

City of Tualatin Land Use Permit Application (AR 26-0001)

Stafford Hills West Parking Lot Expansion

5916 Nyberg Lane, Tualatin, OR 97062

Type II Architectural Review (Staff Level Limited Land Use Decision)

REVISED APRIL 23, 2026

(This application has been revised in a diligent effort to address all the comments contained in the City's letter dated April 3, 2026.

Revised plan sheets, dated April 22, 2026 (the "Revised Plan"), have been uploaded to reflect the site plan and responsive updates.)

The Applicant believes that it has submitted all completeness items and respectfully requests that the application be deemed complete. This Narrative is comprised of 23 pages.

APPLICANT: Stafford Hills Properties, LLC

5916 Nyberg Lane, Tualatin, OR 97062

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CIVIL ENGINEERING/PLANNING: AKS Engineering & Forestry, LLC

12965 Herman Road, Suite 100

Tualatin, OR 97062

Attn: Mimi Doukas e: MimiD@aks-eng.com t: 503-563-6151

Paul Sellke: PaulS@aks-eng.com t: 503-563-6151

BACKGROUND

Applicant is the owner of the real property located at 5916 Nyberg Lane that was developed as a Health, Wellness and Fitness Center under CUP 09-01, adopted by Resolution 4890-09 on Jun 8, 2009, by the Tualatin City Council. The Health, Wellness and Fitness Center operates as Stafford Hills Club and provides holistic services to improve the health and well-being of residents through fitness, aquatics and tennis programs for all ages and fitness levels. Rehabilitative, educational and youth programming services are also provided.

TDC 35.030 (3) (b) (iv) specifically permits Stafford Hills Club ("SHC") to alter or enlarge its facilities notwithstanding its nonconforming use status. Table 56-1 in TDC 56.200 lists "fitness center" as a permitted use in Chapter 56 Medical Center (MC) Zone. The parking lot expansion is an accessory use to the Applicant's existing use as a Health, Wellness and Fitness Center.

CUP 09-01 required the Applicant to establish a parking management plan. In 2017, in concert with that parking management plan, Stafford Hills enlarged its western parking lot to accommodate a growing peak-time demand for its health and wellness programs and services. Because of the existing wetlands on the undeveloped western portion of the site, and restrictions imposed by Clean Water Services, it is infeasible to expand parking to the west on the Applicant's land. In furtherance of the Applicant's parking management plan, this application is to extend the West Parking lot in a southerly direction by adding 43 standard parking spaces onto approximately .66 acres of upland that was recently acquired by the Applicant from Legacy Meridian Park Hospital and zoned MC (the "Transferred Land"). Please note that the original site plan showed 45 standard and 3 compact parking stalls. The Revised Plan shows the updated plan for 43 standard spaces.

To allow conveyance of the Transferred Land, Applicant was granted permission to complete a Property Line Adjustment by the City of Tualatin, and the Property Line Adjustment Deed was recorded on February 26, 2026. The Property Line Adjustment Record of Survey, dated February 27, 2026, was accepted for filing by the Clackamas County Surveyor on March 3, 2026.

The need for this additional parking at SHC has been increasing for several years post-COVID pandemic. More residents are seeking proactive means to improve their overall physical and mental health and well-being. Demand for children's programming continues to increase while public schools reduce physical education budgets. Peak demand occurs when patrons simultaneously come to SHC during the most popular usage times. This daily nonlinear demand curve results in the need for more onsite parking during these peak times. This extended parking area is consistent with the Parking and Transportation Demand Management Plan (CUP 09-01) and will provide much-needed additional parking spaces to meet that increased parking demand.

The topographic elevation of the undeveloped Transferred Land is much closer to the finished elevation of the SHC west parking lot than to the existing Legacy campus, making the functional use of this land much more feasible for the Applicant than for Legacy. The southern boundary of the original SHC West Parking Lot was intentionally designed for a possible future connection to this Transferred Land by the positioning of SHC drive aisles for potential access to and in anticipation of this parking lot extension. The location and orientation of the extended parking area, coupled with its elevation largely below existing grade, will make this project visually and audibly nearly imperceptible to the residents in the Fox Hills neighborhood.

