



ARCHITECTURAL REVIEW DECISION
COMMONS ON THE TUALATIN – BUILDING G (AR 22-0009)
 March 20, 2023

Case #:	AR 22-0009
Project:	Commons on the Tualatin – Building G
Location:	6715 SW Nyberg Lane; Tax ID: 2S124A002601
Applicant:	Ken Sandblast, Westlake Consultants, Inc.
Owner:	Nyberg Road Property, LLC

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

I. INTRODUCTION

A. Applicable Criteria

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

- TMC 3: Utilities and Water Quality
- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 33.110 Tree Removal
- TDC 43: High Density Residential (RH)
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

B. Site Description

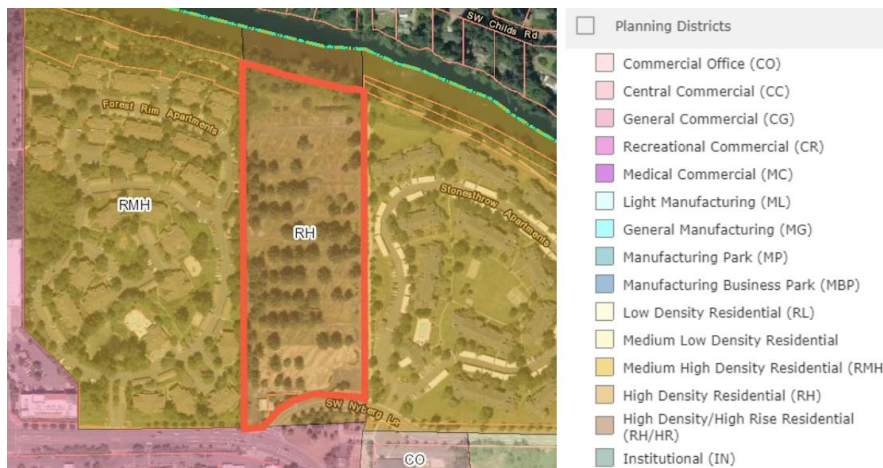


Figure 1 Aerial view of site with zoning (TualGIS)

The site at 6715 SW Nyberg Lane is a 10.99-acre lot which is zoned High Density Residential (RH). The site is located north of the intersection of SW Nyberg Street and SW Nyberg Lane. The property slopes from the western property line down to the northeast and southeast corners. The Tualatin River is located to the north of the property

The Commons on the Tualatin River apartment complex is under construction onsite. The plan was approved under Architectural Review 18-0007, and will include five residential buildings containing a total of 264 apartment units, a recreation center building, pool, onsite parking, leasing office, open space and play areas, and a new public trail connecting the two existing segments of the Tualatin River Greenway

C. Proposed Project

Westland Consultants, Inc., on behalf of Nyberg Road Property, LLC, is requesting approval to construct a 1,849-sq.ft maintenance storage shed. The 10.99-acre site is zoned High-Density Residential (RH) and has frontage on SW Nyberg Lane and SW Nyberg Street. The proposed maintenance storage shed, "Building G", will accommodate the storage of equipment and supplies required for the maintenance of the Commons on the Tualatin River multi-family project approved under AR18-0007.

D. Previous Land Use Actions

- AR 77-18 – Expired;
- AR 86-26 – Expired;
- AR 18-0007 – Approval in November of 2019
- PMA 16-0001 – Rezone Lot 2600 from CG to RH

E. Surrounding Uses

Surrounding uses include:

North:

- Tualatin River
- City of Lake Oswego

South: General Commercial (CG)

- SW Nyberg Lane
- Vacant Land
- Convenience Store

West: Medium High Density Residential (RMH)

- Forest Rim Apartments

East: Medium High Density Residential (RMH)

- Stonesthrow Apartments

F. Exhibit List

A: Application Materials

- A1. Application & Narrative
- A2. Plan Set & Elevations
- A3. Tree Removal and Protection Plan
- A4. Supporting Documents

B: Public Noticing

C: Clean Water Services Memorandum

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 22-0009 is **approved** subject to the following conditions:

GENERAL:

- 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.

PRIOR TO BUILDING PERMIT ISSUANCE:

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

- A2. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. A grading plan with identified tree protection measures, in accordance with the Tree Removal and Protection Plan submitted as Exhibit A3 and TDC 73B.080(3).
 - i. Demonstrates all areas impacted by grading will be revegetated pursuant to TDC 73B.080(6).
 - b. A landscape plan that demonstrates:
 - i. Landscaped areas are irrigated in compliance with TDC 73B.080(5).
 - ii. Compliance with the minimum standards for trees and plants in TDC 73B.090.
 - iii. All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.030(1).
 - c. Proposed walkways are a minimum of six feet in width in compliance with TDC 73A.200(7).
 - d. Details to demonstrate the eaves of the building do not project more than two feet into the side yard setback in compliance with TDC 43.310.
 - e. Details to demonstrate the outdoor lighting system does not produce direct glare on adjacent properties and without shining into residential units, public rights-of-way, or fish and wildlife habitats in compliance with 73A.200(10).

