

Written Testimony
Quasi-Judicial Public Hearing
Tigard Triangle LID No. 1
Continued from October 8, 2013 to
November 12, 2013

Submitted to
City Recorder Wheatley
during 10/8/2013 City
Council Mtg. X

Remonstrance against Local Improvement District
and Petition for Removal of Property from Local Improvement District
via Partial Abandonment

Petitioner, Dartmouth Townhomes, LLC (DTLLC), hereby submits its remonstrance against the Dartmouth Local Improvement District (LID), adopted by the Tigard City Council as Ordinance No. 08-03 on 2/26/2008. Petitioner makes this remonstrance under Tigard Municipal Code Chapter 13.04 General Procedures.

Petitioner also requests removal of its property (bounded by SW 69th Avenue, 70th Avenue, and north of SW Dartmouth Street; Washington County Tax Map 1S136DD, Tax Lots 07500 and 07600) from the LID via a partial abandonment of the LID.

When the LID was created, Petitioner was under a non-remonstrance requirement. This requirement lapsed in December 2012 with the expiration of Site Development Review (SDR 2007-00008). Petitioner now seeks abandonment of the LID as it applies to its property for the present and any future owners of the lots. Abandonment is permitted under Tigard Municipal Code Chapter 13.04.070-4 entitled "Abandonment of Proceedings."

Arguments for remonstrance and partial abandonment are included in the attached document.

Submitted this 8th Day of October, 2013

By: 
John M. Kearney, Member
Dartmouth Townhomes, LLC

Arguments in Support of Remonstrance against LID and for Partial Abandonment as Applied to
Dartmouth Townhomes LLC's Property

SDR 2007-00008

Under SDR 2007-00008, which granted conditional approval to build a seven-unit condominium project on Tax Lots 07500 and 07600 (DTLLC Property), DTLLC was not permitted to submit a remonstrance against the proposed Dartmouth LID, which was adopted by the Tigard City Council under emergency circumstances on 2/26/2008. SDR 2007-00008 and extensions thereto lapsed in December 2012. Accordingly, DTLLC may submit a remonstrance against its continued inclusion in the LID.

Dartmouth LID and History

In December 2007 through February 2008, the Tigard City Council heard testimony from staff, the neighborhood, and engineers for and against the creation of an LID to improve the neighborhood bordered by Baylor Street, SW 68th Avenue, Dartmouth Street, and 70th Avenues in Tigard, Oregon.

According to the City Engineer, Gus Duenas, this work needed to be approved and completed by the end of 2008. Group MacKenzie prepared a Preliminary Engineer's Report, date 12/3/2007, which covered its analysis of the proposal and recommendation to proceed with the formation of the LID. A copy of this report was emailed to City Engineer, Mike Stone, on 10/8/13. On page 15, the Project Schedule called for contractor substantial completion to be performed by 11/15/2008.

Based on the testimony and on the Preliminary Report, the City Council adopted the LID under emergency circumstances on 2/26/2008. Despite the emergency status, little to no work has been done on the project in the more than five years since its adoption.

In 2005, Petitioner paid \$500,000 for the DTLLC property, which was finished along the perimeter with sidewalks, curbs, gutters, street trees, driveway aprons, and utility stubs. The property also included storm and public sewers in the streets. The cost basis plus the holding costs, development fees, taxes, and insurance associated with this property now exceed \$800,000. The property has been listed for sale on the RMLS and/or Loopnet since 10/9/2008. The initial asking price was \$490,000. The current asking price is \$125,000, which was done to accommodate the estimated LID costs of approximately \$135,000. Petitioner has received only two offers on the property; both coming in 2013 with one \$40,000 below the asking price.

In May 2012, Petitioner DTLLC contacted the City Engineer to determine the status of the LID. This was after a potential purchaser of the property passed on buying it. The purchaser inquired with the city planning department about the timing, scope, and cost of the LID project and there were no concrete answers. The planners did not know when it would be done, how large the project was, or how much the work would cost. Petitioner's holding costs on the property are approximately \$3,000/month. The property is bare land that produces no income.

One of the principal rights of a property owner is the right to sell or alienate their property. In this case, the uncertainty of the timing, scope, and cost of the LID is impacting Petitioner's right to sell their property. Petitioner wants to sell the property at a fair market value, not at a deep discount due to the uncertain status of the LID. Based on Petitioner's monthly holding costs and lack of income, they are being damaged by \$3,000/month. This totals \$51,000 in holding costs in the 17 months since Petitioner first contacted the City Engineer about the LID. This is causing Petitioner irreparable harm and will continue to do so as long as the property remains in the LID.

In addition to a partial abandonment of the LID, Petitioner requests that the City Council investigate the events that led to the delay or permanent "hold" status of the LID. Since 2008, there have been three city engineers. Mr. Stone, has been helpful in this process, he has had time and budgetary constraints that have prevented him from providing a clear trail. In this age of government mistrust, private citizens demand increased accountability. Governmental transparency is what ensures that private citizens are provided due process and equal protection. The only written explanation received on this was that several neighbors asked for a delay. Petitioner requests information on who made the decision to delay and whether a public hearing was ever held on this topic. These questions will determine whether due process and equal protection were respected.

Site Development Review and Impact Study Proportionality Analysis

Under City of Tigard Code Section 18.390.040, when real property is to be contributed to a public improvement, Traffic Impact Fees (TIFs) are used to determine proportionality by comparing a portion of those fees to the value of the real property contributed plus any required improvements.

In Petitioner's case, it was required to dedicate real property and to make improvements. Under Petitioner's SDR 2007-00008 (on thumb drive), the total Traffic Impact anticipated by the development was \$66,062. This amount was multiplied by 32% to determine the TIF fees. That left a total of \$21,140 TIF payments. The balance (or 68%) was \$44,922. This figure is called the "unmitigated impact"

The city planner determined that the value of the land contribution (\$7,194) plus other fees (\$5,844) was \$12,679. They concluded that because the value of the exactions (\$12,679) was less than the unmitigated impact to the transportation system (\$44,922), the level of exaction met the proportionality test. Accordingly, the unmitigated impact exceeded exactions by \$32,243 or by a multiplier of 3.54 to 1.

SDR Appeal Process

Petitioner's SDR 2007-00008 was issued on 11/8/2007, with an appeal period ending on 11/28/2007. During that period, Dennis Grayson of DTLLC called the city to determine if there were any existing, planned, or future LIDs affecting our property. Greg Berry replied that there weren't any existing, planned, or future LIDs affecting the property. Mr. Berry's failed to answer a direct question regarding the existence of the proposed Dartmouth LID. This compromised DTLLC's ability to appeal the SDR and to later file a remonstrance against the LID. This failure to disclose was a due process violation that has led to nearly \$200,000 in holding costs since November 2007.

In his proportionality analysis in SDR 2007-0008, Associate Planner Gary Pagenstecher did not include the exactions from the LID, which was being worked on at the same time. In SDR 2007-00003 (emailed to City Engineer on 10/8/13), which applied to the LID petitioner Specht Properties, the document was loaded with references to the proposed LID and to contingencies applying if it was not approved. That document was issued on 10/5/2007, only a month before the date of the SDR 2007-00008. That document was also prepared and signed by Gary Pagenstecher, so he had knowledge of the proposed LID and included it in one SDR, but did not disclose it in another.

SDR 2007-00003 included multiple references to a proposed LID, while SDR 2007-00008 included no information on a proposed LID, but contained Condition #25 requiring DTLLC to participate in any future LIDs along Dartmouth Street. In Petitioner's opinion, the city planner should have disclosed the proposed LID so that Petitioner could have challenged it during the appeal period. This is a second violation of due process leading to greater holding costs.

With respect to proportionality, Petitioner's initial LID contributions were listed at \$126,436 in the Preliminary Engineer's Report. If these fees were included in the city's proportionality figures, it would total \$139,115 for exactions directly related to the public transportation system. The dedication of an 11'-wide strip of property to widen a road and install a bike lane, and redevelopment of that strip, is certainly related to the public transportation system. This amount exceeds the unmitigated impact by \$94,143 or by a multiplier of 3.1 to 1. That number is hardly proportional under the city's line of thinking. If the correct proportionality had been applied to SDR 2007-00008, Petitioner might not have been required to participate in the LID on Dartmouth. Petitioner asks that the City Council undo the multiple due process violations and abandon the LID as it applies to Petitioner's property.

Group MacKenzie Preliminary Engineer's Report

This report was dated 12/3/2007, only five days after the expiration of Petitioner's appeal period. It included two sets of drawings for the proposed LID. The first, dated 1/26/06, did not include the DTLLC property, but did include three Specht-owned properties on SW 70th Avenue. The second version, which was the LID map adopted under Ordinance No. 08-03, included DTLLC's tax lots, but did not include the three Specht-owned lots on SW 70th Avenue.

This smacks of manipulation and LID gerrymandering. The City Council should investigate who made the changes that affected the properties included in the report. It is Petitioner's fear that future LIDs can be forced on unsuspecting neighbors if one property owner controls a large portion of a neighborhood.

Petitioner also requests that the City Council examine the last page of Group MacKenzie's report. On that page 17, they note that a 3:1 land-value-to-assessment ratio is typically desirable for the formation of an LID. Based on their estimated LID total cost of \$2,443,367 and a total square footage of 235,055, the cost per square foot was \$10.39. In order to achieve their ratio, land values would have to be \$31 per square foot. They then note that based on average land values in the neighborhood, that 3:1 ratio

would not be met. It would certainly not be met with respect to Petitioner's property, which had been limited to residential-only use as part of the transfer of development rights in 2004.

Even on completion of the project, the 3:1 ratio would not be met. They anticipated that the post-project ratio would be 2.5:1 to 2.8:1. That's like saying you have to be 6' tall to take a ride at Oaks Park, but then letting in people who are 5'0" tall through 5'7" because "they're tall enough." It simply makes no sense to set a goal and then to fall seven to 17% below that goal. The City of Tigard would likely not offer a permit applicant a 17% discount just because they liked them or if it's "close enough for government purposes."

For the foregoing reasons, Petitioner asks to be removed from the Dartmouth LID with a partial abandonment as it applies to Petitioner's property. Petitioner also asks that the City Council exclude DTLLC and any future owners from any other future LIDs that would affect the area.

Cathy Wheatley

From: Marty Wine
Sent: Monday, October 07, 2013 9:09 PM
To: Cathy Wheatley
Cc: Mike Stone; Kenny Asher; Tim Ramis
Subject: Fwd: Dartmouth LID - Prior Land Use Decision on Lots 7500/7600

Agenda Item 4
LID # 1 - 10/8/13
Testimony - Jack
Kearney

Cathy, first of two items to please enter into the record and please be sure that CD staff is notified because we may have research after tomorrow nights meeting to prepare for a future hearing. Thanks.

Marty

Sent from my iPhone

Begin forwarded message:

From: Mike Stone <MStone@tigard-or.gov>
Date: October 7, 2013 at 8:22:35 PM PDT
To: Jack Kearney <jkearney66@gmail.com>
Cc: Marty Wine <Marty@tigard-or.gov>
Subject: Re: Dartmouth LID - Prior Land Use Decision on Lots 7500/7600

Jack. I appreciate the effort here and the informational research which obviously took some time and effort.

Unfortunately, we have a scheduled hearing tomorrow night and given the lateness of this email I'm not likely to have much in the way of answers/comments available and I hope you can understand.

Hope to see you tomorrow, M

Michael Stone, PE
City Engineer
City of Tigard
Sent from my iPad

On Oct 7, 2013, at 4:56 PM, "Jack Kearney" <jkearney66@gmail.com> wrote:

Mike,

Attached is SDR 2004-00011 for applicant Pacific NW Properties (PNWP) for the lots currently owned by Dartmouth Townhomes LLC (DTLLC) (Lots 7500/7600) which are now part of the Dartmouth Local Improvement District (LID). DTLLC purchased the lots directly from PNWP. I looked for the document on the City of Tigard website, but it was not there. I also requested it from Kim McMillan several times via email and did not receive an answer. I finally received the

document from Fidelity National Title. The file is rather large, so it had to be put in two PDFs.

At the City Council hearing on 8/20/2013, Ms. McMillan stated that re-development of Dartmouth Street was required as part of the prior land use decision for these lots. Mr. Specht used that statement to argue for our continued inclusion in the LID. I have read and analyzed the SDR. Most of the contents pertain to Phases I and II (of III) of the buildings now located two blocks east of our property. Our property was Phase III and the commercial rights (FAR) from our property were transferred to Phases I and II as part of the process.

SDR2004-00011 does not state anything requiring the owner (or future owners) to re-develop the land along Dartmouth Street. It simply required them to dedicate and/or reserve an 11' strip along Dartmouth for future street widening. It also required them to make improvements along Dartmouth, 69th Avenue, and 70th Avenue (these improvements were made prior to our purchase). The final requirement was that they file the proper forms with the City of Tigard limiting future use to residential only (these forms were presumably filed). If you have any other documents that state differently, please forward them to us for review.

In our land use decision, SDR 2007-00008 (attached, dated 11/09/2007), the city planner included an "Impact Study" (page 30 of 32). That section addressed DTLLC's Traffic Impact Fee (TIF) at a total of \$66,062. This is the amount by which our proposed development would impact the public. They used a multiplier of 0.32 to determine that we should pay \$21,140 in TIF permit fees. The difference between these two numbers was \$44,922 and is called the "unmitigated impact." That figure was used by the planners in their proportionality analysis.

City Code Section 18.390.040 states that when a condition of approval requires the transfer to the public of an interest in real property, the approval authority shall adopt findings which support the conclusion that the interest is roughly proportional to the impact the proposed development will have on the public. DTLLC was required to dedicate land and to pay fees-in-lieu of improvements. The Impact Study included both exactions in its proportionality analysis and findings.

The city planner noted that DTLLC was being asked to contribute land via a right of way dedication, to pay fees for future signalization on 68th and 72nd, and to pay fees for bicycle striping on SW Dartmouth. The value of those items was stated as \$12,679. The city planner reasoned that the value of the proposed dedication and improvements (\$12,679) was less than the unmitigated impact of the project on the transportation system (\$44,922) and that, therefore, the level of exaction met the test of proportionality.

SDR 2007-00008 also required DTLLC to participate in any future development on Dartmouth Street through an LID. During our appeal period, which ended on 11/28/2007, Dennis Grayson of DTLLC inquired with Greg Barry at the City of

Tigard to determine whether there were any existing, pending, or planned LIDs that would affect us. Mr. Barry indicated that there were no existing, pending, or planned LIDs.

In December 2007, about two weeks after our appeal period ended, we received a letter indicating that we were included in the proposed LID. Our initial contribution to the LID exceeded \$120,000 and went above \$130,000 by the time the LID was adopted, under "emergency" conditions, as Ordinance No. 08-03 on 2/26/2008.

During the LID-consideration period, we were presented with a Group MacKenzie Preliminary Engineer's Report (dated 12/3/2007) that included preliminary drawings for the district (dated 1/26/2006) and a final drawing (undated) that was adopted by the City Council. The preliminary map included three Specht-owned properties on SW 70th, but did not include either of our tax lots. The final map included our tax lots, but did not include the formerly included Specht lots. The date of the Group MacKenzie report is only five days after the end of our appeal period (11/28/2007), so it's illogical to think that the City of Tigard or Mr. Barry had no knowledge of a pending or planned LID that would affect our property.

In my opinion, the city should have asked for our portion of the LID work to be done as part of our SDR, as it was directly related to (and a condition of approval for) our development. It would be one thing if the LID work was to be done years in the future, but the planned LID construction was to be finished by 11/15/2008 according to the Group MacKenzie Report. Had the city planners included this exaction in our SDR, rather than using a deceptive LID requirement, they would have had to include the extra \$120,000-130,000 in their proportionality analysis.

Based on the totality of these circumstances, it was dishonest for the City of Tigard to fail to disclose the LID when we inquired during our appeal period. Based on the knowledge the City of Tigard had and did not disclose, it was equally dishonest to not include the \$120,000-130,000 into the proportionality analysis of our SDR. A total of more than \$140,000 in land contributions and improvement exactions/fees-in-lieu of improvements is hardly proportional to the unmitigated impact of \$44,922.

In addition, SDR 2007-00008 required DTLIC to pay for other fees that were not included in the proportionality analysis. There was a charge of \$5,775 as a fee-in-lieu of undergrounding utilities across the street from us on SW 69th (property that belongs to Mr. Specht). According to SDR 2004-00011, PNWP was required to pay \$18,550 for a fee-in-lieu of undergrounding utilities on SW 68th and SW 69th. A similar fee-in-lieu was applied to Mr. Specht's property under SDR 2007-00003, provided the LID was not approved. As we now know, the LID was approved and undergrounding work is part of the plan. That means that the city was paid once for a fee-in-lieu from PNWP, they asked for a second fee from DTLIC, and the actual work was to be paid for as part of the LID (shifting a

portion of those fees to the other landowners in the LID). Billing three times for the same item is hardly equitable or ethical no matter which way you look at it.

That brings me to a seminal topic that the City Council should be investigating. The main question is what person or group of people made the decision to hold off the LID? Several of the council members alluded to transparency and government trust in the 8/20/2013 meeting. I would like to know who made the decision to wait. I would also like to know why, after more than five years, has little to no work been performed on this one-time emergency project. Was it the City Engineer and Mr. Specht? Was it the City Council? Who is in charge of making such determinations? My fear is that private citizens are stepping in and playing the role of the government and affecting the right of other private citizens. That's a slippery slope that should be avoided at all costs.

To close, widening Dartmouth Street to include a bike lane and to accommodate more traffic is a benefit to the Tigard Triangle and to the City of Tigard, not to our property. DTLLC maintains that it should be removed from the LID and that it not be re-applied, in whole or in part, to any future development at this site. We started this conversation with Mike Stone in June 2012 (16 months ago) and it has cost us another \$50,000 to hold the property during that time. The city should be looking toward general or transportation funds to pay for the widening of Dartmouth Street, not taking it from small developers who were trying to improve the city and its tax base.

--

Respectfully,

Jack.

Jack Kearney, J.D., LL.M. in Taxation

Principal Broker in Oregon

M Realty LLC

2211 NW Front Ave.

Portland, OR 97209

(503) 806-1496<tel:%28503%29%20806-1496>

(503) 328-7078<tel:%28503%29%C2%A0328-7078> (efax)

www.bighatrealestate.com<<http://www.bighatrealestate.com/>>

www.metroportlandhomefinder.com<http://www.metroportlandhomefinder.com>

<Final SDR.11.08.07.pdf>

<Land Use SDR 2004-00011.09.04.13.pdf>

<Land Use SDR 2004-00011-2of2.09.04.13.pdf>

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Cathy Wheatley

From: Marty Wine
Sent: Monday, October 07, 2013 9:10 PM
To: Cathy Wheatley
Cc: Mike Stone; Kenny Asher; Tim Ramis
Subject: Fwd: LID #1

*Agenda Item 1
LID #1 - 10/8/13
Testimony - Greg Specht*

Cathy, Second of two items to please enter into the record and please be sure that CD staff is notified because we may have research after tomorrow nights meeting to prepare for a future hearing. Thanks.

Marty

Sent from my iPhone

Begin forwarded message:

From: Greg Specht <gspecht@spechtprop.com>
Date: October 7, 2013 at 4:36:53 PM PDT
To: "marty@tigard-or.gov" <marty@tigard-or.gov>
Cc: "Steven L. Pfeiffer" <SPfeiffer@perkinscoie.com>
Subject: LID #1

Thanks for your voice mail this morning...Steve Pfeiffer will attend in my absence tomorrow night. I am available to attend a Council meeting on Oct 15, 29 and Nov 5 if the matter can be carried over.

Sent from my iPhone

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Written testimony X
10/7/13 Kearney
email

Cathy Wheatley

From: Kim McMillan
Sent: Wednesday, October 09, 2013 4:27 PM
To: Karleen Aichele
Subject: FW: Dartmouth LID - Prior Land Use Decision on Lots 7500/7600
Attachments: Final SDR.11.08.07.pdf; Land Use SDR 2004-00011.09.04.13.pdf; Land Use SDR 2004-00011-2of2.09.04.13.pdf



Kim S. McMillan, P.E.

Engineering Manager
DIRECT 503-718-2642
CELL 503-866-5784
EMAIL kim@tigard-or.gov
WEB www.tigard-or.gov

City of Tigard | PUBLIC WORKS DEPARTMENT
13125 SW Hall Boulevard, Tigard, OR 97223

From: Jack Kearney [mailto:jkearney66@gmail.com]
Sent: Monday, October 07, 2013 4:55 PM
To: Mike Stone; Kim McMillan; Councilmail Councilmail; Kazem Nadri
Subject: Dartmouth LID - Prior Land Use Decision on Lots 7500/7600

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Principal Broker in Oregon
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2211 NW Front Ave.
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[\(503\) 806-1496](tel:5038061496)
[\(503\) 328-7078](tel:5033287078) (efax)
www.bighatrealestate.com
www.metroportlandhomefinder.com

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Attachment 1
10/7/13 Kearney email

X

NOTICE OF TYPE II DECISION
SITE DEVELOPMENT REVIEW (SDR) 2007-00008
AMBER WOODS TOWNHOMES



(Includes a 3-week extension) 120 DAYS = 12/21/2007

SECTION I. APPLICATION SUMMARY

FILE NAME: AMBER WOODS TOWNHOMES
CASE NOS.: Site Development Review (SDR) SDR2007-00008
Sensitive Lands Review (SLR) SLR2007-00003
Variance (VAR) VAR2007-00031
Adjustment (VAR) VAR2007-00032
Adjustment (VAR) VAR2007-00033

PROPOSAL: The applicant is requesting Site Development Review approval for a 7-unit, 3-story attached multi-family residential condominium project located on a .89-acre site in the Tigard Triangle. Sensitive Lands review is required for work within a sensitive area (drainageway). In addition, the applicant is requesting two development adjustments for reduction in side yard setbacks from 10 feet to 8 feet, and an administrative variance to the minimum density standards from 8 units to 7 units.

APPLICANT/OWNER: Dartmouth Townhomes, LLC **APPLICANT'S** Vic Accomondo, P.E.
Attn: John Kearney **REP:** 16750 SW Timberland Drive
2508 NE 24th Avenue Beaverton, OR 97007
Portland, OR 97212

LOCATION: Bounded by SW 69th Avenue, 70th Avenue, and north of SW Dartmouth Street; Washington County Tax Map 1S136DD, Tax Lots 07500 and 07600.

ZONE: MUE: Mixed-Use Employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to 1) support alternative modes of transportation to the greatest extent possible; and 2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the City through the legislative process.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.360, 18.370, 18.390, 18.520, 18.620, 18.705, 18.725, 18.745, 18.765, 18.775, 18.780, 18.790, 18.795 and 18.810.

SECTION II. DECISION

Notice is hereby given that the City of Tigard Community Development Director's designee has **APPROVED** the above request subject to certain conditions of approval. The findings and conclusions on which the decision is based are noted in Section VI.

CONDITIONS OF APPROVAL

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF SITE/BUILDING PERMITS:

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the CURRENT PLANNING DIVISION, ATTN: GARY PAGENSTECHER 503-639-4171, EXT 2434. The cover letter shall clearly identify where in the submittal the required information is found:

1. Prior to issuance of site permits, the applicant shall submit a revised Clean Water Services Service Provider Letter demonstrating that the SW Dartmouth Street right-of-way dedication area has been accounted for in the mitigation required for the project.
2. Prior to commencing any site work, the applicant shall submit construction drawings to both Planning and Engineering that include:
 - A. The approved Tree Removal and Protection plans;
 - B. A construction sequence including installation and removal of tree protection devices, clearing, grading, and paving;
 - C. A note prohibiting equipment, vehicles, machinery, grading, dumping, storage, burial of debris, or any other construction-related activities in any tree protection zone; and
 - D. A note stating that only those trees identified on the approved Tree Removal plan are authorized for removal by this report. Notwithstanding any other provision of this title, any party found to be in violation of this chapter [18.790] pursuant to Chapter 1.16 of the Tigard Municipal Code shall be subject to a civil penalty of up to \$500 and shall be required to remedy any damage caused by the violation. Such remediation shall include, but not be limited to, the following: 1) Replacement of unlawfully removed or damaged trees in accordance with Section 18.790.060 (D) of the Tigard Development Code; and 2) Payment of an additional civil penalty representing the estimated value of any unlawfully removed or damaged tree, as determined using the most current International Society of Arboriculture's Guide for Plant Appraisal.
3. Prior to commencing any site work, the applicant shall establish tree protection fencing as directed by the project arborist and conditioned by this decision to protect the trees to be retained. The applicant shall call for an inspection and allow access by the City Arborist for the purpose of monitoring the tree protection to verify that the tree protection measures are performing adequately.
4. Prior to commencing site work, the applicant shall submit a tree removal application and an erosion control plan providing a detailed analysis for each tree proposed for removal on sensitive lands (Tree #s 16, 17, 18, 48, 50, and 65) that meets the standards of 18.790.050.A
5. Prior to issuance of building permits, the applicant shall submit revised plans and elevation drawings that demonstrate the private outdoor space is screened and designed for privacy in compliance with TDC18.360.090.6.
6. Prior to issuance of building permits, the applicant shall submit a revised landscape plan that includes trees chosen from the City's Street Tree list or other approved tree, for side-yard buffer C planting.
7. Prior to issuance of a building permit, the applicant shall submit detailed plans that show all service areas including air conditioners, gas meters, and refuse containers are screened from view.
8. Prior to issuance of building permits, the applicant shall submit a summary of the biweekly arborist reports prepared by the Project Arborist. The summary shall document the effect of the approved tree protection plan, account for any violations, and certify the condition of protected trees.