During the Pre-app Meeting, the Applicant discussed a possible retaining wall that would be built over the existing public sewer easement extending into the expanded parking area. However, recent modifications to the site plan and elevations have now eliminated the need for that retaining wall. Therefore, since that retaining wall has now been removed from the plan, the Revocable Permit for such retaining wall will no longer be necessary.

On October 30, 2025, following the mailing of required notices and posting of required signage, the Neighborhood Meeting was held in accordance with TDC 32.120. Only one neighbor attended the meeting, and his questions were answered. The Mailing List and Minutes of that meeting have been submitted along with this application.

A Clean Water Services' Service Provider Letter ("SPL") concerning this project was issued on February 12, 2026. In connection with that SPL, a water quality easement was granted to Clean Water Services on adjacent land to the west of the subject site. 7,393 sq. ft. of public benefit mitigation, 3,145 sq. ft. of onsite mitigation, and 1,042 sq. ft. of additional vegetative corridor enhancement will be required in connection with this project.

Specific background issues are discussed below:

1. On Multiple Occasions, the Applicant Revised the Original Parking Lot Site Plan and Reconfigured the Shape of the Transferred Land to Minimize Development Impact on Sensitive Lands. The originally negotiated Real Property Purchase and Sale Agreement between Legacy and the Applicant involved a rectangular to-be-transferred piece of land of approximately .75 acres, oriented east/west longitudinally. This was because the existing topography of the land more naturally favors this east/west configuration for a parking lot extension and minimizes needed excavation and retaining walls to create a reasonably sloped surface parking area. However, due diligence revealed that this original east/west orientation parking lot extension significantly impacted the Vegetative Corridor and a Clean Water Services Easement on Legacy's land. Therefore, to reduce that impact on sensitive lands, Legacy and the Applicant agreed to modify the orientation of the land rectangle to a north/south latitudinal orientation and reduce the size of the transferred land to a 155 ft. X 188 ft. rectangle measuring approximately .66 acres, resulting in minimal impact to the Vegetative Corridor and the CWS Easement. The Applicant has worked extensively with AKS Engineering to modify the parking lot design so that it (1) impacts the Vegetative Corridor the least amount possible while (2) providing the minimum necessary additional parking spaces. Even though the north/south orientation will result in significantly higher construction costs for the Applicant when compared to an east/west orientation, the Applicant is willing to underwrite these extra costs as a concession to protect the sensitive lands.
2. Vegetative Corridor Mitigation and Enhancement. The Applicant acknowledges the need to mitigate the impact to the Vegetative Corridor. As provided in the CWS Service Provider Letter, mitigation and enhancement will be completed in conformance with that SPL. See P11 of the Revised Plan.

3. Sanitary Sewer Easement. The Applicant acknowledges that a sanitary sewer main runs in a diagonal direction through the Applicant's property and through a portion of the Transferred Land. The elevation of the finished grade creates no interference issues with the sewer main. Similar to the Applicant's development of Applicant's existing improvements over the Sewer Easement, the improvements on the Transferred Land will be comprised of pavement, curbs, irrigation lines and landscaping.
4. CWS Easement. Applicant acknowledges that CWS is the owner of a restrictive easement (2017-070291 Clackamas County Records) that prevents "filling, excavating or dredging, no removal of topsoil, sand, gravel, rock..." within the easement area. This easement area minimally touches and concerns the proposed project. It is not feasible to avoid this impact altogether because the access from the existing SHC parking to the extended parking area requires an impact. CWS is aware of this easement and consent for this minimal encroachment is incorporated within the SPL.
5. Surface Water Treatment Plan. An acceptable surface water treatment plan must be part of the application submittal, and AKS Engineering has provided such a plan in accordance with Tualatin Public Works Construction Code Section 206. See P09 of the Revised Plan.

COMPLIANCE WITH APPLICABLE CRITERIA

Per the Tualatin Development Code ("TDC"), the following criteria and responses pertain to this application:

TDC 32.010. - Purpose and Applicability.

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

Response: Staff has indicated that this land use application requires a Type II decision.

This criterion has been met.

TDC 32.110. - Pre-Application Conference.