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

- A3. The applicant must maintain compliance and **not terminate** existing issued permits EC19-1679 and the associated National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.
- A4. The applicant must submit revised Erosion Control permit plan sheets for issued permit EC19-1679 in accordance with TDC 70.110 and 70.120 with the Base Flood Elevation of matching the existing issued Flood Hazard Area Development Permit for AR18-0007, Commons on the Tualatin including:
- a. Plans certified by a professional civil engineer registered in Oregon showing:
 - i. Floodplain fill balanced by cut in accordance with TMC 3-5-250, and
 - ii. Proposed construction in accordance with TDC 70.170 and 70.180; and
 - b. A floodplain elevation certificate for the proposed building indicating Construction Drawings.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

The applicant must contact the Planning Division (Madeleine Nelson, 503.691.3027 or mnelson@tualatin.gov) for a site inspection at least 72 hours prior to requesting a certificate of completeness. This inspection is separate from inspection(s) done by the Building Division. The following conditions must be satisfied:

- A5. The applicant must adhere to the previous findings and Conditions of Approval for Architectural Review 18-0007, Commons on the Tualatin, as stated within the issued land use decision.
- A6. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.500(4)(d). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, must be a minimum of 4 inches high, and must have a minimum stroke width of 1/2 inch. It is recommended to double this size on large buildings.
- A7. The applicant must screen with sight-obscuring fences or walls and landscaping, in accordance with TDC 73A.200(11) all above-grade and on-grade electrical and mechanical equipment, as well as, outdoor storage.

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

- A8. The applicant must complete all Conditions of Approval of AR18-0007, Commons on the Tualatin, as stated within the issued land use decision and modified within subsequent permitting including, but not limited to permits EC19-1679, PW19-1677, and WQ19-1678. All improvements must also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.120.
- A9. The applicant must submit a floodplain elevation certificate indicating Finished Construction and including photos in accordance with TDC 70.120.

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

- A10. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.
- A11. If the use of the 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, pursuant to TDC 73C.010(2)(a)(v).
- A12. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 75-1.
- A13. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.

III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

Chapter 32: Procedures

[...]

Section 32.010 – Purpose and Applicability.

[...]

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

Table 32-1 lists the City’s land use and development applications and corresponding review procedure(s).

[...]

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

[...]

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

Table 32-1 – Applications Types and Review Procedures

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

Finding:

The Architectural Review application proposed development is classified as “General Development” under TDC33.020(3)(f) and therefore is subject to the Type II Procedure Type according to Table 32-1. The application has been processed according to the applicable code for Type II procedures. This standard is met.

[...]

Section 32.030 – Time to Process Applications.

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

[...]

Finding:

The application was deemed complete on January 11, 2023. The 120th day will be May 11, 2023. The final action on this application must take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.

Section 32.110 – Pre-Application Conference.

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

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

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

(4) Application Requirements for Pre-Application Conference.

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

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

(i) A completed application form;

(ii) Payment of the application fee;

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

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

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

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

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

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

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

Finding:

A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on September 21, 2022 and submitted their application approximately three months later on December 12, 2022. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

(1) Purpose. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

(3) Timing. A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

(4) Time and Location. Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:

(a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.

(b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

(5) Notice Requirements.

(a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:

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

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

(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

(c) The City will provide the applicant with labels for mailing for a fee.

(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

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

(7) Neighborhood/Developer Meeting Requirements. The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes

identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Finding:

The applicant has provided evidence that a Neighborhood/Developer meeting was held on October 24, 2022. The applicant has provided documentation of sign posting and notification in compliance with this section in Exhibit A4. These standards are met.

Section 32.130 – Initiation of Applications.

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

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

[...]

Finding:

The applicant has provided a title report within Exhibit A4 showing Nyberg Road Property, LLC to be the current owner of the subject site. The application has been signed by an agent of Nyberg Road Property, LLC. This standard is met.

Section 32.140 – Application Submittal.

