

**NOTICE OF TYPE II DECISION**  
**SITE DEVELOPMENT REVIEW (SDR) 2008-00003**  
**DARTMOUTH COMMONS**



***THIS DECISION IS BEING REISSUED TO CORRECT TWO CONDITIONS OF APPROVAL WITH INCORRECT MEASUREMENTS (18 AND 19) AND TO CLARIFY OTHERS (3, 9, 14, 24, AND 25). THE APPEAL PERIOD AND EFFECTIVE DATE HAVE ALSO BEEN EXTENDED ACCORDINGLY.***

**120 DAYS = 2/14/2009**

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** DARTMOUTH COMMONS  
**CASE NOS.:** **Site Development Review (SDR)** **SDR2008-00003**  
Adjustment (VAR) VAR2008-00018  
Adjustment (VAR) VAR2008-00019

**PROPOSAL:** The applicant is requesting approval to construct a new 38,750 square foot office and retail building with three levels. An interior parking garage is located on the lower level. The site is 2.03 acres and comprised of five tax parcels. Four existing homes will be demolished on the site. Two adjustments to the access spacing standards are requested. One is to reduce the access spacing standard along an arterial (SW 72<sup>nd</sup> Ave.) from 600 feet to 155 feet. The second adjustment is to reduce the access spacing standard along a collector (SW Dartmouth Avenue) from 200 feet to 147 feet.

**APPLICANT:** TLB, LLC **APPLICANT'S REPRESENTATIVE:** T.M. Rippey Consulting Engineers  
Jim Lampus Lans Stout  
P.O. Box 25716 7650 SW Beveland St., Suite 120  
Portland, OR 97298 Tigard, OR 97223

**OWNER 1:** TLB, LLC **OWNER 2:** Mary Maletis 2, LLC  
Jim Lampus Mary Maletis  
P.O. Box 25716 2338 SW Madison St.  
Portland, OR 97298 Portland, OR 97205

**LOCATION:** 11860/11930/11990 SW 72<sup>nd</sup> Avenue and 7140 SW Clinton Street; WCTM 1S136DC, Tax Lots 4000, 4100, 4200, 4300 and 4402.

**ZONES:** C-G: General Commercial District. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a City-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.

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

**APPLICABLE  
REVIEW**

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

**SECTION II. DECISION**

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

**CONDITIONS OF APPROVAL**

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

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the **CURRENT PLANNING DIVISION, ATTN: Cheryl Caines 503-639-4171, EXT 2437**. The cover letter shall clearly identify where in the submittal the required information is found:

1. Any modification to the approved plan requires review and approval from the Planning Department. A minor or major modification application may be required.
2. Prior to site work the applicant shall provide the Planning Division for review and approval a letter (and revised plan if necessary) from the landscape architect explaining how the following standards will be met:
  - A. along 72<sup>nd</sup> Avenue - shrubs shall be of a variety that will provide a 3-foot high screen and 90 percent opacity within one (1) year. Groundcover plants must fully cover the remainder of landscape area within two (2) years; and
  - B. along Clinton Street - shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two (2) years.
3. Prior to site work the applicant shall submit a copy of a recorded ~~crossover~~ easement *or other form of assurance for shared access, egress and parking between* ~~for~~ the five parcels that make up the site (Tax Lots 4000, 4100, 4200, 4300, and 4402).
4. Prior to site work the applicant shall provide a revised landscape plan for review and approval showing:
  - A. a soil volume detail that meets the standards in the Architectural Graphic Standards; and
  - B. trees and shrubs within the buffer meeting the specifications of 18.745.050(B)(4).
5. Prior to site work the applicant shall submit a plan detail of the trash enclosure gate to illustrate how it provides screening for the containers.
6. Prior to site work the applicant shall submit plans/details for review and approval showing signage and/or pavement markings conveying the following information to users:
  - A. on-site traffic flow;
  - B. carpool/vanpool spaces; and
  - C. location of bicycle parking.

7. Prior to site work the applicant shall submit a revised site plan for review and approval that shows the following:
  - A. wheel stops within parking spaces around the site perimeter and/or adjacent to landscape areas;
  - B. a 24-foot, two way aisle along the east side of the surface parking lot; and
  - C. two additional bicycle spaces that meet the bicycle parking design requirements.
8. Prior to issuance of the site work permit, the applicant shall submit a revised mitigation plan to the City Arborist for review and approval. The plan must have a signature of approval from the project arborist certifying that it meets the requirements of 18.790.060(D) and that the species and placement of mitigation trees has been reasonably calculated to provide for their growth to maturity. The mitigation proposal shall show the species, location, and spacing of mitigation trees in relation to buildings, infrastructure, existing trees on adjacent sites, street trees, and each other.
9. Prior to site work, the applicant shall submit a cash assurance *or bond* (~~letter of credit or cash deposit~~) for the equivalent value of mitigation required. Mitigation is calculated at \$125.00 per caliper inch (304 inches x \$125 = \$38,000). After 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 a starting point for the two year tree establishment period.
10. 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.

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

11. Prior to issuance of a site permit, 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](http://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 City Engineer may determine the necessity for, and require submittal and approval of, a construction access and parking plan for the ~~home~~ *site work* building phase. If the City Engineer deems such a plan necessary, the applicant shall provide the plan prior to issuance of building permits.
15. 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).

16. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontage of SW 72nd Avenue. The improvements adjacent to this site shall include:
- A. City standard pavement section for an arterial street from curb to centerline equal to 33 feet;
  - B. pavement tapers needed to tie the new improvement back into the existing edge of pavement shall be built beyond the site frontage;
  - C. concrete curb, or curb and gutter as needed;
  - D. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
  - E. 13 foot concrete sidewalk with 4' x 4' tree wells;
  - F. street trees spaced per TDC requirements;
  - G. street striping;
  - H. streetlight layout by applicant's engineer, to be approved by City Engineer;
  - I. underground utilities;
  - J. street signs (if applicable);
  - K. driveway apron (if applicable); and
  - L. adjustments in vertical and/or horizontal alignment to construct SW 72nd Avenue in a safe manner, as approved by the Engineering Department.
17. The applicant shall submit plans for review and approval prior to issuance of site permits of the focal point treatment at the corner of 72nd/Dartmouth. These site plans shall include, at a minimum, sidewalk treatments, seating, *and* planters, ~~and raised stone walls~~. These elements must reflect and integrate with the architectural style and design of the proposed building.
18. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontage of SW Dartmouth Street. The improvements adjacent to this site shall include:
- A. City standard pavement section for collector street from curb to centerline equal to ~~18~~ 22 feet;
  - B. pavement tapers needed to tie the new improvement back into the existing edge of pavement shall be built beyond the site frontage;
  - C. concrete curb, or curb and gutter as needed;
  - D. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
  - E. ~~12~~ 13 foot concrete sidewalk with 4' x 4' tree wells;
  - F. street trees spaced per TDC requirements;
  - G. street striping;
  - H. streetlight layout by applicant's engineer, to be approved by City Engineer;
  - I. underground utilities;
  - J. street signs (if applicable);
  - K. driveway apron (if applicable); and
  - L. adjustments in vertical and/or horizontal alignment to construct SW ~~Clinton~~ Dartmouth Street in a safe manner, as approved by the Engineering Department.
19. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontage of SW Clinton Street. The improvements adjacent to this site shall include:
- A. City standard pavement section for an arterial street from curb to centerline equal to ~~33~~ 18 feet;
  - B. pavement tapers needed to tie the new improvement back into the existing edge of pavement shall be built beyond the site frontage;
  - C. concrete curb, or curb and gutter as needed;
  - D. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
  - E. ~~13~~ 12 foot concrete sidewalk with 4' x 4' tree wells;
  - F. street trees spaced per TDC requirements;
  - G. street striping;
  - H. streetlight layout by applicant's engineer, to be approved by City Engineer;
  - I. underground utilities;
  - J. street signs (if applicable);
  - K. driveway apron (if applicable); and
  - L. adjustments in vertical and/or horizontal alignment to construct SW ~~72nd Avenue~~ Clinton Street in a safe manner, as approved by the Engineering Department.

20. A profile of SW 72nd Avenue shall be required, extending 300 feet either side of the subject site showing the existing grade and proposed future grade.
21. A profile of SW Dartmouth Street shall be required, extending 300 feet either side of the subject site showing the existing grade and proposed future grade.
22. 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.
23. The proposed access on SW Dartmouth Street shall be restricted to right-in, right-out movements. The developer shall construct a minimum 200-lineal foot raised center median from SW 72nd Avenue easterly on Dartmouth Street.
24. The proposed access on SW 72nd Avenue shall be restricted to a right-in movement only. The applicant shall construct the driveway with a right-in restriction and no egress. *The detail must be submitted to the Engineering Department and approved prior to issuance of permits.*
25. The proposed access on SW Dartmouth Street shall be moved further east to meet the standard of 150 feet from the influence area of an Arterial intersection, measured from the new ROW line to the edge of the driveway, *or the applicant may submit to the Engineering Department, for review and approval, the justification for the proposed placement of the driveway.*
26. The applicant shall extend the public sanitary sewer main from the intersection of 72nd Avenue/Clinton Street to the east end of their property frontage.
27. 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.
28. The applicant shall provide an on-site water quality facility as required by Clean Water Services Design and Construction Standards (adopted by Resolution and Order No. 00-7). Final plans and calculations shall be submitted to the Engineering Department (Kim McMillan) for review and approval prior to issuance of the site permit. In addition, a proposed maintenance agreement shall be submitted along with the plans and calculations for review and approval.
29. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to the "Erosion Prevention and Sediment Control Design and Planning Manual, February 2003 edition."
30. The applicant shall obtain a 1200-C General Permit issued by the City of Tigard pursuant to ORS 468.740 and the Federal Clean Water Act.
31. The applicant's engineer shall submit plans for the signalization of 72nd Avenue/Dartmouth Street. Coordinate with City and their consultant for design work that has already been completed.
32. Prior to issuance of the site permit, the applicant shall obtain approval from TVF&R for fire protection system and hydrant placement.

