

# **City of Tualatin**

## **SW 108<sup>th</sup> Avenue Water Reservoir & Pump Station**

### **Conditional Use Permit Application**

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**Date:** May 2025

**Submitted to:** City of Tualatin  
Planning Division  
10699 SW Herman Road  
Tualatin, OR 97062

**Applicant:** City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

**AKS Job Number:** 11236



12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151

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**Exhibit H:** Excerpt from the City of Tualatin Water System Master Plan

**Exhibit I:** Lot of Record Information

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Planning Division  
10699 SW Herman Road  
Tualatin, OR 97062

**Applicant/Owner:** City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

**Applicant's Consultants:** Consor Engineers  
One SW Columbia Street, Suite 1700  
Portland, OR 97204

AKS Engineering & Forestry, LLC  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062

Contact: Melissa Slotemaker, AICP  
Email: slotemakerm@aks-eng.com  
Phone: (503) 563-6151

**Site Location:** 22675 SW 108<sup>th</sup> Avenue

**Washington County Assessor's Map:** Map 2S 1 34AD, Tax Lots 5400 and 5500

**Site Size:** ±4.75 acres

**Land Use District:** Low Density Residential (RL)



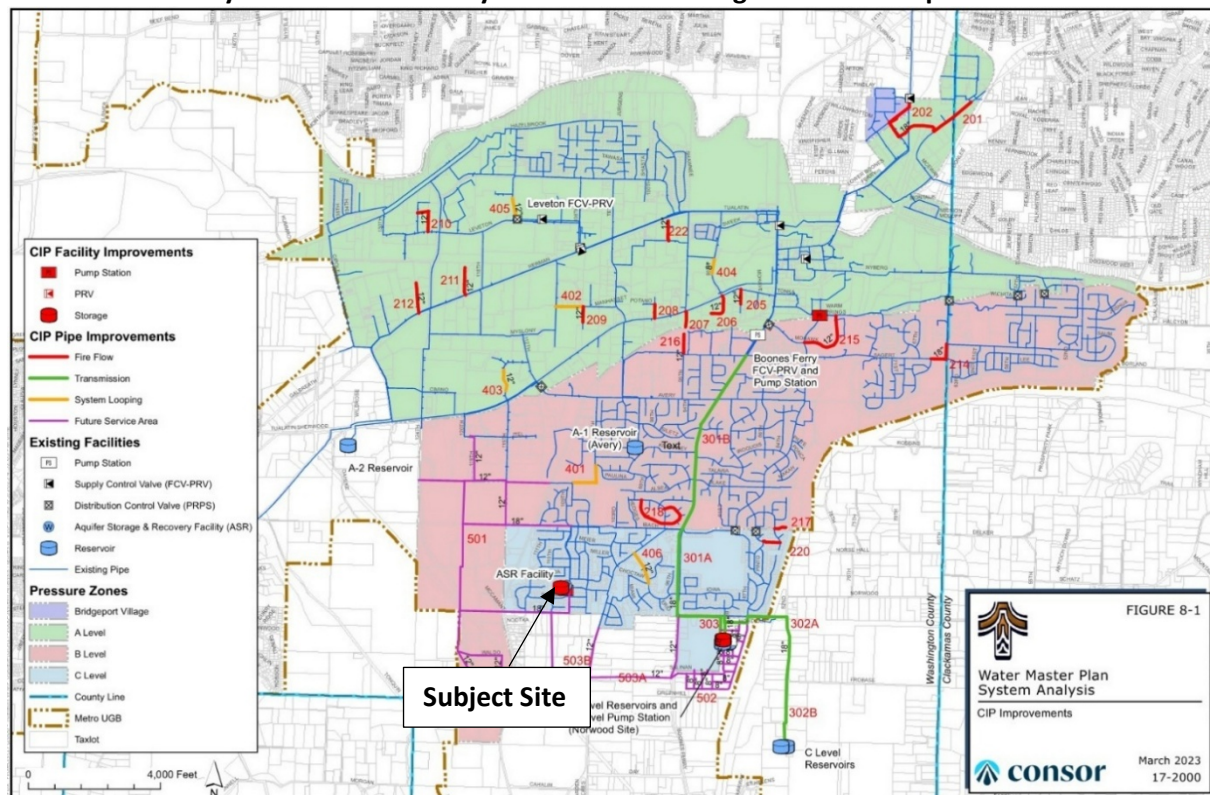
## I. Executive Summary

On behalf of the City of Tualatin (City), AKS Engineering & Forestry, LLC (AKS) is submitting this application for a Conditional Use Permit for a new water storage reservoir and pump station on a City-owned property along SW 108<sup>th</sup> Avenue. As demonstrated by the City of Tualatin Water System Master Plan Figure 8-1 below, the 108th Water Reservoir and Pump Station Project aims to enhance the City of Tualatin's water infrastructure by constructing a 2.5-million-gallon reservoir and pump station at the Aquifer Storage and Recovery (ASR) site located within the C Level pressure zone to serve the B and C Level pressure zones. This infrastructure will address storage deficiencies across the A, B, and C Level pressure zones, providing essential water supply reliability and resilience, particularly for firefighting capabilities. The new facility will mitigate the risks associated with single-point failures in the current water distribution system. By constructing the new reservoir and pump station, Tualatin seeks to enhance overall water supply reliability, resilience, and capacity to support both current needs and future growth.

