



**ARCHITECTURAL REVIEW DECISION
 EMERGENCY VETERINARY CLINIC OF TUALATIN ADDITION (AR 22-0005)**

December 6, 2022

Case #:	AR 22-0005
Project:	Emergency Veterinary Clinic of Tualatin Addition
Location:	8250 SW Tonka Street; Tax ID: 2S124CB01700 & 1805
Applicant:	Rebecca Kerr, CIDA Inc.
Owner:	Cherry Tree Properties, 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:

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 54: General Commercial (CG) Zone
- TDC 58: Central Tualatin Overlay Zone
- TDC 70: Floodplain District
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvement Requirements

B. Site Description

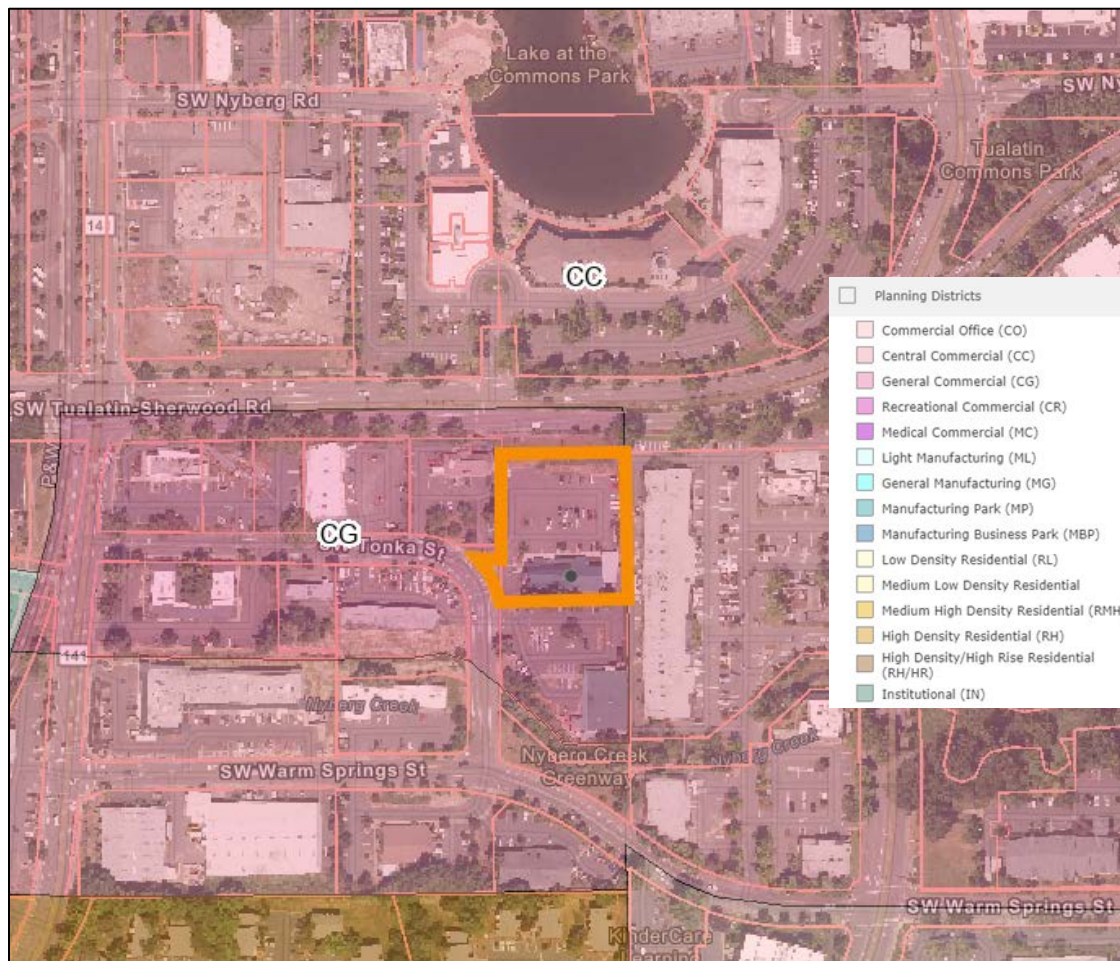


Figure 1 Aerial view of site with zoning (TualGIS)

The site is located at 8250 SW Tonka Street, consists of two tax lots that have a total area of 1.25 acres that are zoned General Commercial (CG). The main building is located on tax lot 1700. Tax lot 1805 is located along SW Tonka Street and primarily utilized as an accessway to the public sidewalk along SW Tonka Street and contains a low-profile freestanding sign for the Emergency Veterinary Clinic of

Tualatin. The property takes access from a single driveway from SW Tonka Street which is functional classification as a Commercial/Industrial Connector to SW Boones Ferry Road and SW Warm Springs Street. The existing building was constructed in 1928 and is inventoried in the Historic Resource Technical Study and Inventory but is not listed as a designated landmark in TDC 68.040. The majority of the site is located within a 100 year floodplain and has flat topography.

C. Proposed Project

CIDA Inc., on behalf of Cherry Tree Properties, LLC. is requesting approval to construct 3,603 square foot addition to the existing 7,901 square foot two-story building. If the addition is constructed the building will be 11,504 square feet. The proposed project will include adding new exam rooms at the west end of the existing building, new tech space, break room and laundry room on the south side of the building. A larger addition to the east side of the existing building is proposed. The existing waste and recycling enclosure will be removed and replaced. Two wall mounted building lights will be removed in order to accommodate the addition. A new walkway will abut the accessible parking spaces that will lead to the building entrance. A chain link fence is also proposed on the north face of the building enclosing a small yard.