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

Response: A Pre-application conference was held with staff on September 17, 2025.

This criterion has been met.

TDC 32.120. - Neighborhood/Developer Meetings.

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

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

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

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

Notice Requirements.

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

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

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

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

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

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

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

Response: The Applicant held a Developer/Neighborhood Meeting on October 30, 2025, and complied with all the requirements of TDC 32.120.

All the above criteria have been met.

TDC 32.140 Application Submittal

Section (1)(b) requires that a written Statement addressing each applicable approval criterion and standard be submitted.

Response: This Narrative and its content, along with the Application and submitted supportive documents, constitute compliance with this requirement.

This criterion has been met.

Section (1)(g) requires that those applications requiring a neighborhood/developer meeting, the Applicant must submit the following:

- (i) The mailing list for the notice;
- (ii) A copy of the notice;
- (iii) An affidavit of the mailing and posting;
- (iv) The original sign-in sheet of participants; and
- (v) The meeting notes described in TDC 32.120(7).

Response: These documents, namely the (i) mailing list, (ii) copy of the notice, (iii) affidavit of mailing and posting, (iv) the original sign-in sheet of participants, and (v) meeting notes, have been submitted to comply with this requirement.

This criterion has been met.

Section (1) (h) requires that a statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g.

phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result.

Response: The subject property lies within the Tualatin East CIO. Doug Ulmer is the president of this CIO. On October 10, 2025, an email was sent to Mr. Ulmer at “doug_ulmer@comcast.net”, to invite Mr. Ulmer to the October 30, 2025, Neighborhood Meeting about this proposed project. This email address is listed on the City of Tualatin’s official website. Neither Mr. Ulmer nor any of the other CIO Board members attended the Neighborhood Meeting.

Notice of the Neighborhood Meeting was also sent on October 10, 2025, by email to the following Tualatin East CIO officers:

East Tualatin CIO	cio.East.west@gmail.com
East Tualatin CIO President	doug_ulmer@comcast.net
East Tualatin CIO Vice President	keenanwoods7@gmail.com
East Tualatin CIO Land Use Officer	keenanwoods7@gmail.com
East Tualatin CIO Treasurer	dana476@gmail.com
East Tualatin CIO Secretary	jvanetten59@gmail.com

This criterion has been met.

TDC 32.220. - Type II Procedure (Administrative Review with Notice)

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

Response: All information has been submitted as required by TDC 32.140(1).

This criterion has been met.

TDC 33.020. - Architectural Review

Section (5) (c) requires that Applications for General Development must comply with the applicable standards and objectives in TDC Chapters 73A through 73G.

Response: The applicable standards and objectives in TDC Chapters 73A through 73G are addressed below.

This criterion is met.

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

The project name and the names, addresses, and telephone numbers of the engineer on the project;

Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;

A street plan showing all existing streets, proposed streets (public and private), and accessways on the subject property and extending 1,000 feet in all directions from the site;

Title report; and

A Service Provider Letter from Clean Water Services.

Response: The application and supporting information, namely (1) the project name and the names, addresses, and telephone numbers of the engineer on the project; (2) existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale; (3) a street plan showing all existing streets, proposed streets (public and private), and accessways on the subject property and extending 1,000 feet in all directions from the site; (4) a title report; and (5) a Service Provider Letter from Clean Water Services have been submitted.

Please note that the CWS Service Provider Letter is properly executed by Stacy Benjamin on behalf of CWS, and the attached approved site plan is attached. A copy of the water quality easement from Legacy for the benefit of CWS, signed by Sarah Jensen on behalf of Legacy, has also been submitted.

TVF & R responded to the Applicant's request for an SPL with an email indicating that, since no structures are involved in the project, TVF & R doesn't have to issue an SPL. A copy of that email has been submitted.

The above criterion has been met.

TDC 33.110. - Tree Removal Permit/Review.

This TDC Section provides in pertinent part as follows:

(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.

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

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

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

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

(iii) All existing and proposed structures;

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

(v) All existing public and private easements.

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

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

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

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

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

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

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

(6) *Approval Criteria.*

(a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:

(i) The tree is diseased and:

(A) The disease threatens the structural integrity of the tree; or

(B) The disease permanently and severely diminishes the esthetic value of the tree; or

(C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.