The planned improvements include construction of a 2.5-million-gallon reservoir at the existing ASR site within the C Level pressure zone. Also planned is a new pump station to facilitate water transfer from the B Level to the C Level pressure zone. Additional improvements include extension of an existing on-site driveway and paving to access the reservoir and pump station as well as an expanded stormwater facility to serve stormwater runoff from the existing and planned site improvements. Construction on the new facility is planned to commence in Fall 2025 with completion by December 2026.

This application includes the forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

**City of Tualatin Water System Master Plan Figure 8-1: CIP Improvements**



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## II. Site Description/Setting

The subject site is located at 22675 SW 108<sup>th</sup> Avenue. The site is within the Low Density Residential (RL) zoning district and is one lot of record that includes two tax lots (Washington County Assessor's Map 2S 1 34AD, Tax Lots 5400 and 5500). Please see Exhibits C, D, and I for ownership, tax lot, and lot of record information. The site is bordered by SW 108<sup>th</sup> Avenue to the east and residential properties within the Low Density Residential (RL) zoning district to the north, south, and west. The site has an existing driveway access to SW 108<sup>th</sup> Avenue and contains an existing well house (constructed in 2008) that is planned to be retained. The site also includes an existing stormwater facility to manage runoff from existing impervious areas. The majority of the site is unimproved, with trees and vegetation providing screening along the property boundary.

## III. Applicable Review Criteria

### City of Tualatin Comprehensive Plan

#### CHAPTER 3 HOUSING & RESIDENTIAL GROWTH

##### GOAL 3.1 HOUSING SUPPLY.

Ensure that a 20-year land supply is designated and has urban services planned to support the housing types and densities identified in the Housing Needs Analysis.

##### POLICY 3.1.6 INFRASTRUCTURE PLANNING.

Evaluate future infrastructure planning for consistency with the Housing Needs Analysis and Housing Strategies.

**Response:** Water infrastructure needed to support housing in the region was assessed as part of the City's 2023 Water System Master Plan (see Exhibit H). The water reservoir and pump station are planned in accordance with the approved Water System Master Plan. Therefore, this project provides infrastructure necessary to serve existing and future housing in the region.

#### CHAPTER 4 ECONOMIC, COMMERCIAL & INDUSTRIAL DEVELOPMENT

##### GOAL 4.1

Ensure an adequate supply of employment land that is available and serviceable as identified in the Economic Opportunities Analysis.

(...)

