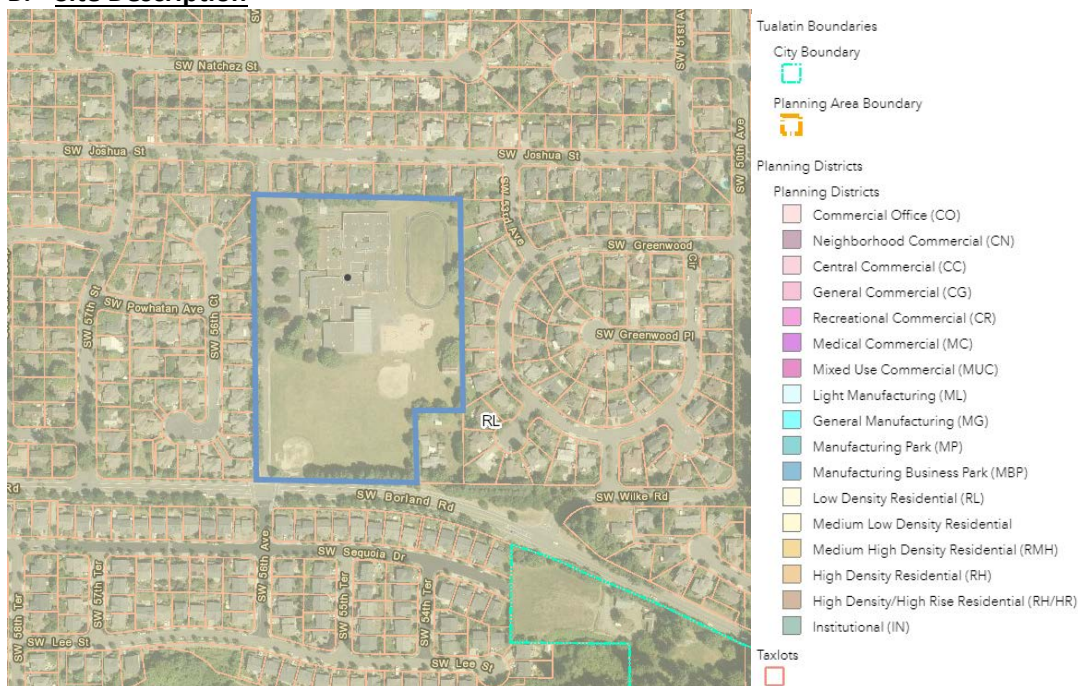


Figure 1 Aerial view of site with zoning (TualGIS)

The subject property is approximately 11.3 acres, located at 5505 SW Borland Road and is zoned Low Density Residential (RL). The main vehicle entrance to the property is from SW Borland Road and there is a second access from SW Joshua Street. The topography is relatively flat. The site contains the main school building, outdoor track, baseball fields, outdoor play structure, parking lot, landscaping and a community garden.

### C. Proposed Project

Bridgeport Elementary School is proposing to construct a 30' x 32' or 960 square feet greenhouse located on the northern portion of the school property within the existing community garden area north of the main school building. A 6' wide by 4' long ADA compliant walkway will provide pedestrian access to the greenhouse and connect to the existing sidewalk or walkway system.

The greenhouse will have fans and louvered openings or vents to reduce heat during the peak heat hours of the day. The applicant has indicated that at this time there is not a plan to install a heating source in the greenhouse.

The greenhouse is sized so that entire classes can participate in activities in the greenhouse. The applicant's narrative states that the school hopes to augment the food supply for students by extending the growing season. Additionally, students may be able to use the greenhouse to grow plants and sell them for school fundraising. The applicant states that the greenhouse will only be used for students and faculty.