(ii) The tree represents a hazard which may include but not be limited to:

(A) The tree is in danger of falling; or

(B) Substantial portions of the tree are in danger of falling.

(iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.

(b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.

Response: In compliance with TDC 33.110 (5) the Applicant has submitted plans by a certified arborist from AKS Engineering and Forestry, at plan set P03, providing Detailed Tree Inventory and Protection Notes, identifying the location, size, species, and tag identification number of all trees on-site eight inches or more in diameter its condition, which trees will be preserved and which trees will be removed.

A tree assessment at P02 prepared by a certified arborist is submitted that includes: (i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; (ii) An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree; (iii) a statement addressing the approval criteria set forth in TDC 33.110(5); and (iv) the name, contact information, and signature of the arborist preparing the report. The tree assessment report is dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City. All trees on-site have been physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.

Concerning Approval Criteria, the Applicant has identified the diseased trees and how the disease threatens the structural integrity of the tree, or how the disease permanently and severely diminishes the esthetic value of the tree, or how the continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.

The Applicant has also demonstrated that under (iii) it is necessary to remove certain trees to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.

This criterion has been met.

TDC 40.200 Use Categories

Table 40-1 does not include a health and wellness facility as a permitted outright or conditional use in the RL (residential low density) zone. Accessory uses require a principal use that is either a permitted outright or a conditional use.

Response: The principal use of a health, wellness and fitness facility was a conditional use when the Stafford Hills Club facility was approved under CUP 09-01 in 2009. As a result of a subsequent amendment to Table 40-1, eliminating such uses as conditional uses, the Stafford Hills Club use became a nonconforming use. However, TDC 35.020 (3) (b) (iv) was specifically adopted by the City Council and provides as follows:

(3) Alteration or Enlargement of Nonconforming Use Prohibited.

(a) A nonconforming use of land may be continued, but not altered or enlarged, except:

(b) Notwithstanding subsection (a), the following nonconforming uses may be altered or enlarged:

(iv) The Stafford Hills Racquet and Fitness Club (5916 SW Nyberg Lane) ...

Therefore, Stafford Hills Racquet and Fitness Club, n/k/a Stafford Hills Club, became a special category of nonconforming use by allowing development, alterations, and expansions. This proposed parking lot expansion is an expansion expressly permitted under TDC 35.020 (3) (b) (iv).

This criterion is met.

TDC 56.200 Medical Center Zone Use Categories

A Fitness Center Use is a permitted outright use in the MC Zone.

Response: This project is an enlargement of the use under CUP 09-01, as permitted under TDC 35.030 (3) (b) (iv). The entire parking lot expansion is on MC-zoned land. As discussed in the section immediately above, this use is an accessory use to a conditionally permitted use, and because it is contained entirely on MC-zoned land, it is a permitted outright use on that land.

This criterion is met.

TDC 56.300 Medical Center Zone

56.300 Table 56-2 Development Standards in the MC Zone provides that:

Setback for “Parking and Circulation Areas” not abutting an MC District Boundary is five feet, “except as determined through the Architectural Review process”.

Response: The setbacks abutting MC-Zoned land to the south and west of the project development area are now shown on the project plans (P08). The setback to the eastern boundary is 5 feet. The setback to the southern boundary is 15 feet. The setback to the western boundary is 5 feet. See P08 for the Dimensional Site Plan.

This criterion is met.

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: This Type II Architectural Review application is for a development permit as required by this criterion.

This criterion is met.

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:

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Response: As shown by the submitted Revised Plan, this project creates a *deminimus* impact on the floodplain. A small portion of land in the northwest corner of this project development area is within the FEMA identified 1% (100-year) floodplain. See P01 of the Revised Plan. The cut/fill balance requirements necessary to mitigate flood plain impacts have been met. No watercourse will be altered or relocated because of this project.

This criterion is met.

TDC 72.013 Natural Resources Protection Overlay District

A portion of Tax Lot 1400 is encumbered with NRPO-OSNA. The existing conditions plan from the Applicant's AR09-0008 illustrates the NRPO-OSNA area.