##### POLICY 4.1.5

Plan for infrastructure development to support commercial and industrial development.

**Response:** Water infrastructure needed to support commercial and industrial development in the region was assessed as part of the Water System Master Plan (see Exhibit H). The water reservoir and pump station are planned in accordance with the approved Water System Master Plan. Therefore, this project provides infrastructure necessary to serve existing and future commercial and industrial land uses in the region.

#### CHAPTER 9 PUBLIC FACILITIES & SERVICES

##### GOAL 9.1 WATER QUALITY.

Provide safe, high-quality water to all customers.



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#### **POLICY 9.1.1 REGULATORY STANDARDS.**

Ensure that water provided to Tualatin customers meets or exceeds all federal and state water quality regulatory standards.

**Response:** This application includes a water storage reservoir and pump station to provide adequate water capacity for existing and future land uses in the City as it continues to grow. The new reservoir and pump station are designed to meet or exceed federal and state water quality regulatory standards.

#### **GOAL 9.2 WATER SUPPLY.**

Provide a reliable and economical supply of water to meet current and future needs.

##### **POLICY 9.2.1 COORDINATION.**

Coordinate the provision of water with local and regional water agencies and stakeholders.

**Response:** The planned water storage reservoir and pump station are located and designed in accordance with the adopted Water System Master Plan (see Exhibit H). This application is being submitted by the City of Tualatin, which is the local water service provider for the City.

##### **POLICY 9.2.2 SUPPLY DEVELOPMENT AND DIVERSIFICATION.**

Plan for the development of additional water sources to meet projected water demand and diversify the portfolio of water sources that provide water to the City of Tualatin.

**Response:** The Water System Master Plan (see Exhibit H) identified the subject site as the optimal location for a future water storage reservoir and pump station. As discussed in the Water System Master Plan, the planned reservoir is necessary to meet the anticipated water service demand in the City as it continues to grow.

##### **POLICY 9.2.3 CAPITAL IMPROVEMENT PROJECTS.**

Support capital improvement projects that enhance Tualatin's ability to deliver an adequate supply of water to current and future customers.

**Response:** The SW 108<sup>th</sup> Avenue Water Reservoir and Pump Station project is an approved capital improvement project. This Conditional Use Permit application is required to facilitate the implementation of this capital improvement project.

(...)

##### **POLICY 9.2.6 STORAGE AND OPERATIONAL FACILITIES.**

Provide sufficient opportunity for water storage and operational facilities to ensure supply reliability and serve emergency needs.

**Response:** The planned improvements include a new water storage reservoir and pump station that will enhance water storage capacity to ensure reliable supply and support firefighting services.

#### **GOAL 9.3 RESILIENCY.**

Provide a resilient water system to reduce risk posed by natural disaster events.

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#### POLICY 9.3.1 HAZARD MITIGATION.

Upgrade existing infrastructure to reduce risk posed by seismic events, climate change, and other hazards.

**Response:** The planned water storage reservoir and pump station are designed to mitigate single-point failures in the current water distribution system. The planned improvements are designed to meet or exceed current seismic standards.

#### City of Tualatin Development Code (TDC)

#### CHAPTER 32 – PROCEDURES

##### TDC 32.010. Purpose and Applicability.

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).
  - (a) *Type I Procedure (Ministerial Staff Review).* A Type I procedure is used in applying City standards and criteria that do not require the use of discretion, interpretation, or the exercise of policy or legal judgment (i.e., clear and objective standards). Type I decisions are made by the City Manager without public notice and without a public hearing. Appeals of Type I decisions are to Circuit Court under writ of review.
  - (b) *Type II Procedure (Administrative/Staff Review with Notice).* A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are "limited land use decisions" as defined in ORS 197.015 are so noted in Table 32-1.
  - (c) *Type III Procedure (Quasi-Judicial Review—Public Hearing).* Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.
- (3) *Determination of Review Type.* Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may

choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Table 32-1—Applications Types and Review Procedures					
Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required
Conditional Use Permit	III	Planning Commission	City Council	Yes	Yes

**Response:** This application includes a new water storage reservoir and pump station in the RL zoning district. As discussed in response to Table 40-1 below, the planned reservoir and pump station are considered conditional uses in the RL zoning district. Therefore, this application is for a Conditional Use Permit and will be processed through a Type III procedure with a hearing before the Planning Commission.