D. Previous Land Use Actions

- AR 75-27 – approved site development for Whitaker Wood Crafts
- AR 84-05 – approved a remodel for Rabbit Hutch, including a 1,200 sq. ft canopy area for storage of cars.
- AR 99-20 – approved site redevelopment for United Rentals, including building exterior improvements, additional parking, and the wrought iron fence with brick posts
- AR 15-0018 – Emergency Vet Clinic, decision issued September 28, 2015

E. Surrounding Uses

Surrounding uses include:

- North: Community Commercial (CC)
- SW Tualatin-Sherwood Road
 - Commercial
 - Hotel (north of SW Tualatin-Sherwood Road)
- South: General Commercial (CG)
- Commercial/Restaurant
 - Nyberg Creek Greenway
- West: General Commercial (GC)
- Automotive Repair
 - Strip Commercial Center
 - Restaurant
 - SW Tonka Street
- East: General Manufacturing (MG)
- Strip Commercial Center

F. Exhibit List

- A: Application Materials
- A1. Applicant Narrative
 - A2. Plan Set and Elevations
 - A3. Transportation Impact Analysis
 - A4. Stormwater Report

A5. Supporting Documents

B: Public Noticing

C: Clean Water Services Memorandum

D: Comprehensive Plan Map 10-3 Central Tualatin Overlay Zone

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 22-0005 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 EROSION CONTROL, FLOOD HAZARD AREA DEVELOPMENT, AND WATER QUALITY PERMIT ISSUANCE:

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

- A2. The applicant must apply for applicable Engineering Erosion Control and Water Quality permits:
- a. Apply using [eTrakit](#).
 - i. With the initial Engineering permit(s) application(s) include one combined set of 24"x36" plans that include all applicable Engineering permits attached to one Engineering permit. Include a note on other Engineering permits stating which application includes the set.
 - ii. The Erosion Control permit must include fee payment per the [fee schedule](#).
 - iii. The Water Quality permit must include an engineering estimate and deposit per the [fee schedule](#).
 - b. Deliver two hard copies of the combined Engineering permit plan sets to:

City of Tualatin

Attn: Engineering Division c/o Hayden Ausland, Principal Engineer, PE

10699 SW Herman Road

Tualatin, OR 97062

- A3. The applicant must submit:
- a. Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.630 and 74.650, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:
 - i. Provide a downstream analysis, including but not limited to erosion, and include solutions within final plans for ¼ mile downstream from the release from the private development through the public stormwater system, in accordance with TMC 3-5-210(4); and
 - ii. Accommodate up to a 25-year storm event within the public stormwater system with a maximum capacity of 82% in accordance with TDC 74.640 and CWS D&CS 5.05.2.d and the City Engineer; and
 - iii. Address runoff from all new and modified private and public impervious areas; and,
 - iv. Prove gravity flow five feet from the outside of the established line of the building to the public stormwater system or as otherwise approved by the City Engineer, in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4); and

- v. Discharge to an approved public system; and
 - vi. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2; and
 - vii. Detain up to the 25-year storm event in accordance with TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08; and
 - viii. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for ½ the 2-year storm event and the 5-year and 10-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5; and
 - ix. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
 - 1. The submitted Clean Water Services’ Service Provider Letter CWS File Number dated July 7, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter, and
 - 2. Requirements stated within the Clean Water Services’ Memorandum dated October 26, 2022.
 - b. Financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1; and
 - c. A copy of the recorded private stormwater maintenance agreement in accordance with TMD 3-5-390(4). The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, and treatment.
- A4. The applicant must submit Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services’ (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that minimize the impact of stormwater from the development to adjacent properties.
- A5. The applicant must submit a completed and owner signed Flood Hazard Area Development Permit application in accordance with TDC 70.110 and 70.120 with the Base Flood Elevation of 127.9 feet, NAVD 1988 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 BUILDING PERMIT ISSUANCE:

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

- A6. The applicant must obtain Erosion Control, Flood Hazard Area Development, and Water Quality permits from the City of Tualatin.

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

- A7. Prior to building permit issuance: 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. The applicant must provide a site plan that clearly illustrates compliance with minimum setbacks listed in Table 54-2 of the TDC.
- b. All proposed walkways must be 6 feet in width in compliance with TDC 73A.300(1).
- c. The applicant shall provide a photometric lighting diagram that demonstrates compliance with TDC 73A.300(4).
- d. Mechanical equipment and outside storage must be screened in compliance with TDC 73A.300(5).
- e. Demonstrate all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas are landscaped and meet all dimensional requirements pursuant to TDC 73B.040(1).
- f. Demonstrates all areas impacted by grading will be revegetated pursuant to TDC 73B.080(4).
- g. All standard parking stalls and drive aisle width must meet the dimensional requirements of Figure 73-1.
- h. Applicant must provide a scaled and dimensioned site plan that clearly illustrates artificial site lighting meets the requirement of 73C.020(11).
- i. Provide details that demonstrate the proposed bicycle parking meets the standards of TDC 73C.050 (1) and (2).
- j. Per TDC 73C.100 (e)(v) the applicant shall provide a total of 45 off-street motor vehicle parking spaces.
- k. Per TDC 73C.100 (e)(v) the applicant shall provide 4 covered bicycle parking spaces.
- l. The applicant shall provide 1 loading berth in compliance with TDC 73C.120(1), (2), (3), (4) and (5).
- m. The applicant shall provide parking lot landscaping in compliance with TDC 73C.220(1).
- n. The landscaping plan must illustrate perimeter landscaping in compliance with TDC 73C.220(3).
- o. The applicant shall submit a landscaping plan that illustrates compliance with TDC 73C.220(4).
- p. The applicant shall provide a scaled and dimensioned site plan that illustrates the waste and recyclable enclosure complies with TDC 73D.030 (1) and (2).
- q. The applicant must provide an elevation drawing, material description and site plan that illustrate compliance with location and design criteria meeting TDC 73D.070 (1) and (2).
- r. The applicant shall provide the drawing that was reviewed and discussed in the Republic Services letter dated October 4, 2022.
- s. If the applicant’s design and location of the waste and recyclables enclosure are different from what was reviewed and approved in the Republic Services letter dated October 4, 2022 then the applicant shall provide an updated approval letter and drawing for review.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A8. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.120.
- A9. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.

