

NOTICE OF TYPE II DECISION
SITE DEVELOPMENT REVIEW (SDR) 2008-00007
LANPHERE ENTERPRISES



120 DAYS = 7/8/2009

SECTION I. APPLICATION SUMMARY

FILE NAME: LANPHERE ENTERPRISES
CASE NO.: Site Development Review (SDR) SDR2008-00007

PROPOSAL: The applicant is requesting Site Development Review approval for an approximately 88,427 square foot site and to construct improvements to an existing 21,957 square foot building. The proposal includes a new 4,383 square foot canopy addition to the west facade, 365 square foot entry projection expansion on the north, 431 square foot awning spanning the east façade and wrapping around the corner of the north facade, other minor exterior façade upgrades, additional asphalt parking lot paving, and landscape improvements.

APPLICANT/ OWNER:	Bob Lanphere Enterprises 4160 SW 109 th Avenue Beaverton, OR 97008	APPLICANT'S REP.:	Nate Carter Axis Design Group 11104 SE Stark Street Portland, OR 97216
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LOCATION: 10655 SW Greenburg Road; Washington County Tax Map 1S135BB, Tax Lot 800.

ZONE: MUC: Mixed-Use Commercial District. The MUC zoning district includes land around the Washington Square Mall and land immediately west of Highway 217. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and housing at densities of 50 units per acre. Larger buildings are encouraged in this area with parking under, behind or to the sides of buildings.

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.360, 18.390, 18.520, 18.630, 18.705, 18.725, 18.745, 18.755, 18.760, 18.765, 18.780, 18.790, 18.795 and 18.810.

SECTION II. DECISION

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

CONDITIONS OF APPROVAL

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

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

1. Table 18.520, Use Table: Commercial Zones, does not permit in the MUC zone “outdoor sales” or “motor vehicle servicing/repair” and restricts “motor vehicle sales/rental” as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use. However, “motor vehicle servicing/repair” is a pre-existing non-conforming use which is approved on the subject site. Therefore “motor vehicle sales/rental” is permitted as an accessory use as long as the use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use. “Outdoor sales” or display is not an approved pre-existing use and is not permitted in the MUC zone. Outdoor sales and display is characterized by product arrangements for viewing by customers and from public rights-of-way.
2. Prior to issuance of site/building permits, the applicant shall submit a revised landscape plan to address conflicts with the proposed bicycle parking and gas meter.
3. Prior to issuance of site/building permits, the applicant shall submit revised plans and details that demonstrate that any mechanical rooftop equipment will be screened from view from street level.
4. Prior to issuance of site/building permits, the applicant shall submit a revised architectural plan to identify the material and height of enclosures required for the screening of facilities such as gas meters and air conditioners.
5. Prior to issuance of site/building permits, the applicant shall submit a revised landscape plan showing parking lot trees chosen from the City of Tigard list to be of large stature and broad spreading at maturity in order to provide a canopy effect over the parking lot (such as Zelkova serrata, Quercus shumardii, or Quercus bicolor). The revised landscape plan shall include soil volumes of 1000 cubic feet minimum (e.g., 11 feet by 30 feet, assuming a soil depth of 3 feet). Parking lot trees shall be 2½” caliper minimum.
6. Prior to issuance of site/building permits, the applicant shall submit a revised site plan with accessways signed to show direction of flow.
7. Prior to issuance of site/building permits, the applicant shall submit a revised site plan identifying the location of the required 5 bicycle parking spaces such that a minimum of a 6-foot aisle is available around the bicycles.
8. Prior to issuance of site/building permits, the applicant shall submit a lighting plan demonstrating that fixtures are placed at a height so that light patterns overlap at a height of seven feet, sufficient to illuminate a person.

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:

9. Before beginning work within the right-of-way, the applicant shall obtain a permit from the Oregon Department of Transportation to conduct work within a state highway. The application shall include replacement of the failed pavement surrounding the manhole. (O.D.O.T. Contact: Steve Schalk, 503-229-5267)
10. A Public Facility Improvement (PFI) permit is required for the sidewalk, sewer connection and any other work on public facilities. The application shall detail building utility extension through the sidewalk and be placed at a City approved location. Two 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).

11. 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.
12. 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.
13. The City Engineer may determine the necessity for, and require submittal and approval of, a construction access and parking plan for the building phase. If the City Engineer deems such a plan necessary, the applicant shall provide the plan prior to issuance of building permits.
14. The proposed 6-foot wide sidewalk will be placed in a ten-foot wide public pedestrian easement. The dedication document shall be on City forms. Instructions are available from the Engineering Department.
15. The applicant shall provide stormwater calculations showing the analysis for whether or not detention is required. If required, the applicant shall provide on-site detention.
16. The applicant shall provide on-site water quality facilities as required by Clean Water Services Design and Construction Standards (Resolution and Order No. 07-20). 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.
17. An erosion control plan shall be provided as part of the Public Facility Improvement (PFI) permit drawings. The plan shall conform to Clean Water Services Design and Construction Standards (Resolution and Order No. 07-20) Chapter 2.
18. 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 FINAL BUILDING INSPECTION:**

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

19. Prior to final inspection, the developer shall sign a copy of the City's sign compliance agreement.
20. Prior to final building inspection, the applicant shall contact the Current Planning Division (Gary Pagenstecher) for a site inspection to determine consistency with the approved plan.

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:

21. 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 the improvements.

22. The applicant shall execute a Restrictive Covenant whereby it agrees to complete or participate in the future improvements of the Highway 217 frontage road adjacent to the subject property, when any of the following events occur:
- A. when the improvements are part of a larger project to be financed or paid for by the formation of a Local Improvement District;
 - B. when the improvements are part of a larger project to be financed or paid for in whole or in part by the City or other public agency;
 - C. when the improvements are part of a larger project to be constructed by a third party and involves the sharing of design and/or construction expenses by the third party owner(s) of property in addition to the subject property; or
 - D. when construction of the improvements is deemed to be appropriate by the City Engineer in conjunction with construction of improvements by others adjacent to the subject site.

