

**STAFF REPORT TO THE
HEARINGS OFFICER
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = 12/16/2016

SECTION I. APPLICATION SUMMARY

FILE NAME: MAIN STREET FANNO REDEVELOPMENT
CASE NOS.: Downtown Design Review (DDR) DDR2016-00003
Sensitive Lands Review (SLR) SLR2016-00006

REQUEST: The City of Tigard/City Center Development Agency requests administrative downtown development review for redevelopment of a 0.44 acre property (formerly the Saxony property) located east of Fanno Creek and north of Main Street. The proposal includes a 47,830 square foot, six-story mixed-use private development building with surface and tuck-under parking. A public space plaza is proposed adjacent to Fanno Creek. In addition to these improvements, the overall project includes demolition of existing buildings, remediation for contaminated soils, a lot line adjustment to correspond with the proposed public/private uses, and a development code amendment to increase the building height permitted in the Main Street-Center Sub-area from 45 feet to 80 feet. The lot line adjustment and development code amendment will be processed as separate reviews.

**APPLICANT/
OWNER:** City of Tigard/City Center
Development Agency
13125 SW Hall Blvd
Tigard, OR 97223

LOCATION: East of Fanno Creek, north of Main Street; WCTM 2S102AB 02000 and 02100

**ZONING
DESIGNATION:** MU-CBD: Mixed Use – Central Business District. The MU-CBD zoning district is designed to provide a pedestrian friendly urban village in Downtown Tigard. A wide variety of commercial, civic, employment, mixed-use, multi-family and attached single family residences are permitted. New development and re-development is required to conform to the standards of Chapter 18.610.

SUB-AREA: Main Street - Center Street. This sub-area is centered on the city's historic downtown Main Street. It is intended to be pedestrian oriented with smaller scale development that would function like a "traditional Main Street." A pedestrian environment would be improved with a continuous building wall broken only intermittently. New buildings in the sub-area must include ground floors with commercial storefront features. Residential and commercial uses are permitted on upper floors.

**APPLICABLE
REVIEW
CRITERIA:** Community Development Code Chapter 18.390, 18.520, 18.610, 18.705, 18.725, 18.745, 18.755, 18.765, 18.775, 18.790, and 18.810.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Hearings Officer find that the proposed Downtown Development and Sensitive Lands Review will not adversely affect the health, safety and welfare of the City and conditionally meets the applicable approval criteria as outlined in Section VI of this report. Therefore, Staff recommends **APPROVAL**, subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO COMMENCING ANY SITE WORK:

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 COMMUNITY DEVELOPMENT DEPARTMENT ATTN: Gary Pagenstecher, 503-718-2434. The cover letter shall clearly identify where in the submittal the required information is found:

1. Prior to commencing any site work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.
2. The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.
3. Prior to commencing any site work, the applicant shall submit to the city the current Inventory Data Collection **fee** for urban forestry plan implementation: one retained tree plus 14 planted open grown trees (at \$147 first + \$28/each additional tree) = \$147 + \$392 = \$539.
4. Prior to commencing any site work, the applicant shall provide a tree establishment **bond** that meets the requirements of Urban Forestry Manual Section 11, Part 2: 14 planted open grown trees x \$460/tree = \$6,440.
5. Prior to site work, the applicant shall apply for and obtain a lot line adjustment and submit a recorded copy of the survey and deeds to the planning department.
6. The applicant shall submit revised building plans/elevations not exceeding three stories or 45 feet. However, provided a development code amendment (DCA2016-00003) permitting six stories is approved, the building may be up to six stories or 80 feet in height, provided it meets all other applicable standards.
7. The applicant shall submit revised plans showing location and screening materials of rooftop equipment and other mechanical equipment consistent with location and screening design standards in 18.610.020.B.3 & 4.
8. Prior to site work, the applicant shall submit written evidence that the property owners have entered into a binding agreement to share parking.
9. The applicant shall submit a bike parking plan consistent with the bike parking design standards in 18.765.050 for the number of bike parking spaces determined in Table 18.765.2.
10. Prior to site work, the applicant shall submit an elevation and floodproofing certification and verification upon occupancy and final approval.
11. Prior to site work, the applicant shall submit a revised landscape plan that shows equivalent measures in-lieu of the minimum 30 percent canopy cover for parking lots.

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

12. Prior to commencing site improvements, a Public Facility Improvement (PFI) permit is required for this project to cover all infrastructure work, water quality facilities, sewer easement modifications and any other work in the public right-of-way or work to public facilities. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Division. 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. Prior to commencing site improvements, submittal of 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 Division 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. All construction vehicle parking shall be provided on-site. No construction vehicles or equipment will be permitted to park on the adjoining residential 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.
15. Prior to commencing site improvements, sanitary sewer, storm drainage and stormwater quality details shall be provided to the city for review and approval as part of the PFI permit plans. Calculations and a topographic map of the storm drainage basin and sanitary sewer service area shall be provided as a supplement to the PFI permit plans. Calculations shall be based on CWS Design Standards. Submit verification that there are no upstream facilities directed to the site.
16. Prior to commencing site improvements, applicant's traffic engineer shall submit a preliminary site distance certification for the SW Main Street access.
17. Prior to commencing site improvements, an erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "CWS Erosion Prevention and Sediment Control Design and Planning Manual" (current edition) and submitted to City of Tigard with the PFI plans.
18. Prior to commencing site improvements, applicant must obtain all other agency permits as required.
19. Prior to commencing site improvements, a final grading plan shall be submitted showing the existing and proposed contours.
20. Prior to commencing site improvements, applicant shall provide a shared driveway easement with the adjacent property.
21. Prior to commencing site improvements, the applicant shall obtain all required permits, agreements and other approvals required by ODOT to access and make use of the adjacent ODOT right-of-way.
22. Prior to commencing site improvements, the applicant's traffic engineer shall submit an amended Traffic Impact Study addressing acceptability of operations for 20 years, through 2036.
23. Prior to commencing site improvements, the Applicant shall submit final design plans and calculations for the on-site stormwater facilities. The plans must be review and approved before issuance of a site permit.
24. Prior to commencing site improvements, applicant shall submit plans and calculations for the modifications of the public sidewalks and stormwater quality facilities in the right-of-way.

25. Prior to commencing site improvements, the Applicant shall pay the stormwater quantity fee in-lieu of providing detention.
26. Prior to commencing site improvements, the Applicant shall obtain a (CWS) Stormwater Connection Authorization prior to issuance of the City of Tigard PFI permit. Plans shall be submitted to the City of Tigard for review. The city will forward plans to CWS after preliminary review.
27. Prior to commencing site improvements, the applicant shall obtain approval from the Tualatin Valley Water District for all public water line improvements. Any extension of public water lines shall be shown on the proposed Public Facility Improvement (PFI) permit construction plans.
28. Prior to commencing site improvements, the applicant will be required to provide written approval from Tualatin Valley Fire and Rescue for fire flow, hydrant placement and access prior to issuance of the City of Tigard's site permit.

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 COMMUNITY DEVELOPMENT DEPARTMENT ATTN: Gary Pagenstecher, 503-718-2434.

29. Prior to occupancy, the development entity shall execute a covenant ensuring the maintenance of the green roof areas.
30. Prior to final building inspection, the applicant shall call for a Planning Inspection to ensure the project is built according to the approved plans.

Submit to the Engineering Department (Greg Berry, 503-718-2468 or greg@tigard-or.gov) for review and approval:

31. Prior to a final building inspection, complete all improvements required by the PFI permit, and submit a two-year maintenance assurance for the improvements.
32. Prior to a final building inspection, the applicant shall submit recorded easement agreements on forms provided by the city showing any modifications to the easements.
33. Prior to final building inspection, the applicant shall submit as-built drawings tied to the 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). As-built submittal shall include an Acrobat (*.pdf) file, one 11x17 paper copy and the electronic point file as state above and shown in the example below.

Excel spreadsheet/point database file example:
 "Feature"; "Type"; "XCOORD"; "YCOORD"; "ZCOORD":
 "SSMH02"; "MH"; "7456892.234"; "6298769.879"; "192.45"
 "WV03"; "WV"; "7456956.654"; "6298723.587"; "214.05"

Prior to a final building inspection, the applicant's traffic engineer shall submit a final sight distance certification for the SW Main Street access.

34. Prior to a final building inspection, the applicant shall demonstrate that they have entered into an agreement on City forms for the maintenance of any proprietary on-site water quality facilities that will ensure compliance with the requirements of the manufacture. Submit a maintenance plan as required by CWS Design Standards for other types of facilities.

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

Traffic Study Findings:

The submitted Traffic Impact Study prepared by Lancaster Engineering, dated August 4, 2016 concludes that the proposed facilities are adequate to serve the development.

- The report included a safety, capacity/level of service evaluation for Main Street intersections at Johnson Street, Burnham Street, Tigard Street, Scoffins Street and Greenburg Road. Acceptable operation of the intersections is expected to continue through 2018.
- Adequate intersection vehicle storage is available so no queuing mitigation is recommended.
- No significant safety hazards at the intersections were identified and no mitigation is recommended.
- Because of low traffic volumes, traffic signal warrants will not be met at any of the unsignalized intersections.

No modification of Main Street traffic control devices or other mitigation is recommended.

An updated amendment to the Traffic Impact Study, addressing the acceptability of operations over the next 20 years, will be required prior to issuance of permits. Any recommendations at that time shall become part of this decision.

Fire and Life Safety:

Provide written approval from Tualatin Valley Fire and Rescue for fire flows, hydrant placement, turnarounds or sprinklers, and access before beginning any site work.

Public Water System:

A new meter and connection to the existing line in Main Street is proposed to serve the site.

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. 07-20) 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 approval of the Public Facilities Improvement permit, the applicant shall submit final 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.

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 redevelopment standards of Chapter 4 of the Clean Water Services Design and Construction Standards require treatment of all site impervious surfaces. A flow-through planter will treat the easterly covered parking and the northeast corner of the site. The impervious area will be reduced by two green roof elevations. The remaining impervious area will be treated with a proprietary facility in the parking entrance.

The applicant has proposed modifying the driveways and public stormwater facilities as part of this application. The design engineer shall provide construction drawings and water quality calculations for the proposed modifications prior to issuance of permits.

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 less than one acre, the developer will not be required to obtain an NPDES permit.

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 any site work.

Address Assignments:

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. 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. 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.

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

SECTION III. BACKGROUND INFORMATION

Proposal Description:

The proposed development consists of a single building comprised of ground floor retail space and upper floor creative office space. The proposed private development building is six stories in height with gross square footage of 47,830. Ground floor leasable space totals 3, 890 square feet. Adjacent to the private development area of the site is an area fronting on Fanno Creek and SW Main Street that will be developed as a public plaza.

The proposed design for the development places the public space in close proximity to Fanno Creek, offering visitors the opportunity to engage with and appreciate this natural resource. The massing of the proposed building on the private development portion of the property works with the unique characteristics of this downtown site. The tallest portion of the building (6 stories) shields Main Street from the noise and traffic of Pacific Hwy.. This massing also creates a significant presence along Pacific Hwy., allowing the building to be seen from a distance as a “marker” for downtown Tigard. Intermediate roof heights (three and five stories) fronting Main Street are planned as occupiable green roofs and step down towards the public space. Ground floor frontage on Main Street is comprised of commercial storefront features while upper floor creative office spaces offer large windows and accessible balconies to further activate Main Street and the downtown core.

The proposed six-story building height is 77 feet, higher than the current 45-foot height limit for the Main- Center sub-area of the MU-CBD zone. To address this discrepancy, the City Center Development Agency will apply for a Development Code Amendment in the near future to increase the height limit in the Main- Center sub-area to 80 feet. If the code amendment is not enacted, the building will be built to the current height limit. Subsequent to site cleanup and the development commencing, a Lot Line Adjustment will be applied for, separating the portion of the property which will remain publically owned (the plaza and adjacent vegetated area), from the privately developed parcel.

Site History:

The existing properties consist of two tax lots with three buildings in poor repair and a gravel parking lot. The property was recently purchased by the City Center Development Agency of the City of Tigard. The structures will be demolished in preparation for the proposed cleanup and development. The site has contamination, which the Agency will cleanup in the next 18 months with the assistance of an EPA Brownfields grant. Concurrent with this, the Agency wishes to get the site entitled so it can market the property to a developer who will build the project when the site is cleaned up.

Vicinity Information:

The subject property is zoned MU-CBD. Adjacent properties are zoned MU-CBD. The site is bordered on the northwest by Pacific Hwy, on the southeast by SW Main Street, on the southwest by Fanno Creek, and on the northeast by several Main Street businesses. The City recently improved the Main Street frontage along the subject site including new sidewalk and green street stormwater treatment areas. A portion of the adjacent Pacific Hwy right-of-way will be incorporated into the project through an agreement between the City and ODOT. In addition, street trees will be planted within the adjacent Pacific Hwy right of way.

SECTION IV. COMMENTS FROM PROPERTY OWNERS WITHIN 500 FEET

The applicant held a neighborhood open house March 28, 2016 at the City of Tigard’s Town Hall. Of the five attendees, there was general support for the design concept for downtown Tigard, but concern that the parking should be solved in a way so as not to be a burden on existing public parking and nearby businesses.

