



## ANALYSIS AND FINDINGS PLAMBECK GARDEN APARTMENTS

**ARB Hearing: June 8, 2022**

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Additions in **bold underline** deletions in ~~strikethrough~~

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Case #:	AR 22-0001
Project:	Plambeck Garden Apartments
Location:	23500 SW Boones Ferry Road; Tax Lot: 2S135D000303
Representative:	Kayla Zander, Carleton Hart Architecture
Owner:	Community Partners for Affordable Housing

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

## I. INTRODUCTION

### A. Applicable Criteria

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

- TDC 33.020: Architectural Review
- TDC 33.110: Tree Removal Permit/Review
- TDC 33.120: Variances
- TDC 43: High Density Residential (RH) Zone
- TDC 73A: Site Design Standards
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvements
- TDC 75: Access

### B. Site Description

The subject site is a 4.66 acre property located at 23500 SW Boones Ferry Road (Washington County Tax Lot: 2S135D000303), and is zoned High Density Residential (RH).

The site currently consists of two single family homes with several small structures scattered around the site. This property is located in the Basalt Creek planning area; east of SW Boones Ferry Road and abutting the Horizon Community Church campus to the north, east, and south. The land reaches a high point of 357 feet in elevation in the northeast corner and slopes down to a low point of 330 feet near the northwest corner of the property.

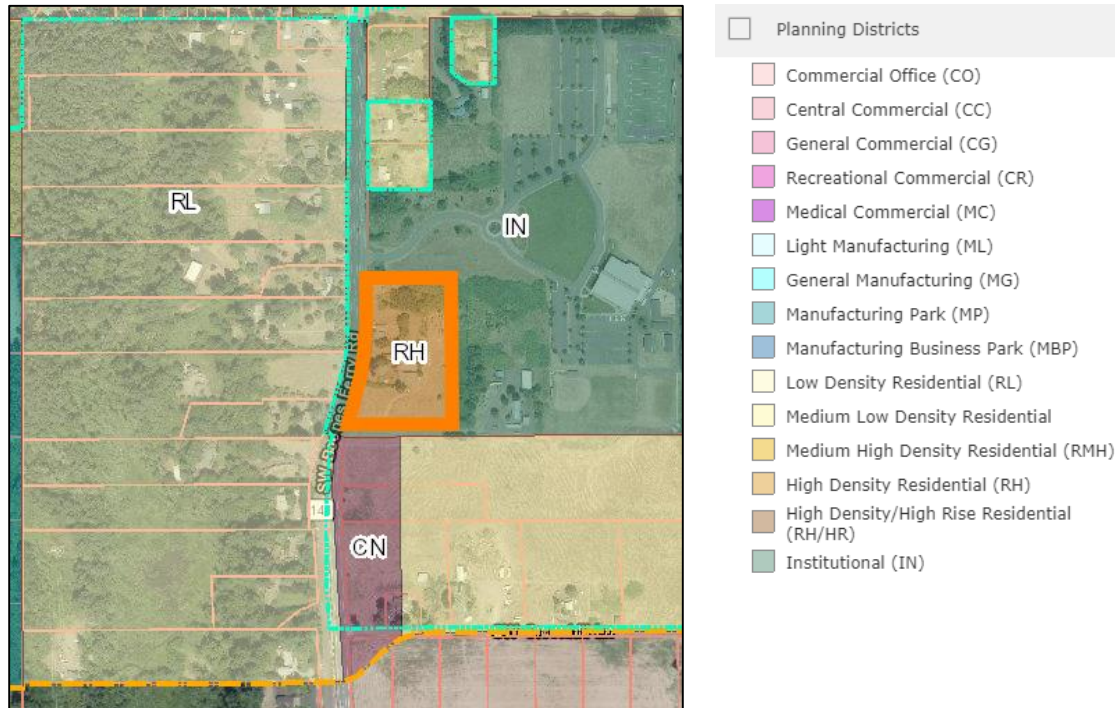


Figure 1: Aerial view of subject site (highlighted)

### C. Proposed Project

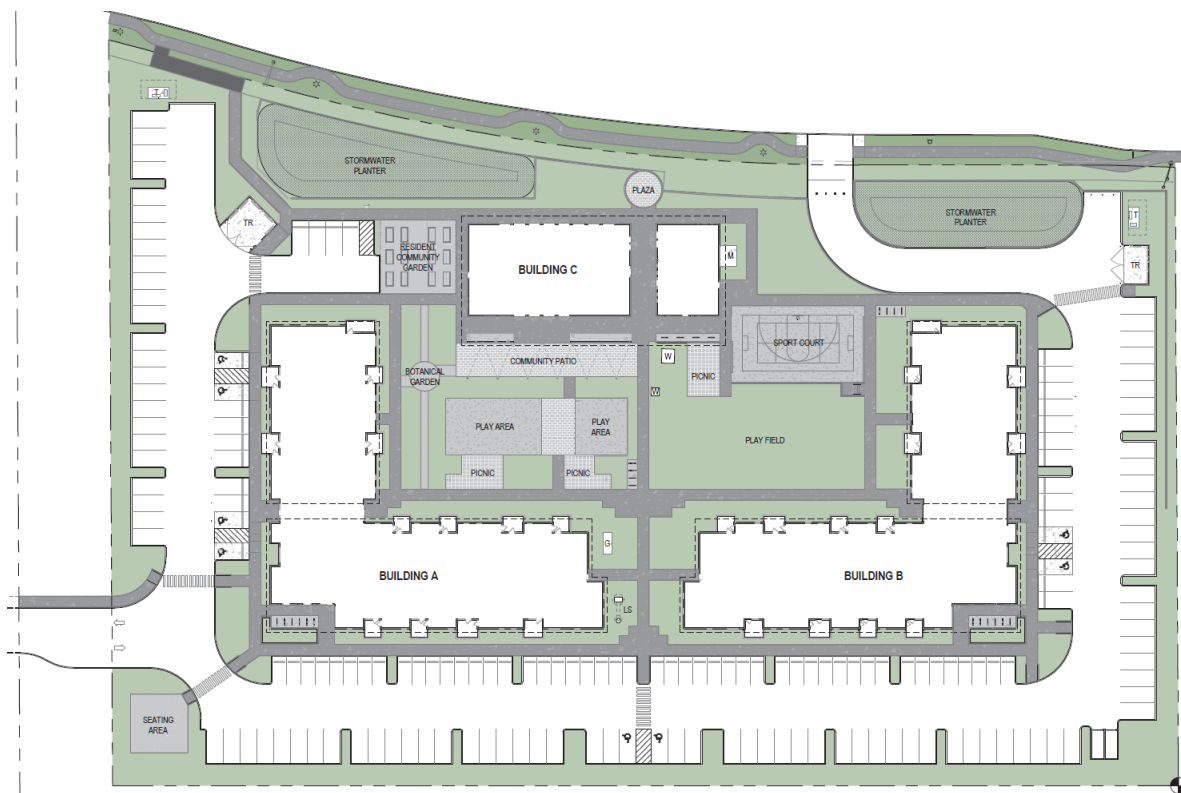
As described in the applicant’s narrative (Exhibit A1), Community Partners for Affordable Housing proposes to construct a 116-unit apartment development. The scope includes two, four-story residential buildings with units ranging in size from one-bedroom to four-bedrooms, as well as a community building that includes additional resident services, management offices, and classrooms.

The proposed development was granted a variance to height standards and minimum parking requirements through VAR 21-0003. As shown on the architectural elevations (Exhibit A2), the north side of Building B is the highest elevation proposed at approximately 53.6-feet in height. Design elements include fiber cement cladding in shades of grey and gold with decorative balcony railings. A variety of play and recreation areas are proposed between the residential buildings.

As Boones Ferry Road is an access limited roadway, access to the site will be provided by a future roadway created as part of the Autumn Sunrise subdivision to the south and through an access easement agreement with the Horizon Community Church campus. A secondary, emergency access is proposed along the northern side of the site at SW Boones Ferry Road. Two stormwater planters are proposed along the western property line abutting Boones Ferry Road, with parking proposed along the north, east, and south property lines.

The surrounding vicinity is within the Basalt Creek Planning area. Nearby development includes the Horizon Community Church campus, as well as the future 400 lot Autumn Sunrise subdivision (approved as CUP 21-0001 and SB 21-0001). Phase 1 of this project is currently under construction and is located south of Norwood Road and west of Interstate 5. Additionally, residential land developed with single family homes is located west of SW Boones Ferry Road.

Figure 2: Site Plan (overview)



#### **D. Previous Land Use Actions**

- ANN 20-0004 Property Annexed into Tualatin
- VAR 21-0003 Variance to Minimum Parking and Structure Height Standards

#### **E. Surrounding Uses**

Surrounding areas indicate a transitional area including institutional and residential use. Adjacent land uses include:

North: Institutional (IN)

- Horizon Community Church campus

Unincorporated Washington County (FD-20)

*Tualatin Urban Planning Area; designated future Residential Medium-Low Density (RML) zone*

- Residential property

East: Institutional (IN)

- Horizon Community Church campus

Residential Medium-Low Density (RML)

- Future Autumn Sunrise subdivision

South: Institutional (IN)

- Horizon Community Church campus

Neighborhood Commercial (CN)

- Vacant land

West: Unincorporated Washington County (FD-20)

*Tualatin Urban Planning Area; designated future Residential Low Density (RL) zone*

- Residential Property

#### **F. Exhibit List**

Exhibit A1 - Narrative

Exhibit A2 – Plan Set and Elevations

Exhibit A3 – Tree Assessment Report

Exhibit A4 – Transportation Impact Analysis

Exhibit A5 – Preliminary Stormwater Report

Exhibit A6 – Supporting Documents

Exhibit B – Public Noticing Requirements

Exhibit C – Tualatin Valley Fire & Rescue Conditions

Exhibit D – Clean Water Services Memorandum

Exhibit E – Washington County Conditions

Exhibit F – VAR21-0003 Final Order

Exhibit G – Lot Coverage Email

Exhibit H – Public Comment

Exhibit I – Figure 73-1

Exhibit J – Figure 73-2

Exhibit K - Map 8-1 Tualatin Functional Classification Plan

Exhibit L - Map 8-4 Tualatin Bicycle and Pedestrian Plan

Exhibit M – City Engineering Memorandum

Exhibit N- Water System Capacity Analysis

Exhibit O - Letter of Intent for Easement Agreement

Exhibit P - Items Added to the Record in Response to Public Comment

## II. PLANNING FINDINGS

These findings reference the Tualatin Development Code (TDC), unless otherwise noted.

