

120 DAYS = 6/28/2008 (Includes a 7-day extension)
DATE OF FILING: 6/23/2008
DATE MAILED: 6/26/2008



CITY OF TIGARD

Washington County, Oregon

NOTICE OF FINAL ORDER BY THE HEARINGS OFFICER

Case Number:	SITE DEVELOPMENT REVIEW (SDR) 2007-00010
Case Name:	"APPEAL" OF RCM OFFICE BUILDING
Applicant's Name/Address:	<u>Meyers Family, LLC Five Centerpointe Drive, Suite 280 Lake Oswego, OR 97035</u>
Owner's Names/Addresses:	<u>Same as Applicant</u>
Appellant's Name/Address:	<u>RCM Homes, Inc./Meyers LLC Five Centerpointe Drive, Suite 280 Lake Oswego, OR 97035</u>
Address of Property:	<u>7050 and 7020 SW Clinton Street Tigard, OR 97223</u>
Tax Map/Lot Nos.:	<u>Washington Co. Tax Assessor's Map No. 1S136DC, Tax Lots 3600 and 3700.</u>

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS APPROVING AN APPEAL IN PART AND AFFIRMING THE PLANNING MANAGER'S DECISION WITH MINOR MODIFICATIONS FOR A REQUEST FOR SITE DEVELOPMENT REVIEW.

THE CITY OF TIGARD HEARINGS OFFICER HAS REVIEWED THE APPLICANT'S PLANS, NARRATIVE, MATERIALS, COMMENTS OF REVIEWING AGENCIES, THE PLANNING DIVISION'S STAFF REPORT AND RECOMMENDATIONS FOR THE APPLICATION DESCRIBED IN FURTHER DETAIL IN THE STAFF REPORT. THE HEARINGS OFFICER HELD THE PUBLIC HEARING ON THIS ITEM ON **JUNE 9, 2008** PRIOR TO MAKING A DECISION ON THE REQUEST. THIS DECISION HAS BEEN BASED ON THE FACTS, FINDINGS AND CONCLUSIONS CONTAINED WITHIN THIS FINAL ORDER.

Item on Appeal: On April 17, 2008, the Director issued a decision to approve a request for Site Development Review approval to build a two-story 14,400 square foot office building with surface parking for 42 vehicles on a 36,130 square foot site in the Tigard Triangle. On May 1, 2008, an appeal was filed by the applicant pertaining to tree mitigation and fees to the City's signalization fund for the two major intersections in the vicinity (Dartmouth Street/72nd Avenue and Dartmouth Street/68th Avenue). **At the close of the public hearing on June 9, 2008 the Hearings Officer held the record open until June 16, 2008, then granted the appeal in part, affirmed the decision of the planning manager with one modification to eliminate the mitigation requirement for trees #731 and #734, and approved the application, subject to revised conditions of approval.**

Zone: MUE: Mixed-Use Employment. **Review Criteria Being Appealed:** Community Development Code Chapters 18.790 and 18.810.

Action: ➤ Appeal Partially Granted/Affirmed Planning Manager's Decision with Minor Modifications

Notice: Notice was published in the newspaper and mailed to:

- Owners of Record within the Required Distance
 Interested Parties

- Affected Government Agencies
 The Applicants and Owners

Final Decision:

THIS IS THE FINAL DECISION OF THE CITY AND IS EFFECTIVE ON JUNE 26, 2008.

The adopted findings of fact, decision and statement of conditions can be obtained from the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon.

Appeal: A review of this decision may be obtained by filing a notice of intent to appeal with the Oregon Land Use Board of Appeals (LUBA) according to their procedures within 21 days.

Questions: If you have any questions, please call the City of Tigard Planning Division or the City Recorder at (503) 639-4171.

**BEFORE THE LAND USE HEARINGS OFFICER
FOR THE CITY OF TIGARD, OREGON**

Regarding an appeal of conditions of approval of a director's) **FINAL ORDER**
decision approving an application for site development)
review for a proposed office development at 7050 and) **SDR2007-00010**
7020 SW Clinton Street in the City of Tigard, Oregon) **(RCM Office Building)**

A. SUMMARY

1. On April 17, 2008, the City of Tigard Planning Director (the "director") issued a decision conditionally approving site development review for a proposed two-story, 14,400 square foot, office building at 7050 and 7020 SW Clinton Street, Washington County Tax Map 1S136DC, Tax lot 3600 and 3700 (the "site").