A notice of a pending land use action was sent to neighboring property owners within 500 feet of the subject site boundaries and interested parties on August 22, 2016. The City did not receive any written comments from neighbors.

SECTION V. SUMMARY OF APPLICABLE CRITERIA

The following summarizes the criteria applicable to this decision in the order in which they are addressed:

- 18.390 Decision Making Procedures
- 18.520 Commercial zoning districts
- 18.610 Tigard Downtown Plan District
- 18.705 Access, Egress and Circulation

- 18.745 Landscaping and Screening
- 18.755 Mixed Solid Waste and Recyclable Storage
- 18.775 Sensitive Lands
- 18.765 Off-street Parking and Loading Requirements
- 18.790 Urban Forestry Plan
- 18.795 Vision Clearance Areas
- 18.810 Street and Utility Improvement Standards

SECTION VI. APPLICABLE REVIEW CRITERIA AND FINDINGS

18.390 DECISION MAKING PROCEDURES

Section 18.390.040.B.2.e requires the applicant to include an impact study. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact of the development on the public at large, public facilities systems, and affected private property users.

FINDING: The applicant's narrative (pages 8-9) includes an impact study that addresses impacts of the proposed development on public facilities and services. The proposed development is projected to generate an additional 487 weekday site trips, with low enough additional demand that can be absorbed with existing capacity. The applicant proposes green roofs, flow-through planters, and treatment canisters to treat storm water from the site. An existing sewer main and lateral are available on the site. No negative noise impacts are anticipated from the office and commercial development, the height of which will serve to mitigate the Pacific Hwy traffic noise on Main Street. The City's Fanno Creek Park will be expanded with the public space addition adjacent to Fanno Creek. This requirement is met.

18.410 LOT LINE ADJUSTMENTS

FINDING: The applicant intends to apply for a lot line adjustment under separate permit at a time prior to site construction separating the portion of the property which will remain publically owned (the plaza and adjacent vegetated area), from the private development parcel. The remaining area east of the public space will be offered for private development (Site Plan).

CONDITION:
Prior to site work, the applicant shall apply for and obtain a lot line adjustment and submit a recorded copy of the survey and deeds to the planning department.

18.520 COMMERCIAL ZONING DISTRICTS

18.520.020 List of Zoning Districts

E. MU-CBD: mixed use-central business district. The MU-CBD zoning district is designed to provide a pedestrian friendly urban village in downtown Tigard. A wide variety of commercial, civic, employment, mixed-use, multifamily and attached single-family residences are permitted. New development and redevelopment is required to conform to the standards of Chapter 18.610.

FINDING: Table 18.520.1 Use Table Commercial Zones, shows the proposed office, eating and drinking, and retail uses are permitted in the MU-CBD zone. TABLE 18.520.2 outlines commercial development standards. Development standards for the MU-CBD zoning district are included in Table 18.610.1 and Map 18.610.A, which are addressed below.

18.610 TIGARD DOWNTOWN PLAN DISTRICT

18.610.020 Building and Site Development Standards

A. Sub-areas. The four sub-areas located on Map 18.610.A and described below have different setback and height limits in order to create a feeling of distinct districts within the larger zone.

2. Main Street - Center Street. This sub-area is centered on the city's historic downtown Main Street. It is intended to be pedestrian oriented with smaller scale development that would function like a "traditional Main Street." A pedestrian environment would be improved with a continuous building wall broken only intermittently. New buildings in the sub-area must include ground floors with commercial storefront features. Residential and commercial uses are permitted on upper floors.

The proposed building has a stepped massing which places the tallest portion (six stories) closest to Pacific Hwy.. The heights adjacent to Main Street are three stories (40 feet) at the west side, closest to the public space, and five stories (65 feet) at the east side, though these higher stories are stepped back six feet from Main Street. The building maximizes the available frontage along Main Street (74%), broken intermittently by recessed entry points into retail spaces and balcony overhangs that provide weather protection. Ground floor frontage on Main Street is comprised of commercial storefront features, while creative office use is proposed for the upper floors. The proposed development is pedestrian-oriented and includes commercial storefronts on the ground floor. Although the upper floors are proposed to be a commercial use, the applicant is open to residential use, depending on the market. These sub-area standards are met.

B. Development standards. Development standards apply to all new development in the MU-CBD zone.

1. Development standards matrix. See Table 18.610.1 and Map 18.610.A.

Table 18.610.1
MU-CBD Development Standards Matrix^{1, 2, 3}
STANDARD SUB-AREA

	Main Street (MS)	Proposed
Front setback		
Minimum	0 ft.	0 ft.
Maximum	10 ft.	
Side facing street on corner		
Minimum	0 ft.	N/A
Maximum	10 ft.	
Sideyard		
Minimum/maximum	N/A	N/A
Rear setback		
Minimum	0 ft.	16 ft.
Maximum	N/A	
Building height		
Minimum	20 ft.	
Maximum	3 stories (45 ft.)	6 stories (77 ft.)
Ground floor height minimum	15 ft.	
Site coverage maximum	100%	81%
Minimum landscaping ⁴	0% ⁵	19%
Minimum building frontage	50%	74%

- 1 This table does not apply to existing development. All new buildings in the district must meet these development standards, including projects using the Track 3 approval process.
- 2 For standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.
- 3 See also Section 18.610.045, Exceptions to Standards.

- 4 In the MU-CBD zone, required landscaping can be provided on roofs or within the right-of-way where the applicant is required to provide landscaping as part of a street improvement in accordance with Section 18.610.025.
- 5 Landscaping/screening requirements for parking lots must be met.

The proposed project is subject to the Main Street Sub-Area development standards. As shown on the Site Plan (Revised: August 3, 2016), and in the table above, the MU-CBD Development Standards are met except for the proposed building height. The applicant has applied for a development code amendment (DCA2016-00003) to allow six stories and, barring approval, will accept a three story height limit with the subject application. The proposed six floor building height cannot be approved at this time.

A condition will require the applicant to submit revised building plans/elevations that do not exceed three stories or 45 feet in height. However, provided a development code amendment (DCA2016-00003) permitting six stories is approved, then the building may be six stories, provided it otherwise meets all other applicable standards.

2. Parking location.

Parking is allowed on the side or rear of newly constructed buildings. If located on the side, the parking area shall not exceed 50% of the total frontage of the site.

As shown on the Site Plan, parking is located on the side and rear of the proposed building. Parking located on the side of the building represents 12 percent of the total frontage of the site. (Following the anticipated lot line adjustment, parking frontage will be 16 percent of the total frontage of the site.) This standard is met.

Parking is set back a minimum of 10 feet from the front property line.

The parking at the side of the building is set back 55 feet from the front property line. This standard is met.

When abutting a public street, parking areas must be behind a landscaped area constructed to an L-1 standard.

As shown on the Site Plan, an access way leads to parking that is behind the adjacent building and the proposed building. This standard does not apply.

Where a parking lot shares a property line with an adjacent parking lot, the landscape requirement along the shared property line is not required.

The proposed parking lot is not adjacent to off-site parking. This standard does not apply.

3. Rooftop features/equipment screening.

- a. **The following rooftop equipment does not require screening: solar panels, wind generators, and green roof features; equipment under two feet in height.**
- b. **Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.**
- c. **Satellite dishes and other communications equipment shall be limited to 10 feet in height shall be set back a minimum of five feet from the roof edge and screened from public view to the extent possible.**
- d. **All other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be set back a minimum of five feet from the roof edge and screened from public view and from views from adjacent buildings by one of the following methods:**
 - i. **A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or architectural grade wood fencing or masonry;**
 - ii. **Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.**
- e. **Required screening shall not be included in the building's maximum height calculation.**

4. Other exterior mechanical equipment. Other exterior mechanical equipment on the site (electrical boxes, etc.) shall be screened from view from adjacent ROW, public spaces, and parking areas by one or a combination of the following:

- a. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or architectural grade wood fencing or masonry; or**
- b. Set back from the street-facing elevation so it is not visible from the public ROW; or**
- c. Dense evergreen foliage that forms an opaque barrier when planted that will be regularly maintained.**

As shown in the Main Street Development Design Study (dated July 11, 2016), rooftop features and other mechanical equipment are not shown at this stage of design development. The applicant states these appurtenances will be installed in compliance with these standards.

FINDING: As shown in the analysis above, the on-site parking standards are met, but the proposed height exceeds the allowed height and the roof top. Additionally, exterior mechanical equipment have not been shown on the plans. With the following conditions of approval the applicable Building and Site Development Standards can be met.

CONDITIONS:

The applicant shall submit revised building plans/elevations not exceeding three stories or 45 feet. However, provided a development code amendment (DCA2016-00003) permitting six stories is approved, then the building may be up to six stories or 80 feet, provided it otherwise meets all other applicable standards.

The applicant shall submit revised plans showing location and screening materials of rooftop equipment and other mechanical equipment consistent with location and screening design standards in 18.610.020.B.3 and 4.

18.610.025 Connectivity

A. Purpose statement. The purpose of this section is to implement the City of Tigard 2035 Transportation System Plan which describes a more complete system of streets and pathways to improve multi-modal access to, from and within the downtown mixed use central business district. The standards in this section are intended to execute connectivity improvement projects that will foster creation of smaller block sizes, efficient routes into and within downtown, and new streets to accommodate and encourage downtown development. The standards are also intended to solve some existing connectivity issues, such as access across railroad tracks.

B. Applicability. The connectivity standards in this section apply only to those properties with designated streets or alleys as shown on Figures 5-14A through 5-14I of the City of Tigard 2035 Transportation System Plan. Development on properties with designated streets or alleys is subject to the connectivity requirements below.

FINDING: The project site does not appear on any of the Connectivity Project Detail Maps (Figures 5-14A through 5-14G) in the City of Tigard 2035 Transportation System Plan. Therefore, the connectivity standards do not apply.

18.610.030 Building and Site Design Standards

A. Create vibrant ground floors, streetscapes and rights-of-way; provide weather protection; and promote safety and security.

Intent. Design standards in this section are intended to foster vibrant, inviting streetscapes and sidewalk-facing ground floors and entryways. They are also intended to create buildings that are easily accessible to and provide protection from the elements for pedestrians. They also will help ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm. Building and site design should also address crime prevention through defensible spaces lighting, and features that allow observation and “eyes on the street.”

1. Street façade.

a. Street-facing façades shall be built in proximity to the street. This standard is met when at least 50% of the ground floor front building elevation(s) is located no further from the front property line than the maximum front setback standard established in Table 18.610.1; and, where maximum street-facing side setbacks are required within the Main Street sub-area, at least 50% of the ground floor street-facing side building elevation(s) is located no further from the street-facing side property line than the maximum street-facing side setback standard established in Table 18.610.

As shown in the Site Plan, the street-facing façade is at the front property line and occupies 54 percent of the total frontage of the site. (Following the anticipated lot line adjustment, street-facing façade frontage will be 74 percent of the total frontage of the site.) This standard is met.

b. Buildings more than three stories are required to step back six feet from the building façade at the beginning of the fourth story.

As shown on the South Elevation, the portion of the street-facing façade that is greater than three stories steps back six-feet at the start of the fourth story. This standard is met.

2. Primary entry.

a. For commercial/mixed use buildings:

i. At least one entry door is required for each business with a ground floor frontage.

Four entries to ground floor commercial space are provided at the street frontage. This allows the ground floor commercial space to be demised into smaller spaces to accommodate the needs of potential business lessees. This standard is met.

ii. Each entrance shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.

All entries to ground floor commercial spaces are recessed. Projecting second floor balconies provide additional weather protection at all of these entry points. This standard is met.

iii. All primary ground-floor common entries shall be oriented to the street or a public space directly facing the street, not to the interior or to a parking lot.

The primary ground floor common entry for access to the elevator and upper floors is through a public space directly facing the street, along a covered walkway, screened from the adjacent parking area, to the ground floor lobby doors. This standard is met.

3. Windows.

a. Ground floor windows for nonresidential and mixed use buildings:

i. 60% minimum ground floor window coverage for street-facing wall (minimum window coverage includes any glazed portions of doors).

Area measurements are taken along the entire length of the street-facing wall (104 feet) from three feet above grade to eight feet above grade, and to the ground for glass doors. Ground floor window coverage is calculated at 64% glazing. This standard is met.

ii. Ground floor window transparency. All buildings with nonresidential ground floor windows must have a visible transmittance (VT) of 0.6 or higher, with the exception of medical and dental offices, which may have tinted windows.

The applicant states that ground floor windows will be specified with a visible light transmittance of 0.60 or higher. Compliance with this standard will be ensured on plan review of the building permit submittal. This standard is met.

b. Ground floor windows for residential buildings: 30% minimum ground floor window coverage for street-facing wall (minimum window coverage includes any glazed portions of doors).

The proposed building is for commercial and retail uses. This standard does not apply.

c. Upper floor windows/doors for all buildings:

i. 30% minimum upper floor window coverage for each floor of the street-facing wall (minimum window coverage includes any glazed portions of doors).

The applicant has calculated the upper floor glazing coverage at 70 percent for the 2nd and 3rd floors and 59 percent for the 4th and 5th floors. This standard is met.

ii. The required upper floor window/balcony door percentage does not apply to floors where sloped roofs and dormer windows are used.

iii. Upper floor windows shall be vertically oriented (a minimum vertical to horizontal dimension ratio of 1.5:1).