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

**The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the CURRENT PLANNING DIVISION, ATTN: Cheryl Caines 503-639-4171, EXT 2437. The cover letter shall clearly identify where in the submittal the required information is found:**

33. Prior to issuance of each tenant improvement permit the applicant shall present a running tally that illustrates the minimum parking requirements will be met for the actual mix of tenants occupying the spaces.

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

**The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the CURRENT PLANNING DIVISION, ATTN: Cheryl Caines 503-639-4171, EXT 2437. The cover letter shall clearly identify where in the submittal the required information is found:**

34. A separate sign permit will be required for all tenant signage prior to installation.
35. Prior to final inspection the applicant shall install a warning bell at the parking garage access to notify pedestrians on the public sidewalk of vehicles exiting the garage.
36. Prior to final building inspection, the applicant shall contact the Staff Planner, Cheryl Caines, 503-639-4171, ext. 2437 for final walk-through. All site improvements must be completed per approved plans.

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

37. 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.
38. Prior to 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).
39. Additional right-of-way shall be dedicated to the Public along the frontage of SW 72nd Avenue to increase the right-of-way to 46 feet from the centerline. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.
40. Additional right-of-way shall be dedicated to the Public along the frontage of SW Dartmouth Street to increase the right-of-way to 47 feet from the centerline. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.
41. Additional right-of-way shall be dedicated to the Public along the frontage of SW Clinton Street to increase the right-of-way to 30 feet from the centerline. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.
42. Prior to a final building inspection, the applicant shall install bicycle striping or pay \$1,486.00 to the City for the striping of the bike lane along the frontage of 72nd Avenue and \$766.00 for the striping along Dartmouth Street.
43. The applicant shall place the existing overhead utility lines along SW 72nd Avenue and SW Clinton Street underground as a part of this project. The fee in-lieu of undergrounding must be requested by the applicant and approved by Mike McCarthy, City Engineering Department. 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 approved, the amount will be \$13,615.00 for 72nd Avenue and \$4,235.00 for Clinton Street and it shall be paid prior to a final building inspection.

44. 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.
45. Prior to a final building inspection, the applicant's engineer shall submit final sight distance certification for the access on Dartmouth Street and on Clinton Street.
46. Prior to a final building inspection, the signal at 72nd/Dartmouth shall be installed and operational.
47. Prior to a final building inspection, the applicant shall pay \$6,533.00 into the 68th/Dartmouth signal fund.
48. If the signal at 72nd/Dartmouth is scheduled to be installed by others, the applicant shall pay \$35,581.00 into the signal fund.

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

### **SECTION III. BACKGROUND INFORMATION**

#### Site History:

Staff conducted a search of City records for the subject property and found a home occupation permit for an auto brokerage service (HOP98-00122), an adjustment to the access/egress standards (VAR2005-00102) that was withdrawn, and a zone change to remove the Planned Development overlay from parcels 4300 and 4402 (ZON2007-00008). Miscellaneous code enforcement citations have been issued for the site. No other land use cases were found.

#### Vicinity & Site Information:

The subject site is located on the east side of SW 72<sup>nd</sup> Avenue between Dartmouth and Clinton Streets. The site is made up of five (5) parcels. Two are zoned General Commercial (C-G) and the other three are zoned Mixed Use Employment (MUE). Four of the parcels are owned by the applicant, but the fifth is being leased by the applicant for fifty years. Surrounding properties are zoned C-G to the east, west, and south; and zoned MUE to the north. The site is bound by streets on the north, west, and south sides. Properties to the east are developed with a new office building or existing single-family homes. These homes are left from when the area was predominantly residential.

#### Proposal Description:

The applicant is requesting Site Development Review approval to construct a new 38,750 square foot commercial building for office, retail, and restaurant uses. The proposed building is three levels with an interior parking garage on the lower level. Surface parking will also be provided on the northeast portion of the site. The building is oriented to the corner of SW Dartmouth Street and 72<sup>nd</sup> Avenue.

### **SECTION IV. COMMENTS FROM PROPERTY OWNERS WITHIN 500 FEET**

The Tigard Community Development Code requires that property owners within 500 feet of the subject site be notified of the proposal, and be given an opportunity for written comments and/or oral testimony prior to a decision being made. In addition, staff posted two notices on the site, visible from the street. Staff received no comments or letters from adjacent property owners.

## SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA

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

## SECTION VI. APPLICABLE DEVELOPMENT CODE STANDARDS

### A. VARIANCES AND ADJUSTMENTS

Section 18.705.020.C.5 states that in all zoning districts where access and egress drives cannot be readily designed to conform to Code standards within a particular parcel, access with an adjoining property shall be considered. If access in conjunction with another parcel cannot reasonably be achieved, the Director may grant an adjustment to the access requirements of Chapter 18.705 through a Type II procedure, as governed in Section 18.390.030, using the following approval criteria:

- ♦ It is not possible to share access;
- ♦ There are no other alternative access points on the street in question or from another street;
- ♦ The access separation requirements cannot be met;
- ♦ The request is the minimum adjustment required to provide adequate access;
- ♦ The approved access or access approved with conditions will result in a safe access; and
- ♦ The visual clearance requirements of Chapter 18.795 will be met.

Two of the three site access points cannot meet the access spacing standards of Chapter 18.705.030 (H); therefore the applicant is requesting two adjustments to the access/egress standards. Access spacing is measured from the centerline of the nearest driveway/street to the centerline of the proposed access; therefore the measurements used in this section differ from those measurements used when addressing the influence area from a collector or arterial in the Access/Egress section of this decision.

Adjustment #1 is for the right-in only access along SW 72<sup>nd</sup> Avenue, an arterial. According to Chapter 18.705 the minimum spacing of driveways and streets along an arterial shall be 600 feet. The proposed access is 155 feet from the closest street/driveway, SW Clinton Street. Adjustment #2 is requested for the right in/right out access on Dartmouth Street, a collector. The minimum spacing of driveways and streets along a collector is 200 feet. The proposed drive on Dartmouth is 147 feet from the nearest street/driveway. This access does not meet the criterion in 18.705.030 that requires the minimum driveway setback from a collector or arterial intersection to be 150 feet. The applicant is being conditioned under the Access, Egress, and Circulation section to provide findings to show how this location is as far as possible from the intersection.

The site abuts public streets to the north, south, and west. This leaves only the developments to the east for possible shared access. Dartmouth Square to the north has one access point to SW 70<sup>th</sup> Avenue. This access was chosen since 70<sup>th</sup> Avenue is a lower classification street. There are significant topographic differences between the two sites that hinder shared access. There is a difference of about 10 feet between the two sites, and a large retaining wall was constructed between the two sites to accommodate the Dartmouth Square parking lot at this elevation. The other adjacent property is currently developed with a single-family home. The access/garage of this home is located on the far east side of the site, some 150 plus feet from the proposed drive on Clinton. These factors prevent shared access with adjacent parcels. The site includes all of the property along SW 72<sup>nd</sup> between Dartmouth and Clinton Streets. This frontage measures approximately 389 feet, so there is no way to meet the 600-foot spacing standard between Dartmouth and Clinton. The frontage along Dartmouth is approximately 177 feet, so again the minimum spacing of 200 feet cannot be met.

Because of existing development patterns, there are no alternative access points on Dartmouth Street. The applicant is proposing a two way access on Clinton Street, a local street, an access to the parking garage on Dartmouth, but is also requesting a third entrance on 72<sup>nd</sup> Avenue. This entrance is necessary to relieve volumes at the intersection of 72<sup>nd</sup> and Clinton and to reduce out of direction travel. The two adjustment requests are the minimum required since the access onto Dartmouth is located as far east as possible and the access on 72<sup>nd</sup> is as far from the 72<sup>nd</sup>/Dartmouth intersection as possible.

To ensure safe conditions, turning movements have been restricted since traffic queues from the Dartmouth/72<sup>nd</sup> intersection could interfere with the operation of the proposed accesses. The access on 72<sup>nd</sup> is a right-in only entrance and the access on Dartmouth is limited to right-in, right-out. According to the applicant's Traffic Engineer, Todd Mobley, if these access locations are blocked, left turns into or out of the site may either compromise safety by allowing a dangerous crossing maneuver or exiting vehicles, or cause traffic to back up into the City street behind vehicles waiting to turn left into the site. These restricted accesses avoid potential hazards. The applicant has proposed an access point on Clinton Street that allows all movements. Because Clinton Street is a local street, all traffic should not be directed onto the local street to access the site. The collector (Dartmouth) and the arterial (72<sup>nd</sup>) were designed to accommodate heavier traffic flows. The limited access from 72<sup>nd</sup> Avenue will improve operations at the Clinton/72<sup>nd</sup> intersection by decreasing the number of trips through the intersection. The 72<sup>nd</sup> access is also necessary for truck deliveries and trash pick-up.