9. Prior to issuance of building permits, the applicant shall:
 - A. Submit site plan drawings showing the accurate location of the trees that were preserved, the location of tree protection fencing, and the location of mitigation trees, if any. Attach copy of the approved Tree Protection Plan.
 - B. Submit a statement and signature of approval from a certified arborist regarding the siting and construction techniques to be employed in building the structures with respect to any protected trees on site.
 - C. Install required tree protection fencing as specified by the project arborist and call for an inspection by the City Arborist.
 - D. Applicant shall submit biweekly reports, prepared by a certified arborist, through final inspection documenting the status of required tree protection fencing.
10. Prior to issuance of building permits, the applicant shall record a deed restriction to the effect that any existing tree greater than 12 inches diameter may be removed only if the tree dies or is hazardous according to a certified arborist. The deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this decision should either die or be removed as a hazardous tree.
11. As an ongoing obligation during the development of the proposed property, the applicant shall ensure that the Project Arborist submits written reports to the City Arborist, at least once every two weeks, from initial tree protection zone (TPZ) fencing installation through building construction. The reports shall include the condition and location of the tree protection fencing and whether any changes occurred. If the amount of TPZ was reduced then the Project Arborist shall justify why the fencing was moved, and shall certify that the construction activities to the trees did not adversely impact the overall, long-term health and stability of the tree(s). Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed.

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the ENGINEERING DEPARTMENT, ATTN: KIM MCMILLAN 503-639-4171, EXT 2642. The cover letter shall clearly identify where in the submittal the required information is found:

12. Prior to issuance of a site permit, a Public Facility Improvement (PFI) permit is required for this project to cover water quality and detention facilities and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. NOTE: these plans are in addition to any drawings required by the Building Division and should only include sheets relevant to public improvements. Public Facility Improvement (PFI) permit plans shall conform to City of Tigard Public Improvement Design Standards, which are available at City Hall and the City's web page (www.tigard-or.gov).
13. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. For example, specify if the entity is a corporation, limited partnership, LLC, etc. Also specify the state within which the entity is incorporated and provide the name of the corporate contact person. Failure to provide accurate information to the Engineering Department will delay processing of project documents.
14. The applicant shall provide a construction vehicle access and parking plan for approval by the City Engineer. The purpose of this plan is for parking and traffic control during the public improvement construction phase.
15. Prior to issuance of the Site permit, the applicant shall pay the addressing fee. (STAFF CONTACT: Bethany Stewart, Engineering).

16. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, indicating that they will construct the following frontage improvements along SW 68th Avenue, 69th Avenue and Dartmouth Street as a part of this project:
 - A. replace planter strips with sidewalk or replace and maintain ground cover;
 - B. place street trees in tree wells with metal grates if replacing planter strips with sidewalk; and
 - C. driveway apron.
17. The applicant shall obtain approval from the Tualatin Valley Water District for the proposed water connection prior to issuance of the City's Public Facility Improvement permit.
18. The applicant shall provide an on-site water quality facility as required by Clean Water Services Design and Construction Standards (adopted by Resolution and Order No. 00-7). Final plans and calculations shall be submitted to the Engineering Department (Kim McMillan) for review and approval prior to issuance of the site permit. In addition, a proposed maintenance plan shall be submitted along with the plans and calculations for review and approval.
19. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition."

**THE FOLLOWING CONDITIONS SHALL BE SATISFIED
PRIOR TO FINAL BUILDING INSPECTION:**

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the CURRENT PLANNING DIVISION, ATTN: GARY PAGENSTECHEER 503-639-4171, EXT 2434. The cover letter shall clearly identify where in the submittal the required information is found:

20. Prior to final building inspection, the applicant shall submit a letter from Tualatin Valley Fire & Rescue (TVF&R) stating the conditions of approval cited in their October 2, 2007 letter (included below in Section VIII, Agency Comments) have been satisfied.
21. Prior to final building inspection, the planning division shall be contacted to conduct an inspection to verify that the proposal was completed in accordance with this decision and the approved plans.

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the ENGINEERING DEPARTMENT, ATTN: KIM MCMILLAN 503-639-4171, EXT 2642. The cover letter shall clearly identify where in the submittal the required information is found:

22. Prior to a final building inspection, the applicant shall complete the required public improvements, obtain conditional acceptance from the City, and provide a one-year maintenance assurance for said improvements.
23. Additional right-of-way shall be dedicated to the Public along the frontage of 70th Avenue to increase the right-of-way to 30 feet from the centerline. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department. If this was previously completed the applicant shall provide a copy of the recorded document to engineering staff.
24. Additional right-of-way shall be dedicated to the Public along the frontage of Dartmouth Street to increase the right-of-way to 47 feet from the centerline. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.

25. The applicant shall execute a Restrictive Covenant whereby they agree to complete or participate in the future improvements of SW Dartmouth Street adjacent to the subject property, when any of the following events occur:
 - A. when the improvements are part of a larger project to be financed or paid for by the formation of a Local Improvement District,
 - B. when the improvements are part of a larger project to be financed or paid for in whole or in part by the City or other public agency,
 - C. when the improvements are part of a larger project to be constructed by a third party and involves the sharing of design and/or construction expenses by the third party owner(s) of property in addition to the subject property, or
 - D. when construction of the improvements is deemed to be appropriate by the City Engineer in conjunction with construction of improvements by others adjacent to the subject site.
26. The applicant shall either place the existing overhead utility lines along SW 69th Avenue underground as a part of this project, or they shall pay the fee in-lieu of undergrounding. The fee shall be calculated by the frontage of the site that is parallel to the utility lines and will be \$35.00 per lineal foot. If the fee option is chosen, the amount will be \$5,775.00 and it shall be paid prior to final building inspection.
27. Prior to a final building inspection, the applicant shall demonstrate that they have entered into a maintenance agreement with Stormwater Management, or another company that demonstrates they can meet the maintenance requirements of the manufacturer, for the proposed onsite storm water treatment facility.
28. Prior to a final building inspection the applicant's engineer shall provide a final sight distance certification for both frontage access points.
29. If applicant chooses to maintain the ground cover in the planter strips along all street frontages the HOA will be required to maintain those areas. Provide documentation of the HOA requirements to staff for review.
30. Prior to issuance of building permits, the applicant shall pay into the signalization funds for 72nd Avenue/Dartmouth Street in the amount of \$2,846.47 and 68th Avenue/Dartmouth Street in the amount of \$1,503.76.

**THIS APPROVAL SHALL BE VALID FOR EIGHTEEN (18)
MONTHS FROM THE EFFECTIVE DATE OF THIS DECISION.**

SECTION III. BACKGROUND INFORMATION

Site History:

The subject site consists of two parcels totaling .89 acres. Staff conducted a search of City records and found that the Tigard Triangle Commons development (SDR2004-00011) used the commercial development rights from the subject parcels to support the proposed floor area ratio, which is otherwise limited in the MUE to 0.40. As a result, residential use is the only remaining allowed use on the subject parcels.

Vicinity Information:

The subject site is located in the Tigard Triangle north of SW Dartmouth Street between SW 69th and SW 70th Avenues. The subject property and adjacent properties to the north, east, and south are zoned MUE with the property to the west zoned C-G. Properties in the vicinity are in various stages of development, with those east and west along SW Dartmouth permitted for office use and under construction.

Site Information and Proposal Description:

The site slopes from the 281-foot elevation in the northeast to the 255-foot elevation in the southwest. The south fork of Red Rock Creek daylights on this parcel from an upstream drainage basin that is, or will be piped with approved developments beginning west of I-5. The drainageway is forested and will be protected and enhanced in a 20,098 square foot tract (51% of the site), pursuant to Clean Water Service's standards. Two areas north of the drainageway are proposed for development.

The applicant is requesting Site Development Review approval for a 7-unit, 3-story attached multi-family residential condominium project located on a .89-acre site in the Tigard Triangle. Sensitive Lands review is required for work within a sensitive area (drainageway). In addition, the applicant is requesting two development adjustments for reduction in side yard setbacks from 10 feet to 8 feet, and an administrative variance to the minimum density standards from 8 units to 7 units.

SECTION IV. NEIGHBORHOOD COMMENTS

The Tigard Community Development Code requires that property owners within 500 feet of the subject site be notified of the proposal, and be given an opportunity for written comments and/or oral testimony prior to a decision being made. In addition, staff has posted a notice at the site, visible from the street.

The City received one comment from an interested party, Sue Bielke of the Biodiversity Project of Tigard. Ms. Bielke is concerned about protection of the stream corridor located on site and objects to the proposed incursion into the 50-foot buffer.

RESPONSE: The Clean Water Services Revised Service Provider Letter, dated October 31, 2007 (File No. 06-002386) submitted with the application allows a 814 square foot encroachment into the buffer, but also requires 814 square feet of on-site mitigation. This buffer averaging allows development to occur while protecting and enhancing the resource. The proposed development is consistent with the City's applicable sensitive lands standards as shown in the Sensitive Lands section of this decision, below.

SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA

The proposal's consistency with these Code Chapters is reviewed in the following sections:

- A. **Land Use Decisions**
 - 18.360 Site Development Review
 - 18.370 Variances and Adjustments
- B. **Zoning Districts and Community Plan Area Standards**
 - 18.520 Commercial Zoning Districts
 - 18.620 Tigard Triangle Design Standards
- C. **Applicable Specific Development Standards**
 - 18.705 Access Egress and Circulation
 - 18.725 Environmental Performance Standards
 - 18.745 Landscaping and Screening
 - 18.765 Off-Street parking and loading requirements
 - 18.775 Sensitive Lands
 - 18.780 Signs
 - 18.790 Tree Removal
 - 18.795 Visual Clearance
- D. **Street and Utility Improvement Standards**
 - 18.810
- E. **Decision Making Procedures**
 - 18.390 Impact Study

SECTION VI. APPLICABLE REVIEW CRITERIA

A. LAND USE DECISIONS

Site Development Review approval standards, Section 18.360.090(A)(2) through 18.360.090(A)(15), provide additional standards not necessarily covered under other applicable requirements of this title including Chapter 18.810, Street and Utility Standards. These additional standards are addressed immediately below with the following exceptions:

The subject site, at elevation 255 feet, is located approximately 4,900 feet northeast of the nearest floodplain of Fanno Creek, at elevation 143 feet; therefore, 18.360.090.8 (100-year floodplain) does not apply.

The following sections are discussed elsewhere in this decision and, therefore, will not be addressed in this section: 18.360.090.4 (Buffering, Screening and Compatibility Between Adjoining Uses; 18.360.090.12 (Landscaping); 18.360.090.13 (Drainage); and 18.360.090.14 (Provision for the Disabled).

Relationship to the Natural and Physical Environment:

Buildings shall be: located to preserve existing trees, topography and natural drainage where possible based upon existing site conditions; located in areas not subject to ground slumping or sliding; located to provide adequate distance between adjoining buildings for adequate light, air circulation, and fire-fighting; and oriented with consideration for sun and wind. Trees shall be preserved to the extent possible. Replacement of trees is subject to the requirements of Chapter 18.790, Tree Removal.

The proposed buildings are located with minimal incursion into the adjacent vegetated corridor. On-site mitigation has been provided to enhance the vegetated corridor. According to the applicant's narrative, the soils at the building site do not exhibit any previous sliding or slumping. Trees have been preserved to the extent possible as shown in the Tree Preservation Plan (C8). The buildings have separate street frontages and are separated by the enhanced vegetated corridor at a distance of approximately 120 feet. Therefore, this standard is met.

Exterior elevations:

Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following: (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet; (2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and (3) Offsets or breaks in roof elevations of three or more feet in height.

The applicants Architectural Elevations (A1 and B1) show that this standard has been met for the street side elevations.

Privacy and noise: multi-family or group living uses:

Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view by adjoining units as provided in Subsection 6.a below; The buildings shall be oriented in a manner which protects private spaces on adjoining properties from view and noise; On-site uses which create noise, light, or glare shall be buffered from adjoining residential uses; and Buffers shall be placed on the site as necessary to mitigate noise, light or glare from off-site sources.

The applicants Architectural Elevations (A1 and B1) show that each unit has an approximately 60 square foot deck off of the main floor. However, the plans and elevation drawings do not show any ground level patios or how the decks and patios will be screened.

Private outdoor area: multi-family use:

Private open space such as a patio or balcony shall be provided and shall be designed for the exclusive use of individual units and shall be at least 48 square feet in size with a minimum width dimension of four feet; and Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit; and Required open space may include roofed or enclosed structures such as a recreation center or covered picnic area. Wherever possible, private outdoor open spaces should be oriented toward the sun; and Private outdoor spaces shall be screened or designed to provide privacy for the users of the space.

The applicant's narrative states that each of the 22-foot wide units facing SW 69th Avenue have a private outdoor patio area of 176 square feet and a 176 square foot balcony with visual screening and the 24-foot units facing SW 70th Avenue have private outdoor patio area of 192 square feet and a 192 squared foot balcony with visual screening. The applicants Architectural Elevations (A1 and B1) show that each unit has an approximately 60 square foot deck off of the main floor. However, the plans and elevation drawings do not show any ground level patios or how the decks and patios will be screened. Therefore, the applicant shall submit revised plans and elevation drawings that demonstrate the private outdoor space is screened and designed for privacy in compliance with TDC18.360.090.6.

Shared outdoor recreation areas: multi-family use:

In addition to the requirements of subsections 5 and 6 above, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts: Studio up to and including two-bedroom units, 200 square feet per unit; and Three or more bedroom units, 300 square feet per unit. The required recreation space may be provided as follows: (1) It may be all outdoor space; or (2) It may be part outdoor space and part indoor space; for example, an outdoor tennis court, and indoor recreation room; or (3) It may be all public or common space; or (4) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room and balconies on each unit; and (5) Where balconies are added to units, the balconies shall not be less than 48 square feet. Shared outdoor recreation space shall be readily observable to promote crime prevention and safety.

The proposed development includes seven three-bedroom units, which would require 2,100 square feet of shared outdoor recreation area. The applicant states and the Landscape Plan (C9) shows that approximately a total of 4, 200 square feet of outdoor recreation area is available in the backyards on the subject site. These areas are readily observable from the units, which should promote crime prevention. Therefore, the shared outdoor recreation areas standard has been met.

Demarcation of public, semi-public and private spaces for crime prevention:

The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and These areas may be defined by, but not limited to: (1) A deck, patio, low wall, hedge, or draping vine; (2) A trellis or arbor; (3) A change in elevation or grade; (4) A change in the texture of the path material; (5) Sign; or (6) Landscaping.

The proposed development includes private access driveways immediately adjacent to the public sidewalk. The applicant has proposed signage to define and limit private area access, consistent with this standard.

10. Crime Prevention and Safety:

- A. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants;
- B. Interior laundry and service areas shall be located in a way that they can be observed by others;
- C. Mail boxes shall be located in lighted areas having vehicular or pedestrian traffic;
- D. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime; and
- E. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet, which is sufficient to illuminate a person.

The areas most vulnerable to crime are in the interior of the property. The applicant's elevation drawings show windows of all units facing this area. Therefore, this standard is met.

Public Transit:

Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to an existing or proposed transit route; the requirements for transit facilities shall be based on: the location of other transit facilities in the area; and the size and type of the proposal. The following facilities may be required after City and Tri-Met review: bus stop shelters; turnouts for buses; and connecting paths to the shelters.

Tri-Met was notified of the proposed development but did not provide any comment. The subject site is not served by an adjacent Tri-Met bus route. However, a bus line does use SW 68th Parkway within 300 feet of the subject property. Transit improvements on SW 68th Parkway have been conditioned with of the b neighboring One Dartmouth Office Building (SDR2007-00003). Therefore, no transit improvements are required for this site, apart from standard pedestrian improvements (i.e. sidewalks) addressed below in the Streets and Utilities section of this decision.

All of the provisions and regulations of the underlying zone shall apply unless modified by other sections or this title, e.g., Planned Developments, Chapter 18.350; or a variance or adjustment granted under Chapter 18.370.

The applicant has applied for adjustments to the side yard setbacks and a variance to the density standards, which have been reviewed and approved in the Variances and Adjustments section of this decision, below.

FINDING: Based on the analysis above, not all of the Site Development Review Approval Standards have been met. However, with the following condition of approval, they can be met.

CONDITION: The applicant shall submit revised plans and elevation drawings that demonstrate the private outdoor space is screened and designed for privacy in compliance with TDC18.360.090.6.

18.370 Variances and Adjustments

18.370.010 Variances

The purpose of this section is to provide standards for the granting of variances from the applicable zoning requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific property, the literal interpretation of the provisions of the applicable zone would cause an undue or unnecessary hardship, except that no use variances shall be granted.

The applicant has requested a variance from the minimum density requirements for the MUE zone, which, for residential only use is 25 units per acre. The minimum density for this site is 8 units, as shown in the Density Computations section of this decision, below. The applicant requests approval for 7 units.

Variances shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using the following standards of approval. The Director shall approve, approve with conditions, or deny an application for a variance based on finding that the following criteria are satisfied:

The proposed variance will not be materially detrimental to the purposes of this title, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;

The proposed development will be consistent with the purposes, and other applicable policies and standards of this title as reviewed and approved with this decision. The variance would generally reduce the impacts of the proposed development on adjacent properties because one less dwelling would be permitted. The specific impacts of the buildings at the northern property line would likely not be any different as the setbacks, height limitations, and buffering would apply equally. Therefore, the proposed use is consistent with this standard.

There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;

The subject site is highly constrained by a draingeway that traverses the property, which leaves approximately one half the property available for development. The MUE zone does not include a minimum density figure but requires a set 25 units per acre for residential only projects. Therefore, the request meets this standard.

The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

The proposed use is residential, which is the same use permitted for development in the MUE, consistent with this standard.

Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected any more than would occur if the development were developed as specified in the title; and

The reduction of one unit below that required under the zone would affect the sensitive area less than if developed consistent with the standards.

The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

The hardship imposed by the presence of the sensitive area is not self-imposed and, with a one-unit reduction, is the minimum variance which would alleviate the hardship, consistent with this standard.

FINDING: All of the variance criteria are met to allow a reduction in the density from 8 units to 7.

18.370.020 Adjustments

Development adjustments allow modest variation from required development standards within proscribed limits. Because such adjustments are granted using clear and objective standards these can be granted by means of a Type I procedure, as opposed to the more stringent standards of approval and procedure for variances. The following development adjustments will be granted by means of a Type I procedure, as governed by Section 18.390.030, using approval criteria contained in Subsection B2 below:

- a. **Front yard setbacks. Up to a 25% reduction of the dimensional standards for the front yard setback required in the base zone. Setback of garages may not be reduced by this provision.**
- b. **Interior setbacks. Up to a 20% reduction of the dimensional standards for the side and rear yard setbacks required in the base zone.**
- c. **Lot coverage. Up to 5% increase of the maximum lot coverage required in the base zone.**

The applicant requests approval for adjustments to two interior side yard setbacks from the required 10 feet to the proposed 8 feet (20%) for the side yards to the north of the proposed buildings. Therefore, the proposed adjustments qualify as development adjustments and may be approved provided they are consistent with the following approval criteria.

A development adjustment shall be granted if there is a demonstration of compliance with all of the applicable standards: a) A demonstration that the adjustment requested is the least required to achieve the desired effect; b) The adjustment will result in the preservation of trees, if trees are present in the development area; c) The adjustment will not impede adequate emergency access to the site; d) There is not a reasonable alternative to the adjustment which achieves the desired effect.

The proposed development is situated on the subject site to make the least incursion into the vegetated corridor buffer established by CWS as represented on the Base Map Site Plan (C7). The adjustment will result in greater preservation of the vegetated corridor. Emergency access is not an issue with the proposed development accessible from the public streets adjacent to the units. In light of the constrained site, the variance in the density, and the required side yard buffers, there is not a reasonable alternative to the adjustment.

FINDING: All of the adjustment criteria are met to allow the proposed 8-foot side yard setbacks.

B. ZONING DISTRICTS

Commercial Zoning District: Section 18.520.020

Lists the description of the Commercial Zoning Districts.

The site is located in the MUE: Mixed Use Employment zoning district. “Household living,” at 25 units/gross acre, is permitted outright in the zone. The present use of the site is vacant land. The proposed use, multi-family residential is a permitted use. However, as shown in the density computations section of this decision, the applicant has requested a variance to this standard to allow one fewer unit than the minimum. The applicant has applied for a variance to address this issue.

Development Standards:

Section 18.520.040.A requires all development to comply with the applicable development standard contained in the underlying zoning district, except where the applicant has obtained variance in accordance with Chapter 18.370. The applicable development standards in commercial zoning districts are contained in Table 18.520.2 below:

**TABLE 18.520.2
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MUE	Proposal
Minimum Lot Size - Detached unit - Boarding, lodging, rooming house	NA (1,485 sf/unit) -	NA
Minimum Lot Width	None	111’/218’/233’
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Side or rear yard abutting more restrictive zoning district - Rear yard - Distance between front of garage & property line abutting a public or private street.	20’/(0-10)* 20’ 10’/(0-10)* 30’ 20’ 20’	10’ NA 0’/8’ NA 0-80’/46’ 20’
Maximum Height	45 ft	34’
Maximum Site Coverage	80%	47%
Minimum Landscape Requirement	20%	53%
Maximum FAR	0.40	NA for residential

The design standards in 18.620 apply to all development located within the Tigard Triangle within both the C-G and the MUE zones. If a standard found in this section conflicts with another standard in the Development Code, standards in this section shall govern *(18.620.030.A.2 states buildings setbacks from public street right-of-way or dedicated wetlands/buffers and other environmental features shall be 0 feet; the maximum building setback shall be 10 feet).

FINDING: As demonstrated in the table above, the proposal complies with the underlying commercial development and applicable Tigard Triangle Design Development standards.

18.620 Tigard Triangle Design Standards

18.620.010 Purpose and Applicability

Design standards for public street improvements and for new development for the Tigard Triangle include creating a high-quality, mixed use employment area, providing a convenient pedestrian and bikeway system, and utilizing streetscape to create a high quality image for the area. All new developments are expected to contribute to the character and quality of the area.

In addition to meeting the design standards described in this chapter and other development standards required by the Community Development and Building Codes, such developments will be required to:

Dedicate and improve public streets, to the extent that such dedication and improvement is directly related and roughly proportional to an impact of the development;

The applicant's site plan shows, and narrative describes, an 11-foot dedication along the subject parcel's southern boundary adjacent to SW Dartmouth Street. The dedication is for the reserve strip for future expansion of the right of way. Without the dedication, the street and sidewalk would not meet City standards and the project would have to be denied under Section 18.810. The proposed dedication and street improvements meet the proportionality standard as described in the finding below in the Impact Study section of this decision. Therefore, the right-of-way dedication is required for this development.

Connect to public facilities such as sanitary sewer, water and storm drainage;

According to the applicant's plan set and narrative, the proposed development will connect to the sanitary sewer, water, and storm drainage systems, consistent with this standard.

Participate in funding future transportation and other public improvement projects in the Tigard Triangle provided that the requirement to participate is directly related and roughly proportional to an impact of the development.

According to the applicant's narrative, the applicant agrees to participate in funding future transportation improvements that are directly related and roughly proportional to the impact of the development, consistent with this standard.

The following design standards apply to all development located within the Tigard Triangle within both the C-G and the MUE zones. If a standard found in this section conflicts with another standard in the Development Code, standards in this section shall govern. (Ord. 99-22)

18.620.020 Street Connectivity

All development must demonstrate how one of the following standard options will be met. Variance of these standards may be approved per the requirements of Chapter 18.370.010 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.