Response: The NRPO-OSNA boundary/linework is shown on both PO1 and P06, showing *deminimus* impacts to the NRPO-OSNA area. The vegetated corridor boundary extends well beyond the NRPO-OSNA boundary and the vegetated corridor impacts and mitigation plan and its associated water quality preservation easement (as approved by the CWS SPL 25-3556) provide equivalent mitigation areas and protection to upland forests and riparian corridors associated with the adjacent wetland area. Please see P11 for wetland and vegetated corridor boundary information.

This criterion is met.

TDC 72.040 Natural Areas

(3) Open Space Natural Areas.

(a) Open Space Natural Areas (NRPO-OSNA) are shown on Map 72-1. They include upland forests, upland forests associated with slopes or streams, upland meadows, upland meadows associated with slopes or streams, the geologic features of the Tonquin Scablands, areas with slopes greater than 25 percent, areas within 50 feet of a delineated wetland and areas within 50 feet of a stream top of bank.

(c) Land use and permit applications shall show the NRPO-OSNA Boundary and shall include information on wetland delineations, location of streams, top of bank, topography and a vegetation inventory.

Response: The NRPO-OSNA boundary/linework is shown on both PO1 and P06, showing *deminimus* impacts to the NRPO-OSNA area. The vegetated corridor boundary extends well beyond the NRPO-OSNA boundary and the vegetated corridor impacts and mitigation plan and its associated water quality preservation easement (as approved by the CWS SPL 25-3556) provide equivalent mitigation areas and protection to upland forests and riparian corridors associated with the adjacent wetland area. Please see P11 for wetland and vegetated corridor boundary information.

This criterion is met.

TDC 72.056. - Vegetated Corridors of Sensitive Areas.

Lands subject to these regulations are also subject to the regulations in Clean Water Services Design and Construction Standards.

Response: The plan conforms with all requirements under TDC 72.056, including but not limited to conformity with CWS Design and Construction Standards.

This criterion is met.

TDC 73A.110. - General Design Standards.

The following standards are the minimum requirements for nonresidential development in all zones, except the Mixed-Use Commercial (MUC) and Basalt Creek Employment (BCE) zones, which have separate standards:

Walkways. Development must provide walkways as follows:

Walkways must have a minimum width of;

Six feet for commercial and institutional uses;

Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete;

Walkways must meet ADA standards applicable at time of construction or alteration;

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

Walkways through parking areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;

Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and

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: The plan conforms with all requirements under TDC 73A.110, including but not limited to conformity with General Design Standards.

These criteria are met.

TDC 73B.020 General Landscaping Standards

Applicable general landscaping standards include, but are not limited to, those outlined in Tables 73B-1, 73B-2 and 73B-5.

Response: The plan conforms with all requirements under TDC 73B.020, including but not limited to conformity with applicable standards outlined in Tables 73B-1, 73B-2 and 73B-5.

These criteria are met.

TDC 73.040 Additional Minimum Landscaping Requirements for Nonresidential Uses

(1) *General.* In addition to requirements in TDC 73B.020, nonresidential uses, except those located in the Mixed-Use Commercial (MUC) zone which has its own standards, 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.

(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.

(2) *Wetland Buffer.* Wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:

(a) Area counted as landscaping is limited to a maximum of two and one-half percent (of the total land area to be developed;

(b) Area to be counted as landscape must be within the boundaries of the subject property ...

Response: All areas in the project development area that are not parking spaces, driveways, parking aisles, pedestrian areas or undisturbed natural areas are planned to be landscaped. Since the Transferred Land abuts the RL Zone, the landscaping plan must be approved through Architectural Review. All bordering landscaping with the RL zone will be maintained as dense evergreen buffers. Applicant requests credit for the wetland buffer located on the northwest corner of the project development area, up to 2.5% of the area of the project development area.

These criteria have been met.

TDC 73B.060 Minimum Landscaping Requirements for All Zones

Table 73B-1 provides various criteria relating to minimum landscape area. The applicable criteria for the MC zone is 25% of the total area to be developed.