### Chapter 32: Procedures

#### Section 32.010 – Purpose and Applicability.

[...]

(2) **Applicability of Review Procedures.** All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City’s land use and development applications and corresponding review procedure(s).

[...]

(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	Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood /Developer Mtg Required	Applicable Code Chapter
<b>Architectural Review</b>						
Multifamily Housing Projects 100 units and above	III	ARB	CC	Yes	Yes	TDC 33.020
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

#### **Finding:**

*The proposal is for a 116 unit multifamily housing project, and is therefore classified as a Type III Procedure Types according to Table 32-1. The application has been processed according to the applicable code for Type III procedures. This standard is met.*

#### **Section 32.030 – Time to Process Applications.**

(1) **Time Limit - 120-day Rule.** The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides

**written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)**

[...]

**Finding:**

*The application was deemed complete on April 12, 2022, while the hearing for AR 22-0001 is scheduled for June 8, 2022. Final action will take place by August 10, 2022 in compliance with ORS 227.178. This standard is met.*

**Section 32.110 – Pre-Application Conference.**

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

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

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

**(4) Application Requirements for Pre-Application Conference.**

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

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

**(i) A completed application form;**

**(ii) Payment of the application fee;**

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

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

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

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

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

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

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

**Finding:**

*The subject land use action is identified as requiring a pre-application conference in Table 32-1. The applicant participated in a pre-application meeting on July 28, 2021, approximately seven months prior to submittal. Staff finds that the proposed layout has not significantly changed since the preapplication meeting, and that the applicant has, on several occasions had in-depth discussions regarding the project with staff by phone call and email to satisfy the follow-up conference requirement. These standards are met.*

**Section 32.120 – Neighborhood/Developer Meetings.**

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

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

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

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

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

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

**(5) Notice Requirements.**

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

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

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

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

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

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

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

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



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

**Finding:**

*The applicant has provided evidence within Exhibit A6 that they held a Neighborhood/Developer meeting on August 11, 2021, over six months prior to application submittal. The applicant has provided documentation of sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from the meeting. These standards are met.*

**Section 32.130 – Initiation of Applications.**

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

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

[...]

**Finding:**

*The application has been signed by a representative of Community Partners for Affordable Housing, who is the owner of the subject property. This standard is met.*

**Section 32.140 – Application Submittal.**

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

- (a) A completed application form. The application form must contain, at a minimum, the following information:
  - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
  - (ii) The address or location of the subject property and its assessor's map and tax lot number;
  - (iii) The size of the subject property;
  - (iv) The comprehensive plan designation and zoning of the subject property;
  - (v) The type of application(s);
  - (vi) A brief description of the proposal; and
  - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (b) A written statement addressing each applicable approval criterion and standard;
- (c) Any additional information required under the TDC for the specific land use action sought;

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

**Finding:**

*The applicant submitted the subject application on March 4 2022. The applicant submitted additional information on March 30, 2022 and the application was deemed complete on April 12, 2022. The general land use submittal requirements were included with this application. These standards are met.*

**Section 32.150 - Sign Posting.**

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

**(4) Removal.** If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:

- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
- (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

**Finding:**

*The applicant provided certification within Exhibit A6 that signs in conformance with this section were placed on site in accordance with this section. This standard is met.*

**Section 32.160 – Completeness Review.**

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

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

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

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

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

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

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

[...]

**Finding:**

*The subject application was submitted on March 4, 2022. The application was deemed complete on April 12, 2022. These standards are met.*

**Section 32.230 – Type III Procedure (Quasi-Judicial Review – Public Hearing).**

**Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.**

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

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

**(3) Written Notice of Public Hearing – Type III. Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.**

**(a) Recipients:**

**(i) The applicant and, the owners of the subject property;**

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

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

**(iv) All recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;**

**(v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**

**(vi) Any person who submits a written request to receive a notice;**

**(vii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code;**

**(viii) Utility companies (as applicable); and,**

**(ix) Members of the decision body identified in Table 32-1.**

**(b) The Notice of a Public Hearing, at a minimum, must contain all of the following information:**

**(i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**

**(ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**

**(iii) The type of application and a concise description of the nature of the land use action;**

**(iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**

- (v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
  - (vi) The date, time and location of the hearing;
  - (vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
  - (viii) The name of a City representative to contact and the telephone number where additional information may be obtained; and
  - (ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and
  - (x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
- (c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

**Finding:**

*After submittal and completeness review as required by this section, notice for the Type III hearing concerning AR 22-0001 was mailed by city staff on April 28, 2022 as Exhibit B, which contained the information required by this section. One public comment was received and has been included as Exhibit H. These standards are met.*

**(4) Conduct of the Hearing - Type III.**

The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:

- (a) At the commencement of the hearing, the person chairing the hearing must state to those in attendance all of the following information and instructions:
  - (i) The applicable substantive criteria;
  - (ii) That testimony, arguments and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;
  - (iii) That failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue;
  - (iv) At the conclusion of the initial evidentiary hearing, the decision body must deliberate and make a decision based on the facts and arguments in the public record; and
  - (v) Any participant may ask the decision body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the decision body grants the request, it will schedule a date to continue the hearing as provided in TDC

**32.230(4)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.230(4)(f).**

**(b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the decision body must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the decision body must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the decision body must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.**

**(c) Presenting and receiving evidence.**

**(i) The decision body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;**

**(ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and**

**(iii) Members of the decision body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.**

**(d) The decision body, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.**

**(e) If the decision body decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.**

**(f) If the decision body leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:**

**(i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;**

**(ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030, unless the applicant waives his or her right to a final decision being made within the required timeframe; and**

(iii) If requested by the applicant, the decision body must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

**Finding:**

*The Architectural Review Board will follow the hearing requirements set forth by this section. These standards will be met.*

**(5) Notice of Adoption of a Type III Decision.**

Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption must contain all of the following information:

- (a) A description of the applicant’s proposal and the City’s decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
- (c) A statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
- (d) The date the decision becomes final, unless a request for appeal is submitted; and
- (e) The notice must include an explanation of rights to appeal the decision to the City Council in accordance with TDC 32.310.

**(6) Appeal of a Type III Decision.** Appeal of an Architectural Review Board or Planning Commission Type III Decision to the City Council may be made in accordance with TDC 32.310.

**(7) Effective Date of a Type III Decision.**

- (a) The written order is the final decision on the application.
- (b) The mailing date is the date of the order certifying its approval by the decision body.
- (c) A decision of the Architectural Review Board or Planning Commission is final unless:
  - (i) a written appeal is received at the City offices within 14 calendar days of the date notice of the final decision is mailed; or
  - (ii) The City Manager or a member of the City Council requests a review of the decision within 14 calendar days of the date notice of the final decision is mailed.

**Finding:**

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

## **Chapter 33: Applications and Approval Criteria**

[...]

### **Section 33.020 Architectural Review**

[...]

**(5) Approval Criteria.**

**(c) Large Commercial, Industrial, and Multifamily Development.** Applications for Large Commercial, Industrial, and Multifamily Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

**Finding:**

*The subject application, which is for multi-family development, which must comply with the standards and objectives in TDC 73A through 73G. These standards are met by findings and conditions of approval for the subject application.*

**(9) Permit Expiration.**

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

**(10) Extension of Permit Expiration.**

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

[...]

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

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

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

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

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

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

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

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

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

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

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

**Finding:**

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



**Section 33.110 Tree Removal Permit/Review**

**(1) Purpose.** To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.

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

[...]

**(3) Procedure Type.** Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.

**Finding:**

*The applicant has submitted for tree removal in conjunction with the Architectural Review application. The criteria in TDC 33.110, addressed below, are the basis for approval or denial for tree removal as part of this Architectural Review. These standards are met.*

**Section 33.110 Tree Removal Permit/Review Approval Criteria**

**(5) Approval Criteria.**

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

**(i) The tree is diseased and:**

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

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

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

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

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

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

**(iii) It is necessary to remove the tree to construct proposed improvements based on**

**Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.**

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

**(i) Evergreen Trees.** An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:

**(A) Trunk Condition - extensive decay and hollow; or**

**(B) Crown Development - unbalanced and lacking a full crown;**

**(ii) Deciduous Trees.** A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:

**(A) Trunk Condition - extensive decay and hollow;**

**(B) Crown Development - unbalanced and lacking a full crown; or**

**(C) Structure - Two or more dead limbs.**

**Finding:**

*The applicant's arborist surveyed a total of 104 trees on-site and adjacent to the site. The report recommends the preservation of one on-site tree and 15 adjacent to the site, as well as removal of 89 trees that are over 8" dbh. Of the on-site trees proposed for removal, the majority are to be removed to construct the proposed improvements in accordance with criterion 33.110(5)(a)(iii). There are also eight trees that are either dead or in poor condition, meeting the criterion of 33.110(5)(a)(i).*

The tree survey also identified tree protection measures for Tree #29, as well as off-site trees to protect them from grading impacts. There is a discrepancy between the amount and location of trees shown on the Arborist Report submitted as Exhibit A3 and the demolition plan submitted with Exhibit A2. With recommended Condition of Approval A11.a. which requires the applicant to provide a tree preservation plan that corresponds to the submitted Tree Assessment Report, and recommended Condition of Approval A12 related to tree protection, these standards are met.

## CHAPTER 43 - High Density Residential (RH) Zone

[...]

### Section 43.200. - Use Categories.

(1) **Uses Categories.** Table 43-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RH zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 43-1 and restrictions identified in TDC 43.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

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

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

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	P/C	Permitted housing types subject to TDC 43.220.
[...]		

[...]

### **Use Category from TDC 39.200:**

(1) **Characteristics.** Household Living is the residential occupancy of an owner-occupied or rented dwelling unit by a family or household. Dwelling units must be self-contained, with cooking, sleeping and bathroom facilities. Occupancy is long-term, 30 days or more, and non-transient.