Almost all upper floor windows of the street facing wall are oriented vertically measuring approximately four feet wide by six feet tall. Feature windows at the center of the façade composition are oriented horizontally to provide relief and compositional interest. However, the overall composition of these feature windows is oriented vertically (South Elevation). These standards are met.

d. Window shadowing for all buildings: Windows shall be designed to provide shadowing. This can be accomplished by recessing windows three inches into the façade and/or incorporating trim of a contrasting material or color.

The applicant states that windows will be recessed by three inches and selected window assemblies will incorporate a trim of contrasting color. Compliance with this standard will be ensured on plan review of the building permit submittal. This standard is met.

4. Weather protection.

For nonresidential and mixed use buildings:

a. A projecting façade element (awning, canopy, arcade, or marquee) is required on the street facing façade of the street with the highest functional classification.

b. Awnings/marqueses/canopies may project a minimum of three feet and a maximum of six feet from the façade (a maximum of four feet into the public right-of-way).

c. The element shall have a minimum 10-foot clearance from the bottom of the element to the sidewalk.

d. Awnings must match the width of storefronts or window openings.

e. Internally lit awnings are not permitted.

f. Awnings must be made of glass, metal, or exterior grade fabric (or a combination of these materials).

As shown in the elevation drawings, projecting façade elements occur as upper level balconies. These second floor balconies provide weather protection to 77 percent of the building's street frontage. The second floor balconies project three feet from the façade into the public ROW. The clearance from the bottom of each second floor balcony to the sidewalk is 13 ½ feet. Awnings are made of glass and metal. These standards are met.

B. Cohesive architectural façade standards.

Intent. Build and expand upon downtown Tigard's architectural character by incorporating cohesive and repetitive architectural elements into the ground floor of street-facing façades.

1. Architectural bays for nonresidential and mixed use buildings. Divide the street-facing ground floor of commercial/mixed use storefronts into distinct architectural bays that are no more than 30 feet on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.

As shown on the South Elevation, four structural bays are expressed at 26 feet on center. This standard is met.

C. Integrated building façade standards.

Intent. Build upon and improve downtown Tigard's architecture by creating an attractive and unified building façade that encourages ground floor activities, and creates visually interesting façades and roofs.

1. Nonresidential and mixed use building tri-partite façades. Nonresidential and mixed use buildings two stories and above shall have three clearly defined elements on the street-facing façade(s): a base (extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building); a middle (distinguished from the top and base of the building by use of building elements); and a top (roof form/element at the uppermost portion of the façade that visually terminates the façade). A tri-partite façade creates a unified façade and breaks up vertical mass.

As shown in the South Elevation Drawing, the building's street-facing façade on Main Street expresses a tri-partite organization. The taller ground floor base of the building is articulated with storefront assemblies and multiple commercial entries. Opaque materials surround storefront assemblies and individual street-facing windows. The middle of the building façade is composed of large glazed areas and opaque spandrel panels and vertical elements which define floor lines and structural bays. The top element at the 3rd floor and 5th floor roofs is defined by a parapet extension and decorative guardrail, which signify these roof areas as occupiable/active spaces. This standard is met.

2. Residential building façades.

The proposed building is for commercial and retail uses. This standard does not apply.

3. Roof forms.

a. The roof form of a building shall follow one (or a combination) of the following forms:

- i. Flat roof with parapet or cornice;**
- ii. Hip roof;**
- iii. Gabled roof;**
- iv. Full mansard roof;**
- v. Dormers;**
- vi. Shed roof.**

As shown in the elevation drawings, the building has a flat roof with parapet. The roof form standard is met.

b. All sloped roofs (other than full mansard roofs) exposed to view from adjacent public or private streets and properties shall have a minimum 5/12 pitch.

No sloped roofs are proposed. This standard does not apply.

c. Sloped roofs, shall have eaves, exclusive of rain gutters, that must project from the building wall at least 12 inches.

No sloped roofs are proposed. This standard does not apply.

d. All flat roofs or those with a pitch of less than 5/12 shall be architecturally treated or articulated with a parapet wall that must project vertically above the roof line at least 12 inches and/or a cornice that must project from the building face at least six inches.

The applicant states that the building's parapet-guardrail assembly is 3'-6" above the adjacent roof. The flat roof parapet standard is met.

e. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as the existing roof.

This standard is not applicable to the proposed new construction.

f. Green roof features and/or rooftop gardens are encouraged. As part of the development permit, applicant shall execute a covenant ensuring the maintenance of any green roof. The covenant shall be approved by the director on city-provided forms.

The applicant states that the concept design calls for a partial green roof or rooftop garden at the occupiable 3rd and 5th floor roofs. Therefore, prior to occupancy the development entity shall execute a covenant ensuring the maintenance of the green roof areas.

D. Create street corners with strong identity.

Intent. Create a strong architectural statement at street corners. Establish visual landmarks and enhance visual variety.

1. For nonresidential or mixed-use buildings at the corner of two public streets or a street and public area, park or plaza (for the purposes of this standard an alley is not considered a public street) incorporate one of the following features:

- a. Locate the primary entry to the building at the corner;**
- b. A prominent architectural element, such as increased building height or massing, a cupola, a turret or a pitched roof at the corner of the building or within 20 feet of the corner of the building;**
- c. The corner of the building cut at a 45 degree angle, or a similar dimension “rounded” corner;**
- d. A combination of special paving materials, street furnishings and, where appropriate, plantings, in addition to the front door.**

The site includes a proposed public plaza at the corner of Main Street and Fanno Creek (South and West Elevations), where this standard applies. The applicant states that “The primary entrance to the ground floor commercial space, signified by double doors at the street and secondary double doors opening directly onto the public plaza, occurs at this corner. Special paving materials and street furnishings, as well as vegetated “green screens” on the building façade, highlight the prominence of this corner and give the building a strong identity at this location.” Staff finds that, in addition, the scale of the building, reduced to three stories at the plaza corner, with an active green roof at the third floor and balcony overlooking Main Street at the second floor above the entryway enhances visual variety and activates the corner. The dynamic access on the ground plane as well as vertically at this corner helps to establish a visual landmark on Main Street in scale with the street. This standard is met.

E. Assure building quality, permanence and durability.

Intent. Use building materials that evoke a sense of permanence and are compatible with Downtown Tigard and the surrounding built and natural environment.

1. Building materials.

a. The following exterior building materials or finishes are prohibited:

- i. Vinyl siding;**
- ii. T-111 or similar sheet materials;**
- iii. Plain concrete block (not including split faced, colored, or other block designs that mimic stone, brick, or other masonry); foundation material may be skim-coated concrete block where the foundation material is not revealed for more than two feet;**
- iv. Mirrored glass.**

Prohibited building materials are not proposed. The proposed building materials include precast concrete panels and/or cultured stone, metal panel wall systems, and window wall/storefront glazing systems. The standard is met.

F. Open space/public plaza.

Intent: Assure adequate public, private and shared outdoor space.

1. Mixed use and commercial developments greater than 60,000 square feet.

- a. Development projects with site areas greater than 60,000 square feet shall include at least one public space with a minimum size of 600 square feet.**
- b. Public spaces shall be abutted on at least two sides by retail shops, restaurants or services with windows entrances fronting on the space.**

The site area is 23,000 square feet. An open public space is not required but is provided as part of this development proposal to promote the engagement of the general public with Fanno Creek and the Fanno Creek Trail. The public space abuts the west elevation of the proposed building with a ground floor commercial use expected to be a retail shop or restaurant. Glazed entrances and windows open directly to the public space. Because most of the public plaza occurs as an encroachment on the vegetated corridor, it is not possible to extend additional building footprint along a second side of the public space. This standard does not apply.

FINDING: As shown in the analysis above, the Building and Site Design Standards are met. To ensure compliance, the following condition of approval is required.

CONDITIONS:

Prior to occupancy, the development entity shall execute a covenant ensuring the maintenance of the green roof areas.

18.610.035 Additional Standards

Applications must conform to all applicable standards in the following chapters:

- A. Access Egress and Circulation (see Chapter 18.705).**
- B. Environmental Performance Standards (see Chapter 18.725).**
- C. Exceptions to Development Standards (see Chapter 18.730).**
- D. Landscaping and Screening (see Chapter 18.745).**
- E. Mixed Solid Waste and Recyclable Storage (see Chapter 18.755).**
- F. Off-Street Parking and Loading Requirements (see Chapter 18.765).**
- G. Sensitive Lands (see Chapter 18.775).**
- H. Signs (see Chapter 18.780).**
- I. Urban Forestry Plan (see Chapter 18.790).**
- J. Visual Clearance (see Chapter 18.795).**
- K. Wireless Communication Facilities (see Chapter 18.798).**
- L. Street and Utility Improvement Standards (see Chapter 18.810).**

The applicable standards in these chapters are addressed in the findings below for each chapter.

18.610.045 Exceptions to Standards

B. Exceptions to parking requirements. The director may grant an exception or deduction to the off-street parking dimensional and minimum number of space requirements in the applicable zoning district based on the following findings:

The applicant requests an exception to the minimum parking requirements to allow for a reduction from the minimum parking requirements described in Chapter 18.765, as modified by 18.610.060. The applicant's narrative represents that only 23 parking spaces are required. As shown in Staff's analysis for the Off-Street Parking and Loading Requirements for the Main Street-Center sub-area of downtown, a minimum of 59 vehicle parking spaces are required for the proposed six-story building. The Site Plan shows that 13 vehicle parking spaces are provided on site. A reduction of 46 spaces (80%) is requested.

The currently permitted building height of three stories has a minimum parking requirement of 18 spaces. In this case, a reduction of 5 spaces (27%) is requested.

1. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., senior citizen housing, and which has a demonstrated low demand for off-street parking;

The proposed uses for the site include eating and drinking, retail, and office. None of these uses demonstrate low demand for parking.

2. There is an opportunity for shared parking and there is written evidence that the property owners have entered into a binding agreement to share parking; or

The applicant states that the proposed design maximizes the number of on-site parking spaces. In addition to the 13 spaces provided, the City's Redevelopment Project Manager has negotiated with a neighboring property owner (within 300 feet of the site) for a preliminary agreement to provide shared parking arrangements for the Main St Properties development. The total number of off-site parking spaces preliminarily reserved is three (3). This leaves a short-fall of 43 parking spaces for the six-story building; two (2) spaces for the three-story building.

To ensure these spaces are available, the applicant shall submit written evidence that the property owners have entered into a binding agreement to share parking.

3. There is community interest in the preservation of particular natural feature(s) on the site, public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses, therefore the public interest is not adversely affected by the granting of the exception.

The proposed development is designed to preserve and enhance Fanno Creek and its associated vegetated corridor. The proposed public space at the west end of the site and the placement of the proposed building constrain available area for parking. In order to maximize on-site parking, the City has entered into a preliminary agreement with ODOT to acquire a 16-foot wide portion of the Pacific Hwy. right-of-way, which will facilitate tuck-under parking on the north side of the building, thereby minimizing encroachment into the vegetated corridor.

Public transportation is available to the site. There is a TriMet bus stop approximately 300 feet from the site (Stop ID #3654, SW Burnham and Main). The Tigard Transit Center/WES station is 0.25 miles from the site. Tigard TC offers direct bus service to downtown and northeast Portland, Marquam Hill, Washington Square, Beaverton, Lake Oswego, Tualatin, and Sherwood. Adjacent services also provide connections to Wilsonville, Newberg, Dundee and McMinnville. TriMet lines include the 12-Barbur/Sandy Blvd. (Frequent Service), 45-Garden Home, 64-Marquam Hill/Tigard, 76-Beaverton/Tualatin, 78-Beaverton/Lake Oswego, 93-Tigard/Sherwood, and WES Commuter Rail. In addition YCTA (Yamhill County) Lines 44, 45, 46 also stop adjacent to the Tigard TC.

The applicant acknowledges the expressed concern at the Neighborhood Meeting held March 28, 2016 (Neighborhood Meeting Minutes, Application Exhibit C) regarding the amount of on-site parking provided by the development proposal. Downtown parking strategies have been a matter of study in recent months. On December 1, 2015, Rick Williams Consulting (RWC), a parking management consultant commissioned by the City, made a presentation to City Council on current parking inventories and usage. Among other findings, RWC determined that the downtown parking inventory is only at peak capacity from noon – 1:00 PM on selected days of the week. For the majority of the active hours of the day and evening, current parking inventories are sufficient.

In addition, the conclusion of Lancaster Engineering's Parking and Demand Management Plan for Main and Fanno Redevelopment (August 8, 2016) assumes a 25 percent motor vehicle trip reduction.

Downtown Tigard has a wide range of land uses that combine to create a Main Street that thrives as a pedestrian-oriented commercial corridor. The effect of shared trips with surrounding uses as well as the close proximity to the Tigard Transit Center and the downtown feel of the corridor and adjacent residential subdivision in conjunction with the accessibility to active transportation modes such as walking and biking justify assuming a conservative overall 25% motor-vehicle trip reduction for the proposed facility.

If we can assume that a vehicle trip reduction has a corresponding parking space demand reduction, then applying a 25 percent credit results in a reduction of 14 spaces (59 x .25) for the six-story building, and 4 spaces (18 x .25) for the three-story building, for a net shortfall of 29 spaces and 2 spaces respectively.