**D. Previous Land Use Actions**

- Conditional Use Permits
  - 80-09 – permitted the elementary school as a land use on residentially zoned land
  - 86-01 – approved the school to maintain its southern entrance from Borland Road as a permanent vehicle access point
  - 87-01 – expansion of the elementary school
- Architectural Reviews
  - 81-19 – approved construction of the first phase of the East Tualatin Elementary School
  - 82-31 – approved construction of a play structure
  - 87-30 – approved an addition to the elementary school
  - 91-16 – approved portable classrooms
  - 92-16 – approved portable classrooms

**E. Surrounding Uses**

Surrounding land uses include:

North: Low Density Residential District (RL)

- Single family residential
- SW Joshua Street

East: Low Density Residential District (RL)

- Single family residential

South: Low Density Residential District (RL)

- Single family residential
- SW Borland Road

West: Low Density Residential District (RL)

- Single family residential

**F. Public Comments**

Six emails commenting on the proposed greenhouse were received within the 14-day comment period. Comments were submitted that both supported and opposed the greenhouse. The emailed comments can be found in Exhibit D and a summary is provided within these Findings. The applicant has provided comments addressing the comments opposing the greenhouse (Exhibit E).

**G. Exhibit List**

A: Application Materials

- A1. Applicant's Narrative
- A2. Plan Set and Elevation Drawings
- A3. Supporting Documents

B: Notice of Application

C: Clean Water Services Memorandum

D: Public Comments

E: Applicant's Response to Public Comments

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 22-0002 is **approved** subject to the following conditions:

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### GENERAL:

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

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

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### PRIOR TO APPLICABLE EROSION CONTROL AND WATER QUALITY PERMIT ISSUANCE:

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

- A2. The applicant must submit final erosion control plans in accordance with TDC 74.640, Tualatin Municipal Code 3-5-050 and 3-5-060, Public Works Construction Code, and Clean Water Services' Design and Construction Standards Chapters 2 and 6, if the final approved site development and/or permit plans, over a twelve-month period, have a cumulative disturbance area equal to or greater than 500 square feet on a site, as determined by the City Engineer.
- A3. The applicant must obtain approval from the City Engineer for alternate means and methods or in accordance with 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 and Construction Standards (D&CS) Chapter 4, if final approved site development and/or permit plans, over a twelve-month period, have a cumulative new plus modified impervious area meeting or exceeding thresholds defined within Clean Water Services' Design and Construction Standards Section 4.08.1 to require stormwater management, as determined by the City Engineer. If required, submittal must include:
- a. Final stormwater plans and calculations certified by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) proving proposed systems which:
    - i. Addresses runoff from all new and modified private impervious areas.
    - ii. Treats new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2.
    - iii. Infiltrates up to the 100 year storm event or if releasing to the public stormwater system, detention as required by TMC 3-5-220(4), TMC 3-5-230, and CWS D&CS 4.08.
    - iv. Complies with all requirements stated within the submitted CWS' Service Provider Letter File Number 20-001828 dated July 15, 2020 and CWS Memorandum dated June 2, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).
  - b. Submittal of financial assurance for construction performance in accordance with TMC 3-390(c), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1.

- c. Submittal of a copy of the recorded private stormwater maintenance agreement for this development. The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, infiltration, and treatment.

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**PRIOR TO BUILDING PERMIT ISSUANCE:**

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- A4. The applicant must obtain applicable Erosion Control and Water Quality Permits from the City of Tualatin.

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

- A5. The applicant must submit a Final Landscaping Plan (in .pdf format) that shows:
  - a. Landscaping calculations demonstrating site landscaping meets the requirements of TDC 73B.020(2) Landscape Area Standards Minimum Areas by Use and Zone.
  - b. Landscaping calculations that demonstrate the overall site landscaping meet the requirements of TDC 73B.080 Minimum Landscaping Standards for All Zones.
  - c. If greenhouse fans are roof mounted or freestanding then they must be screened in compliance with TDC 73A.600(4).

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

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- A6. The applicant must complete all applicable private stormwater improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with TDC 74.120.
- A7. The applicant must submit applicable paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for water quality improvements.

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

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- A8. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to the original approval through the AR process, except as permitted under TDC 33.020(7) Modifications to Previously Approved Final Architectural Review Decisions.

### III. FINDINGS

#### Tualatin Development Code

##### Chapter 32: Procedures

[...]

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

[...]

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

[...]

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

[...]

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

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

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

**Finding:**

*The proposed Architectural Review application is classified as Type II Procedure according to Table 32-1. It has been processed according to the applicable Type II procedures in the TDC. 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.)

[...]

**(3) Time Periods.** "Days" means calendar days unless otherwise specified. In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins is not included. The last day of the period is included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or City recognized legal holiday.