[...]

### **Finding:**

The proposal is for a 116 unit multi-family development and includes self-contained units for rental. Refer to housing type discussion below. This standard is met.

### Section 43.220. - Housing Types.

Table 43-2 lists Housing Types permitted in the RH zone. Housing types may be Permitted Outright (P), Conditionally Permitted (C), or Not Permitted (N) in the RH zone.

**Table 43-2  
 Housing Types in the RH Zone**

HOUSING TYPE	STATUS	LIMITATIONS AND CODE REFERENCES
[...]		
Multi-Family Structure	P	See TDC definition in <a href="#">31.060</a> .
[...]		

**Definition from TDC 31.060:**

**Multi-Family Structure.** A structure containing five or more dwelling units on one lot. The land underneath the structure is not divided into separate lots. Multi-Family Structure includes, but is not limited to structures commonly called apartments, condominiums, and garden apartments.

**Finding:**

*The proposal is for a multi-family development which includes two multi-family structures with 58 dwelling units each, as well as an accessory community building which is permitted under TDC 39.100(3)(c). The use standard is met.*

**Section 43.300 – Development Standards.**

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

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

	Requirement	Minimum Proposed
<b>MAXIMUM DENSITY</b>		
Household Living Uses	Maximum: 25 units per acre Minimum: 16 units per acre	25 units per acre
<b>MINIMUM SETBACKS</b>		
Front (SW Boones Ferry)	5 feet* 35 feet**	33 feet* 86 feet**
Side	12 feet**	85 feet**
Rear	12 feet**	84 feet**
Between Buildings	10 feet	42 feet between Buildings A-B
Parking and Circulation Areas	10 feet	10.5 feet
<b>MAXIMUM STRUCTURE HEIGHT</b>		
All uses	35 feet	53.6 feet***
<b>MAXIMUM LOT COVERAGE</b>		
All Other Permitted Uses	45%	18%
* For one story structure ** For 2.5+ story structure *** VAR21-0003 Granted variance to maximum structure height up to 54 feet		

[...]

**Finding:**

*Density, setbacks, and building height are reflected in Exhibit A2. One-story side and rear setbacks were not logged on the above table since the community building is recessed toward the interior of the site and the multi-family structures are set closer to the side and rear property lines. VAR21-0003 (Final Order included as Exhibit F) found evidence of various hardships on-site to grant a variance to maximum structure height standards up to 54 feet to maintain maximum density allowances. The applicant also provided the following development footprints in an email included as Exhibit G:*

*Residential Building A: 15,195 SF  
Residential Building B: 15,195 SF  
Community Building: 6,100 SF  
Total Building Footprint: 36,490 SF  
Total Site Area: 203,082 SF  
Total Lot Coverage: 17.97%*

*As shown in the table above, the development standards are met.*

**Section 43.310. - Projections into Required Yards.**

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

**Finding:**

*No projections into required setbacks are proposed. This provision has not been utilized.*

**Section 43.320. - Density Bonus or Setback Reduction for Developments Adjacent to Greenways and Natural Areas.**

[...]

**Finding:**

*The proposal is not located adjacent to identified greenways or natural areas. This provision is not applicable.*

**Chapter 73A: Site Design**

**Section 73A.200 – Multi-Family Design Standards.**

**The following standards are the minimum standards for all other residential development in all zones that does not meet the definition of single-family dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster or is 5 or more dwelling units. These standards do not apply to development in the Central Design District and Mixed Use Commercial (MUC) zone, which have separate standards and may be less than the minimums provided below.**

**(1) Private Outdoor Areas. Multi-family uses must provide private outdoor area features as follows:**

- (a) A separate outdoor area of not less than 80 square feet must be attached to each ground level dwelling unit; and**
- (b) The private outdoor area must be separated from common outdoor areas with walls, fences or shrubs.**

**Finding:**

*Private outdoor areas are proposed for all ground floor units, as shown in Exhibit A2. Patios range in size from 84 to 115 square feet and are separated from outdoor areas by a combination of low concrete wall and metal fencing. With recommended Condition of Approval A11.c., these standards are met.*

**(2)Balconies, Terraces, and Loggias. Multi-family uses must provide balconies, terraces, and loggias features as follows:**

- (a)A separate outdoor area of not less than 48 square feet in the form of balconies, terraces, or loggias must be provided for each unit located above the ground level.**

**Finding:**

*Balconies are proposed for all upper units and range in size from 51 to 112 square feet, as shown in Exhibit A2. With recommended Condition of Approval A11.d., these standards are met.*

**(3)Entry Areas. Multi-family uses must provide entry area features as follows:**

- (a)A private main entry area must be provided as a private extension of each dwelling unit;**
- (b)The entry area must be separated from on-site parking areas and public streets with landscaping, change of grade, low fences, or walls;**
- (c)The entry area must be a minimum of 24 square feet in area for each dwelling unit; and**
- (d)The entry area may be combined to serve more than one unit as determined by the City.**

**Finding:**

*The proposal includes two multi-family structures with 58 dwelling units each. While the minimum entry area requirement would equate to 1,392 square feet per multi-family building, the proposal includes 1,453 square feet in the form of recessed unit alcoves and shared lobby/lounge areas, as shown in Exhibit A2. With recommended Condition of Approval A11.e., these standards are met.*

**(4)Shared Outdoor Areas. Multi-family uses must provide shared outdoor area features as follows:**

- (a)Must provide year round shared outdoor areas for both active and passive recreation;**
- (b)The shared outdoor area must be a minimum of:
  - (i)Three hundred square feet per dwelling unit; or**
  - (ii)[...]****
- (c)Gazebos and other covered spaces are encouraged to satisfy this requirement;**
- (d)The shared outdoor area must be separated from all entryway and parking areas with a landscaped transition area measuring a minimum of ten feet wide;**
- (e)The shared outdoor area must have controlled access from off-site as well as from on-site parking and entrance areas with a minimum 4-foot high fence, wall, or landscaping; and**
- (f)The shared outdoor area standard does not apply to any development with less than 12 dwelling units.**

**Finding:**

*The project has a total of 116 units, which requires 34,800 square feet of Shared Outdoor Areas. The project is providing a total of 35,688 square feet of Shared Outdoor Areas. Shared Outdoor Areas include a series of active and passive uses, such as picnic areas, seating areas, community gardens, community patio area with both covered and uncovered sections, pet relief area and scenic paths by a botanical garden and stormwater basin, as shown in Exhibit A2. Shared Outdoor Areas are separated from vehicular circulation by either a landscape transition or by building structures. With recommended Condition of Approval A11.f., these standards are met.*

**(5) Children's Play Areas. Multi-family uses must provide children's play area features as follows:**

- (a) The children's play area must be a minimum of 150 square feet per dwelling unit;**
  - (b) The children's play area must provide a separation from all entryway and parking areas with a landscaped transition area measuring a minimum of ten feet wide;**
  - (c) The children's play area must have controlled access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with a minimum 4-foot high fence, wall, or landscaping; and**
  - (d) The children's play area must provide a usable floor surface (material such as lawn, decks, wood chips, sand and hard surface materials qualify); and**
- [...]

**Finding:**

*The project has a total of 116 units, which requires 17,400 square feet of Children's Play Areas. The project is providing a total of 17,557 square feet of Children's Play Areas. Children's Play Area includes two play areas, designed for children of different age ranges in addition to a multi-sport court and play lawns, as shown in Exhibit A2. Children's Play Areas are located interior to the site and are separated from vehicular circulation areas by building structures. With recommended Condition of Approval A11.g., these standards are met.*

**(6) Storage. Multi-family uses must provide storage features as follows:**

- (a) Enclosed storage areas are required for each unit.**
  - (i) Garages do not satisfy the storage requirements. An enclosed storage area may be located within the garage of the individual unit. Enclosed storage areas may also be located within commonly accessible shared garage.**
- (b) Each storage area must be a minimum of six feet in height and have a minimum floor area of:**
  - (i) 24 square feet for studio and one bedroom units;**
  - (ii) 36 square feet for two bedroom units; and**
  - (iii) 48 square feet for greater than two bedroom units.**

**Finding:**

*As shown in Exhibit A2, storage areas for the one-bedroom and two-bedroom units are accessible from the unit's patio or balcony and range in size from 24 square feet to 37 square feet while being a minimum of 7.5 feet tall. Storage areas for the three-bedroom and four-bedroom units are accessible from the hallway and range in size from 48 square feet to 51 square feet while being a minimum of 7.5 feet tall. Additionally a community garden shed is provided at Building C for all residents. With recommended Condition of Approval A11.h., these standards are met.*

**(7) Walkways. Multi-family uses must provide walkways as follows:**

[...]

- (b) All other multi-family development must have walkways of a minimum of six feet in width;**
- (c) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable; and**
- (d) The walkways must meet ADA standards applicable at time of construction or alteration.**

**Finding:**

*As shown in Exhibit A2, walkways throughout the site are a minimum of 6-feet wide, concrete, and ADA compliant. With recommended Condition of Approval A11.i., these standards are met.*

**(8) Accessways.**

**(a) When Required.** Accessways are required to be constructed when a multi-family development is adjacent to any of the following:

[...]

**(iii) Areas intended for public use, such as schools and parks; and**

**(iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.**

**(b) Design Standard.** Accessways must meet the following design standards:

**(i) Accessways must be a minimum of eight feet in width;**

**(ii) Public accessways must be constructed in accordance with the Public Works Construction Code;**

**(iii) Private accessways must be constructed of asphalt, concrete, pavers or grasscrete. Gravel or bark chips are not acceptable;**

**(iv) Accessways must meet ADA standards applicable at time of construction or alteration;**

**(v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;**

**(vi) Accessways must not be gated to prevent pedestrian or bike access;**

**(vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and**

**(viii) Must be constructed, owned and maintained by the property owner.**

**(c) Exceptions.** The Accessway standard does not apply to the following:

[...]