**TDC 32.020. Procedures for Review of Multiple Applications.**

Multiple applications processed individually require the filing of separate applications for each land use action. Each application will be separately reviewed according to the applicable procedure type and processed sequentially as follows:

- (1) Applications with the highest numbered procedure type must be processed first;
- (2) Applications specifically referenced elsewhere in the TDC as to the particular order must be processed in that order; and
- (3) Where one land use application is dependent on the approval of another land use application, the land use application upon which the other is dependent must be processed first (e.g., a conditional use permit is subject to prior approval before architectural review).

**Response:** This Type III application is for a Conditional Use Permit for a new water storage reservoir and pump station in the RL zoning district. A Type II Architectural Review application is planned to be submitted subsequent to this application as part of this project. It is understood that this Conditional Use Permit application will be processed prior to the Architectural Review application.

**TDC 32.110. Pre-Application Conference.**

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (...)



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**Response:** A pre-application conference regarding this project was held on January 8, 2025. The project design has not substantially changed since the meeting. Please refer to Exhibit F for additional detail. This requirement is satisfied.

**TDC 32.120. Neighborhood/Developer Meetings.**

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

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- (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.
  - (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

**Response:** Consistent with the requirements in TDC 32.120, a neighborhood meeting was held regarding this project on March 12, 2025. Noticing and sign posting requirements as described above were met. The requisite affidavits and meeting materials are included in Exhibit G.

#### CHAPTER 33 - APPLICATIONS AND APPROVAL CRITERIA

TDC 33.040. Conditional Use Permit.

(...)

- (2) *Applicability.* A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit may be initiated by a property owner or the owner's authorized agent.

**Response:** This application for a Conditional Use Permit is being initiated by the property owner (City of Tualatin). This provision is met.

- (3) *Procedure Type.* Conditional use permits are processed in accordance with the Type III review procedures in Chapter 32.

**Response:** This application is being processed through a Type III procedure consistent with Chapter 32.

- (4) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the following additional information and materials:
  - (a) Project title;
  - (b) The architect, landscape architect and engineer;
  - (c) A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development;
  - (d) A Service Provider Letter from Clean Water Services (CWS) indicating that a "Stormwater Connection Permit Authorization Letter" will likely be issued; and
  - (e) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application and the City must notify the ODOT Rail Division and the railroad company that the application has been received.

**Response:** The applicable submittal requirements listed above are included with the application materials.

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- (5) *Approval Criteria.* The applicant must provide evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:

- (a) The use is listed as a conditional use in the underlying zone;

**Response:** As discussed in response to Table 40-1 below, the planned water reservoir is considered a conditional use in the RL zoning district. This criterion is met.

- (b) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features;

**Response:** The subject site slopes gradually from east to west and is improved with an existing well house, access driveway, and stormwater facility. The site does not contain existing natural resources, and the site is predominantly vacant with trees and vegetation providing screening along the site's boundary. The site is within the RL zoning district and identified in the City's Water System Master Plan as the designated location of a water storage reservoir and pump station to serve the City as it continues to grow. This criterion is met.

- (c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;

**Response:** As discussed in the Executive Summary above, the new water storage reservoir and pump station will support the City's water system. The planned reservoir and pump station will increase water supply reliability and resilience. The new reservoir and pump station will mitigate existing capacity issues with the existing water system while providing essential water services to the City as it continues to grow. This criterion is met.