- A10. The applicant must submit a floodplain elevation certificate indicating Finished Construction and including photos in accordance with TDC 70.120.
- A11. The applicant must construct all proposed site improvements as illustrated on the approved Final Site Plan Set.

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

- A12. 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*.
- A13. 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).
- A14. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 75-1.
- A15. Per TDC Table 58-3, Pet Day Care and Wireless Communication Facilities are prohibited uses for the subject property which is located Block 11.
- A16. 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 submitted Architectural Review application proposed development is classified as “General Development” under TDC 33.020(3)(f) and therefore is subject to the Type II Procedure Type according to Table 32-1. It 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 October 6, 2022. The 120th day will be February 3, 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 15, 2021 and continued project discussions with staff prior to submitting their application on July 22, 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 July 21, 2022 in-person at 6 pm at 8250 SW Tonka Street, Tualatin, Oregon. The applicant has provided documentation of sign posting and notification in compliance with this section in Exhibit A5. 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 A5 showing Cherry Tree Properties LLC to be the current owner of the subject properties. The application has been signed by Johnathan Wisniewski who is a registered agent for Cherry Tree Properties 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 22-0005 on July 22, 2022 with subsequent submittals on August 31, 2022, September 15, 2022 and October 4, 2022. The application was deemed complete on October 6, 2022. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

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

(b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Finding:

The applicant provided certification within Exhibit A5 that signs in conformance with sign posting requirements of this section of the Tualatin Development Code (TDC). 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 on behalf of the property owner for AR 22-0005 on July 22, 2022. The application was deemed incomplete on August 3, 2022. Subsequent submittals were made on August 31, 2022, September 15, 2022 and October 4, 2022. The application was then deemed complete on October 6, 2022. These standards are met.

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

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

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

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

(3) Written Notice of Application and Opportunity to Comment. Once the application has been deemed complete, the City must mail notice of a pending Type II decision to the following individuals

and agencies no fewer than 14 days before making the Type II decision to allow interested people and agencies the opportunity to submit written comments on the application before the City issues the decision.

(a) Recipients:

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

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

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
- (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
- (iii) The proposed site plan;**
- (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
- (v) The type of application and a concise description of the nature of the land use action;**
- (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
- (vii) Brief summary of the local decision making process for the land use decision being made;**
- (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**
- (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;**
- (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;**
- (xi) A statement that comments received after the close of the public comment period will not be considered;**

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

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

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

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

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

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

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

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

Finding:

After submittal and completeness review as required by this section, notice for the Type II application for AR 22-0005 was mailed by city staff on October 11, 2022 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 the 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 applicant has not indicated that no trees will be removed. A diagram showing tree protective fencing that will be utilized during construction is illustrated on the landscaping plan sheet L1.0 in Exhibit A2. If it is determined that prior to or during construction that any trees need to be removed then this section of the TDC will apply. These standards are not applicable based on the applicant indicating that no trees will be removed.

Chapter 54: General Commercial (CG) Zone

[...]

Section 54.200 Use Categories

(1) Use Categories. Table 54-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 54-1 and restrictions identified in TDC 54.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

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

Table 54-1: Use Categories in the CG Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
COMMERCIAL USE CATEGORIES		
Retail Sales and Services	P/C (L)	Conditional use permit required for outdoor pet activity area associated with Pet Day Care, subject to TDC 54.220(3). Pet Day Care without outdoor activity area is permitted outright. Mortuary not permitted. All other retail sales and service uses permitted outright. All uses subject to TDC 54.210(1).

[...]

Finding:

The project area is within the General Commercial (CG) Planning District. Animal Hospitals or Veterinary clinics are contained within the larger land use category of Retail Sales and Services and are permitted by

right. TDC 39.115 defines Animal hospitals as “any building or portion thereof designed or used for the care, observation or treatment of domestic animals”. The applicant is not proposing an outdoor activity area for pets. As depicted on Comprehensive Plan Map 10-3 Central Tualatin Overlay Zone (Exhibit D), the subject property is located within the Central Tualatin Overlay Zone. TDC 58 Central Tualatin Overlay Zone is discussed in greater detail later in this report. This standard is met.

TDC 54.210. - Additional Limitations on Uses.