FINDING: As shown in the analysis above, the exception to minimum parking spaces for the three-story building can be granted. However, should the six-story building height be allowed by the pending development code amendment, the significant shortfall of on-site parking will likely adversely affect adjoining uses, unless additional parking on site and/or off site can be secured, or a use can be found for the building that has a demonstrated reduced use of the automobile, like senior housing.

CONDITION:

Prior to site work, the applicant shall submit written evidence that the property owners have entered into a binding agreement to share parking.

18.610.055 Signs

A. Sign standards. In addition to the requirements of Chapter 18.780 of the development code, the following standards shall be met:

1. Zoning district regulations. Residential-only developments within the MU-CBD zone shall meet the sign requirements for the R-40 zone, 18.780.130.B; nonresidential developments within the MU-CBD zone shall meet the sign requirements for the commercial zones, 18.780.130.C, and the additional requirements below.

FINDING: The applicant has not applied for sign permits with this application. Prior to any sign placement the applicant must apply for sign permits as indicated above.

18.610.060 Off-Street Parking and Loading Requirements

A. Parking standards. New development in the downtown must conform to the requirements of Chapter 18.765 with the following exceptions.

2. For all non-residential uses the minimum off-street vehicle parking requirements shall be 75% of the total computed from Table 18.765.2. Bicycle parking requirements shall not be reduced.

According to Table 18.765.2 a total of 79 parking spaces are required for the proposed six floor building and 24 parking spaces would be required for a three story building.

The minimum vehicle parking space requirement for the proposed eating and drinking, retail, and office uses in downtown is reduced to 59 spaces (79 spaces x .75) for a six story building; 18 spaces (24 spaces x .75) for a three story building.

Eighteen bicycle parking spaces are proposed. However, Table 18.765 requires: one (1.0 x .89) space for eating and drinking; one space (0.3 x 3.0) for retail; and 22 spaces (.5 x 43.9) for office for the six-story building. A three-story building would require 14 spaces.

3. Main Street-Center sub-area. New commercial development up to 20,000 square feet in the Main Street-Center sub-area (shown on Map 18.610.A) shall have no minimum vehicle parking requirements, except that any multifamily units shall have a minimum of 1.0/DU.

The proposed private development building is six stories in height with 47,830 gross square feet. Therefore, in the Main Street sub-area, the square foot basis for calculating parking requirements is 27,830 square feet (47,830 – 20,000).

Ground floor leasable space totals 3,890 square feet. Since the mix of uses on the ground floor is speculative at this point, for the purpose of calculating minimum parking requirements, retail use will be assigned 3,000 square feet and eating and drinking use will be assigned 890 square feet. Per Table 18.765.2, eating and drinking (fast food) requires 7.0 spaces/1,000 square feet; retail use requires 3.0 parking spaces/1000 square feet; office use requires 2.7 parking spaces/1000 square feet. Required eating and drinking parking spaces would be 6.23 (7 x .89); retail parking spaces would be 9 (3 x 3.0); office parking spaces would be 64.53 (2.7 x 23.9). A total of 79 parking spaces are required per Table 18.765, while rounding down the fraction, pursuant to the standard below.

Alternatively, a three story building with 26,830 gross square feet, the basis would be 6,830 square feet (26,830-20,000). Of that, 3000 square feet would be for office, reducing minimum parking spaces for office to eight (8) spaces (2.7 x 3), with the ground floor use requirement remaining the same at 16 spaces, for a total of 24 spaces.

4. Fractional space requirements. In the MU-CBD zone, when calculating the total minimum number of vehicle parking spaces required in Table 18.765.2, fractional space requirements shall not be counted as a whole space.

Required spaces do not include the fractional space requirements, as shown above.

5. Motorcycle/scooter parking may substitute for up to five spaces or five percent of required automobile parking, whichever is less. For every four motorcycle/scooter parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least four feet wide and eight feet deep. Existing parking may be converted to take advantage of this provision.

Five percent of 59 required spaces are 2.95 spaces. The site plan does not show motorcycle parking spaces on the Site Plan, so this exception does not apply.

6. Further adjustments. As provided for in 18.765.070.F, further adjustments to parking standards can be applied for.

The adjustments allowed in 18.765.070.F and by reference, the criteria in 18.370.C.6.a-c, are functionally addressed above in Section 18.610.045.B Exceptions to parking requirements.

FINDING: As shown in the analysis above, the Off-Street Parking and Loading Requirements for the Main Street-Center sub-area of downtown requires a minimum of 59 vehicle parking spaces for a six-story building; 18 spaces for a three-story building. The applicant has requested an exception to parking requirements as allowed under 18.610.045.B Exceptions to Standards, above.

18.705 ACCESS, EGRESS, AND CIRCULATION

18.705.020 Applicability of Provisions

A. When provisions apply. The provisions of this chapter shall apply to all development including the construction of new structures, the remodeling of existing structures (see Section 18.360.050), and to a change of use which increases the on-site parking or loading requirements or which changes the access requirements.

The proposal is for new retail and office commercial development; therefore these provisions apply.

18.705.030 General Provisions

D. Public street access. All vehicular access and egress as required in 18.705.030.H and I shall connect directly with a public or private street approved by the city for public use and shall be maintained at the required standards on a continuous basis.

As shown on the Site Plan, the proposed driveway connects directly to SW Main Street. This standard is met.

F. Required walkway location. On-site pedestrian walkways shall comply with the following standards:

- 1. 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.**
- 2. Within all attached housing (except two-family dwellings) and multifamily developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities.**
- 3. 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 six-inch vertical separation (curbed) or a minimum three-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.

4. Required walkways shall be paved with hard surfaced materials such as concrete, asphalt, stone, brick, other pervious paving surfaces, etc. Any pervious paving surface must be designed and maintained to remain well-drained. 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.

As shown on the Site Plan, the proposed commercial building fronts SW Main Street and the existing improved Main Street sidewalk and Fanno Creek Trail. The eight-foot wide sidewalk internal to the site connects the main entrance and Main Street sidewalk and vehicle parking areas. These standards are met.

H. Access management.

1. 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 (depending on jurisdiction of facility).

Site access will be provided by a proposed driveway connecting directly to SW Main Street. A preliminary site distance certification will be required as part of the public facility permit application and a final certification will be required prior to occupancy. As conditioned, this standard is met.

2. 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 nearest intersection to the proposed driveway, SW Burnham Street, is spaced at more than 275 feet and is not within the influence area of the intersection.

There has been a historic shared use of the driveway with the adjacent property. The shared driveway use shall be provided for with an easement. This standard is met.

3. 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.

4. The minimum spacing of local streets along a local street shall be 125 feet.

Driveway and street spacing along SW Main Street, a collector, was determined through the Main Street Green Street project. The driveway is located to minimize conflicts and Main Street has a 20 mph speed limit. This standard is met.

J. Minimum access requirements for commercial and industrial use.

1. Vehicle access, egress and circulation for commercial and industrial use shall not be less than as provided in Table 18.705.3.

Table 18.705.3 requires one driveway with an access width of 30 feet and 24 feet of pavement with curbs. As shown in the site plan, these dimensional standards are met.

In addition, applicant's proposal requires acquiring interests of the adjacent ODOT right-of-way. A permit is required to use the right-of-way for tree planting and vehicle circulation. Acquisition of a portion of the right-of-way is proposed for refuse collection. The applicant will be required to submit all required acquisitions, permits, agreements and other approvals required by ODOT to access and make use of the right-of-way before beginning site work.

FINDING: As shown in the analysis above, the Access, Egress and Circulation standards are met, as conditioned.

18.745 LANDSCAPING AND SCREENING

18.745.040 Street Trees

- A. Street trees shall be required as part of the approval process for Conditional Use (Type III), Downtown Design Review (Type II and III), Minor Land Partition (Type II), Planned Development (Type III), Site Development Review (Type II) and Subdivision (Type II and III) permits.**
- B. The minimum number of required street trees shall be determined by dividing the linear amount of street frontage within or adjacent to the site (in feet) by 40 feet. When the result is a fraction, the minimum number of required street trees shall be determined by rounding to the nearest whole number.**
- C. Street trees required by this section shall be planted according to the Street Tree Planting Standards in the Urban Forestry Manual.**
- D. Street trees required by this section shall be provided adequate soil volumes according to the Street Tree Soil Volume Standards in the Urban Forestry Manual.**
- E. Street trees required by this section shall be planted within the right of way whenever practicable according to the Street Tree Planting Standards in the Urban Forestry Manual. Street trees may be planted no more than 6 feet from the right of way according to the Street Tree Planting Standards in the Urban Forestry Manual when planting within the right of way is not practicable.**

The City's 2014 Main Street Green Street reconstruction project planted required street trees along the site's frontage. The street tree standards are met.

18.745.050 Buffering and Screening

A. General provisions.

- 1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles.**
- 2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 18.745.1 and 18.745.2). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required as specified in the matrix.**
- 3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by this code.**

No buffering and screening is required per Table 18.745.1

E. Screening: special provisions.

- 1. Screening and landscaping of parking and loading areas:**
 - a. Screening of parking and loading areas is required. In no cases shall nonconforming screening of parking and loading areas (i.e., nonconforming situation) be permitted to become any less conforming. Nonconforming screening of parking and loading areas shall be brought into conformance with the provisions of this chapter as part of the approval process for conditional**

use (Type III), downtown design review (Type II and III), planned development (Type III), and site development review (Type II) permits only. The specifications for this screening are as follows:

- i. Landscaped parking areas shall include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls and raised planters;
- ii. Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way;
- iii. Materials to be installed should achieve a balance between low lying and vertical shrubbery and trees;
- iv. All parking areas, including parking spaces and aisles, shall be required to achieve at least 30% tree canopy cover at maturity directly above the parking area in accordance with the parking lot tree canopy standards in the Urban Forestry Manual.

As shown on the Site Plan, the majority of the on-site parking is tuck under, with three spaces adjacent to the neighboring property. A proposed infiltration planter along the northeastern edge of the property is also identified for landscape screening. In addition, 12 trees are proposed to be planted within the ODOT right of way along the northwest boundary of the property. These standards are met.

2. **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.

Service facilities such as gas meters and air conditioners have not been shown on the Site Plan or elevation drawings. Plan check at the time of building plan review will ensure this standard is met.

4. **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 shown on the Site Plan, the waste storage area is located to the rear of the site within a screened area and not visible from Main Street. This standard is met.

FINDING: As shown in the analysis above, the proposal meets all of the applicable landscape and screening standards.

18.755 MIXED SOLID WASTE AND RECYCLABLE STORAGE

18.755.010 Purpose and Applicability

B. Applicability. The mixed solid waste and source separated recyclable storage standards shall apply to new multi-unit residential buildings containing five or more units and nonresidential construction that are subject to full site plan or design review; and are located within urban zones that allow, outright or by condition, for such uses.

FINDING: The applicant submitted a service provider letter from Pride Disposal, dated July 16, 2016, stating that the proposed facility shown on the Site Plan is serviceable. These Mixed Solid Waste and Recyclable Storage standards are met.

18.765 OFF-STREET PARKING AND LOADING REQUIREMENTS

18.765.030 General Provisions

C. 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.**

The applicant has determined three off-site spaces for joint parking will supplement the short-fall of parking spaces as noted in Section 18.610.045. The applicant has been conditioned to provide legal evidence. This provision is met.

D. Parking in mixed-use and multiple-tenant projects. In commercial mixed-use and multiple-tenant 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(s) in Section 18.765.060;**
- 2. Secondary use, i.e., that with the second largest percentage of total floor area within the development, at 85% of the vehicle parking required for that use(s) in Section 18.765.060;**
- 3. Tertiary use at 70% of the vehicle parking required for that use(s) in Section 18.765.060;**
- 4. All other uses at 60% of the vehicle parking required for that use(s) in Section 18.765.060.**

The proposed six-story building with mixed multi-use tenants is a concept that will be proven by the market. For the purposes of the parking analysis, the allocation of uses (office, retail, eating/drinking) has been made for illustration, but at this time does not warrant applying the marginal formula for this provision.

G. Disabled-accessible parking. All parking areas shall be provided with the required number of parking spaces for disabled persons as specified by the state building code and federal standards. Such parking spaces shall be sized, signed and marked as required by these regulations.

As shown in the Site Plan, the parking plan includes one required ADA space. Specific design standards are reviewed at the time of building permit. This provision is met.

18.765.040 General Design Standards

B. Access drives. With regard to access to public streets from off-street parking:

- 1. 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;**
- 2. The number and size of access drives shall be in accordance with the requirements of Chapter 18.705, Access, Egress and Circulation;**
- 3. 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;**
- 4. Access drives shall have a minimum vision clearance in accordance with Chapter 18.795, Visual Clearance;**
- 5. Access drives shall be improved with an asphalt, concrete, or pervious paving surface. Any pervious paving surface must be designed and maintained to remain well-drained; and**
- 6. Excluding single-family and duplex residences, except as provided by 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.**

As shown in the Site Plan, the parking plan meets the general design standards. These standards are met.

I. Parking lot striping.

- 1. 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**

2. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.

As shown in the Site Plan, the parking plan shows the required parking lot stipping. This standard is met.