**Finding:**

*The application was deemed complete on April 15, 2022. The 120<sup>th</sup> day will be August 13, 2022. The final action will take place within 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.*

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;**
- (b) The proposed use, layout, and/or design of the proposal have significantly changed; or**
- (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.**

**Finding:**

*A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on September 2, 2020. Follow up discussions and emails pertaining to the greenhouse continued with staff and the applicant from the date of the pre-application meeting to the date when the application was submitted for review. The application was submitted on March 18, 2022. The proposed use, layout, and/or design of the greenhouse has not significantly changed since the pre-application meeting was held. These standards are met.*

**Section 32.120 – Neighborhood/Developer Meetings.**

- (1) Purpose.** The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) When Mandatory.** Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) Timing.** A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
- (4) Time and Location.** Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
  - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.**
  - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.**
- (5) Notice Requirements.**
  - (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.**
  - (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:**
    - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;**
    - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and**
    - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.**
  - (c) The City will provide the applicant with labels for mailing for a fee.**
  - (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.**



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

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

**Finding:**

*The applicant has provided evidence that a virtual Neighborhood/Developer meeting was held on September 14, 2021 to accommodate social distancing efforts in response to COVID-19 and declared State of Emergency (Resolution No. 5488-20). The applicant has provided documentation of sign posting and notification in compliance with this section. There were eight attendees at the Neighborhood/Developer meeting. A summary of comments were also provided with this application (Exhibit A3). These standards are met.*

**Section 32.130 – Initiation of Applications.**

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

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

[...]

**Finding:**

*The applicant has provided a title report within Exhibit A3 showing the current owner of the subject site to be Tigard-Tualatin School District 23J. David Moore, Chief Financial Officer for the Tigard-Tualatin School District, signed the Architectural Review application as the owner of the property. This standard is met.*

**Section 32.140 – Application Submittal.**

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

- (a) A completed application form. The application form must contain, at a minimum, the following information:
  - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
  - (ii) The address or location of the subject property and its assessor's map and tax lot number;
  - (iii) The size of the subject property;
  - (iv) The comprehensive plan designation and zoning of the subject property;

- (v) The type of application(s);
  - (vi) A brief description of the proposal; and
  - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (b) A written statement addressing each applicable approval criterion and standard;
- (c) Any additional information required under the TDC for the specific land use action sought;
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
- (e) Recorded deed/land sales contract with legal description.
- (f) A preliminary title report or other proof of ownership.
- (g) For those applications requiring a neighborhood/developer meeting:
- (i) The mailing list for the notice;
  - (ii) A copy of the notice;
  - (iii) An affidavit of the mailing and posting;
  - (iv) The original sign-in sheet of participants; and
  - (v) The meeting notes described in TDC 32.120(7).
- (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) Administrative Standards for Applications. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

**Finding:**

*The applicant submitted an application for AR 22-0002 on March 18, 2022. The application was deemed complete on April 15, 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 A3 that signs in conformance with this section of the TDC were placed on site. On August 30, 2021, Robert E. Kellogg, a representative of the applicant, placed a sign on the subject property advertising the neighborhood meeting. On April 15, 2022, Robert E. Kellogg, placed a sign on the subject property advertising the land use application. Both signs were designed and placed in compliance with the TDC sign posting requirements. These standards are met.*

**Section 32.160 – Completeness Review.**

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

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

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

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

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

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

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

[...]

**Finding:**

*The applicant submitted an application for AR 22-0002 on March 18, 2022. The application was deemed complete on April 15, 2022. These standards are met.*

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

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

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

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

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

**(a) Recipients:**

- (i) The applicant and the owners of the subject property;**
- (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
- (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;**
- (iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
- (v) Any person who submits a written request to receive a notice;**
- (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and**
- (vii) Utility companies (as applicable).**

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

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
- (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
- (iii) The proposed site plan;**
- (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
- (v) The type of application and a concise description of the nature of the land use action;**
- (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
- (vii) Brief summary of the local decision making process for the land use decision being made;**
- (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**