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

**Finding:**

*The subject development abuts an institutional site that serves a church and school, as well as abuts a major arterial with bike lane; and therefore an accessway is required. As shown in Exhibit A2, an eight-foot wide accessway is proposed that connects the proposed public sidewalk along Boones Ferry Road to the project's internal walkways. The accessway is not be gated, but will have handrails on both sides due to sloping conditions. The slope and handrails will remain ADA compliant, with slopes less than 8.33%. Trimet bus stops are located near the subject site at Boones Ferry and Norwood/Greenhill Lane but no transit facilities have been identified on Comprehensive Plan Map 8-5. With recommended Condition of Approval A11.j., these standards are met.*

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

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

**Finding:**

*TDC 73C.100 includes requirements for private off-street parking but does not require a garage component for multi-family housing. The proposal does not include carport or garage structures, and therefore the carport and garage features standard does not apply.*

**(10) Safety and Security. Multi-family units must provide safety and security features as follows:**

- (a) Private outdoor areas must be separated from shared outdoor areas and children's play areas with a minimum 4-foot high fence, wall, or landscaping;**
- (b) An outdoor lighting system that does not produce direct glare on adjacent properties and without shining into residential units, public rights-of-way, or fish and wildlife habitat areas; and**
- (c) Building identification must be provided consistent with the Oregon Fire Code.**

**Finding:**

*Private outdoor areas on the ground floor include a wall that is approximately 2.75 feet tall combined with a concrete wall that varies in sized based on the slope, as shown in Exhibit A2. These private areas are further separated from shared areas by landscaping that grows 4-6 feet in height. Outdoor lighting is provided throughout all common outdoor areas, parking lot, and building entryways. All exterior lighting fixtures are compliant with The Dark Sky Society lighting standards and will not cast glare onto the public right of way or adjacent properties. Additionally, there are no habitat areas located near the subject site. Building identification is reviewed as part of the building permit process. With recommended Condition of Approval A13, these standards are met.*

**(11) Service, Delivery and Screening. Multi-family uses must provide service, delivery, and screening features as follows:**

- (a) Provisions for postal delivery must be made consistent with US Postal Service regulations conveniently located and efficiently designed for residents;**
- (b) Pedestrian access from unit entries to postal delivery areas, shared activity areas, and parking areas must be provided via accessways; and**
- (c) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping.**

**Finding:**

*As shown in Exhibit A2, resident mailboxes are located within the ground floor lobby of each residential building and are accessed internally by residents. The outdoor mechanical units for Buildings A & B are located on the flat roof portion of the building and are obscured by the pitched roof adjacent. The outdoor mechanical unit for Building C is surrounded by landscaping. The two proposed above-ground transformers and above-ground generator on-site are surrounded by landscaping. With recommended Condition of Approval A19, these standards are met.*

**Chapter 73B: Landscaping Standards**

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

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
(1) RL, RML, RMH, RH and RH/HR zones—Permitted Uses	None	None
[...]		



**Finding:**

*While there is no minimum landscape requirement by RH zone, there are minimum landscaping requirements for multifamily housing developments that are addressed below. As shown in Exhibit A2, 64,314 square feet (32%) of landscaping is included with this proposal. This standard is met.*

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

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

**(a)All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.**

**(i)This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.**

**Finding:**

*Landscaping is provided in all areas not otherwise occupied by buildings, vehicle areas, or pedestrian amenity areas. The site is not located adjacent to the Hedges Creek Wetland. With recommended Condition of Approval A14, this standard is met.*

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

**The following are minimum standards for landscaping for all zones.**

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

*The density of plantings as shown on Landscape Plans (Exhibit A2) is sufficient to provide full coverage of landscaping within three years. These standards are met.*

<p><b>(2) Fences</b></p>	<p><b>Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.</b></p>
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**Finding:**

*A fence is proposed around the perimeter of the Stormwater basins, as shown in Exhibit A2. There are no established wildlife crossings in the vicinity. However there are Metro riparian and upland wildlife areas mapped west of Boones Ferry Road near the canyon. This standard is met.*

<p><b>(3) Tree Preservation</b></p>	<ul style="list-style-type: none"> <li>• <b>Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</b></li> </ul> <p><b>During construction:</b></p> <ul style="list-style-type: none"> <li>○ <b>Must provide above and below ground protection for existing trees and plant materials identified to remain;</b></li> </ul>
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	<ul style="list-style-type: none"> <li>○ 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;</li> <li>○ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</li> <li>○ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</li> <li>○ 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</li> <li>○ Tree root ends must not remain exposed.</li> <li>● Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</li> <li>● When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged</li> <li>● 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development</li> </ul>
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**Finding:**

*The Arborist Report (Exhibit A3) calls for preserving one on-site tree and including protection measures for neighboring off-site trees. Protection for off-site trees been has not been identified on Grading Plan (Exhibit A2). With recommended Conditions of Approval A11.b. and A12, these standards are met.*

(4) Grading	<ul style="list-style-type: none"> <li>● 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.</li> <li>● All planting areas must be graded to provide positive drainage.</li> <li>● Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>● 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.</li> </ul>
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**Finding:**

*The applicant is required to obtain an erosion control and grading permit with the City. With recommended Condition of Approval A6, this standard is met.*

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

*Irrigation is proposed in new landscaping areas as detailed in the Planting Notes on the Landscape Plan (Exhibit A2). This standard is met.*

<p><b>(6) Re-vegetation in Un-landscaped Areas</b></p>	<ul style="list-style-type: none"> <li>• 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,.</li> <li>• Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>• The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>• Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul>
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**Finding:**

*The applicant proposes to landscape all areas not otherwise proposed for development. Drought tolerant plants, as well as some natives, have been selected to reduce irrigation and maintenance needs. With recommended Condition of Approval A14, this standard is met.*

**Section 73B.080 – Minimum Standards Trees and Plants.**

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

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

	<ul style="list-style-type: none"> <li>English ivy (<i>Hedera helix</i>) is prohibited.</li> </ul>
(6) Lawns	<ul style="list-style-type: none"> <li>Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</li> <li>100 percent coverage and weed free; and</li> <li>Healthy, disease-free, damage-free, characteristic of the species.</li> </ul>

**Finding:**

*Per the Plant Schedule provided on the Landscape Plan included in Exhibit A2, the standards for groundcover, shrubs, and trees to be planted are met.*

**Chapter 73C: Parking Standards**

**TDC 73C.010. - Off-Street Parking and Loading Applicability and General Requirements.**

[...]

**(2)General Requirements. Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.**

**(a)The following apply to property and/or use with respect to the provisions of TDC 73C.100:**

**(i)The requirements apply to both the existing structure and use, and enlarging a structure or use;**

**(ii)The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;**

[...]

**(iv)Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;**

**(v)If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;**

[...]

**(viii)Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;**

**(ix)Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;**

**(x)Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones; and**

[...]

**(xiii)If the applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.**

**Finding:**

*In accordance with (xiii) parking requirements were reviewed under VAR 21-0003 which found a minimum of 170 spaces should be provided for the 116- unit development as Condition of Approval VAR-3. The proposal includes a 170 stalls on the same lot as the multi-family housing. These standards are met.*

**Section 73C.020 – Parking Lot Design Standards.**

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

- (1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1; [...]**
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;**
- (3) Parking stalls must be constructed of asphalt, concrete, previous concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;**
- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;**
- (5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.**

**Finding:**

*As shown on the Site Plan (Exhibit A2), most stalls are proposed at 9 feet wide and 18.5 feet long. There are also 48 compact stalls proposed at approximately 7.75 feet by 15 feet wide located east of the multifamily buildings. Drive aisles are proposed between 24 to 26 feet. Both aisles and stalls are proposed to be comprised of asphalt. Concrete curbs are also proposed. Wheel stops are proposed for parking stalls adjacent to pedestrian walkways to prevent encroachment. These standards are met.*

- (6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;**
- (7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;**

**Finding:**

*The Site Plan (Exhibit A2) shows a total of eight ADA-compliant parking spaces planned near building entrances. There are 48 subcompact stalls of 170 proposed or 28% of required parking. ADA standards will be reviewed in greater detail during the building permit phase. With recommended Condition of Approval A11.I. which will show compliance with standards (7), these standards are met.*

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

aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;

**Finding:**

*The design of the parking lot will not require movement on the public street. Drive aisles with parking are at between 24 to 26 feet wide as proposed. These standards are met.*

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

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

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

**Finding:**

*All exterior site lighting fixtures that have been selected are compliant with The Dark Sky Society lighting standards. As shown on the Site Lighting Plan (Exhibit A2), lighting will primarily be focused toward the building entrances, loading, and interior parking areas. These standards are met.*

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

**(1) Requirements. Bicycle parking facilities must include:**

**(a) Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;**

**(i) Long-term bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.**

**(b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.**

**(2) Standards. Bicycle parking must comply with the following:**

**(a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;**

**(b) A five (5) foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;**

**(c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;**

**(d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;**

**(e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;**

**(f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;**

[...]

**(h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.**

**Finding:**

*As described in the Narrative (Exhibit A1), the applicant proposes to provide a total of 206 indoor/ and covered outdoor bike parking areas. One and two-bedroom units will have wall mounted bike racks within the unit. Three and four-bedroom units will have access to outdoor covered bike racks located on the eastern corner of Buildings A and B. The project is proposing additional uncovered bike parking areas adjacent to the sport court and play field. Dimensioned details of the bike parking furnishings were not included in the application materials.*

*With recommended Conditions of Approval A11.k. and A15 which will show compliance with standards (a), (b), (c), and (d), these standards are met.*

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

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

**Finding:**

*The proposed multi-family development includes 116 units. The applicant additionally secured a variance under VAR 21-0003 which found a minimum of 170 spaces should be provided as Condition of Approval VAR-3. With recommended Condition of Approval A11.l. which will ensure compliance with the minimum parking standards established under VAR 21-0003, these standards are met.*

*Table 1: Minimum and Proposed Parking by Use*

Use	Units	Vehicle Parking Min.	Proposed	Bike Parking Min.	Proposed
<i>Multi-family</i>	<i>116</i>	<i>174</i>	<i>170</i>	<i>116</i>	<i>206</i>

*The proposal includes 54 one-bedroom units, 40 two-bedroom units, 16 three-bedroom units, and 6 four-bedroom units which would require 174 parking stalls. However, the applicant did apply for a variance to parking standards, under VAR 21-0003 which found a minimum of 170 parking spaces would be required for the development. Additionally, 116 bike parking spaces are required by code based on the unit count, 116 of which must be covered. The narrative notes that bike parking is proposed within one and two-bedroom units and three and four-bedroom units will have access to outdoor covered bike racks located at the corner of their buildings. However clear details are not shown on the plan set included as Exhibit*

A2. With recommended Condition of Approval A11.k. which will require additional bike parking details, these standards are met.