2. On May 1, 2008 the applicant, RCM Homes, Inc., filed an appeal of the director's decision. The written appeal disputes condition of approval 4, which requires that the applicant provide mitigation for removal of an existing tree that is located within the existing right-of-way, beyond the boundaries of the site. The applicant argued that it has been the City's practice to not require mitigation for removal of offsite trees. The applicant also appealed conditions 30 and 31, which require that the applicant contribute towards the cost of a traffic signals at the intersections of SW 72nd Avenue and Dartmouth Street (Condition 30) and SW 68th Avenue and Dartmouth Street (Condition 31). However the applicant withdrew this portion of the appeal at the hearing.

3. City of Tigard Hearings Officer Joe Turner (the "hearings officer") conducted a duly noticed public hearing to consider the appeal. City staff recommended the hearings officer deny the appeal and affirm the director's decision. Representatives of the applicant testified in support of the application and the appeal. No one else testified orally or in writing other than public agency staff. The principal issues in this case include the following:

a. Whether the tree protection and mitigation standards of TDC 18.790 apply to offsite trees within existing rights-of-way abutting the site;

b. Whether the tree protection and mitigation standards of TDC 18.790 apply to trees located within future rights-of-way that are proposed to be created by the development; and

c. Whether trees located on the boundary of the site are subject to the tree protection and mitigation standards of TDC 18.790;

4. Based on the findings and conclusions contained herein and the testimony and evidence in the public record, the hearings officer grants the appeal, in part and affirms the administrative decision conditionally approving the application with certain modifications for the reasons provided herein.

B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the public hearing about the appeal on June 9, 2008. All exhibits and records of testimony are filed with the Tigard Department of Community Development. At the beginning of the hearing, the hearings officer made the declaration required by ORS 197.763. The hearings officer disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the hearings officer of selected testimony and evidence offered at the hearing.

2. City planner Emily Eng summarized the appeal and her May 30, 2008 Memorandum in response to the appeal (the "Memorandum"). She argued that the Code requires that applicants provide mitigation for removal of healthy trees. The Code does not provide an exemption for trees located within an existing right-of-way and, contrary to the applicant's assertion; it has not been the City's practice to provide such an exemption.

3. Engineer Steve Roper and Dwayne Wilson, Development Manager for RCM Homes, testified on behalf of the applicant.

a. Mr. Roper expressly withdrew the portion of the appeal regarding conditions 30 and 31. The applicant only objects to condition of approval 4, which requires that the applicant mitigate for removal of tree # 731, which is located in the public right-of-way abutting the site.

i. He argued that it had been the City's practice to exempt trees in the right-of-way from the mitigation requirements.

ii. He argued that the Code requires removal of the tree in this case. The conditions of approval require that the applicant construct road improvements in a specific location abutting the site. The applicant must remove the tree in order to construct the improvements. The applicant cannot modify the road improvements to retain the tree.

iii. He argued that the Code only requires mitigation for removal of trees within the development site. CDC 18.790.030.A requires that the applicant's arborist prepare a tree plan showing all trees within the "lot, parcel or combination of lots or parcels for which a development application...is filed." The Code does not require that the plan include trees located outside the boundaries of the development site. The Code defines "right-of-way" as an area that is "[S]eparate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels." CDC 18.120.030.A(124). Therefore, since the right-of-way is not part of the site, the applicant is not required to mitigate for removal of trees within the right-of-way.

iv. He opined that trees #677, 734, 811 and 892 are located within the existing or proposed rights-of-way. Therefore the applicant should not be required to provide mitigation for removal of those trees either. The Code defines “right-of-way” as “A strip of land occupied or *intended* to be occupied by a street” Mitigation should not be required for removal of these trees, since they are located in an area intended to be used as right-of-way.

b. Mr. Wilson argued that CDC 18.790.030.A clearly limits the scope of the tree plan to trees located on the site. Tree #731 is located offsite, within the existing right-of-way. Therefore no mitigation is required. Trees 892, 811, 677 and 734 are also within existing or proposed right-of-way and should be excluded from the mitigation requirement. He requested the hearings officer hold the record open for one week to allow the applicant to submit additional evidence regarding the location of the existing trees near the boundaries of the site. He agreed to toll the 120-day clock for one week to accommodate the open record period.

