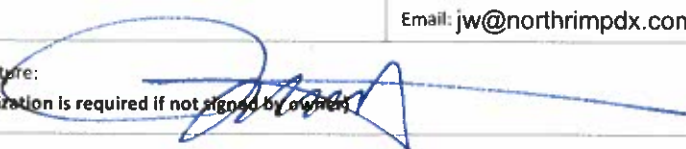
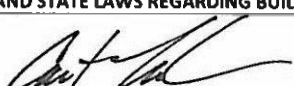




Land Use Application

Project Information		
Project Title: 8101 SW Nyberg Building New Elevator		
Brief Description: Remove portion of existing canopy. Install new elevator. Replace roofing with asphalt tile roofing. Remove existing tenant entry doors and replace with storefront doors. Enclose breezeway.		
Property Information		
Address: 8101 SW Nyberg St		
Assessor's Map Number and Tax Lot(s): 2S124BC lot 2700		
Applicant/Primary Contact		
Name: Curt Trolan	Company Name: MDG Architecture Interiors	
Address: 4875 SW Griffith Drive, Ste 300		
City: Beaverton	State: OR	ZIP: 97005
Phone: 503-244-0552	Email: curt@mdgpc.com	
Property Owner		
Name: North Rim Development Group		
Address: 819 SW Griffith Drive, Ste 300		
City: Portland	State: OR	ZIP: 97214
Phone:	Email: jw@northrimpdx.com	
Property Owner's Signature: 	Date: 4/27/2023	
<small>(Note: Letter of authorization is required if not signed by owner)</small>		
AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.		
Applicant's Signature: 	Date: 4/27/2023	

Land Use Application Type:

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation (ANN) | <input type="checkbox"/> Historic Landmark (HIST) | <input type="checkbox"/> Minor Architectural Review (MAR) |
| <input checked="" type="checkbox"/> Architectural Review (AR) | <input type="checkbox"/> Industrial Master Plan (IMP) | <input type="checkbox"/> Minor Variance (MVAR) |
| <input type="checkbox"/> Architectural Review—Single Family (ARSF) | <input type="checkbox"/> Plan Map Amendment (PMA) | <input type="checkbox"/> Sign Variance (SVAR) |
| <input type="checkbox"/> Architectural Review—ADU (ARADU) | <input type="checkbox"/> Plan Text Amendment (PTA) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Tree Removal/Review (TCP) | <input type="checkbox"/> Other _____ |

Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	

8101 SW Nyberg Building New Elevator

Narrative Architectural Review Application

Prepared for:
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

Prepared by:
MDG Architecture | Interiors
4875 SW Griffith Drive Suite 300
Beaverton, OR 97005
(503) 244-0552
Email: curt@mdgpc.com

April 2023
122099

8101 SW Nyberg Building New Elevator

Summary

PROJECT DESCRIPTION

This project proposes a modification to an existing two story structure by the addition of an elevator, enclosing of a breezeway that extends down the middle of the building, modification of the east facing first floor windows and entries, modify canopy and supporting columns and replace roofing.

SITE DESCRIPTION

The property is comprised of 1 tax lot, totaling approximately 0.96 acres. The property is located on the north side of SW Nyberg Street Road, west of SW Martinazzi Ave., in Tualatin, Oregon. More specifically, the property is located on tax map 2S124BC TL#2700. The property is zoned CC – Central Commercial and falls under the jurisdiction of the City of Tualatin.

The site is currently developed with building, parking and landscaping. There are no Heritage Trees located on the property.

APPLICABLE STANDARDS

The following narrative addresses the compliance of this project with all applicable codes and standards of the Tualatin Development Code (TDC) and the Tualatin Municipal Code (TMC).

Tualatin Development Code:

CHAPTER 33 - Applications and Approval Criteria.....	
33:110 Tree Removal Permit/Review	
CHAPTER 70 - Floodplain District.....	
CHAPTER 73A - Site Design Standards.....	
CHAPTER 73B - Landscaping Standards.....	
CHAPTER 73C - Parking Standards.....	
CHAPTER 73D - Waste and Recyclables Management Standards.....	
CHAPTER 75 - Access Management.....	

Tualatin Municipal Code:

CHAPTER 3 - Utilities and Water Quality.....	
3-5-250: Floodplain Design Standards	

Tualatin Development Code

CHAPTER 33 - Tree Removal Permit/Review

TDC 33.110. - Tree Removal Permit/Review.