J. 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 in the Site Plan, this standard does not apply.

N. Space and aisle dimensions. (Figure 18.765.1)

As shown in the Site Plan, parking stalls 1 through 6 are 9' x 16.5' (compact) and parking stalls 7 through 13 (except HC #9) are 8.5' x 18.5'. The entrance/egress aisle is 24 feet in width and the aisle behind stalls 1 – 6 is 24 feet in width at its minimum. The drive aisle leading from stalls 7 – 13 to stalls 1 – 6 is 16 feet in width for a length of approximately 20 feet. The proposed parking lot is consistent with the standards in Figure 18.765.1. These standards are met.

18.765.050 Bicycle Parking Design Standards

A. Location and access. With regard to the location and access to bicycle parking:

- 1. Bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures;**
- 2. Bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways;**
- 3. 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;**
- 4. 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.**

B. Covered parking spaces.

- 1. When possible, bicycle parking facilities should be provided under cover.**
- 2. Required bicycle parking for uses served by a parking structure must provide for covered bicycle parking unless the structure will be more than 100 feet from the primary entrance to the building, in which case, the uncovered bicycle parking may be provided closer to the building entrance.**

C. Design requirements. The following design requirements apply to the installation of bicycle racks:

- 1. 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;**
- 2. Bicycle racks must be securely anchored to the ground, wall or other structure;**
- 3. Bicycle parking spaces shall be at least two and one-half feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking;**
- 4. Each required bicycle parking space must be accessible without moving another bicycle;**
- 5. 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;**
- 6. Areas set aside for required bicycle parking must be clearly reserved for bicycle parking only.**

E. Minimum bicycle parking requirements. The total number of required bicycle parking spaces for each use is specified in Table 18.765.2 in 18.765.070.H. In no case shall there be less than two bicycle parking spaces. Single-family residences and duplexes are excluded from the bicycle parking requirements. The director may reduce the number of required bicycle parking spaces by means of an adjustment to be reviewed through a Type II procedure, as governed by Section 18.390.040, using approval criteria contained in 18.370.020.C.5.e.

As shown on the Site Plan, a covered bike parking structure (17' x 22'-6") is located within 50 feet of the main doorway

of the lobby for the building. The applicant's narrative states the facility will be covered with capacity for 18 bicycles. The information in the application is not sufficient to determine compliance with all of the bicycle parking design standards.

A condition shall require the applicant to submit a bike parking plan consistent with the bike parking standards in 18.765.050. As conditioned, these standards are met.

18.765.070. Minimum and Maximum Off-Street Parking Requirements

F. Reductions in minimum required vehicle parking. Reductions in the required number of vehicle parking spaces may be permitted . . . :

An exception is requested as permitted in Section 18.610.045 to allow for a reduction from the minimum parking requirements.

H. Specific Requirements in Table 18.765.2

Table 18.765.2 includes the Minimum and Maximum Off-Street Parking Requirements for the proposed commercial uses.

As shown on the Site Plan, the applicant proposes 13 on-site vehicle parking spaces. In addition, three off-site spaces have been negotiated for by the City's Redevelopment Manager, for a total of 16 spaces.

The proposed private development building is six stories in height with gross square footage of 47,830. In the Main Street sub-area, the square foot basis for calculating parking requirements will be 27,830 square feet (47,830 – 20,000).

Ground floor leasable space totals 3,890 square feet. Since the mix of uses on the ground floor is speculative at this point, for the purpose of calculating minimum parking requirements, retail use will be assigned 3,000 square feet and eating and drinking use will be assigned 890 square feet. Per Table 18.765.2, eating and drinking (fast food) requires 7.0 spaces/1,000 square feet; retail use requires 3.0 parking spaces/1000 square feet; office use requires 2.7 parking spaces/1000 square feet. Required eating and drinking parking spaces would be 6.23 (7 x .89); retail parking spaces would be 9 (3 x 3.0); office parking spaces would be 64.53 (2.7 x 23.9). A total of 79 parking spaces are required per Table 18.765.

Alternatively, a three story building with 26,830 gross square feet, the basis would be 6,830 square feet (26,830-20,000). Of that, 3000 square feet would be for office, reducing minimum parking spaces for office to eight (8) spaces (2.7 x 3), with the ground floor use requirement remaining the same at 16 spaces, for a total of 24 spaces.

Section 18.610.060, Off-Street Parking and Loading Requirements, applies standards for the Downtown Main Street sub-area that further reduces the minimum parking spaces calculated from Table 18.765.2. In addition, the applicant has requested an exception under 18.610.045. In sum, the 16 vehicle spaces proposed can be approved even though less than the 24 spaces required above for a three-story building.

Eighteen bicycle parking spaces are proposed. However, Table 18.765 requires: one (1.0 x .89) space for eating and drinking; one space (0.3 x 3.0) for retail; and 22 spaces (.5 x 43.9) for office, for a total of 24 bike parking spaces for the proposed six-story building. A three-story building would require 14 bike parking spaces. This standard is met for the three-story building.

I. Developments in the MU-CBD zone. Please see Section 18.610.060, off-street vehicle parking minimum requirements in the MU-CBD zone.

The off-street vehicle parking minimum requirements in the MU-CBD zone per Section 18.610.060 is reduced from 79 to 59 required spaces for the six-story building; and from 24 to 18 spaces for the three-story option. In addition the applicant has requested an exception under 18.610.045 to reduce the required minimum to the 13 on site spaces shown in the Site Plan, plus the three off-site spaces available.

Parking requirements cannot be met for the six-story building as proposed. Should the pending development code amendment (DCA2016-00003) to increase the downtown height limitations be approved, allowing for a six-story building on this site, the applicant would have to provide additional information to show that they could meet parking requirements. A condition of approval will be added to this decision to require this additional documentation for a six-story proposal.

FINDING: As shown in the analysis above, not all of the parking and loading standards have been met. With the following conditions of approval, these standards can be met for a three-story building.

CONDITIONS:

The applicant shall submit a bike parking plan consistent with the bike parking design standards in 18.765.050 for the number or bike parking spaces determined in Table 18.765.2

The applicant shall submit revised building plans/elevations not exceeding three stories or 45 feet. However, provided a development code amendment (DCA2016-00003) permitting six stories is approved, the building may be up to six stories or 80 feet in height, provided it meets all other applicable standards

18.775 SENSITIVE LANDS

18.775.010.G. Location. Sensitive lands are lands potentially unsuitable for development because of their location within:

- 1. The 100-year floodplain or 1996 flood inundation line, whichever is greater;**
- 2. Natural drainageways;**
- 3. 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”;**
- 4. Steep slopes of 25% or greater and unstable ground; and**
- 5. Significant fish and wildlife habitat areas designated on the City of Tigard “Significant Habitat Areas Map.”**

As shown on the Site Plan, the whole site is located within the 100-year floodplain. The proposed private development site is located partially within the floodway and wholly within the floodplain. A sensitive lands permit is required.

18.775.020.G. Sensitive lands permits issued by the hearings officer.

- 1. The hearings officer shall have the authority to issue a sensitive lands permit in the 100-year floodplain by means of a Type IIIA procedure, as governed by Section 18.390.050, using approval criteria contained in Section 18.775.070.**
- 2. Sensitive lands permits shall be required in the 100-year floodplain when any of the following circumstances apply:**
 - a. Ground disturbance(s) or landform alterations in all floodway areas;**
 - b. Ground disturbance(s) or landform alterations in floodway fringe locations involving more than 50 cubic yards of material;**
 - c. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50% of the market value of the structure prior to the improvement or the damage requiring reconstruction provided no development occurs in the floodway;**
 - d. Structures intended for human habitation; and**
 - e. Accessory structures which are greater than 528 square feet in size, outside of floodway areas.**

As shown on the Site Plan, the whole site is located within the 100-year floodplain. The proposed private development site is located partially within the floodway and wholly within the floodplain. Therefore, the hearings office shall have authority to issue the sensitive lands permit.

18.775.030 Administrative Provisions

A. Interagency coordination. The appropriate approval authority shall review all sensitive lands permit applications to determine that all necessary permits shall be obtained from those federal, state, or local governmental agencies from which prior approval is also required.

As governed by CWS “Design and Construction Standards,” the necessary permits for all “development,” as defined in Section 18.775.020.A, shall include a CWS service provider letter, which specifies the conditions and requirements necessary, if any, for an applicant to comply with CWS water quality protection standards and for the agency to issue a stormwater connection permit.

The necessary permits and approvals from the Army COE/Oregon DSL will be obtained when final development plans are prepared. The Division of State Lands (DSL) requires a site demolition plan to complete their permit approval process. This site demolition plan will be part of the final development plans.

Clean Water Services (CWS) has reviewed this proposal and issued a letter dated September 8, 2016 stating conditions to be met prior to any work on the site. In addition, a CWS Service Provider Letter (File No. 16-001930) provides conditions of approval for the vegetated corridor encroachment by the proposed Building. Compliance with CWS standards and off-site mitigation is required through a condition of approval prior to obtaining a site permit.

C. Apply standards. The appropriate approval authority shall apply the standards set forth in Sections 18.775.040 and 18.775.070 when reviewing an application for a sensitive lands permit.

The standards set forth in Section 18.775.040 apply and are reviewed below.

D. Elevation and floodproofing certification. The appropriate approval authority shall require that the elevations and floodproofing certification required in subsection E of this section be provided prior to permit issuance and verification upon occupancy and final approval.

The hearings officer shall require that the elevations and floodproofing certification required in subsection E of this section be provided prior to permit issuance and verification upon occupancy and final approval. A condition shall implement this requirement.

E. Maintenance of records.

1. Where base flood elevation data is provided through the flood insurance study, the building official shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

2. For all new or substantially improved floodproofed structures, the building official shall:

a. Verify and record the actual elevation (in relation to mean sea level); and

b. Maintain the floodproofing certifications required in this chapter.

3. The director shall maintain for public inspection all other records pertaining to the provisions in this chapter.

The base flood elevation data is provided through the flood insurance study, in this case. Therefore, the building official shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of the proposed new structure, and whether or not the structure contains a basement; verify and record the actual elevation (in relation to mean sea level); and maintain the floodproofing certifications required in this chapter.

The director shall maintain for public inspection all other records pertaining to the provisions in this chapter.

18.775.040 General Provisions for Floodplain Areas

A. Permit review. The appropriate approval authority shall review all permit applications to determine whether proposed building sites will minimize the potential for flood damage.

B. Special flood hazard. The areas of special flood hazard identified by the Federal Insurance

Administration in a scientific and engineering report entitled "The Flood Insurance Study of the City of Tigard," effective February 18, 2005, with accompanying flood insurance rate maps effective February 18, 2005, is hereby adopted by reference and declared to be a part of this chapter. This flood insurance study is on file at the Tigard Civic Center.

C. Base flood elevation data. When base flood elevation data has not been provided in accordance with subsection B of this section, the director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer subsections M and N of this section.

D. Test of reasonableness. Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that the potential for flood damage to the proposed construction will be minimized. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these sensitive land areas may result in higher insurance rates.

E. Resistant to flood damage. All new construction and substantial improvements, including manufactured homes, shall be constructed with materials and utility equipment resistant to flood damage.

F. Minimize flood damage. All new construction and substantial improvements, including manufactured homes, shall be constructed using methods and practices that minimize flood damage.

G. Equipment protection. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

H. Water supply systems. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.

I. Anchoring. All new construction, all manufactured homes and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

J. Sanitary sewerage systems. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharge from the systems into floodwater.

K. On-site water disposal systems. On-site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

L. Residential construction. Not applicable to the proposed commercial construction.

M. Nonresidential construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the building official as set forth in 18.775.030.E.2; and
4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in paragraph L.2 of this section. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

The applicant states that the base flood elevation for the site is identified as +153.5 feet. Survey information shows that the back-of-walk elevations at the property line along Main Street vary from approximately +151.0 feet to +152.0 feet. The concept design places the top-of-concrete for the ground floor slab-on-grade at elevation +151.0 feet. This allows for tenant space finished floors to be built up to meet existing (back-of-walk/at the public ROW) elevations. Since it is anticipated that the ground floor finished floor elevations will be below the base flood elevation, final design documents and engineering calculations will show how the building is to be floodproofed with walls substantially impermeable to flood waters, that structural components are capable of resisting hydrostatic and hydrodynamic loads as well as the effects of buoyancy, and will be requisitely certified by a registered engineer

or architect.

The City of Tigard Building Official consulted with the City's third party structural engineer regarding building in a flood hazard area. The Building Official indicated that although the code does allow dry flood proof construction with a floor in the flood hazard area, it is not typical to see an entrance in that area. Normally, a floor level would be accessed from a higher floor with doors above the flood hazard area. He also mentioned that he has seen situations in Douglas County where building owners have had issues with insuring buildings with a floor level located within the flood hazard area.

Therefore, it is unlikely that the proposed development concept could be certified and insured. However, it would be possible to design a structure on the subject site that could be certified and insured consistent with the General Provisions for Floodplain Areas, above. One design solution may be to raise the finish floor level to one foot above base flood elevation and create a transition zone between back of sidewalk and the five commercial space entry doors where the elevation difference can be absorbed by stoops, landscaping, and public seating. This transition zone could itself be an amenity that activates the street by providing places to be under cover and with southern exposure. An ADA entry way ramp to the building lobby and shops could use the proposed alignment along the vehicle parking aisle. With such design elements the proposed project could meet the standards and will be condition so that these design elements are addressed at building permit submittal.