4. At the end of the hearing, the hearings officer ordered the public record held open for one week to allow the applicant to submit additional evidence regarding the location of the existing trees near the boundaries of the site. The record in this case closed at 5:00 p.m. June 16, 2008.

C. DISCUSSION

1. TDC 18.390.040.G and ORS 227.175 authorize the hearings officer to hear appeals of Type II decisions as a *de novo* matter. The hearings officer is required to conduct an independent review of the record and is not bound by the prior determination of the manager. The hearings officer adopts the findings in the manager’s decision and the Memorandum and the findings and supporting evidence relied on therein, except to the extent inconsistent with the following findings. The hearings officer incorporates by reference the entire planning file regarding the original Type II review of SDR2007-00010.

2. At the hearing the applicant withdrew that portion of the appeal objecting to conditions 30 and 31, which require contribution towards the cost of certain traffic signals. Therefore the hearings officer affirms that portion of the director’s decision.

3. The only issue in this case is whether the applicant is required to mitigate for removal of trees located within existing or proposed rights-of-way.

a. The hearings officer finds that the tree protection and mitigation standards of TDC 18.790 do not apply to offsite trees located within an existing public right-of-way. The tree removal ordinance is limited to trees located on the site, based on the plain meaning of the words in the Code.

i. CDC 18.790.030.A requires a tree plan for the “[L]ot, parcel or combination of lots or parcels for which a development application ... is filed.” CDC 18.790.030.B(1) requires that the tree plan identify “[T]he location, size and species of all existing trees” (emphasis added). CDC 18.790.030.A clearly limits the tree plan to “[A]ll existing trees ... “ located within the boundaries of the development site; the “[L]ot, parcel or combination of lots or parcels for which a development application ... is filed.”

ii. CDC 18.790.030.B(2) requires that the tree plan include “Identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper” As the tree plan is limited to the “[L]ot, parcel or combination of lots or parcels for which a development application ... is filed,” the mitigation requirement is also limited to trees within those boundaries. Therefore the hearings officer finds that mitigation is only required for trees that must be included within the tree plan; trees located on the “[L]ot, parcel or combination of lots or parcels for which a development application ... is filed” The applicant is not required to mitigate for the removal of trees located outside the boundaries of the site.

b. The hearings officer finds that the right-of-way abutting the site is not part of the “[L]ot, parcel or combination of lots or parcels for which a development application ... is filed.” The Code expressly provides that the right-of-way is “[S]eparate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.” CDC 18.120.030.A(124). Therefore the examiner finds that the applicant is not required to mitigate the removal of trees located within existing rights-of-way.

c. The hearings officer further finds that the tree plan is required to include trees located within future rights-of-way within the site that the applicant proposed to create with the development. Areas of proposed right-of-way are clearly part of the site at the time the tree plan is prepared and the development application is submitted. These areas will remain part of the site unless and until the dedication process is completed. Because these areas of future right-of-way are part of the “[L]ot, parcel or combination of lots or parcels for which a development application ... is filed,” they must be included in the tree plan. CDC 18.790.030.B(2) clearly requires mitigation for removal of trees that are subject to the tree plan. Therefore the applicant should be required to mitigate the removal of trees located within proposed rights-of-way within the site.

4. The applicant must remove Tree #731 in order to construct required frontage improvements for SW 70th Avenue. However this tree is clearly located within the existing SW 70th Avenue right-of-way, abutting the east boundary of the site. Therefore the applicant is not required to mitigate for removal of this tree. Condition of approval 4 should be modified to that effect.