Design Option

- a. Local street spacing shall provide public street connections at intervals of no more than 660 feet.
- b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more that 330 feet.

Performance Option

- a. Local street spacing shall occur at intervals of no less than eight street intersections per mile.
- b. The shortest vehicle trip over public streets from a local origin to a collector or greater facility is no more than twice the straight-line distance.
- c. The shortest pedestrian trip on public right-of-way from a local origin to a collector or greater facility is no more than one and one-half the straight-line distance.

Current spacing between SW Dartmouth and SW Clinton is 488 feet. Spacing between SW 69th and SW 70th Avenues is 280. The existing spacing conforms to the design option, consistent with standard.

18.620.030 Site Design Standards

All development must meet the following site design standards. If a parcel is one acre or larger a phased development plan must be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010 C2, governing criteria for granting a variance, is satisfied.

The parcel has an area of 0.89 acres. However, phased development is not proposed and is not required for this site. The applicant has not requested variances to any of the Tigard Triangle site design standards.

Building placement on Major and Minor Arterials - Buildings shall occupy a minimum of 50% of all street frontages along Major and Minor Arterial Streets. Buildings shall be located at public street intersections on Major and Minor Arterial Streets. See Diagram 1 for some examples of how this standard may be met.

The proposed buildings are located on SW 69th and SW 70th Avenues, designated as local streets in the City Transportation System Plan and in the Tigard Triangle Street Plan. Therefore, the building placement standard does not apply.

Building setback - The minimum building setback from public street rights-of-way or dedicated wetlands/buffers and other environmental features shall be 0 feet; the maximum building setback shall be 10 feet.

According to the applicant's site development plan (C3), the buildings are set back from the SW 69th and SW 70th Avenue rights-of-way 10 feet (garages are set back 20 feet as otherwise required); the buildings are set back from the wetland/stream corridor buffer 0 feet. Therefore, this standard is met.

Front yard setback design - Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to an L-1 standard on public streets and an L-2 standard on accessways. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040B and Table 18.520.2.

The applicant's Landscape plan (C9) shows, and narrative states, that a pedestrian path and driveway aprons are provided between the residences and the public sidewalk. The applicant's narrative states that the hard-surfaced areas will be constructed with scored concrete. Therefore, this standard is met.

Walkway connection to building entrances - A walkway connection is required between a building's entrance and a public street or accessway. This walkway must be at least six feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner near a public street intersection are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040B and Table 18.520.2.

A six-foot wide scored concrete sidewalk connects the proposed buildings' entrances with the proposed sidewalks along SW 69th and SW 7th Avenues. The proposed building entrances are precluded from the corners of the block because of the presence of the sensitive area on site. Therefore, this standard is met.

Parking location and landscape design - Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. If located on the side, parking is limited to 50% of the street frontage and must be behind a landscaped area constructed to an L-1 Landscape Standard. The minimum depth of the L-1 landscaped area is five feet or is equal to the building setback, whichever is greater. Interior side and rear yards shall be landscaped to a L-2 Landscape Standard, except where a side yard abuts a public street, where it shall be landscaped to an L-1 Landscape Standard. See Diagram 2.

The proposed development is residential, which includes a driveway apron and garage for each of the seven proposed units. No parking lots are proposed. Therefore, this standard does not apply.

18.620.040 Building Design Standards

Non-residential buildings. All non-residential buildings shall comply with the following design standards. Variance to these standards may be granted if the criteria found in Section 18.370.010 C2, criteria for granting a variance, is satisfied.

The proposed development is residential. Therefore, the building design standards do not apply.

18.620.050 Signs

Sign standards. In addition to the requirements of Chapter 18.780 of the Development Code the following standards shall be met:

Zoning district regulations - Residential only developments within the C-G and MUE zones shall meet the sign requirements for the R-25 zone 18.780.130B;

Sign area limits - The maximum sign area limits found in 18.780.130 shall not be exceeded. No area limit increases will be permitted within the Tigard Triangle.

Height limits - The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roof line of the wall on which the sign is located. No height increases will be permitted within the Tigard Triangle.

Sign location - Freestanding signs within the Tigard Triangle shall not be permitted within required L-1 landscape areas.

The applicant states that "If a sign is contemplated, signs will conform to 18.780.130B." Since no signs have been proposed with this application, this standard does not apply to this review. However, should a sign be desired, a Type I review will be required consistent with this standard.

18.620.060 Entry Portals

Required locations. Entry portals shall be required at the primary access points into the Tigard Triangle.

Location - Entry portals shall be located at the intersections of 99W and Dartmouth; 99W and 72nd; I-5 and Dartmouth; Hwy. 217 and 72nd; and at the Hwy. 217 Overcrossing and Dartmouth.

Design - The overall design of entry portals shall relate in scale and detail to both the automobile and the pedestrian. A triangle motif shall be incorporated into the design of entry portals.

The subject property is not located at a portal location. Therefore, this standard does not apply.

18.620.070 Landscaping and Screening

Applicable levels. Two levels of landscaping and screening standards are applicable to the Tigard Triangle. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in other sub-sections of this section. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.

L-1 Low Screen - For general landscaping of landscaped and screened areas within parking lots and along local collectors and local streets, planting standards of Chapter 18.745 Landscaping and Screening, shall apply. The L-1 standard applies to setbacks on major and minor arterials. Where the setback is a minimum of 5 feet between the parking lot and a major or minor arterial, trees shall be planted at 3 ½ inch caliper, at a maximum of 28 feet on center. Shrubs shall be of a variety that will provided a 3 foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years. Any tree planted in excess of a 2 inch caliper shall be eligible for full mitigation credit.

L-2 General Landscaping - For general landscaping of landscaped and screened areas within parking lots, local collectors and local streets, planting standards of Chapter 18.745, Landscaping and Screening, shall apply. Trees shall be provided at a minimum 2-½ inch caliper, at a maximum spacing of 28 feet. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two years. Any tree planted in excess of a 2-inch caliper shall be eligible for full mitigation credit.

The proposed site includes Tract 'A', which is subject to the CWS vegetated corridor protection and enhancement standards. Tract 'A' extends along the majority of the SW Dartmouth Street frontage, a collector, and approximately 50% of the SW 69th Avenue frontage. The remaining frontage is occupied by the proposed dwellings, except for two 8-foot side yards at the north end of the buildings. The applicant has proposed to landscape the side yards consistent with the standards in Chapter 18.745 below.

FINDING: Based on the analysis above, the Tigard Triangle Design standards have been met.

C. APPLICABLE SPECIFIC DEVELOPMENT STANDARDS

Access, Egress and Circulation (18.705):

Walkways:

18.705.030(F) requires that for all attached housing (except two-family dwellings) and multi-family developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities;

As described in the applicant's plans and narrative, on-site pedestrian walkways are proposed between the building entrances and the streets that provide access and egress. Therefore, this standard is met.

Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum 6-inch vertical separation (curbed) or a minimum 3-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards;

No required walkways cross parking areas. Therefore, this standard does not apply.

Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

The plan depicts concrete sidewalks and walkways, which meets the standard. The final construction documents will also need to show walkways with hard surfaced materials.

Access Management:

Section 18.705.030.H.1 states that an access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and AASHTO.

Lancaster Engineering submitted a report, dated July 9, 2007, for this development. Included in the report is the preliminary sight distance certification for the access locations on 69th and 70th Avenues. The speed limit on both of these local streets is 25 mph which requires a minimum stopping sight distance of 152 feet.

The stopping sight distance was measured to be a minimum of 217 feet for southbound vehicles approaching the proposed access on 69th Avenue. The engineer states that the effective sight distance to the south of the proposed access on 69th Avenue is limited by the distance to the nearest intersection from which traffic can enter the roadway. Vehicles turning right from Dartmouth would generally travel at speeds up to 13 mph, requiring a minimum of 64 feet of stopping sight distance. The left turns are generally made at speeds up to 18 mph, requiring a minimum of 98 feet of stopping sight distance. The stopping sight distance was measured to be 189 feet for westbound right-turning vehicles and 210 feet of eastbound left-turning vehicles entering 69th Avenue from SW Dartmouth Street.

The same sight distance analysis was completed for 70th Avenue. However, stopping sight distance for southbound vehicles does not apply at this time because the street currently ends just north of the subject property. The engineer states that when the roadway is extended in the future the design should provide adequate sight distance for the proposed site access locations on 70th Avenue.

For the northbound traffic entering 70th Avenue from Dartmouth Street the sight distance was also limited by the distance to the nearest intersection. The minimum available sight distance for westbound right-turning vehicles was 103 feet. The minimum available sight distance for eastbound left-turning vehicles entering from SW Dartmouth Street was 190 feet. Adequate stopping sight distance is available for northbound traffic at each of the proposed access locations on SW 70th Avenue.

Section 18.705.030.H.2 states that driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

Lancaster Engineering addressed this standard in their letter, dated July 9, 2007. The southernmost site access located on 69th Avenue is approximately 140 feet north of the north ROW line of SW Dartmouth Street. The engineer states that shared access is not practical at this location due to the required setbacks in the Tigard Triangle. The proposed access locations are located as far from the intersection as possible. Based on the traffic volumes at the intersection of 69th Avenue and SW Dartmouth Street, southbound queues are not expected to exceed five vehicles, and the proposed site access locations will not be within the anticipated queue lengths. This criterion is met for the proposed access locations on SW 69th Avenue.

The southernmost site access location on 70th Avenue is approximately 34 feet north of the north ROW of SW Dartmouth Street. Shared access is not possible due to the setback requirements of the Tigard Triangle. The access locations have been located as far from the intersection as possible. The engineer states that since the proposed access locations on 70th Avenue are within 50 feet of the intersection of 70th Avenue and Dartmouth Street, it is anticipated that as adjacent properties develop, southbound queue lengths will extend beyond the proposed access locations. These conditions cannot reasonably occur until SW 70th Avenue has been improved to a through street. During periods when southbound queues extend beyond the proposed access locations, drivers exiting from the accesses will be prevented from turning to the south. These vehicles will still have an unobstructed exit path to the north, and with the future street connections in place can navigate to any destination. The engineer goes on to state that although the potential queue blockages may impact access for the residences, there will be no significant impact to through traffic in SW 70th Avenue. This criterion is met for the proposed access locations on SW 70th Avenue.

Section 18.705.030.H.3 and 4 states that the minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet. The minimum spacing of local streets along a local street shall be 125 feet.

The proposed development is for construction within an existing block. The proposed driveways access local streets. Therefore, this standard does not apply.

Section 18.705.030.J provides the minimum access requirements for residential use: Table 18.705.2 indicates that the required access width for 1 to 2 multifamily units is 15-feet with 10 feet of pavement.

The applicant's site plan shows one 15-foot driveway, 15-feet paved for each of the proposed dwellings, consistent with this standard.

FINDING: The Access and Egress standards are met.

Environmental Performance Standards (18.725):

These standards require that federal and state environmental laws, rules and regulations be applied to development within the City of Tigard. Section 18.725.030 (Performance Standards) regulates: Noise, visible emissions, vibration and odors.

Noise. For the purposes of noise regulation, the provisions of Sections 7.41.130 through 7.40.210 of the Tigard Municipal Code shall apply.

Visible Emissions. Within the commercial zoning districts and the industrial park (IP) zoning district, there shall be no use, operation or activity which results in a stack or other point- source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality (DEQ) rules for visible emissions (340-21-015 and 340-28-070) apply.

Vibration. No vibration other than that caused by highway vehicles, trains and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.

Odors. The emissions of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

Glare and heat. No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, which is visible at the lot line shall be permitted, and; 1) there shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and 2) these regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this title.

Insects and rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

The proposed use is multi-family residential, which is permitted outright within the MUE zone. The applicant's narrative states that the above standards will be met. Based on the assumption that the proposed use is not likely to generate noise, visible emissions, odors, glare and heat, or harbor insects and rodents, this standard is satisfied. Ongoing maintenance to meet these standards shall be maintained and any violation of these standards will be addressed by the City of Tigard's' Code Enforcement Officer.

FINDING: The Environmental Performance Standards are met.

Landscaping and Screening (18.745):

Street Trees:

Section 18.745.040 states that all development projects fronting on a public street or a private drive more than 100 feet in length shall be required to plant street trees in accordance with Section 18.745.040.C. Section 18.745.040.C requires that street trees be spaced between 20 and 40 feet apart depending on the size classification of the tree at maturity (small, medium or large).

The applicant has provided a landscape plan that shows 10 existing street trees along SW 69th Avenue and SW Dartmouth Street spaced 30 feet apart. In addition, 3 Paperback maples are proposed on SW 70th Avenue.

As long as the existing street trees are in good condition and adequately protected during construction, they can be used to meet the street tree requirement. The proposed Paperbark Maples to be planted along 70th Avenue are acceptable.

Protection of Existing Landscaping. Existing vegetation on a site shall be protected as much as possible: The developer shall provide methods for the protection of existing vegetation to remain during the construction process; and The plants to be saved shall be noted on the landscape plans (e.g., areas not to be disturbed can be fenced, as in snow fencing which can be placed around the individual trees).

The tree protection plan does not show protection for all of the trees to be retained. Specifically, existing street trees and wetland trees that will be retained need to be protected. Any tree that is located on property adjacent to the construction project that will have more than 15% of its root system disturbed by construction activities shall also be protected.

Buffering and Screening:

Table 18.745.1 requires a buffer level C for proposed uses in the MUE when adjacent to existing detached single units.

The proposed multifamily units are adjacent to single-family homes located on adjacent lots to the north. The applicant demonstrates in the plan and narrative that 8-foot buffers are provided for the northern property boundaries. Pursuant to Table 18.745.2, buffer level C can be met by one of three options. The applicant proposed option 2 which requires trees spaced between 15 and 30 feet, shrubs or ground cover, and a 5-foot fence. According to the applicant's landscape plan (C9), arborvitae "trees", red flowering currant bushes, barkdust, and a 5-foot fence are proposed. To meet the buffer standard, the applicant shall submit a revised landscape plan that includes trees chosen from the City's Street Tree list or other approved tree.

Screening, Special Provisions:

Screening Of Service Facilities.

Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height. All refuse materials shall be contained within the screened area;

There is inadequate information provided in the plans to establish whether this standard is met. Therefore, the applicant will be required to submit detailed plans for Planning Division review prior to issuance of a building permit that shows all service areas including air conditioners and gas meters are screened from view.

Screening Of Refuse Containers.

Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.

The applicant states that Pride Disposal is the fancies hauler and will provide containers. Resident will place container at street-side for pick-up. Therefore, it is possible that the containers may be kept indoors and out of view. To ensure that refuse containers are screened, the applicant shall submit a detailed plan showing how this standard will be met.

FINDING: Based on the analysis above, the landscaping and screening standards have not been fully met. If the applicant complies with the conditions listed below, the standards can be met.

CONDITIONS:

- ♦ Prior to issuance of building permits, the applicant shall submit a revised landscape plan that includes trees chosen from the City's Street Tree list or other approved tree, for side-yard buffer C planting.
- ♦ Prior to issuance of a building permit, the applicant shall submit detailed plans that show all service areas including air conditioners, gas meters, and refuse containers are screened from view.

Off-Street Parking and Loading (18.765):

Visitor Parking in Multi-Family Residential Developments:

Multi-dwelling units with more than 10 required parking spaces shall provide an additional 15% of vehicle parking spaces above the minimum required for the use of guests of residents of the complex. These spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

The proposal includes two buildings of 3 and 4 units respectively. Each three bedroom unit requires 1.75 spaces. The building with 4 units requires 7 spaces (8 are provided with two car garages). The building with 3 units requires 6 spaces (6 are provided with two car garages). Since these buildings take access from different streets, and the spaces each requires is less than 10, this standard does not apply. Additional parking is also available on the parking aprons in front of each garage. If this standard would otherwise apply, the additional 15% requirement would be exceeded by the parking apron spaces available for each unit, consistent with this standard.

Bicycle Parking Location and Access:

Section 18.765.050 states bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures; bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways; outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to located the parking area; and bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require the bicyclist to use stairs to gain access to the space. Exceptions may be made to the latter requirement for parking on upper stories within a multi-story residential building.

The applicant's narrative states that bike racks will be installed in each garage with direct access to the driveway. Therefore, this standard is met.

Minimum Bicycle Parking Requirements:

The total number of required bicycle parking spaces for each use is specified in Table 18.765.2 in Section 18.765.070.H. In no case shall there be less than two bicycle parking spaces.

According to Table 18.765.2 of the Tigard Development Code, the minimum bicycle-parking requirement for multi-family residential use is 1.0 space/2 dwelling units. As stated above the applicant proposes one space within each dwelling, consistent with this standard.

Minimum Off-Street Parking:

Section 18.765.070.H states that the minimum and maximum parking shall be as required in Table 18.765.2.

Table 18.765.2 states that the minimum parking for Multifamily residential is 1.75 spaces per 3 bedroom dwelling unit. For the proposed seven 3-bedroom units, a minimum of 13 spaces would be required. There is no maximum parking limit. The applicant has proposed 14 spaces, consistent with this standard.

FINDING: Based on the analysis above, the off-street parking and loading standards have been met.

SENSITIVE LANDS (18.775)

Purpose

Maintain integrity of rivers, streams, and creeks.

Sensitive land regulations contained in this chapter are intended to maintain the integrity of the rivers, streams, and creeks in Tigard by minimizing erosion, promoting bank stability, maintaining and enhancing water quality, and fish and wildlife habitats, and preserving scenic quality and recreation potential. The regulations also implement the comprehensive plan and floodplain management program, Clean Water Service (CWS) Design and Construction Standards, the Metro Urban Growth Management Functional Plan, Statewide Planning Goal 5 (Natural Resources), and protect public health, safety, and welfare.

Sensitive lands are lands potentially unsuitable for development because of their location

Within the 100-year floodplain or 1996 flood inundation line, whichever is greater; natural drainageways; wetland areas which are regulated by the other agencies including the U.S. Army Corps of Engineers and the Division of State Lands, or are designated as significant wetland on the City of Tigard Wetland and Stream Corridors Map; and steep slopes of 25% or greater and unstable ground.

The site slopes from the 281-foot elevation in the northeast to the 255-foot elevation in the southwest. The south fork of Red Rock Creek daylights on this parcel from an upstream drainage basin that is, or will be, piped with approved developments beginning west of I-5 including One Dartmouth Office Building SDR 2007-00003. The drainageway is forested and will be protected and enhanced in a 20,098 square foot (51% of the site) tract (Tract A), pursuant to Clean Water Service's standards. Two areas north of the drainageway are proposed for development. The subject site does not include any wetlands identified on the City of Tigard's Wetland and Stream Corridors Map; therefore, the applicant is required to apply for sensitive lands review for the portion of the site containing the drainageway.

The applicant proposes to dedicate for public right-of-way the 11-foot reserve strip adjacent to SW Dartmouth Street. As shown in the Base Map Site Plan Exhibit "A" (C7), a portion of the drainageway exists within the proposed dedication. The approximately 1,540 square foot (11-foot x 140 lineal foot) area is not identified as an encroachment into the vegetated corridor and has not been subject to the CWS mitigation requirements. Therefore, the applicant shall submit a revised Service Provider Letter showing that the right-of-way area has been accounted for in the mitigation required for the project.

Sensitive lands permits issued by the Director.

The Director shall have the authority to issue a sensitive lands permit within a drainageway by means of a Type II procedure, as governed in Section 18.390.040, using approval criteria contained in Section 18.775.070 when the proposal involves ground disturbance(s) or land form alterations involving more than 50 cubic yards of material and residential structures intended for human habitation.

Within drainageways.

The appropriate approval authority shall approve, approve with conditions or deny an application request for a sensitive lands permit within drainageways based upon findings that all of the following criteria have been satisfied:

The extent and nature of the proposed land form alteration or development will not create site disturbances to an extent greater than that required for the use;

The project will not create disturbances beyond the minimum to develop improvements for building, parking and restorative efforts within the vegetated corridor.

The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;

The applicant's plan set includes an erosion control plan (C4) to prevent erosion and sedimentation of the stream. The improvements are designed for the flattest portion of the site with engineered retaining walls curbing the proposed development from the vegetated corridor.

The water flow capacity of the drainageway is not decreased;

The proposed development will include a water detention system to limit post-development runoff to pre-development levels. No impacts are created to the drainageway outfall that would restrict existing capacity.

Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 18.745, Landscaping and Screening;

The CWS Service Provider Letter requires removal of invasive/noxious plants and revegetation of the vegetated corridor, consistent with this standard.

The drainageway will be replaced by a public facility of adequate size to accommodate maximum flow in accordance with the adopted 1981 Master Drainage Plan;

The drainageway will not be replaced, but kept in its natural state.

The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS approvals shall be obtained;

Clean Water Services approval has been obtained and submitted with the applicant's materials (SPL #2006-002386, revised October 31, 2007).

Where land form alterations and/or development are allowed within and adjacent to the 100-year floodplain, the City shall require the consideration of dedication of sufficient open land area within and adjacent to the floodplain in accordance with the Comprehensive Plan. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

The subject site, at elevation 255 feet, is located approximately 4,900 feet northeast of the nearest floodplain of Fanno Creek, at elevation 143 feet; therefore this standard does not apply.

FINDING: The proposed development meets the foregoing approval criteria for development within the drainageway. However, to ensure that all development encroachments into the vegetated corridor are adequately mitigated, including the dedicated right-of-way required for this development, the following condition of approval is imposed.

CONDITION: The applicant shall submit a revised Clean Water Services Service Provider Letter demonstrating that the SW Dartmouth Street right-of-way dedication area has been accounted for in the mitigation required for the project.

Signs (18.780):

Residential only development within the C-G and MUE zones shall meet the sign requirements for the R-25 zone in 18.780.130B.

FINDING: No signs are proposed with this development application. Therefore, all subsequent signage will be reviewed through a Type I process and will be subject to the code standards in effect at the time of application submittal.

Tree Removal (18.790):

Section 18.790.030 requires that a tree plan for the planting, removal and protection of trees prepared by a certified arborist shall be provided with a site development review application. The tree plan shall include identification of all existing trees, identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper, which trees are to be removed, protection program defining standards and methods that will be used by the applicant to protect trees during and after construction.

As required, the applicant submitted a Tree Inventory (C2), Tree Preservation/Mitigation plan (C8), and an Arborist Report dated August 19, 2006 prepared by David Hunter, a certified arborist. According to the applicant's narrative summary of the arborist tree preservation and mitigation plan, there are 65 trees on the site, of which 26 healthy trees exceed 12 inches in diameter at breast height (dbh). Six (6) trees greater than 12 inches in dbh are proposed for removal; twenty (20) trees greater than 12 inches dbh will be protected. Seventy-seven percent (77%) will be retained; therefore, no mitigation is required.

The guidelines for tree protection have been defined. However, the guidelines need to state that if any temporary or permanent alterations to the approved tree protection plan are required, a certified arborist needs to approve the changes and submit a report to the City Arborist. The report needs to document the changes and certify that the viability of the affected trees will not be significantly impacted.

18.790.040 Incentives for Tree Retention

Subsequent Removal of a Tree. Any tree preserved or retained in accordance with this section may thereafter be removed only for the reasons set out in a tree plan, in accordance with Section 18.790.030, or as a condition of approval for a conditional use, and shall not be subject to removal under any other section of this chapter. The property owner shall record a deed restriction as a condition of approval of any development permit affected by this section to the effect that such tree may be removed only if the tree dies or is hazardous according to a certified arborist. The deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this section should either die or be removed as a hazardous tree. The form of this deed restriction shall be subject to approval by the Director.

A condition of approval will ensure that the applicant will record a deed restriction for the preservation of trees, consistent with this standard.

18.790.050 Removal permit required.

Tree removal permits shall be required only for the removal of any tree which is located on or in a sensitive land area as defined by Chapter 18.775. The permit for removal of a tree shall be processed as a Type I procedure, as governed by Section 18.390.030, using the following approval criteria:

Removal of the tree must not have a measurable negative impact on erosion, soil stability, flow of surface waters or water quality as evidenced by an erosion control plan which precludes:

- a. Deposits of mud, dirt, sediment or similar material exceeding 1/2 cubic foot in volume on public or private streets, adjacent property, or into the storm and surface water system, either by direct deposit, dropping, discharge or as a result of the action of erosion;
- b. Evidence of concentrated flows of water over bare soils; turbid or sediment-laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes where the flow of water is not filtered or captured on site using the techniques of Chapter 5 of the Washington County Unified Sewerage Agency Environmental Protection and Erosion Control rules.