- (1) *Purpose.* To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.
- (2) *Applicability.* No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.
- (3) *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.
 - b. *Forest Harvesting Exemption.* Forest Harvesting Uses, as provided by Agricultural Uses in TDC 39.300 are exempt.
 - c. *Orchard Exemption.* Orchards Uses, as provided by Agricultural Uses in TDC 39.300, are exempt.
 - d. *Public Property Exemption.* Tree removal on federal, state, county, or City property is exempt from the requirements of a tree removal permit. This exemption includes, but is not limited to road, improvements and maintenance to City parks, rights-of-way, water, sanitary sewer, and stormwater facilities. (Removal of trees from public right-of-way are governed by TDC Chapter 74.)

Response: Tree removal is not proposed with this application.

CHAPTER 70A- Floodplain District

TDC 70.005. – Authorization.

Under Article XI, section 2 of the Oregon Constitution and the Charter of the City of Tualatin, the City of Tualatin has the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Tualatin adopts this Floodplain Management Chapter.

TDC 70.007. – Findings of Fact.

- (1) The flood hazard areas of the City of Tualatin are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

Response: The building is existing. The modifications to the building will have minimal effect to the current flood conditions.

TDC 70.010. – Statement of Purpose.

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money and costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) Help to maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Response: The property owner is aware of the flood hazard and assumes responsibility that improvements are done at the risk of the flood hazard.

TDC 70.050. Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance and Mitigation Administration in a scientific and engineering report entitled "Flood Insurance Rate Map, Washington County, Oregon and Incorporated Areas," effective date November 4, 2016 with superseded panels 41067C0593F and 41067C606F effective October 19, 2018, together with the "Flood Insurance Study for Washington County Oregon and Incorporated Areas," dated October 19, 2018, are hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study is on file at the City of Tualatin City Offices, 18880 SW Martinazzi Avenue, Tualatin, Oregon 97062. The best available information for flood hazard area identification as outlined in TDC 70.140(2) Duties and Responsibilities of Local Floodplain Administrator) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under TDC 70.140(2) (Duties and Responsibilities of Local Floodplain Administrator).

Response: The site with the existing building to be modified is within the flood hazard area.

TDC 70.090. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Tualatin, any officer or employee thereof, or the Federal Insurance and Mitigation Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Response: The property owner is aware of the flood hazard and assumes responsibility that improvements are done at the risk of the flood hazard.

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).

Response: A development permit will be obtained for the proposed work as noted in this Architectural Review submittal.

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.

Response: Plans will be provided for permit which will address these items.

TDC 70.140. Duties and Responsibilities of the Local Floodplain Manager.

Duties of the Local Floodplain Administrator shall include but not be limited to:

- (1) Development Permit Application and Review.
 - (a) Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
 - (b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - (c) Review all development permits to determine if the proposed development is located in the floodway. If located

- in the floodway, assure that the encroachment provisions of TDC 70.190 (Floodways) are met.
- (d) Provide to building officials the base flood elevation and freeboard applicable to any building requiring a building permit.
 - (e) Review all development permit applications to determine if the proposed development qualifies as a substantial improvement, as set forth in TDC 70.030 (Definitions).
- (2) Use of Other Base Flood Data (In A and V Zones). When base flood elevation data has not been provided in accordance with TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard), the Local Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer TDC 70.180 (Specific Standards) and TDC 70.190 (Floodways).
- (3) Review of Building Permits. Where a FIRM and Flood Insurance Study have not been provided by the Federal Insurance and Mitigation Administration and elevation data is not available from another authoritative source (TDC 70.140(2) (Use of Other Base Flood Data (In A and V Zones))), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates
- (4) Information to Be Obtained and Maintained.
- (a) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required by TDC 70.140(2) (Use of Other Base Flood Data (In A and V Zones)), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - (b) For all new or substantially improved flood proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in TDC 70.140(2) (Use of Other Base Flood Data (In A and V Zones)):
 - (i) Verify and record the actual elevation (in relation to mean sea level); and

- (ii) Maintain the flood proofing certifications required by 70.120(3)(Application for Development Permit).
 - (c) Maintain for public inspection all records pertaining to the provisions of this Chapter.
- (5) Alteration of Watercourses.
 - (a) Notify adjacent communities and the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance and Mitigation Administration as required in TDC 70.130(6).
 - (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (6) Requirement to Submit New Technical Data.
 - (a) Notify FEMA within six months of project completion when an applicant had obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development altered a watercourse, modified floodplain boundaries, or modified Base Flood Elevations. This notification shall be provided as a Letter of Map Revision (LOMR).
 - (b) The property owner shall be responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.
 - (c) The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable State and Federal laws.
- (7) Interpretation of FIRM Boundaries. Make interpretations when needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in TDC 70.150 (City Council as Appeal Board).
- (8) Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher.

Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Response: Applicant shall submit to the City of Tualatin for permit of work within flood area.