(1) Size Limitation on Retail Uses. If located on land designated Employment Area, Corridor or Industrial Area on Comprehensive Plan Map 10-4, uses in the following categories must not be greater than 60,000 square feet of gross floor area per building or business:

- (a) Eating and Drinking Establishments;
- (b) Retail Sales and Services; and
- (c) Durable Goods Sales.

Finding:

The total square footage of the building with expansion would be 11,504 square feet, which is far under the maximum area of 60,000 square feet allowed for retail uses within the CG zone. Only a small portion of the building is used to sell pet related items. This standard is met.

TDC 54.220. - Outdoor Uses.

All uses must be conducted wholly within a completely enclosed building, except as provided by this section.

[...]

(3) Conditional Uses. Any outdoor storage, display, and sales use requires a conditional use permit. The following specific outdoor uses are subject to additional standards.

(e) Outdoor Pet Activity Area Associated with Pet Day Care. Use of an outdoor pet activity area requires a conditional use permit, which must include a noise, odor and animal waste material mitigation plan for the design and management of the outdoor pet day care facility, showing how impacts on neighboring properties and businesses will be eliminated or minimized. Outdoor pet activity areas are subject to the following standards:

- (i) The subject lot is not within 500 feet of a residential planning district and is not in Blocks 11, 28, and 29 of the Central Urban Renewal District (CURD).
- (ii) The outdoor pet activity area must:
 - (A) Be completely enclosed with a minimum 8-foot-tall sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure;
 - (B) Be a continuously paved impervious surface; and
 - (C) Have a drainage system that contains all animal waste material for discharge to the sanitary sewer system;
- (iii) Outdoor pet day care activities including exercise and training must not occur between the hours of 8:00 pm and 7:00 am.

Finding:

The applicant’s narrative states that there “is no outdoor pet activity area associated with this vet clinic”. The subject property is located within Block 11, therefore, TDC Table 58-3 is applicable which prohibits Pet Day Care use. With Condition of Approval A15, this standard is met.

Section 54.300 – Development Standards.

Development standards in the CG zone are listed in Table 54-2. Additional standards may apply to some uses and situations, see TDC 54.310.

**Table 54-2
 Development Standards in the CG Zone**

	Standard	As noted AR99-20	Minimum Proposed
MINIMUM SETBACKS			
Front* (North)	5-20 feet	180'	Setback not provided*
Front* (West)	5-20 feet	45'	Setback not provided*
Side*(East)	0-15 feet	20'	9' 7 5/16"
Rear*(South)	0-15 feet	20'	7' 13/16"
Parking and Circulation Areas <i>No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>	5 feet		Front: 5'-6" Side: 6'-0" Rear: 7'-2"
Fence	5 feet (from public ROW)	n/a	Setback not provided**
STRUCTURE HEIGHT			
Maximum Height	45 feet		39'-8"
* <i>Setback not provided, appears to be in excess of the minimum 5-20 feet front yard setback.</i>			
** <i>Setback not provided, appears to be in excess of the minimum 5 feet from public right-of-way</i>			

[...]

Finding:

The two lots that comprise the development site have a total acreage of ±1.25-acres. The applicant has demonstrated compliance with table 54-2. However, there were no specific setbacks provided relative SW Tonka Street and SW Tualatin-Sherwood Road. The planned improvements appear to comply with the setback standards in Table 54-2, as shown on the Site Plan and Elevations submitted in Exhibit A2. The front yard setbacks to SW Tonka Avenue and SW Tualatin-Sherwood Road appear to exceed the 5-20 feet minimum setback. Additionally, the proposed fence also appears to be located in excess of the minimum setback of 5 feet to a right-of-way. With Condition of Approval A7.a., these standards are met.

CHAPTER 58 – Central Tualatin Overlay Zone

TDC 58.110 - Zone Boundaries.

The boundaries of the Central Tualatin Overlay Zone and block numbers are depicted in Comprehensive Plan Map 10-3.

[...]

Finding:

The subject property is located within Block 11 as depicted on Comprehensive Plan Map 10-3. Therefore, the property is located within the Central Tualatin Overlay Zone and TDC Chapter 58 is applicable. The standards within TDC 58 are applicable.

TDC 58.300 - Use Categories in the CG Zone.

(1) Modifications to Base Zone Use Regulations. Some of the uses permitted in the CG zone are modified in the Central Tualatin Overlay zone. Table 58-3 lists use categories that are modified in the

overlay zone as Permitted Outright (P), Conditionally Permitted (C), or Prohibited (N). Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 58-3. Use categories not listed in Table 58-3 are regulated as specified in the CG zone see TDC Chapter 54.

(2) *Sub-Districts*. Block 11 is the only sub-district in the overlay zone. The modifications to use regulations in Table 58-3 apply exclusively to Block 11.

**Table 58-3
 Modifications to Use Regulations in the CG Zone (Block 11)**

[...]

	STATUS	LIMITATIONS AND CODE REFERENCES
COMMERCIAL USE CATEGORIES		
Retail Sales and Service	N	Pet Day Care prohibited.
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Wireless Communication Facilities	N	All wireless communication facilities prohibited.

Finding:

The subject property is located within Block 11 and therefore both Pet Day Care and Wireless Communication Facilities are prohibited. With Condition of Approval A15, this standard is met.

TDC 58.800 - Central Tualatin Overlay Development Standards.

(1) Development standards in the Central Tualatin Overlay Zone are listed in Table 58-7 by zone and by block. Where no standard is listed, the standards of the base zone apply.