The applicant's Tree Removal Plan (C10) shows a drainageway on the site (Tract A). The Tree Preservation Plan (C8) shows that 6 trees (4 hawthorns and 2 white oaks, less than 12 inches dbh) are scheduled for removal within Tract A. The applicant's narrative acknowledges that tree removal permits are required. Therefore, to ensure tree removal permits are obtained, as a condition of approval, the applicant shall submit tree removal permits for those trees proposed for removal within Tract A (Tree #s 16, 17, 18, 48, 50, and 65).

Within stream or wetland corridors, as defined as 50 feet from the boundary of the stream or wetland, tree removal must maintain no less than a 75% canopy cover or no less than the existing canopy cover if the existing canopy cover is less than 75%.

Tree removal permits will be required for the removal of all non-hazardous trees located within the drainageway area (Tract A). Existing and replacement trees must have the capacity to provide 75% canopy cover at maturity within the wetland area.

FINDING: The tree removal standards have not all been met. However, compliance will be ensured through the following conditions of approval.

CONDITIONS:

- ◆ Prior to commencing any site work, the applicant shall submit construction drawings to both Planning and Engineering that include:
 - A. The approved Tree Removal and Protection plans;
 - B. A construction sequence including installation and removal of tree protection devices, clearing, grading, and paving;
 - C. A note prohibiting equipment, vehicles, machinery, grading, dumping, storage, burial of debris, or any other construction-related activities in any tree protection zone; and
 - D. A note stating that only those trees identified on the approved Tree Removal plan are authorized for removal by this report. Notwithstanding any other provision of this title, any party found to be in violation of this chapter [18.790] pursuant to Chapter 1.16 of the Tigard Municipal Code shall be subject to a civil penalty of up to \$500 and shall be required to remedy any damage caused by the violation. Such remediation shall include, but not be limited to, the following: 1) Replacement of unlawfully removed or damaged trees in accordance with Section 18.790.060 (D) of the Tigard Development Code; and 2) Payment of an additional civil penalty representing the estimated value of any unlawfully removed or damaged tree, as determined using the most current International Society of Arboriculture's Guide for Plant Appraisal.
- ◆ Prior to commencing any site work, the applicant shall establish tree protection fencing as directed by the project arborist and conditioned by this decision to protect the trees to be retained. The applicant shall call for an inspection and allow access by the City Arborist for the purpose of monitoring the tree protection to verify that the tree protection measures are performing adequately.
- ◆ Prior to commencing site work, the applicant shall submit a tree removal application and an erosion control plan providing a detailed analysis for each tree proposed for removal on sensitive lands (Tree #s 16, 17, 18, 48, 50, and 65) that meets the standards of 18.790.050.A
- ◆ As an ongoing obligation during the development of the proposed property, the applicant shall ensure that the Project Arborist submits written reports to the City Arborist, at least once every two weeks, from initial tree protection zone (TPZ) fencing installation through building construction. The reports shall include the condition and location of the tree protection fencing and whether any changes occurred. If the amount of TPZ was reduced then the Project Arborist shall justify why the fencing was moved, and shall certify that the construction activities to the trees did not adversely impact the overall, long-term health and stability of the tree(s). Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed.
- ◆ Prior to issuance of building permits, the applicant shall submit a summary of the biweekly arborist reports prepared by the Project Arborist. The summary shall document the effect of the approved tree protection plan, account for any violations, and certify the condition of protected trees.
- ◆ Prior to issuance of building permits, the applicant shall:
 - A. Submit site plan drawings showing the accurate location of the trees that were preserved, the location of tree protection fencing, and the location of mitigation trees, if any. Attach copy of the approved Tree Protection Plan.
 - B. Submit a statement and signature of approval from a certified arborist regarding the siting and construction techniques to be employed in building the structures with respect to any protected trees on site.

- C. Install required tree protection fencing as specified by the project arborist and call for an inspection by the City Arborist.
 - D. Applicant shall submit biweekly reports, prepared by a certified arborist, through final inspection documenting the status of required tree protection fencing.
- ♦ Prior to issuance of building permits, the applicant shall record a deed restriction to the effect that any existing tree greater than 12 inches diameter may be removed only if the tree dies or is hazardous according to a certified arborist. The deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this decision should either die or be removed as a hazardous tree.
 - ♦ Prior to final inspection, the applicant shall submit a final report by the Project Arborist certifying the health of protected trees. Tree protection measures may be removed and final inspection authorized upon review and approval by the City Arborist.

Visual Clearance Areas (18.795):

Chapter 18.795 requires that a clear vision area shall be maintained on the corners of all property adjacent to intersecting right-of-ways or the intersection of a public street and a private driveway. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure, or temporary or permanent obstruction exceeding three (3) feet in height. The code provides that obstructions that may be located in this area shall be visually clear between three (3) and eight (8) feet in height (8) (trees may be placed within this area provided that all branches below eight (8) feet are removed). A visual clearance area is the triangular area formed by measuring a 30-foot distance along the street right-of-way and the driveway, and then connecting these two (2), 30-foot distance points with a straight line.

FINDING: The applicant has indicated in the narrative and has shown on the site plan (C3 and C10) that a clear vision area will be maintained between 3 and 8 feet in height at the vehicular access of the property, consistent with this standard.

D. STREET AND UTILITY IMPROVEMENTS STANDARDS

Street And Utility Improvements Standards (Section 18.810):

Chapter 18.810 provides construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage. The applicable standards are addressed below:

Streets:

Improvements:

Section 18.810.030.A.1 states that streets within a development and streets adjacent shall be improved in accordance with the TDC standards.

Section 18.810.030.A.2 states that any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with the TDC.

Minimum Rights-of-Way and Street Widths: Section 18.620.080.A, Tigard Triangle Street and Accessway Standards, requires a 5-lane Collector street to have a 94 foot right-of-way width and 66-foot paved section. Other improvements required may include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.

This site lies adjacent to SW Dartmouth Street, which is classified as a 5-lane Collector on the City of Tigard Transportation Plan Map. At present, there is approximately 36 feet of ROW from centerline, according to the most recent tax assessor's map. The applicant should dedicate the additional ROW to provide 47 feet from centerline plus the additional ROW required for adequate corner radii.

SW Dartmouth Street is currently improved to the 3-lane standard. In order to mitigate the impact from this development, the applicant should construct the 5-lane section or enter into a future streets improvement agreement for these improvements. The applicant shall also, prior to final building inspection, replace the planter strip with sidewalk and tree wells or replace and maintain ground cover within the planter strip. If retaining the planter strip the applicant will be required to form an HOA in order to maintain all common areas and the planter strips along all three street frontages.

Minimum Rights-of-Way and Street Widths: Section 18.620.080.A, Tigard Triangle Street and Accessway Standards, requires a local street to have a 60 foot right-of-way width and 36-foot paved section. Other improvements required may include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.

This site lies adjacent to SW 69th and 70th Avenues, which are classified as local streets on the City of Tigard Transportation Plan Map. At present, there is approximately 30 feet of ROW from centerline, according to the most recent tax assessor's map. The applicant should confirm that there is 30 feet of ROW from centerline and dedicate any additional ROW required to provide the full 30 feet of ROW plus additional ROW to provide adequate corner radii.

SW 69th and 70th Avenues are currently improved. In order to mitigate the impact from this development, the applicant should, prior to final building inspection, replace the planter strip with sidewalk and tree wells or replace and maintain ground cover within the planter strip. If retaining the planter strip the applicant will be required to form an HOA in order to maintain all common areas and the planter strips along all three street frontages.

Grades and Curves: Section 18.810.030.N states that grades shall not exceed ten percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet). Centerline radii of curves shall be as determined by the City Engineer.

The frontage improvements along 69th and 70th Avenues were completed as a requirement of SDR2004-00011, Tigard Triangle Commons. The grades for the street improvements were approved with that land use decision.

Access to Arterials and Major Collectors: Section 18.810.030.Q states that where a development abuts or is traversed by an existing or proposed arterial or major collector street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:

- ♦ A parallel access street along the arterial or major collector;
- ♦ Lots of suitable depth abutting the arterial or major collector to provide adequate buffering with frontage along another street;
- ♦ Screen planting at the rear or side property line to be contained in a non-access reservation along the arterial or major collector; or
- ♦ Other treatment suitable to meet the objectives of this subsection;
- ♦ If a lot has access to two streets with different classifications, primary access should be from the lower classification street.

Dartmouth Street is classified as a Collector, whereas 69th and 70th Avenues are classified as local streets. The applicant's plans show that access will be provided on both 69th and 70th Avenue, thereby meeting the criterion of primary access being on the lower classification street.

Block Designs - Section 18.810.040.A states that the length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.

Block Sizes: Section 18.810.040.B.1 states that the perimeter of blocks formed by streets shall not exceed 1,800 feet measured along the right-of-way line except:

- ♦ Where street location is precluded by natural topography, wetlands or other bodies of water or, pre-existing development or;
- ♦ For blocks adjacent to arterial streets, limited access highways, major collectors or railroads.
- ♦ For non-residential blocks in which internal public circulation provides equivalent access.

No new streets are proposed with the proposed development. Therefore, this standard does not apply.

Section 18.810.040.B.2 also states that bicycle and pedestrian connections on public easements or right-of-ways shall be provided when full street connection is not possible. Spacing between connections shall be no more than 330 feet, except where precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other standards in the code.

The site is bounded by SW 69th and SW 70th Avenues and SW Dartmouth Street. These streets provide full pedestrian and bicycle connections. Therefore, this standard does not apply.

Lots - Size and Shape: Section 18.810.060(A) prohibits lot depth from being more than 2.5 times the average lot width, unless the parcel is less than 1.5 times the minimum lot size of the applicable zoning district.

There is no minimum lot size in the MUE zoning district. The lot depth is 233 feet at its greatest extent and 218 feet wide. The lot size and shape are consistent with the lot size and shape standard.

Lot Frontage: Section 18.810.060(B) requires that lots have at least 25 feet of frontage on public or private streets, other than an alley. In the case of a land partition, 18.420.050.A.4.c applies, which requires a parcel to either have a minimum 15-foot frontage or a minimum 15-foot wide recorded access easement. In cases where the lot is for an attached single-family dwelling unit, the frontage shall be at least 15 feet.

The subject property has 111 feet of frontage on SW 70th Avenue, 218 feet on SW Dartmouth Street, and 233 feet on SW 69th Avenue, consistent with the lot frontage standard.

Sidewalks: Section 18.810.070.A requires that sidewalks be constructed to meet City design standards and be located on both sides of arterial, collector and local residential streets. Private streets and industrial streets shall have sidewalks on at least one side.

There are existing sidewalks along the three street frontages that were constructed as required with SDR2004-00011, Tigard Triangle Commons. The sidewalks were constructed with planter strips between the sidewalk and the curb. The ground cover in the planter strip has not been adequately maintained, mainly due to a lack of occupancy at the site. The applicant shall replace the planter strips with sidewalk and tree wells or replace and maintain ground cover within the planter strip. If retaining the planter strip the applicant will be required to form an HOA in order to maintain all common areas and the planter strips along all three street frontages.

Sanitary Sewers:

Sewers Required: Section 18.810.090.A requires that sanitary sewer be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

Over-sizing: Section 18.810.090.C states that proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

There are existing 8 inch sewer mains in 69th Avenue and in 70th Avenue. The applicant's plans indicate separate sewer laterals will be installed for each unit.

Storm Drainage:

General Provisions: Section 18.810.100.A requires developers to make adequate provisions for storm water and flood water runoff.

Accommodation of Upstream Drainage: Section 18.810.100.C states that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

There is a perennial stream that traverses the southeast portion of the site. Sensitive areas have been identified in this area. The area will have to be maintained and protected in accordance with CWS Service Provider Letter. The open stream will remain and the post-development runoff will be discharged to this stream.

Effect on Downstream Drainage: Section 18.810.100.D states that where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention.

On-site detention will be provided with two in-ground pipes, one for each grouping of residential units.

Bikeways and Pedestrian Pathways:

Bikeway Extension: Section 18.810.110.A states that developments adjoining proposed bikeways identified on the City's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or right-of-way.

SW Dartmouth Street is a designated bicycle facility. The applicant has proposed dedication of the 11-foot reserve strip to the Dartmouth Street right-of-way.

Cost of Construction: Section 18.810.110.B states that development permits issued for planned unit developments, conditional use permits, subdivisions, and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements.

There are no bike lane markings on the roadway currently. While it is expected that the developer should provide the bicycle lanes with development in this case it makes more sense that a fee-in-lieu be paid.

The amount of the striping would be as follows:

♦	225 feet of 8-inch white stripe, at \$2.50/lf	\$562.50
♦	6 Mono-directional reflective markers @ \$4.00/ea	\$ 24.00
♦	2 Bike lane legends @ \$175/ea	\$350.00
♦	2 Directional mini-arrows @ \$100/ea	\$200.00
		<hr/>
		\$1,136.50

Minimum Width: Section 18.810.110.C states that the minimum width for bikeways within the roadway is five feet per bicycle travel lane. Minimum width for two-way bikeways separated from the road is eight feet.

SW Dartmouth Street is classified as a Collector, requiring a 6 foot bicycle travel lane.

Utilities:

Section 18.810.120 states that all utility lines, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

- ◆ The developer shall make all necessary arrangements with the serving utility to provide the underground services;
- ◆ The City reserves the right to approve location of all surface mounted facilities;
- ◆ All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
- ◆ Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

Exception to Under-Grounding Requirement: Section 18.810.120.C states that a developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of under-grounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which under-grounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay a fee in-lieu of under-grounding.

There are existing overhead utility lines along the frontage of SW 69th Avenue (opposite side of the street). If the fee in-lieu is proposed, it is equal to \$35.00 per lineal foot of street frontage that contains the overhead lines. The frontage along this site is 165 lineal feet; therefore the fee would be \$5,775.00.

ADDITIONAL CITY AND/OR AGENCY CONCERNS WITH STREET AND UTILITY IMPROVEMENT STANDARDS:

Traffic Study Findings:

Lancaster engineering prepared a traffic impact report for this development, dated July 9, 2007. Lancaster engineering analyzed two key intersections:

- ◆ SW 72nd Avenue/SW Dartmouth Street
- ◆ SW 68th Parkway/SW Dartmouth Street

The two critical intersections have been identified as needing traffic signals. As development has occurred in the Tigard Triangle, and where a development introduces additional trips to these intersections, funds have been collected from the developers that will contribute to the future signal installation.

The first project to contribute funds to the intersections was the Babies R Us project. A simple formula was established based upon the impact from that development. That project had an impact of 1.1% at SW 72nd Avenue/SW Dartmouth Street during the PM peak hour. For that impact, the City Council required the developer to pay funds in the amount of \$20,000.00. At the intersection of SW 68th Avenue/SW Dartmouth Street, the impact from that project was estimated to be 0.75%. For this impact, the developer was required to pay \$10,000.00.

Using this same rationale, a proportionate share has been calculated for other projects in the Triangle, and can be calculated for this project. In order to provide the most fair comparison to the Babies R Us project, it is necessary to use the same anticipated total entering volumes (TEV) estimated as a part of the Babies R Us traffic report. That report anticipated more build-out of the triangle area, including the Tri County site at 72nd/Dartmouth.

Lancaster engineering report shows that this project will generate approximately 4 PM peak hour trips to the intersection of SW 72nd Avenue/SW Dartmouth Street. With a total entering volume (TEV) of 2,555 vehicles, the project impact is approximately 0.16%. Therefore, based on simple proportions, the project contribution to this intersection is \$2,846.47.

Likewise, the Lancaster engineering report shows that the project will generate approximately 3 PM peak hour trips at the intersection of SW 68th Avenue/SW Dartmouth Street. With a TEV of approximately 2,660 vehicles, the impact from this development is approximately 0.11%. Therefore, based on the same proportion used in the Babies R Us development, the project contribution to this intersection is \$1,503.76.

Funds for both intersections must be paid to the City prior to a final building inspection.

Public Water System:

The Tualatin Valley Water District (TVWD) provides service in this area. There are existing water main lines in both 69th and 70th Avenues. The applicant's plans indicate a new fire hydrant on each frontage. The plans also show some of the individual water meters for the lots. The applicant's plans shall be revised to show seven separate meters, one for each lot. The applicant is responsible for submitting the plans to TVWD for review and approval prior to issuance of any City of Tigard permits.

Storm Water Quality:

The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 00-7) which require the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

Prior to construction, the applicant shall submit plans and calculations for a water quality facility that will meet the intent of the CWS Design Standards. In addition, the applicant shall submit a maintenance plan for the facility that must be reviewed and approved by the City prior to construction.

The proposed unit from Stormwater Management is acceptable, provided the property owner agrees to hire the manufacturer (or approved equal) to provide the required maintenance of the unit. Prior to a final building inspection, the applicant shall demonstrate that they have entered into a maintenance agreement with Stormwater Management, or another company that demonstrates they can meet the maintenance requirements of the manufacturer.

Grading and Erosion Control:

CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

Address Assignments:

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard and within the Urban Service Boundary (USB). An addressing fee in the amount of \$50.00 per address shall be assessed. This fee shall be paid to the City prior to issuance of the Site Permit.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a

The City of Building Division has reviewed the proposal and noted that 1 ¼ water lines are required when service extends greater than 150 feet and that the rain drains need to be sized according to 11-2 OSPSC (contact John Williams 718-2431).

The Tigard Police Department has reviewed the proposal and has no objections to it.

The City of Tigard Urban Forester has reviewed the proposal and commented that the applicant revise the arborist report to address inconsistencies in the application materials and provide additional tree protection measures. The City Arborist also identified that any trees proposed for removal within sensitive areas will require a tree removal permit. The comments have been incorporated into this decision under the Landscape and Screening and Tree Removal sections of this decision. A copy of the comments are included in the land use file.

SECTION VIII. AGENCY COMMENTS

Clean Water Services has reviewed the proposal and provided a general comment letter dated September 10, 2007, addressing sanitary sewer, storm drainage and water quality, sensitive areas, and erosion control issues. In addition, CWS issued a Service Provider Letter (SPL) File Number 06-002386 dated August 22, 2006 and amended November 14, 2006 stipulating that conditions 22-25 of the SPL be shown on the construction plans. These issues are addressed within the body of the application and have been reviewed in this decision under the applicable standards of the Street and Utility Improvement section and included in the conditions of approval where appropriate.

Tualatin Valley Fire and Rescue (TVF&R) Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

- 1) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (IFC 503.1.1)
- 2) **AERIAL FIRE APPARATUS ACCESS:** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. (IFC D105)

SW 70th Avenue exceeds 8% grade which is the maximum incline on which our aerial apparatus can stage. The fire district would consider automatic sprinkler protection in the Townhomes on SW 70th Avenue as an alternative.

- 3) **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (IFC B105.2)

The fire hydrants shown on the submitted drawings must be capable of providing the required fire flow demand.

- 4) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (IFC 508.5.4)

- 5) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:**
Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (IFC 1410.1 & 1412.1)

SECTION IX. PROCEDURE AND APPEAL INFORMATION

Notice:

Notice was posted at City Hall and mailed to:

- The applicant and owners
 Owner of record within the required distance
 Affected government agencies

Final Decision:

**THIS DECISION IS FINAL ON NOVEMBER 9 , 2007 AND BECOMES
EFFECTIVE ON NOVEMBER 29, 2007 UNLESS AN APPEAL IS FILED.**

Appeal:

The decision of the Director (Type II Procedure) or Review Authority (Type II Administrative Appeal or Type III Procedure) is final for purposes of appeal on the date that it is mailed. Any party with standing as provided in Section 18.390.040.G.1. may appeal this decision in accordance with Section 18.390.040.G.2. of the Tigard Community Development Code which provides that a written appeal together with the required fee shall be filed with the Director within ten (10) business days of the date the notice of the decision was mailed. The appeal fee schedule and forms are available from the Planning Division of Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon 97223.

Unless the applicant is the appellant, the hearing on an appeal from the Director's Decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period. Additional evidence concerning issues properly raised in the Notice of Appeal may be submitted by any party during the appeal hearing, subject to any additional rules of procedure that may be adopted from time to time by the appellate body.

THE DEADLINE FOR FILING AN APPEAL IS AT 5:00 PM ON NOVEMBER 28, 2007.

Questions:

If you have any questions, please call the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon at (503) 639-4171.

PREPARED BY: Gary Pagenstecher
Associate Planner

November 8, 2007
DATE

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- 5) ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:
Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (IFC 1410.1 & 1412.1)

SECTION IX. PROCEDURE AND APPEAL INFORMATION

Notice:

Notice was posted at City Hall and mailed to:

- The applicant and owners
 Owner of record within the required distance
 Affected government agencies

Final Decision:

**THIS DECISION IS FINAL ON NOVEMBER 9, 2007 AND BECOMES
EFFECTIVE ON NOVEMBER 29, 2007 UNLESS AN APPEAL IS FILED.**

Appeal:

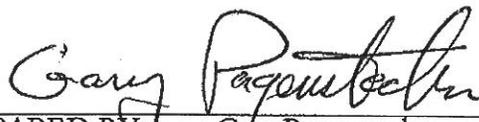
The decision of the Director (Type II Procedure) or Review Authority (Type II Administrative Appeal or Type III Procedure) is final for purposes of appeal on the date that it is mailed. Any party with standing as provided in Section 18.390.040.G.1. may appeal this decision in accordance with Section 18.390.040.G.2. of the Tigard Community Development Code which provides that a written appeal together with the required fee shall be filed with the Director within ten (10) business days of the date the notice of the decision was mailed. The appeal fee schedule and forms are available from the Planning Division of Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon 97223.

Unless the applicant is the appellant, the hearing on an appeal from the Director's Decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period. Additional evidence concerning issues properly raised in the Notice of Appeal may be submitted by any party during the appeal hearing, subject to any additional rules of procedure that may be adopted from time to time by the appellate body.

THE DEADLINE FOR FILING AN APPEAL IS AT 5:00 PM ON NOVEMBER 28, 2007.

Questions:

If you have any questions, please call the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon at (503) 639-4171.