- (d) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone; and

**Response:** The site is identified by the adopted Water System Master Plan as the designated location for a future reservoir and pump station. The reservoir and pump station will be quiet and generate limited to no additional trips to the subject site. Most of the site will remain landscaped open space. The site includes existing perimeter landscaping that effectively screens the existing site improvements and will substantially screen the planned reservoir and pump station. Additional landscaping to further limit the visual impact of the improvements is also planned and discussed below. Therefore, the planned improvements will not limit, impact, or preclude the use of surrounding properties for their primary residential use. This criterion is met.

- (e) The proposal satisfies those objectives and policies of the Tualatin Comprehensive Plan that are applicable to the proposed use.

**Response:** The goals and policies of the Tualatin Comprehensive Plan applicable to the reservoir and pump station use are addressed above as applicable and are satisfied.

- (6) *Conditions of Approval.* The Hearing Body may impose, in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or

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neighborhood or the City as a whole. In no event will this Chapter be used as a means to exclude multi-family housing from the City.

**Response:** This provision is understood. At the neighborhood meeting, nearby residents voiced concerns regarding the height and visibility of the planned reservoir. In order to address neighbors' comments, the City plans to add more screening to the existing perimeter vegetation. The existing trees are generally healthy and provide substantial screening, with many having branches that reach the ground for complete coverage. There are some places where additional trees could be planted or where planting shrubs beneath the existing trees would provide additional screening. The property's street frontage and western boundary require extra coverage. There are several native, shade-tolerant shrubs that can thrive under the current canopy. The installation of permanent drip irrigation lines along the site perimeter is also planned. Implementing a watering system will enhance the health of all existing trees, including those experiencing heat stress, and will reduce the need for tree removal. The exact locations for the proposed shrubs and any additional trees will be determined with the review of the landscaping plan as part of the Architectural Review application.

(7) Compliance with Conditions and Revocations.

- (a) Any previously granted conditional use permit may be revoked by the Planning Commission, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:
  - (i) Failure to comply with the conditions of approval;
  - (ii) Discontinuance of the use for a period in excess of two years;
  - (iii) Failure to comply with other applicable provisions of the Tualatin Comprehensive Plan regarding design, dimensional or use requirements; or
  - (iv) A change in the Tualatin Comprehensive Plan or Zone Standards of the zone within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such zone.
- (b) Revocations initiated under TDC 33.040(7)(a)(i) or (ii) above must not be initiated for at least six months after approval of the conditional use permit. Revocations initiated under TDC 33.040(7)(a)(i), (ii) and (iii) above has the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under TDC 33.040(7)(a)(iv) above has the effect of making the previously granted conditional use a nonconforming use.

**Response:** These provisions are understood.

(8) Automatic Termination of Conditional Use; Request for Extension.

- (a) Unless otherwise provided by the Planning Commission in the written decision granting approval of the conditional use permit, a conditional use permit automatically is null and void two years after the effective date upon which it was granted, unless the applicant, or successor in interest, has done one of the following within two years of the effective date of the conditional use permit:

- (i) Secured a building permit and commenced construction of the building or structure in conformance of the building permit and conditional use permit.
- (ii) Commenced the activity or installation of the facility or structure authorized by the conditional use permit.
- (iii) Submitted a request for an extension of time on the conditional use permit to avoid the permit's becoming null and void.
- (b) A request for an extension must be submitted prior to the expiration date of the conditional use permit, as established by the Planning Commission in granting the conditional use permit.
- (c) Upon receipt of the request for an extension of time, the Planning Commission will hear the matter under the quasi-judicial procedures in TDC 32.230. The Planning Commission may grant or deny the extension of time, provided the extension of time does not exceed two years.

**Response:** These provisions are understood.

#### CHAPTER 40 - LOW DENSITY RESIDENTIAL ZONE (RL)

(...)

TDC 40.200. Use Categories.

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

Excerpt of Table 40-1 Use Categories in the RL Zone		
Use Categories	Status	Limitations and Code References
Infrastructure and Utilities Use Categories		
Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure reading stations. Conditional uses limited to water reservoirs, with a maximum height of 75 feet.