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

SECTION III. BACKGROUND INFORMATION

Site History:

The subject building was purchased by Lanphere Enterprise, Inc. in 2003. A search of City records shows no land use or building permit records for Lanphere's use of the subject building until February 2008 (BUP2008-00033). On January 15, 2009, the City issued a Non-Conforming Use Determination (MIS2008-00017). City records show building and sign permit activity since 1991 for America's Tire.

Vicinity Information:

The subject site is surrounded by MUC zoned parcels developed with a mix of commercial uses including commercial storage facilities, gas station, strip mall, and Harley Davidson and Beaverton Honda-Yamaha-Suzuki motorcycle/parts/accessory/sales and service dealerships with interior and exterior display.

Site Information and Proposal Description:

Lanphere Enterprises, current owner of the subject building and parcel, desires to improve the building for use for its motorcycle sales and service business, expanding from its current location at 10380 SW Cascade Boulevard. The applicant states that historically, the building located at 10655 Greenberg has been used partially (east half) for the sale and installation of tires and car parts (America's Tire) and partially (west half) for vintage motorcycle/part/accessory sales and service (Lanphere).

The applicant is requesting Site Development Review approval to construct a new 4,383 square foot canopy addition to the west end of the building, awning extensions to the north and east elevations, exterior façade upgrades, and parking lot and landscape improvements.

SECTION IV. COMMENTS FROM PROPERTY OWNERS WITHIN 500 FEET

On April 3, 2009, the City received an email copy of a letter dated April 2, 2009 from Roger Belanich, Business Property Development, owner of the property adjacent and south of the subject property. Mr. Belanich is concerned, that with the history of flooding in the area, there is a possibility that flooding will worsen on his property resulting from new pavement on the Lanphere property.

RESPONSE: Drainage for the site and surrounding area is provided by various private facilities as depicted on a map submitted by the applicant. Due to lack of maintenance, these facilities have become nearly nonfunctional. Site drainage is provided by a ditch along the side of the frontage road which is collected by a private inlet at the southeast corner of the site. The applicant has cleaned the ditch to restore site drainage. In addition, there is a line crossing Hwy. 217 that outfalls to an inlet in a rip rap basin on the east side of the frontage road. The applicant has restored this facility by cleaning the basin including the removal of three feet of debris covering the inlet. Both of these inlets drain to a line in the adjacent lot to the south. This line extends west to an outfall at a ditch in a brushy area that turns south and connects

to the public system in Cascade Blvd. This ditch was overgrown with brush and was not providing effective drainage. The applicant has cleaned the ditch to restore its effectiveness.

The City's Development Review Engineer believes detention is not required since additional runoff from the site is not expected. The proposed paving will not create additional impervious area since it will be over areas of existing compacted gravel. Moreover, because downstream conditions are expected to result in backwater flow, detention is not likely to be beneficial. However, the applicant is subject to a condition of approval to provide calculations showing the analysis for whether or not detention is required. If required, the applicant shall provide on-site detention.

SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA

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

- A. **Zoning Districts**
 - 18.520 Commercial Zoning Districts
- B. **Specific Development Standards**
 - 18.630 Washington Square Regional Center Design Standards
 - 18.705 Access Egress and Circulation
 - 18.725 Environmental Performance Standards
 - 18.745 Landscaping and Screening
 - 18.755 Mixed Solid Waste and Recyclable Storage
 - 18.760 Nonconforming Situations
 - 18.765 Off-Street parking and loading requirements
 - 18.780 Signs
 - 18.790 Tree Removal
 - 18.795 Visual Clearance
- C. **Specific Site Development Review Approval Criteria**
 - 18.360
- D. **Street and Utility Improvement Standards**
 - 18.810
- E. **Decision Making Procedures**
 - 18.390 Impact Study

SECTION VI. APPLICABLE DEVELOPMENT CODE STANDARDS

A. ZONING DISTRICTS

Commercial Zoning District: Section 18.520.020

Lists the description of the Commercial Zoning Districts.

The site is located in the MUC: Mixed-Use Commercial zoning district. The applicant proposes to use the site and building for motor vehicle servicing/repair and motor vehicle/parts/accessories sales. Servicing/repair is not permitted in the MUC zone. Sales/rental is a restricted use as accessory to a permitted use.

As discussed below in the findings for Pre-Existing Uses and Developments within the Washington Square Regional Center Mixed Use Districts (18.630.030), "motor vehicle servicing/repair" is an approved pre-existing use, within the building. "Motor vehicle sales/rental" is a restricted use as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use. In addition, staff finds that "outdoor sales" or display is not an approved pre-existing use and is not permitted in the MUC zone.

Development Standards:

Development standards in commercial zoning districts are contained in Table 18.520.2 below:

**TABLE 18.520.2
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

STANDARD	MUC	Proposed
Minimum Lot Size - Detached unit - Boarding, lodging, rooming house	None -	88,427 sq. ft.
Minimum Lot Width	None	273 ft.
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' min/ 10' max 0' min/ 10' max 0 ft 0 ft 0 ft N/A	25 ft. (existing) - 0 ft. 48 ft. -
Minimum Height	2 stories	1 story (existing)
Maximum Height	200 ft	29.5 ft. (existing)
Maximum Site Coverage	85%	84.11%
Minimum Floor Area Ratio	1.25	0.25 (existing)
Minimum Landscape Requirement	15%	15.89%

FINDING: As demonstrated in the table above, there are existing elements of the building that are non-conforming with regard to the development standards. This non-conformity is permissible per TDC Section 18.760.060.C (Non-conforming Development). Since the proposed building enlargement and expanded landscaping will bring the development closer into conformance or will conform with these development standards, the applicant's plans comply with the dimensional standards of the MUC zone.

B. SPECIFIC DEVELOPMENT STANDARDS

Washington Square Regional Center Design Standards (18.630)

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

All new developments, including remodeling and renovation projects resulting in new non single family residential uses 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 Washington Square Regional Center.

The following design standards apply to all development located within the Washington Square Regional Center within the MUC, MUE and MUR zones. If a standard found in this section conflicts with another standard in the Development Code, standards in this section shall govern.