(2) Exceptions. Existing nonconforming situations may be developed according to the provisions of TDC Chapter 35.

**Table 58-7
 Development Standards in the Central Tualatin Overlay District**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
[...]		
GENERAL COMMERCIAL (CG)		
Minimum Lot Size	25,000 square feet	—
Minimum Lot Width	100 feet	—

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
Minimum Lot Width at the Street	40 feet	—
Minimum Lot Width at the Street on a Cul-De-Sac Street	40 feet	—
[...]		

Finding:

The applicant is not proposing any changes that would alter the existing lot size or width measurements. These standards are not applicable.

Chapter 70: Floodplain District (FP)

Section 70.040 - Lands to Which This Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Tualatin.

[...]

Finding:

According to the FEMA Flood Mapping, the subject property is considered a Special Flood Hazard Area with the designation of Zone AE and a small area Floodway located in the northwest corner of the property is also present; therefore this Chapter applies to the proposed commercial development.

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.

[...]

Section 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.

[...]

Section 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 plans show the proposed structure within the floodplain. FEMA identifies the floodplain elevation at this site as 127.9 feet, NAVD 1988. All utilities planned with this development which are located within the floodplain must be designed to meet code.

A Flood Hazard Area Development permit must be obtained prior to construction. This permit must include final approved plans identifying balanced cut and fill. Elevation certificates prior to and post construction must show construction in accordance with TDC 70.170 and 70.180.

With Conditions of Approval A5, A6, and A10, these standards are met.

Chapter 73A: Site Design

TDC 73A.300. - Commercial Design Standards.

The following standards are minimum requirements for commercial development in all zones, except the Mixed-Use Commercial (MCU) zone, which has its own standards:

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

- (a) Walkways must be a minimum of six feet in width;**
- (b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable;**
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;**
- (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;**
- (e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;**
- (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and**
- (g) 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.**

Finding:

The narrative states that all new walkways will meet ADA standards. The plan set did not provide enough detail to determine compliance with walkway standards. For example, the proposed striped areas, which appear to be walkways, do not provide such details as the width. With Condition of Approval A7.b., these standards will be met.

(2) 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.**

[...]

Finding:

New accessways are not required because the existing accessways are adequate. Additionally, the subject property is not adjacent to multi-family development. These standards are not applicable.

(3) Drive-up Uses. Drive-up uses must comply with the following:

(a) Provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:

- (i) Banks—Each lane must be 100 feet long;**
- (ii) Restaurants—Each lane must be 160 feet long; and**
- (iii) Other uses—Each lane must be between 80 and 160 feet long, as determined by the City.**

- (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.**
- (c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.**
- (d) The width and turning radius of drive-up aisles must be approved by the City.**
- (e) A wall or other visual or acoustic may be required by the City.**

Finding:

No drive-up uses are proposed for the subject property. These standards are not applicable.

(4) Safety and Security. Commercial development must provide safety and security features as follows:

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;**
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;**
- (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;**
- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and**
- (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.**

Finding:

A lighting plan was not provided for review. Windows appear to be located in a way that pedestrian parking and loading areas will be visible. The applicant did not provide a photometric or lighting diagram. The applicants' site plan in Exhibit A2 indicates two lights will be removed from the building. With Condition of Approval A7.c., the applicable standards will be met.

(5) Service, Delivery, and Screening. Commercial development must provide service, delivery, and screening features as follows:

- (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;**
- (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and**
- (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.**

Finding:

Information pertaining to mechanical equipment screening was not provided for review. Outdoor storage was not requested with this application. With Condition of Approval A7.d., these standards will be met.

(6) Adjacent to Transit. Commercial development adjacent to transit must comply with the following:

- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.**
- (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:**
 - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;**

- (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
- (iii) Provide a transit passenger landing pad accessible to disabled persons;
- (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
- (v) Provide lighting at the major transit stop.

Finding:

The subject property abuts SW Tualatin-Sherwood Road, an existing fixed transit bus route, to the north. However, there is an existing wall that does not allow direct access to SW Tualatin-Sherwood Road. The subject property also abuts SW Tonka Street with an Accessway to the public sidewalk which can be used to access SW Warm Springs Street or SW Boones Ferry Road. There is an existing bus route along SW Warm Springs Street to the south. These standards are met.

Chapter 73B: Landscaping Standards

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

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
[...]	[...]	[...]
(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed
<p>* For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement," the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.</p>		

[...]

Finding:

The subject site is located in the CG zoning district. Comprehensive Plan Map 10-3 Central Tualatin Overlay Zone (Exhibit D) illustrates the subject property as being outside of the Core Area Parking District. The property is not within the Hedges Creek Wetland Protection District. The subject property consists of two lots totaling 54,951 square feet. A minimum of 15% or 8,242.6 square feet is required to be landscaped. The applicant is proposing 13,774 square feet or 25% of site being landscaped (see Exhibit A2). This standard is met.

TDC 73B.040. - Additional Minimum Landscaping Requirements for Commercial Uses.

(1) General. In addition to requirements in TDC 73B.020, commercial uses, except those located in the Mixed-Use Commercial (MUC) zone, must comply with the following:

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

(b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:

- (i) Pedestrian amenities such as landscaped plazas and arcades; and**
- (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.**

(c) Five-foot wide landscaped area requirement does not apply to:

- (i) Loading areas;**
- (ii) Bicycle parking areas;**
- (iii) Pedestrian egress/ingress locations; and**
- (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.**

(d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.