**Response:** The planned improvements include a new water reservoir and pump station within the RL zoning district. As demonstrated by Table 40-1 above, the planned water reservoir is considered a conditional use in the RL zoning district. Therefore, this project includes a Conditional Use Permit application to authorize the planned reservoir.

TDC 40.300. Development Standards.

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



standards in Table 40-3 may be modified for flexible lot subdivisions as provided in TDC 36.410 and for greenway and natural area dedications as provided in TDC 36.420.

**Response:** The applicable standards of the TDC are addressed herein and by the application materials.

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

Excerpt of Table 40-3 Development Standards in the RL Zone		
Standard	Requirement	Limitations and Code References
<b>Minimum Lot Size</b>		
Infrastructure and Utilities Uses	--	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
<b>Minimum Width</b>		
Conditional Uses	50 feet	May be reduced to 30 feet if on a cul-de-sac. Average minimum lot width is 30 feet.
<b>Minimum Setbacks</b>		
Conditional Uses	--	As determined through Architectural Review process. No minimum setback must be greater than 50 feet. Parking and vehicular circulation areas must be set back a minimum of ten feet from any public right-of-way or property line.
<b>Maximum Structure Height</b>		
All uses	35 feet	May be increased to a maximum of 50 feet through Type II Architectural Review if all setbacks are not less than 1.5 times the height of the building.
<b>Maximum Lot Coverage</b>		
Conditional Uses	40%	
<b>Maximum Floor Area Ratio (FAR)</b>		
Lot size 20,000 sf or more	Maximum FAR 0.4 to 1	

**Response:** The planned improvements include a new water storage reservoir, pump station, and affiliated site improvements. The planned improvements are located on one existing ±4.75-acre lot of record that is not planned to be altered by this application. The subject site exceeds the minimum lot width requirement of Table 40-3 above. As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements are well below the maximum lot coverage standard of 40 percent in the RL zoning district. The applicable setbacks are met and will be officially reviewed through the Architectural Review process. Additionally, per Table 40-1 above, the maximum height for a water reservoir is 75 feet. The Preliminary Plans demonstrate that the planned reservoir is shorter than 75 feet in height at the peak. Therefore, the standards of this section are met as applicable.

**TDC 40.310. Projections Into Required Yards.**

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

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**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements do not include projections into required yards. Therefore, this section is not applicable to this application.

**TDC 40.320. Additional Development Standards.**

**Response:** The additional development standards listed in this section are related to subdivisions, natural area delineations, and manufactured homes, and are not applicable to this project.

## **CHAPTER 74 - PUBLIC IMPROVEMENT REQUIREMENTS**

(...)

### **IMPROVEMENTS**

**TDC 74.110. Phasing of Improvements.**

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

**Response:** This application does not include phasing. This requirement is not applicable.

**TDC 74.120. Public Improvements.**

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

**Response:** This requirement is understood and planned to be met.

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

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site abuts SW 108<sup>th</sup> Avenue. SW 108<sup>th</sup> Avenue is fully improved, and this application does not include alterations to the street. Therefore, this requirement is not applicable.

**TDC 74.130. Private Improvements.**

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

**Response:** This requirement is understood and planned to be met.

**TDC 74.140. Construction Timing.**

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

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**Response:** This requirement is understood and planned to be met.

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

**Response:** This requirement is understood and planned to be met.

#### RIGHT-OF-WAY

##### TDC 74.210. Minimum Street Right-of-Way Widths.

The width of streets in feet must 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 must not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

(...)

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site abuts SW 108<sup>th</sup> Avenue. SW 108<sup>th</sup> Avenue is fully dedicated and improved, and this application does not include alterations or improvements to the right-of-way. Therefore, the requirements of this section are met by existing improvements and are not applicable to this project.