Response: The total development area (including mitigation and enhancement areas) totals 30,317 sq. ft. Therefore, to meet this requirement, at least 25%, or 7,579 sq. ft. of land must be landscaped. As shown on the Revised Plan at P06, the total landscape area equals 13,728 sq. ft., or 45.3% of the total development area.

This criterion is met.

Table 73B-2 provides various criteria for Minimum Landscape Standards. Those requirements include that required landscape areas (1) must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials, (2) the foliage crown of trees cannot be used to meet this requirement, (3) a maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone, (4) must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition) , (5) 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.

Concerning tree preservation, Table 73B-2 provides that (1) trees and other plant materials to be retained must be identified on the landscape plan and grading plan, (2) during construction, the developer must provide above and below ground protection for existing trees and plant materials identified to remain, (3) 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, (4) if it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist, (5) top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved, (6) 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 (7) 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.

Regarding 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.

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

In relation to re-vegetation of un-landscaped areas, (1) 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, (2) plant

materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons, (3) the use of native plant materials is encouraged to reduce irrigation and maintenance demands, and (4) disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

Response: As shown on the Revised Plan, the Applicant will comply with all the landscaping requirements of Table 73B-2.

This criterion is met.

Tables 73B-3 and 73B-4 respectively deal with landscaping buffer between uses and landscaping and screening. Applicable requirements are that the parking lot expansion on the east side must provide for a buffer of 10 feet with a 4-foot hedge alone, or down to a 6-foot buffer with shrubs and a 6-foot wall.

Response: As per the Landscaping Plan included with the submitted Revised Plan, these criteria will all be satisfied.

This criterion is met.

Table 73B-5 contains standards for trees and plants. Those standards include:

Deciduous shade trees must be (1) one and on-half inch caliper measured six inches above ground, (2) balled and burlapped; bare-root trees will be acceptable to plant during their dormant season, (3) reach a mature height of 30 feet or more, (4) cast moderate to dense shade in summer, (5) live over 60 years, (5) do well in urban environments, tolerant of pollution and heat, and resistant to drought; (6) require little maintenance and mechanically strong, (7) insect- and disease-resistant, (8) require little pruning; and (9) barren of fruit production.

Deciduous ornamental trees must be (1) One and on-half inch caliper measured six inches above ground, (2) balled and burlapped, (3) bare root trees will be acceptable to plant during their dormant season, and (4) healthy, disease-free, damage-free, well-branched stock, characteristic of the species.

Coniferous trees must be at least five feet in height above ground and be balled and burlapped. Bare-root trees will be acceptable to plant only during their dormant season and must be healthy, disease-free, damage-free, well-branched stock and characteristic of the species.

Evergreen and deciduous shrubs must be one to five-gallon size, healthy, disease-free, damage-free, well-branched stock, characteristic of the species and the side of shrub with best foliage must be oriented to public view.

Groundcovers must be 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: All of the criteria set forth in Table 7B-5 are met by the Landscaping Plan submitted.

This criterion is met.

TDC 73C.030. - Parking Lot Design Requirements

(2) *Surface Materials.*

(a) Parking areas must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel is not an acceptable material;

(c) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks.

(3) *Wheel Stops.*

Parking bumpers, wheel stops, or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.

(4) *Circulation.*

(a) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site; and

(b) Groups of more than four parking spaces must be located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way, other than an alley.

(5) *Lighting.*

Artificial lighting must be deflected to not shine or create direct glare on adjacent properties, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor.

(6) *Screening.*

(a) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200-230; and

(b) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.

(7) Accessible Parking.

Accessible parking spaces must meet federal and state building code standards applicable at time of construction or alteration. Such parking spaces must be sized, signed, and marked in compliance with ORS 447.

(8) Compact Parking.

Parking spaces for sub-compact vehicles must not exceed 35 percent of the total parking provided.

(10) Electrical Service Capacity. Electrical service capacity, as defined in ORS 455.417 must be provided to new off-street parking spaces subject to the following standards. Variance requests to these standards are prohibited.

(a) Non-residential development and residential or mixed use developments with less than five dwelling units must provide electrical service capacity to a minimum of 20 percent of all off-street vehicle parking spaces on the site.