18.630.030 Pre-Existing Uses and Developments within the Washington Square Regional Center Mixed Use Districts.

Notwithstanding the provisions of Section 18.760.040, uses prohibited and structures that would be nonconforming in any of the Regional Center Mixed Use zoning districts that were lawfully in existence at the time of adoption of the Regional Center Mixed Use districts are considered to be approved uses and structures. However, future additions, expansions, or enlargements to such uses

or structures, shall be limited to the property area and use lawfully in existence at the time of adoption of this ordinance, February 22, 2002.

The applicant states that the subject uses were permitted outright under the “General Commercial” zone prior to February 22, 2002 and should therefore be considered approved uses. The applicant states that “motor vehicle sales/rental” was a lawful pre-existing use inside the subject building and that “motor vehicle sales/rental” and “exterior storage and display” were lawful pre-existing uses outside the building.

Pursuant to the nonconforming use determination findings below, staff has determined that 1) “motor vehicle servicing/repair” (America’s Tire) was lawfully in existence in the I-P zone prior to February 22, 2002 and is, therefore, an approved use, and 2) “motor vehicle sales/rental” (Lanphere) was not lawfully in existence in the I-P zone prior to February 22, 2002 and is, therefore, not an approved use.

The applicant has not provided information to verify uses outside the building prior to February 22, 2002. Staff has reviewed aerial photos from 1996, 1999, 2000, 2001 and 2002 and found that vehicle parking and storage are evident, but not display.

Table 18.520, Use Table: Commercial Zones, does not permit in the MUC zone “outdoor sales” or “motor vehicle servicing/repair” and restricts “motor vehicle sales/rental” as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use. However, “motor vehicle servicing/repair” is a pre-existing non-conforming use which is approved on the subject site. Therefore “motor vehicle sales/rental” is permitted as an accessory use as long as the use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use. “Outdoor sales” or display is not an approved pre-existing use and is not permitted in the MUC zone.

An addition, expansion, or enlargement of such lawfully preexisting uses and structures up to twenty (20%) of the gross floor area lawfully in existence at the time of adoption of this ordinance will be allowed provided the applicant of such proposed addition, expansion or enlargement demonstrates substantial compliance with all appropriate development standards in this code, or that the applicant demonstrates that the purposes of applicable development standards are addressed to the extent that the proposed addition, expansion or enlargement allows.

The applicant proposes to expand the 21,957 square foot building with a new 4,383 square foot canopy addition to the west façade (19.9%). Tigard Community Development Code Section 18.630.030 provides that future additions, expansions, or enlargements to pre-existing uses or structures, shall be limited to the property area and use lawfully in existence on February 22, 2002. Therefore, the canopy extension can be utilized for motor vehicle servicing/repair and not for motor vehicle sales/rental, consistent with this standard.

Section 18.630.040 requires a way for creating continuity and connectivity within the Washington Square Regional Center (WSRC). The primary objective is to create a balanced, connected transportation system that distributes trips within the WSRC on a variety of streets. The connectivity standards may be satisfied by either of two options: Design or Performance Options.

The project fronts on the Beaverton-Tigard Highway Frontage Road, which is part of the Hwy. 217 right-of-way and connects the subject property to SW Greenburg Road. The proposed development does not provide any opportunity for street connection but does improve the pedestrian facilities along its frontage as shown in the Preliminary Site Plan (Sheet C2.0). The proposed development is consistent with the applicable WSRC standards for connectivity.

Section 18.630.050 specifies the site design standards applicable to developments in the Washington Square Regional Center.

Building placement on Major and Minor Arterials. Buildings shall occupy a minimum of 50% of all street frontages along major and minor arterial streets. Buildings shall be located at public street intersections on major and minor arterial streets.

The property does not have frontage along a major or minor arterial street. Therefore, this standard does not apply.

Building setback. The minimum and maximum building setback from public street rights-of-way shall be in accordance with Table 18.520.2.

Table 18.520.2 specifies that the minimum setback is 0 feet and the maximum setback is 10 feet along the front yard, and requires that a minimum of 20 feet shall be provided when the site abuts a residential zone. There is no abutting residential zone. The existing building is set back approximately 32 feet at its nearest point to the frontage road. Since no new building is proposed, and the proposed canopy extension has been functionally sited to the rear of the existing building, the building set back standard is inapplicable, in this case.

Front yard setback design. For setbacks greater than 0 feet, landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and a public street or accessway. If a building abuts more than one street, the required improvements shall be provided on all streets. Landscaping shall be developed to an L-1 standard on public streets and an L-2 standard on accessways. Hard-surfaced areas shall be constructed with scored concrete or modular paving materials. Benches and other street furnishings are encouraged. These areas shall contribute to the minimum landscaping requirement per Section 18.520.040.B and Table 18.520.2.

The applicant has proposed a new concrete pathway and landscaping between the building and the frontage road as shown in the applicant's landscape plan (Sheet L1.0). However, the proposed concrete sidewalk is encumbered by bicycle parking and a gas meter. The applicant shall prepare a revised landscape plan to address conflicts with the proposed bicycle parking and gas meter. For example, an expanded entry plaza at the corner would make room for the bicycles. Moving the sidewalk east of the trees would avoid the gas meter and provide a continuous pedestrian way along the frontage.

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

According to the applicant's Landscape Plan (Sheet L1.0) a six foot scored concrete walkway is proposed between the frontage road and the existing building, consistent with this standard.

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. When buildings or phases are adjacent to more than one public street, primary street(s) shall be identified by the City where this requirement applies. In general, streets with higher functional classification will be identified as primary streets unless specific design or access factors favor another street. If located on the side, parking is limited to 50% of the primary street frontage and must be behind a landscaped area constructed to an L-1 landscape standard. The minimum depth of the L-1 landscaped area is five feet or is equal to the building setback, whichever is greater. Interior side and rear yards shall be landscaped to a L-2 landscape standard, except where a side yard abuts a public street, where it shall be landscaped to an L-1 landscape standard.

The proposed development includes landscaping and screening substantially consistent with this standard. Landscaping is discussed in further detail under Chapter 18.745.

Section 18.630.060 specifies the building design standards to control the vertical elements of new development within the Washington Square Regional Center.