VARIANCE PROCEDURE

TDC 70.150. City Council as Appeal Board.

- (1) The City Council of the City of Tualatin shall hear and decide appeals and requests for variances from the requirements of this Chapter.
- (2) The City Council shall decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Local Floodplain Administrator in the enforcement or administration of this Chapter.
- (3) Those aggrieved by the decision of the City Council, or any taxpayer, may appeal such decision in accordance with State law.
- (4) In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, when applicable;
 - (f) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors in TDC 70.150(4) (City Council as Appeal Board) and the purposes of this Chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter. The requirements for variances as described in TDC 33 must also be met.
- (6) The Local Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance and Mitigation Administration upon request.

Response: The building being modified is existing. The modification will enclose the open breezeway and change the recessed entries to remove the recess to the face of the main building. The proposed changes will not make the existing building any more hazardous as it pertains to flooding. The proposed modifications will have minimal effect on local flooding as only 500 sf of area will be modified. The modifications will be made with storefront to enclose the breezeway and entries where the bottom frame of the storefront will be above the flood level and it will be fastened to withstand dynamic and static flood pressure. The elevator pit will have a sump pump below the flood elevation and the sump will have a shut off so that it will not pump in flood conditions. The existing building serves a supporting local function to the community but not a critical function for the community. There will not be any effect to the local utilities as a result of the proposed modifications.

TDC 70.160. Conditions for Variances.

- (1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a)—(k) in TDC 70.150(4) (City Council as Appeal Board) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures without regard to the procedures set forth in this section, provided that the alteration will not preclude the structure's designation as an "historic structure" and the variance is the

- minimum necessary to preserve the historic character and design of the structure.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, fraud on or victimization of the public as identified in TDC 70.150(4) (City Council as Appeal Board) or conflict with existing local laws or ordinances.
 - (6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
 - (7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 70.160(1) (Conditions for Variances), and otherwise complies with subsections 70.170(1) and (2) (General Standards).
 - (8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest-floor elevation and that such construction below the base flood elevation increases risks to life and property. Such notification shall be permanently maintained with the floodplain development permit.

Response: The proposed changes will not make the existing building any more hazardous as it pertains to flooding, but are intended to make the

building more accessible. The proposed modifications will have net zero change in flood elevation as only 500 sf of area will be modified.

TDC 70.170. General Standards.

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

- (1) **Anchoring.**
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) All manufactured dwellings shall be anchored according to TDC 70. 180(3)(Specific Standards for Manufactured Dwellings).
- (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.
- (4) **Subdivision Proposals.**
 - (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed so as to minimize flood damage.

- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - (d) Here base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
- (5) AH and AO Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

Response: The proposed improvements will be anchored to prevent collapse or any lateral movement. The materials and construction methods and practices will minimize flood damage for the areas being modified. This project will provide a shut off during flood conditions for the elevator sump so that the project will not affect any sanitary utilities during flooding.

TDC 70.180. Specific Standards.

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

- (2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum according to ASCE 24; or, together with attendant utility and sanitary facilities, shall:
 - (a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in TDC 70.140(3)(b) (Duties and Responsibilities of the Local Floodplain Administrator);
 - (d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space

- below the lowest floor as described in TDC 70.180(1)(d)(Specific Standards for Residential Construction).
- (e) Applicants shall supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

Response: The property owner is aware of the flood hazard and assumes responsibility that improvements are done at the risk of the flood hazard. The proposed changes will not make the existing building any more hazardous as it pertains to flooding.

TDC 70.185. Before Regulatory Floodway.

In areas where a regulatory floodway has not been designated, and where the Flood Insurance Study indicates that it is possible to calculate a floodway, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Response: This project is not within a floodway.

TDC 70.190. Floodways.

Located within areas of special flood hazard established by TDC 70.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Except as provided in TDC 70.190(3) (Floodways), prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided 70-21 demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in base flood or floodway elevations when compared to pre-project conditions.
- (2) If TDC 70.190(1) (Floodways) is satisfied, all new construction and substantial improvements shall comply with all applicable flood

hazard reduction provisions of TDC 70.170 to and including 70.190, Provisions for Flood Hazard Reduction, or ASCE 24, whichever is more stringent.

- (3) Temporary structures placed in the floodway: Relief from no-rise evaluation, elevation or dry flood-proofing standards may be granted for a non-residential structure placed during the dry season (June—October) and for a period of less than 90 days. A plan for the removal of the temporary structure after the dry season or when a flood event threatens shall be provided. The plan shall include disconnecting and protecting from water infiltration and damage all utilities servicing the temporary structure.
- (4) Projects for stream habitat restoration may be permitted in the floodway provided:
 - (a) The civil engineer shall, as a minimum, provide a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible and that no structures will be impacted by a potential rise in flood elevation; and
 - (b) An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

Response: The project is not located in a floodway.