(b) Residential or mixed-use development with five or more dwelling units must provide electrical service capacity to a minimum of 40 percent of all off-street vehicle parking spaces on site.

Specific Response: Applicant has consulted with a licensed electrical contractor and concluded that electrical service capacity may be provided as shown on the submitted Electrical Service Capacity Plan.

This criterion is met.

(12) Tree Canopy.

Tree canopy must be provided over parking areas in compliance with the following standards.

Developments with off-street parking areas less than one-half acre (21,780 square feet) in size, as measured using the method provided in TDC 73C.020, must provide a minimum effective tree canopy coverage of 30 percent over all parking areas.

Development of a tree canopy plan under this section shall be done in coordination with the local utility provider.

Response: The Revised Plan conforms with all these requirements under TDC 73C.030. Please note that the land area comprising the off-street parking area is only 16,589 sq. ft. Therefore, TDC 73C.030 (12) and (13) do not apply. A certified arborist has prepared and Applicant has submitted P10 of the Revised Plan to show that the tree canopy coverage of the parking lot is 33%, exceeding the 30% canopy coverage required.

These criteria are all met.

TDC 73C.210. - General Parking Lot Landscaping Requirements.

(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.

(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.

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

(4) Landscape Island. Minimum 25 square feet per parking space 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); and

(i) Required plant material in landscape islands must achieve 90 percent coverage within three years.

Response: The Revised Plan conforms with all these requirements under TDC 73C.210.

These criteria are met.

CHAPTER 73D - WASTE AND RECYCLABLES MANAGEMENT STANDARDS

As cited in the Pre-App Meeting Summary, compliance with this Chapter 73D is completed because the Applicant has waste and recycling facilities in the existing use.

This criterion is met.

TDC 74.110 Utilities

(3) *Storm Drainage System.* Storm drainage lines must be installed to serve each property in accordance with City codes and standards.

(a) Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

(b) 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 Tualatin Municipal Code and Public Works Construction Code.

(4) *Grading.* 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.

(b) The City Manager may require the applicant to remove all excess material from the development site.

(5) *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 Tualatin Municipal Code, Public Works Construction Code, and Clean Water Services standards, including:

(a) The applicant must construct a permanent on-site water quality facility and storm water detention facility.

(ii) For all other development applications, the applicant must submit stormwater construction plans and calculations in compliance with the Tualatin Municipal Code and obtain a Stormwater Connection Permit from Clean Water Services prior to issuance of any building permit and must construct the stormwater infrastructure prior to issuance of a Certificate of Occupancy or release of a Construction Improvement Bond.

(b) 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 disturbance of the site is allowed until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

Response: The utility plans submitted by the Applicant conform to all the above requirements.

These criteria are all met.

TDC 75.020 Driveway Approach Requirements

(1) *Public Access.* No development shall occur unless the development has frontage or approved access to a public street. Lots that front on more than one street must locate motor vehicle access on the street with the lower functional classification, or as required by the City Manager.

(6) *Joint and Cross Access.* 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 County Recorder.

Response: Access to this parking expansion area will be from the north via the existing driveway on Nyberg Lane. Staff has informed the Applicant about a possible subdivision development to the south. The Applicant has expressed a willingness to discuss a potential pedestrian connection from that possible development to this new parking lot expansion.

These criteria are all met.

TVF & R Service Provider Letter

Coordination with TVF&R, the City's emergency and fire protection service, is required as part of a complete land use process. To obtain a service provider letter for proposed development, please work directly with TVF&R.

Response: Application was made via the TVF & R portal for a service provider letter. In response, TVF & R indicated that since no structures are included in the project, that T V F & R does not need to, and will not, issue a service provider letter. The email communication with TVF & R concerning this SPL has been submitted.

This criterion is met.

Reconciliation of Tree Inventory in Sheet P03

The Applicant apologizes for the inconsistency in the previous submittal. The Revised Plan at P03 now clarifies that a total of 77 trees were inventoried, of which 43 trees are on-site and 34 trees are off-site. 31 of the 43 onsite trees will be removed. Of those 31 trees to be removed, 21 are regulated, and 10 are unregulated. None of the 34 off-site trees will be removed.

END