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

The proposed building faces east to the frontage road setback from between 32 and 55 feet. The building is 100 feet long with approximately 100 square feet of glazing (16%). Because the existing building is setback greater than 10 feet the ground floor and the improvements to the building are primarily to the north and west elevations, the ground floor window requirement does not strictly apply.

Building facades. Facades that face a public street shall extend no more than 50 feet without providing at least one of the following features: (1) a variation in building materials; (2) a building off-set of at least 1-foot; (3) a wall area that is entirely separated from other wall areas by a projection, such as an arcade; or (4) 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's east façade faces the frontage road of Hwy . 217 and is 100 feet long without a vertical break as described in the standard. As the standard applies to new development, the existing building's east facade is exempt.

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.

A canopy is proposed along the north and east sides of the existing building as shown in the AXIS Design Group elevation drawings, consistent with this standard .

Building Materials. Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board 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.

The existing building is primarily sheet metal and is exempt as a nonconforming development. The applicant proposes to paint the exterior walls of the show room at the east end adjacent to the frontage road, consistent with this standard.

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 existing building's roofs are pitched with eaves and covered primarily with sheet metal without false fronts, consistent with this standard.

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

The applicant's narrative indicates that new roof mounted mechanical equipment will be concealed behind screening walls as shown in the architectural drawings in the application. However, the plan set does not contain a roof plan to show the design and location of any roof mounted equipment to demonstrate conformance with this standard. Therefore, the applicant shall submit revised plans and details that demonstrate that any mechanical rooftop equipment will be screened from view from street level.

Section 18.630.070 specifies additional requirements as related to signs. In general for commercial developments in the MUC zone, the requirements for signs in commercial zones as described in 18.780.130.C shall be used. Height limits for freestanding signs shall be 10 feet. Wall signs are not permitted to extend above the roofline of the wall on which the sign is located. No height increases will be permitted.

The applicant is proposing no new freestanding signs. Architecturally integrated signs are proposed above the entry way on the east elevation canopy The applicant has indicated that a sign permit will be later applied for under a Type I review.

Section 18.630.090 describes the landscaping and screening requirements applicable within the Washington Square Regional Center. For general landscaping of landscaped and screened areas within parking lots and along local collectors and local streets, planting standards of Chapter 18.745 Landscaping and Screening, shall apply. In addition the L-1 standard applies to setbacks on major and minor arterials, and where parking lots abut public streets. Where the setback is a minimum of 5 feet between the parking lot and a street, trees shall be planted at 3½ inch caliper, at a maximum of 28 feet on center. Shrubs shall be of a variety that will provide a 3-foot high screen and a 90% opacity within one year. Groundcover plants must fully cover the remainder of landscape area within two years. For general landscaping of landscaped and screened areas within parking lots, and along local collectors and local streets, planting standards of Chapter 18.745, Landscaping and Screening, shall apply. In addition, 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 years.

The applicant submitted a landscape plan (Sheet L1.0), which is substantially in conformance with this standard. However, The City Arborist has recommended changes to parking lot landscaping as reviewed later in this decision under Chapter 18.745, Landscaping and Screening.

FINDING: Within the building, “motor vehicle servicing/repair” is an approved pre-existing use. “Motor vehicle sales/rental” is a restricted use as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use. In addition, staff finds that “outdoor sales” or display is not an approved pre-existing use and is not permitted in the MUC zone.

The Washington Square Regional Center Design Standards have not been fully met. With the following conditions of approval the standards can be met.

CONDITIONS:

- ◆ Table 18.520, Use Table: Commercial Zones, does not permit in the MUC zone “outdoor sales” or “motor vehicle servicing/repair” and restricts “motor vehicle sales/rental” as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use. However, “motor vehicle servicing/repair” is a pre-existing non-conforming use which is approved on the subject site. Therefore “motor vehicle sales/rental” is permitted as an accessory use as long as the use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use. “Outdoor sales” or display is not an approved pre-existing use and is not permitted in the MUC zone. Outdoor sales and display is characterized by product arrangements for viewing by customers and from public rights-of-way.
- ◆ The applicant shall prepare a revised landscape plan to address conflicts with the proposed bicycle parking and gas meter.
- ◆ The applicant shall submit revised plans and details that demonstrate that any mechanical rooftop equipment will be screened from view from street level.

Access, Egress and Circulation (18.705):

Joint access:

18.705.030.C allows owners of two or more uses, structures, or parcels of land to 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: 1) satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and 2) copies of the deeds, easements, leases or contracts are placed on permanent file with the City.

Joint access is not proposed. Therefore, this standard does not apply.

Walkways:

18.705.030.F requires that on-site pedestrian walkways comply with the following standards: Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs,

ramps, or elevators of all commercial, institutional, and industrial uses, to the streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Unless impractical, walkways shall be constructed between new and existing developments and neighboring developments;

According to the applicant's Landscape Plan (Sheet L1.0) a six foot scored concrete walkway is proposed between the frontage road and the existing building and along the frontage road within a 10-foot easement on the subject property, consistent with this standard.

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;

The applicant's Preliminary Site Plan (Sheet C2.0) shows the frontage road walkway crossing the accessway a distance of 29.5 feet and clearly marked, consistent with this standard.

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 applicant's Preliminary Site Plan (Sheet C2.0) shows the proposed walkways paved with concrete, consistent with this standard.

Access Management:

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

Access is to a frontage road along Hwy. 217 which currently terminates at the northeastern corner of the site and connects to Greenburg Rd to the south through substandard reversing curves. Sight distance is undeterminable and cannot be improved by relocating the proposed driveway. Consequently, sight distance determination is not requested.

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.

Cascade Avenue is the nearest collector and is over four hundred feet from the proposed driveway. Consequently, it is not within the influence area.

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.

As measured along the apparent centerline of the pavement, there is about 140 feet of separation between the proposed driveway and the existing driveway along the south side of the building. Consequently, the standard of

125 feet for a local street is met.

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 100 or more parking spaces is two 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.

The site has a single point of access into the parking lot that provides a minimum of 30 feet and 24 feet of pavement. Therefore, this standard is met.

FINDING: The proposed development plan meets the applicable access requirements.