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

- (a) A completed application form. The application form must contain, at a minimum, the following information:**
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;**
 - (ii) The address or location of the subject property and its assessor’s map and tax lot number;**
 - (iii) The size of the subject property;**
 - (iv) The comprehensive plan designation and zoning of the subject property;**
 - (v) The type of application(s);**
 - (vi) A brief description of the proposal; and**
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).**
- (b) A written statement addressing each applicable approval criterion and standard;**
- (c) Any additional information required under the TDC for the specific land use action sought;**
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;**
- (e) Recorded deed/land sales contract with legal description.**
- (f) A preliminary title report or other proof of ownership.**
- (g) For those applications requiring a neighborhood/developer meeting:**

- (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
- (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) **Application Intake.** Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) **Administrative Standards for Applications.** The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Finding:

The applicant submitted an application for AR 22-0009 on December 12, 2022. The application was deemed complete on January 11, 2023. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

- (1) **When Signs Posted.** Signs in conformance with these standards must be posted as follows:
- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
 - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.
- (2) **Sign Design Requirements.** The applicant must provide and post a sign(s) that conforms to the following standards:
- (a) Waterproof sign materials;
 - (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and
 - (c) Sign text must be at least two (2) inch font.
- (3) **On-site Placement.** The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.
- (4) **Removal.** If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:
- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
 - (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Finding:

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

Section 32.160 – Completeness Review.

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

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

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

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

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

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

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

[...]

Finding:

The applicant submitted an application for AR 22-0009 on December 12, 2022. The application was then deemed complete on January 11, 2023. These standards are met.

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

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

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

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

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

(a) Recipients:

- (i) The applicant and the owners of the subject property;**
 - (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
 - (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;**
 - (iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
 - (v) Any person who submits a written request to receive a notice;**
 - (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and**
 - (vii) Utility companies (as applicable).**
- (b) The mailed notice of pending Type II Decision, at a minimum, must contain all of the following information:**
- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
 - (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
 - (iii) The proposed site plan;**
 - (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
 - (v) The type of application and a concise description of the nature of the land use action;**
 - (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
 - (vii) Brief summary of the local decision making process for the land use decision being made;**
 - (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**
 - (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;**
 - (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;**
 - (xi) A statement that comments received after the close of the public comment period will not be considered;**
 - (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and**
 - (xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.**

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

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

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

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

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

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

Finding:

After submittal and completeness review as required by this section, notice for the Type II application for AR 22-0009 was mailed by city staff on January 17, 2023 and contained the information required by this section, as attached in Exhibit B. No public comments have been received. These standards are met.

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

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

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

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

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

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

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

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

Finding:

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

Chapter 33: Applications and Approval Criteria

[...]

Section 33.020 Architectural Review

[...]

(5) Approval Criteria.

(b) General Development.

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

Finding:

The subject application, which is for “general development,” must comply with the standards and objectives in TDC 73A through 73G. These standards are met by submittal of the subject application.

[...]

(9) Permit Expiration. Architectural Review decisions (including Minor Architectural Review decisions) expire two (2) years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.

(10) Extension of Permit Expiration.

(a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.

(b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.

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

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

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

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

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

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

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

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

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

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

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

Finding:

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

Section 33.110 Tree Removal Permit/Review

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

[...]

(3) Exemptions. The following actions are exempt from the requirements of a tree removal permit.

(a) General Exemption. Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:

- (i) Not located in the Natural Resource Protection Overlay District (NRPO);
- (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);
- (iii) Not a Heritage Tree; and
- (iv) Not previously required to be retained or planted under an approved Architectural Review decision.

Finding:

The proposed development is to be constructed at the north end of the site where there is a group of existing trees. The Tree Removal and Protection Plan found in Exhibit A3 reports 9 trees in the vicinity of the project site. The proposed development calls for the removal of two trees. The remaining trees will be retained and protected according to the recommendations found in the Tree Removal and Protection Plan in Exhibit A3. These standards are met.

Section 33.110 Tree Removal Permit/Review Approval Criteria

(5) Approval Criteria.

- (a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:
- (i) The tree is diseased and:
 - (A) The disease threatens the structural integrity of the tree; or
 - (B) The disease permanently and severely diminishes the esthetic value of the tree; or
 - (C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.
 - (ii) The tree represents a hazard which may include but not be limited to:
 - (A) The tree is in danger of falling; or
 - (B) Substantial portions of the tree are in danger of falling.
 - (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.

Finding:

The Tree Removal and Protection Plan found in Exhibit A3 states it is necessary to remove two trees to construct the proposed improvement. The trees identified for removal are within the footprint of the proposed storage shed. This standard is met.

Chapter 43: High Density Residential Zone (RH)

[...]

Section 43.200 Use Categories.

- (1) **Uses Categories.** Table 43-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RH zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 43-1 and restrictions identified in TDC 43.210. 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 to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

[...]

**Table 43-1
 Use Categories in the RH Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 43.220.
Residential Accessory Uses	P (L)	Permitted uses limited to Family Day Care subject to ORS 329A.440.
Group Living	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Residential Facility; • Nursing Facility. Conditional uses limited to Congregate Care Facilities subject to TDC 34.400.

[...]

Finding:

The project area is within the High Density Residential (RH) Planning District. The primary multi-family residential use was reviewed as Architectural Review 18-0007. The proposed maintenance storage shed will serve as an accessory use to the multi-family development. The multi-family development and the proposed accessory use are permitted in the High Density Residential Planning District. This standard is met.