Finding:

The landscaping plan within Exhibit A2 illustrates that all areas not occupied by building or other site development will be landscaped. The west facing building façade that is viewable to the general public shows a landscaping strip that is not dimensioned on the site plan but the narrative states the width to be 5 feet. The subject property does not abut RL or MP zoned property. With Condition of Approval A7.e., these standards will be met.

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

The following are minimum standards for landscaping for all zones.

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

As shown on the Landscape Plan included in Exhibit A2, and with Condition of Approval A14, these standards are met

<p>(2) Fences</p>	<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:

The subject site is not located in a habitat area, and no fencing is proposed that would impact animal crossings. This standard is not applicable.

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

The applicant is not proposing the removal of any trees. These standards are not applicable.

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

The proposal includes grading, as shown in the Grading Plan Exhibit A2. Grading and erosion control is further addressed in Chapter 74. With Condition of Approval A7.f, these standards are met.

<p>(5) Irrigation</p>	<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:

As noted on the Landscape Plan in Exhibit A2, irrigation will be provided in landscaped areas. This standard is met.

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

The applicant proposes to landscape all areas not otherwise proposed for development. Most of the site is already landscaped. These standards are met.

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

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

Standard	
<p>(1) Deciduous Shade Trees</p>	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; • Reach a mature height of 30 feet or more; • Cast moderate to dense shade in summer; • Live over 60 years; • Do well in urban environments, tolerant of pollution and heat, and resistant to drought; • Require little maintenance and mechanically strong; • Insect- and disease-resistant; • Require little pruning; and • Barren of fruit production.
<p>(2) Deciduous Ornamental Trees</p>	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species
<p>(3) Coniferous Trees</p>	<ul style="list-style-type: none"> • 5 feet in height above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.
<p>(4) Evergreen and Deciduous Shrubs</p>	<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.
<p>(5) Groundcovers</p>	<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.
<p>(6) Lawns</p>	<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

	<ul style="list-style-type: none">• Healthy, disease-free, damage-free, characteristic of the species.
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Finding:

Per the plant schedule and details provided in Exhibit 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, previous 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.**

Finding:

As shown on the Site Plan (Exhibit A2), the existing vehicular circulation area is constructed of asphalt with concrete curbing. The parking stalls are 90 degree with the proposed dimensions of 9 x 18 feet as depicted in Figure 73-1. The site plan did not provide drive aisles widths. With Condition of Approval A7.g., these standards will be met.

- (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;**

Finding:

The Site Plan (Exhibit A2) illustrates two parking stalls marked as ADA compliant. There are no sub-compact stalls proposed. ADA standards will be reviewed in greater detail during the building permit review phase. If ADA standards are not met then the applicant must adjust their stalls and/or parking lot layout to meet these requirements. These standards are met.

- (8) Groups of more than 4 parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;**
- (9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;**
- (10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;**

Finding:

Additional information is needed to determine compliance with the minimum drive aisle width standards. With Condition of Approval A7.g., drive aisle width minimum standard of 24 feet will be met.

(11) Artificial lighting, must be deflected to not shine or create glare in a residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor;

Finding:

Additional information is needed to determine compliance with artificial lighting standards. Two building mounted lights are proposed for removal (Sheet C0.3 of Exhibit A2). With Condition of Approval A7.h., artificial lighting standards will be met.

**(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:

Parking lot landscaping is discussed below in TDC 73C.200. The site is not adjacent to a residential zone. 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:

Additional information is needed to determine compliance with bicycle parking standards. With Condition of Approval A7.i., bicycle parking standards will be 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
[...]				
(e) Commercial				
(v) Medical & dental offices	3.90 spaces per 1,000 square feet of gross floor area	Zone A: 4.9 spaces per 1,000 square feet of gross floor area Zone B: 5.9 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.33 spaces per 1,000 gross square feet, whichever is greater	First ten spaces or 40 percent, whichever is greater
[...]				

Finding:

Motor Vehicle parking requirements for veterinarian clinics fall under “medical & dental offices”. There are no parking requirements specific to veterinarian clinics or hospitals. AR-15-18, which originally approved the existing veterinarian clinic, utilized the “medical & dental offices” parking standard with a condition of approval requiring 31 parking spaces.

Table 1: Minimum and Proposed Parking by Use

Use	Square Footage	Vehicle Parking Min.	Proposed Vehicle Parking	Bike Parking Min.	Proposed Bike Parking
<i>Medical & Dental Offices</i>	<i>11,504</i>	<i>45</i>	<i>31</i>	<i>4</i>	<i>1</i>

The applicant narrative describes an additional 8 parking spaces being added to the existing 21 parking spaces for a total of 32 parking spaces (Exhibit A1). The existing building is 7,901 square feet, the proposed addition is 3,603 square feet for a total of 11,504 square feet. Utilizing the minimum parking requirement of 3.9 spaces per 1,000 square feet of gross floor area yields an off-street parking requirement of 44.9 parking spaces to a total of 45 parking spaces. The applicant is proposing 1 bicycle parking space. Utilizing the bicycle parking requirement of .33 spaces per 1,000 square feet of gross floor area yields 3.7 spaces for a total requirement of 4 covered bicycle parking spaces. With Conditions of Approval A7.j. and A7.k., these standards will be met.

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

Number of Required Parking Spaces	Number of Vanpool or Carpool Spaces
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0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces

[...]