PREPARED BY: Gary Pagenstecher
Associate Planner

November 8, 2007
DATE

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CITY of TIGARD

GEOGRAPHIC INFORMATION SYSTEM
VICINITY MAP

=====
 SDR2007-00008
 SLR2007-00003
 VAR2007-00031
 VAR2007-00032
 VAR2007-00033
 =====

**AMBER WOODS
TOWNHOMES**

LEGEND:

 **SUBJECT SITE**



Tigard Area Map

N

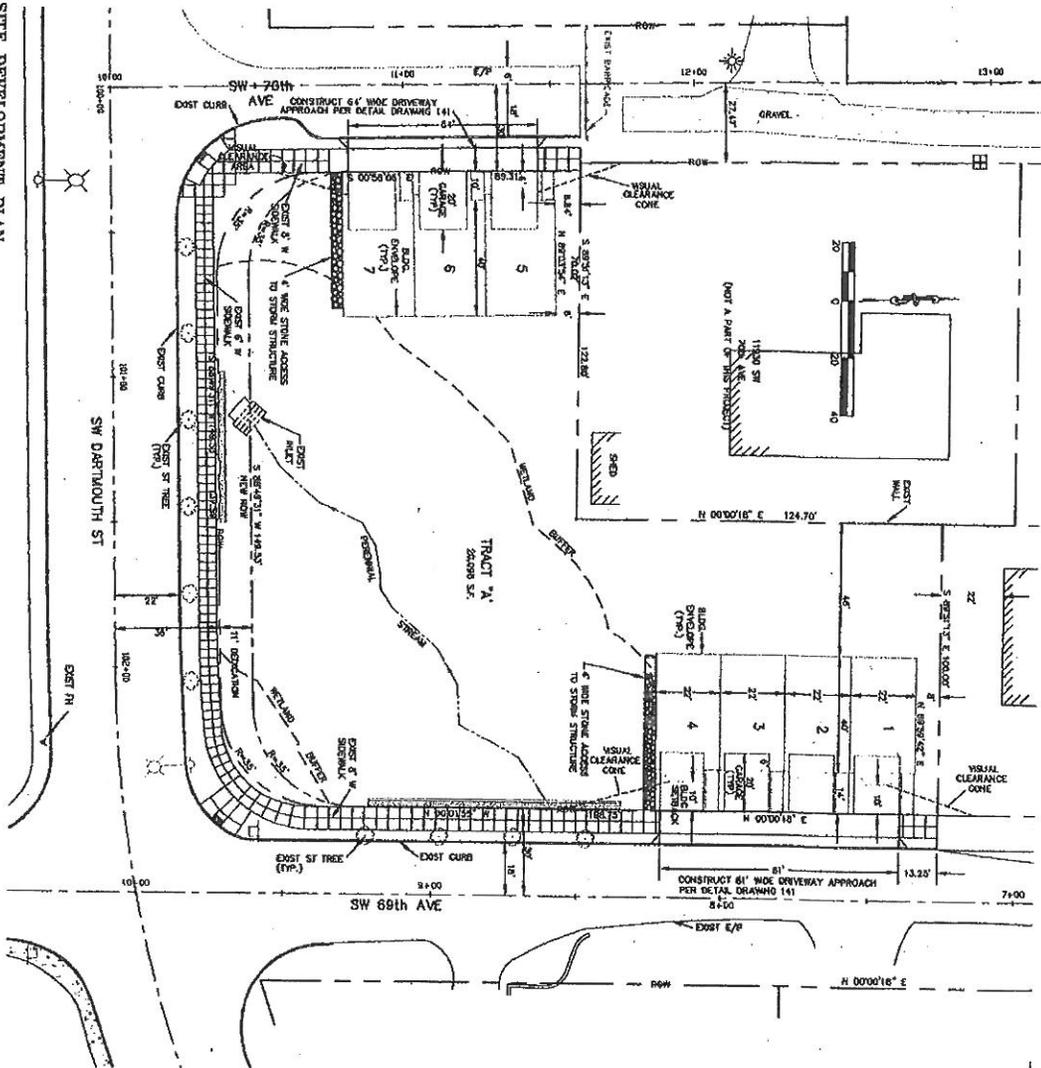
0 80 160 240 320 400 Feet

1" = 309 feet



Information on this map is for general location only and
should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>

SITE DEVELOPMENT PLAN



SITE DEVELOPMENT PLAN

AMBER INDORES I
TOWNOMES

L. 500 & L. 1600
14 151 5027
116AND, OR 97228

DATE	03/20/00
SCALE	AS SHOWN
PROJECT	03

NO.	REVISIONS	DATE
1	RELEASED FOR PERMIT	1/14/00
2	RELEASED FOR PERMIT	1/14/00
3	RELEASED FOR PERMIT	1/14/00
4	RELEASED FOR PERMIT	1/14/00
5	RELEASED FOR PERMIT	1/14/00
6	RELEASED FOR PERMIT	1/14/00
7	RELEASED FOR PERMIT	1/14/00
8	RELEASED FOR PERMIT	1/14/00
9	RELEASED FOR PERMIT	1/14/00
10	RELEASED FOR PERMIT	1/14/00

VIC ACCOMANDO
CONSULTING ENGINEER
16750 SW Tabor Rd
Beaverton, OR 97007
PH: 503-530-5788
FAX: 503-254-4508
vic@vic-engineering.com



Attachment 2
10/7/13 Kearney email X

NOTICE OF TYPE II DECISION
SITE DEVELOPMENT REVIEW (SDR) 2004-00011
TIGARD TRIANGLE COMMONS



120 DAYS = 6/4/2005

SECTION I. APPLICATION SUMMARY

FILE NAME: TIGARD TRIANGLE COMMONS
CASE NOS.: Site Development Review (SDR) SDR2004-00011
Development Adjustment (VAR) VAR2004-00094

PROPOSAL: The applicant is requesting Site Development Review approval for a three phase development. Phase 1 consists of three (3) buildings: a 49,716 square foot, two-story office building; a 26,400 square foot single-story parking deck structure; and a 220 foot long screen wall. Phase 2 consists of a 34,905 square foot, two-story office building. The applicant is also requesting an Adjustment to the access spacing standard from the minimum of 200 feet to 135 feet on SW 68th Avenue. Phase 3 is only for a development concept with the expectation that a future Site Development Review application will be made when development plans are prepared.

OWNER: Pacific NW Properties
6600 SW 105th, Suite 175
Beaverton, OR 97005

APPLICANT: Mildren Design Group, P.C.
Attn: Dan Vasquez
7650 SW Beveland Street, #120
Tigard, OR 97223

LOCATION:
PHASE 1 & 2: Clinton Street at SW 67th Avenue and SW 68th Avenue; WCTM 1S136DD, Tax Lots 3400/4100/5300.

LOCATON
PHASE 3: Dartmouth Street at SW 69th Avenue; WCTM 1S136DD, Tax Lots 7500/7600.

ZONE: MUE. Mixed Use Employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.360, 18.370, 18.390, 18.520, 18.620, 18.705, 18.715, 18.720, 18.725, 18.745, 18.755, 18.765, 18.780, 18.790, 18.795 and 18.810.

SECTION II. DECISION

Notice is hereby given that the City of Tigard Community Development Director's designee has **APPROVED** the above request subject to certain conditions of approval. The findings and conclusions on which the decision is based are noted in Section VI.

CONDITIONS OF APPROVAL

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO THE ISSUANCE OF SITE/BUILDING PERMITS:

Submit to the Planning Division (Mathew Scheidegger, 639-4171, ext. 2437) for review and approval:

1. Submit a revised site plan that indicates the height of the trash enclosure meets the requirements of Section 18.745.050(E)(4).
2. The applicant may not place signs within the side yards of proposed building three and four.
3. The Tree Removal Code requires tree mitigation to be calculated based on the number of trees removed greater than 12-inches in diameter. Mitigation is then based on a percentage of the number of inches of those trees to be removed. Therefore, the applicant must revise the tree removal/mitigation plan to be based on the number of trees removed greater than 12-inches.
4. Provide a plan of each building along with an explanation of how the building façade criteria of the Tigard Triangle Design Standards are met. No permits can be issued unless said standards are met.
5. Provide documentation that a deed restriction has been recorded for the subject parcel of phase three limiting the development to residential at an R-25 density only.
6. Submit exact percentages of ground floor windows for buildings two through four. These must comply with the Triangle Standards.
7. Submit information ensuring that plain concrete block will not be used as an exterior finish material.
8. Provide a plan showing the street entrance canopy of proposed building four to be within the property lines.
9. Provide a plan showing proposed building #2 (parking garage) with one access drive that is a minimum of 50 feet in width with 40 feet of pavement.
10. Provide and implement a plan that shows the proposed surface parking lots to have one parking lot tree located in a three-foot-wide landscaped island on the basis of one tree for every seven parking stalls.
11. Prior to commencing site work, the applicant shall submit cash or other security for the equivalent value of mitigation required (number of caliper inches times \$125 per caliper inch).
12. Prior to issuance of building permits, the applicant/owner shall record a deed restriction to the effect that any existing tree greater than 12" diameter may be removed only if the tree dies or is hazardous according to a certified arborist. The deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this decision should either die or be removed as a hazardous tree.
13. Prior to commencing any site work, the applicant shall submit construction drawings that include the approved Tree Removal, Protection and Landscape Plan. The "Tree Protection Steps" identified in Teragan & Associates Letter of November 19, 2004 shall be reiterated in the construction documents. The plans shall also include a construction sequence including installation and removal of tree protection devices, clearing, grading, and paving. Only those trees identified on the approved Tree Removal plan are authorized for removal by this decision.

14. Prior to commencing any site work, the applicant shall establish fencing as directed by the project arborist to protect the trees to be retained. The applicant shall allow access by the City Forester for the purpose of monitoring and inspection of the tree protection to verify that the tree protection measures are performing adequately. Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed.

Submit to the Engineering Department (Kim McMillan, 639-4171, ext. 2642) for review and approval:

15. Prior to issuance of a site permit, a Public Facility Improvement (PFI) permit is required for this project to cover street improvements and any other work in the public right-of-way. Eight (8) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. NOTE: these plans are in addition to any drawings required by the Building Division and should only include sheets relevant to public improvements. Public Facility Improvement (PFI) permit plans shall conform to City of Tigard Public Improvement Design Standards, which are available at City Hall and the City's web page (www.ci.tigard.or.us).
16. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. For example, specify if the entity is a corporation, limited partnership, LLC, etc. Also specify the state within which the entity is incorporated and provide the name of the corporate contact person. Failure to provide accurate information to the Engineering Department will delay processing of project documents.
17. Prior to issuance of the Site Permit, the applicant must provide revised plans showing the driveways on Clinton Street moved outside the influence area of a Collector (150 feet from the 68th Avenue ROW) or apply for and receive approval of an adjustment to 18.705.030.H.2.
18. The applicant shall provide a construction vehicle access and parking plan for approval by the City Engineer. The purpose of this plan is for parking and traffic control during the public improvement construction phase. All construction vehicle parking shall be provided on-site. No construction vehicles or equipment will be permitted to park on the adjoining residential and commercial public streets. Construction vehicles include the vehicles of any contractor or subcontractor involved in the construction of site improvements or buildings proposed by this application, and shall include the vehicles of all suppliers and employees associated with the project.
19. Prior to issuance of the site permit, the applicant shall submit a suite layout map to Shirley Treat, Engineering Department. If the applicant is not sure how many suites will be used, they must estimate a number. The City will then assign suite numbers and the address fee will then be calculated. The fee must be paid by the applicant prior to issuance of the site permit. (STAFF CONTACT: Shirley Treat, Engineering).
20. Additional right-of-way shall be dedicated to the Public along the frontage of 68th Avenue to increase the right-of-way to 35 feet from the centerline. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.
21. Additional right-of-way shall be dedicated to the Public along the frontage of Dartmouth Street to increase the right-of-way to 36 feet from the centerline. The applicant shall also provide 11 feet of reserve ROW for future street improvements. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.

22. Additional right-of-way shall be dedicated to the Public along the frontage of Clinton Street, 67th Avenue, 69th Avenue and 70th Avenue to increase the right-of-way to 30 feet from the centerline. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.
23. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontage of 68th Avenue. The improvements adjacent to this site shall include:
- A. City standard pavement section for a 3-lane collector street from curb to centerline equal to 22 feet;
 - B. pavement tapers needed to tie the new improvement back into the existing edge of pavement shall be built beyond the site frontage;
 - C. concrete curb, or curb and gutter as needed;
 - D. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
 - E. 13 foot concrete sidewalk with tree wells or 8.5 foot sidewalk with a 4 foot planter strip;
 - F. street trees in the planter strip spaced per TDC requirements;
 - G. street striping;
 - H. streetlight layout by applicant's engineer, to be approved by City Engineer;
 - I. underground utilities;
 - J. street signs (if applicable);
 - K. driveway apron (if applicable); and
 - L. adjustments in vertical and/or horizontal alignment to construct SW 68th Avenue in a safe manner, as approved by the Engineering Department.
24. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, indicating that they will construct the following frontage improvements along SW Dartmouth as a part of this project:
- A. 6-foot concrete sidewalk with 7 foot planter strip;
 - B. street trees in the planter strip spaced per TDC requirements;
 - C. streetlight layout by applicant's engineer, to be approved by City Engineer; and
 - D. driveway apron (if applicable).
25. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, which indicate that they will construct full-street improvements along the frontages of Clinton Street and 67th Avenue. The improvements adjacent to this site shall include:
- A. City standard pavement section for a local street from curb to curb equal to 36 feet;
 - B. pavement tapers needed to tie the new improvement back into the existing edge of pavement shall be built beyond the site frontage;
 - C. concrete curb, or curb and gutter as needed;
 - D. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
 - E. 12 foot concrete sidewalk with tree wells or 7.5 foot sidewalk with a 4 foot planter strip;
 - F. street trees in the planter strip spaced per TDC requirements;
 - G. street striping;
 - H. streetlight layout by applicant's engineer, to be approved by City Engineer;
 - I. underground utilities;
 - J. street signs (if applicable);
 - K. driveway apron (if applicable); and
 - L. adjustments in vertical and/or horizontal alignment to construct SW Clinton Street and 67th Avenue in a safe manner, as approved by the Engineering Department.

26. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontages of 69th and 70th Avenues. The improvements adjacent to this site shall include:
- A. City standard pavement section for a local street from curb to centerline equal to 18 feet and in no case shall the total paved width, including existing pavement, be less than 24 feet;
 - B. pavement tapers needed to tie the new improvement back into the existing edge of pavement shall be built beyond the site frontage;
 - C. concrete curb, or curb and gutter as needed;
 - D. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
 - E. 12 foot concrete sidewalk with tree wells or 7.5 foot sidewalk with a 4 foot planter strip;
 - F. street trees in the planter strip spaced per TDC requirements;
 - G. street striping;
 - H. streetlight layout by applicant's engineer, to be approved by City Engineer;
 - I. underground utilities;
 - J. street signs (if applicable);
 - K. driveway apron (if applicable); and
 - L. adjustments in vertical and/or horizontal alignment to construct SW 69th and 70th Avenues in a safe manner, as approved by the Engineering Department.
27. Profiles of SW Clinton Street, 67th, 68th, 69th and 70th Avenues shall be required, extending 300 feet either side of the subject sites showing the existing grades and proposed future grades.
28. Prior to issuance of the Site Permit, the applicant shall pay \$3,705.00 to the City for the striping of the bike lane along the frontages of Dartmouth Street and 68th Avenue.
29. The applicant shall provide connection of proposed buildings to the public sanitary sewerage system. A connection permit is required to connect to the existing public sanitary sewer system.
30. The applicant shall extend public sewer lines along the frontages of 69th and 70th Avenues with the Phase I improvements.
31. The applicant shall extend public storm sewer lines along the frontages of 69th and 70th Avenues with the Phase I improvements.
32. The applicant shall obtain approval from the Tualatin Valley Water District for the proposed water connection prior to issuance of the City's Public Facility Improvement permit.
33. The applicant shall extend public water along all frontages, including 69th and 70th Avenues, as required by TVWD.
34. Prior to issuance of the Site Permit, the applicant's design engineer shall submit documentation, for review by the City (Kim McMillan), of the downstream capacity of any existing storm facility impacted by the proposed development. The design engineer must perform an analysis of the drainage system downstream of the development to a point in the drainage system where the proposed development site constitutes 10 percent or less of the total tributary drainage volume, but in no event less than 1/4 mile.
35. The applicant shall provide an on-site water quality facility as required by Clean Water Services Design and Construction Standards (adopted by Resolution and Order No. 00-7). Final plans and calculations shall be submitted to the Engineering Department (Kim McMillan) for review and approval prior to issuance of the site permit. In addition, a proposed maintenance plan shall be submitted along with the plans and calculations for review and approval.

36. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition."
37. The applicant shall obtain a 1200-C General Permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.

**THE FOLLOWING CONDITIONS SHALL BE SATISFIED
PRIOR TO A FINAL BUILDING INSPECTION:**

Submit to the Engineering Department (Kim McMillan, 639-4171, ext. 2642) for review and approval:

38. Prior to a final building inspection for Phase I, the applicant shall complete the required public improvements, obtain conditional acceptance from the City, and provide a one-year maintenance assurance for said improvements. These required improvements include street improvements and utility extensions along the frontages of Dartmouth Street, Clinton Street, 67th, 68th, 69th and 70th Avenues.
39. Prior to final building inspection for Phase I, the applicant shall provide the City with as-built drawings of the public improvements as follows: 1) 3 mil mylar, 2) a diskette of the as-builts in "DWG" format, if available; otherwise "DXF" will be acceptable, and 3) the as-built drawings shall be tied to the City's GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91).
40. The applicant shall either place the existing overhead utility lines along SW 68th and 69th Avenues underground as a part of this project, or they shall pay the fee in-lieu of undergrounding. The fee shall be calculated by the frontage of the site that is parallel to the utility lines and will be \$35.00 per lineal foot. If the fee option is chosen, the amount will be \$18,550.00 and it shall be paid prior to final building inspection.
41. To ensure compliance with Clean Water Services design and construction standards, the applicant shall employ the design engineer responsible for the design and specifications of the private water quality facility to perform construction and visual observation of the water quality facility for compliance with the design and specifications. These inspections shall be made at significant stages, and at completion of the construction. Prior to final building inspection, the design engineer shall provide the City of Tigard (Inspection Supervisor) with written confirmation that the water quality facility is in compliance with the design and specifications. Staff Contact: Hap Watkins, Building Division.
42. Prior to final building inspection, the applicant shall pay funds to the City for the future signalization of 72nd Avenue/Dartmouth Street in the amount of \$30,600.00.
43. Prior to final building inspection, the applicant shall pay funds to the City for the future signalization of 68th Avenue/Dartmouth Street in the amount of \$42,105.00.
44. Prior to final building inspection, the applicant's engineer shall provide final sight distance certification for all improved intersections and driveways.

Submit to the Planning Division (Mathew Scheidegger, 639-4171, ext. 2437) for review and approval:

45. Revise the site plan to show bicycle parking areas within 50 feet of the primary entrances to the proposed buildings.

46. Prior to final building inspection, the applicant shall ensure that the Project Arborist has submitted written reports to the City Forester, at least, once every two weeks, from initial tree protection zone (TPZ) fencing installation, through site work, as he monitors the construction activities and progress. These reports should include any changes that occurred to the TPZ as well as the condition and location of the tree protection fencing. If the amount of TPZ was reduced then the Project Arborist shall justify why the fencing was moved, and shall certify that the construction activities to the trees did not adversely impact the overall, long-term health and stability of the tree(s). If the reports are not submitted or received by the City Forester at the scheduled intervals, and if it appears the TPZ's or the Tree Protection Plan is not being followed by the contractor, the City can stop work on the project until an inspection can be done by the City Forester and the Project Arborist. This inspection will be to evaluate the tree protection fencing, determine if the fencing was moved at any point during construction, and determine if any part of the Tree Protection Plan has been violated.

**THIS APPROVAL SHALL BE VALID FOR EIGHTEEN (18)
MONTHS FROM THE EFFECTIVE DATE OF THIS DECISION.**

SECTION III. BACKGROUND INFORMATION

Site History:

Staff conducted a search of City records and found three land-use cases associated with the subject parcels. The first was a minor land partition which was approved in 1999 when the Oregon Department of Transportation partitioned excess right-of-way into one parcel containing 41,311 square feet. The second land-use case found was an approval for a temporary use permit for a portable modular construction engineer office space to manage the I-5 to Hwy 217/Kruse Way Interchange project. The third land-use case was a site development review to develop a two-story office building of 24,000 square feet and associated site improvements. No other land-use cases were found to be on file with the City.

Vicinity Information:

The subject site is located on the east end of SW Clinton Avenue. The site is bordered on the north and west side with property zoned (MUE) Mixed Use Employment. Properties to the east and south consist of Interstate-5 and the associated off-ramp.

Site Information and Proposal Description:

The applicant is requesting Site Development Review approval for a three phase development. Phase 1 consists of three (3) buildings: a 49,716 square foot, two-story office building; a 26,400 square foot single-story parking deck structure; and a 220' foot long screen wall. Phase 2 consists of a 34,905 square foot, two-story office building. The applicant is also requesting an Adjustment to the access spacing standard from the minimum of 200 feet to 135 feet on SW 68th Avenue. Phase 3 is for a development concept with the expectation that a future Site Development Review application will be made when development plans are prepared.

SECTION IV. COMMENTS FROM PROPERTY OWNERS WITHIN 500 FEET

No letters were received from nearby property owners.

SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA

The proposal's consistency with these Code Chapters is reviewed in the following sections:

- A. Zoning Districts
 - 18.520 Commercial Zoning Districts
- B. Applicable Development Code Standards
 - 18.370 Variances and Adjustments
 - 18.620 Tigard Triangle Design Standards
 - 18.705 Access Egress and Circulation
 - 18.725 Environmental Performance Standards
 - 18.745 Landscaping and Screening
 - 18.755 Mixed Solid Waste and Recyclable Storage
 - 18.765 Off-Street parking and loading requirements
 - 18.780 Signs
 - 18.790 Tree Removal
 - 18.795 Visual Clearance
- C. Specific SDR Approval Criteria
 - 18.360
- D. Street and Utility Improvement Standards
 - 18.810
- E. Decision Making Procedures
 - 18.390 Impact Study

SECTION VI. APPLICABLE DEVELOPMENT CODE STANDARDS

A. ZONING DISTRICTS

Commercial Zoning District: Section 18.520.020
 Lists the description of the Commercial Zoning Districts.

The site is located in the MUE: Mixed-Use Employment zoning district. The proposed use, general office space, is outright permitted in the zone.

Development Standards:

Section 18.520.040.B States that Development standards in commercial zoning districts are contained in Table 18.520.2 below:

**TABLE 18.520.2
 DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

STANDARD	MUE
Minimum Lot Size	None
- Detached unit	-
- Boarding, lodging, rooming house	-
Minimum Lot Width	50 ft
Minimum Setbacks	
- Front yard	0' min/ 10' max
- Side facing street on corner & through lots	-
- Side yard	0/20 ft [1]
- Side or rear yard abutting more restrictive zoning district	-
- Rear yard	0/20 ft [1]
- Distance between front of garage & property line abutting a public or private street.	-
Maximum Height	45 ft
Maximum Site Coverage [2]	85%
Maximum Floor Area Ratio	0.4
Minimum Landscape Requirement	15%

[1] no setback shall be required except 20 feet shall be required where the zone abuts a residential zone.

[2] includes all buildings and impervious area

Setbacks for each building are shown to be in compliance with the above standards on sheet A1.2 of the submitted plans. The tallest of the four proposed buildings is shown to be 38 feet, which is within the maximum building height of the MUE zone. Maximum site coverage is calculated at 72% and landscaping at 28%. Floor Area Ratio is discussed below.

Special limitations:

The maximum floor area ratio (FAR) for all commercial and industrial use types and mixed-use developments shall not exceed 0.40. Residential use types, including transient lodging, shall not be subject to this requirement;

The proposed office floor area to be developed in phases I and II, is calculated as follows:

Site Area	Phase I = 104,292 sq. ft.
	Phase II = 68,465 sq. ft.
	Phase III = 39,669 sq. ft.
	<u>Total = 212,426 sq. ft.</u>

Total site area (212,426 sq. ft.) x .40 = 84,970 sq. ft. floor area.
The proposed office floor area is 84,621 sq. ft., which is within the maximum allowed.

The applicant has decided to transfer the floor area from the subject parcel of phase III to phase I and phase II. Therefore, the subject parcel of phase III can only be constructed as multi-family units at an R-25 density as governed by table 18.520.1 footnote 21. The applicant has indicated that phase III (residential portion of this project) has been presented in conceptual form. In any case, the applicant must provide documentation that a deed restriction has been recorded for the subject parcel of phase three limiting the development to residential at an R-25 density only.

FINDING: Based on the analysis above, the underlying zone's development criteria have not been satisfied. However, if the applicant complies with the condition below, this section will be met.

CONDITION: Provide documentation that a deed restriction has been recorded for the subject parcel of phase three limiting the development to residential at an R-25 density only.

B. APPLICABLE DEVELOPMENT CODE STANDARDS

VARIANCES AND ADJUSTMENTS (18.370)

Adjustment to access and egress standards (18.705):

In all zoning districts where access and egress drives cannot be readily designed to conform to Code standards within a particular parcel, access with an adjoining property shall be considered. If access in conjunction with another parcel cannot reasonably be achieved, the Director may grant an adjustment to the access requirements of Chapter 18.705 through a Type II procedure, as governed in Section 18.390.030, using approval criteria contained in Subsection 2b below.

The Director may approve, approve with conditions, or deny a request for an adjustment from the access requirements contained in Chapter 18.705, based on the following criteria:

The "Tigard Triangle Street Plan", contained in the Tigard Triangle Design Standards, designates SW 68th Avenue as a "Minor Arterial". This designation preceded adoption of new street standards for all of Tigard. However, the City Engineering staff has indicated that "minor arterials" are considered "major collectors" from the standpoint of access spacing. The Tigard Transportation System Plan designates SW 68th Avenue as a Major Collector.

Section 18.705.030 H (3) requires a minimum access spacing on Collectors of 200 feet. Since SW 68th Avenue is considered a Major Collector, this spacing standard applies.

The proposed access point onto SW 68th Avenue is located approximately 225 feet north of the intersection of SW 68th Avenue and SW Clinton Street. There is an unused curb drop located on the west side of SW 68th Avenue approximately 65 feet north of the proposed driveway, and a commercial driveway also on the west side of SW 68th Avenue, located approximately 135 feet north of the proposed driveway.

Section 18.370.020 C. (5) provides for Adjustments to access and egress standards based on criteria contained in subsection (b). Since this project cannot meet the access spacing standard for the SW 68th Avenue frontage, an Adjustment is proposed as part of this application.

It is not possible to share access;

Southwest 68th Avenue slopes to the north, while the new building (Building four) must be placed at the southerly extent of the site in order to meet building orientation standards of the Code. In order to meet grade criteria in the parking area, the new driveway must be located as far south as possible, which moves it away from the north property line. These physical and code related conditions preclude a shared access on the north property line, but by locating the driveway as far south as possible the spacing relative to the existing driveway is increased as much as possible.