Section 43.300 – Development Standards.

Development standards in the RH zone are listed in Table 43-3. Additional standards may apply to some uses and situations, see TDC 43.310.

**Table 43-3
 Development Standards in the RH Zone**

MINIMUM SETBACKS		
Front Setback		
1 Story Structure	20 feet	
Side and Rear Setback		
1 Story Structure	5 feet	
Minimum Distance Between Buildings within One Development	10 feet	For Townhouses, determined through the Architectural Review process.
Parking and Vehicle Circulation Areas	10 feet	For Townhouses, determined through the Architectural Review process.
MAXIMUM STRUCTURE 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 1 ½ times the height of the building.
MAXIMUM LOT COVERAGE		
All Other Permitted Uses	45%	

Finding:

The site is currently being developed as a multi-family development reviewed under Architectural Review 18-0007 against the development standards provided in Table 43-3. The proposed maintenance storage shed is shown on the Site Plan and Elevations submitted in Exhibit A2.

The proposed building is one story in height and will meet the front setback of 20 feet and rear and side setbacks of 5 feet.

The proposed building is adjacent to the pool deck at the north end of the site and is not within the minimum 10 foot distance to any surrounding buildings.

The vehicle circulation areas are not proposed to be changed from the site layout that was approved through AR 18-0007. Parking on site is proposed to be reduced by three spaces to accommodate the construction of the storage shed. Parking will be further addressed in Chapter 73 below.

The proposed building is a one-story structure with a height of 16' 4", which is below the 35-foot maximum height limit.

At the time of approval of the Commons on the Tualatin project through AR 18-0007, lot coverage was calculated for the overall site at 23 percent of the net site area of 10.98 acres, which was below the maximum allowed of 45 percent. The addition of Building G, at 1,849 sf., will not significantly alter the calculated lot coverage on the site and the overall Commons on the Tualatin project remains below the maximum lot coverage allowed.

The development standards of Table 43-3 are met.

Section 43.310 – Projections into Required Yards

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

Finding:

As shown on the Site Plan and Elevations submitted in Exhibit A2 the proposed building's eaves measure two feet into the west side setback. With Condition of Approval A2 this standard is met.

[...]

Chapter 70: Floodplain District (FP)

[...]

TDC 70.110. - Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established by TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard). The permit shall be for all structures, including manufactured homes, as set forth in TDC 70.030 (Definitions), and for all other development, including fill and other activities, also as set forth in TDC 70.030 (Definitions).

TDC 70.120. - Application for Development Permit.

Application for a development permit shall be made on forms furnished by the Local Floodplain Administrator and may include, but not be limited to, plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;**
- (2) Elevation in relation to mean sea level of floodproofing of any structure;**
- (3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in TDC 70.180 (Specific Standards for Nonresidential Structures); and**
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.**

[...]

TDC 70.170. - General Standards.

In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.**

[...]

(2) Construction Materials and Methods.

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.**
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.**
- (c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.**

(3) Utilities.

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;**
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and**
- (c) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.**

TDC 70.180. - Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard) or TDC 70.140(2) (Use of Other Base Flood Data (In A and V Zones)), the following provisions are required:

[...]

(2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum according to ASCE 24; or, together with attendant utility and sanitary facilities, shall:

- (a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;**
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;**

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in TDC 70.140(3)(b) (Duties and Responsibilities of the Local Floodplain Administrator);

(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in TDC 70.180(1)(d) (Specific Standards for Residential Construction).

(e) Applicants shall supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

(6) Below-Grade Crawl Spaces. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section TDC 70.180(1) (Specific Standards for Residential Structures) above. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(b) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one-foot above the lowest adjacent exterior grade.

(c) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(d) Any building utility systems within the crawlspace must be elevated above B components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(e) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

(f) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

(g) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

(h) The velocity of floodwaters at the site shall not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01
[...]

Finding:

The applicant will submit revised Erosion Control permit plan sheets for issued permit EC19-1679 to include site modifications for the proposed additional structure. These sheets will reconfirm balanced cut and fill of the floodplain. A floodplain elevation certificate indicating Construction Drawings will be submitted showing construction in accordance with TDC 70. These sheets and the floodplain elevation certificate will be included within the existing issued Flood Hazard Area Development Permit for AR18-0007, Commons on the Tualatin.

After construction is completed the applicant will submit a floodplain elevation certificate indicating Finished Construction with associated photos.

With Conditions of Approval A4, A8, and A9, these standards are met.

Chapter 72: Natural Resource Protection Overlay District (NRPO)

Section 72.030 - Greenways

(2) Riverbank Greenway (NRPO-GR).