18.775.070 Sensitive Land Permits

A. Permits required. An applicant, who wishes to develop within a sensitive area, as defined in Chapter 18.775, must obtain a permit in certain situations. Depending on the nature and intensity of the proposed activity within a sensitive area, either a Type II or Type III permit is required, as delineated in 18.775.020.F and G. The approval criteria for various kinds of sensitive areas, e.g., floodplain, are presented in subsections B through E of this section.

B. Within the 100-year floodplain. The hearings officer shall approve, approve with conditions or deny an application request within the 100-year floodplain based upon findings that all of the following criteria have been satisfied:

1. Compliance with all of the applicable requirements of this title;

As shown in this staff report to the hearings officer, the applicable standards have been met or can be conditioned to be met. This criterion is met.

2. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;

The No-Rise Report, prepared by Kelli A. Grover, P.E. Principal Engineer with Firwood Design Group (Application, Exhibit I) analyzes existing and proposed conditions and finds that the proposed development will result in a reduced water surface from that of the existing condition within the project site limits by an average of -0.22 feet. The report concludes that the floodplain is not adversely affected by the proposed improvements primarily because the existing structure that is projecting over the bank is being removed and the deck which replaces it is less of an impact.

This was determined by modifying the model used to establish the floodplain. To more accurately model the existing conditions of the project site and stream frontage, four additional cross sections were added to better describe the existing building extending over the creek and the other attached buildings. The model was then modified by including proposed site improvements. The primary change is that the existing building extending over the creek is removed and a smaller public deck area is proposed. The results of this modeling show that the proposed site improvements will not result in an increase of the base flood elevation, but a small decrease. A final report with any required revisions will be required.

This criterion is met.

3. Land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as commercial or industrial on the comprehensive plan land use map, except that alterations or developments associated with community recreation uses, utilities, or public support facilities as defined in Chapter 18.120 of the community development code shall be allowed in areas designated residential subject to applicable zoning standards;

The subject site is zoned MU-CBD, Mixed Use- Central Business District, a City of Tigard commercial zone. This criterion is met.

4. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood;

As shown in the No-Rise Report, prepared by Kelli A. Grover, P.E. Principal Engineer with Firwood Design Group (Application, Exhibit I) the proposed development will result in a reduced water surface from that of the existing condition within the project site limits by an average of - 0.22 feet. The report concludes that the floodplain is not adversely affected by the proposed improvements primarily because the existing structure that is projecting over the bank is being removed and the deck which replaces it is less of an impact. This criterion is met.

5. The land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with the adopted pedestrian/bicycle pathway plan, unless the construction of said pathway is deemed by the hearings officer as untimely;

The subject site is adjacent to a parcel that includes the regional Fanno Creek Trail. A portion of the trail also runs along the Main Street sidewalk abutting the subject site before it crosses Main Street to the south. This criterion is met.

6. Pedestrian/bicycle pathway projects within the floodplain shall include a wildlife habitat assessment that shows the proposed alignment minimizes impacts to significant wildlife habitat while balancing the community's recreation and environmental educational goals;

The subject site is adjacent to a parcel that includes the regional Fanno Creek Trail. A portion of the trail also runs along the Main Street sidewalk abutting the subject site before it crosses Main Street to the south. No new pedestrian/bicycle pathway is required. The proposed public plaza lies adjacent to the Main Street sidewalk overhanging Fanno Creek, in part. The encroachment is significantly less than the existing building scheduled to be removed. Improvements to habitat associated with the proposed development is detailed in the CWS service provider letter. This criterion is met.

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

The necessary permits and approvals from the Army COE/Oregon DSL will be obtained when final development plans are prepared. The Division of State Lands (DSL) requires a site demolition plan to complete their permit approval process. This site demolition plan will be part of the final development plans. The requisite approvals from Clean Water Services have been obtained. See Service Provider Letter from Clean Water Services (Application, Exhibit F). This criterion is met.

8. 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 is adjacent to a parcel west of Fanno Creek that includes the regional Fanno Creek Trail. A portion

of the trail also runs along the Main Street sidewalk abutting the subject site before it crosses Main Street to the south. No additional dedication or improvement of land for a pedestrian/bicycle path is required. This criterion is met.

FINDING: As shown in the analysis above, the applicable criteria for development in the floodplain are met. To ensure compliance the following condition is imposed.

CONDITION:

Prior to site work, the applicant shall submit elevations and floodproofing certification and verification upon occupancy and final approval.

18.775.090 Special Provisions for Development within Locally Significant Wetlands and Along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek

B. In order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 660-023-0030) pertaining to riparian corridors, a standard setback distance or vegetated corridor area, measured horizontally from and parallel to the top of the bank, is established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek.

3. The minimum width for “marginal or degraded condition” vegetated corridors along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek is 50% of the standard width, unless wider in accordance with CWS “Design and Construction Standards,” or modified in accordance with Section 18.775.130.

FINDING: As shown on the Site Plan, the vegetated corridor on the subject site varies from 50 to 28 feet in width. Since the site is in degraded condition, the minimum width is 25 feet. This standard is met.

18.790 URBAN FORESTRY PLAN

18.790.030 Urban Forestry Plan Requirements

Urban forestry plan requirements. An urban forestry plan shall:

Be coordinated and approved by a landscape architect (the project landscape architect) or a person that is both a certified arborist and tree risk assessor (the project arborist), except for minor land partitions that can demonstrate compliance with effective tree canopy cover and soil volume requirements by planting street trees in open soil volumes only;

Meet the tree preservation and removal site plan standards in the Urban Forestry Manual (UFM);

Meet the tree canopy site plan standards in the Urban Forestry Manual; and

Meet the supplemental report standards in the Urban Forestry Manual.

The Arborist Report (Application, Exhibit K) identifies a tree planting plan which includes the rehabilitation of an existing mature Oregon ash within the Vegetated Corridor, the inclusion of 3 Armstrong maples currently in the Main St “green street” planters, and the planting of 11 Western serviceberry trees in the Pacific Hwy. right-of-way to meet the requirements of the Urban Forestry Plan.

The Report states that “due to spatial constraints on the site, it is not feasible to meet the requirements for parking lot tree canopy coverage. However, equivalent parking lot screening methods will be employed as allowed per Section 18.745.050.A.3.”

FINDING: Based on the analysis above, not all of the urban forestry plan requirements are met, but can be met with the following condition of approval.

CONDITION:

The applicant shall submit a revised landscape plan that shows equivalent measures in- lieu of the minimum 30 percent canopy cover for parking lots.

18.790.060 Urban Forestry Plan Implementation

A. Tree Establishment. The establishment of all trees shown to be planted in the tree canopy site plan (per 18.790.030 A.3) and supplemental report (per 18.790.030.A.4) of the previously approved urban forestry plan shall be guaranteed and required according to the tree establishment requirements in Section 11, part 2 of the Urban Forestry Manual.

The applicant's proposal does not address tree establishment. Therefore, a condition of approval is added for the applicant to provide a tree establishment bond that meets the requirements of the Urban Forestry Manual Section 11, Part 2.

D. Urban forest inventory. Spatial and species specific data shall be collected according to the urban forestry inventory requirements in the Urban Forestry Manual for each open grown tree and area of stand grown trees in the tree canopy site plan (per Section 18.790.030.A.3) and supplemental report (per Section 18.790.030.A.4) of a previously approved urban forestry plan.

Section 11, Part 3 of the Urban Forestry Manual states that prior to any ground disturbance work, the applicant shall provide a fee to cover the city's cost of collecting and processing the inventory data for the entire urban forestry plan. This can be met through a condition of approval.

FINDING: Based on the analysis above, the applicable urban forestry tree establishment and inventory standards can be met with the following conditions of approval.

CONDITIONS: Prior to any ground disturbance work, the project arborist shall perform a site inspection for tree protection measures, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the city manager or designee within one week of the site inspection.

The project arborist shall perform semimonthly (twice monthly) site inspections for tree protection measures during periods of active site development and construction, document compliance/non-compliance with the urban forestry plan and send written verification with a signature of approval directly to the project planner within one week of the site inspection.

Prior to any ground disturbance work, the applicant shall submit to the city the current Inventory Data Collection fee for urban forestry plan implementation: one retained tree plus 14 planted open grown trees (at \$147 first + \$28/each additional tree) = \$147 + \$392 = \$539.

Prior to any ground disturbance work, the applicant shall provide a tree establishment bond that meets the requirements of Urban Forestry Manual Section 11, Part 2: 14 planted open grown trees x \$460/tree = \$6,440.

18.795 VISUAL CLEARANCE

18.795.030 Visual Clearance Requirements

A. At corners. Except within the CBD zoning district a visual clearance area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.

FINDING: The subject site is located within the MU-CBD zone. This standard does not apply.

18.810 STREET AND UTILITY IMPROVEMENTS STANDARDS:

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.3 states that half-street improvements of adjacent streets are required and must be improved in accordance with the TSP.

The site is adjacent to SW Main Street, a fully improved two lane city collector street with curbs, sidewalks and parking to Downtown Plan District standards. No additional improvements are required. However, applicant states that selected portions of existing sidewalk will be reconstructed, requiring a PFI permit.

Minimum Rights-of-Way and Street Widths: Section 18.810.030.E requires SW Main Street to comply with Downtown Collector standards including on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.

The street is improved to the Downtown Plan District standards. No additional improvements are required.

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 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.

No land division of the site or adjoining land is proposed. This requirement does not apply.

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.

No new streets along Main Street are required to provide adequate street spacing. The site is also adjacent to ODOT right-of-way for SW Pacific Highway. However, this portion of the highway is on a ramp without space for trees and is vertically separated from the site. This requirement is met.

Cul-de-sacs: 18.810.030.L states that a cul-de-sac shall be no more than 200 feet long, shall not provide access to greater than 20 dwelling units, and shall only be used when environmental or topographical constraints, existing development pattern, or strict adherence to other standards in this code preclude street extension and through circulation:

- All cul-de-sacs shall terminate with a turnaround. Use of turnaround configurations other than circular, shall be approved by the City Engineer; and
- The length of the cul-de-sac shall be measured from the centerline intersection point of the two streets to the radius point of the bulb, and
- If a cul-de-sac is more than 300 feet long, a lighted direct pathway to an adjacent street may be required to be provided and dedicated to the City.

No cul-de-sacs are proposed.

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.

No streets are proposed. This section does not apply.

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.

No residential development is proposed so this requirement does not apply.

Private Streets: Section 18.810.030.T states that design standards for private streets shall be established by the City Engineer. The City shall require legal assurances for the continued maintenance of private streets, such as a recorded maintenance agreement. Private streets serving more than six dwelling units are permitted only within planned developments, mobile home parks, and multi-family residential developments.

No private streets are proposed.

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. 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.

Bicycle and pedestrian connections are met with existing infrastructure. This standard is met.

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.

Lot size and shape will be addressed with the proposed lot line adjustment. The proposed configuration is not prohibited by this 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.

No new lots are proposed. This standard does not apply.

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 site is adjacent to SW Main Street, a fully improved two lane city collector street with a six-foot wide sidewalk on each side to Downtown Plan District standards. Portions of the sidewalk are proposed to be reconstructed as part of the reconfiguration of existing street infiltration planters to accommodate the new driveway access. Details of the sidewalk reconstruction and planter reconfiguration will be required as well as verification that the planters will remain fully functional. There are no other streets along or within the site.

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.

An existing 24-inch main and a CWS 60-inch line cross the site east of the proposed building. The site plans show a connection to the 24-inch line to provide service to the building. No extension of a public line is required.

Revisions to the easements are proposed and will be required to be included in the PFI permit submittal for approval by the city and CWS. Applicant will be required to prepare and record easement documents prior to occupancy.

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 submitted plans show no significant upstream runoff directed to the site. However, drainage from the adjacent highway is not well documented and should be investigated before finalizing site plans.

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.

An undated Preliminary Storm Drainage Report shows parking lot and roof runoff being directed to proposed on-site treatment facilities and continuing to an outfall along Fanno Creek.

Since the site is adjacent to Fanno Creek, detention is not proposed.

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.

The site has convenient access to the Fanno Creek regional trail.

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.

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.

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 no overhead utility lines along the frontage of SW Main. All new utilities are proposed to be placed underground as well.

SECTION VII. OTHER STAFF COMMENTS

The City Building Official reviewed the proposal and provided the following comment:

"I have consulted with our third party structural engineer regarding building in a flood hazard area. We discussed openings in an exterior wall that were open to a floor located within the flood hazard area. He did not know of any way to construct the building to code given that scenario. The code does allow dry flood proof construction with a floor in the flood hazard area but you would not see opening in that area. It would normally be a floor level that was accessed from a higher floor with doors above the flood hazard area. He also mentioned that he has seen situations in Douglas County where building owners have had issues with insuring buildings with a floor level located within the flood hazard area."

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

The City Public Works Department reviewed the proposal and provided comments that are included in the findings provided by the Development Review Engineer attached to this decision.