TDC 70.200. Alterations to Floodplain, Drainage, or Watercourses.

- (1) Applicants proposing to increase the Base Flood Elevation by more than one foot or alter a watercourse must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before any encroachment, including fill, new constructions, substantial improvement, or other development, in the regulatory floodway is permitted.
- (2) Within six months of project completion, an applicant for a Letter of Map Revision (LOMR) must submit a completed application to FEMA and submit evidence to the City that a Letter of Map Revision (LOMR) has been requested that reflects the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM).
- (3) The applicant must prepare and submit technical data to support the Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) application and pay any processing or application fees to FEMA.

Response: The project will not impact the floodplain elevation as the modifications to the site produce a net zero change in flood elevation. The

existing structure finish floor elevation is 0.28' or 3-1/3" below the FEMA floodplain elevation. Exterior improvements will have a balanced cut/fill with minor paving repair and slight regrading to meet ADA accessibility criteria.

CHAPTER 73A - Site Design Standards

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

- (1) *Purpose.* The purpose of the site and building design objectives and standards found in TDC 73A through TDC 73G is to promote functional, safe, innovative, and attractive sites and buildings that are compatible with the surrounding environment, including, but not limited to:
 - (a) The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and
 - (b) The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.
- (2) *Objectives.* The objectives of site and building design standards in TDC 73A through TDC 73G are to:
 - (a) Enhance Tualatin through the creation of attractively designed development and streetscapes;
 - (b) Encourage originality, flexibility, and innovation in building design;
 - (c) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
 - (d) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
 - (e) Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
 - (f) Enhance energy efficiency through the use of landscape and architectural elements; and
 - (g) Minimize disruption of natural site features such as topography, trees, and water features.

Response: The building has been designed to update and articulate entries and features through the use of canopies, glazed storefront entries and windows to provide an aesthetically interesting building for occupants and visitors.

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.

Response: Existing concrete sidewalks meeting ADA requirements connect the entrances of the buildings to the public right of way. The sidewalks are concrete and are flush to the asphaltic paving when it crosses the circulation system. A modification to the concrete sidewalk and ramp adjacent to the accessible parking stall will also be flush with the asphaltic paving.

(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.
- (b) *Design Standard.* Accessways must meet the following design standards:
 - (i) Accessways must be a minimum of eight feet in width;
 - (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;
 - (iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material;
 - (iv) Accessways must meet ADA standards applicable at time of construction or alteration;
 - (v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;
 - (vi) Accessways must not be gated to prevent pedestrian or bike access;
 - (vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and
 - (viii) Must be constructed, owned and maintained by the property owner.

Response: The development does not modify the existing accessway.

- (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.

Response: The development does not propose a drive-up use.

- (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.

Response: The existing development has windows facing both east and west along the long facades of the building. The proposed modification increases the size of the east facing windows along the first floor. Exterior lighting under the canopy is existing and will remain and there will be additional decorative linear sconces added to the canopy columns. Building addresses are prominently displayed. No above ground sewer, water pumping stations, pressure reading stations, water reservoirs, electrical substations, or above ground natural gas pumping stations are proposed as part of this development.

- (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.

Response: All utilities are existing and will be maintained in the current condition. Outdoor storage is not part of the proposed development. No above ground sewer, water pumping stations, pressure reading stations, water reservoirs, electrical substations, or above ground natural gas pumping stations are proposed as part of this development.

- (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.

Response: The closest access to public transportation is the #96 bus stop at SW Martinazzi Ave and SW Seneca St. This stop is approximately 200 feet from the project site.

CHAPTER 73B - Landscaping Standards

TDC 73B.020. - Landscape Area Standards Minimum Areas by Use and Zone. The following are the minimum areas required to be landscaped for each use and zone:

(3) CO, CR, CC, CG, ML and MG zones within the Core Area Parking District—All uses:

Minimum Area Requirement – 10 percent of the total area to be developed

Minimum Area Requirement with dedication for wildlife habitat - 7.5 percent of the total area to be developed

Response: Please see below landscape areas for each building/lot.

EXISTING FIRST FLOOR BUILDING AREA = 8,353 SF

ELEVATOR ADDITION AREA	=	69 SF
BREEZEWAY ENCLOSING ADDITIONAL AREA	=	351 SF
ENTRY MODIFICATION ADDITION AREA	=	122 SF
TOTAL SITE AREA	=	41,811 SF
LANDSCAPE AREA REQUIRED 10% OF SITE	=	4,181 SF
LANDSCAPE AREA 16.6% OF SITE	=	6,920 SF

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.