Visual clearance is not applicable to the entrance only access on 72<sup>nd</sup> Avenue since it is a one-way entrance. On Dartmouth the required location of the building (near the street to meet Tigard Triangle standards) prevents the visual clearance standards from being met. The applicant's traffic engineer notes that sight distance can be met for this access. This driveway is limited to right-in and right-out traffic turning movements, therefore sight distance is only needed looking to the east. The required sight distance of 335 feet is exceeded and is actually 600 feet.

FINDING: Based on the information provided, the access spacing adjustment criteria have been met.

## **B. ZONING DISTRICT**

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

The site is located in the C-G and MUE zoning districts: General Commercial and Mixed Use Employment.

### **Development Standards: Section 18.520.040.B** **States that Development standards in Commercial Zoning Districts are contained in Table 18.520.2 below:**

(Table on the following page)

**TABLE 18.520.2  
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

<b>STANDARD</b>	<b>C-G</b>	<b>MUE</b>	<b>PROPOSED</b>
Minimum Lot Size - Detached unit - Boarding, lodging, rooming house	None -	None -	75,594 s.f. [1]
Minimum Lot Width	50 ft.	50 ft.	177 ft. [2]
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Side or rear yard abutting more restrictive zoning district - Rear yard - Distance between front of garage & property line abutting a public or private street.	0 ft. - 0 ft. [2] - 0 ft. [2] -	0 ft. - 0 ft. - 0 ft. -	0 ft. [1] - 0 ft./167 ft - 6 ft. -
Maximum Height	45 ft	45 ft.	42 & 36 ft. [4]
Maximum Site Coverage	85%	85%	83.8%
Minimum Landscape Requirement	15%	15%	16.2%
Maximum Floor Area Ratio	N/A	0.40	.025[5]

[1] Site square footage after right-of-way dedication.

[2] Measured along SW Dartmouth, the narrowest frontage.

[3] No setback shall be required except 20 feet shall be required where the zone abuts a residential zoning district.

[4] The proposed height is 42 feet within the C-G zone and 36 feet within the MUE zone.

[5] The MUE portion of the site has a maximum FAR of 0.40. This ratio is based only on the floor area within the properties zoned MUE.

The site lies within two zoning districts (C-G and MUE). As demonstrated in the table above, the applicant's plans comply with the dimensional standards of both zones.

FINDING: Based on the analysis above, the Development Standards criteria have been satisfied.

**C. TRIANGLE DESIGN STANDARDS (18.620):**

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

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

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

The criteria may be adjusted if the adjustment approval criteria, which are found in Section 18.620.090.C.1-4, have been met. The criteria provides that an adjustment may be granted if granting the adjustment will continue to meet the purpose of the standard(s) to be modified in an acceptable alternative manner; and the proposal will not significantly detract from the livability or appearance of an area and the proposal will be consistent with the desired character of the area; and if more than one adjustment is being requested, the cumulative effect of the adjustments as well as each individual adjustment results in a project which is still consistent with the overall purpose, goals and standards of the zone; and granting the adjustment is the minimum necessary to allow the proposed use of the site; and any impacts resulting from the adjustment are mitigated to the extent practicable.

**Street Connectivity:**

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

**Design Option:**

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

**Performance Option:**

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

The applicant states that the existing street pattern meets the Design Option standard. Southwest 70<sup>th</sup> Avenue is approximately 600 feet from SW 72<sup>nd</sup> Avenue and Dartmouth is approximately 400 feet from SW Clinton Street. The site provides no other possible street connections. Bicycle and pedestrian connections are provided via SW Dartmouth Street, SW 72<sup>th</sup> Avenue, and SW Clinton Street.

**Site Design Standards:**

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

The applicant has not proposed a phased development. Therefore, this standard does not apply.

**Building Placement on Major And Minor Arterials And The Street:**

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

Dartmouth Street and 72<sup>nd</sup> Avenue are classified as major arterials within the Tigard Triangle Chapter of the Development Code. Based on the applicant's site plan, the proposed building occupies 175 feet of the 200 feet of Dartmouth frontage and 205 feet of the 390 feet of 72<sup>nd</sup> frontage. Clinton is a local street, and therefore this standard does not apply to that frontage. The building is oriented to the intersection of Dartmouth and 72<sup>nd</sup>. This standard has been satisfied.

**Building Setback:**

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

According to the applicant's site plan, the building setback from both Dartmouth Street and 72<sup>nd</sup> Avenue right-of-way is 0 feet. The applicant has been required to dedicate right-of-way and construct improvements along all street frontages. Therefore, this standard is met.

**Front Yard Setback Design:**

Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one (1) street, the required improvements shall be provided on all streets. Landscaping shall be developed to an L-1 standard on public streets and an L-2 standard on accessways. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.620.070.

The site fronts three streets and the applicant has oriented the building to the intersection of 72<sup>nd</sup> and Dartmouth. A zero front yard setback is proposed for the building, and the applicant's plans indicate a plaza at the street corner. Landscaping is proposed along all areas fronting a public street.

**Walkway Connection To Building Entrances:**

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

Walkway connections from the building are provided to the public street in several locations. Two entries are proposed at the corner to the public street through a plaza. There are two walkway connections to SW Dartmouth, one at the parking garage access and another along the eastern side of the building. A walkway connection is also proposed from the parking side entry doors to 72<sup>nd</sup> along the north side of the building. All of these walkways are paved. This standard has been met.

#### **Parking Location and Landscape Design:**

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

The site abuts SW Dartmouth Street, SW 72nd Avenue, and SW Clinton Street. The applicant has shown the associated parking to be located to the side and rear of the site. The parking area frontage along 72nd is approximately 47%. L-1 landscaping standards have been partially met by proposing a variety of trees, shrubs and groundcover; the landscape standards are discussed in greater detail below.

#### **Building Design Standards:**

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

#### **Ground Floor Windows:**

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

According to the narrative and plans submitted, the elevation facing SW Dartmouth Street has a ground floor window percentage of approximately 59.3% between three and nine feet above grade. The elevation along 72<sup>nd</sup> has 43% window area. The applicant has requested that 85.4 square feet from the Dartmouth elevation be utilized to meet the 50% requirement along 72<sup>nd</sup> Avenue. This is allowed and the ground floor window requirements are met for both frontages. The applicant has provided calculations within the narrative to show how the standard is met.

#### **Building Facades:**

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

The building facades along Dartmouth and 70<sup>th</sup> are broken up by several measures. One-foot offsets are provided. A change of brick color is proposed between the windows. Recessed panels that reflect the existing window pattern and reinforce the vertical structure elements of the building are also shown in the design. Both facades do not extend more than 50 feet without including at least one of the elements. Neither façade extends more than 300 feet. The Dartmouth façade is approximately 205 feet and only 75 feet along 70<sup>th</sup>. This criterion has been satisfied.

#### **Weather Protection:**

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

Weather protection is provided at building entrances. Awnings are also provided above several windows along each elevation. This standard has been satisfied.

**Building Materials:**

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

Materials on the building's exterior will be brick, stucco, and masonry. This criterion has been satisfied.

**Roofs And Roof Lines:**

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

The proposed building does not have false fronts or false roofs; the applicant is proposing a commercial style flat roof with parapets. A triangle design has been incorporated into the roofline at the corner of 72<sup>nd</sup> and Dartmouth. Therefore, this standard has been satisfied.

**Roof-Mounted Equipment:**

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

Plan A3.2 (#13) shows rooftop mechanical units to be screened by parapets. Therefore, this standard has been satisfied.

**Signs:**

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

**Zoning District Regulations:**

**Non-residential development within the C-G zone shall meet the sign requirements for the commercial zones, (18.780.130.C).**

**Sign Area Limits:**

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

**Height Limits:**

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

**Sign Location:**

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

The applicant has indicated that wall signage is proposed for this development and will include a free-standing sign, wall mounted signs, awning signs, and decorative banners. These signs are shown on the plans, but not enough details were given to show all the applicable standards are met. In addition the applicant did not pay for sign permits with this application. A separate sign permit will be required for all tenant signage prior to installation. Signs are addressed later in this decision.

**Landscaping and Screening:**

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

**L-1 (Low Screen):**

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

**L-2 (General Landscaping):**

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

Dartmouth Street and 72<sup>nd</sup> Avenue are both major arterials; therefore the L-1 landscape standards apply. Clinton Street is a local street so the L-2 landscape standards apply. No landscaping is proposed along Dartmouth since the building is being constructed at the street. The landscape area along 72<sup>nd</sup> is five feet wide, planted with a mix of trees and shrubs. Trees are proposed at 3.5 inch caliper for both 72<sup>nd</sup> and Clinton. The applicant has not illustrated how the screening requirements will be met.

**FINDING:** Based on the analysis above, the Tigard Triangle Design standards have not been met.

**CONDITION:** Prior to site work the applicant shall provide the Planning Division for review and approval a letter (and revised plan if necessary) from the landscape architect explaining how the following standards will be met:

- A. along 72<sup>nd</sup> Avenue - shrubs shall be of a variety that will provide a 3-foot high screen and 90 percent opacity within one (1) year. Groundcover plants must fully cover the remainder of landscape area within two (2) years; and
- B. along Clinton Street - shrubs shall be of a size and quality to achieve the required landscaping or screening effect within two (2) years.