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

**Finding:**

*The proposal is for a residential development. This standard does not apply.*

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

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

**Finding:**

*The proposal is for a residential development. This standard does not apply.*

**Section 73C.130 – Parking Lot Driveway and Walkway Minimum Requirements.** Parking lot driveways and walkways must comply with the following requirements:

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

**(c) Ingress and egress for multi-family residential uses must not be less than the following:**

Dwelling Units	Minimum Number Required	Minimum Width	Walkways, Etc.
50-499	1 or 2	32 feet  24 feet	6-foot walkway, 1 side only; curbs required

[...]

**Finding:**

*The site proposes a joint access at the south end of the property through Tract L of the Autumn Sunrise development (SB 21-0001). Additional findings are provided in Chapter 75.*

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

[...]

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

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

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

**Finding:**

*Proposed driveway and emergency vehicle access are located a width greater than 40 feet. With recommended Condition of Approval A2 standard (e) is met and Condition of Approval A23 standard (f) is met.*



**Section 73C.210. - Multi-Family Parking Lot Landscaping Requirements.** Multi-family residential uses (as defined in TDC 31.060) must comply with the following landscaping requirements for parking lots in all zones:

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

**Finding:**

*The parking lot contains landscaping in areas not used for vehicle and pedestrian movement. This standard is met.*

**(2)Clear Zone. Clear zone must be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of eight feet as measured from the ground level.**

[...]

**Finding:**

*As shown in the Landscape Plans (Exhibit A2), the proposed plantings will provide for visual clearance at the end of drive aisles and drive entrances. With recommended Condition of Approval A23 related to maintenance, this standard is met.*

**(3)Setback. Minimum 10-foot landscape setback must be provided between the property lines and parking areas and must comply with the following:**

- (a)Must be planted with deciduous trees an average of not more than 30 feet on center and shrubs at least 30 inches in height which provide screening of vehicular headlights; and**
- (b)Native trees and shrubs are encouraged.**

**Finding:**

*As shown in the Landscape Plans (Exhibit A2), 10 feet of landscape buffer is proposed along the north, east, and south property lines, adjacent to parking and vehicle drive areas. European hornbeam and Sawleaf Zelkova are not native, however they are proposed 30 feet on center within these areas. With recommended Condition of Approval A11.m. to provide deciduous as specified in standard (a) or as recommended by the Architectural Review Board, these standards are met.*

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

- (a)Deciduous trees located not more than 30 feet apart on average as measured on center;**
- (b)Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;**
- (c)Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;**
- (d)Native trees and shrubs are encouraged; and**
- (e)Exceptions: [...]**

**Finding:**

*As shown in the Landscape Plans (Exhibit A2), perimeter landscaping is proposed adjacent to parking lot walkways. With recommended Condition of Approval A11.m, this standard is met.*

**(5)Transition. Minimum 10-foot landscaped transition area between parking and vehicle circulation areas and buildings and shared outdoor areas and must comply with the following:**

- (a) Deciduous shade trees located at not less than 30 feet on center must be located in this transition area;
- (b) Groundcover plants mixed with low shrubs must completely cover the remainder of this area within three years;
- (c) Native trees and shrubs are encouraged; and
- (d) Exceptions: [...]

**Finding:**

*In lieu of providing a 10- foot transition area between the parking areas and buildings, the applicant has elected to provide a six foot walkway and seven foot landscape area as shown in the Landscape Plans (Exhibit A2). The planter strips include Quaking Aspen and a variety of ground cover. With recommended Condition of Approval A11.m., this standard is met.*

**(6) Landscape Island. Minimum 25 square feet per parking stall must be improved with landscape island areas and must comply with the following:**

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater runoff and function as water quality facilities as well as parking lot landscaping;
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
- (c) Landscape separation required for every eight continuous spaces in a row;
- (d) Must be planted with one deciduous shade trees for every four parking spaces. Required trees must be evenly dispersed throughout the parking lot;
- (e) Must be planted with groundcover or shrubs;
- (f) Native plant materials are encouraged;
- (g) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);
- (h) Required plant material in landscape islands must achieve 90 percent coverage within three years; and
- (i) Exceptions: [...]

**Finding:**

*Given that a minimum of 170 parking spaces are required for the proposed use, 4,250 square feet of parking lot landscape island area and 43 trees are required. As described in the narrative submitted as Exhibit A1, The proposed project includes 5,441 square feet of total landscape island areas, as well as 43 trees. Landscape islands area also included for eight continuous spaces. With recommended Condition of Approval A11.n., these standards are met.*

## **Chapter 73D: Waste and Recyclables Management Standards**

### **Section 73D.010 – Applicability and Objectives.**

**(1) Applicability.** The requirements of this Chapter apply to all new or expanded:

- (a) Common wall residential developments containing five or more units;
- [...]

### **Section 73D.020 - Design Methods.**

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

- (1) The minimum standards method in TDC 73D.030;
- (2) The waste assessment method in TDC 73D.040;

- (3) The comprehensive recycling plan method in TDC 73D.050; or**
- (4) The franchised hauler review method in TDC 73D.060.**

**Finding:**

*The applicant proposes to use the Minimum Standards Method (TDC 73D.030) and has verified that the location and configuration of the proposed waste facility and access will satisfy Republic Services in Exhibit A6. As discussed below, these standards are met.*

**Section 73D.030 – Minimum Standards Method.**

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

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

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

[...]

**(b) Common wall residential greater than ten units must provide 50 square feet plus an additional five square feet per unit above ten.**

[...]

**Finding:**

*The proposal includes 116 residential units, which requires 580 square feet. The narrative submitted as Exhibit A1 states that 608 square feet of trash enclosure is provided. As shown on the site plan included in Exhibit A2, two trash enclosures are proposed and include an approximately 260-square-foot enclosure located at the northwest corner and an approximately 348-square-foot enclosure at the southwest corner. With recommended Condition of Approval A11.o., these standards are met.*

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

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

**(1) Location Standards.**

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

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

**(c) Exterior storage areas must:**

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

**(ii) Be located in a parking area; and**

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

**(2) Design Standards.**

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

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

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

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

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

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

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

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

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

**Finding:**

*The applicant has proposed two waste areas that are in visible areas convenient to tenant entries, parking and loading areas, and are outside of the applicable setbacks, as shown Exhibit A2. Both are located outside of the front yard setback and will be screened from the public right-of-way by Texas Japanese Privet. Further compliance with Building and Fire Code standards will be reviewed at the time of building permit. Plans show the gate openings at approximately 20 feet wide and that a separate pedestrian access will be provided. The narrative submitted as Exhibit A1 states that the enclosures will be comprised of concrete masonry units and will be a minimum of 6-feet in height and will not have a cover. However elevations have not been submitted to demonstrate compliance with fence or wall standards, as well as vertical clearance. With recommended Condition of Approval A11.o., these standards are met.*

**(3) Access Standards.**

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

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

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

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

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

**(i) Access may be limited for security reasons.**

**Finding:**

*As shown in the applicant's submittal, Republic Services, the applicable waste hauler, has indicated that the dimensions and accessibility of the enclosures meet their service needs (Exhibit A6). These standards are met.*

## **Chapter 74: Public Improvement Requirements**

[...]

### **TDC 74.120 Public Improvements.**

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

**Finding:**

*All public improvements will be installed by the applicant at their expense and will require prior approval of plans and a Public Works Permit to be issued. With recommended Conditions of Approval A17 and A18, this standard is met.*

### **TDC 74.130 Private Improvements.**

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

**Finding:**

*All private improvements will be installed by the applicant at their expense and will require prior approval of plans and building permits. With recommended Conditions of Approval A17 and A18, this standard is met.*

### **TDC 74.140 Construction Timing.**

- (1) All the public improvements required under this chapter must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.**
- (2) All private improvements required under this Chapter must be approved by the City prior to the issuance of a Certificate of Occupancy.**

**Finding:**

*All public and private improvements proposed and modified by conditions of approval must be completed prior to receiving a Certificate of Occupancy. With recommended Condition of Approval A17, this standard is met.*

[...]

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

**The width of streets in feet shall not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is required to be improved according to the standards of the TDC, the width of the right-of-way shall not**

be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

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

**Finding:**

*The proposal is adjacent to SW Boones Ferry Road which is within Washington County's jurisdiction. Washington County has provided comments on the proposal as Exhibit E. Final plans must include frontage improvement along the site's SW Boones Ferry Road frontage meeting the requirements of Washington County and the City of Tualatin. The preferred cross-section of a Tualatin Major Arterial may be modified as directed by the City Engineer.*

*With recommended Conditions of Approval A2 and A8, these standards are met.*

**TDC 74.320. - Slope Easements.**

(1) The applicant must obtain and convey to the City any slope easements determined by the City Manager to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or accessway or utility improvements required to be constructed by the applicant.

[...]

(3) For all other development applications, a slope easement dedication must be submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.

**Finding:**

*Any required slope easements will be provided and completed prior to Building Permit issuance. With recommended Conditions of Approval A2 and A9, this standard is met.*

**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.

**Finding:**

*Any required utility easements will be granted to the City, with required widths to meet the Public Works Construction Code. With recommended Conditions of Approval A2 and A9, these standards are met.*

**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.

**Finding:**

*Utility easements are included in the proposal. With recommended Conditions of Approval A2 and A9, this standard is met.*

**TDC 74.420 Street Improvements.**

When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, subject to the following provisions:

(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.

(2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.

(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.

(4) Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.

(5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.

**(6) All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.**

[...]

**(8) For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.**

[...]

**(10) Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.**

**(11) Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).**

[...]

**(13) The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.**

**(14) The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.**

[...]