Environmental performance standards (18.725):

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

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

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

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

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

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

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

FINDING: This is a retail commercial expansion, which is permitted within the MUC zone. The applicant's narrative indicates that the above standards will be met. Vehicle maintenance and testing will occur within the building and emission filtering equipment are designed to contain odors. Vibration from the dynamometer test equipment is contained by sound insulation within the building and an insulation joint in the underlying slab. The applicant is responsible for ongoing maintenance to meet these standards and any violation of these standards will be addressed by the City of Tigard's Code Enforcement Officer. Therefore, the Environmental Performance Standards are met.

Landscaping and Screening (18.745):

Section 18.745.030.C, specifies the Installation Requirements. The installation of all landscaping shall be as follows: All landscaping shall be installed according to accepted planting procedures; the plant material shall be of high grade, and shall meet the size and grading standards of the American

Standards for Nurberg Stock (ANSI Z-60, 1-1986, and any other future revisions); and landscaping shall be installed in accordance with the provisions of this title.

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

The applicant has proposed (Sheet L1.0) Chanticleer pear for parking lot trees. The City Arborist states that Chanticleer pear (*Pyrus calleryana* 'Chanticleer') trees will not provide a significant canopy effect over the parking lot. The parking lot trees need to be chosen from the City of Tigard list, and be large stature and broad spreading at maturity in order to provide a canopy effect over the parking lot such as *Zelkova serrata*, *Quercus shumardii*, or *Quercus bicolor*. Parking lot trees are required to be 2½" caliper minimum.

In addition, the City Arborist commented that the proposed parking lot trees on the interior of the parking lot have not been provided sufficient soil volume to support their growth to maturity and that the dimensions of the interior landscape islands should be increased to 11' by 30' (assuming a soil depth of 3'). Therefore, the applicant shall submit a revised landscape plan demonstrating soil volumes of 1000 cubic feet min. for the interior parking lot trees.

Section 18.745.030.E, requires protection of existing landscaping. The developer shall provide methods for the protection of existing vegetation to remain during the construction process; and the plants to be saved shall be noted on the landscape plans (e.g., areas not to be disturbed can be fenced, as in snow fencing which can be placed around the individual trees).

The site has been thoroughly paved and graveled. The proposed development includes increasing the landscaping on the site to meet the 15% minimum requirement.

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 site is bordered on the east by the Beaverton-Tigard Frontage Road for approximately 320 lineal feet. The applicant's Landscape Plan (Sheet L1.0) shows five Sugar Maples and three Chanticleer Pear trees proposed along this frontage, consistent with this standard.

Buffering and Screening:

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

All properties surrounding the subject property are zoned MUC. Existing uses include a commercial storage facility on the north, a gas station and strip mall on the south, and other motorcycle businesses on the west and north. Therefore, no buffering or screening is required for dissimilar uses.

Screening:

Special Provisions:

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

As shown in the applicant's landscape plan (Sheet L1.0), the proposed parking lot will be screened by L-1 Landscaping within an 18-foot landscape area between the frontage road and the parking lot.

The applicant has proposed (Sheet L1.0) Chanticleer pear for parking lot trees. The City Arborist states that Chanticleer pear (*Pyrus calleryana* 'Chanticleer') trees will not provide a significant canopy effect over the parking lot. The parking lot trees need to be chosen from the City of Tigard list, and be large stature and broad spreading at maturity in order to provide a canopy effect over the parking lot such as *Zelkova serrata*, *Quercus shumardii*, or *Quercus bicolor*. Parking lot trees are required to be 2½" caliper minimum.

In addition, the City Arborist commented that the proposed parking lot trees on the interior of the parking lot have not been provided sufficient soil volume to support their growth to maturity and that the dimensions of the interior landscape islands should be increased to 11' by 30' (assuming a soil depth of 3'). Therefore, the applicant shall submit a revised landscape plan demonstrating soil volumes of 1000 cubic feet min. for the interior parking lot trees.

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 states that new rooftop mechanical equipment will be screened by an attractive material and color that fits into the context of the building. The applicant's elevation drawings show the screened area. A gas meter and piping are located at the front of the building. The applicant shall submit detailed plans to show that all proposed service facilities such as gas meters and air conditioners are screened to the maximum extent practicable as necessary to ensure compliance with this standard. The applicant's revised plan will need to identify the material and height of enclosures with respect to the facilities being screened.

Screening Of Refuse Containers.

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

The applicant has proposed to utilize the existing practice of keeping refuse containers inside the building until pick up day. Therefore, this standard is satisfied.

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

CONDITIONS:

- ◆ The applicant shall submit a revised landscape plan showing parking lot trees chosen from the City of Tigard list to be of large stature and broad spreading at maturity in order to provide a canopy effect over the parking lot (such as *Zelkova serrata*, *Quercus shumardii*, or *Quercus bicolor*). The revised landscape plan shall include soil volumes of 1000 cubic feet minimum (e.g., 11 feet by 30 feet, assuming a soil depth of 3 feet). Parking lot trees shall be 2½" caliper minimum.
- ◆ The applicant shall submit a revised architectural plan to identify the material and height of enclosures with respect to the facilities being screened, such as gas meters and air conditioners.

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.

FINDING: The applicant states that recycling and refuse containers will be located inside the building and will be placed outside for pick up on the appropriate days and times. Pride Disposal has written a letter stating this will be satisfactory, consistent with the applicable Mixed Solid Waste and Recyclables Storage standards.

Nonconforming Situations (18.760):

18.760.020 Determination of Nonconforming Use Status

Director's determination. The Director shall make a determination regarding the legal status of a nonconforming use by means of a Type I procedure, governed by Section 18.390.030, using the following criteria:

The following findings are contained in the City's Nonconforming Use Determination (MIS2008-00007) issued January 15, 2009.

Proof that the use was permitted by this title at the time it was established, by any of the following:

- a. Copies of building and/or land use permits issued at the time the use was established;**
- b. Copies of zoning code provisions and/or maps;**
- c. Demonstration that the use was established before the first development code for the community was adopted.**

The applicant did not provide any proofs listed in (a) through (c) to prove the vintage motorcycle/part/accessory sales and service use was permitted at the time it was established.