Response: Existing landscape areas at the building are to be maintained. The only landscape area being modified is at the new elevator location.

TDC 73B.070. - Minimum Landscaping Standards for All Zones.
The following are minimum standards for landscaping for all zones.

(1) Required Landscape Areas:

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 ten percent 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.

Response: Existing landscaping is to remain and be maintained.

(2) Fences:

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.

Response: No fencing is proposed with this application.

(3) Tree Preservation:

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 percent 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

Response: Tree removal is not proposed with this application.

(4) Grading:

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.

(5) Irrigation

Landscape areas must be irrigated with an automatic underground or drip irrigation system.

(6) Re-vegetation in Un-landscaped Areas:

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.

Response: See Layout Paving and Grading Plan for minor modifications to curbs and sidewalks and parking paving repair which will provide positive drainage which will not drain across walkways. All disturbed landscape areas as a result of construction will be vegetated.

TDC 73B.080. - Minimum Standards Trees and Plants.

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

(1) Deciduous Shade Trees:

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, tolerate pollution, heat, and resistant to drought;
Require little maintenance and mechanically strong;
Insect- and disease-resistant;
Require little pruning; and
Barren of fruit production.

Response: Deciduous Shade trees are specified at 2 inch caliper under separate MAR for Tree Removal and replacement which will join the existing mature trees which are long lived and do well in an urban environment.

(2) Deciduous Ornamental Trees:

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

Response: Existing landscaping is to remain and be maintained.

(3) Coniferous Trees:

Five 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.

Response: Existing landscaping is to remain and be maintained.

(4) Evergreen and Deciduous Shrubs:

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.

Response: Existing landscaping is to remain and be maintained.

(5) Groundcovers:

Fully rooted;
Well branched or leafed;
Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and
English ivy (*Hedera helix*) is prohibited.

Response: No *Hedera helix* is proposed. Existing landscaping is to remain and be maintained.

(6) Lawns:

Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;
100 percent coverage and weed free; and
Healthy, disease-free, damage-free, characteristic of the species.

Response: No lawns are existing or proposed with this application.

CHAPTER 73C - Parking Standards

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

(1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except these standards do not apply in

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.

Response: The project site is within the Core Area Parking District. The site will not reduce any off-street parking with this application. The following off-street parking requirements apply.

(e) Commercial

(i) Retail Shops (Under 100,000 square feet of gross floor area)

- Minimum Vehicle Parking - 4 spaces per 1,000 SF of gross floor area
- Maximum Vehicle Parking - 5.1 spaces per 1,000 SF of gross floor area
- Bicycle Parking - 0.50 spaces per 1,000 GSF
- % Bicycle Parking/Covered - 50%,

(e) Commercial

(vi) General Office

- Minimum Vehicle Parking - 2.7 spaces per 1,000 SF of gross floor area
- Maximum Vehicle Parking - 3.7 spaces per 1,000 SF of gross floor area
- Bicycle Parking - 2, or 0.50 spaces per 1,000 GSF, whichever is greater
- % Bicycle Parking/Covered - First 10 spaces or 40%, whichever is greater

Response: Overall the site consists of 872 sf of Retail Shops and 15,695 sf of General Office.

Building : 16,567 SF

Retail Shops (872 SF)

- $4/1000 = 4$ minimum spaces (Core Area at 75% = 3 spaces minimum)
- $5.1/1000=5$ spaces maximum
- $.5/1000 = 1$ bike space required.
- 50% bike spaces covered.

General Office (15,695 SF)

- $2.7/1000=43$ spaces minimum (Core Area at 75% = 33 spaces minimum)
- $3.7/1000=59$ spaces maximum
- $.5/1000 = 8$ bike spaces required.
- first 10 bike spaces covered.

<u>Required</u>	<u>Total Provided: 59</u>
vehicular spaces (min.)	vehicular spaces 36
bike parking spaces/ covered	
9/8	10/8

(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.

<u>Number of Required Parking Spaces</u>	<u>Number Vanpool/Carpool spaces</u>
0-10 spaces	1 space
10-25 spaces	2 spaces
26 spaces and greater	1/each 25 spaces

Response:

Building :

Vanpool/Carpool Required – 3 spaces
 Provided – 3 spaces

TDC 73C.120. - Off-Street Loading Facilities Minimum Requirements.