**(16) The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.**

**(17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.**

**(18) Pursuant to requirements for off-site improvements as conditions of development approval, proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to comply with the City's Mid-Block Crossing Policy.**

**Finding:**

*A Traffic Study conducted by Charbonneau Engineering was submitted as Exhibit A4. Plans show removal of existing driveway, addition of an emergency vehicle access to SW Boones Ferry Road restricted by bollards, and construction of a public access within a public access easement south then west to SW Boones Ferry road across adjacent and nearby lots. Washington County has also reviewed the proposed development, and have recommended applicable conditions of approval within Exhibit E. Additionally the City Engineer has reviewed the proposal against the above requirements, and with recommended Conditions of Approval A2 and A17, these standards are met.*

**TDC 74.425 Street Design Standards.**

**(1) Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.**



**(2) The proposed street design standards are shown in Figures 72A through 72G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets.**

[...]

**(4) All streets must be designed and constructed according to the preferred standard. The City Manager may reduce the requirements of the preferred standard based on specific site conditions, but in no event will the requirement be less than the minimum standard. The City Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:**

**(a) Arterials:**

- (i) Whether adequate right-of-way exists;**
- (ii) Impacts to properties adjacent to right-of-way;**
- (iii) Current and future vehicle traffic at the location; and**
- (iv) Amount of heavy vehicles (buses and trucks).**

[...]

**Finding:**

*The proposal is adjacent to SW Boones Ferry Road which is designated a Major Arterial on Tualatin Comprehensive Plan Map 8-1 (Exhibit K). A Traffic Study conducted by Charbonneau Engineering was submitted as Exhibit A4. With recommended Conditions of Approval A2 and A17, these standards are met.*

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

**Finding:**

*The City Engineer has found that no modifications are required. This section does not apply.*

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

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

- (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or**
- (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.**

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

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

- (a) an analysis of the existing situation, including the level of service on adjacent and impacted facilities.**
- (b) an analysis of any existing safety deficiencies.**
- (c) proposed trip generation and distribution for the proposed development.**
- (d) projected levels of service on adjacent and impacted facilities.**

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

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

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

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

**Finding:**

*A Traffic Study conducted by Charbonneau Engineering was submitted as Exhibit A4. City staff has reviewed the subject analysis and has determined that it meets the above requirements. With recommended Conditions of Approval A2 and A17, these standards are met.*

**TDC 74.450. - Bikeways and Pedestrian Paths.**

**(1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path, as set forth in TDC Chapter 11, Transportation Figure 11-4, the City may require that a bikeway, pedestrian path, or multi-use path be constructed, and an easement or dedication provided to the City.**

**(2) Where required, bikeways and pedestrian paths must be provided as follows:**

**(a) Bike and pedestrian paths must be constructed and surfaced in accordance with the Public Works Construction Code.**

**(b) The applicant must install the striping and signing of the bike lanes and shared roadway facilities, where designated.**

**Finding:**

The proposal is adjacent to SW Boones Ferry Road. Both roadways require a sidewalk and bike lane on Tualatin Comprehensive Plan Map 8-4 (Exhibit L). The City Engineer has reviewed the proposal against the above requirements and has required a 12-foot wide multi-use path along the applicant's Boones Ferry frontage. *With recommended Conditions of Approval A2 and A17, these standards are met.*

[...]

**TDC 74.470 Street Lights.**

**(1) Street light poles and luminaries must be installed in accordance with the Public Works Construction Code.**

**(2) The applicant must submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.**

**Finding:**

The proposal abuts SW Boones Ferry Road which requires street lights. *With recommended Conditions of Approval A2 and A17, these standards are met.*

[...]

**TDC 74.485. - Street Trees.**

[...]

**(2) In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.**

**(3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.**

**Finding:**

*The Landscape Plan submitted as Exhibit A2, illustrates street trees along SW Boones Ferry Road. With recommended Condition of Approval A2, these standards are met.*

**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.**

**(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 properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.**

**(3) As set forth in TDC Chapter 12, Water Service, 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.**

**Finding:**

*Utility Plans, submitted as Exhibit A2, illustrate a 4-inch water meter and backflow device for a domestic service connecting to the public water main within SW Boones Ferry Road. A separate 8-inch fire service line also connects to the public system.*

*A gate valve must be located near the main for each water lateral. Public utility easements must surround fire vaults by five feet. Public water easements must extend from the existing public water easement 10-feet wide centered on the lateral and surrounding the vaults by 5 feet.*

*Additionally, an analysis of water system capacity was conducted by MurraySmith and included as Exhibit N. The conclusions indicate a need for extension of the public C-Level water system from the intersection of SW Boones Ferry Road and SW Norwood Road south to serve this development. The public system must extend to the south property line.*

*With recommended Condition of Approval A3, these standards are met.*

**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.**

**(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.**

**Finding:**

*Utility Plans, submitted as Exhibit A2, illustrate a 6-inch connection by a private gravity lateral to future public sanitary sewer system approved within the Autumn Sunrise Subdivision then to a future Clean Water Services' sanitary sewer pump station approved within AR21-0014, Norwood Road Pump Station. The extension of public sanitary sewer lines and Clean Water Services' pump station could provide access to the public sanitary sewer main for all lots surrounding this development.*

*If any portion of the public system or pump station required to serve this development is not permitted at the time applicant requests issuance of ~~construction permits~~ **certificate of occupancy**, the applicant must include construction of those portions within their public works permit. Associated public sanitary sewer easements and access must be recorded. If any portion of the public system or pump station required to serve this development is permitted but not constructed and approved at the time applicant requests issuance of construction permits, the applicant must submit approval from the permittee(s) to connect to their unapproved sanitary sewer system.*

*Final sanitary sewer permit plans must be submitted that show cleanouts at the edge of public easements.*

*With recommended Conditions of Approval A4 and A17, these standards are met.*

**TDC 74.630 Storm Drainage System.**

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

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

**(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.**

**Finding:**

*A Stormwater Report has been submitted as Exhibit A5 and proposes two private extended dry detention basins located adjacent to SW Boones Ferry Road. The proposed facility must be sized to meet the current City of Tualatin and Clean Water Service requirements for stormwater quality and quantity. Final plans and stormwater calculations must demonstrate that the development has direct access by gravity to public storm and sanitary sewer from within 5 feet of the building the public main in accordance with Clean Water Service standards.*

*Utility Plans, submitted as Exhibit A2, illustrate stormwater laterals at right-of-way. With recommended Condition of Approval A5, these standards are met.*

**TDC 74.640 Grading.**

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

**Finding:**

*The plans indicate disturbance of approximately 4.66 acres. Final plans may include over 5 acres of disturbance based on conditions of approval. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality must be provided with the construction permit submittal documents. The applicant must obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet and a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres.*

*With recommended Condition of Approval A6, these standards are met.*

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

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

**[...]**

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

**Finding:**

*As shown on the Utility Plans, submitted as Exhibit A2, two private extended dry detention basins are proposed adjacent to SW Boones Ferry Road. A Preliminary Drainage Report prepared by Vega Civil Engineering was also submitted as Exhibit A5.*

*A Clean Water Services Service Memorandum was received and included as Exhibit D. After land use decision issuance, the applicant must submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).*

*Public comments (Exhibit H) have been received from adjacent property owners voicing their concerns over stormwater and potential downstream impacts. Stormwater from all impervious areas will be conveyed to private treatment and detention facilities then released to the public stormwater system*

*which discharges into Basalt Creek. Prior to issuance of permits for construction activities, the applicant must submit final plans that minimize impact from stormwater runoff to adjacent properties, allow adjacent properties to drain as they did before the new development, and provide gravity drainage from this development to an approved public system.*

*With recommended Conditions of Approval A5, A6, and A10, this standard is met.*

**TDC 74.660 Underground.**

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

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

**Findings:**

*There are existing overhead utility lines along the frontage of SW Boones Ferry Road. With recommended Condition of Approval A2, this standard is met.*

**TDC 74.765. - Street Tree Species and Planting Locations.**

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

<b>Table 74-1 Street Tree Species</b>					
<b>Species Common Names</b>	<b>Planting Strip Width (feet)</b>			<b>Power line compatible</b>	<b>Spacing on center (feet)</b>
	<b>4</b>	<b>5</b>	<b>6+</b>		
<b>Amur Maackia</b>	•	•	•	•	30
<b>Amur Maple</b>	•	•	•	•	30
<b>Armstrong Maple</b>	•	•	•		30
<b>Autumn Applause Ash</b>		•	•		30
<b>Black Tupelo</b>	•	•	•		30
<b>Capital Flowering Pear</b>	•	•	•		30
<b>Cascara</b>	•	•	•	•	30
<b>Crimson King Maple</b>		•	•		30
<b>Crimson Sentry Maple</b>	•	•	•	•	30
<b>Eastern Redbud</b>	•	•	•		30

European Hornbeam	•	•	•	•	30
Frontier Elm			•		60
Ginko		•	•		30
Globe Sugar Maple			•		60
Golden Desert Ash	•	•	•	•	30
Goldenrain	•	•	•		30
Greenspire Linden		•	•		30
Ivory Japanese Lilac	•	•	•	•	30
Leprechaun Ash	•	•	•		30
Persain Parrotia	•	•	•		30
Purple Beech	•	•	•		30
Raywood Ash		•	•	•	30
Katsura	•	•	•		30
Red Oak			•		60
Red Sunset Maple			•		60
Scanlon/Bowhall Maple	•	•	•		30
Scarlet Oak			•		60
Shademaster Honey Locust		•	•		30
Skyrocket English Oak	•	•	•		30
Japanese snowbell	•	•	•	•	30
Sourwood	•	•	•	•	30
Tall Stewartia	•	•	•	•	30
Chinese Fringetree	•	•	•	•	30
Tri-Color Beech			•		60
Trident Maple	•	•	•	•	30
Urbanite Ash		•	•		30
Yellowwood	•	•	•		30
Zelkova Musashino	•	•	•		30

**Finding:**

*The Landscape Plan submitted as Exhibit A2, illustrates street trees along SW Boones Ferry Road. With recommended Condition of Approval A2, this standard is met.*

**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.
- (3) **Procedure Type.** A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).
- (4) **Submittal Requirements.** In addition to the application materials required by TDC 32.140, the following application materials are also required:
  - (a) A site plan, of a size and form and in the number of copies meeting the standards established by the City Manager, containing the following information:
    - (i) The location and dimensions of the proposed driveway approach;
    - (ii) The relationship to nearest street intersection and adjacent driveway approaches;

- (iii) Topographic conditions;
  - (iv) The location of all utilities;
  - (v) The location of any existing or proposed buildings, structures, or vehicular use areas;
  - (vi) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to TDC Chapter 73B or 73C; and
  - (vii) The location of any street trees adjacent to the location of the proposed driveway approach.
- (b) Identification of the uses or activities served, or proposed to be served, by the driveway approach; and
- (c) Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (5) **Criteria. A Driveway Approach Permit must be granted if:**
- (a) The proposed driveway approach meets the standards of this Chapter and the Public Works Construction Code;
  - (b) No site conditions prevent placing the driveway approach in the required location;
  - (c) The number of driveway approaches onto an arterial are minimized;
  - (d) The proposed driveway approach, where possible:
    - (i) Is shared with an adjacent property; or
    - (ii) Takes access from the lowest classification of street abutting the property;
  - (e) The proposed driveway approach meets vision clearance standards;
  - (f) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
  - (g) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
  - (g) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
  - (i) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.
- [...]