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

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

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

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

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

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

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

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

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

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

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

**Finding:**

*After application submittal and completeness review as required by this section, notice for the Type II application for AR 22-0002 was mailed by city staff on April 19, 2022 and contained the information required by this section (Exhibit B). One agency provided comments as part of the notice of application that are included as Exhibit C. Six public comments were received by the comment deadline of May 3, 2022 (Exhibit D). Richard and Shirley Jones provided comments in support of the proposed greenhouse. John Hagan provided comments in opposition to the greenhouse due to lack of maintenance of the school property, there not being the need for such a large greenhouse and noise. Ted and Karen Alvstad provided comments in opposition to the greenhouse questioning the need for such a large building, its location and noise. Phil Venable provided two emails with comments opposing to the greenhouse. Mr. Venable's first email expressed concern regarding the maintenance of the school property, the need for and size of the greenhouse. Mr. Venable's second email expressed concern about a mole problem at the school. Sally Cangelosi provided comments that were not in opposition but expressed concern about potential security and vandalism related issues. The applicant has provided responses to the public comments in Exhibit E. These standards are met.*

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

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

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

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

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

[...]

**Finding:**

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

**Chapter 33: Applications and Approval Criteria**

[...]

**Section 33.020 Architectural Review**

[...]

**(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.

(b) Examples of development subject to Architectural Review, include but are not limited to the following:

- (i) New buildings, condominiums, townhouse, single family dwellings, or manufactured dwelling park;
- (ii) Construction, installation, or alteration of a building or other structure;
- (iii) Landscape improvements;
- (iv) New, improved, or expanded parking lots;
- (v) New, or alterations to, above ground public utility facilities, pump stations, pressure reading stations, water reservoirs, electrical substations, and natural gas pumping stations;
- (vi) New wireless communication facilities, and new attached wireless communication;
- (vii) Installation of decorative lighting; and
- (viii) Exterior painting, awnings, or murals.

[...]

**(5) Approval Criteria.**

[...]

(c) General Development.

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

[...]

**(6) Conditions of Approval.**

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

- (i) 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 subject application, which is for "general development," must comply with the applicable standards and objectives in TDC Chapters 73A and 73B. The applicability criteria for TDC Chapters 73C and 73D were assessed and determined not to be applicable to this application. Conditions of Approval are provided in the previous section of this report. These standards are met by submittal of the subject application and satisfying the Conditions of Approval.*

[...]

- (8) *Effective Date*. The effective date of an Architectural Review decision or Minor Architectural Review decision is the date the notice of decision is mailed.
- (9) *Permit Expiration*. Architectural Review decisions (including Minor Architectural Review decisions) expire two (2) years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.
- (10) *Extension of Permit Expiration*.
- (a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.
  - (b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.
  - (c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:
    - (i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.
    - (ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.

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

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

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

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

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

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

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

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

**Finding:**

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

**Chapter 40: Low Density Residential (RL) Zone**

[...]

**TDC 40.200. - Use Categories.**

**(1) Use Categories. Table 40-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RL zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 40-1 and restrictions identified in TDC 40.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.**

[...]

Table 40-1 Use Categories in the RL Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>INDUSTRIAL USE CATEGORIES</b>		
Schools	C	

[...]

**Finding:**

*The site is within the Low Density Residential (RL) Planning District, which permits schools with an approved Conditional Use Permit (CUP). The construction and operation of the elementary school was first approved through CUP80-09 and an expansion of the school was later approved through CUP87-01. The detached accessory building or greenhouse will function as an accessory use to the main onsite elementary school use (TDC 39.570). This standard is met.*

**Section 40.300 – Development Standards.**

**(1) Development standards in the RL zone are listed in Table 40-3. Additional standards may apply to some uses and situations, see TDC 40.310. The standards in Table 40-3 may be modified for flexible lot**



subdivisions as provided in TDC 36.410 and for greenway and natural area dedications as provided in TDC 36.420.

[...]

**Table 40-3  
 Development Standards in the RL Zone**

STANDARD	REQUIREMENT	LIMITATION OR CODE REFERENCE
Minimum Front Yard Setback	15 feet	May be reduced to 12 feet if to an unenclosed porch.
Minimum Side Yard Setback	5 feet	Zero-foot side setbacks permitted for lot or parcel lines where Townhouse units are attached.
Minimum Rear Yard Setback	15 feet	
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet. Parking and vehicular circulation areas must be set back a minimum of ten feet from any public right-of-way or property line.
Maximum Building Height	35 feet	May be increased to a maximum of 50 feet through Type II Architectural Review if all setbacks are not less than 1½ times the height of the building.
Maximum Lot Coverage for Conditional Uses	40%	

[...]