**D. ADDITIONAL APPLICABLE DEVELOPMENT CODE STANDARDS**

The Site development Review approval standards require that a development proposal be found to be consistent with the various standards of the Community Development Code. The applicable criteria in this case are Chapters 18.360, 18.370, 18.390, 18.520, 18.705, 18.745, 18.755, 18.765, 18.775, 18.780, 18.790, 18.795, and 18.810. The proposal's consistency with these Code Chapters is reviewed in the following sections.

**Access, Egress and Circulation (18.705):**

**Access plan:**

No building or other permit shall be issued until scaled plans are presented and approved as provided by this chapter that show how access, egress and circulation requirements are to be fulfilled. The applicant shall submit a site plan. The Director shall provide the applicant with detailed information about this submission requirement.

The applicant has provided plans showing access from SW 72nd Avenue, and Clinton and Dartmouth Streets. Therefore, this standard has been satisfied.

**Joint access:**

Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the combined requirements as designated in this title, provided: Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and copies of the deeds, easements, leases or contracts are placed on permanent file with the City.

Joint access is not proposed with surrounding development; however the applicant only owns four of the five parcels. The applicant has entered into a 50 year ground lease for the fifth parcel (Tax Lot 4000). A portion of the parking lot and parking structure are located on this fifth parcel. The lease allows the applicant to develop the site and to request necessary easements from the landlord. In this case, an easement or other assurance is necessary to allow users to have access across the site and park within the parking lot. A condition of approval will ensure that this standard is met.

**Public street access:**

**All vehicular access and egress as required in Sections 18.705.030H and 18.705.030I 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.**

The proposed building will be accessible from SW 72nd Avenue, Clinton Street, and Dartmouth Street; all are public streets. Therefore, this criterion has been satisfied.

**Curb cuts:**

**Curb cuts shall be in accordance with Section 18.810.030N: Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in this chapter and Section 15.04.080: Concrete curbs and driveway approaches are required; except where no sidewalk is planned, an asphalt approach may be constructed with City Engineer approval and Asphalt and concrete driveway approaches to the property line shall be built to City configuration standards.**

**Walkways:**

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

There are several walkways proposed that connect the building with the public streets. The applicant states that direct connections are provided at mid-block on 72<sup>nd</sup>, at the intersection of 72<sup>nd</sup> and Dartmouth, to the east of the intersection along Dartmouth. Only one building is proposed with this development, so connections between buildings are not necessary. The difference in elevation between the proposed development and Dartmouth Square to the east prevents a direct pedestrian connection. Both developments will be accessible by a public sidewalk along Dartmouth.

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

No proposed walkways cross vehicle access drives or parking lots. This standard is not applicable.

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

The site plan indicates that proposed walkways will be constructed of concrete. Therefore, this standard has been met.

**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.**

Lancaster Engineering provided a Revised Traffic Study, dated July 24, 2008. This updated their previous December 8, 2005 submittal which did not include all of the parcels in the current application. Lancaster Engineering also submitted a Traffic Impact Study Addendum, dated September 25, 2008.

The addendum was submitted to respond to the Variance and Adjustment section of 18.370 for the proposed driveways on SW Dartmouth Street and SW 72nd Avenue. See 18.370 for discussion of the requested driveway adjustments.

The addendum also provided discussion of the preliminary sight distance certification. The proposed driveway on SW 72nd Avenue is restricted to a right-in only and therefore does not require sight distance certification for egress. The proposed driveway on SW Dartmouth Street is restricted to right-in, right-out movements, therefore sight distance certification is only required for eastbound traffic. The posted speed on Dartmouth Street is 35 mph, requiring a minimum of 335 feet of sight distance to make a right turn from the site from a stopped position. The engineer states that looking east from the site access sight distance is in excess of 600 feet, satisfying AASHTO requirements. In order to ensure turning movements are restricted along Dartmouth Street the applicant's plans indicate they will construct a raised centerline median east of 72nd Avenue for approximately 200 lineal feet.

The engineer did not provide preliminary sight distance certification for the proposed full movement access from the site on SW Clinton Street.

Upon completion of the public improvements, and prior to final building inspection, the engineer shall provide a final sight distance certification for the driveway on SW Dartmouth Street and the driveway on SW Clinton Street.

**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 proposed driveway on Clinton Street is approximately 155 feet east of SW 72nd Avenue ROW. The proposed driveway on SW 72nd Avenue is approximately 155 feet south of Clinton Street and 220 feet north of Dartmouth Street. These driveways meet this criterion.

The proposed driveway on SW Dartmouth Street is approximately 120 feet east of SW 72nd Avenue, as measured per the standard. This does not meet the criterion and the applicant shall move the driveway further to the east or submit supporting information to the Engineering Department showing why the proposed location is "as far from the intersection as possible". As stated within the code above, these distances are measured from the right-of-way line of the intersecting street to the throat of the proposed access; therefore these distances are not the same as the access spacing measurements used below and within the adjustment section of this decision.

**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.**

Lancaster Engineering has submitted a Traffic Impact Study Addendum, dated September 25, 2008, to address the Variance and Adjustment criteria of 18.370 as it relates to the access spacing standards. See section 18.370 for this discussion.

#### **Minimum Access Requirements for Commercial and Industrial Use:**

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

Two access points are required for this project, which has 161 parking spaces. Three access points are provided; one along each street frontage. The access on 72<sup>nd</sup> is entrance only and has 15 feet of pavement. The two-way access points are 30 feet with 24 feet of pavement. Therefore, this standard has been satisfied.

**FINDING:** Based on the analysis above, the Access, Egress and Circulation standards have not been met.

**CONDITIONS:**

- ◆ Prior to site work the applicant shall submit a copy of a recorded crossover easement for the five parcels that make up the site (Tax Lots 4000, 4100, 4200, 4300, and 4402).
- ◆ The proposed access on SW Dartmouth Street shall be moved further east to meet the standard of 150 feet from the influence area of an Arterial intersection, measured from the new ROW line to the edge of the driveway.

**ENVIRONMENTAL PERFORMANCE STANDARDS (18.725):**

**Noise:**

For the purposes of noise regulation, the provisions of Sections 7.40.130 through 7.40.210 of the Tigard Municipal Code shall apply.

**Visible emissions:**

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

**Vibration:**

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

**Odors:**

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

**Glare and heat:**

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

**Insects and rodents:**

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

The proposed uses are office, retail, and eating/drinking establishments which are all outright permitted uses within the C-G and MUE zoning districts. There is no indication within the application that these standards will not be met. However, ongoing efforts to meet these standards shall be maintained and any violation of these standards will be addressed by the City of Tigard's Code Enforcement Officer.

**FINDING:** Based on the above, there is no evidence that the Environmental Performance Standards will not be met.

**LANDSCAPING AND SCREENING (18.745):**

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

The accepted planting procedures are the guidelines described in the Tigard Tree Manual. These guidelines follow those set forth by the International Society of Arboriculture (ISA) tree planting guidelines as well as the standards set forth in the most recent edition of the American Institute of Architects' Architectural Graphic Standards. In the Architectural Graphic Standards there are guidelines for selecting and planting trees based on the soil volume and size at maturity. Additionally, there are directions for soil amendments and modifications. Many of the trees on site including parking lot and street trees have not been provided sufficient soil volume to support their growth to maturity. The applicant has not shown how the soil volume standards in the Architectural Graphic Standards that supports tree growth to maturity are being met. A condition will ensure the planting procedures are followed.

**Certificate of Occupancy. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a bond.**

#### **Street Trees:**

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

The subject site has frontage on SW Dartmouth Street, SW Clinton Street, and SW 72<sup>nd</sup> Avenue. The applicant has proposed Chanticleer Pear (pyrus calleryana) along all three frontages. These trees are a medium sized species and are to be spaced no greater than 30 feet apart. Most of the trees are shown 24 feet on center. None are spaced more than 30 feet apart except around the access drives. The proposed species is found on the approved Street Tree List. The City Arborist recommends diversifying the proposed tree types to decrease the effects of disease on a single species.

#### **Buffering and Screening:**

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

The proposed use (Commercial office/retail) abuts single-family homes with a MUE zoning designation on a portion of the site's eastern boundary, thus requiring a minimum of 10 feet of buffering. The applicant has proposed 11 feet of landscaping buffer with trees and a six-foot-high wall. Trees must be planted 15 to 30 feet on center within the buffer; this requirement is not met in some areas. There also appears to be no shrubs proposed within the buffer. If the proposed Incense Cedars are to be considered shrubs, then they cannot be counted toward mitigation. The applicant is being conditioned to submit a revised landscape plan to show how this standard is met. This plan must not conflict with the approved mitigation plan.

#### **Special Provision:**

##### **Screening and Landscaping of Parking Areas**

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

The applicant does not discuss screening in the narrative. The landscape plan shows a mix of trees, shrubs, and groundcover between the parking lot and the street. The trees are deciduous (Chanticleer Pear), and the shrubs are evergreen (Nordic Inkberry). These shrubs reach a height of three to four feet at maturity. The applicant has been conditioned under the Tigard Triangle section of the code to show how the parking lot screening standards will be met. Trees are proposed within all landscape islands throughout the parking lot, with the exception of the islands above the parking garage. The proposed landscape islands meet or exceed the minimum three feet width requirement.

##### **Screening Of Service Facilities**

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

The applicant has shown the proposed trash enclosure to be screened with a six-foot concrete wall with brick veneer. The gate will be metal. The applicant shall submit a detail of the gate to illustrate it also provides screening. Therefore, this standard has been satisfied.