##### TDC 74.220. Parcels Excluded from Development.

On subdivision development applications which include land partitioned off or having adjusted property lines from the original parcel, but do not include the original parcel, the applicant must be responsible for obtaining any necessary right-of-way from the owner of the original parcel if the right-of-way is needed to accommodate street improvements required of the applicant. The applicant must submit a completed right-of-way dedication deed to the City Manager for acceptance. The right-of-way dedication must be accepted by the City prior to the City approving the final subdivision plat.

**Response:** This application does not include a subdivision or partition application. This requirement is not applicable.

#### EASEMENTS AND TRACTS

##### TDC 74.310. Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.

(...)

**Response:** The subject site does not contain and is not designated to include a greenway, natural area, bike, or pedestrian path dedication or easement. The site is owned by the City of Tualatin and is planned to include a water reservoir, pump station, and affiliated improvements. Therefore, these requirements are not applicable.

##### TDC 74.320. Slope Easements.

(...)

**Response:** The adjacent right of way of SW 108<sup>th</sup> Avenue is fully dedicated and improved. Accessway and utility easements are not required or planned as part of this application. Therefore, slope easements are not anticipated to be necessary.

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TDC 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 must be granted to the City.

(...)

- (4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement must be granted to the City; building permits must 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 must determine when condemnation proceedings are to be used.

- (5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must 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. Other easements may be required as determined by the City Manager.

**Response:** The subject site is owned by the City. Therefore, there is adequate access to the existing and planned utilities on the subject site and easements for public utilities are not necessary. These requirements are not applicable.

TDC 74.340. Watercourse Easements.

(...)

**Response:** The subject site is not traversed by or adjacent to a watercourse. This section is not applicable.

TDC 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:** As demonstrated by the Preliminary Plans (Exhibit A), the existing access and planned additional paved area are designed for City operation and maintenance purposes. The subject site is owned and maintained by the City, and therefore, the City will have adequate access to the site. This requirement is not applicable.

TDC 74.410. Future Street Extensions.

(...)

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site abuts SW 108<sup>th</sup> Avenue and is fully dedicated and improved. The site is not identified for future street extension on or adjacent to the site in the City's 2014 Transportation System Plan (TSP). Therefore, this section is not applicable.

TDC 74.420. Street Improvements.

TDC 74.425. Street Design Standards.

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**TDC 74.430. Streets, Modifications of Requirements in Cases of Unusual Conditions.**

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site fronts onto SW 108<sup>th</sup> Avenue, an existing street that is fully dedicated and improved. This application does not include the construction of or modifications to streets. This section is not applicable.

**TDC 74.440. Streets, Traffic Study Required.**

- (1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:
  - (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development; and/or
  - (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.

(...)

**Response:** The site contains an existing well house that is planned to be retained and currently receives a maximum of one trip per day. The planned reservoir and pump station will not increase the number of daily trips to the site. Therefore, a traffic study is not required as part of this application.

**TDC 74.470. Street Lights.**

**TDC 74.475. Street Names.**

**TDC 74.480. Street Signs.**

**TDC 74.485. Street Trees.**

**Response:** As demonstrated by the Preliminary Plans (Exhibit A) and discussed herein, the subject site abuts SW 108<sup>th</sup> Avenue, an existing street that is fully dedicated and improved. The planned improvements do not include alterations to the existing right-of-way improvements. Therefore, these sections are not applicable to this application.

**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:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site is served by an existing water line. The planned improvements include a new water storage reservoir and a pump station to connect the reservoir to the existing water main in SW 108<sup>th</sup> Avenue. New water lines are planned in accordance with the Public Works Construction Code and construction plans will be submitted for City review prior to construction. This requirement is met as applicable.

- (2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these



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properties. The lines must be sized to provide service to future development, in accordance with the City's Comprehensive Plan, Chapter 9 and Water System Master Plan.

**Response:** The subject site is not adjacent to undeveloped properties. This requirement is not applicable.

- (3) As set forth in Map 9-1 of the Comprehensive Plan, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

**Response:** As described in the Executive Summary herein and demonstrated by the Water System Master Plan, the planned improvements include a new water reservoir and pump station to increase the capacity of the City water system in the surrounding area and support a resilient system City-wide. This requirement is met as applicable.