**Finding:**

*The site is developed with the existing Bridgeport Elementary School facility. The accessory building will be located in the area of the existing community garden in the northern portion of the school property. The subject property has street frontage and access from SW Borland Road and additional access from SW Joshua Street. The main entrance to the school is from SW Borland Road. Table 40-3 states that the Architectural Review process determines setbacks. However, after researching the past Conditional Use Permit and Architectural Review approval no specific setbacks appear to have been established. The greenhouse will be setback approximately 800 feet from SW Borland Road, which exceeds the minimum front yard setback of 15 feet. The greenhouse rear yard setback will be approximately 30 feet, which exceeds the minimum rear yard setback of 15 feet. The greenhouse will have side yard setbacks greater than 200 feet, exceeding the minimum side yard setback of 5 feet. The proposed building will be 14.25 feet in height, under the maximum allowable height of 35 feet. Based on a review of the City’s Geographic Information System the site is well under the 40% maximum lot coverage. These standards are met.*

**Chapter 73A – Site Design Standards**

[...]

**TDC 73A.600. - Institutional Design Standards.**

The following standards are minimum requirements for institutional development in all zones:

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

- (a) Walkways must be a minimum of six feet in width;
- (b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable;
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;

**(d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;**

**(e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;**

[...]

**Findings:**

*The greenhouse will be connected to the existing school walkway by a 4 feet long by 6 feet wide ADA compliant concrete walkway. The existing school walkway system provides access to the main elementary school building entrance, SW Joshua Street, SW Borland Road and to the parking lot. These standards are met.*

**(3) Safety and Security.** Institutional development must provide safety and security features as follows:

**(a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;**

**(b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;**

**(c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;**

**(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and**

**(e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.**

**Finding:**

*The applicant is not proposing additional outdoor lighting. The applicant's narrative states that the greenhouse will utilize the existing outdoor lighting for security. The greenhouse will have transparent walls allowing the interior of the building to be monitored for security. The interior of the greenhouse will be clearly visible from the exterior of the building. There is only one entrance on the east face of the greenhouse. These standards are met.*

**(4) Service, Delivery, and Screening.** Institutional development must provide service, delivery, and screening features as follows:

**(a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;**

**(b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and**

**(c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.**

[...]

**Finding:**

*Addressing this section of the TDC, the applicant's narrative states that there will be no mechanical equipment, outdoor storage or other utility related structures. However, there will be a fan or fans that will be used during daytime peak heat hours to provide air circulation within the greenhouse. Fans will be required to be integrated into the building design, located interior to the building, or if the fans are roof-*

*mounted or freestanding, they must be screened consistent with the above requirements. With Condition of Approval A5(c), these standards are 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:

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
(2) RL, RML, RMH, RH and RH/HR zones—Conditional Uses, except Small Lot Subdivisions	25 percent of the total area to be developed	20 percent of the total area to be developed

[...]

**Finding:**

*The elementary school was originally approved through Conditional Use Permit 80-09. The applicant’s narrative states that there is no additional landscaping proposed for the site and that the school grounds are covered in landscaping consistent with the institutional standards of 73B.070. The applicant has stated additional landscaping would diminish the available space for gardening and food production. The narrative also refers to the plants in the community garden as providing habitat for pollinators and birds while serving the nutritional needs of students. With Condition of Approval A5(a), this standard will be met.*

**TDC 73B.070. - Additional Minimum Landscaping Requirements for Institutional Uses.**

**(1) General.** In addition to the requirements in TDC 73B.020, institutional uses comply with the following:

- (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
  - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.
- (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:
  - (i) Pedestrian amenities such as landscaped plazas and arcades; and
  - (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.
- (c) Five-foot-wide landscaped area requirement does not apply to:
  - (i) Loading areas,
  - (ii) Bicycle parking areas,
  - (iii) Pedestrian egress/ingress locations, and
  - (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.
- (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.

[...]

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

The following are minimum standards for landscaping for all zones.