However, the applicant submitted an Affidavit dated October 14, 2008 by Bob Lanphere attesting to the fact that Lanphere Enterprises operated a vintage motorcycle business out of the property located at 10655 SW Greenberg Road from 2000 to 2005 under the business and license of the adjacent property located at 10380 SW Cascade. The affidavit also states that in 2005 the vintage motorcycle business was given the name Tigard Motorcycle Repair and a separate business license located at 10655 SW Greenberg Road.

The applicant did provide a copy of a building permit that showed America's Tire was in business in 1999 at the subject location. Staff's record search shows that America's Tire was in business at the subject location since 1991. In January 2008, America's Tire moved from the subject building to open a new location on Hwy. 99W. America's Tire sells tires and wheels and provides mounting services (use classification: motor vehicle servicing/repair, 18.130.C.5).

The subject property has been zoned I-P from at least 1983 (Comp Plan Map 1983) prior to being changed to MUC at the time of adoption of the Washington Square Regional Center (February 22, 2002). At the time the business was established in 2000 (Affidavit) "motor vehicle sales/rental" was not a permitted use in the I-P zone. "Motor vehicle servicing/repair" was permitted conditionally.

Based on the information provided, the applicant has proved that "motor vehicle servicing/repair" was a legally permitted use at the time it was established in 1991. However, the applicant has not proved that "motor vehicle sales/rental" (vintage motorcycles) was permitted at the time it was established in 2000. The applicant mistakenly identified the previous land use designation as "general commercial" which would have allowed the use, when, in fact, it was zoned "industrial park".

However, "motor vehicle sales/rental" is permitted as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use. Therefore, motor "vehicle sales/rental" would be allowed within the subject building as an accessory use to the "motor vehicle servicing/repair" permitted as a pre-existing approved use.

Proof that the use has been maintained over time. This includes copies of the one or more of the following evidence for every other year from the time the use was established until the current year. Standard evidence that the use has been maintained over time includes:

- a. Utility bills;
- b. Income tax records;
- c. Business licenses;
- d. Listings in telephone, business and Polk directories;
- e. Advertisements in dated publications, e.g., trade magazines, and/or;
- f. Building, land use or development permits.

The applicant's affidavit covers the period 2000 through 2005. The applicant provided business license receipts for Tigard Motorcycle Recycling from 2005 through 2008 at the subject location. In addition, yellow page advertisements were provided for Honda of Beaverton at the 10380 SW Cascade Avenue address and America's Tire at the subject address from 2001 through 2008. No utility bills or income tax records were submitted.

Based on the information provided, it is likely that Tigard Motorcycle Recycling, motorcycle/parts/accessory sales and service, has been maintained over time from 2000 through 2008 and that America's Tire, vehicle servicing/repair, has been maintained over time from 1991 to 2008 at the subject location.

FINDING: Staff finds that within the building, "motor vehicle servicing/repair" is an approved pre-existing use. "Motor vehicle sales/rental" is a restricted use as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use. In addition, staff finds that "outdoor sales" or display is not an approved pre-existing use and is not permitted in the MUC zone.

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.

The 50 proposed parking spaces associated with this project are located north of and adjacent to the existing building on the subject property, consistent with this standard.

Joint Parking:

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

Joint parking is not proposed.

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's Preliminary Site Plan (Sheet C2.0) shows two (2) proposed ADA spaces. According to the Oregon Structural Specialty Code, a parking lot with 50 spaces requires two ADA spaces. Final determination of the number of required ADA spaces will be made by the building official during the review of the building permit application. As shown, the site plan appears to be in compliance with the ADA requirements.

DEQ indirect source construction permit:

All parking lots containing 250 spaces or parking structures containing two or more levels shall require review by the Oregon Department of Environmental Quality (DEQ) to: 1. Acquire an Indirect Source Construction Permit; or 2. Investigate the feasibility of installing oil and grease separators

The proposal includes 50 parking spaces. Therefore, this standard does not apply.

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 existing access drives have been addressed previously in this decision, and are not proposed to be significantly modified.

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 clearly marked. However, accessways have not been signed to show direction of flow. Therefore, the applicant shall submit a revised site plan with accessways signed to show direction of flow, consistent with this standard.

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.

Sixteen parking spaces front opposing parking spaces and do not require curb stops. A row of 20 parking spaces along the north edge of the parking lot abut a water quality swale and include wheel stops. Fourteen spaces along the east frontage abut an 18-foot deep landscaped area with lawn adjacent to the parking spaces which do not require wheel stops. Therefore, the proposal is consistent with this standard.

Space and Aisle Dimensions:

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

The applicant's Preliminary Site plan (Sheet C2.0) shows dimensions of the proposed parking spaces (9.5 feet x 18.5 feet) exceeding the minimum standard dimensions, consistent with these standards.

Bicycle Parking Location and Access:

Section 18.765.050 states bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures; bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways; outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street,

directional signs shall be used to located the parking area; and bicycle parking may be located inside a building on a floor which has an outdoor entrance open for use and floor location which does not require the bicyclist to use stairs to gain access to the space. Exceptions may be made to the latter requirement for parking on upper stories within a multi-story residential building.

The applicant's AXIS Design Group sheet shows that the locational standards are not met because the proposed bike rack location is within a pedestrian way at the northeast corner of the building. Therefore, the applicant shall submit a revised site plan identifying the location of the required five bicycle parking spaces such that a minimum of a 6-foot aisle is available around the bicycles.

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, consistent with this standard.

Minimum Bicycle Parking Requirements:

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

According to Table 18.765.2 of the Tigard Development Code, the minimum bicycle-parking requirement for Motor Vehicle related uses is 0.2 spaces per 1,000 gross square feet. Based on the existing 22,000 square foot building, 5 (.2 x 22 = 4.4) bicycle rack spaces are required. The applicant's Preliminary Site plan (Sheet C2.0) includes a detail showing five spaces are proposed, consistent with this standard.

Minimum Off-Street Parking:

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

Table 18.765.2 states that the minimum parking for Motor Vehicle servicing/repair is 44 (2.0 spaces/1,000 square feet) and the maximum in Zone A is 50 (2.3 spaces per 1,000 square feet). The proposed development includes 50 spaces, consistent with this standard.

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.