5. There is a dispute about whether Trees #734 and #677, which the applicant proposed to remove, are located on the site and therefore subject to the tree plan and mitigation requirements. Based on the applicant's revised survey, attached to the applicant's June 16, 2008 letter, the center of Tree #734 is located east of the east property line of the site, within the existing 70th Avenue right-of-way. The center of Tree #677 is located west of the east property line of the site, within the boundaries of the site.

a. Mitigation is only required for the "removal" of trees larger than 12-inches in diameter. CDC 18.790.030.B(2). CDC 18.790.020.A(5) defines "removal" as:

[T]he cutting or removing of 50 percent (50%) or more of a crown, trunk or root system of a tree, or any action which results in the loss of aesthetic or physiological viability or causes the tree to fall or be in immediate danger of falling. "Removal" shall not include pruning;

b. Given this definition, the hearings officer finds that the applicant is not required to mitigate for removal of Tree #734. As discussed above, the applicant is only required to mitigate for removal of trees located on the site. In this case less than 50-percent of the crown, trunk and root system of the tree is located on the site. Therefore the hearings officer finds that cutting down this tree does not constitute "removal" as defined by the Code, because more than 50-percent of the of the crown, trunk and root system of the tree is exempt from regulation under CDC 18.790.030.

c. The hearings officer finds that the applicant is required to mitigate for removal of Tree #677, because more than 50-percent of the of the crown, trunk and root system of the tree is located on the site and subject to regulation under CDC 18.790.030.

6. Trees #811 and 892 are located entirely on the site, based on the applicant's revised survey. Therefore the applicant is required to mitigate for removal of these trees. The fact that the applicant proposed to dedicate the area where these trees are located as public right-of-way is irrelevant.

D. CONCLUSIONS

Based on the findings adopted and incorporated herein, the hearings officer concludes that the appeal should be granted, in part. The applicant is only required to mitigate for removal of trees where 50-percent or more of the crown, trunk and root system of the tree is located within the boundaries of the site. Therefore the hearings officer should affirm the manager's decision with one modification to eliminate the mitigation requirement for trees #731 and #734.

E. DECISION

In recognition of the findings and conclusions contained and incorporated herein, the hearings officer hereby grants the appeal in part, affirms the decision of the planning manager and approves SDR2007-00010 (RCM Office Building) subject to the following revised conditions of approval:

CONDITIONS OF APPROVAL

THE FOLLOWING CONDITIONS SHALL BE SATISFIED PRIOR TO DEMOLITION PERMITS:

Submit the following to the City Arborist (Todd Prager, (503) 718-2700) and include a cover letter indicating where in the submittal the condition has been satisfied:

1. Prior to any site work, including demolition, the applicant shall create a separate tree protection plan that shows fencing, tree protection specifications (including after construction specifications), and a signature of approval from the project arborist. The applicant shall also include the tree protection fencing on the grading plan.
2. Prior to any site work, including demolition, the applicant shall position the tree protection fencing as directed by the project arborist to protect the trees to be retained. The neighboring trees to be retained shall be protected with 5'-6' chain link fencing. Fences are to be mounted on two inch diameter galvanized iron posts, driven into the ground to a depth of at least 2-feet at no more than 10-foot spacing. The applicant shall allow access by the City Arborist for the purpose of monitoring and inspection of the tree protection to verify that the tree protection measures are performing adequately. Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed.
3. From initial tree protection zone (TPZ) fencing installation through the building construction phases, the applicant shall have an on-going responsibility to ensure that the Project Arborist has submitted written reports to the City Arborist, at least once every two weeks, as the Project Arborist monitors the construction activities. The reports shall evaluate the condition and location of the tree protection fencing, determine if any changes occurred to the TPZ, and if any part of the Tree Protection Plan has been violated. If the amount of TPZ was reduced, then the Project Arborist shall certify that the construction activities did not adversely impact the overall, long-term health and stability of the tree(s). If work is required within an established TPZ, the project arborist shall prepare a proposal detailing the construction techniques to be employed and the likely impacts to the trees. The proposal shall be reviewed and approved by the City Arborist before proposed work can proceed within a tree protection zone. The City Arborist may require changes prior to approval. The project arborist shall be on site while work is occurring within the tree protection zone and submit a summary report certifying that the work occurred per the proposal and will not significantly impact the health and/or stability of the trees.