The City Development Review Engineer (Contact Greg Berry, 503-718-2468) has reviewed the proposal and provided comments in a Memorandum dated September 12, 2016, which can be found in the land use file and as an attachment to this decision. The findings and conclusions in the Memorandum have been incorporated into this land use decision.

SECTION VIII. AGENCY COMMENTS

Oregon Department of Transportation reviewed the proposal but had not provided comment by the publish date of this staff report.

Washington County Department of Land Use and Transportation was notified but did not provide a comment letter.

Clean Water Services (Jackie Sue Humphreys, 503-681-3600) has reviewed this proposal and issued a letter dated September 8, 2016 stating conditions to be met prior to any work on the site. In addition, a CWS Service Provider

Letter (File No. 16-001930) provides conditions of approval for the vegetated corridor encroachment by the proposed Building. Compliance with CWS standards and off-site mitigation is required through a condition of approval prior to obtaining a site permit.

Tualatin Valley Fire and Rescue(TVF&R) (John Wolfe, 503-259-1504) has reviewed the proposal and provided comments in a September 6, 2016 letter regarding conditions of approval. The applicant has been conditioned to obtain approval from TVF&R prior to obtaining a site permit.

Attachments:

Exhibit 1: Site Plan

Exhibit 2: Vicinity Map

Exhibit 3: The City of Tigard Development Review Engineer Memo, dated September 12, 2016

Exhibit 4: TVF&R Letter dated September 6, 2016

Exhibit 5: CWS Letter dated September 8, 2016

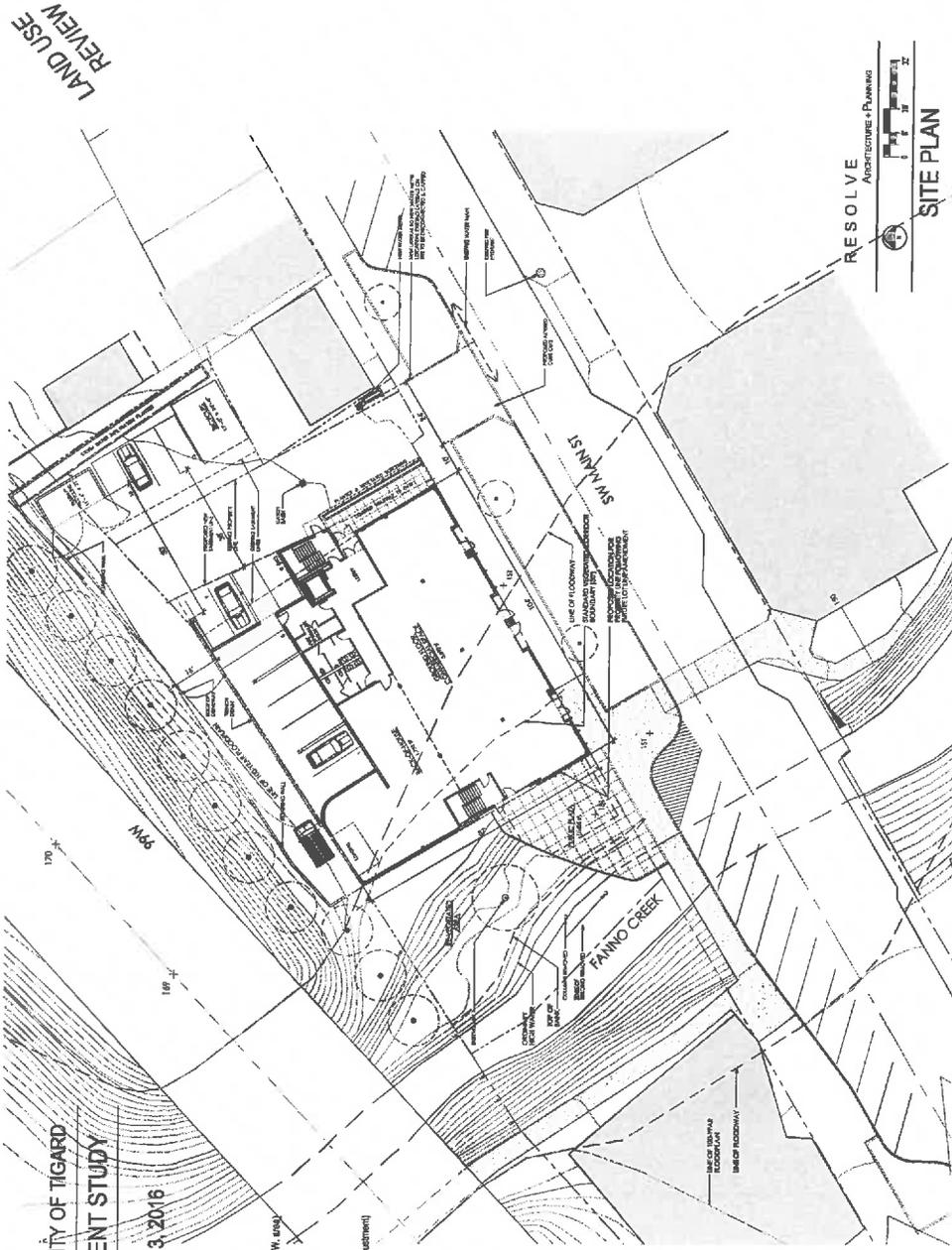

PREPARED BY: Gary Pagenstecher
Associate Planner

September 12, 2016
DATE


APPROVED BY: Tom McGuire
Assistant Community Development Director

September 12, 2016
DATE

Site Development Plan



SAXONY PROPERTIES - CITY OF TIGARD MAIN ST. DEVELOPMENT STUDY

JULY 11, 2016
REVISED: AUGUST 3, 2016

EXISTING SITE AREA	
TAX LOT 2000	17,900 sf
TAX LOT 2100	2,351 sf
TOTAL	20,251 sf
ADJUSTED SITE AREA (following acquisition of ODOT R.O.W. area)	
TOTAL EXISTING	20,251 sf
ACQUISITION OF ODOT R.O.W.	2,778
TOTAL	23,029 sf
PROPOSED PARCEL AREA (following enlarged Lot Line Adjustment)	
PUBLIC PLAZA PARCEL	5,115 sf
PRIVATE DEVELOPMENT AREA	17,914
TOTAL	23,029 sf

PERVIOUS / IMPERVIOUS AREA CALCULATIONS	
PUBLIC PLAZA PARCEL	5,115 sf
IMPERVIOUS AREA	608 sf (11%)
PERVIOUS AREA	4,507 sf (89%)
PRIVATE DEVELOPMENT AREA	
IMPERVIOUS AREA	17,904 sf
BUILDING ROOF (NON-GREEN)	6,389 sf
PARKING & DRIVE AISLES	6,120
TOTAL	14,618 sf (81%)
PERVIOUS AREA	3,400 sf
GREEN ROOF	75
AT-GRADE STORM WATER PLANTER	3,475 sf (19%)
TOTAL	3,475 sf (19%)

POTABLE WATER SUPPLY INFORMATION
PROPOSED WATER METER SIZE: 1" (1")
PROPOSED WATER SERVICE LINE (LATERAL) SIZE: 2"
PROPOSED FIRE PROTECTION SYSTEM
THE BUILDING WILL BE FULLY
AUTOMATICALLY SPRINKLERED
WITH A WET PIPE SYSTEM
CONTROL RISER ROOM LOCATIONS
SHOWN.

Assistive Listening Devices and Interpreters: Assistive listening devices are available by request. The city will also endeavor to arrange for a qualified sign language and bilingual interpreters upon request. Please call 503-639-4171, extension 2438 (voice) or 503-684-2772 (TDD – Telecommunications Device for the Deaf). Please make these arrangements *at least one week prior to the public hearing.*

Vicinity Map



VICINITY MAP

DDR2016-00003
SLR2016-00006
Main Street Fanno
Redevelopment

Subject Site
XXXXXXXXXX

Approx. Scale 1:1,000 - 1 in = 83 ft
 Map printed at 10:03 AM on 16 Aug 16

Information on this map is for general location only and shall be verified with the Development Services Division.

DATA IS DERIVED FROM MULTIPLE SOURCES. THE CITY OF TIGARD MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN BY THE CITY OF TIGARD. THE CITY OF TIGARD ASSUMES NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR MISMATCHES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED.

TIGARD MAPS City of Tigard
 13125 SW Hall Blvd
 Tigard, OR 97223
 503-639-4171
www.tigard-or.gov

**MEMORANDUM
CITY OF TIGARD, OREGON**

DATE: 9/12/16
TO: Gary Pagenstecher, Associate Planner
FROM: Greg Berry, Development Review Engineer
RE: Main Street Fanno Redevelopment, DDR 2016-03

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.

Site access will be provided by a proposed driveway connecting directly to SW Main Street. A preliminary site distance certification will be required as part of the public facility permit application and a final certification will be required prior to occupancy.

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 nearest intersection to the proposed driveway, SW Burnham Street, is spaced at more than 275 feet and is not within the influence area of the intersection.

There has been a historic shared use of the driveway with the adjacent property. The shared driveway use shall be provided for with an easement.

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.

Driveway and street spacing along SW Main Street, a collector, does not meet this standard. The driveway is located to minimize conflicts and Main Street has a 20 mph speed limit. This requirement is met.

Section 18.705.030.I, TABLE 18.705.3 sets the minimum access requirements for commercial use based on required parking spaces.

The site requires 23 parking spaces requiring one 30-foot wide driveway with a 24-foot paved width and curbs as shown on the site plan. This requirement is met.

In addition, applicant's proposal requires acquiring interests of the adjacent ODOT right-of-way. A permit is required to use the right-of-way for tree planting and vehicle circulation. Acquisition of a portion of the right-of-way is proposed for refuse collection. The applicant will be required to submit all required acquisitions, permits, agreements and other approvals required by ODOT to access and make use of the right-of-way before beginning site work.

Sensitive Lands (Chapter 18.775)

Section 18.775.040 states that a nonresidential structure in the floodplain shall either have the lowest floor elevated to the level of the base flood elevation or be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. The design must be certified by an engineer or architect and be provided to the building official.

The proposed ground floor elevation is below the base flood elevation. Floodproofing of the building is proposed. A building permit is not approvable without an approved floodproofing design complying with Section 18.775.040.

Section 18.775.070 states that landform alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-rise floodway.

A No-Rise Report prepared by Firwood Design Group, dated August 17, 2016 concludes that the proposed improvements to the site meet the requirements of a no-rise finding and that the total volume of building in the floodplain will be reduced under the proposed conditions.

This was determined by modifying the model used to establish the floodplain. To more accurately model the existing conditions of the project site and stream frontage, four additional cross sections were added to better describe the existing building extending over the creek and the other attached buildings. The model was then modified by including proposed site improvements. The primary change is that the existing building extending over the creek is removed and a public deck area with a lesser area is proposed. The results of this modeling show that the proposed site improvements will not result in an increase of the base flood elevation.

A final report with any required revisions will be required.

Street and Utility Improvements Standards (Chapter 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.3 states that half-street improvements of adjacent streets are required and must be improved in accordance with the TSP.

The site is adjacent to SW Main Street, a fully improved two lane city collector street with curbs, sidewalks and parking to Downtown Plan District standards. No additional improvements are required. However, applicant states that selected portions of existing sidewalk will be reconstructed, requiring a PFI permit.

Minimum Rights-of-Way and Street Widths: Section 18.810.030.E requires SW Main Street to comply with Downtown Collector standards including on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.

The street is improved to the Downtown Plan District standards. No additional improvements are required.

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 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.

No land division of the site or adjoining land is proposed. This requirement does not apply.

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

Main Street Fanno Redevelopment DDR2016-03

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.

No new streets along Main Street are required to provide adequate street spacing. The site is also adjacent to ODOT right-of-way for SW Pacific Highway. However, this portion of the highway is on a ramp without space for trees and is vertically separated from the site. This requirement is met.

Cul-de-sacs: 18.810.030.L states that a cul-de-sac shall be no more than 200 feet long, shall not provide access to greater than 20 dwelling units, and shall only be used when environmental or topographical constraints, existing development pattern, or strict adherence to other standards in this code preclude street extension and through circulation:

- All cul-de-sacs shall terminate with a turnaround. Use of turnaround configurations other than circular, shall be approved by the City Engineer; and
- The length of the cul-de-sac shall be measured from the centerline intersection point of the two streets to the radius point of the bulb, and
- If a cul-de-sac is more than 300 feet long, a lighted direct pathway to an adjacent street may be required to be provided and dedicated to the City.

No cul-de-sacs are proposed.

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.

No streets are proposed. This section does not apply.

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.

No residential development is proposed so this requirement does not apply.

Private Streets: Section 18.810.030.T states that design standards for private streets shall be established by the City Engineer. The City shall require legal assurances for the continued maintenance of private streets, such as a recorded maintenance agreement. Private streets serving more than six dwelling units are permitted only within planned developments, mobile home parks, and multi-family residential developments.

No private streets are proposed.

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.

PLANNING

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

Main Street Fanno Redevelopment DDR2016-03

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.

PLANNING

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.

PLANNING

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.

PLANNING

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 site is adjacent to SW Main Street, a fully improved two lane city collector street with a 6-foot wide sidewalk on each side to Downtown Plan District standards. Portions of the sidewalk are proposed to be reconstructed as part of the reconfiguration of existing street infiltration planters to accommodate the new driveway access. Details of the sidewalk reconstruction and planter reconfiguration will be required as well as verification that the planters will remain fully functional. There are no other streets along or within the site.