**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:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site is served by an existing sanitary sewer line. The planned improvements include a new pump station with drains that will connect to the existing sanitary sewer line on the subject site. This requirement is not applicable to this application.

- (2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.

**Response:** The subject site is not adjacent to undeveloped properties. This requirement is not applicable.

**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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site is served by an existing storm drainage system. The planned improvements include replacing the existing stormwater facility with an extended dry basin to accommodate runoff from the existing and planned impervious areas of the site. An Architectural Review application being submitted subsequent to this application will detail how storm drainage is planned to be managed on the site. This requirement is not applicable to this application.

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- (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.

**Response:** A Preliminary Stormwater Report providing storm drainage calculations is planned to be provided with the Architectural Review application that will be submitted separately from this application.

- (3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the adopted Stormwater Master Plan.

**Response:** The subject site is not adjacent to undeveloped properties. This requirement is not applicable.

**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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a stormwater facility to manage runoff from the existing and new impervious areas.

- (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:** Please see the grading plan provided in Exhibit A for a demonstration of the drainage of the site and the planned improvements.

**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 Tualatin Municipal Code. 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 Tualatin Municipal Code will be met and obtain a Stormwater Connection Permit from Clean Water Services.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include an extended dry basin that will be planted in accordance with Clean Water Services and City of Tualatin standards. A Preliminary Stormwater Report providing additional detail will be provided with the Architectural Review application that is being submitted separately from this application. This requirement is met as applicable.

- (3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation

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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:** This requirement is understood and planned to be met as applicable.

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.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include new utility lines that will be located underground. This requirement is met as applicable.

- (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:** The subject site and adjacent public street (SW 108<sup>th</sup> Avenue) do not include overhead utilities and this application does not include the extension of overhead utilities. Therefore, this requirement is not applicable.

TDC 74.670.     Existing Structures.

- (1)     Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site contains an existing well house that is planned to be retained. The existing building is connected to available City utilities as necessary, and new utilities or alterations to existing utilities serving the building are not planned. This requirement is met as applicable.

- (2)     The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.

**Response:** As described above, the subject site does not contain any existing overhead utilities. Therefore, this requirement is not applicable.

- (3)     The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.

**Response:** Additional street improvements are not planned or required with this application. This requirement does not apply.

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(...)

**TDC 74.720. Protection of Trees During Construction.**

- (1) During the erection, repair, alteration or removal of a building or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave a tree in or upon a public right-of-way in the vicinity of the building or structure without a good and sufficient guard or protectors to prevent injury to the tree arising out of or by reason of such erection, repair, alteration or removal.
- (2) Excavations and driveways must not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Manager. During excavation or construction, the person must guard the tree within six feet and all building material or other debris must be kept at least four feet from any tree.

**Response:** The above standards apply to the protection of street trees. Street trees are planned to be retained and protected during construction activities and these requirements can be met.

(...)

**TDC 74.745. Cutting and Planting Specifications.**

The following regulations are established for the planting, trimming and care of trees in or upon the public right-of-way of the City.

(...)

**Response:** As demonstrated by the Preliminary Plans (Exhibit A) and discussed herein, the subject site abuts SW 108<sup>th</sup> Avenue, which is improved with street trees. The planned improvements do not include the removal or planting of new street trees. Therefore, this section is not applicable to this application.

**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.

(...)

**Response:** As demonstrated by the Preliminary Plans (Exhibit A), the subject site has an existing driveway approach. This application does not include the relocation, reconstruction, enlargement, or alteration of the existing driveway approach. Therefore, a driveway approach permit is not required. Driveway approach requirements can be further reviewed with the construction permitting process.

**IV. Conclusion**

The required findings have been made, and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Tualatin Development Code. The evidence in the record is substantial and supports approval of the application.