The building is approximately 22,000 square feet; therefore, the applicant is required to provide one loading space. The applicant's AXIS Design Group sheet shows one loading area on the north side of the building, consistent with this standard.

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

CONDITIONS:

- ◆ Prior to issuance of building permits, the applicant shall submit a revised site plan with accessways signed to show direction of flow.
- ◆ Prior to issuance of building permits, the applicant shall submit a revised site plan identifying the location of the required five bicycle parking spaces such that a minimum of a 6-foot aisle is available around the bicycles.

Signs (18.780):

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

FINDING: The applicant states that the project incorporates the installation of an awning sign and that a sign permit will be obtained separate from this land use application. Because signs will be reviewed and approved as part of a separate permit process, the applicable sign standards do not have to be met at this time. Any future signage will be subject to the sign permit requirements in Chapter 18.780. However, because there has been a proliferation of sign violations, and to expedite enforcement of sign violations, a sign compliance agreement will be required.

CONDITION:

- ◆ Prior to final inspection, the developer shall sign a copy of the City’s sign compliance agreement.

Tree Removal (18.790):

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

FINDING: As shown on the applicant’s plan set there are no regulated trees on the subject site. Therefore, the Tree Removal standards do not apply.

Visual Clearance Areas (18.795):

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

FINDING: The applicant has indicated in the narrative and the site plan (Sheet C2.0) that a clear vision area will be maintained between 3 and 8 feet in height at the vehicular access of the property, consistent with the vision clearance standards.

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.

Innovative methods and techniques to reduce impacts to site hydrology and fish and wildlife habitat shall be considered based on surface water drainage patterns, identified per Section 18.810.100A.3. and the City of Tigard “Significant Habitat Areas Map.” Methods and techniques for consideration may include, but are not limited to the following:

- (1) Water quality facilities (for infiltration, retention, detention and/or treatment)**
- (2) Pervious pavement**
- (3) Soil amendment**
- (4) Roof runoff controls**
- (5) Fencing to guide animals toward safe passageways**
- (6) Re-directed outdoor lighting to reduce spill-off into habitat areas**
- (7) Preservation of existing vegetative and canopy cover**

The proposed building addition is in the form of a canopy over existing paved surfaces. No regulated trees exist on the subject property. New landscaping to meet the 15% minimum landscaping standard is proposed. City of Tigard “Significant Habitat Areas Map” shows no significant habitat areas on the subject site. The applicant has submitted preliminary water quality calculations for a water quality swale and two stormfilters to treat the proposed 19,283 square feet of pavement. The applicant has been conditioned to provide calculations showing the analysis for whether or not detention is required. If required, the applicant shall provide on-site detention.

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.**

A lighting plan was not submitted with the application materials. In order to determine if lighting is sufficient for the proposed parking lot, the applicant shall submit a lighting plan demonstrating that fixtures are placed at a height so that light patterns overlap at a height of seven feet, sufficient to illuminate a person.

Public Transit:

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

There is TriMet bus service on SW Greenburg Road within 700 feet of the subject property by Lines #76 and #78. TriMet was notified of the subject proposal, but did not provide comment.

FINDING: Based on the analysis above, not all of the specific site development review standards have been satisfied. With the following condition of approval, the proposal will meet the applicable standards.

CONDITION:

- ♦ The applicant shall submit a lighting plan demonstrating that fixtures are placed at a height so that light patterns overlap at a height of seven feet, sufficient to illuminate a person.

D. STREET AND UTILITY IMPROVEMENTS STANDARDS

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

Streets:

Improvements:

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

Section 18.810.030.A.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 18.810.030.E, requires a local street to have a 54-foot right-of-way width and 32-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 accesses to a 60-foot wide extension of the Highway 217 right-of-way which functions as a local street. It is currently improved with pavement varying in width of roughly 32 to 36 feet and terminates at the northeast corner of the site. The pavement surrounding a manhole in the street has failed and should be replaced. The street could be extended north with redevelopment of the adjacent lot. The street frontage along the site and the adjacent parcel to the south is without curbs and sidewalks. In order to mitigate the impact from this development, the applicant should provide a temporary sidewalk, street trees and enter into a future streets improvement agreement for the remaining improvements along the frontage of the site.

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.

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.

This is a mid-block development without any opportunities for future street connections.

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

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

No cul-de-sacs are proposed.

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

No street extensions are proposed.

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

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

The development does not abut or traverse an arterial or major collector.

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

No private streets are proposed.

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

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

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

The subject property is located within a block with a perimeter measuring approximately 1.5 miles. Block size is limited by Hwy. 217, a limited access highway, adjacent to the site and existing development to the west and south.

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

No new streets are proposed. However, pedestrian improvements are conditioned along the frontage road abutting the subject property, consistent with this standard.

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

Based on review by the City's Development Review Engineer, the proposed 6-foot wide sidewalk will be placed in a ten-foot wide public pedestrian easement. The dedication document shall be on City forms. Instructions are available from the Engineering Department.

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 the Unified Sewerage Agency 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 existing building will continue to be served from the existing service. No sewer improvements are required. A separate connection to the public line along the south side of the lot will serve the proposed RV dump station. The connection will require a public improvement permit.

Storm Drainage:

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

Drainage for the site and surrounding area is provided by various private facilities as depicted on a map submitted by the applicant. Due to lack of maintenance, these facilities have become nearly nonfunctional. Site drainage is provided by a ditch along the side of the frontage road which is collected by a private inlet at the southeast corner of the site. The applicant has cleaned the ditch to restore site drainage. In addition, there is a line crossing Hwy. 217 that outfalls to an inlet in a rip rap basin on the east side of the frontage road. The applicant has restored this facility by cleaning the basin including the removal of three feet of debris covering the inlet. Both of these inlets drain to a line in the adjacent lot to the south. This line extends west to an outfall at a ditch in a brushy area that turns south and connects to the public system in Cascade Blvd. This ditch was overgrown with brush and was not providing effective drainage. The applicant has cleaned the ditch to restore its effectiveness.

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 the Unified Sewerage Agency in 2000 and including any future revisions or amendments).

There is no significant upstream drainage to the site.