**Finding:**

*Plans submitted under Exhibit A2 show removal of existing driveway, addition of an emergency vehicle access to SW Boones Ferry Road restricted by bollards, and construction of a public access within a public access easement south then west to SW Boones Ferry road across adjacent and nearby lots. As Boones Ferry Road is an arterial, driveway approaches are being minimized by encouraging joint approved through SB21-0001, Autumn Sunrise Subdivision. If joint access is not available at time of construction, the applicant may obtain a Design Exception through Washington County for interim site access off of Boones Ferry Road.*

*With recommended Conditions of Approval A2 and A17, this standard is met.*

**TDC 75.040. - Driveway Approach Requirements**

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



driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.

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

**(3) Joint and Cross Access.**

[...]

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

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

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

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

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

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

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

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

**(iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and (iv) If subsection (i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection (i) through (iii) above prior to any changes.**

[...]

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

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

**(8) The standards set forth in this Code are minimum standards for driveway approaches, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.**

**(9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width):**

<b>TABLE 75-1 Driveway Approach Width</b>		
<b>Use</b>	<b>Minimum Driveway Approach Width</b>	<b>Maximum Driveway Approach Width</b>
<b>Multi-family</b>	50-499 = 32 feet	May provide two 24-foot one-way driveways instead of one 32-foot driveway

[...]

**Finding:**

*Plans (Exhibit A2) show removal of an existing driveway, addition of an emergency vehicle access to SW Boones Ferry Road restricted by bollards, and construction of a public access obtained south of the property through development approved under SB21-0001, Autumn Sunrise Subdivision. The joint access must include 24 feet wide two-way travel, with curbs and gutters, and a 5-foot wide sidewalk on the west side. Additionally, SW “H” (Mahogany) Street as approved within SB21-0001, Autumn Sunrise Subdivision must be dedicated, constructed, and signalized as needed prior to occupancy. If joint access is not available at time of construction, the applicant may obtain a Design Exception through Washington County for interim site access off of Boones Ferry Road.*

*With recommended Condition of Approval A2, this standard is met.*

**TDC 75.050. - Access Limited Roadways**

**(1) This section applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions taken by the City pertaining to property abutting any road or street listed in TDC 75.050(2). In addition, any property not abutted by a road or street listed in subsection (2), but having access to an arterial by any easement or prescriptive right, must be treated as if the property did abut the arterial and this Chapter applies.**

**(2) The following Freeways and Arterials are access limited roadways:**

[...]

**(h)Boones Ferry Road at all points located within the City of Tualatin Planning Area;**

[...]

**Finding:**

*Plans (Exhibit A2) show removal of an existing driveway, addition of an emergency vehicle access to SW Boones Ferry Road restricted by bollards, and construction of a public access obtained south of the property through development approved under SB21-0001, Autumn Sunrise Subdivision. If joint access is not available at time of construction, the applicant may obtain a Design Exception through Washington County for interim site access off of Boones Ferry Road.*

*With recommended Condition of Approval A2, this standard is met.*

### III. RECOMMENDATION

Based on the application materials and analysis and findings presented above, staff finds that the applicable criteria have been met relative to AR 22-0001, and therefore recommend approval of this application with the following conditions of approval:

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#### GENERAL:

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- A1. This Architectural Review approval shall expire after two years unless a building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division, or an extension is granted under TDC 33.020(10).

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#### PRIOR TO EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE:

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*Submit to [eTrakit](#) for review and approval:*

- A2. The applicant must submit Final Street Improvement Plans in accordance with TDC 74.120, 74.130, 74.210, 74.320, 74.330, 74.350, 74.420, 74.450, 74.470, 74.485, 74.660, 74.765, 75.020, and 75.040 that show:
- a. Frontage improvements for the east side of SW Boones Ferry Road, as approved by the City Engineer, consisting of:
    - i. Dedication of adequate right-of-way required to permit the construction of the public improvements;
    - ii. Striping;
    - iii. Curbs and gutters;
    - iv. A 4-foot wide planter strip (the curb is not included in this width). **This width may be reduced in locations, as needed to accommodate existing improvements and/or constraints, subject to approval by the City Engineer;**
    - v. Street trees and planting locations with irrigation consistent with TDC 74.745;
    - vi. A 12-foot wide multi-use path; and,
    - vii. An 8-foot wide public utility easement adjacent to right-of-way with additional as required to support any Portland General Electric support poles, water meters, and vaults; this width may be reduced in locations, as needed to accommodate existing improvements and/or constraints, subject to approval by the City Engineer.
  - b. Access to SW Boones Ferry Road from this site:
    - i. Via a public access and utility easement over Tax Lot 106 (2S13 5D) and Tract L of the Autumn Sunrise Subdivision to SW Mahogany Road with public improvements consisting of:
      1. A 24-foot wide paved travel surface striped for two-way traffic;
      2. Curbs and gutters on both sides of the travel surface; and,
      3. A 5-foot wide sidewalk on the west side of the travel surface.
      4. Alternatively, the applicant may show interim access directly to SW Boones Ferry Road, subject to the approval of a Design Exception by Washington County and approval by the City Engineer, until such time as access to SW Mahogany Road can be constructed, at which time direct access to SW Boones Ferry Road

would be abandoned and closed subject to applicable closure requirements of Washington County and the City of Tualatin.

~~ii. If public street and stormwater improvements required by Conditions of Approval for Phase 3 of the Autumn Sunrise Subdivision (File No. SB21-0001) have not been constructed and accepted by the City prior to Erosion Control, Public Works, and Water Quality Permit Issuance for this project, then the applicant shall provide evidence of an agreement, approved by the City Engineer, allowing this project to design and construct the following:~~

~~1. For Private Tract L including:~~

~~a. A 24-foot wide paved travel surface, striped to accommodate two-way traffic;~~

~~b. A blanket public access and utility easement;~~

~~c. A 5-foot wide sidewalk on the west side of the travel surface;~~

~~d. Curbs and gutters on both sides of the travel surface; and,~~

~~e. A six-foot deep concrete approach where the access meets SW Mahogany Street, matching the travel surface width.~~

~~2. For SW Mahogany Street including:~~

~~a. A traffic signal at SW Boones Ferry Road based on applicable signal warrants, as determined by Washington County and the City of Tualatin;~~

~~b. Crosswalks and receiving ramp on the west side of SW Boones Ferry Road;~~

~~c. Street signs with local street name for SW Mahogany Street approved by the City Engineer; and,~~

~~d. Associated water quality and quantity facilities.~~

A3. The applicant must submit Final Water Plans in accordance with code section TDC 74.610, TMC 3-3, and the Public Works Construction Code that show:

a. Construction of the C-Level public water system from the intersection of SW Boones Ferry Road and SW Norwood Road to the south property line of this development with a 12-inch diameter main to meet public water system requirements of the MurraySmith Technical Memorandum dated November 2, 2021 and included as Exhibit N;

b. A gate valve at the main for domestic and fire service laterals; and,

c. Adjacent to the SW Boones Ferry Road right-of-way:

i. Reduced pressure backflow prevention and water meter for the domestic lateral;

ii. The water meter must be located within the planter strip. If inadequate width of strip is approved, then behind the sidewalk and within and surrounded by five feet of public utility easement;

iii. Irrigation after a domestic meter and reduced pressure backflow device; and,

iv. The fire vault surrounded by five feet of public utility easement.

A4. The applicant must submit Final Sanitary Sewer Plans in accordance with code section TDC 74.620, TMC 3-2, and the Public Works Construction Code that show:

a. The location of the lines, grade, materials, and other details;

- b. The gravity service lateral releasing to a public manhole at the north end of a public sanitary sewer easement to the south; and,
  - e. Construction of the public gravity sanitary sewer system as needed to serve this development within public sanitary sewer easements and right-of-way. ~~If the public sanitary sewer system necessary to serve this development is not constructed at the time of Erosion Control, Public Works, and Water Quality Permit Issuance for this project, the applicant must:~~
    - ~~i. Obtain approval to extend the public sanitary sewer system from the north end of the vicinity of future Tract L within Phase 3 of the Autumn Sunrise Subdivision (File No. SB21-00001) to connect to approved and constructed mains and the Clean Water Services' Norwood Road Pump Station; or~~
    - ~~ii. Obtain permits from the City to construct all necessary portions of public system yet to be constructed; and,~~
    - ~~iii. Means of compliance with the contractor insurance and bond requirements of the City of Tualatin.~~
- A5. The applicant must submit Final Stormwater Plans certified by an Oregon registered, professional engineer in accordance with TDC 74.630 and 74.650, TMC 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design and Construction Standards (D&CS) Chapter 4 that show:
- a. A downstream analysis, including but not limited to erosion, and include solutions within final plans for ¼ mile downstream from the release from the private development through the public stormwater system, in accordance with TMC 3-5-210(1 through 4);
  - b. With gravity flow five feet from the outside of the established line of the building to the public stormwater system in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4), or as otherwise approved by the City Engineer;
  - c. Discharge to an approved public system; and,
  - d. Capture of runoff from all new and modified private and public impervious areas, including:
    - i. Runoff from new impervious area located within the public access easement on Tax Lot 106 and Tract L within Phase 3 of the Autumn Sunrise Subdivision (File No. SB21-0001);
    - ii. This runoff may be captured and treated within stormwater facilities of the subject development subject to compliance with CWS D&CS approved Proprietary Treatment Systems or City Engineer approved alternative; and,
    - iii. Treatment of new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2, including:
      - 1. Stormwater from public impervious areas may be alternatively equivalently treated and detained within the subject development's private stormwater facilities;
      - 2. Public water quality facilities may be LIDA street swales or can connect to the public water quality facility constructed by Autumn Sunrise, subject to final approval by the City Engineer; and
      - 3. If additional public stormwater facilities are required, additional dedication of right-of-way may be needed; and,