- (a) Except as provided in Subsection (b), the NRPO District along the south bank of the Tualatin River, beginning at the City's western Urban Growth Boundary (UGB) and extending to the City's eastern UGB, and along the north bank of the Tualatin River from the northwest corner of Tax Lot 1007 to the southeast corner of Tax Lot 1006, Washington County Tax Map 2S1 24B, shall have a width as measured from a line 40 feet inland from the top of the bank extending to the middle of the river. The top of the bank shall be where the landform called "the bank" changes from a generally up-slope feature to a generally flat feature. The NRPO District shall automatically apply to property annexed to the City, except as provided for in Appendix G to the Parks and Recreation Master Plan.**
- (b) For the area 300 feet east and west of the I-5 right-of-way as shown on Map 72-1, the NRPO District on the south bank of the Tualatin River shall have a width as measured from a line 75 feet in-land from the top of the bank extending to the middle of the river.**

Section 72.040 – Natural Areas

- (1) Natural Areas are the wetlands and upland open space areas on Map 72-1. They provide flood control, water quality, erosion control, fish and wildlife habitat, and valuable scenic qualities. Natural Areas may include restored and enhanced wetlands, park sites and other areas accessible by the public for passive recreation.**
- (2) Wetland Natural Areas.**
 - (a) Wetland Preservation Natural Areas (NRPO-WPNA) are shown on Map 72-1. They include all land within a delineated wetland boundary.**
 - (b) Wetland Conservation Natural Areas (NRPO-WCNA) are shown on Map 72-1. Except as provided in Subsection (c), they include all land within a delineated wetland boundary.**
 - (c) For uses not permitted in TDC 72.060(3), excavation, fill or removal in a NRPO-WCNA is allowed subject to the Oregon Division of State Lands (DSL) requirements and the following standards:**
 - (i) The wetland acreage affected by the excavation, fill or removal shall not exceed 30 percent of the subject property's delineated wetland acreage. The wetland acreage affected shall include excavation, fill or removal activities conducted since March 1, 1996.**

- (ii) The excavation, fill or removal shall not reduce or block water features such as springs, drainage courses and streams.
- (iii) The wetland's functions and values listed in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) shall be retained or improved through mitigation and/or enhancement. The wetland's functions and values may be assessed using the Oregon Freshwater Wetland Assessment Methodology (DSL, 1996, as amended).
- (iv) Mitigation shall be conducted either on the subject property or within the same stream watershed as the subject wetland unless the applicant demonstrates the impracticality of doing so.

Section 72.060 – Development Restrictions in Greenway and Natural Areas

- (1) Except as provided in Subsection (2), no building, structure, grading, excavation, placement of fill, vegetation removal, impervious surface, use, activity or other development shall occur within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas.
- (3) The City may, through the subdivision, conditional use, architectural review, or other development approval process, attach appropriate conditions to approval of a development permit. Such conditions may include, but are not limited to:
 - (a) Use of Greenways and Natural Areas for storm drainage purposes;
 - (b) Location of approved landscaping, pedestrian and bike access areas, and other non-building uses and activities in Greenways and Natural Areas;
 - (c) Setback of proposed buildings, parking lots, and loading areas away from the Greenway and Natural Area boundary.

Section 72.110 – Easements for Pedestrian and Bicycle Access

In any portion of the NRPO District, the City may, through the subdivision, partition, conditional use, architectural review, or other applicable development approval process, require that easements for pedestrian and bicycle access and maintenance uses be granted as a condition of approval when said easements are necessary to achieve the purposes of the Parks and Recreation Master Plan, Greenway and Trail Development Plan (Figure 72-2), or Bicycle and Pedestrian Plan (Figure 11-4).

Finding:

The northern portion of the project site has been identified on Map 72-1: Natural Resource Protection Overlay District (NRPO) and Greenway Locations as the location of the Tualatin River Greenway, a greenway protected in the NRPO.

The Applicant is not proposing any buildings, structures, grading, excavation, placement of fill, vegetation removal, impervious surface, use, activity or other development within the Greenway. The exceptions are permitted in Clean Water Services, Service Provider Letter #18-003752 issued August 19, 2019 under Architectural Review 18-0007. With Condition of Approval A5 these standards are met.

Chapter 73A: Site Design

Section 73A.200 – Multi-Family Design Standards

The following standards are the minimum standards for all other residential development in all zones that does not meet the definition of single-family dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster or is 5 or more dwelling units. These standards do not apply to development in the

Central Design District and Mixed Use Commercial (MUC) zone, which have separate standards and may be less than the minimums provided below.