FINDING: Based on the analysis above, the landscaping and screening standards have not been met.

CONDITIONS:

- ◆ Prior to site work the applicant shall provide a revised landscape plan for review and approval showing:
  - A. a soil volume detail that meets the standards in the Architectural Graphic Standards; and
  - B. trees and shrubs within the buffer meeting the specifications of 18.745.050(B)(4).
- ◆ Prior to site work the applicant shall submit a plan detail of the trash enclosure gate to illustrate how it provides screening for the containers.

**MIXED SOLID WASTE AND RECYCLABLES STORAGE (18.755):**

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

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

The applicant is proposing to meet the Minimum Standards Method of compliance. Three storage areas are proposed within the parking area of the site. Based on the proposed uses of retail and office, 277 square feet of area is required. Office uses will occupy approximately 21,750 square feet of the building, which requires 97 square feet of storage area (10 sq. ft. plus 4 sq. ft. per 1,000). Retail uses and eating/drinking establishments will occupy approximately 17,000 square feet, which requires 180 square feet of storage (10 sq. ft. plus 10 sq. ft. per 1,000). The applicant states that 440 square feet is proposed (as shown on the site plan). Therefore, this standard has been met.

**Location Standards.**

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

All three storage areas are grouped together at the rear of the site within the parking area. This location is visible by site users, but the containers will be screened from view by a concrete/masonry wall and metal gate. Staff has conditioned the applicant to provide a detail of the metal gate to ensure the containers are screened from parking lot users. The refuse containers will not hinder the applicant from meeting the minimum parking standards. The proposed containers are accessible to collection vehicles and outside of vehicular/pedestrian paths, adjacent to an access aisle. Therefore, this standard has been satisfied.

### **Design Standards.**

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

The plans indicate that the largest storage areas will have a 20-foot-wide gate opening, while the two smaller areas will have 10-foot wide openings. The storage facilities will be enclosed with a six foot high concrete wall and metal gate for screening purposes as discussed previously. A letter from the hauler, Pride Disposal, approving the design was included in the application packet.

**FINDING:** Based on the analysis above, the Mixed Solid Waste and Recyclable Storage standards have not been fully met, but can be as conditioned under the Landscaping and Screening portion of this decision.

### **OFF-STREET PARKING AND LOADING (18.765):**

#### **Location of vehicle parking:**

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

According to measurements taken from the plans, the parking associated with this project is within 180 feet of the proposed building. All parking has been proposed to be located on-site. Therefore, this standard has been satisfied.

#### **Joint Parking:**

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

The development has no shared parking. This standard does not apply.

#### **Parking in Mixed-Use Projects:**

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

The applicant has proposed a mix of Personal Service Retail, Office, and Eating and Drinking Establishment (fast-food) uses. The following are the minimum and maximum parking requirements for this mix. The applicant has proposed 161 spaces which fall within the range of required minimum and allowed maximum in Parking Zone A.

Use	Square Footage	Minimum	Maximum for Zone A
Office	21,750	59	74
Personal Service Retail	10,000	23 (90%)	30
Eating/Drinking	7,000	56 (80%)	87
Total	38,750	138	191

As it is difficult to determine the accurate mix of uses at this time, these are only assumptions. The applicant is being conditioned to present a running tally prior to the issuance of each tenant improvement building permit. The tally must illustrate that the minimum parking requirements will be met for the actual mix of tenants occupying the spaces. Any future change of use may require a major or minor modification depending upon the existing and proposed uses.

**Visitor Parking in Multi-Family Residential Developments:**

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

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

**Preferential Long-Term Carpool/Vanpool Parking:**

**Parking lots providing in excess of 20 long-term parking spaces shall provide preferential long-term carpool and vanpool parking for employees, students and other regular visitors to the site. At least 5% of total long-term parking spaces shall be reserved for carpool/vanpool use. Preferential parking for carpools/vanpools shall be closer to the main entrances of the building than any other employee or student parking except parking spaces designated for use by the disabled. Preferential carpool/vanpool spaces shall be full-sized per requirements in Section 18.765.040N and shall be clearly designated for use only by carpools and vanpools between 7:00 AM and 5:30 PM Monday through Friday.**

The applicant is estimating that 50 spaces will be allocated for long term use by employees. This would mean that three spaces must be provided to meet the carpool/vanpool requirements. The applicant has provided the three spaces within the parking garage area near the entrance to the building, but no signage has been proposed. This criterion can be met conditionally.

**Disabled-Accessible Parking:**

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

The applicant is required to provide a minimum of six ADA parking spaces. Six spaces are provided. Final determination of the number and design of the required ADA spaces will be made by the building official during the review of the building permit application.

**Access Drives:**

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

The access drives have been addressed previously in this decision under Chapters 18.370 (Variances and Adjustments) and 18.705 (Access, Egress and Circulation).

**Pedestrian Access:**

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

Pedestrian access has been discussed previously in this decision under Chapter 18.620 (Tigard Triangle Design Standards). No drop-off grade separation is proposed.

**Parking Lot Striping:**

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

The plans submitted show the parking spaces will be clearly marked with striping. Therefore, this standard has been satisfied. The site plan shows directional arrows and denotes the type of traffic flow (one way vs. two way), but it is unclear if these arrows are proposed as pavement markings. Because there are several one way access aisles and restricted traffic movements to and from the site, the applicant is being conditioned to provide a signage/pavement marking plan with details that clearly illustrates the traffic flow to users.

**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.

Wheel stops are not shown on the site plan. The above standard states that wheel stops shall be provided along the boundary of a parking lot or adjacent to interior landscaped areas. The applicant is being conditioned to provide wheel stops within the parking lot to meet this criterion.

**Space and Aisle Dimensions:**

Section 18.765.040.N states that: “except as modified for angled parking in Figures 18.765.1 and 18.765.2 the minimum dimensions for parking spaces are: 8.5 feet x 18.5 feet for a standard space and 7.5 feet x 16.5 feet for a compact space; aisles accommodating two direction traffic, or allowing access from both ends, shall be 24 feet in width.

The applicant’s plans indicate that of the 161 parking stalls, 71 stalls are compact stalls, which is 44% of the total. Dimensions of the 90 degree parking spaces are 7.5 by 16.5 for compact spaces and 8.5 by 18.5 for standard stalls. There are also some 45 degree angle spaces that meet or exceed the dimensional standards outlined in Figure 18.745.1. Based on site plan measurements within the proposed garage, the standards for parking structures outlined in Figure 18.745.2 are met. Two way aisle widths are 26 feet. The one exception is the traffic aisle on the north side of the site. The applicant is being conditioned to revise the site plan to accommodate a 24-foot aisle in this area. All one way aisles are 14 feet wide or greater. Therefore, this standard can be satisfied as conditioned below.

**Bicycle Parking Location and Access:**

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

Bicycle parking is provided near the entrances to individual tenant spaces and within the parking garage. The designated bike parking areas will not be within parking aisles, landscape areas or pedestrian ways. Neither of these parking areas will be visible from the street, but no signage has been proposed. This criterion can be met conditionally.

**Bicycle Parking Design Requirements:**

**Section 18.765.050.C.** The following design requirements apply to the installation of bicycle racks: The racks required for required bicycle parking spaces shall ensure that bicycles may be securely locked to them without undue inconvenience. Provision of bicycle lockers for long-term (employee) parking is encouraged but not required; bicycle racks must be securely anchored to the ground, wall or other structure; bicycle parking spaces shall be at least 2½ feet by six feet long, and, when covered, with a vertical clearance of seven feet. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking; each required bicycle parking space must be accessible without moving another bicycle; required bicycle parking spaces may not be rented or leased except where required motor vehicle parking is rented or leased. At-cost or deposit fees for bicycle parking are exempt from this requirement; and areas set aside for required bicycle parking must be clearly reserved for bicycle parking only. Outdoor bicycle parking facilities shall be surfaced with a hard surfaced material, i.e., pavers, asphalt, concrete or similar material. This surface must be designed to remain well drained.

The applicant has provided a detail of the bike rack to be used. The racks will be secured to the ground and will allow bicycles to be locked to them. According to the site plan the spaces are 2.5 feet by 6 feet. All racks will be located on concrete surfaces. This standard is met.

**Minimum Bicycle Parking Requirements:**

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

The proposed 38,750 square foot building with a mix of office, service retail, and fast food requires 28 bike spaces. The applicant estimated that 26 spaces are required and provided. This number was based on .4 per 1,000 square feet for an office use, which is actually the requirement for a medical office. The number should be calculated using .5 spaces per 1,000 square feet. The applicant will be conditioned to provide a revised site plan showing two additional bicycle spaces that meet the bicycle parking design requirements. Therefore, this standard can be met conditionally.