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

*The applicant’s narrative states that the existing site landscaping meets the requirements of the TDC. Additionally, the narrative states that additional landscaping would diminish the availability of space for gardening and food production. The greenhouse will be located within the community garden where there are multiple planter boxes and perimeter landscaping around the proposed greenhouse may interfere with the availability of to the plants within the greenhouse depending on the height of the perimeter landscaping. With Condition of Approval A5(b), these standards will be met.*

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

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

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

*No construction is proposed within the dripline of trees located on-site. These standards are not applicable.*

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

*The proposal does not include any grading. These standards are not applicable.*

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

*The applicant is not proposing additional landscaping and the existing property is irrigated. These standards are met.*

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

*The proposed location of the greenhouse is within the garden area of the school and no landscaping will be removed for construction of the building. The applicant's narrative states that less than 100 square feet of the site will be disturbed due to the greenhouse support piers, 6' x 4' walkway and trenching for electrical conduit for the greenhouse. The existing landscaping is required to be maintained and watered. The applicant is not proposing any additional landscaping related to the construction of the greenhouse. With Condition of Approval A8 these standards are met.*

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

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

[...]

**Finding:**

*The applicant is not proposing removing any existing landscaping or providing additional landscaping. The applicant has stated that the existing landscaping meets TDC requirements. The section is applicable when new or additional landscaping is required in relation to a land use application. These standards are not applicable.*

**Chapter 73C – Parking Standards**

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

**(1) 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.

**Finding:**

*The applicant is not proposing any additional parking or any change to the existing parking or loading areas. The proposed accessory building will be located within the existing community garden so parking and loading will not be impacted. No change of use is proposed. The proposed greenhouse will not generate a need for additional parking. Chapter 73C is not applicable to the current application.*

**CHAPTER 73D – Waste and Recyclables Management Standards**

**TDC 73D.010. - Applicability and Objectives.**

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

- (a) Common wall residential developments containing five or more units;
- (b) Commercial developments;
- (c) Industrial developments; and
- (d) Institutional developments.

**Finding:**

*Bridgeport Elementary School already has waste disposal service through Republic Services. The applicant's narrative states that the greenhouse will not add any waste collection locations and will generate minimal, if any, waste. Chapter 73D of the TDC is not applicable to the current application.*

**Chapter 74: Public Improvement Requirements**

**TMC Title 3: Utilities and Water Quality**

**TMC Chapter 03-05 – Erosion Control, Surface Water Management, Water Quality Facilities, and Building and Sewers.**

**TMC 3-5-050 Erosion Control Permits.**

**(1) Except as noted in subsection (3) of this section, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.**

**(2) No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the City has issued an Erosion Control Permit covering such work, or the City has determined that no such permit is required. No public agency or body shall undertake any public works project without first obtaining from the City an Erosion Control Permit covering such work, or receiving a determination from the City that none is required.**

[...]

**TDC 74.640 Grading.**

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

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

**Finding:**

*Minor Architectural Review MAR22-0010 was approved April 15, 2022 for development on the subject site. If the cumulative area of disturbance of that project and this project exceed 500 square feet, an erosion control permit will be required to address the above requirements. With recommended Conditions of Approval A2 and A4, these criteria are 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.**

[...]

**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:**

*Minor Architectural Review MAR22-0010 was approved April 15, 2022 for development on the subject site. Because the sum of new and modified impervious area for the MAR22-0010 and the subject AR totals 1,056 square feet, water quality permit meeting the above requirements will be required. With recommended Conditions of Approval A3 and A4, these criteria 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.**

##### **TDC 74.130 Private Improvements.**

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

##### **TDC 74.140 Construction Timing.**

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

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

##### **Finding:**

*With recommended Conditions of Approval A6 and A7, these criteria are met.*

#### **IV. APPEAL**

The Architectural Review portion of this decision will be final after 14 calendar days unless a Notice of Appeal is received by the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / [planning@tualatin.gov](mailto:planning@tualatin.gov)** before 5:00 p.m., July 7, 2022. **The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The written record for this application and appeal form are available at the Community Development Department – Planning Division offices. A Notice of Appeal of a staff Architectural Features decision are reviewed by the City Council (CC).

Submitted by:



Keith Leonard, AICP  
Associate Planner