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

<u>Commercial</u>	<u># of Berths</u>	<u>Dimensions</u>	<u>Unobstructed Clearance</u>
Less than 5,000 SF	0	0	0
5,000 - 25,000	1	12' x 25'	14'
25,000 - 60,000	2	12' x 35'	14'
60,000 and over	3	12' x 35'	14'

Response:

Off-street loading Required 1 berth
 Provided 1 berth

(2) Loading berths must not use the public right-of-way as part of the required off-street loading area.

Response: The loading area for the building is located with adequate maneuvering room to eliminate the use of the right-of-way.

(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.

Response: The loading area is located between on the west side of the structure at the south end with landscaping to the south, affectively using the building and landscape area to screen the loading areas from the views by the public rights-of-way.

(4) Required loading facilities must be installed prior to final building inspection and must be permanently maintained as a condition of use.

Response: The loading facilities will be installed prior to final building inspection and will be maintained to the highest standard.

(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.

Response: The loading area is located on the lot, with the building it serves.

TDC 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:

<u>Required Spaces</u>	<u>Min. # Required</u>	<u>Min. Pavement</u>	<u>Min. walkways</u>
1 -99	1	32' for 1st 50' ROW 24' thereafter	Curbs required; walkway 1 side only

Response: Per the submitted site plan the project meets these requirements.

(6) *Maximum Driveway Widths and Other Requirements.*

(a) Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.

(b) Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.

(c) The provisions of subsection (b) do not apply to townhouses and duplexes, which are allowed to construct driveways within five feet of adjacent property lines.

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

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

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

Response: The existing driveways will be maintained at the original constructed dimensions which are between 24 and 26 feet in width.

Parking Lot Landscape

TDC 73C.230. - Industrial 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.

(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 eight feet as measured from the ground level.

(a) Exception: does not apply to parking structures and underground parking.

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

(a) Deciduous trees located not more than 30 feet apart on average as measured on center;

(b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;

(c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;

(d) Native trees and shrubs are encouraged; and

(e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.

Response: Parking is surrounded by an existing landscape buffer which will be maintained with trees, evergreen hedge and groundcovers.

(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 run-off and function as water quality facilities as well as parking lot landscaping;

(b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;

(c) 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 five 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

(j) Exception: Landscape square footage requirements do not apply to parking structures and underground parking.

(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

(c) Exceptions: does not apply to parking structures and underground parking which must be determined through the Architectural Review process.

Response: Existing landscape islands will be maintained.

CHAPTER 73D - Waste and Recyclables Management Standards

TDC 73D.020. - Design Methods.

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

(1) The minimum standards method in TDSC 73D.030;

(2) The waste assessment method in TDC 73D.040;

(3) The comprehensive recycling plan method in TDC 73D.050; or

(4) The franchised hauler review method in TDC 73D.060.

Response: The minimum standard method has been used to size the solid waste and recycling storage areas.

TDC 73D.030. - Minimum Standards Method.

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

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

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

- (a) Common wall residential five to ten units must provide 50 square feet.
- (b) Common wall residential greater than ten units must provide 50 square feet plus an (additional five square feet per unit above ten).
- (c) Commercial, industrial, and institutional developments must provide a minimum storage area of ten square feet plus:
 - (i) Office—Four square feet/1,000 square feet gross leasable area (GLA);
 - (ii) Retail—Ten square feet/1,000 square feet GLA;
 - (iii) Wholesale/Warehouse/Manufacturing—Six square feet/1,000 square feet GLA;
 - (iv) Educational and Institutional—Four square feet/1,000 square feet GLA; and
 - (v) All other uses—Four square feet/1,000 square feet GLA.

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

Response: 82 square feet of trash/recycling storage is required. The existing trash enclosure is 96 square feet and located at the south west corner of the building.

TDC 73D.070. - Location, Design and Access Standards.

The following location, design, and access standards are applicable to all storage areas: (1) *Location Standards.*

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

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

(c) Exterior storage areas must:

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

(ii) Be located in a parking area; and

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

(2) Design Standards.

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

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

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

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

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

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

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

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

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

(3) Access Standards.

(a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.

(b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.

(c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.

(d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.

(e) The following is an exception to the access standard:

(i) Access may be limited for security reasons.

Response: The existing trash enclosure will be maintained. The existing trash/recycling enclosures are constructed with a 6' high brick with pedestrian gate gates.

CHAPTER 74: Public Improvement Requirements

IMPROVEMENTS

Section 74.110 Phasing of Improvements.

The applicant may build the development in phases. If the development is to be phased the applicant shall submit a phasing plan to the City Engineer for approval with the development application. The timing and extent or scope of public improvements and the conditions of development shall be determined by the City Council on subdivision applications and by the City Engineer on other development applications.

Response: No Public Improvements are anticipated as the site is existing and SW Seneca St and SW Nyberg St are completely built out.

Section 74.120 Public Improvements.