If the reports are not submitted to the City Arborist at the scheduled intervals, and if it appears the TPZ's or the Tree Protection Plan are not being followed by the contractor or a sub-contractor, the City can stop work on the project until an inspection can be done by the City Arborist and the Project Arborist.

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

Submit the following to the City Arborist (Todd Prager, (503) 718-2700) and include a cover letter indicating where in the submittal the condition has been satisfied:

4. Prior to site/building permits, the applicant shall submit a revised mitigation plan that excludes tree 731 (24-caliper inch Oregon Ash) and tree 734 (18-caliper inch Douglas Fir) from their mitigation calculations, for a total of 166 caliper inches to be mitigated.
5. Prior to site/building permits, the applicant shall submit a combination fee in-lieu of planting and cash assurance (letter of credit or cash deposit) for the equivalent value of mitigation inches required. Any trees successfully planted on or off-site, in accordance with an approved Tree Mitigation Plan and TDC 18.790.060.D, will be credited against the assurance two years after all of the trees are planted per the approved Tree Mitigation Plan. The Tree Mitigation Plan shall include a signature of approval from the project arborist and be due for review and approval prior to tree planting or the issuance of PFI permits, whichever is first. The mitigation proposal shall show the species, location, and spacing of mitigation trees in relation to buildings, infrastructure, existing trees, street trees, and each other. After the plan is approved and the trees are planted, the project arborist shall submit a letter to the City Arborist to certify that all of the mitigation trees were properly planted per the approved Tree Mitigation Plan in order to set the starting point of the two year tree establishment period. After the two year establishment period, the applicant shall provide a re-inventory of the mitigation trees conducted by a certified arborist in order to document mitigation tree survival, and compliance with the approved Tree Mitigation Plan. The remaining value of caliper inches not successfully mitigated shall be paid as a fee in-lieu of planting from the original cash assurance.

Submit the following to the Current Planning Division (Emily Eng, (503) 718-2712) and include a cover letter indicating where in the submittal the condition has been satisfied:

6. Prior to site/building permits, the applicant shall apply for a lot line consolidation through Washington County for Tax Lots 3600 and 3700 and provide the City evidence that the consolidation was approved.
7. Prior to site/building permits, the applicant shall provide written approval of the waste storage area by Pride Disposal.
8. Prior to site/building permits, the applicant shall revise the plans to indicate 8 bicycle parking spaces.
9. Prior to site/building permits, the applicant shall revise the site plan to show a clear vision triangle for a driveway access (See Figure 18.795.1).
10. Prior to a site/building permits, the applicant shall indicate any rooftop equipment on the site plan and show that it is adequately screened or that its exposure from the adjacent public streets is minimized. Solar heating panels are exempt from this standard (18.620.040.A.6).

Submit the following to the Engineering Department (Kim McMillan, (503) 718-2642) and include a cover letter indicating where in the submittal the condition has been satisfied:

11. Prior to commencing onsite improvements, a Public Facility Improvement (PFI) permit is required for this project to cover half-street improvements and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. NOTE: these plans are in addition to any drawings required by the Building Division and should only include sheets relevant to public improvements. Public Facility Improvement (PFI) permit plans shall conform to City of Tigard Public Improvement Design Standards, which are available at City Hall and the City's web page (www.tigard-or.gov).
12. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permittee", and who will provide the financial assurance for the public improvements. For example, specify if the entity is a corporation, limited partnership, LLC, etc. Also specify the state within which the entity is incorporated and provide the name of the corporate contact person. Failure to provide accurate information to the Engineering Department will delay processing of project documents.
13. 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.
14. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontages of SW Clinton Street and SW 70th Avenue. The improvements adjacent to this site shall include:
 - A. City standard pavement section for a local street from curb to centerline equal to 18 feet, but no less than 24 feet total;
 - B. pavement tapers needed to tie the new improvement back into the existing edge of pavement shall be built beyond the site frontage;
 - C. concrete curbs, or curb and gutter as needed;
 - D. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
 - E. 8 foot concrete sidewalk with a 4 foot planter strip;
 - F. street trees in the planter strip spaced per TDC requirements;
 - G. street striping;
 - H. streetlight layout by applicant's engineer, to be approved by City Engineer;
 - I. underground utilities;
 - J. street signs and NO PARKING signs (if applicable);
 - K. driveway apron (if applicable); and
 - L. adjustments in vertical and/or horizontal alignment to construct SW Clinton Street and SW 70th Avenue in a safe manner, as approved by the Engineering Department.
15. The applicant's engineer shall submit a paving plan for the intersection of SW 70th Avenue/SW Clinton Street with turning templates for review and approval to ensure adequate paving in the intersection.
16. A profile of SW Clinton Street shall be required, extending 300 feet either side of the subject site showing the existing grade and proposed future grade.