- (1) *Private Outdoor Areas.* Multi-family uses must provide private outdoor area features as follows:**
 - (a) A separate outdoor area of not less than 80 square feet must be attached to each ground level dwelling unit; and
 - (b) The private outdoor area must be separated from common outdoor areas with walls, fences or shrubs.
- (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.
- (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.
- (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.
- (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.
- (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:

The proposed building will be an accessory use as a maintenance storage shed to the previously approved multi-family development under Architectural Review 18-0007. The proposed maintenance building should not impact the previously approved site design standards pertaining to outdoor areas, balconies, entry areas, shared outdoor areas, children's play areas or storage. With Condition of Approval A5 these standards are 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:

A walkway is proposed along the south of the building, as shown on the Site Plan in Exhibit A2. Further evaluation for ADA standards will be conducted during the building permit phase. With Condition of Approval A2, these standards are met.

(8) Accessways.

- (a) When Required. Accessways are required to be constructed when a multi-family development is adjacent to any of the following:**
 - (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. The Accessway standard does not apply to the following:**
 - (i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and**

- (ii) **Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.**

Finding:

Required accessways are provided onsite through previously approved Architectural Review 18-0007. The proposed project will remain in compliance with this standard. With Condition of Approval A5 this standard is met.

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

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

Finding:

Required carports and garages are provided onsite through previously approved Architectural Review 18-0007. The proposed project will remain in compliance with this standard. With Condition of Approval A5 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:

The applicant's narrative states that outdoor lighting will be provided in accordance with the requirements of the code and will not produce direct glare or shine into residential units, public rights-of-way, or fish and wildlife habitat areas. Building identification will be reviewed and approved prior to issuance of a building permit, and will be required to meet all standards of Tualatin Valley Fire and Rescue, as well as all applicable building code standards. With Conditions of Approval A2 and A6, 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:

Postal delivery regulations and pedestrian access shall continue to be in compliance in accordance with Architectural Review 18-0007. Any on-grade electrical and mechanical equipment shall be screened with sight obscuring fences, walls or landscaping. With Condition of Approval A7 this standard is met.

Chapter 73B: Landscaping Standards

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

Excerpted from 73B.020	
Zone	Minimum Area Requirement
(1) RL, RML, RH and RH/HR zones – Permitted Uses	None

[...]

Finding:

The subject site is located in the RH zoning district. As an accessory to a multifamily residential use in the RH zone, the proposed project has no minimum landscape area requirement. Additional landscaping standards are addressed in TDC 73B.030. This standard is met.

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

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

- (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
 - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.

Finding:

Through Architectural Review 18-0007 the site plan approved for the Commons on the Tualatin provided extensive landscaping. The multi-family development was required to provide a minimum of 25 percent of landscaped net site area. As approved, landscaping on the site exceeds the 25 percent requirement of both the overall site (46.1 percent) and the developed area (33.6 percent).

As illustrated in the Site Plan, Exhibit A2, the siting of Building G proposal will reduce the previously planned landscaped area by 850 sq.ft. Building G is proposed to be constructed on a portion of the site that was originally approved as parking and adjacent landscaping. The proposed reduction will not alter compliance with previous requirements and approvals. With Condition of Approval A2 this standard is met.

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

The following are minimum standards for landscaping for all zones.

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

All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas must be landscaped. The applicant proposes the remaining adjacent designated landscape areas, including the required 5-foot setback and the area between the building and the vegetated corridor, will be landscaped. With Condition of Approval A2 this standard is met.

(2) Fences	<ul style="list-style-type: none"> • 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.
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Finding:

No fences are proposed with this project. This standard is met.

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

Tree protection measures are identified in the Tree Removal and Protection Plan submitted in Exhibit A3. A landscaping plan for the Commons on the Tualatin site was reviewed and approved through AR 18-

0007. No additional landscape or grading plan were submitted with this proposal. With Conditions of Approval A2 this standard is met.

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

A grading plan for the Commons on the Tualatin site was reviewed and approved through AR 18-0007. No additional grading plan was submitted with this proposal. Grading and erosion control are further addressed in Chapter 74. With Condition of Approval A2 this standard is met.

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

Irrigation must be provided in landscaped areas, with Condition of Approval A2 this standard is met.

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

The applicant proposes to landscape all areas not otherwise proposed for development within the development area. With Condition of Approval A2 this standard is met.

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

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

Standard		
(1) Deciduous Shade Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; • Reach a mature height of 30 feet or more; • Cast moderate to dense shade in summer; • Live over 60 years; • Do well in urban environments, tolerant of pollution and heat, and resistant to drought; 	

	<ul style="list-style-type: none"> • Require little maintenance and mechanically strong; • Insect- and disease-resistant; • Require little pruning; and • Barren of fruit production. 	
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species 	
(3) Coniferous Trees	<ul style="list-style-type: none"> • 5 feet in height above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species. 	
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> • One to five gallon size; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • Side of shrub with best foliage must be oriented to public view. 	
(5) Groundcovers	<ul style="list-style-type: none"> • Fully rooted; • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited. 	
(6) Lawns	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species. 	