**18.765.060 Parking Structure Design Standards**

**Section 18.765.060 states that Ground-floor windows/wall openings. All parking structures shall provide ground floor windows or wall openings along the street frontages. Blank walls are prohibited. Any wall facing the street shall contain windows, doors or display areas equal to at least 20% of the ground floor wall area facing the street excluding those portions of the face(s) devoted to driveway entrances and exits, stairwells, elevators, and centralized payment booths. Required windows shall have a sill no more than four (4) feet above grade. Where the interior floor level prohibits such placement, the sill may be raised to allow it to be no more than two (2) feet above finished floor wall up to a maximum sill height of six (6) feet above grade. A warning bell or other signal must be provided for exits from parking structures that cross public sidewalks where a standard vision clearance area cannot be provided. Parking structures must comply with all standards of the Uniform Building Code for the State of Oregon as it pertains to structural design, ventilation, lighting and fire/safety requirements and disabled accessibility.**

**The layout of parking within a parking structure shall be subject to the requirements contained in Figure 18.765.2. An applicant may request approval of an alternative layout and internal circulation by means of a Type II adjustment, as governed in Section 18.370.010, using the approval criteria in Section 18.370.020.C.5.f.**

A parking structure is proposed on the lower level of the development. Windows are proposed along the street elevations as is required by the Tigard Triangle Design Standards. These windows must be between 3 ft to 9 ft above grade to meet the Triangle Design Standards. The layout and internal circulation of the parking garage meets the standards of Figure 18.765.2 as discussed under the Space and Aisle Dimensions heading above. The structure will be reviewed during the Building Permit phase to ensure all applicable Building Codes are satisfied. The applicant's narrative reads that a warning bell was not provided since vision clearance standards are met. Sight distance can be met at the parking garage entry, but visual clearance cannot be met. The applicant is being conditioned to provide a warning bell to meet this criterion.

**Minimum Off-Street Parking:**

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

Minimum and maximum parking has been previously addressed.

**Off-Street Loading Spaces:**

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

Based on the square footage of the building (38,750 square feet), one off-street loading space is required. One space has been provided. This standard has been met.

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

**CONDITIONS:**

- ◆ Prior to issuance of each tenant improvement permit the applicant shall present a running tally that illustrates the minimum parking requirements will be met for the actual mix of tenants occupying the spaces.
- ◆ Prior to site work the applicant shall submit plans/details for review and approval showing signage and/or pavement markings conveying the following information to users:
  - A. on-site traffic flow;
  - B. carpool/vanpool spaces; and
  - C. location of bicycle parking.
- ◆ Prior to site work the applicant shall submit a revised site plan for review and approval that shows the following:
  - A. wheel stops within parking spaces around the site perimeter and/or adjacent to landscape areas;
  - B. a 24-foot, two way aisle along the east side of the surface parking lot; and
  - C. two additional bicycle spaces that meet the bicycle parking design requirements.
- ◆ Prior to final inspection the applicant shall install a warning bell at the parking garage access to notify pedestrians on the public sidewalk of vehicles exiting the garage.

**SIGNS (18.780):**

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

The applicant has indicated that wall signage is proposed for this development which includes a free-standing sign, wall mounted signs, awning signs, and decorative banners. These signs are shown on the plans, but not enough details were given to show all the applicable standards are met. In addition the applicant did not pay for sign permits with this application. A separate sign permit will be required for all tenant signage prior to installation. It should be noted that banners are considered temporary signs within the Tigard Development Code and will not be considered architectural or design features.

**FINDING:** Signs will be reviewed and approved as part of a separate permit process.

**CONDITION:** A separate sign permit will be required for all tenant signage prior to installation.

### **Tree Removal (18.790):**

Section 18.790.030 requires a tree plan for the planting, removal and protection of trees prepared by a certified arborist shall be provided for any lot, parcel or combination of lots or parcels for which a development application for a subdivision, partition, site development review, planned development or conditional use is filed. Protection is preferred over removal wherever possible.

As required, the applicant submitted a tree plan conducted by Kay Kinyon, a certified arborist. However, the report does not contain the four required components (see comments below regarding mitigation).

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

1. **Identification of the location, size and species of all existing trees including trees designated as significant by the city;**

The Arborist Report identified the location, size and species of all existing trees, consistent with this standard.

2. **Identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper. Mitigation must follow the replacement guidelines of Section 18.790.060D, in accordance with the following standards and shall be exclusive of trees required by other development code provisions for landscaping, streets and parking lots:**

- a. **Retention of less than 25% of existing trees over 12 inches in caliper requires a mitigation program in accordance with Section 18.790.060D of no net loss of trees;**
- b. **Retention of from 25% to 50% of existing trees over 12 inches in caliper requires that two-thirds of the trees to be removed be mitigated in accordance with Section 18.790.060D;**
- c. **Retention of from 50% to 75% of existing trees over 12 inches in caliper requires that 50 percent of the trees to be removed be mitigated in accordance with Section 18.790.060D;**
- d. **Retention of 75% or greater of existing trees over 12 inches in caliper requires no mitigation.**

Based on the arborist's report there are 13 trees in fair or good condition that are greater than 12 inch caliper. According to supplemental information provided by the Project Arborist, four of these trees are orchard type fruit trees, and are therefore exempt from mitigation. All trees are being removed from the site, and 9 are subject to mitigation. Therefore, 0% of the trees will be retained. According to the mitigation schedule above, 100% of the diameter inches will have to be mitigated. The sum total of diameter inches of the trees to be removed and subject to mitigation is 304. The amount of tree mitigation inches required for this project is 304 inches.

The arborist states that mitigation will be achieved by planting additional trees on-site, up-sizing the required trees and a fee-in-lieu. The City Arborist has reviewed the proposed landscape plan and noted there are too many Incense Cedars on-site to allow growth to maturity. In addition, it is unclear if these trees are being used as trees or shrubs within the buffer area in the northeast corner of the site. The applicant is conditioned to submit a revised mitigation plan, which has been approved by the Project Arborist, to the City Arborist for review and approval.

3. **Identification of all trees which are proposed to be removed;**

All of the on-site trees will be removed and are identified in the Arborist Report.

4. **A protection program defining standards and methods that will be used by the applicant to protect trees during and after construction.**

Because all trees will be removed, a protection plan is not required.

### **18.790.040 Incentives for Tree Retention**

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

**deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this section should either die or be removed as a hazardous tree. The form of this deed restriction shall be subject to approval by the Director.**

This section is not applicable since no existing trees will be retained on-site.

**FINDING:** Based on the analysis above, the tree removal standards have not been fully met, however, if the applicant complies with the conditions listed below, the standards will be fully met:

**CONDITIONS:**

- ◆ Prior to issuance of the site work permit, the applicant shall submit a revised mitigation plan to the City Arborist for review and approval. The plan must have a signature of approval from the project arborist certifying that it meets the requirements of 18.790.060(D) and that the species and placement of mitigation trees has been reasonably calculated to provide for their growth to maturity. The mitigation proposal shall show the species, location, and spacing of mitigation trees in relation to buildings, infrastructure, existing trees on adjacent sites, street trees, and each other.
- ◆ Prior to site work, the applicant shall submit a cash assurance (letter of credit or cash deposit) for the equivalent value of mitigation required. Mitigation is calculated at \$125.00 per caliper inch (304 inches x \$125 = \$38,000). After 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 a starting point for 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.

**VISUAL CLEARANCE AREAS (18.795):**

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

Visual clearance is not applicable to the entrance only access on 72<sup>nd</sup> Avenue. Vision clearance areas are provided for the Clinton Street access. On Dartmouth, the required location of the building near the street within the Tigard Triangle prevents the visual clearance standards from being met. The applicant's traffic engineer notes that sight distance can be met for this access. This driveway is limited to right-in and right-out traffic turning movements, therefore sight distance is only needed looking to the east. The required sight distance is 335 feet is exceeded and is actually 600 feet.

**FINDING:** Based on the analysis above, the vision clearance standards have not been met for the parking garage access. However, the Tigard Triangle Building Design Standards require a maximum setback of 10 feet and govern over conflicting code standards. In addition, the applicant is being conditioned to provide a warning bell at the parking garage access point since the vision clearance standards cannot be met as allowed within the Off-street Parking Code. This warning bell was conditioned under the Parking section of this decision.

### **C. SPECIFIC SITE DEVELOPMENT REVIEW APPROVAL STANDARDS**

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

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

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

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

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

#### **Relationship to the Natural and Physical Environment:**

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

The buildings will be located on the site in accordance with the Tigard Triangle Design Standards, limitation on access locations, and grading. Existing trees could not be saved because of impacts from grading. The existing topography will be altered to create compliant access for vehicles and pedestrians. A preliminary geotechnical report was provided with the application that does not indicate any areas subject to slumping or sliding. Because the building is sited in one corner of the lot, the rest of the area is open for light exposure and air circulation. The Deputy Fire Marshall was sent a copy of the proposal but did not submit any comments. This standard has been satisfied.

#### **Crime Prevention and Safety:**

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

The City of Tigard Police Department has reviewed this project and has no objections. Windows are located on all sides of the proposed building. A lighting plan was submitted which shows all areas of the parking lot and walkways being illuminated. Lighting within the stairwells and parking garage will be reviewed during the Building Permit phase of the project. This standard is met.

#### **Public Transit:**

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

The subject property is located on SW 72nd Avenue, Dartmouth Street, and Clinton Street, none of which are identified as transit routes. Therefore, this standard does not apply.

**FINDING:** Based on the analysis above the Site Development Review criteria have been satisfied.

## **D. STREET AND UTILITY IMPROVEMENTS STANDARDS (18.810):**

### **Streets:**

#### **Improvements:**

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

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

**Minimum Rights-of-Way and Street Widths: Section 18.620.080.A, Tigard Triangle Street and Accessway Standards,** requires an Arterial street to have a 92-foot right-of-way width and 66-foot paved section. Other improvements required may include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.

This site lies adjacent to SW 72nd Avenue, which is classified as an Arterial on the City of Tigard Transportation Plan Map. At present, there is approximately 20 feet of ROW from centerline, according to the most recent tax assessor's map. The applicant should dedicate the additional ROW to provide 46 feet from centerline, plus the additional ROW to provide the corner radius.