17. A profile of SW 70th Avenue shall be required, extending 300 feet either side of the subject site showing the existing grade and proposed future grade.
18. The applicant shall obtain approval from the Tualatin Valley Water District for the proposed water connection prior to issuance of the City's Public Facility Improvement permit.
19. Final design plans and calculations for the proposed private water quality facility shall be submitted to the Engineering Department (Kim McMillan) as a part of the Public Facility Improvement (PFI) permit plans.
20. The applicant shall verify the extent of the existing public storm sewer line in SW Clinton Street to ensure it reaches the intersection of SW Clinton Street/SW 70th Avenue. The applicant shall extend the storm sewer if it does not reach the intersection.
21. Prior to issuance of the site permit, the applicant shall submit a suite layout map to Bethany Stewart, Engineering Department. If the applicant is not sure how many suites will be used, they must estimate a number. The City will then assign suite numbers and the address fee will then be calculated. The fee must be paid by the applicant prior to issuance of the site permit. (STAFF CONTACT: Bethany Stewart, Engineering).
22. Additional right-of-way shall be dedicated to the Public along the frontage of 70th Avenue to increase the right-of-way to 30 feet from the centerline (60 feet total). The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.

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

Submit the following to the City Arborist (Todd Prager, (503) 718-2700):

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

Contact the Current Planning Division (Emily Eng, (503) 718-2712) to satisfy the following:

24. Prior to a final building inspection, a member of the Current Planning Division shall walk through the site to determine whether development is in conformance with the decision.

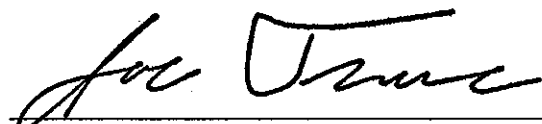
Submit the following to the Engineering Department (Kim McMillan, (503) 718-2642) and include a cover letter indicating where in the submittal the condition has been satisfied:

25. Prior to a final building inspection, the applicant shall complete the required public improvements, obtain conditional acceptance from the City, and provide a one-year maintenance assurance for said improvements.

26. Prior to a final building inspection, the applicant shall provide the City with as-built drawings of the public improvements as follows: 1) 3 mil mylar, 2) a diskette of the as-builts in "DWG" format, if available; otherwise "DXF" will be acceptable, and 3) the as-built drawings shall be tied to the City's GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91).
27. The applicant shall either place the existing overhead utility lines along SW Clinton Street underground as a part of this project, or they shall pay the fee in-lieu of undergrounding. The fee shall be calculated by the frontage of the site that is parallel to the utility lines and will be \$35.00 per lineal foot. If the fee option is chosen, the amount will be \$6,566.00 and it shall be paid prior to a final building inspection.
28. Prior to a final building inspection, the applicant shall demonstrate that they have entered into a maintenance agreement with Stormwater Management, or another company that demonstrates they can meet the maintenance requirements of the manufacturer, for the proposed onsite storm water treatment facility.
29. Prior to a final building inspection, the applicant's engineer shall submit a final sight distance certification for the two access locations.
30. Prior to a final building inspection, the applicant shall contribute \$9,251.00 to the signal fund for SW 72nd Avenue/Dartmouth Street.
31. Prior to a final building inspection, the applicant shall contribute \$2,005.00 to the signal fund for SW 68th Avenue/Dartmouth Street.

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

DATED this 26th day of June 2008.