Finding:

A landscaping plan for the Commons on the Tualatin site was reviewed and approved through AR 18-0007. No additional landscaping plan was submitted with this proposal. The siting of the proposed Building G storage shed will require the removal of a portion of the previously planned landscaped area. The remaining adjacent designated landscape areas, including the required 5-foot setback and the area between the building and the vegetated corridor, will be landscaped and maintained to meet the requirements of TDC 73B.090. With Condition of Approval A2, these standards are met.

Chapter 73C: Parking Standards

Section 73C.020 – Parking Lot Design Standards.

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

- (1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;
- (3) Parking stalls must be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;

- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;**
- (5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.**
- (6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;**
- (7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;**
- (8) Groups of more than 4 parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;**
- (9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;**
- (10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;**
- (11) Artificial lighting, must be deflected to not shine or create glare in a residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor;**
- (12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and**
- (13) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.**

Finding:

The parking lot design for the site was approved through Architectural Review 18-0007. Additional parking requirements are addressed below. With Condition of Approval A5 these standards are met.

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

- (1) Requirements. Bicycle parking facilities must include:**
 - (a) Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;**
 - (i) Long-term bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.**
 - (b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.**
- (2) Standards. Bicycle parking must comply with the following:**
 - (a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;**
 - (b) A five-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt or a pervious hard surface such as pavers, or grasscrete, and be maintained;**
 - (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;**

- (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;
 - (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;
 - (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;
- [...]

Finding:

Bicycle parking requirements were addressed in Architectural Review 18-0007. No bicycle parking is proposed to be removed as a result of the proposed maintenance building construction. No additional bicycle parking demand will be generated by the development of the building. With Condition of Approval A5, these standards are met.

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

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

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

Finding:

The multi-family Commons on the Tualatin project was approved through Architectural Review 18-0007 and included a total of 491 parking spaces on site, exceeding the minimum parking requirement of 375 spaces. The proposed storage shed will remove three parking spaces from the total, resulting in minimal impact to the parking total. The overall project will remain in compliance with its original approval, with no need to provide additional parking spaces due to the proposed storage shed construction. The proposed maintenance building will not generate additional parking demand on the site; the building will be utilized by property maintenance staff for the storage of supplies and equipment. No bicycle parking is proposed to be removed as a result of the proposed building construction. No additional bicycle parking

demand will be generated by the development of the shed building. With Condition of Approval A5 this standard is met.

Section 73C.130 – Parking Lot Driveway and Walkway Minimum Requirements.

Parking lot driveways and walkways must comply with the following requirements:

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

- (a) Ingress and egress for single-family residential uses and duplexes, must be paved to a minimum width of ten feet. Maximum driveway widths must not exceed 26 feet for one and two car garages, and 37 feet for three or more car garages. For the purposes of this section, driveway widths must be measured at the right-of-way line.**
- (b) Parking lots driveways and walkways for townhouses, triplexes, quadplexes, and cottage clusters must be provided consistent with the provisions of Chapter 73A.**
- (c) Ingress and egress for multi-family residential uses must not be less than the following:**

Dwelling Units	Minimum Number Required	Minimum Width	Walkways, etc.
5-19	1	24 feet	No walkways or curbs required
20-49	1 or 2	24 feet 16 feet (one way)	6-foot walkway, 1 side only; curbs required
50-499	1 or 2	32 feet 24 feet	6-foot walkway, 1 side only; curbs required
Over 500	As required by City Manager	As required by City Manager	As required by City Manager

Finding:

Walkways will be provided in accordance with Commons on the Tualatin River project plans approved through Architectural Review 18-0007. As shown on the Site Plan included as Exhibit A2, an ongrade entrance to the proposed Building G is planned to accommodate the maintenance vehicle. The existing parking lot driveway will continue to serve the remaining parking adjacent to the proposed Building G. There is no proposal to modify the existing driveway width as part of this application. With Condition of Approval A2 this standard is met.

PARKING LOT LANDSCAPING

Section 73C.210 – Multi-Family Parking Lot Landscaping

Multi-family residential uses (as defined in TDC 31.060) must comply with the following landscaping requirements for parking lots in all zones:

- (1) General.** Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.
- (2) Clear Zone.** Clear zone must be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of eight feet as measured from the ground level.