Finding:

Of the required 45 parking spaces, 1 must be designated carpool/vanpool spaces. There is 1 Vanpool/Carpool spaces designated on the Site Plan and noted in the narrative. This standard is met.

TDC 73C.110. - Core Area Parking District Minimum Parking Requirements.

Uses in the Core Area Parking District must comply with the following parking requirements:

(1) The following uses must provide 75 percent of the spaces required in TDC 73C.100(1), whether provided individually, in accordance with the Shared Parking in TDC 73C.030, or the Joint Use Parking in TDC 73C.040:

- (a) Multi-Family dwellings in complexes with private internal driveways;
- (b) Retirement housing facility;
- (c) Boarding house, lodging;
- (d) Congregate care, assisted living and residential care facilities;
- (e) Residential facilities (located in other than low density residential planning districts);
- (f) Library, reading room;
- (g) Nursery, primary, elementary or middle school, and child day care center;
- (h) Other places of public assembly, including churches;
- (i) Theater;
- (j) Bowling alley;
- (k) Retail shops (under 100,000 square feet of gross floor area);
- (l) Retail store handling exclusively bulky merchandise such as furniture or automobiles and service or repair shops;
- (m) Mortuary;
- (n) Office furniture and office furniture sales; and
- (o) Major transit stops (not Park and Ride lots).

(2) At the time of enlargement of an existing structure or change in use, there must be no net loss of existing off-street parking, in addition to providing new off-street parking as required under TDC 73C.110.

(3) The following uses are exempt from providing off-street parking within the Core Area Parking District:

- (a) The publicly-owned community center on Tract 8 of the Tualatin Commons; and
- (b) Outdoor dining facilities.

Finding:

The applicant is not proposing a use listed under 73C.110(1). The applicant will be required to demonstrate compliance with parking requirements of TDC 73C.100(1)(e)(v). These standards will be met.

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

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

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
[...]				
Commercial	Less than 5,000	0	0	0
	5,000—25,000	1	12 feet × 25 feet	14 feet

	25,000—60,000	2	12 feet × 35 feet	14 feet
	60,000 and over	3	12 feet × 35 feet	14 feet
[...]				

- (2) Loading berths must not use the public right-of-way as part of the required off-street loading area.
 - (3) Required loading areas must be screened from public view, public streets, and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.
 - (4) Required loading facilities must be installed prior to final building inspection and must be permanently maintained as a condition of use.
 - (5) The off-street loading facilities must in all cases be on the same lot or parcel as the structure they are intended to serve. In no case must the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.
- [...]

Finding:

The total building square footage will be 11,504 square feet which requires 1 berth. No berths were provided. With Condition of Approval A7.1., these standards will be met.

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

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

[...]

- (2) **Commercial Uses.** Ingress and egress for commercial and institutional uses must not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, etc.
1-99	1	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only

[...]

Finding:

The subject property has one existing ingress and egress driveway. The proposed addition is not in the area of the existing driveway. This standard does not apply.

PARKING LOT LANDSCAPING

Section 73C.200 – Parking Lot Landscaping Standards Purpose and Applicability.

- (1) **Purpose.** The goals of the off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns, reduce the total number of spaces, reduce the impervious surface area and stormwater runoff, and enhance the visual environment. The design of the off-street parking area must be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics.
- (2) **Applicability.** Off-street parking lot landscaping standards apply to any surface vehicle parking or circulation area.

Finding:

The proposal includes vehicular circulation and parking areas. Per this section of the TDC, parking lot landscaping is required.

TDC 73C.220. - Commercial Parking Lot Landscaping Requirements.

Commercial uses must comply with the following landscaping requirements for parking lots in all zones:

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

Finding:

As shown on the Landscape Plan (Exhibit A2), landscaping is proposed in areas not used for vehicles and pedestrian movement. Additional parking lot landscaping may be required due to an additional 13 parking spaces being required per TDC 73C.100 which is an increase of 13 parking spaces over the 32 spaces that were proposed by the applicant. With Condition of Approval A7.m., this standard is met.

(2) Clear Zone. Clear zone required 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 8 feet as measured from the ground level.

Finding:

As shown on the Landscape Plan (Exhibit A2), the proposed plantings will not impact visual clearance at the end of drive aisles and drive entrances. With Condition of Approval A14 related to maintenance, this standard is met.

(3) Perimeter. Minimum 5 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**

[...]

Finding:

As shown on the Landscape Plan (Exhibit A2), perimeter landscaping is illustrated without dimensions along the vehicular circulation and parking areas. Much of the parking lot has existing perimeter landscaping that will remain. With Condition of Approval A7.n., these standards are met.

(4) 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 runoff 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) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;**
- (d) Landscape separation required for every eight continuous spaces in a row;**
- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;**
- (f) Must be planted with groundcover or shrubs;**

- (g) Native plant materials are encouraged;
- (h) Landscape island areas with trees must be a minimum of 5 feet in width (from inside of curb to curb);
- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and

[...]

Finding:

Given that 45 parking spaces are required, a minimum of 1,125 square feet of parking lot Landscape Island will be required with 12 deciduous trees. The Landscape Plan included in Exhibit A2 illustrate that 3 parking lot landscape Island trees are proposed. Sheet CS1 of Exhibit A2 states that 6 trees are provided with three trees illustrated on Sheet L1 of Exhibit A2. The landscaping plan and narrative did not provide a square foot calculation for parking lot landscaping and it appears Sheet C1 does not differentiate between site and parking lot landscaping. Curbs are included in the design and islands are provided at aisle ends. With Condition of Approval A7.o., these standards are met.