(1) Except as specially provided, all public improvements shall be installed at the expense of the applicant. All public improvements installed by the applicant shall be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. No work shall be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and a Public Works Permit issued and the required fees paid.

(2) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative affects of public streets by modifying right-of-way widths and street improvements when appropriate. The City Engineer is authorized to modify right-of-way widths and street improvements to address the negative affects on fish and wildlife habitat.

Response: No Public Improvements are anticipated as the site is existing and SW Seneca St and SW Nyberg St are completely built out.

Section 74.130 Private Improvements.

All private improvements shall be in-stalled at the expense of the applicant. The property owner shall retain maintenance responsibilities over all private improvements.

Response: All private improvements to be installed at expense of the applicant.

Section 74.140 Construction Timing.

(1) All the public improvements required under this chapter shall 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 shall 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. [Ord. 895-93, 5/24/1993]

Response: All improvements to be done before issuance of Certificate of Occupancy.

RIGHT-OF-WAY

Section 74.210 Minimum Street Right-of-Way Widths.

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

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

Response: No Public Improvements are anticipated as the site is existing and SW Seneca St and SW Nyberg St are completely built out.

Section 74.330 Utility Easements.

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

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

(3) For subdivision and partition applications which require off-site public utility easements to serve the proposed development, a utility easement shall be

granted to the City prior to approval of the final plat by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council shall determine when condemnation proceedings are to be used.

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

(5) The width of the public utility easement shall meet the requirements of the Public Works Construction Code. All subdivisions and partitions shall have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines.

Response: No existing public utility easements are present on site and none have been proposed.

Section 74.340 Watercourse Easements.

(1) Where a proposed development site is traversed by or adjacent to a watercourse, drainage way, channel or stream, the applicant shall provide a storm water easement, drainage right-of-way, or other means of preservation approved by the City Engineer, conforming substantially with the lines of the watercourse. The City Engineer shall determine the width of the easement, or other means of preservation, required to accommodate all the requirements of the Surface Water Management Ordinance, existing and future storm drainage needs and access for operation and maintenance.

Response: The project site is not traversed by a water way. This criteria does not apply.

Section 74.350 - Maintenance Easement or Lots

A dedicated lot or easement will be required when access to public improvements for operation and maintenance is required, as determined by the City Manager. Access for maintenance vehicles must be constructed of an all-weather driving surface capable of carrying a 50,000-pound vehicle. The width of the lot or easement must be at least 15-feet in order to accommodate City maintenance vehicles. In subdivisions and partitions, the easement or lot must be dedicated to the City on the final plat. In any other development, the easement or lot must be granted to the City and recorded prior to issuance of a building permit.

Response: This does not apply.

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

Response: The building is existing. This project will enclose the common breezeway to be a common corridor/entry lobby and new elevator which will not increase tenant area so no modification to actual occupant loads are anticipated. A Traffic Study is not included in this application package.

TDC 74.450. - Bikeways and Pedestrian Paths.

Response: Existing public sidewalks at SW Seneca St and SW Nyberg St will be maintained.

TDC 74.470. - Street Lights.

Response: Street lights are currently exist along SW Seneca St and SW Nyberg St.

UTILITIES

TDC 74.610. - Water Service.

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

Response: No changes to the existing building's water service is proposed.

TDC 74.620. - Sanitary Sewer Service.

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

Response: No changes to the existing building's sanitary sewer service is proposed.

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.

A general stormwater agreement will also be put into place between the two properties for some drainage area overlaps. Although all piping and structures for each properties system will be completely contained within the subject property.

Response: Existing storm drainage system is to be maintained.

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.

Response: Submitted grading plans show that all runoff is contained within the development area. No changes to drainage of adjacent sites will occur.

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.

Response: The total maintenance/repair areas of asphalt or concrete total 739 SF which does not contribute to the stormwater management trigger. The total new/modified impervious area is 773 SF which is below the threshold of 1,000 SF, therefore stormwater management is not required.

Per CWS Design and Construction Standards Chapter 1 the definition of modification as it relates to impervious areas: The removal of an impervious surface that exposes gravels, aggregates or soil followed by the placement of impervious or pervious surfaces when not a repair, maintenance activity, or associated with the placement of underground utilities.

TDC 74.660. - Underground.

(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.

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

Response: All utilities are existing and installed underground.

TDC 74.765. - Street Tree Species and Planting Locations.

All trees, plants or shrubs planted in the right-of-way of the City must conform in species and location and in accordance with the street tree plan and City standards, including Table 74-1. If the City Manager determines that none of the species in City standards, including Table 74-1 is appropriate or finds appropriate a species not listed, the City Manager may substitute an unlisted species.