SW 72nd Avenue is currently partially improved. In order to mitigate the impact from this development, the applicant should construct half-street improvements in accordance with the Tigard Triangle Street Plan Street Sections.

The Tigard Triangle Standards, 18.620, identify 72nd and Dartmouth as being the focal point of the triangle. The applicant has been in several discussions with City staff about their portion of improvements at this intersection that would be part of a focal point. The application did not include any plans or elevations to review. The applicant shall submit plans for review and approval prior to issuance of permits. These plans shall include, at a minimum, sidewalk treatments, benches, planters, and raised stone walls.

**Minimum Rights-of-Way and Street Widths: Section 18.620.080.A, Tigard Triangle Street and Accessway Standards,** requires a Collector street to have a 94-foot right-of-way width and 44-foot paved section. Other improvements required may include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.

This site lies adjacent to SW Dartmouth Street, which is classified as a Collector on the City of Tigard Transportation Plan Map. At present, there is approximately 35 feet of ROW from centerline, according to the most recent tax assessor's map. The applicant should dedicate the additional ROW to provide 47 feet from centerline, plus the additional ROW to provide the corner radius.

SW Dartmouth Street is currently partially improved. In order to mitigate the impact from this development, the applicant should construct half-street improvements in accordance with the Tigard Triangle Street Plan Street Sections.

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

This site lies adjacent to SW Clinton Street, which is classified as a local street on the City of Tigard Transportation Plan Map. At present, there is approximately 25 feet of ROW from centerline, according to the most recent tax assessor's map. The applicant should dedicate the additional ROW to provide 30 feet from centerline, plus the additional ROW to provide the corner radius.

SW Clinton Street is currently partially improved. In order to mitigate the impact from this development, the applicant should construct half-street improvements in accordance with the Tigard Triangle Street Plan Street Section.

**Future Street Plan and Extension of Streets: Section 18.810.030.F** states that a future street plan shall be filed which shows the pattern of existing and proposed future streets from the boundaries of the proposed land division. This section also states that where it is necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to

the boundary lines of the tract to be developed and a barricade shall be constructed at the end of the street. These street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets at such time as the adjoining property is developed. A barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the City Engineer, the cost of which shall be included in the street construction cost. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub streets in excess of 150 feet in length.

The proposed development is bounded on three sides by public streets. It is not necessary to provide future streets or extensions of streets through this development.

**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.

The proposed development is bounded on three sides by public streets. It is not necessary to provide additional street connections or street extensions.

**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.

SW 72nd Avenue is classified as an Arterial and the grade does not exceed 10%, thereby meeting this criterion. SW Dartmouth Street is classified as a Collector and the grade is less than 10%, thereby meeting this criterion. SW Clinton Street is classified as a local street and the grade is less than 10%, thereby meeting this criterion.

**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.

Future connection of SW 70<sup>th</sup> Avenue to the north will create a block that is greater than 1,800 feet in length. However, the newly created block includes SW Dartmouth Street which is considered an arterial street. Therefore, this standard does not apply.

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

**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 parcels are being created with this project. These standards do 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 applicant's plans indicate they will construct 13-foot sidewalks with tree wells along the frontages of SW 72nd Avenue and SW Dartmouth Street. The plans also indicate the construction of 12-foot sidewalk with tree wells along the frontage of SW Clinton Street. This criterion is met.

#### **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.

The plans show the extension of the sanitary sewer main from an existing manhole near the intersection of SW 72nd Avenue and SW Dartmouth to the intersection of SW 72nd Avenue and SW Clinton Street. The City and CWS Design Standards require the sanitary sewer be extended to the upstream terminus of the development to unserved properties. The applicant shall revise the drawings to provide for the extension of the public sanitary sewer in SW Clinton Street to their east property line.

#### **Storm Drainage:**

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

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

There are no upstream drainage ways that impact this development. Runoff from properties to the east that enters this site will be collected into the on-site drainage system.

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

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

The applicant's plans indicate they will provide on-site detention via an 8-foot detention pipe system.

**Bikeways and Pedestrian Pathways:**

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

SW 72nd Avenue and SW Dartmouth Street are designated bicycle facilities. The applicant shall provide striping of the bicycle lane or pay the fee-in-lieu if substantial sections of the bike lane are not in place.

**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.

It is not reasonable to stripe a small section of a bicycle lane; however, it is reasonable for the applicant to pay a fee-in-lieu of striping.

SW 72<sup>nd</sup> Avenue

The amount of the striping would be as follows:

◆ 360 feet of 8-inch white stripe, at \$2.50/lf	\$900.00
◆ 9 Mono-directional reflective markers @ \$4.00/ea	\$ 36.00
◆ 2 Bike lane legends @ \$175/ea	\$350.00
◆ 2 Directional mini-arrows @ \$100/ea	\$200.00
	<hr/>
	\$1,486.00

SW Dartmouth Street

The amount of the striping would be as follows:

◆ 190 feet of 8-inch white stripe, at \$2.50/lf	\$475.00
◆ 4 Mono-directional reflective markers @ \$4.00/ea	\$ 16.00
◆ 1 Bike lane legends @ \$175/ea	\$175.00
◆ 1 Directional mini-arrows @ \$100/ea	\$100.00
	<hr/>
	\$766.00

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

The Tigard Triangle design standards designate the bicycle lane width as 5 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 existing overhead utility lines along the frontage of SW 72nd Avenue and SW Clinton Street. The applicant shall underground the utilities along SW 72nd Avenue. If the fee in-lieu is proposed, it must be requested and approved by Engineering, and is equal to \$35.00 per lineal foot of street frontage that contains the overhead lines. The 72nd Avenue frontage along this site is 406 lineal feet; therefore the fee, if approved, would be \$14,210.00. The Clinton Street frontage along this site is 231.5 feet; therefore the fee would be \$8,102.50. Frontages are measured along the existing right-of-way line.

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

**Traffic Study Findings:**

Lancaster Engineering provided a Revised Traffic Study, dated July 24, 2008 and a Traffic Impact Study Addendum, dated September 25, 2008. At the conclusion of the addendum it is stated that “most notably, it was found that a traffic signal would be necessary at the intersection of Dartmouth Street and 72nd Avenue to maintain acceptable level of service during the peak hours. Therefore, the developer shall install the traffic signal at Dartmouth Street and 72nd Avenue. The City will make available the signal funds that have been collected for the developer to use towards this requirement.

Lancaster Engineering prepared a traffic impact report for this development, dated July 24, 2008. Lancaster Engineering analyzed two key intersections:

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

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

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

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

The Lancaster Engineering report shows that this project will generate approximately 50 PM peak hour trips to the intersection of SW 72nd Avenue/SW Dartmouth Street. With a total entering volume (TEV) of 2,555 vehicles, the project impact is approximately 1.96%. Therefore, based on simple proportions, the project contribution to this intersection is \$35,581.00. The developer is required to install the signal at 72nd/Dartmouth and will not have to pay this fee if the signal is installed with this project.

Likewise, the Lancaster Engineering report shows that the project will generate approximately 13 PM peak hour trips at the intersection of SW 68th Avenue/SW Dartmouth Street. With a TEV of approximately 2,660 vehicles, the impact from this development is approximately 0.49%. Therefore, based on the same proportion used in the Babies R Us development, the project contribution to this intersection is \$6,533.00.

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

**Fire and Life Safety:**

The applicant's plans indicate a fire suppression system will be installed for the proposed building. The applicant shall obtain approval from TVF&R for the hydrant placement and fire flow.

**Public Water System:**

Tualatin Valley Water District (TVWD) provides service in this area. The applicant shall submit plans to TVWD for review and approval prior to issuance of City permits.

**Storm Water Quality:**

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

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

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

**Grading and Erosion Control:**

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

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

The applicant shall submit a 1200C permit application to the City of Tigard for review prior to issuance of permits.

**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 the site permit.

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

**E. IMPACT STUDY (18.390):**

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

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

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

The applicant has provided an impact study addressing the project’s impacts on public systems. On-site stormwater detention and water quality is proposed to address any additional run-off prior to being released into the public system. The existing streets surrounding the site have no water quality treatment facilities. The applicant is proposing to install new inlets and additional public storm pipes. Existing public sanitary sewer and water lines will be extended to serve the site. There is no known deficiency in capacity. Since the site is a commercial development, there should be no impact on the City’s parks system.

The Washington County Traffic Impact Fee (TIF) is a mitigation measure that is required at the time of development. Based on a transportation impact study prepared by Mr. David Larson for the A-Boy Expansion/Dolan II/Resolution 95-61, TIF’s are expected to recapture 20 percent of the traffic impact of new development on the collector and arterial Street system. The applicant will be required to pay TIF’s of approximately \$189,740 based on the uses proposed.

Based on the estimate that total TIF fees cover 20 percent of the impact, on major street improvements citywide, a fee that would cover 100 percent of this projects traffic impact is \$948,700 (\$189,740 divided by .20). Besides the TIF that mitigates for 20% of the projects impact on the transportation system, the applicant is required to dedicate additional right-of-way along SW Dartmouth Street (2,124 square feet), SW 72nd Avenue (10,114 square feet), and SW Clinton Street (1,060 square feet) . The estimated value of the dedication is \$10 a square foot for a total value of \$132,980.