There are no other alternative access points on the street in question or from another street;

As noted above, moving the access point to the north creates unacceptable grade issues in the parking lot due to the required location of the building, and would also reduce the access spacing further. The site does have an access on to SW Clinton Street, but it is not possible to access SW 67th Avenue due to grades. Limiting this parking area to the single-access on SW Clinton Street would result in emergency access problems, and would direct an unnecessary amount of traffic onto SW Clinton and into the intersection of SW Clinton and SW 68th Avenue.

The access separation requirements cannot be met;

Since the site has only about 360 feet of frontage on SW 68th Avenue, locating the access point at 200 feet north of the SW Clinton Street intersection would still not meet the access spacing standard relative to the existing driveways to the north. Therefore, the access spacing standard cannot be met under any alternative location.

The request is the minimum adjustment required to provide adequate access;

As noted above, the only alternate access from a local street is via SW Clinton Street which does not provide adequate access alone. Consequently, access onto SW 68th Avenue is necessary, and the location shown is the most viable based on grades and the required building location.

The approval access or access approved with conditions will result in a safe access; and

The Traffic Report accompanying this document certifies that the access points meet safety standards.

The visual clearance requirements of Chapter 18.795 will be met.

The Traffic Report also certifies that vision clearance standards will be met.

FINDING: Based on the analysis above, the Variance and Adjustment criteria have been met.

TRIANGLE DESIGN STANDARDS (18.620):

Design standards for public street improvements and for new development and renovation projects have been prepared for the Tigard Triangle. These design standards address several important guiding principals adopted for the Tigard Triangle, including creating a high-quality mixed use employment area, providing a convenient pedestrian and bikeway system within the Triangle, and utilizing streetscape to create a high quality image for the area.

All new developments are expected to contribute to the character and quality of the area. In addition to meeting the design standards described below and other development standards required by the Development and Building Codes, developments will be required to dedicate and improve public streets, connect to public facilities such as sanitary sewer, water and storm drainage, and participate in funding future transportation and public improvement projects necessary within the Tigard Triangle.

The following design standards apply to all development located within the Tigard Triangle. If a standard found in this section conflicts with another standard in the Development Code, standards in this section shall govern.

Street Connectivity:

All development must demonstrate how one (1) of the following standard options will be met. Variance of these standards may be approved per the requirements of Chapter 18.134 where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers prevent street extensions and connections.

Design Option:

- a. Local street spacing shall provide public street connections at intervals of no more than 660 feet;
- b. Bike and pedestrian connections on public easements or right-of-way shall be provided at intervals of no more than 330 feet.

Performance Option:

- a. Local street spacing shall occur at intervals of no less than eight (8) street intersections per mile;
- b. The shortest vehicle trip over public streets from a local origin to a collector or greater facility is no more than twice the straight-line distance;
- c. The shortest pedestrian trip on public right-of-way from a local origin to a collector or greater facility is no more than one and one-half the straight-line distance.

The proposal meets the Design Option because the existing street system within the project site meets the basic local street spacing standard, and will be retained within the development. Southwest Baylor Street, and SW Clinton Street are spaced approximately 460 feet apart. Similarly, the basic street system with its pedestrian facilities meets the 300-foot maximum interval for pedestrian connection. Therefore, the "Design Option: standard of the section is met.

Site Design Standards:

All development must meet the following site design standards. If a parcel is one (1) acre or larger a phased development plan must be approved demonstrating how these standards for the overall parcel can be met. Variance to these standards may be granted if the criteria found in Section 18.370.010C2 (Criteria for Granting a Variance) is satisfied.

The subject site is greater than an acre and the applicant has proposed to do a phased development. The plans submitted with the application show the breakdown of each building within its phase. Phase I and II are the detailed plans which are to be constructed. Phase III is a conceptual phase to show how the subject parcel of Phase III can be accomplished in the future. Phase III has been reviewed and conditioned in the body of this decision. Therefore, this standard has been satisfied.

Building Placement On Major And Minor Arterials And The Street:

Buildings shall occupy a minimum of 50 percent of all street frontages along Major and Minor Arterial Streets. Buildings shall be located at public street intersections on Major and Minor Arterial Streets.

Southwest 67th Avenue and SW Clinton Street are local streets, so this standard does not apply to these frontages. SW 68th Avenue is a minor arterial, so the standard is applicable. For Phase I, Building Three provides a wall structure and colonnade along the entire frontage meeting this standard. The wall structure increases in height with the existing street grade, varying from 14 feet six inches up to 16 feet three inches. Consequently, the wall structure requires a building permit, and therefore, by definition is a building. The solid wall portion extends a distance of 119 feet eight inches, which is approximately 59% of the street frontage (200 feet), meeting this design requirement. For Phase II, the site design provides an office building (Building Four) at the frontage of the site north of SW Clinton for a distance of 190 feet, with a parking area along the northerly 115 feet of SW 68th Avenue. The subject parcel of Building Four fronts SW 68th Parkway for a distance of 350 feet. Therefore, the building occupies approximately 54 percent of the frontage. This criterion is satisfied.

Building Setback:

The minimum building setback from public street rights-of-way or dedicated wetlands/buffers and other environmental features, shall be 0 feet; the maximum building setback shall be 10 feet.

This section requires a maximum building set back of 10 feet from dedicated rights-of-way. The building placement as shown on the accompanying site plan meets this criterion for the site frontage on SW 67th Avenue, SW 68th Avenue, and SW Clinton Street as shown below:

Building #1: (0) feet
Building #2: (10) feet
Building #3: (0) feet
Building #4: (0) feet

Therefore, this standard is satisfied.

Front Yard Setback Design:

Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one (1) street, the required improvements shall be provided on all streets. Landscaping shall be developed to an L-1 standard on public streets. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.620.070.

This standard requires a landscaped and/or pedestrian area between a structure and the public street. The site design provides for this at the frontages on SW 67th Avenue, SW 68th Avenue, and Clinton Street, with a combination of landscaping and walkways between buildings. Therefore, this standard is satisfied.

Walkway Connection To Building Entrances:

A walkway connection is required between the building's entrance and the public street or accessway providing access to the property. This walkway must be at least six (6) feet wide and be paved with scored concrete or modular paving materials. Building entrances at a corner near a public street intersection are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.620.070.

Each of the proposed buildings has a six-foot wide minimum walkway that connects directly to either SW 68th Avenue or SW Clinton Street. Therefore, this criterion has been satisfied.

Parking Location And Landscape Design:

Parking for buildings or phases adjacent to public street rights-of-way must be located to the side or rear of newly constructed buildings. If located on the side, parking is limited to 50% of the street frontage and must be behind a landscaped area constructed to an L-1 Landscape Standard. The minimum depth of the L-1 landscaped area is five feet or the building setback, whichever is greater. Interior side and rear yards shall be landscaped to an L-2 Landscape Standard, except where a side yard abuts a public street, where it shall be landscaped to an L-1 Landscape Standard.

Proposed Building One's placement is at the corner of SW Clinton and SW 67th Avenue. The proposed parking is to the north and southwest of the proposed building which is considered to the side and rear of proposed building one. In the case of Building Four at SW 68th Avenue and SW Clinton Street, this standard is met by locating the building at the corner intersection with parking to the north and east (side and rear of the building). Each parking area has been shown to be screened by a landscaped buffer equal to the L-1 landscaping requirement. Therefore this standard is met.

Building Design Standards:

All non-residential buildings shall comply with the following design standards. Variance to these standards may be granted if the criteria found in Section 18.370.010 (Criteria for Granting a Variance) is satisfied.

Ground Floor Windows:

All street-facing elevations within the Building Setback (0 to 10 feet) along public streets shall include a minimum of 50 percent of the ground floor wall area with windows, display areas or doorway openings. The ground floor wall area shall be measured from three (3) feet above grade to nine (9) feet above grade the entire width of the street-facing elevation. The ground floor window requirement shall be met within the ground floor wall area and for glass doorway openings to ground level. Up to 50 percent of the ground floor window requirement may be met on an adjoining elevation as long as all of the requirement is located at a building corner.

According to the standard above, a building elevation must have at a minimum of 50 percent of the ground floor wall area as windows. This standard applies only to buildings two through four. Proposed building #1 does not have area for windows within 0-10 feet. The portion of building #1 that is within 0-10 feet houses stairs to the main entrance. The applicant has addressed this criterion for buildings two through four by saying that they meet the 50% requirement. In order for staff to consider the above criterion satisfied, the applicant is required to give exact percentages of ground floor windows for buildings two through four.

Building Facades:

Facades that face a public street shall extend no more than 50 feet without providing at least one (1) of the following features: (a) a variation in building materials; (b) a building off-set of at least 1-foot; (c) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (d) by another design features that reflect the building's structural system. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building.

According to this standard, a buildings façade cannot extend for a distance greater than 50 feet without providing a break in materials, a separation or a projection. According to the plans, proposed buildings one through four seem to extend for a distance greater than 50 feet without a break in materials. Therefore, the applicant is required to provide a plan of each building along with an explanation of how the building façade criteria of the Tigard Triangle Design Standards are met.

Weather Protection:

Weather protection for pedestrians, such as awnings, canopies, and arcades, shall be provided at building entrances. Weather protection is encouraged along building frontages abutting a public sidewalk or a hard-surfaced expansion of a sidewalk, and along building frontages between a building entrance and a public street or accessway. Awnings and canopies shall not be backlit.

Proposed buildings one and four are shown to have weather protection treatments at the entries to each building. Each building has two separate entrances, one from the public right-of-way and one from the associated parking areas. However, the canopy covering the street entrance of building four appears to be extending into the public right-of-way. Proposed building two is a parking garage and proposed building three is a screening wall with no interior to enter. Therefore, the applicant is required to provide a plan showing the street entrance canopy of proposed building four to be within the property lines.

Building Materials:

Plain concrete block, plain concrete, corrugated metal, plywood, sheet pressboard or vinyl siding may not be used as exterior finish materials. Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 2 feet.

According to the plans submitted, the proposed buildings are to be built with a combination of brick, concrete block, painted concrete tilt panels and painted cast-in-place concrete walls. The pedestrian bridge is constructed of tube steel and ties into the metal storefront system of Building One. However, plain concrete block cannot be used as an exterior finish. Therefore, the applicant is required to submit information ensuring that plain concrete block will not be used as an exterior finish material.

Roofs and Roof Lines:

Except in the case of a building entrance feature, roofs shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style. False fronts and false roofs are not permitted.

The proposed design for the buildings indicates a commercial style flat roof with parapets. The metal bridge connecting Building One and Two incorporates a metal canopy that covers the bridge, access stairs from the ground level, and a portion of the bicycle parking. This standard has been satisfied.

Roof-Mounted Equipment:

All roof-mounted equipment must be screened from view from adjacent public streets. Satellite dishes and other communication equipment must be set back or positioned on a roof so that exposure from adjacent public streets is minimized. Solar heating panels are exempt from this standard.

The applicant has indicated that roof-mounted equipment will not be visible from the street. Elevation drawings have been submitted and no roof-mounted equipment are indicated. Therefore, this standard has been satisfied.

Signs:

In addition to the requirements of Chapter 18.780 of the Development Code, the following standards shall be met:

Zoning District Regulations:

Non-residential development within the MUE zone shall meet the sign requirements of the C-P zone (18.780.130.D).

Sign Area Limits:

The maximum sign area limits found in Section 18.780.130 shall not be exceeded. No area limit increases will be permitted within the Tigard Triangle.

Height Limits:

The maximum height limit for all signs except wall signs shall be 10 feet. Wall signs shall not extend above the roofline of the wall on which the sign is located. No height increases will be permitted within the Tigard Triangle.

Sign Location:

Freestanding signs within the Tigard Triangle shall not be permitted within required L-1 landscape areas.

According to the landscape requirements, all side yards abutting streets shall be landscaped to an L-1 standard. The applicant has proposed signs at the corners of SW Clinton Street and SW 68th Parkway, which are considered side yards for the proposed buildings. Therefore, the applicant may not place signs within the side yards of proposed building three and four.

Entry Portals:

Entry portals shall be required at the primary access points into the Tigard Triangle.

1. **Location** - Entry portals shall be located at the intersections of 99W and Dartmouth; 99W and 72nd; I-5 and Dartmouth; Hwy. 217 and 72nd; and at the Hwy. 217 Overcrossing and Dartmouth.

2. **Design** - The overall design of entry portals shall relate in scale and detail to both the automobile and the pedestrian. A triangle motif shall be incorporated into the design of entry portals.

The subject site is located at the intersection of SW Dartmouth and Interstate-5. Based on the standard above, the applicant is required to provide an entry portal that relates in scale and detail to both the automobile and the pedestrian. The applicant has incorporated a triangular motif into the design of the colonnade by providing a pyramidal light fixture element on top of three columns at the Southwest corner of phase I. The height and locations along SW 68th Avenue and the Haines Street off-ramp provide an entry portal motif for both automobiles and pedestrians. Therefore, this standard has been satisfied.

Landscaping and Screening:

Two (2) levels of landscaping and screening standards are applicable to the Tigard Triangle. The locations where the landscaping or screening is required and the depth of the landscaping or screening are defined in other sub-sections of this section. These standards are minimum requirements. Higher standards may be substituted as long as all height limitations are met.

L-1 (Low Screen):

For general landscaping of landscaped and screened areas within parking lots, local collectors and local streets, planting standards of Chapter 18.745 Landscaping and Screening, shall apply. The L-1 standard applies to setbacks on major and minor arterials. Where the setback is a minimum of 5 feet between the parking lot and a major or minor arterial, trees shall be planted at 3½-inch caliper, at a maximum of 28 feet on center. Shrubs shall be of a variety that will provide a 3-foot high screen and a 90 percent opacity within one (1) year. Groundcover plants must fully cover the remainder of landscape area within two (2) years. Any tree planted in excess of a 2-inch caliper shall be eligible for full mitigation credit.

Landscaping is addressed later in this decision under 18.745 Landscaping and Screening.

L-2 (General Landscaping):

For general landscaping of landscaped and screened areas within parking lots, local collectors and local streets, planting standards of Chapter 18.745 Landscaping and Screening, shall apply. Trees shall be provided at a minimum 2½-inch caliper, at a maximum spacing of 28 feet. Shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two (2) years. Any tree planted in excess of a 2-inch caliper shall be eligible for full mitigation credit.

Landscaping is addressed later in this decision under 18.745 Landscaping and Screening.

FINDING: Based on the analysis above, the Tigard Triangle Design standards have not not been fully met. If the applicant complies with the conditions listed below, the standards will be met.

CONDITIONS:

- ♦ Submit exact percentages of ground floor windows for buildings two through four.
- ♦ Submit information ensuring that plain concrete block will not be used as an exterior finish material.
- ♦ Provide a plan showing the street entrance canopy of proposed building four to be within the property lines.

- Provide a plan of each building along with an explanation of how the building façade criteria of the Tigard Triangle Design Standards are met.
- The applicant may not place signs within the side yards of proposed building three and four.

ADDITIONAL APPLICABLE DEVELOPMENT CODE STANDARDS

The Site development Review approval standards require that a development proposal be found to be consistent with the various standards of the Community Development Code. The applicable criteria in this case are Chapters 18.360, 18.390, 18.520, 18.705, 18.725, 18.745, 18.755, 18.765, 18.780, 18.790, 18.795, and 18.810. The proposal's consistency with these Code Chapters is reviewed in the following sections.

Access, Egress and Circulation (18.705):

Walkways:

18.705.030(F) requires that on-site pedestrian walkways comply with the following standards: Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways shall be constructed between new and existing developments and neighboring developments;

On site pedestrian walkways are present between the proposed building entrances of Building #1, #2 and #4. Proposed building #3 does not have an interior to enter, therefore, no walkway is proposed. The walkways of the other proposed buildings provide access and egress to the buildings as well as to the associated parking areas. This standard is met.

Wherever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum 6-inch vertical separation (curbed) or a minimum 3-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than 36 feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used. Walkways shall be a minimum of four feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and sign posts, and shall be in compliance with ADA standards;

No walkways have been proposed to cross the access drive or parking areas. This standard is therefore met.

Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes. Soft-surfaced public use pathways may be provided only if such pathways are provided in addition to required pathways.

The plan depicts concrete sidewalks, which meets the standard.

Access Management (Section 18.705.030.H)

Section 18.705.030.H.1 states that an access report shall be submitted with all new development proposals which verifies design of driveways and streets are safe by meeting adequate stacking needs, sight distance and deceleration standards as set by ODOT, Washington County, the City and AASHTO.

The applicant's engineer, Lancaster Engineering, submitted a Traffic Impact Study, dated October 2004. Lancaster provided preliminary sight distance certification for driveways and intersections related to the project. The applicant's engineer shall provide final sight distance certification for all driveways and intersections upon completion of the public street improvements.

Section 18.705.030.H.2 states that driveways shall not be permitted to be placed in the influence area of collector or arterial street intersections. Influence area of intersections is that area where queues of traffic commonly form on approach to an intersection. The minimum driveway setback from a collector or arterial street intersection shall be 150 feet, measured from the right-of-way line of the intersecting street to the throat of the proposed driveway. The setback may be greater depending upon the influence area, as determined from City Engineer review of a traffic impact report submitted by the applicant's traffic engineer. In a case where a project has less than 150 feet of street frontage, the applicant must explore any option for shared access with the adjacent parcel. If shared access is not possible or practical, the driveway shall be placed as far from the intersection as possible.

The applicant states that this project is in full compliance with the provisions of Chapter 18.705. This is not the case as there are two proposed driveways on Clinton Street within 150 feet of 68th Avenue. The applicant shall move the driveways or apply for an adjustment to this standard. The adjustment must be granted prior to construction.

Section 18.705.030.H.3 and 4 states that the minimum spacing of driveways and streets along a collector shall be 200 feet. The minimum spacing of driveways and streets along an arterial shall be 600 feet. The minimum spacing of local streets along a local street shall be 125 feet.

The applicant has applied for an adjustment to this standard for the proposed driveway located along 68th Avenue. While the driveway is more than 200 feet north of Clinton Street, it is only about 185 feet south of Baylor Street. There are two existing driveways on the west side of 68th Avenue that are within 200 feet of the proposed driveway. There is no location on the property's 68th Avenue frontage that can meet this standard. The applicant's narrative points out that there is a proposed access onto Clinton from this site, but that two access points would better serve the development and provide secondary emergency access. The applicant also argues that because of topography and building placement, the driveway has been located in the best location with the minimum adjustment required to provide adequate access.

Staff agrees with the applicant's placement of the driveway location on 68th, therefore the adjustment should be granted.

Minimum Access Requirements for Commercial and Industrial Use:

Section 18.705.030.I provides the minimum access requirements for commercial and industrial uses: Table 18.705.3 indicates that the required access width for developments with 0-99 parking spaces is one 30-foot access with 24 feet of pavement. Vehicular access shall be provided to commercial or industrial uses, and shall be located to within 50 feet of the primary ground floor entrances; additional requirements for truck traffic may be placed as conditions of site development review.

Proposed building #1 has a parking area to the north of the building that has a total of 19 parking stalls. The plans submitted show a 30-foot wide access drive into the parking area. Proposed building #2 is a two story parking garage has a total of 151 parking stalls and a 26-foot access drive. According to the standard, a parking area with 100+ parking stalls must have one access drive of 50 feet with 40 feet of pavement or two access drives 30 feet in width with 24 feet of pavement. Proposed building #4 has a parking area with 94 parking stalls. The applicant has shown two access drives entering the parking area that are 26 and 28 feet in width.

Based on the analysis above, the applicant is required to provide a plan showing proposed building #2 (parking garage) with one access drive that is a minimum of 50 feet in width with 40 feet of pavement.

FINDING: Based on the analysis above, the access egress and circulation requirements have not been met. If the applicant complies with the condition below, the access standards will be met.

CONDITION: Provide a plan showing proposed building #2 (parking garage) with one access drive that is a minimum of 50 feet in width with 40 feet of pavement.

Environmental Performance Standards (18.725):

These standards require that federal and state environmental laws, rules and regulations be applied to development within the City of Tigard. Section 18.725.030 (Performance Standards) regulates: noise, visible emissions, vibration and odors.

Noise. For the purposes of noise regulation, the provisions of Sections 7.41.130 through 7.40.210 of the Tigard Municipal Code shall apply.

Visible Emissions. Within the commercial zoning districts and the industrial park (IP) zoning district, there shall be no use, operation or activity which results in a stack or other point- source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality (DEQ) rules for visible emissions (340-21-015 and 340-28-070) apply.

Vibration. No vibration other than that caused by highway vehicles, trains and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.

Odors. The emissions of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

Glare and heat. No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, which is visible at the lot line shall be permitted, and; 1) there shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and 2) these regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this title.

Insects and rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

The project is considered commercial office, which is permitted within the MUE zone. There is nothing to indicate that these standards will not be met. However, ongoing maintenance to meet these standards shall be maintained and any violation of these standards will be addressed by the City of Tigard's' Code Enforcement Officer.

Compliance with state, federal, and local environmental regulations are the continuing obligation of the property owner, and will abide by the applicable standards.

FINDING: The Environmental Performance standards are met.

Landscaping and Screening (18.745):

Street Trees:

Section 18.745.040 states that all development projects fronting on a public street or a private drive more than 100 feet in length shall be required to plant street trees in accordance with Section 18.745.040.C Section 18.745.040.C requires that street trees be spaced between 20 and 40 feet apart depending on the size classification of the tree at maturity (small, medium or large).

The applicant has provided a plan (sheet L1.1) of the proposed development showing street trees planted 24 feet on center fronting on all abutting public streets. The proposed street trees to be used are Redspire Pear, which is from the Tigard Street Tree List. Therefore, this standard has been satisfied.

Buffering and Screening:

Section 18.745.080 states that no buffer is required between abutting uses that are of a different type when the uses are separated by a street. No buffer is required between a proposed office use and existing office use. Buffering and/or screening are required for dissimilar uses.

All properties surrounding the subject property are zoned MUE. Therefore, no buffering is required. This criterion does not apply.

Screening:

Special Provisions:

Section 18.745.050.E requires the screening of parking and loading areas. Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. Planting materials to be installed should achieve a relative balance between low lying and vertical shrubbery and trees. Trees shall be planted in landscaped islands in all parking areas, and shall be equally distributed on the basis of one (1) tree for each seven (7) parking spaces in order to provide a canopy effect. The minimum dimension on the landscape islands shall be three (3) feet wide and the landscaping shall be protected from vehicular damage by some form of wheel guard or curb.

The parking areas associated with the proposed project are all shown to be screened with landscaping that is in conformance with the L-1 landscaping standard. The applicant has not showing the proposed parking areas associate with proposed building one and building four to be constructed with one parking lot tree for every seven spaces. Therefore, the applicant is required to provide and implement a plan that shows the proposed parking lots to have one parking lot tree located in a three-foot-wide landscaped island on the basis of one tree for every seven parking stalls.

Screening Of Service Facilities.

Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height. All refuse materials shall be contained within the screened area;

The plans submitted show two trash enclosures within building one and four's parking areas. The enclosures are shown to be constructed of CMU masonry walls. However, the applicant has not indicated that the screening will be five to eight feet in height. Therefore, the applicant must provide information that addresses the wall height of the trash enclosure.

Screening Of Refuse Containers.

Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.

As mentioned above, the applicant's plans show trash enclosures to be screened with CMU walls and gates. The applicant has been conditioned above to provide information regarding the height of the proposed screening. Therefore, this standard has been satisfied.

FINDING: Based on the analysis above, the landscaping and screening standards have not been fully met. If the applicant complies with the conditions listed below, the standards will be met.

CONDITIONS:

- ♦ Provide and implement a plan that shows the proposed parking lots to have one parking lot tree located in a three foot wide landscaped island on the basis of one tree for every seven parking stalls.

- ♦ Submit a revised site plan that indicates the height of the trash enclosure meets the requirements of Section 18.745.050(E)(4).

Mixed Solid Waste and Recyclables Storage (18.755):

Chapter 18.755 requires that new construction incorporates functional and adequate space for on-site storage and efficient collection of mixed solid waste and source separated Recyclables prior to pick-up and removal by haulers.

The applicant must choose one (1) of the following four (4) methods to demonstrate compliance: Minimum Standard, Waste Assessment, Comprehensive Recycling Plan, or Franchised Hauler Review and Sign-Off. The applicant will have to submit evidence or a plan which indicates compliance with this section. Regardless of which method chosen, the applicant will have to submit a written sign-off from the franchise hauler regarding the facility location and compatibility.