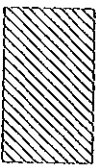
Joe Turner, Esq., AICP
City of Tigard Land Use Hearings Officer

VICINITY MAP

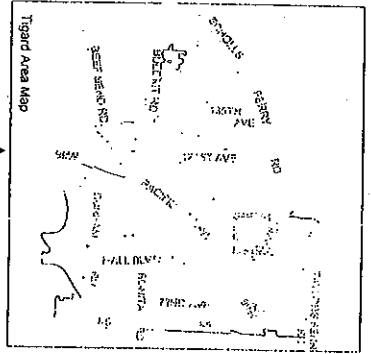
SDR2007-00010

RCM OFFICE BUILDING

LEGEND:

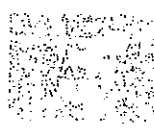


SUBJECT SITE



0 80 160 240 320 400 Feet

1" = 310 Feet



Information on this map is for general location only and should be verified with the Development Services Division, Tigard, OR 97223 (503) 639-4171



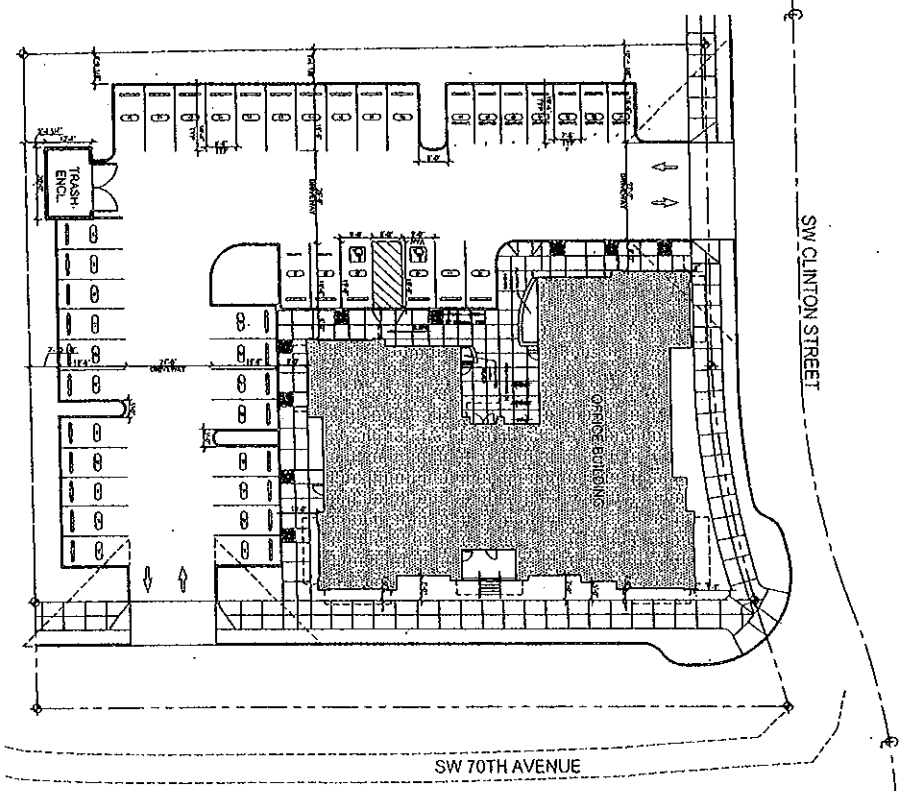
DATE: 01/16/2008

APPROVED BY: [Signature]
 ONLY THE WORK AS DESCRIBED IN:
 EXHIBIT NO. _____

SEE LETTER FOR FOLLOW UP
 APPROX: _____

DATE: 4/16/2008
 BY: [Signature]

PROJECT: RCM OFFICE BUILDING
 CONTRACT NO. _____



10. SITE PLAN
 SCALE: 1/8" = 1'-0"



PROJECT NUMBER: _____

RCM OFFICE BUILDING
 7050 & 7020 SW CLINTON ST.
 TIGARD, OREGON

SHEETING: _____
 SITE PLAN

DRAWN BY: _____
 DATE: _____

SHEET: _____
A101