The applicant is also required to construct a ½ street improvement on all three streets. At an approximate cost of \$270 per lineal foot the improvements are valued at \$43,000. The following is the estimated cost of construction of the proposed improvements and are considered mitigated costs.

Dartmouth Street:	177 ft x \$270.00 .....	\$ 47,790.00
Bike Lane Striping:	.....	\$ 766.00
Dedication:	2,124 sq ft x \$10	\$ 21,240.00
Total:		\$ 69,796.00
72 <sup>nd</sup> Avenue:	389 ft x \$270.....	\$105,030.00
Bike Lane Striping:	.....	\$ 1,486.00
Dedication:	10,114 sq ft x \$10	\$101,140.00
Total:		\$207,656.00
Clinton Street:	212 ft x \$270.....	\$ 57,240.00
Dedication:	1,060 sq ft x \$10	\$ 10,600.00
Total:		\$ 67,840.00

Estimated Value of Impacts

Full Impact.....	\$948,700
Less TIF Assessment.....	-\$189,740
Future Signalization of 68 <sup>th</sup> and Dartmouth Street.....	-\$ 6,533
Future Signalization of 72 <sup>nd</sup> and Dartmouth Street.....	-\$ 35,581
<u>Less Mitigated Costs.....</u>	<u>-\$345,292</u>
Estimated Value of Unmitigated Impacts.....	\$371,554

Dartmouth Street is a collector and 72<sup>nd</sup> Avenue is an arterial and thus the improvements and right-of-way dedication are considered mitigated costs. The total value of these mitigated costs plus the TIF assessment is less than the total value of the projected impacts, and therefore roughly proportionate. There is a direct nexus between providing the development’s share of a street frontage and transportation/safety purposes. The dedication and improvement of SW Clinton Street, Dartmouth Street and 72<sup>nd</sup> Avenue is required to meet the street improvement requirements of 18.810.030, and the applicant has proposed making these improvements.

FINDING: Using the above cost factors, it can be determined that the unmitigated impacts exceed the costs of the conditions imposed and, therefore, the conditions are proportionally justified.

## **SECTION VII. OTHER STAFF COMMENTS**

**City of Tigard Building Department** has reviewed the proposal and offered the following comment:

- ♦ Plumbing plan review required per OAR 918-780-0040, 2-inch private water service or larger, Plan Sheet C2.1.

**City of Tigard Public Works Department** has reviewed the proposal and had no objections.

**City of Tigard Police Department** has reviewed the proposal and has no objections to it.

**City of Tigard Urban Forester** has reviewed the proposal and comments have been inserted into the report.

## **SECTION VIII. AGENCY COMMENTS**

- 1) **Tualatin Valley Water District** had no objections to the development but noted that a Water District plan review is required.
- 2) **Tualatin Valley Fire and Rescue** were sent a copy of the applicant's materials however, no comments were received.
- 3) **Clean Water Services** has reviewed the proposal and comments have been incorporated into the report.

## **SECTION IX. PROCEDURE AND APPEAL INFORMATION**

### Notice:

Notice was posted at City Hall and mailed to:

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

### **Final Decision:**

**THIS DECISION IS FINAL ON DECEMBER 9, 2008 AND BECOMES  
EFFECTIVE ON DECEMBER 24, 2008 UNLESS AN APPEAL IS FILED.**

### Appeal:

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

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

THE DEADLINE FOR FILING AN APPEAL IS AT 5:00 PM ON DECEMBER 23, 2008.

Questions:

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

*Cheryl A. Caines*

PREPARED BY: Cheryl Caines  
Associate Planner

December 8, 2008  
DATE

*R. Bewersdorff*

APPROVED BY: Richard H. Bewersdorff  
Planning Manager

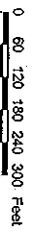
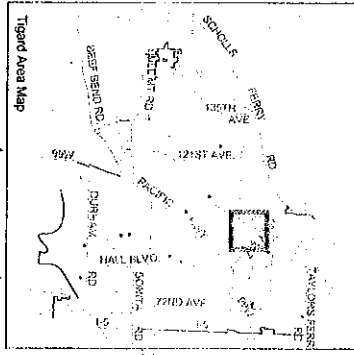
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GEOGRAPHIC INFORMATION SYSTEM  
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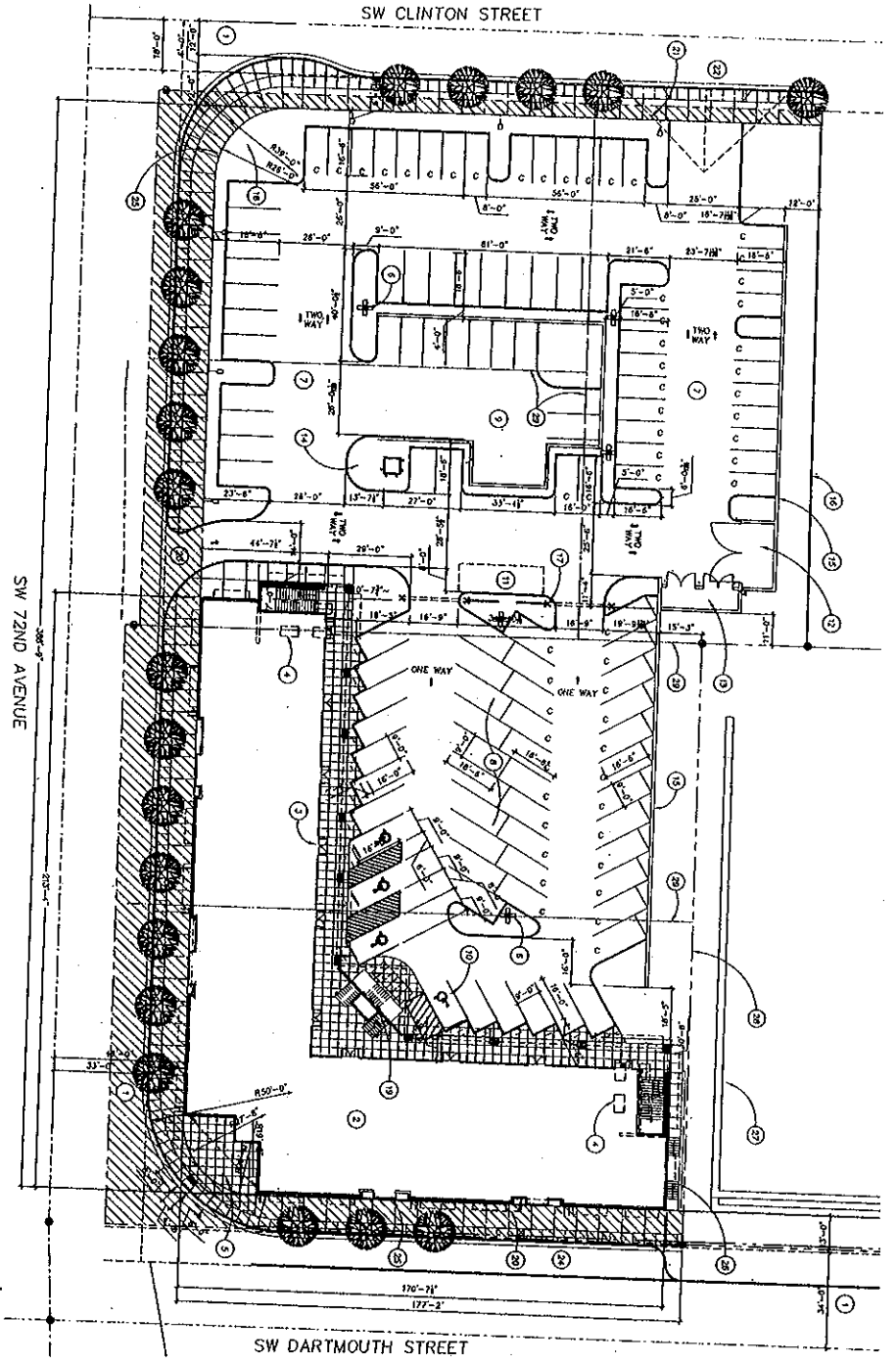
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LEGEND:  
[Hatched Box] SUBJECT SITE



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





Site Plan - Upper Level

FINAL APPROVAL  
 CITY OF TIGARD PLANNING DIVISION  
 BY *C. Cairns* DATE 11/24/08

Site Design Review - September 2008

**Keynotes**

1. RIGHT-OF-WAY BOUNDARY (SEE HARDWARE AREA AND RETAIL/OFFICE BUILDING (SEE DRAWINGS))
2. BUILDING FOOTPRINT WITH EXISTING/PROPOSED GLAZING
3. EXISTING/PROPOSED CURB AND GUTTER
4. EXISTING/PROPOSED SIDEWALK
5. WITH CONCRETE CURB AT LOWER LEVEL
6. EXISTING/PROPOSED SIDEWALK
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**Notes**

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**REGISTERED ARCHITECT**  
 MILDRED DESIGN GROUP, P.C.  
 ARCHITECTURE • INTERIORS  
 1750 SW Clinton Street, Suite 100  
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Owner:  
 TJB, LLC

P.O. Box 5215  
 Portland, Oregon 97208-0525  
 Project:  
 Dartmouth Commons

72nd and Dartmouth  
 Tigard, OR 97146  
 Sheet Title:  
 Upper Level  
 Site Plan

Date:	25 September 2008
Drawn By:	WDA
Checked By:	WDA
Job Number:	100182
Sheet:	4