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

Detention is not required since additional runoff from the site is not expected. The proposed paving will not create additional impervious area since it will be over areas of existing compacted gravel. Moreover, because downstream conditions are expected to result in backwater flow, detention is not likely to be beneficial.

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.

There are no bicycle facilities within the area.

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 in the adjacent lot to the south which continue across the frontage road. Since the site is without overhead utility lines along the right-of-way frontage, undergrounding will not be required.

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

Public Water System:

Tualatin Valley Water District (TVWD) provides service in this area. Continued use of the existing service is proposed. 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. 07-20) which require the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

The applicant has submitted preliminary water quality calculations for a water quality swale and two stormfilters to treat the proposed 19,283 square feet of pavement.

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

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

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.

E. IMPACT STUDY

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.

No dedication of real property is required for public right-of-way as the 60-foot street section is adequate for a local street. The applicant will be responsible for right-of-way improvements through a restrictive covenant.

The applicant proposes an approximately 20% expansion (4,383 square foot canopy; 159 square foot loading area) to an existing retail building. The applicant’s narrative includes an impact study addressing the project’s impacts on storm water quantity and quality, and traffic.

The Transportation Impact Fee (TIF) is a mitigation measure required for new development and will be paid at the time of building permits. Based on Washington County figures, TIF’s are expected to recapture 20 percent of the traffic impact of new development on the Collector and Arterial Street system. Based on the use and the size of the use proposed, the applicant is required to pay TIF’s of approximately \$18,736.

Based on the estimate that TIF fees cover 20% of the impact on the Collector and Arterial Street system citywide, a fee that would cover 100% of this project’s traffic impact is \$93,680 (\$18,736 ÷ 0.20). The difference between the TIF paid and the full impact is considered the unmitigated impact on the Collector and Arterial Street system. The unmitigated impact of this project on the Collector and Arterial Street system is \$74,944 (\$93,680 - \$18,736).

<u>Rough Proportionality for Collector and Arterial Streets</u>	
Full Impact.....	\$93,680
Less TIF Assessment.....	18,736
Estimated Value of Unmitigated Impacts	\$74,944

Based on the analysis above, the TIF is the only cost to the developer for the Collector and Arterial Street System, which meets the rough proportionality test.

The local street improvements are required to gain compliance with code provisions and are directly related and proportional to the project’s impact on the local street system. The existing street is without sidewalks. Sidewalk construction will provide for linkage of the property’s sidewalk to those of other developments and future developments. The requirement of a one-half street section adjacent only to the project site is the applicant’s proportionate share of the entire street and will be required through a restrictive covenant.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Police Department was notified of the proposal and has no objections to it.

The City of Tigard Urban Forester has reviewed the proposal and his comments have been incorporated into the findings under Chapters 18.745 and 18.790.

The City of Tigard Public Works Department reviewed the proposal and has no objects to it.

SECTION VIII. AGENCY COMMENTS

Verizon OSP Network commented that there is a Verizon overhead cable that parallels the south side of the existing building. The pole that is requested to be moved (Sheet C1.0, item 6) is a Verizon pole. The cable attached to it provides phone services to the other company’s existing building. To remove this is a fee based service. The developer needs to contact Verizon soon to accommodate their needs in a timely fashion (Contact: John Cousineau, 503-643-0371).

Clean Water Services reviewed the proposal and provided a March 24, 2009 Memorandum providing general comment and sanitary sewer, stormwater drainage and water quality, sensitive area, and erosion control comments. The issues raised have been addressed by the City’s Development Review Engineer in the Streets and Utilities Section of this decision and conditioned where applicable.

The Oregon Department of Transportation (ODOT) commented on the subject proposal requiring application for access permits for improvements to the frontage road within ODOT right-of-way, specifically, for pavement repair around the sanitary manhole. In addition, as discussed on-site with the City’s development review engineer, Steve Shalk, ODOT project manager (503-229-5267) recommended moving the sidewalk proposed along the building frontage, out closer to the street.

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

- 1) **GATES:** Gates securing fire apparatus roads shall comply with all of the following: (IFC D103.5)
 - ◆ Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island.
 - ◆ Gates serving one- or two-family dwellings shall be a minimum of 12 feet in width.
 - ◆ Gates shall be set back at minimum of 30 feet from the intersecting roadway.
 - ◆ Gates shall be of the swinging or sliding type
 - ◆ Manual operation shall be capable by one person
 - ◆ Electric gates shall be equipped with a means for operation by fire department personnel
 - ◆ Locking devices shall be approved.

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

Fire flow demand calculations must be submitted to and approved by this office prior to our endorsement of the issuance of any site development permits.

- 3) **FIRE HYDRANTS – COMMERCIAL BUILDINGS:** Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system. (IFC 508.5.1)

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

- 5) **KNOX BOX:** A Knox Box for access is required for this building. Please contact the Fire Marshal's Office for an order form and instructions regarding installation and placement. (IFC 506)

SECTION IX. PROCEDURE AND APPEAL INFORMATION

Notice:

Notice was posted at City Hall and mailed to:

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

Final Decision:

THIS DECISION IS FINAL ON APRIL 15, 2009 AND BECOMES EFFECTIVE ON APRIL 30, 2009 UNLESS AN APPEAL IS FILED.
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Appeal:

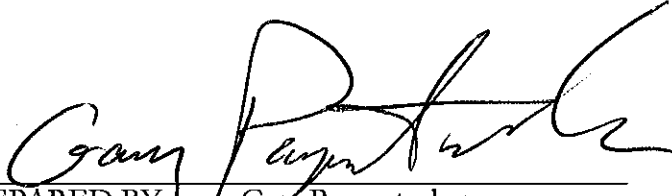
The decision of the Director (Type II Procedure) or Review Authority (Type II Administrative Appeal or Type III Procedure) is final for purposes of appeal on the date that it is mailed. Any party with standing as provided in Section 18.390.040.G.1. may appeal this decision in accordance with Section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

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

THE DEADLINE FOR FILING AN APPEAL IS AT 5:00 PM ON APRIL 29, 2009.

Questions:

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



PREPARED BY: Gary Pagenstecher
Associate Planner

April 15, 2009
DATE



APPROVED BY: Richard H. Bewersdorff
Planning Manager

April 15, 2009
DATE

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