- (a) **Exceptions: does not apply to parking structures and underground parking.**
- (3) **Setback.** Minimum 10-foot landscape setback must be provided between the property lines and parking areas and must comply with the following:
 - (a) Must be planted with deciduous trees an average of not more than 30 feet on center and shrubs at least 30 inches in height which provide screening of vehicular headlights; and
 - (b) Native trees and shrubs are encouraged.
- (4) **Perimeter.** Minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following:
 - (a) Deciduous trees located not more than 30 feet apart on average as measured on center;
 - (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;
 - (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;
 - (d) Native trees and shrubs are encouraged; and
 - (e) Exceptions:
 - (i) Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.
 - (ii) Minimum of ten feet in width for all conditional uses in residential zones. However perimeter landscaping does not apply to small lot subdivisions.
- (5) **Transition.** Minimum 10-foot landscaped transition area between parking and vehicle circulation areas and buildings and shared outdoor areas and must comply with the following:
 - (a) Deciduous shade trees located at not less than 30 feet on center must be located in this transition area;
 - (b) Groundcover plants mixed with low shrubs must completely cover the remainder of this area within three years;
 - (c) Native trees and shrubs are encouraged; and
 - (d) Exceptions: Minimum 10-foot landscaped transition area does not apply to Duplexes and Townhouses.
- (6) **Landscape Island.** Minimum 25 square feet per parking stall must be improved with landscape island areas and must comply with the following:
 - (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;
 - (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
 - (c) Landscape separation required for every eight continuous spaces in a row;
 - (d) Must be planted with one deciduous shade trees for every four parking spaces. Required trees must be evenly dispersed throughout the parking lot;
 - (e) Must be planted with groundcover or shrubs;
 - (f) Native plant materials are encouraged;
 - (g) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);
 - (h) Required plant material in landscape islands must achieve 90 percent coverage within three years; and
 - (i) Exceptions:
 - (i) Landscape island requirements do not apply to Duplexes and Townhouses; and
 - (ii) Landscape square footage requirements do not apply to parking structures and underground parking.

Finding:

The parking lot landscaping standards for the site were approved through Architectural Review 18-0007. The overall project will remain in compliance with its original approval, with no need to provide additional parking spaces due to the proposed storage shed construction. With Condition of Approval A5 these standards are met.

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;**
[...]

Section 73D.020 - Design Methods.

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

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

Section 73D.030 – Minimum Standards Method.

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

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

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

[...]

- (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.

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

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

(1) Location Standards.

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

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

(c) Exterior storage areas must:

- (i) Be located in central and visible locations on the site to enhance security for users;**
- (ii) Be located in a parking area; and**
- (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.**

(2) Design Standards.

(a) The dimensions of the storage area must accommodate containers consistent with current methods of local collection at time of construction or alteration.

(b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.

(c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height.

(d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.

(e) Gate openings for haulers must be a minimum of 10 feet wide and must be capable of being secured in a closed and open position.

(f) Horizontal clearance must be a minimum of 10 feet and a vertical clearance of 8 feet is required if the storage area is covered.

(g) A separate pedestrian access must also be provided in common wall, commercial, and institutional developments.

(h) Exterior storage areas must have either a concrete or asphalt floor surface.

(i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.

(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:

A waste and recyclables storage facility located on the site between Buildings A and B, was reviewed and approved by the waste and recycling service provider, Republic Services, and approved through Architectural Review 18-0007. For this application, Republic Services, has reviewed the site plan for the proposed storage shed and has confirmed that adequate service remains available to the site. A service provider letter from Republic Services is attached as Exhibit A4. With Condition of Approval A5 these standards are met.

Chapter 74: Public Improvement Requirements

[...]

TDC 74.120 Public Improvements.

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

Finding:

All public improvements will be installed by the applicant at their expense after approval of revised sheets of issued EC19-1679, PW19-1677, and WQ19-1678 and floodplain permits. With recommended Conditions of Approval A8, this standard is met.

TDC 74.130 Private Improvements.

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

Finding:

All private improvements will be installed by the applicant at their expense and will require prior approval of revised EC19-1679, PW19-1677, and WQ19-1678 and floodplain permits plans and building permits. With recommended Conditions of Approval A3, A4, and A8 this standard is met.

TDC 74.140 Construction Timing.

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

All public and private improvements proposed and modified by conditions of approval including all Conditions of Approval of AR18-0007, Commons on the Tualatin will be completed and accepted by the City prior to receiving a Certificate of Occupancy including, but not limited to permits EC19-1679, PW19-1677, and WQ19-1678. With recommended Conditions of Approval A8 and A9, 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.

[...]

TDC 74.640 Grading.

- (1) Development sites must be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.**
- (2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.**

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

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

[...]

- (2) On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.**
- (3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.**

Finding:

The applicant will revise and submit applicable sheets to include site modifications for the proposed additional structure for issued permits EC19-1679, PW19-1677, and WQ19-1678 for AR18-0007, Commons on the Tualatin.

A Clean Water Services' Service Provider Letter was received. After land use decision issuance the applicant will submit final plans complying with the Service Provider Letter conditions and existing Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d). With recommended Conditions of Approval A3, A8, and A9 these standards are met.

[...]

IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days unless a written appeal is received by the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / planning@tualatin.gov** before 5:00 p.m., April 3, 2023. **The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB); appeals of Public Facilities Decision elements are appealed directly to City Council as specified in TDC Table 32-1.

Submitted by:



Madeleine Nelson
Assistant Planner