The applicant has submitted written sign off from the waste hauler (Pride Disposal). Therefore, this standard has been satisfied.

Location Standards.

To encourage its use, the storage area for source-separated recyclables shall be co-located with the storage area for residual mixed solid waste; Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements; Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations; Exterior storage areas can be located within interior side yard or rear yard areas. Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street; Exterior storage areas shall be located in central and visible locations on a site to enhance security for users; Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions in 18.755.050 C, design standards; The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.

The refuse container is accessed from the proposed parking lots of building one and four and is visible in order to enhance security for users. The proposed refuse container will not occupy any required parking stalls and screening has been conditioned to conform to Tigard standards previously in this decision.

Design Standards.

The dimensions of the storage area shall accommodate containers consistent with current methods of local collection; Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area; Exterior storage areas shall be enclosed by a sight-obscuring fence wall, or hedge at least six feet in height. Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position; Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

The applicant has submitted a detail of the trash enclosure that shows the trash enclosure to be screened with CMU walls and is 10 feet deep, by 20 feet wide, with full-swing gates that are equipped with lock backs to secure the gates open at the time of service. Therefore, this standard has been satisfied.

FINDING: Based on the analysis above, the Mixed Solid Waste and Recyclable Storage criteria have been satisfied.

Off-Street Parking and Loading (18.765):

Location of vehicle parking:

Off-street parking spaces for single-family and duplex dwellings and single-family attached dwellings shall be located on the same lot with the dwellings. Off-street parking lots for uses not listed above shall be located not further than 200 feet from the building or use that they are required to serve, measured in a straight line from the building with the following exceptions: a) commercial and industrial uses which require more than 40 parking spaces may provide for the spaces in excess of the required first 40 spaces up to a distance of 300 feet from the primary site; The 40 parking spaces which remain on the primary site must be available for users in the following order of priority: 1) Disabled-accessible spaces; 2) Short-term spaces; 3) Long-term preferential carpool and vanpool spaces; 4) Long-term spaces.

Proposed building one is 49,716 square feet, which requires a minimum of 134 parking stalls. The plans submitted show a parking area to north containing 19 stalls and a two story parking garage to the southwest containing 151 stalls for a total of 170 stalls. The parking garage's furthest point away from building one is 180 feet.

Proposed building four is 34,905 square feet, which requires a minimum of 94 parking stalls. The plans submitted show a parking area to the northeast containing 94 parking stalls. The parking lot at its furthest point away from the proposed building is 180 feet. Therefore, this standard has been satisfied.

Joint Parking:

Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the peak hours of operation do not overlay, subject to the following: 1) The size of the joint parking facility shall be at least as large as the number of vehicle parking spaces required by the larger(est) use per Section 18.765.070; 2) Satisfactory legal evidence shall be presented to the Director in the form of deeds, leases or contracts to establish the joint use; 3) If a joint use arrangement is subsequently terminated, or if the uses change, the requirements of this title thereafter apply to each separately.

Joint parking is not proposed with this application. Therefore, this standard does not apply.

Parking in Mixed-Use Projects:

In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula. 1) Primary use, i.e., that with the largest proportion of total floor area within the development, at 100% of the minimum vehicle parking required for that use in Section 18.765.060; 2) Secondary use, i.e., that with the second largest percentage of total floor area within the development, at 90% of the vehicle parking required for that use in Section 18.765.060; 3) Subsequent use or uses, at 80% of the vehicle parking required for that use(s) in Section 18.765.060; 4) The maximum parking allowance shall be 150% of the total minimum parking as calculated in D.1.-3. above.

This proposal is not considered a mixed-use project as it will contain solely office space; therefore this standard is not applicable.

Visitor Parking in Multi-Family Residential Developments:

Multi-dwelling units with more than 10 required parking spaces shall provide an additional 15% of vehicle parking spaces above the minimum required for the use of guests of residents of the complex. These spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.

This project does not involve a residential use. Therefore, this standard does not apply.

Preferential Long-Term Carpool/Vanpool Parking:

Parking lots providing in excess of 20 long-term parking spaces shall provide preferential long-term carpool and vanpool parking for employees, students and other

regular visitors to the site. At least 5% of total long-term parking spaces shall be reserved for carpool/vanpool use. Preferential parking for carpools/vanpools shall be closer to the main entrances of the building than any other employee or student parking except parking spaces designated for use by the disabled. Preferential carpool/vanpool spaces shall be full-sized per requirements in Section 18.765.040N and shall be clearly designated for use only by carpools and vanpools between 7:00 AM and 5:30 PM Monday through Friday.

The proposed development provides a total of 262 off-street parking stalls that are considered long-term, which requires a minimum of 13 long-term carpool/vanpool parking stalls. The applicant has proposed to provide a total of 14 carpool/vanpool parking stalls. Nine of the 14 stalls are to be constructed with phase one which includes the proposed parking structure. The first nine will be distributed between the first and second floor of the parking garage. The additional five stalls will be constructed with phase two, which includes proposed building four's parking area. This criterion has been satisfied.

Disabled-Accessible Parking:

All parking areas shall be provided with the required number of parking spaces for disabled persons as specified by the State of Oregon Uniform Building Code and federal standards. Such parking spaces shall be sized, signed and marked as required by these regulations.

The applicant is providing 264 parking spaces, therefore, seven (7) van accessible (9 feet wide with an 8-foot aisle) ADA handicap spaces are required. The applicant's plans show four at the west entrance to proposed building one, and three at the east entrance of building four. Therefore, this standard has been satisfied.

Access Drives:

With regard to access to public streets from off-street parking: access drives from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrian and vehicular traffic on the site; the number and size of access drives shall be in accordance with the requirements of Chapter, 18.705, Access, Egress and Circulation; access drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives; access drives shall have a minimum vision clearance in accordance with Chapter 18.795, Visual Clearance; access drives shall be improved with an asphalt or concrete surface; and excluding single-family and duplex residences, except as provided by Subsection 18.810.030.P, groups of two or more parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way will be required.

The access drive has been addressed previously in this decision. Therefore, this standard has been satisfied.

Pedestrian Access:

Pedestrian access through parking lots shall be provided in accordance with Section 18.705.030.F. Where a parking area or other vehicle area has a drop-off grade separation, the property owner shall install a wall, railing, or other barrier which will prevent a slow-moving vehicle or driverless vehicle from escaping such area and which will prevent pedestrians from walking over drop-off edges.

The proposed parking structure allows parking on a top deck, which is to be constructed with walls around its perimeter. The walkway from the parking structure to proposed building one will also be constructed with safety walls on both sides of the bridge. Therefore, this standard has been satisfied.

Parking Lot Striping:

Except for single-family and duplex residences, any area intended to be used to meet the off-street parking requirements as contained in this Chapter shall have all parking spaces clearly marked; and all interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.

The plans submitted show the parking spaces will be clearly marked with striping. Therefore, this standard has been satisfied.

Wheel Stops:

Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located three feet back from the front of the parking stall. The front three feet of the parking stall may be concrete, asphalt or low lying landscape material that does not exceed the height of the wheel stop. This area cannot be calculated to meet landscaping or sidewalk requirements.

As shown on the submitted site plan, parking spaces allow for wheel stops three feet from the front of the parking stall. Parking spaces, excluding those along the walkways to building entrances, have three-foot wheel stops that include low-lying landscape materials. Parking spaces along the walkways to the building entrances have three-foot wheel stops over concrete. The remaining portion of the walkway is four feet wide. The wheel stop areas are not included in landscaping or sidewalk requirements. This standard has been satisfied.

Space and Aisle Dimensions:

Section 18.765.040.N states that: "except as modified for angled parking in Figures 18.765.1 and 18.765.2 the minimum dimensions for parking spaces are: 8.5 feet x 18.5 feet for a standard space and 7.5 feet x 16.5 feet for a compact space"; aisles accommodating two direction traffic, or allowing access from both ends, shall be 24 feet in width. No more than 50% of the required spaces may be compact spaces.

The applicant's plans indicate that the standard parking spaces will be 8.5 feet by 18.5 feet and 7.5 feet by 16.5 feet for compact spaces. The access aisle will be 26 feet wide. The applicant proposes that less than half of the proposed parking spaces will be compact. Therefore, this standard has been satisfied.

Bicycle Parking Location and Access:

Section 18.765.050 states bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures; bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways; outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to locate the parking area; and bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require the bicyclist to use stairs to gain access to the space. Exceptions may be made to the latter requirement for parking on upper stories within a multi-story residential building.

The site plan shows areas for bicycle racks. According to Table 18.765.2 of the Tigard Development Code, the minimum bicycle-parking requirement for an office use is 0.5 spaces per 1,000 square feet. Based on the proposed square footages, building one is required to provide 24 bicycle parking stalls. Proposed building four is required to provide 17 bicycle parking stalls. The applicant has shown 18 bicycle parking stalls for building four and 26 stalls for building one. However, the parking areas for both buildings are located further than 50 feet away from the primary entrances to the buildings. Therefore, the applicant must revise the site plan to show bicycle parking areas within 50 feet of the primary entrances to the proposed buildings.

Bicycle Parking Design Requirements:

Section 18.765.050.C. The following design requirements apply to the installation of bicycle racks: The racks required for required bicycle parking spaces shall ensure that bicycles may be securely locked to them without undue inconvenience. Provision of bicycle lockers for long-term (employee) parking is encouraged but not required;

bicycle racks must be securely anchored to the ground, wall or other structure; bicycle parking spaces shall be at least 2½ feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking; each required bicycle parking space must be accessible without moving another bicycle; required bicycle parking spaces may not be rented or leased except where required motor vehicle parking is rented or leased. At-cost or deposit fees for bicycle parking are exempt from this requirement; and areas set aside for required bicycle parking must be clearly reserved for bicycle parking only. Outdoor bicycle parking facilities shall be surfaced with a hard surfaced material, i.e., pavers, asphalt, concrete or similar material. This surface must be designed to remain well drained.

The applicant has provided a detail of the bike rack to be used, which is consistent with design standard above. Therefore, this standard has been satisfied.

Minimum Bicycle Parking Requirements:

The total number of required bicycle parking spaces for each use is specified in Table 18.765.2 in Section 18.765.070.H. In no case shall there be less than two bicycle parking spaces.

Minimum bicycle parking requirements have been addressed and conditioned above under Bicycle Parking Location and Access. Therefore, this standard has been satisfied.

Minimum Off-Street Parking:

Section 18.765.070.H states that the minimum and maximum parking shall be as required in Table 18.765.2.

Minimum off-street parking has been addressed above under, Location of Vehicle Parking. Therefore, this standard has been satisfied.

Off-Street Loading Spaces:

Commercial, industrial and institutional buildings or structures to be built or altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading and maneuvering space as follows: A minimum of one loading space is required for buildings with 10,000 gross square feet or more; A minimum of two loading spaces for buildings with 40,000 gross square feet or more.

Proposed building one is in excess of 40,000 square feet and has been proposed with two loading spaces in the northern parking area. Proposed building four is less than 40,000 square feet (34,905 sq. ft.) and has been proposed with one loading space in the northern portion of the adjacent parking area. Therefore, this standard has been satisfied.

FINDING: Based on the analysis above, the off-street parking and loading standards have not been fully satisfied; however, if the applicant complies with the conditions listed below, the standards will be met.

CONDITIONS:

- Revise the site plan to show bicycle parking areas within 50 feet of the primary entrances to the proposed buildings.

Signs (18.780):

Chapter 18.780.130.D lists the type of allowable signs and sign area permitted in the MUE Zoning District.

No signs have been formally proposed or addressed by the applicant. Signs are reviewed through a separate permit process administered by the Development Services Technicians.

FINDING: Because signs will be reviewed and approved as part of a separate permit process, this standard has been satisfied.

Tree Removal (18.790):

Section 18.790.030 requires that a tree plan for the planting, removal and protection of trees prepared by a certified arborist shall be provided with a site development review application. The tree plan shall include identification of all existing trees, identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper, which trees are to be removed, protection program defining standards and methods that will be used by the applicant to protect trees during and after construction.

The applicant has provided an arborist report addressing the trees located on the property. The arborist's report notes that a number of the ash trees on the site are in rapid decline. The applicant has requested that a condition of approval be imposed requiring a revised tree report and mitigation plan prior to the issuance of a building permit to address the condition of trees at that time, and mitigation based on the actual conditions.

Staff has taken the applicant's request into consideration. However, the City must ensure that existing trees are protected while infrastructure is completed. Trees that have become dead dying or diseased may be removed at a later date with the project arborist's approval. If additional trees are preserved through the site improvements and construction of buildings, and are properly protected through these stages by the same measures afforded to other protected trees on site, the amount of the mitigation may be correspondingly reduced. Therefore, tree protection and mitigation must be finalized prior to site work. The applicant's tree mitigation calculation is based on inches.

The Tree Removal Code requires tree mitigation to be calculated based on the number of trees. Mitigation is then based on a percentage of the number of inches of those trees to be removed. Therefore, the applicant must revise the tree mitigation plan to be based on the number of trees greater than 12-inches.

FINDING: Because the applicant has not provided a tree mitigation plan, this standard has not been met. If the applicant complies with the condition listed below, the standards will be met.

CONDITION: The Tree Removal Code requires tree mitigation to be calculated based on the number of trees removed greater than 12-inches in diameter. Mitigation is then based on a percentage of the number of inches of those trees to be removed. Therefore, the applicant must revise the tree removal/mitigation plan to be based on the number of trees removed greater than 12-inches.

Visual Clearance Areas (18.795):

Chapter 18.795 requires that a clear vision area shall be maintained on the corners of all property adjacent to intersecting right-of-ways or the intersection of a public street and a private driveway. A clear vision area shall contain no vehicle, hedge, planting, fence, wall structure, or temporary or permanent obstruction exceeding three (3) feet in height. The code provides that obstructions that may be located in this area shall be visually clear between three (3) and eight (8) feet in height (8) (trees may be placed within this area provided that all branches below eight (8) feet are removed). A visual clearance area is the triangular area formed by measuring a 30-foot distance along the street right-of-way and the driveway, and then connecting these two (2), 30-foot distance points with a straight line.

The applicant has indicated in the narrative and the site plan that a clear vision area will be maintained. No special topographic constraints or physical obstructions exist to interfere with vision clearance. Therefore, this section has been satisfied.

FINDING: Based on the analysis above, the vision clearance standards have been met.

C. SPECIFIC SITE DEVELOPMENT REVIEW APPROVAL STANDARDS

Section 18.360.090(A)(2) through 18.360.090(A)(15) provides additional Site Development Review approval standards not necessarily covered by the provisions of the previously listed sections. These additional standards are addressed immediately below with the following exceptions:

The proposal contains no elements related to the provisions of the following and are, therefore, found to be inapplicable as approval standards:

18.360.090.3 (Exterior Elevations); 18.360.090.5 (Privacy and Noise: Multi-family or Group Living Uses); 18.360.090.6 (Private Outdoor Areas: Multi-family Use); 18.360.090.7 (Shared Outdoor Recreation Areas: Multi-family Use); 18.360.090.8 (100-year floodplain); and 18.360.090.9 (Demarcation of Spaces).

The following sections were discussed previously in this decision and, therefore, will not be addressed in this section:

18.360.090.4 (Buffering, Screening and Compatibility Between Adjoining Uses; 18.360.090.13 (Parking); 18.360.090.14 (Landscaping); 18.360.090.15 (Drainage); and 18.360.090.14 (Provision for the Disabled).

Relationship to the Natural and Physical Environment:

Buildings shall be: located to preserve existing trees, topography and natural drainage where possible based upon existing site conditions; located in areas not subject to ground slumping or sliding; located to provide adequate distance between adjoining buildings for adequate light, air circulation, and fire-fighting; and oriented with consideration for sun and wind. Trees shall be preserved to the extent possible. Replacement of trees is subject to the requirements of Chapter 18.790, Tree Removal.

The building is located on the site in accordance with the Tigard Triangle Design Standards. The site is not in an area identified as prone to sliding. Soil stability will be ensured at time of building permits through required geostudies. Adequate light and air circulation is ensured by the proposed separation between buildings. The Building Division will require adequate fire protection per the Uniform Building Code.

FINDING: Based on the analysis above, this standard has been satisfied.

Crime Prevention and Safety:

- A. **Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants;**
- B. **Interior laundry and service areas shall be located in a way that they can be observed by others;**
- C. **Mail boxes shall be located in lighted areas having vehicular or pedestrian traffic;**
- D. **The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime; and**
- E. **Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet, which is sufficient to illuminate a person.**

The proposed design specifically avoids the creation of isolated areas in parking areas and adjacent the buildings. Lighting is provided to facilitate views into and from the site. The area between building one and two has been designed to be as open as possible, providing sight lines into and from the car and bicycle parking areas. Therefore, this standard has been satisfied.

Public Transit:

Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to an existing or proposed transit route; the requirements for transit facilities shall be based on: the location of other transit facilities in the area; and the size and type of the proposal. The following facilities may be required after City and Tri-Met review: bus stop shelters; turnouts for buses; and connecting paths to the shelters.

The site has frontage on SW 68th and 69th Avenue, which is not on a Tri-met transit route, therefore, this standard does not apply.

FINDING: Based on the analysis above, the Site Development Review Standard have been satisfied.

Street And Utility Improvements Standards (Section 18.810):

Chapter 18.810 provides construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage. The applicable standards are addressed below:

Streets:

Improvements:

Section 18.810.030.A.1 states that streets within a development and streets adjacent shall be improved in accordance with the TDC standards.

Section 18.810.030.A.2 states that any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with the TDC.

Minimum Rights-of-Way and Street Widths: Section 18.620.080.A, Tigard Triangle Street and Accessway Standards, requires a 3-lane Collector street to have a minimum 70 foot right-of-way width and 44-foot paved section. Other improvements required may include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.

This site lies adjacent to SW 68th Avenue, which is classified as a 3-lane collector on the City of Tigard Transportation Plan Map. The applicant should dedicate the additional ROW to provide 35 feet from centerline. The applicant's plans reflect this ROW dedication.

SW 68th Avenue is currently partially improved. In order to mitigate the impact from this development, the applicant should construct half-street improvements, including a 13-foot sidewalk with street tree wells or 4-foot planter and 8.5-foot sidewalk. The applicant has shown the half-street improvements on the submitted plans. These improvements shall be complete prior to final building inspection for Phase I.

Minimum Rights-of-Way and Street Widths: Section 18.620.080.A, Tigard Triangle Street and Accessway Standards, requires a 5-lane Collector street to have a minimum 72 foot right-of-way width, an 11 foot reserve right-of-way width and 44-foot paved section. Other improvements required may include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.

This site lies adjacent to SW Dartmouth Street, which is classified as a 5-lane Collector on the City of Tigard Transportation Plan Map. The applicant should dedicate ROW to provide 36 feet from centerline and provide an 11-foot reserve ROW along the Dartmouth frontage. The City of Tigard's Transportation Systems Plan indicates that reserve ROW shall be collected along Dartmouth Street in lieu of full ROW dedication.

SW Dartmouth Street is currently partially improved. In order to mitigate the impact from this development, the applicant should construct a 7-foot planter, 6-foot sidewalk, accessible ramps and plant street trees. These improvements shall be complete prior to final building inspection for Phase I.

Minimum Rights-of-Way and Street Widths: Section 18.620.080.A, Tigard Triangle Street and Accessway Standards, requires a local street to have a minimum 60 foot right-of-way width and 36-foot paved section. Other improvements required may include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.

This site lies adjacent to SW Clinton Street, 67th Avenue, 69th Avenue and 70th Avenues, which are classified as local streets on the City of Tigard Transportation Plan Map. The applicant should dedicate ROW to provide 30 feet from centerline along each of these street frontages. The applicant's plans indicate they are providing the required ROW dedication.

SW Clinton Street and 67th Avenue are currently partially improved. In order to mitigate the impact from this development, the applicant should construct full street improvements, including 12-foot sidewalks with street tree wells or 4-foot planter with 7.5-foot sidewalks. These improvements shall be complete prior to final building inspection for Phase I.

SW 69th Avenue is currently partially improved. In order to mitigate the impact from this development, the applicant should construct half-street improvements, including 12-foot sidewalks with street tree wells or 4-foot planter with 7.5-foot sidewalks. These improvements shall be complete prior to final building inspection for Phase I.

SW 70th Avenue is currently unimproved. In order to mitigate the impact from this development, the applicant should construct half-street improvements, including a minimum of 24 feet of pavement from the east curb line and 12-foot sidewalks with street tree wells or 4-foot planter with 7.5-foot sidewalks. These improvements shall be complete prior to final building inspection for Phase I.

The applicant's plans indicate they will construct these street improvements.

Future Street Plan and Extension of Streets: Section 18.810.030.F states that a future street plan shall be filed which shows the pattern of existing and proposed future streets from the boundaries of the proposed land division. This section also states that where it is necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed and a barricade shall be constructed at the end of the street. These street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets at such time as the adjoining property is developed. A barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the City Engineer, the cost of which shall be included in the street construction cost. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub streets in excess of 150 feet in length.

There are no future streets or extensions required in this area.

Street Alignment and Connections:

Section 18.810.030.H.1 states that full street connections with spacing of no more than 530 feet between connections is required except where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

Section 18.810.030.H.2 states that all local, neighborhood routes and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is precluded when it is not possible to redesign, or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.

All street alignments and connections exist and are not proposed to be modified.

Grades and Curves: Section 18.810.030.N states that grades shall not exceed ten percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet). Centerline radii of curves shall be as determined by the City Engineer.

There are no proposed street grades that exceed 12%, thereby meeting this criterion.

Access to Arterials and Major Collectors: Section 18.810.030.Q states that where a development abuts or is traversed by an existing or proposed arterial or major collector street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:

- ◆ A parallel access street along the arterial or major collector;
- ◆ Lots of suitable depth abutting the arterial or major collector to provide adequate buffering with frontage along another street;
- ◆ Screen planting at the rear or side property line to be contained in a non-access reservation along the arterial or major collector; or
- ◆ Other treatment suitable to meet the objectives of this subsection;
- ◆ If a lot has access to two streets with different classifications, primary access should be from the lower classification street.

The proposed development has all primary access points located on the lower classification streets (local streets). There is a secondary access located on 68th Avenue.

Block Designs - Section 18.810.040.A states that the length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.

Block Sizes: Section 18.810.040.B.1 states that the perimeter of blocks formed by streets shall not exceed 1,800 feet measured along the right-of-way line except:

- ◆ Where street location is precluded by natural topography, wetlands or other bodies of water or, pre-existing development or;
- ◆ For blocks adjacent to arterial streets, limited access highways, major collectors or railroads.
- ◆ For non-residential blocks in which internal public circulation provides equivalent access.

The block formed by Clinton, 67th, Baylor and 68th is approximately 1,300 feet in length. Therefore, this standard has been satisfied.

Section 18.810.040.B.2 also states that bicycle and pedestrian connections on public easements or right-of-ways shall be provided when full street connection is not possible. Spacing between connections shall be no more than 330 feet, except where precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other standards in the code.

The subject parcel bounded by SW 67th and 68th Avenue is approximately 330 feet in length. A sidewalk is proposed along SW Clinton Street in order to accommodate pedestrian traffic. Therefore this standard is satisfied.

Sidewalks: Section 18.810.070.A requires that sidewalks be constructed to meet City design standards and be located on both sides of arterial, collector and local residential streets. Private streets and industrial streets shall have sidewalks on at least one side.

The applicant has indicated construction of sidewalks along all street frontages. More specifically, the sidewalks must meet the Tigard Triangle standards as follows:

68th Avenue shall have 13 foot sidewalks (or 4 foot planter with 8.5 foot sidewalk).

Dartmouth Street shall have 6 foot sidewalks and 7 foot planter strip.

Clinton Street, 67th, 69th and 70th Avenues shall have 12 sidewalks (or 4 foot planter and 7.5 foot sidewalk).

Sanitary Sewers:

Sewers Required: Section 18.810.090.A requires that sanitary sewer be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the comprehensive plan.

Over-sizing: Section 18.810.090.C states that proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.

There are existing sewer lines in Clinton Street, 67th and 68th Avenues. The applicant shall provide laterals to each building.

The applicant shall extend public sewer in 69th and 70th Avenues to the north property lines.

All public utility improvements shall be complete prior to final building inspection for Phase I.

Storm Drainage:

General Provisions: Section 18.810.100.A requires developers to make adequate provisions for storm water and flood water runoff.

Accommodation of Upstream Drainage: Section 18.810.100.C states that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the facility, based on the provisions of Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

The applicant's engineer has submitted a drainage report for the proposed development. There is a developed property upstream of this project, but it is expected that runoff is collected before impacting this site. Any runoff entering the site will be collected via the private storm sewer system. Therefore, there are no significant upstream drainage areas contributing to this site.