Response: Street trees are existing and/or addressed under a separate MAR for tree removal and replacement and conform to the street tree plan and city standards.

CHAPTER 75 - Access Management

TDC 75.020. - Permit for New Driveway Approach.

(1) *Applicability.* A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.

(2) *Exceptions.* A driveway approach permit is not required for:

(a) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or

(b) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.

(3) *Procedure Type.* A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).

(4) *Submittal Requirements.* In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:

(5) *Criteria.* A Driveway Approach Permit must be granted if:

(a) The proposed driveway approach meets the standards of this Chapter and the Public Works Construction Code;

(b) No site conditions prevent placing the driveway approach in the required location;

(c) The number of driveway approaches onto an arterial are minimized;

(d) The proposed driveway approach, where possible:

(i) Is shared with an adjacent property; or

(ii) Takes access from the lowest classification of street abutting the property;

(e) The proposed driveway approach meets vision clearance standards;

(f) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;

(g) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

(h) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

(i) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Response: Site has three existing access driveways that are to be maintained. No new driveway access is proposed.

TDC 75.040. - Driveway Approach Requirements.

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

(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.

(3) Joint and Cross Access.

(a) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.

(b) A system of joint use driveways and cross access easements may be required and may incorporate the following:

(i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

(ii) A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

(iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and

(iv) A unified access and circulation system plan for coordinated or shared parking areas.

(c) Pursuant to this section, property owners may be required to:

(i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

(ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

(iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and

(iv) If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.

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

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

Response: Site has three existing access driveways that are to be maintained. No new driveway access is proposed.

TABLE 75-1
Driveway Approach Width

Commercial	1-99 Parking Spaces = 32 feet 100-249 Parking Spaces = two approaches each 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
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(10) *Driveway Approach Separation.* There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.

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

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

(b) At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.

(c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must

be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.

(d) When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.

Response: Site has three existing access driveways that are to be maintained. No new driveway access is proposed.

(12) *Vision Clearance Area.*

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

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

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

Response: Site has three existing access driveways that are to be maintained. No changes are proposed at or along the driveways with the exception of the curb repair at the east side of the north access.

Tualatin Municipal Code

**CHAPTER 3-5 – Soil Erosion, Surface Water Management, Water
Quality Facilities, and Building and Sewers**

TMC 3-5-250. – Floodplain Design Standards.

(1) *Balanced Cut and Fill Standard.* All fill placed in a floodplain shall be balanced with an equal amount of removal of soil material. No net fill in any floodplain is allowed with two exceptions:

(a) When an engineering study has been conducted and approved by the City showing that the increase in water surface elevation resulting from the fill will not cause or contribute to significant damage from flooding to existing buildings or dwellings on properties upstream and downstream;

(b) When an area has received special protection from floodplain improvement projects which either lower the floodplain, or otherwise protect affected properties, are approved by the City, where the exceptions comply with adopted master plans, if any, and where all required permits and approvals have been obtained in compliance with other local, state, and federal laws regarding fill in floodplains, including FEMA rules.

(2) *Excavation Restricted.* Large areas may not be excavated in order to gain a small amount of fill in a floodplain. Excavation areas shall not exceed the fill areas by more than 50 percent of the square footage, unless approved by the City.

(3) *Excavation and Fill Volume Calculation.* Any excavation dug below the winter "low water" elevation shall not count towards compensating for fill, since these areas would be full of water in the winter, and not available to hold storm water following a rain. Winter "low water" elevation is defined as the water surface elevation during the winter when it has not rained for at least three days, and the flows resulting from storms have receded. This elevation may be determined from records, studies or field observation. Any fill placed above the 100 year floodplain will not count towards the fill volume.

(4) *Excavation Grade Design Standard.* The excavated area must be designed to drain if it is an area identified to be dry in the summer; for example, if it is to be used for a park, or if it is to be mowed in the summer. Excavated areas identified as to remain wet in the summer, such as a constructed wetland, shall be designed not to drain. For areas that are to drain, the lowest elevation should be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the drainage way. One percent slopes will be allowed in small areas.

(5) *Excavation Location.* Excavation to balance a fill does not need to be on the same property as the fill, but shall be in the same drainage basin, within

points of constriction on the conveyance system, if any, as near as practical to the fill site, and shall be constructed as a part of the same development project which placed the fill.

Response: The project will not impact the floodplain elevation as the modifications to the site produce a net zero change in flood elevation. The existing structure finish floor elevation is 0.28' or 3-1/3" below the FEMA floodplain elevation. Exterior improvements will have a balanced cut/fill under with minor paving repair and slight regrading to meet ADA accessibility criteria.