(5) Landscaping Along Driveway Access. For lots with 12 or more parking spaces:

- (a) Landscape area at least five (5) feet in width on each side of an accessway;
 - (b) Landscape area must extend 30 feet back from the property line; and
- [...]

Finding:

As shown on the Landscape Plan included in Exhibit A2, there is existing landscaping in the area along the driveway access. The applicant is not proposing changing design aspects or location of the driveway access. This standard is 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:

- [...]
- (b) Commercial developments; and
- [...]

Finding:

The proposal includes an addition to an existing commercial building. These standards apply.

Section 73D.020 - Design Methods.

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

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

Finding:

The applicant did not address Chapter 73D within their narrative but do illustrate the demolition of the existing waste and recyclables enclosure and the construction of a new enclosure with associated landscaping and screening. The applicant did provide a Service Provider Letter from Republic Services, without an attached site plan that stated the proposed location and dimensions of the enclosure are acceptable. The Minimum Standards Method (TDC 73D.030) is the most appropriate method based on

the existing use and proposed building expansion. There may be the need for additional parking which could impact the enclosure location. As discussed below, these standards are met.

Section 73D.030 – Minimum Standards Method.

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

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

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

[...]

(c) Commercial, industrial, and institutional developments must provide a minimum storage area of ten square feet plus:

(v) All other uses—Four square feet/1,000 square feet GLA;

[...]

Finding:

A minimum of 12 square feet of trash enclosure area is required for the proposed 11,504 square feet of Building. The Republic Services letter dated October 4, 2022, states “the enclosure design dimensions of 20’-5” wide x 10’ deep for frontload containers, plus an additional 4’ deep for roll out cart storage is adequate to house our maximum size commercial trash and recycle equipment. The two 10’ wide gates that open 180 degrees, with wind pins to secure them in the open and closed position, and personal gate of 3’ wide that opens outward with wind pin to secure it in the open position is adequate to access our equipment. The level surface transition from the enclosure to the asphalt will allow us to roll equipment in and out safely.” The Site Plan included in Exhibit A2 illustrates the location of the enclosure but does not provide dimensions. With Condition of Approval A7.p., these standards are met.

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

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

(1) Location Standards.

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

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

(c) Exterior storage areas must:

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

(ii) Be located in a parking area; and

(iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

(2) Design Standards.

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

Finding:

The proposed waste area is visible from parking areas, convenient to tenant entries and loading areas, as well as being located outside of the applicable setbacks. As shown in the applicant's submittal, Republic Services, the applicable waste hauler, has indicated that the dimensions and accessibility of the enclosures meet their service needs (Exhibit A5). Further compliance with Building and Fire Code standards will be reviewed at the time of building permit. With Conditions of Approval A7.r. and A7.s., the location and design standards are met.

(3) Access Standards.

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

Finding:

As shown in the applicant's submittal, Republic Services has indicated in their review letter that the dimensions and accessibility of the enclosures meet their service needs (Exhibit A5). With Condition of Approval A7.r. and A7.s., these standards are met.

Chapter 74: Public Improvement Requirements

[...]

TDC 74.120 Public Improvements.

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

plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.

Finding:

All public improvements will be installed by the applicant at their expense after approval of plans and issued Erosion Control, Flood Hazard Area Development, and Water Quality permits. With Conditions of Approval A6 and 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 plans and building permits. With Conditions of Approval A6 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 will be completed and accepted by the City prior to receiving a Certificate of Occupancy. With Conditions of Approval A8 and A9, this standard is met.

[...]

TDC 74.440 Streets, Traffic Study Required.

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

(a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or

(b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.

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

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

(a) An analysis of the existing situation, including the level of service on adjacent and impacted facilities.

(b) An analysis of any existing safety deficiencies.

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

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

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

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

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

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

Finding:

According to the narrative 'The current number of trips to the site is 50 for EVCOT in a 24-hour period, and 21 for VDIC in the standard 8-5. They do not expect an increase with the expansion. With a combined total of 71 daily trips, this does not generate more than 100 trips that would trigger further analysis. The traffic flow and circulation will not change with this addition, and the sight distance at the site's access points are not changing.'

City staff have reviewed the subject analysis and have determined that it meets the requirements above. These standards are met.

[...]

TDC 74.630 Storm Drainage System.

(1) Storm drainage lines must be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

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

[...]

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 Stormwater Utility Narrative proposes and Utility Plan propose an increase of the volume of the existing stormwater facility near the north property line to accommodate all private impervious areas. This facility releases to the public stormwater system within SW Tualatin-Sherwood Road. Final stormwater calculations and plans will prove treatment, hydromodification, detention, and downstream conveyance meet current code requirements.

Final plans and stormwater calculations will demonstrate that the development has direct access by gravity to the public stormwater system with adequate infiltration and/or downstream capacity in accordance with City of Tualatin and Clean Water Service standards.

The site disturbance is less than 1 acre. Erosion Control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality will be provided with the construction permit submittal documents. The applicant will obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet.

A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance the applicant will submit final Erosion Control plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d). With recommended Conditions of Approval A3, A4, A6 and A8 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., December 20, 2022. 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:



Keith Leonard, AICP
Associate Planner