4. Detention in accordance with TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08;
  5. On-site facilities accommodating hydromodification, meeting release rates for ½ the 2-year or 5-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5;
  6. Conveyance calculations demonstrating the proposed public facilities can accommodate up to a 25-year storm event in accordance with TDC 74.640 and CWS D&CS 5.05.2.d; and,
  7. Compliance with the following, in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d):
    - a. The submitted Clean Water Services’ Service Provider Letter CWS File Number 21-002248 dated September 7, 2021 and its requirement to obtain a Stormwater Connection Permit Authorization Letter (Exhibit A6);
    - b. And updated Service Provider Letter, if required due to plan modifications; and,
    - c. Requirements stated within the Clean Water Services’ Memorandum included as Exhibit D; and,
    - d. The applicant must submit financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1; and,
    - e. The applicant must submit a copy of the recorded private stormwater maintenance agreement in accordance with TMD 3-5-390(4). The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, and treatment.
- A6. The applicant must submit Final Erosion Control Plans in accordance with TDC 74.640 and 74.650, TMC 3-5-050 and 3-5-060, the Tualatin Public Works Construction Code, and Clean Water Services’ Design and Construction Standards Chapters 2 and 6 that show:
- a. Grading within the public right-of-way and public easements, as approved by the City Engineer; and,
  - b. For total disturbed area up to five acres, a copy of the National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon DEQ, or
  - c. For total disturbed area of five or more acres, a copy of the National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.

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**PRIOR TO BUILDING OR ENGINEERING PERMIT ISSUANCE:**

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*Submit to [eTrakit](#) for review and approval:*

- A7. The applicant must obtain approved Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin

- A8. The applicant must provide a copy of recorded dedication of sufficient right-of-way for SW Boones Ferry Road from the centerline plus any additional to accommodate final accepted public street and stormwater improvements in accordance with TDC 74.210, 74.420, 74.470, 74.485, and 74.765.
- A9. The applicant must provide a copy of the recorded easement for the following, in accordance with TDC 74.320, 74.330, 74.350:
- a. A public utility easement, as approved by City Engineer, adjacent to SW Boones Ferry Road including, five foot wide public water easement surrounding water meter, backflow protection, and/or fire vaults, and additional width as needed for PGE support poles and guy wires.
  - b. A 50-foot wide public access and utility easement dedicated to the City of Tualatin, or as otherwise approved by the city Engineer over Tax Lot 106 and Tract L of Phase 3 of the Autumn Sunrise Subdivision
- A10. The applicant must provide a copy of:
- a. A Design Exception, if needed for direct access to Boones Ferry Road;
  - b. Approved Facility Permits from Washington County; and,
  - c. A 1200-CN National Pollution Discharge Elimination System (NPDES) Stormwater Discharge Permit from Clean Water Services as an agent of Oregon DEQ if less than five acres are disturbed, or a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ if more than five acres are disturbed.
- A11. The applicant must submit a Final Site Plan Set (in PDF format) to the Planning Division that is in substantial conformance to the submitted site plans and includes:
- a. Tree Preservation Plan that corresponds to the Tree Assessment Report (submitted as Exhibit A3) that is drawn to scale that includes the location of all trees proposed for removal and preservation that are eight inches or more in diameter, all existing and proposed structures, all existing and proposed public and private improvements, and all existing public and private easements in accordance with TDC 33.110(4)(a).
  - b. Trees identified for retention in Tree Assessment Report (Exhibit A3) must be identified on the grading plan, consistent with TDC 73B.080(3). This includes on-site Tree 29 and fifteen off-site trees. Tree protection fencing and other preservation measures recommended by the Arborist should also be specified on the grading plan.
  - c. Private outdoor areas of 80 square feet or greater attached to each ground level unit, consistent with TDC 73A.200(1).
  - d. Balcony areas of 48 square feet or greater provided for each above-ground unit, consistent with TDC 73A.200(2).
  - e. Entry areas of 24 square feet or greater provided for each unit, or a minimum combined area of 1,392 square feet or greater for each multi-family building, consistent with TDC 73A.200(3).
  - f. Shared outdoor area of 34,800 square feet or greater with features consistent with TDC 73A.200(4).
  - g. Children’s play area of 17,400 square feet or greater with features consistent with TDC 73A.200(5).

- h. Storage areas for each unit that are a minimum of: 24 square feet for one-bedroom units, 36 square feet for two-bedroom units, and 48 square feet for three-bedroom or greater units, consistent with TDC 73A.200(6).
- i. Walkways that are a minimum of 6 feet in width; constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete; and meet ADA standards at time of construction, consistent with TDC 73A.200(7).
- j. An accessway that is a minimum 8 feet in width; constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete; meets ADA standards at time of construction; and connects the private on-site walkways to the public sidewalk or multiuse path on Boones Ferry Road, consistent with TDC 73A.200(7). **The width may be reduced, as needed to accommodate right-of-way improvements and/or constraints, subject to approval by the City Engineer.**
- k. Details to demonstrate that proposed bicycle parking meets the standards of TDC 73C.050(2)(a)-(c), and that a minimum of 116 covered bicycle parking spaces are provided, in conformance with TDC 73C.100(1).
- l. A minimum of 170 parking spaces are provided as approved under VAR 21-0003 (Exhibit F) that meet the dimensional standards set forth in Figure 73-1 (Exhibit I). Sub-compact parking spaces must not exceed 35% of the total required parking, or 60 spaces, consistent with TDC 73C.020(7).
- m. Trees, as approved by the Architectural Review Board, must be planted no more than 30 feet apart on the perimeter of vehicle circulation areas consistent with TDC 73C.210(3)-(5).
- n. A minimum of 4,250 square feet or 25 square feet per parking stall improved with parking lot landscape island area with one deciduous shade trees for every four parking spaces, consistent with TDC 73C.210(6).
- o. A minimum of 580 square feet of trash enclosure area must be shown on the plans. These facilities must comply with the location, design, and access standards in TDC 73D.070.

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**DURING CONSTRUCTION ACTIVITY:**

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- A12. The applicant must install the tree protection fencing consistent with the Tree Assessment Report submitted as Exhibit A3 and Section 73B.080(3). Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice. Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

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**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

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- A13. Provide an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to TDC 73A.200(10)(c). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, be a minimum of 4 inches high, and have a minimum stroke width of 1/2 inch.
- A14. Areas impacted by grading and all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.030(1).



- A15. The applicant must install bicycle parking signage per MUTCD standards, pursuant to TDC 73C.050(2)(d).
- A16. The applicant must construct proposed buildings and all site improvements as illustrated on the approved Final Site Plan and Final Color Architectural Elevations. The applicant must contact the Planning Division for a site inspection at least 72 hours prior to requesting a certificate of occupancy. This inspection is separate from inspection(s) done by the Building Division.
- A17. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with TDC 74.120, 74.130, and 74.170.
- a. **If the public sanitary sewer system necessary to serve this development is not constructed to the extent of property/available easements at the time of request for a Certificate of Occupancy the applicant must:**
- i. **Obtain approval to extend the public sanitary sewer system from the north end of the vicinity of future Tract L within Phase 3 of the Autumn Sunrise Subdivision (File No. SB21-00001) to connect to approved and constructed mains and the Clean Water Services' Norwood Road Pump Station; or**
  - ii. **Obtain approval for revised Erosion Control, Public Works, and Water Quality permits from the City to construct all necessary portions of the public system yet to be constructed; and,**
  - iii. **Provide a means of compliance with the contractor insurance and bond requirements of the City of Tualatin.**
- b. **If public street and stormwater improvements required by Conditions of Approval for Phase 3 of the Autumn Sunrise Subdivision (File No. SB21-0001) have not been constructed and accepted by the City at the time of a request for a Certificate of Occupancy for this project, then the applicant shall provide evidence of an agreement or obtain approval for revised Erosion Control, Public Works, and Water Quality permits from the City, as approved by the City Engineer, allowing this project to design and construct the following:**
- i. **For Private Tract L including:**
    1. **A 24-foot wide paved travel surface, striped to accommodate two-way traffic;**
    2. **A blanket public access and utility easement;**
    3. **A 5-foot wide sidewalk on the west side of the travel surface;**
    4. **Curbs and gutters on both sides of the travel surface; and,**
    5. **A six-foot deep concrete approach where the access meets SW Mahogany Street, matching the travel surface width.**
  - ii. **For SW Mahogany Street including:**
    1. **A traffic signal at SW Boones Ferry Road based on applicable signal warrants, as determined by Washington County and the City of Tualatin;**
    2. **Crosswalks and receiving ramp on the west side of SW Boones Ferry Road;**
    3. **Street signs with local street name for SW Mahogany Street approved by the City Engineer; and,**
    4. **Associated water quality and quantity facilities.**
- A18. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements City in accordance with TDC 74.120, 74.130, and 74.170.

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

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- A19. All mechanical equipment must be screened in accordance with TDC 73A.200(11)(c). Prior to approval of a mechanical permit, the applicant or property owner must submit scaled elevations illustrating that above-grade or on-grade equipment will be screened by parapet, sight-obscuring fence, landscaping, or other method.
- A20. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A21. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) (Modifications to Previously Approved Final Architectural Review Decisions).
- A22. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1 (Exhibit I).
- A23. No vehicular parking, hedge, planting, fence, wall structure, or temporary/permanent physical obstruction is permitted between 30 inches and eight feet above the established height of the curb in the vision clearance area specified in TDC Figure 73-2 (Exhibit J).