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.

An existing 24-inch main and a CWS 60-inch line cross the site east of the proposed building. The site plans show a connection to the 24-inch line to provide service to the building. No extension of a public line is required.

Revisions to the easements are proposed and will be required to be included in the PFI permit submittal for approval by the city and CWS. Applicant will be required to prepare and record easement documents prior to occupancy.

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 submitted plans show no significant upstream runoff directed to the site. However, drainage from the adjacent highway is not well documented and should be investigated before finalizing site plans.

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.

An undated Preliminary Storm Drainage Report shows parking lot and roof runoff being directed to proposed on-site treatment facilities and continuing to an outfall along Fanno Creek.

Since the site is adjacent to Fanno Creek, detention is not proposed.

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.

The site has convenient access to the Fanno Creek regional trail.

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.

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.

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-

Main Street Fanno Redevelopment DDR2016-03

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 no overhead utility lines along the frontage of SW Main. All new utilities are proposed to be placed underground as well.

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

Traffic Study Findings:

The submitted Traffic Impact Study prepared by Lancaster Engineering, dated August 4, 2016 concludes that the proposed facilities are adequate to serve the development.

- The report included a safety, capacity/level of service evaluation for Main Street intersections at Johnson Street, Burnham Street, Tigard Street, Scoffins Street and Greenburg Road. Acceptable operation of the intersections is expected to continue through 2018.
- Adequate intersection vehicle storage is available so no queuing mitigation is recommended.
- No significant safety hazards at the intersections were identified and no mitigation is recommended.
- Because of low traffic volumes, traffic signal warrants will not be met at any of the unsignalized intersections.

No modification of Main Street traffic control devices or other mitigation is recommended. An updated amendment to the Traffic Impact Study, addressing the acceptability of operations over the next 20 years, will be required prior to issuance of permits. Any recommendations at that time shall become part of this decision.

Fire and Life Safety:

Provide written approval from Tualatin Valley Fire and Rescue for fire flows, hydrant placement, turnarounds or sprinklers, and access before beginning any site work.

Public Water System:

A new meter and connection to the existing line in Main Street is proposed to serve the site.

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. 07-20) 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 approval of the Public Facilities Improvement permit, the applicant shall submit final 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.

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 redevelopment standards of Chapter 4 of the Clean Water Services Design and Construction Standards require treatment of all site impervious surfaces. A flow-through planter will treat the easterly covered parking and the northeast corner of the site. The impervious area will be reduced by two green roof elevations. The remaining impervious area will be treated with a proprietary facility in the parking entrance.

The applicant has proposed modifying the driveways and public stormwater facilities as part of this application. The design engineer shall provide construction drawings and water quality calculations for the proposed modifications prior to issuance of permits.

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 less than one acre, the developer will not be required to obtain an NPDES permit.

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 any site work.

Address Assignments:

The City of Tigard is responsible for assigning addresses for parcels within the City of Tigard. 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. 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.

Recommendations:

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO COMMENCING ANY ONSITE IMPROVEMENTS, INCLUDING GRADING, EXCAVATION AND/OR FILL ACTIVITIES:

Submit to the Engineering Division (Greg Berry, 503-718-2468) for review and approval:

1. Prior to commencing site improvements, a Public Facility Improvement (PFI) permit is required for this project to cover all infrastructure work, water quality facilities, sewer easement modifications and any other work in the public right-of-way or work to public facilities. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Division. 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).

2. Prior to commencing site improvements, submittal of 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 Division will delay processing of project documents.
3. 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 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.
4. Prior to commencing site improvements, sanitary sewer, storm drainage and stormwater quality details shall be provided to the city for review and approval as part of the PFI permit plans. Calculations and a topographic map of the storm drainage basin and sanitary sewer service area shall be provided as a supplement to the PFI permit plans. Calculations shall be based on CWS Design Standards. Submit verification that there are no upstream facilities directed to the site.
5. Prior to commencing site improvements, applicant's traffic engineer shall submit a preliminary site distance certification for the SW Main Street access.
6. Prior to commencing site improvements, an erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "CWS Erosion Prevention and Sediment Control Design and Planning Manual" (current edition) and submitted to City of Tigard with the PFI plans.
7. Prior to commencing site improvements, applicant must obtain all other agency permits as required.
8. Prior to commencing site improvements, a final grading plan shall be submitted showing the existing and proposed contours.
9. Prior to commencing site improvements, applicant shall provide a shared driveway easement with the adjacent property.
10. Prior to commencing site improvements, the applicant shall obtain all required permits, agreements and other approvals required by ODOT to access and make use

of the adjacent ODOT right-of-way.

11. Prior to commencing site improvements, the applicant's traffic engineer shall submit an amended Traffic Impact Study addressing acceptability of operations for 20 years.
12. Prior to commencing site improvements, the Applicant shall submit final design plans and calculations for the on-site stormwater facilities. The plans must be review and approved before issuance of a site permit.
13. Prior to commencing site improvements, applicant shall submit plans and calculations for the modifications of the public sidewalks and stormwater quality facilities in the right-of-way.
14. Prior to commencing site improvements, the Applicant shall pay the stormwater quantity fee in-lieu of providing detention.
15. Prior to commencing site improvements, the Applicant shall obtain a (CWS) Stormwater Connection Authorization prior to issuance of the City of Tigard PFI permit. Plans shall be submitted to the City of Tigard for review. The city will forward plans to CWS after preliminary review.
16. Prior to commencing site improvements, the applicant shall obtain approval from the Tualatin Valley Water District for all public water line improvements. Any extension of public water lines shall be shown on the proposed Public Facility Improvement (PFI) permit construction plans.
17. Prior to commencing site improvements, the applicant will be required to provide written approval from Tualatin Valley Fire & Rescue for fire flow, hydrant placement and access prior to issuance of the City of Tigard's site permit.

THE FOLLOWING CONDITION SHALL BE SATISFIED PRIOR TO ISSUANCE OF THE BUILDING PERMIT:

Submit to the Engineering Department (Greg Berry, 503-718.-2468) for review and approval:

18. Prior to issuance of a building permit, submit the number of suites and pay the addressing fee.

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

Submit to the Engineering Department (Greg Berry, 503-718-2468), for review and approval:

19. Prior to a final building inspection, complete all improvements required by the PFI permit, and submit a two-year maintenance assurance for the improvements.
20. Prior to a final building inspection, the applicant shall submit recorded easement agreements on forms provided by the city showing any modifications to the easements.
21. Prior to final building inspection, the applicant shall submit as-built drawings tied to the 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). As-built submittal shall include an Acrobat (*.pdf) file, one 11x17 paper copy and the electronic point file as state above and shown in the example below.

Excel spreadsheet/point database file example:

"Feature"; "Type"; "XCOORD"; "YCOORD"; "ZCOORD":

"SSMH02"; "MH"; "7456892.234"; "6298769.879"; "192.45"

"WV03"; "WV"; "7456956.654"; "6298723.587"; "214.05"

22. Prior to a final building inspection, the applicant's traffic engineer shall submit a final sight distance certification for the SW Main Street access.
23. Prior to a final building inspection, the applicant shall demonstrate that they have entered into an agreement on City forms for the maintenance of any proprietary on-site water quality facilities that will ensure compliance with the requirements of the manufacture. Submit a maintenance plan as required by CWS Design Standards for other types of facilities.

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Tualatin Valley Fire & Rescue

www.tvfr.com

September 6, 2016

Gary Pagenstecher
City of Tigard
13155 SW Hall Blvd
Tigard, Oregon
97223

Re:

Tax Lot I.D 2S102AB02000 City Center Development Agency 12533-12537 SW Main St

DDR 2016-00003, SLR 2016-00006 Main St Fanno Redevelopment

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

FIRE APPARATUS ACCESS:

- FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** 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 or facility. 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. (OFC 503.1.1))
- ADDITIONAL ACCESS ROADS – COMMERCIAL/INDUSTRIAL HEIGHT:** Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access. (D104.1)
- AERIAL FIRE APPARATUS ROADS:** Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement. (OFC D105.1, D105.2)
- AERIAL APPARATUS OPERATIONS:** At least one of the required aerial access routes 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. The side of the building on which the aerial access road is positioned shall be approved by the fire code official. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building. (D105.3, D105.4)

North Operating Center
20665 SW Blanton Street
Aloha, Oregon 97078
503-649-8577

**Command & Business Operations Center
and Central Operating Center**
11945 SW 70th Avenue
Tigard, Oregon 97223-9196
503-649-8577

South Operating Center
8445 SW Elligsen Road
Wilsonville, Oregon
97070-9641
503-649-8577

Training Center
12400 SW Tonquin Road
Sherwood, Oregon
97140-9734
503-259-1600



5. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. The fire district will approve access roads of 12 feet for up to three dwelling units and accessory buildings. (OFC 503.2.1 & D103.1) ***The fire district does not endorse the design concept wherein twenty feet of unobstructed roadway width is not provided.***

6. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

7. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
 1. 20-26 feet road width – no parking on either side of roadway
 2. 26-32 feet road width – parking is allowed on one side
 3. Greater than 32 feet road width – parking is not restricted

8. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)

9. **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 and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)

10. **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). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC 503.2.3)

11. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)

12. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)

FIREFIGHTING WATER SUPPLIES:

13. **MUNICIPAL FIREFIGHTING WATER SUPPLY EXCEPTIONS:** The requirements for firefighting water supplies may be modified as approved by the fire code official where any of the following apply: (OFC 507.5.1 Exceptions)
 1. Buildings are equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
 2. There are not more than three Group R-3 or Group U occupancies.

14. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be determined in accordance with residual pressure (OFC Table B105.2). The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.
Note: OFC B106, Limiting Fire-Flow is also enforced, except for the following:

- In areas where the water system is already developed, the maximum needed fire flow shall be either 3,000 GPM or the available flow in the system at 20 psi, whichever is greater.
 - In new developed areas, the maximum needed fire flow shall be 3,000 GPM at 20 psi.
 - Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
15. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)
16. **WATER SUPPLY DURING CONSTRUCTION:** Approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

FIRE HYDRANTS:

17. **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. (OFC 507.5.1)
- This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.
 - The number and distribution of fire hydrants required for commercial structure(s) is based on Table C105.1, following any fire-flow reductions allowed by section B105.3.1. Additional fire hydrants may be required due to spacing and/or section 507.5 of the Oregon Fire Code.
18. **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 Table C 105.1. (OFC Appendix C)
19. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)
- 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. (OFC 507.5.1)
 - 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 may be considered when 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.
20. **PRIVATE FIRE HYDRANT IDENTIFICATION:** Private fire hydrants shall be painted red in color. Exception: Private fire hydrants within the City of Tualatin shall be yellow in color. (OFC 507)
21. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the fire code official. (OFC C102.1)
22. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant

is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)

23. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)
24. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)
25. **FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS:** FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13)
 - Fire department connections (FDCs) shall normally be located remotely and outside of the fall-line of the building when required. FDCs may be mounted on the building they serve, when approved.
 - FDCs shall be plumbed on the system side of the check valve when sprinklers are served by underground lines also serving private fire hydrants.

BUILDING ACCESS AND FIRE SERVICE FEATURES

26. **EMERGENCY RESPONDER RADIO COVERAGE:** In new buildings where the design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&R and Washington County Consolidated Communications Agency shall be provided. (OSSC 915.1; OFC 510.1)
 - a. Emergency responder radio system testing and/or system installation is required for this building. Please contact me (using my contact info below) for further information including an alternate means of compliance that is available. If the alternate method is preferred, it must be requested from TVF&R prior to issuance of building permit.
27. **KNOX BOX:** A Knox Box for building access may be required for structures and gates. See Appendix C for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1)
28. **UTILITY IDENTIFICATION:** Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1)
29. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

Applicant may apply for use of alternate materials and methods (AM&M) in accordance with 2014 Oregon Fire Code (OFC), Section 104.9. A guideline for Alternate Materials & Methods requests is available.

If you have questions or need further clarification, please feel free to contact me at (503) 259-1504.

Sincerely,

John Wolff

John Wolff | Deputy Fire Marshal II

Tualatin Valley Fire & Rescue

Direct: 503-259-1504

Wolff.johnf@tvfr.com

www.tvfr.com

Cc:

MEMORANDUM

Date: September 8, 2016

To: Gary Pagenstecher, Associate Planner, City of Tigard

From: Jackie Sue Humphreys, Clean Water Services (the District)

Subject: Main Street Fanno Redevelopment, DDR 2016-00003, 2S102AB02000, 02100

Please include the following comments when writing your conditions of approval:

PRIOR TO ANY WORK ON THE SITE

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans.
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.
- e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.

- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City and/or Clean Water Services.
- h. Application may require additional permitting and plan review from the District's Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.
- i. Site contains a "Sensitive Area." Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 16-001930, dated July 18, 2016.
- j. Clean Water Services shall require an easement over the Vegetated Corridor conveying storm and surface water management to Clean Water Services that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.
- k. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.
- l. If there is any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.
- m. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

This Land Use Review does not constitute the District's approval of storm or sanitary sewer compliance to the NPDES permit held by the District. The District, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.