Effect on Downstream Drainage: Section 18.810.100.D states that where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the Director and Engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with the Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 2000 and including any future revisions or amendments).

In 1997, Clean Water Services (CWS) completed a basin study of Fanno Creek and adopted the Fanno Creek Watershed Management Plan. Section V of that plan includes a recommendation that local governments institute a stormwater detention/effective impervious area reduction program resulting in no net increase in storm peak flows up to the 25-year event. The City will require that all new developments resulting in an increase of impervious surfaces provide onsite detention facilities, unless the development is located adjacent to Fanno Creek. For those developments adjacent to Fanno Creek, the storm water runoff will be permitted to discharge without detention.

The applicant's engineer has provided a drainage report for the development. The plans and calculations provide for on-site detention. Additional calculations may be required with the PFI submittal based on actual field conditions downstream of the development. Detention must be provided on Phase I and be constructed and accepted prior to final building inspection.

The applicant's plans show the public storm improvements in Clinton Street, 67th Avenue and 68th Avenue. The applicant shall also extend public storm sewer lines along the frontages of 69th and 70th Avenues with the Phase I improvements.

Bikeways and Pedestrian Pathways:

Bikeway Extension: Section 18.810.110.A states that developments adjoining proposed bikeways identified on the City's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or right-of-way.

Dartmouth Street and 68th Avenue are designated bicycle facilities.

Cost of Construction: Section 18.810.110.B states that development permits issued for planned unit developments, conditional use permits, subdivisions, and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements.

While it may not be reasonable to stripe the frontages at this time, it is reasonable to collect a fee-in-lieu of providing the striping.

The amount of the striping would be as follows:

◆ 790 feet of 8-inch white stripe, at \$2.50/lf	\$1,975.00
◆ 20 Mono-directional reflective markers @ \$4.00/ea	\$ 80.00
◆ 6 Bike lane legends @ \$175/ea	\$1,050.00
◆ 6 Directional mini-arrows @ \$100/ea	\$ 600.00
	\$3,705.00

Minimum Width: Section 18.810.110.C states that the minimum width for bikeways within the roadway is five feet per bicycle travel lane. Minimum width for two-way bikeways separated from the road is eight feet.

The bike lanes on Dartmouth Street and 68th Avenue shall be 5 feet wide.

Utilities:

Section 18.810.120 states that all utility lines, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

- ◆ The developer shall make all necessary arrangements with the serving utility to provide the underground services;
- ◆ The City reserves the right to approve location of all surface mounted facilities;

- ♦ All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
- ♦ Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

Exception to Under-Grounding Requirement: Section 18.810.120.C states that a developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of under-grounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which under-grounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay a fee in-lieu of under-grounding.

There are existing overhead utility lines along the frontage of SW 69th and 68th Avenues. If the fee in-lieu is proposed, it is equal to \$35.00 per lineal foot of street frontage that contains the overhead lines. The frontage along this site is 530 lineal feet; therefore the fee would be \$18,550.00.

ADDITIONAL CITY AND/OR AGENCY CONCERNS WITH STREET AND UTILITY IMPROVEMENT STANDARDS:

Traffic Study Findings:

Lancaster Engineering prepared a Traffic Impact Study, dated October 2004, for this project. Lancaster analyzed three key intersections:

- ♦ SW 68th Avenue/Dartmouth Street
- ♦ SW 68th Avenue/Atlanta Street
- ♦ SW 72nd Avenue/Dartmouth Street

Currently, the intersection of 68th Avenue/Atlanta Street only meets the peak hour warrant. The intersections of Dartmouth at 68th and 72nd Avenues meet both warrants for signalization. As development has occurred in the Tigard Triangle, and where a development introduces additional trips to this intersection, funds have been collected from the developers that will contribute to the future signal installation.

The first project to contribute funds to the intersections was Babies R Us. A simple formula was established based upon the impact from that development. That project had an impact of 1.1% at SW 72nd Avenue/SW Dartmouth Street during the PM peak hour. For that impact, the City Council required the developer to pay funds in the amount of \$20,000.00. At the intersection of SW 68th Avenue/SW Dartmouth Street, the impact from that project was estimated to be 0.75%. For this impact, the developer was required to pay \$10,000.00.

Using the same rationale, a proportionate share has been calculated for other projects in the Triangle, and can be calculated for this project. In order to provide the most fair comparison to the Babies R Us project, it is necessary to use the same anticipated total entering volumes (TEV) estimated as part of the Babies R Us traffic report. That report anticipated more build-out of the triangle area, including the Tri-County site at 72nd/Dartmouth.

Lancaster's report shows that this project will generate 43 PM peak hour trips at the intersection of 72nd Avenue/Dartmouth Street. With a total entering volume (TEV) of 2,555 vehicles, the project impact is 0.67%. Therefore, based on simple proportions, the project contribution to this intersection is \$30,600.00.

Likewise, the Lancaster report shows that the project will generate 84 PM peak hour trips at the intersection of 68th Avenue/Dartmouth Street. With a TEV of 2,660 vehicles, the impact from this development is 0.38%. Therefore, based on the same proportion used in the Babies R Us development, the project contribution to this intersection is \$42,105.00.

Funds for both intersections must be paid to the City prior to a final building inspection.

Lancaster concludes that all of the study intersections currently operate acceptably during the morning and evening peak hours. In the year 2007, the intersections continue to operate acceptably with or without Phase 1 of the proposed development. In the year 2008 with Phase 2 in place, these intersections continue to meet the City of Tigard's standards.

Public Water System:

This area is served by Tualatin Valley Water District (TVWD). The applicant will have to extend public water lines along all frontages not currently served. The applicant will need to submit their plans to TVWD for review and approval prior to construction. The public lines shall be extended along all frontages, including 69th and 70th Avenues, with the Phase I development.

Storm Water Quality:

The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 00-7) which require the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

Prior to construction, the applicant shall submit plans and calculations for a water quality facility that will meet the intent of the CWS Design Standards. In addition, the applicant shall submit a maintenance plan for the facility that must be reviewed and approved by the City prior to construction.

The applicant's engineer has submitted a drainage report for Phase 1 of this development. The north basin runoff will be treated in a Stormwater Management vault. The south basin runoff will be treated in a swale at the bottom of the detention pond.

To ensure compliance with Clean Water Services design and construction standards, the applicant shall employ the design engineer responsible for the design and specifications of the private water quality facility to perform construction and visual observation of the water quality facility for compliance with the design and specifications. These inspections shall be made at significant stages throughout the project and at completion of the construction. Prior to final building inspection, the design engineer shall provide the City of Tigard (Inspection Supervisor) with written confirmation that the water quality facility is in compliance with the design and specifications.

The proposed unit from Stormwater Management is acceptable, provided the property owner agrees to hire the manufacturer (or approved equal) to provide the required maintenance of the unit. Prior to a final building inspection, the applicant shall demonstrate that they have entered into a maintenance agreement with Stormwater Management, or another company that demonstrates they can meet the maintenance requirements of the manufacturer.

Grading and Erosion Control:

CWS Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Per CWS regulations, the applicant is required to submit an erosion control plan for City review and approval prior to issuance of City permits.

The Federal Clean Water Act requires that a National Pollutant Discharge Elimination System (NPDES) erosion control permit be issued for any development that will disturb one or more acre of land. Since this site is over one acre, the developer will be required to obtain an NPDES permit from the City prior to construction. This permit will be issued along with the site and/or building permit.

The applicant shall submit an erosion control plan with the PFI permit application. The applicant shall also submit their NPDES 1200-C application to the City for review.

Site Permit Required:

The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction. This permit shall be obtained prior to approval of the final plat.

Address Assignments:

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard and within the Urban Service Boundary (USB). An addressing fee in the amount of \$50.00 per address shall be assessed. This fee shall be paid to the City prior to issuance of building permits.

For multi-tenant buildings, one address number is assigned to the building and then all tenant spaces are given suite numbers. The City is responsible for assigning the main address and suite numbers. This information is needed so that building permits for tenant improvements can be adequately tracked in the City's permit tracking system. Based upon the information provided by the applicant, this building will be a multi-tenant building. Prior to issuance of the site permit, the applicant shall provide a suite layout map so suite numbers can be assigned. The addressing fee will then be calculated based upon the number of suites that must be addressed. In multi-level structures, ground level suites shall have numbers preceded by a "1", second level suites shall have numbers preceded by a "2", etc.

E. IMPACT STUDY (18.390)

Section 18.360.090 states, "The Director shall make a finding with respect to each of the following criteria when approving, approving with conditions or denying an application:"

Section 18.390.040 states that the applicant shall provide an impact study to quantify the effect of development on public facilities and services. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standard, and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.

In situations where the Community Development Code requires the dedication of real property interests, the applicant shall either specifically concur with a requirement for public right-of-way dedication, or provide evidence that supports that the real property dedication is not roughly proportional to the projected impacts of the development. Section 18.390.040 states that when a condition of approval requires the transfer to the public of an interest in real property, the approval authority shall adopt findings which support the conclusion that the interest in real property to be transferred is roughly proportional to the impact the proposed development will have on the public.

The applicant has provided an impact study addressing the project's impacts on public systems. The Washington County Traffic Impact Fee (TIF) is a mitigation measure that is required at the time of development. Based on a transportation impact study prepared by Mr. David Larson for the A-Boy Expansion/Dolan II/Resolution 95-61, TIF's are expected to recapture 32 percent of the traffic impact of new development on the Collector and Arterial Street system. The applicant will be required to pay TIF's of approximately \$342,589 based on the use proposed.

Based on the estimate that total TIF fees cover 32 percent of the impact on major street improvements citywide, a fee that would cover 100 percent of this projects traffic impact is \$1,070,590(\$342,589 divided by .32). The difference between the TIF paid, and the full impact, is considered the unmitigated impact on the street system. The unmitigated impact of this project on the transportation system is \$728,001. The cost of the improvements is expected to be \$449,759 (includes the right-of-way dedication and improvements of Dartmouth St., 67th, 68th, 69th Avenue and SW Clinton Street). The value of these improvements is less than the value of the unmitigated impacts, the exactions are proportionate.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Public Works Department has reviewed the proposal and has offered comments, which can be located in the land-use file.

The City of Tigard Police Department has reviewed the proposal and has no objections.

The City of Tigard Building Department has reviewed the proposal and has no objection to it.

The City of Tigard's City Forester has reviewed the proposal and has offered the following comments:

LANDSCAPING AND SCREENING

18.745.030.C, Installation Requirements The installation of all landscaping shall be as follows:

All landscaping shall be installed according to accepted planting procedures.

The plant material shall be of high grade, and shall meet the size and grading standards of the American Standards for Nurberg Stock (ANSI Z-60, 1-1986, and any other future revisions); and landscaping shall be installed in accordance with the provisions of this title.

The accepted planting procedures are the guidelines described in the Tigard Tree Manual. These guidelines follow those set forth by the International Society of Arboriculture (ISA) tree planting guidelines as well as the standards set forth in the American Institute of Architects' Architectural Graphic Standards, 10th edition. In the Architectural Graphic Standards there are guidelines for selecting and planting trees based on the soil volume and size at maturity. Additionally, there are directions for soil amendments and modifications.

In order to develop tree species diversity onsite it is recommended that the following guidelines be followed:

No more than 30% of any one family be planted onsite.
No more than 20% of any one genus be planted onsite.
No more than 10% of any one species be planted onsite.

18.745.030.E, Protection of Existing Landscaping. Existing vegetation on a site shall be protected as much as possible:

The developer shall provide methods for the protection of existing vegetation to remain during the construction process; and the plants to be saved shall be noted on the landscape plans (e.g., areas not to be disturbed can be fenced, as in snow fencing which can be placed around the individual trees).

See comments under "Tree Removal".

18.745.030.G, Conditions of Approval of Existing Vegetation. The review procedures and standards for required landscaping and screening shall be specified in the conditions of approval during development review and in no instance shall be less than that required for conventional development.

See recommended conditions of approval at the end of this memorandum.

18.745.040, Street Trees

A. Protection of existing vegetation. All development projects fronting on a public street, private street or a private driveway more than 100 feet in length approved after the adoption of this title shall be required to plant street trees in accordance with the standards in Section 18.745.040.C.

Attachment 3 X
10/17/13 Kearney email

The accepted planting procedures are the guidelines described in the Tigard Tree Manual. These guidelines follow those set forth by the International Society of Arboriculture (ISA) tree planting guidelines as well as the standards set forth in the American Institute of Architects' Architectural Graphic Standards, 10th edition. In the Architectural Graphic Standards there are guidelines for selecting and planting trees based on the soil volume and size at maturity. Additionally, there are directions for soil amendments and modifications.

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- No more than 20% of any one genus be planted onsite.
- No more than 10% of any one species be planted onsite.

2. TREE REMOVAL

18.790.030, Tree Plan Requirement

A. Tree plan required. A tree plan for the planting, removal and protection of trees prepared by a certified arborist shall be provided for any lot, parcel or combination of lots or parcels for which a development application for a subdivision, partition, site development review, planned development or conditional use is filed. Protection is preferred over removal wherever possible.

B. Plan requirements. The tree plan shall include the following:

1. Identification of the location, size and species of all existing trees including trees designated as significant by the city;
2. Identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper. Mitigation must follow the replacement guidelines of Section 18.790.060D, in accordance with the following standards and shall be exclusive of trees required by other development code provisions for landscaping, streets and parking lots:
 - a. Retention of less than 25% of existing trees over 12 inches in caliper requires a mitigation program in accordance with Section 18.790.060D of no net loss of trees;
 - b. Retention of from 25% to 50% of existing trees over 12 inches in caliper requires that two-thirds of the trees to be removed be mitigated in accordance with Section 18.790.060D;
 - c. Retention of from 50% to 75% of existing trees over 12 inches in caliper requires that 50 percent of the trees to be removed be mitigated in accordance with Section 18.790.060D;
 - d. Retention of 75% or greater of existing trees over 12 inches in caliper requires no mitigation.
3. Identification of all trees which are proposed to be removed;
4. A protection program defining standards and methods that will be used by the applicant to protect trees during and after construction.

As required, the applicant submitted a tree plan that was conducted by Mark Bourgeois. The plan contains all four of the required components of a tree plan, and, is therefore, acceptable. It is not clear what the status of tree #255 is in terms of DBH, preservation or removal.

Below are my suggestions for the applicant to follow for tree protection guidelines:

All tree protection devices shall be:

- ◆ Visible.
- ◆ Constructed of 11 Gauge steel chain-link fencing supported on at least 2" O.D. steel posts. Each post shall be no less than four feet high from the top of grade. Each post shall be driven into the ground to a depth of no less than two and a half feet below grade. Each post shall be spaced no further apart than four feet.
- ◆ Between each post, securely attached to the chain-link fencing, shall be a sign indicating that the area behind the fencing is protected and no construction activity, including material storage, may occur behind the fencing.
- ◆ Inspected and approved in the field by the project arborist and City Forester prior to clearing, grading, or the beginning of construction.
- ◆ Remain in place and maintained until all construction is completed and a final inspection is conducted.

To determine the size of the tree protection zone (TPZ) the project arborist should follow the guidelines listed below:

For individual trees follow the trunk diameter method. For every one-inch of diameter at breast height (DBH), or 4½ feet above the ground, allow 12 inches of space from the trunk of the tree. For example, a tree that is 15" at DBH must have at least 15' of tree protection zone around the entire canopy of the tree.

For groups of trees the tree protection zone must be outside of the drip line of the trees on the edge of the stand. If there are conifers with narrow crowns on the edge of the stand follow the trunk diameter method or the drip line method, whichever is greater.

Calculate and follow the Optimal Tree Protection Zone calculation as shown in "*Trees and Development: A Technical Guide to Preservation of Trees During Land Development*" by Nelda Matheny and James R. Clark.

The project arborist may propose an alternate method for the establishment of the TPZ, provided the effort is coordinated with the City Forester.

If it is necessary to enter the tree protection zone at any time with equipment (trucks, bulldozers, etc.) the project arborist and City Forester must be notified before any entry occurs. Before entering the TPZ, the project arborist and City Forester shall determine the method by which entry can occur, along with any additional tree protection measures.

Prior to issuance of building permits, the Project Arborist shall submit a final certification indicating the elements of the Tree Protection Plan were followed and that all remaining trees on the site are healthy, stable and viable in their modified growing environment.

RECOMMENDED CONDITIONS OF APPROVAL:

1. Prior to commencing site work, the applicant shall submit a cash or other security for the equivalent value of mitigation required (number of caliper inches times \$125 per caliper inch).
2. Prior to issuance of building permits, the applicant/owner shall record a deed restriction to the effect that any existing tree greater than 12" diameter may be removed only if the tree dies or is hazardous according to a certified arborist. The deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this decision should either die or be removed as a hazardous tree.
3. Prior to commencing any site work, the applicant shall submit construction drawings that include the approved Tree Removal, Protection and Landscape Plan. The "Tree Protection Steps" identified in Teragan & Associates Letter of November 19, 2004 shall be reiterated in the construction documents. The plans shall also include a construction sequence including installation and removal of tree protection devices, clearing, grading, and paving. Only those trees identified on the approved Tree Removal plan are authorized for removal by this decision.

4. Prior to commencing any site work, the applicant shall establish fencing as directed by the project arborist to protect the trees to be retained. The applicant shall allow access by the City Forester for the purpose of monitoring and inspection of the tree protection to verify that the tree protection measures are performing adequately. Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed.

5. Prior to final plat approval, the applicant shall ensure that the Project Arborist has submitted written reports to the City Forester, at least, once every two weeks, from initial tree protection zone (TPZ) fencing installation, through site work, as he monitors the construction activities and progress. These reports should include any changes that occurred to the TPZ as well as the condition and location of the tree protection fencing. If the amount of TPZ was reduced then the Project Arborist shall justify why the fencing was moved, and shall certify that the construction activities to the trees did not adversely impact the overall, long-term health and stability of the tree(s). If the reports are not submitted or received by the City Forester at the scheduled intervals, and if it appears the TPZ's or the Tree Protection Plan is not being followed by the contractor, the City can stop work on the project until an inspection can be done by the City Forester and the Project Arborist. This inspection will be to evaluate the tree protection fencing, determine if the fencing was moved at any point during construction, and determine if any part of the Tree Protection Plan has been violated.

SECTION VIII. AGENCY COMMENTS

Verizon has reviewed the proposal and has offered the following comments:

- ◆ Please have owner or rep contact David Bryant @ 503-641-9101 for scheduling Verizon telephone service.

Oregon Department of Transportation has reviewed the proposal and offered the following comments:

The site is adjacent to the referenced state highway. ODOT has permitting authority for the state highway and an interest in ensuring that the proposed land use is compatible with its safe and efficient operation.

In 1998, the intersection of 68th and Dartmouth was placed on the ODOT signal approval list. Although the signal is on the current list, the approval is typically good for only five years. In the future the City may need to re-evaluate the signal warrants.

The proposed development does not add a significant number of trips to the 68th/Dartmouth intersection. Due to the fact that this intersection has four-way stop control, the intersection operates acceptable. For these reasons, ODOT is recommending that the applicant contribute their proportionate share to the future signal at the intersection.

An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right-of-way. See permit contact above. A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

1. Total peak runoff entering the highway right-of-way is greater than 1.77 cubic feet per second; or
2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

TriMet has reviewed the proposal and has offered the following comments:

TriMet has a line 78 bus stop adjacent to this development (68th far side of the I-5 ramp. Loc. ID 7849). The stop is currently underutilized with no daily boarding's and one daily deboarding. The stop location as shown on the plans is placed appropriately and does not appear to conflict with future street trees, poles or other street furnishings. The 12-foot wide sidewalk meets TriMet's accessibility needs. Should street striping plans become available, I would be interested in seeing them as they could influence bus operations and stop placement. Please have my contact information noted on construction plans so TriMet can coordinate any temporary stop moves or closures caused by the construction process, and to verify the final stop.

Tualatin Valley Fire and Rescue has reviewed the proposal and offered the following comments:

FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:

Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet.

DEAD END ROADS: Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround.

FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:

When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official.

ADDITIONAL ACCESS ROADS – COMMERCIAL: Where buildings exceed 30 feet in height or three stories in height shall have at least three separate means of fire apparatus access. Buildings or facilities having a gross area of more than 62,000 square feet shall be provided with at least two separate means of fire apparatus access. Buildings up to 124,000 square feet provided with fire sprinklers may have a single access.

AERIAL FIRE APPARATUS ACCESS: Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.

REMOTENESS: Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (12 feet for up to two dwelling units and accessory buildings); and an unobstructed vertical clearance of not less than 13 feet 6 inches. Where fire apparatus roadways are less than 26 feet wide, "NO PARKING" signs shall be installed on both sides of the roadway and in turnarounds as needed. Where fire apparatus roadways are more than 28 feet wide but less than 32 feet wide, "NO PARKING" signs shall be installed on one side of the roadway and in turnarounds as needed. Where fire apparatus roadways are 32 feet wide or more, parking is not restricted.

FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS: Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet.

SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading.

TURNING RADIUS: The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point.

PAINTED CURBS: Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background.

COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW: The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less as calculated using IFC, Appendix B. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office.

FIRE HYDRANTS – COMMERCIAL BUILDINGS: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.

FIRE HYDRANT NUMBER AND DISTRIBUTION: The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1.

Considerations for placing fire hydrants may be as follows:

- ♦ Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- ♦ Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
- ♦ Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
- ♦ Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.

FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD: Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway.

REFLECTIVE HYDRANT MARKERS: Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly

FIRE HYDRANT/FIRE DEPARTMENT CONNECTION: A fire hydrant shall be located within 100 feet of a fire department connection (FDC). Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway. FDCs shall normally be remote except when approved by the fire code official.

ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION: Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site.

- 1) **KNOX BOX:** A Knox Box for building access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement.

SECTION IX. PROCEDURE AND APPEAL INFORMATION

Notice:

Notice was posted at City Hall and mailed to:

- The applicant and owners
 Owner of record within the required distance
 Affected government agencies

Final Decision:

THIS DECISION IS FINAL ON APRIL 1, 2005 AND BECOMES EFFECTIVE ON APRIL 16, 2005 UNLESS AN APPEAL IS FILED.

Appeal:

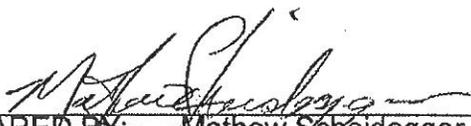
The decision of the Director (Type II Procedure) or Review Authority (Type II Administrative Appeal or Type III Procedure) is final for purposes of appeal on the date that it is mailed. Any party with standing as provided in Section 18.390.040.G.1. may appeal this decision in accordance with Section 18.390.040.G.2. of the Tigard Community Development Code which provides that a written appeal together with the required fee shall be filed with the Director within ten (10) business days of the date the notice of the decision was mailed. The appeal fee schedule and forms are available from the Planning Division of Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon 97223.

Unless the applicant is the appellant, the hearing on an appeal from the Director's Decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period. Additional evidence concerning issues properly raised in the Notice of Appeal may be submitted by any party during the appeal hearing, subject to any additional rules of procedure that may be adopted from time to time by the appellate body.

THE DEADLINE FOR FILING AN APPEAL IS AT 5:00 PM ON APRIL 15, 2005

Questions:

If you have any questions, please call the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon at (503) 639-4171.


PREPARED BY: Mathew Scheidegger
Associate Planner

April 1, 2005
DATE

APPROVED BY: Richard H. Bewersdorff
Planning Manager

April 1, 2005
DATE

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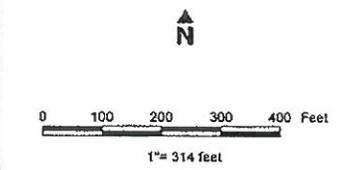
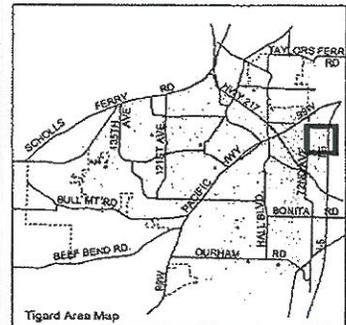


CITY OF TIGARD

GEOGRAPHIC INFORMATION SYSTEM

VICINITY MAP

=====
 SDR2004-00011
 VAR2004-00094
 =====
**TIGARD TRIANGLE
 COMMONS**



Information on this map is for general location only and should be verified with the Development Services Division.
 13125 SW Hall Blvd
 Tigard, OR 97223
 (503) 639-4171
<http://www.ci.tigard.or.us>

