

**NOTICE OF TYPE II DECISION**  
**SITE DEVELOPMENT REVIEW (SDR) 2008-00008**  
**SYLVAN INDUSTRIES**



120 DAYS = 12/16/2009

**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** SYLVAN INDUSTRIES  
**CASE NO.:** Site Development Review (SDR) SDR2008-00008

**PROPOSAL:** The applicant is requesting Site Development Review approval to construct a new two-story 9,600 square foot commercial office building over 16 parking spaces, with 13 additional surface parking spaces.

<b>APPLICANT/ OWNER:</b>	72 <sup>ND</sup> Venture LLC 7400 SW Cherry Drive Tigard, OR 97223	<b>APPLICANT'S REP.:</b>	Carter Case Case Design Group 1314 NW Irving #203 Portland, OR 97209
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**LOCATION:** 7404 SW Cherry Drive; Washington County Tax Map 2S101DC, Tax Lot 6300.

**ZONE:** C-P: Professional/Administrative Commercial District. The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas.

**APPLICABLE  
REVIEW**

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

**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 PAGENSTECHEER 503-639-4171, EXT 2434. The cover letter shall clearly identify where in the submittal the required information is found:

1. Prior to issuance of a site/building permit, the applicant shall submit detailed plans that show that all service facilities including air conditioning units, and gas meters are screened from public view.
2. Prior to issuance of a site/building permit, the applicant shall submit a revised landscape plan showing parking lot trees as recommended by the City Arborist to include a broad spreading species such as Katsura, Pacific dogwood, or Frontier elm.
3. Prior to issuance of a site/building permit, the applicant shall submit a revised landscape plan showing street trees as recommended by the City Arborist and which are included on the City of Tigard Street Tree List spaced appropriately for the type of tree specified.
4. Prior to issuance of a site/building permit, the applicant shall submit a revised site plan and detail sheet demonstrating compliance with the required number of bicycle parking spaces (5) and the location, access and design standards.
5. Prior to issuance of a site/building permit, the applicant shall submit a revised site plan showing two designated ADA parking spaces.
6. Prior to issuance of a site/building permit, the applicant shall submit a revised site plan showing two carpool/vanpool parking spaces consistent with the applicable location and design criteria.
7. Prior to issuance of a site/building permit, the applicant shall submit a revised site plan that includes wheel stops that meet the applicable design criteria.
8. Prior to issuance of a site/building permit, the applicant shall submit a lighting plan that includes fixtures placed at a height so that light patterns overlap at a height of seven feet, which is sufficient to illuminate a person.
9. The applicant shall submit a revised elevation showing the wall facing SW Cherry Drive contains windows, doors or display areas equal to at least 20% of the ground floor wall area.
10. The applicant shall submit a revised plan that includes an exit warning bell or other signal for the parking structure.
11. The applicant's plans shall demonstrate compliance with the standards of the Uniform Building Code for the State of Oregon as it pertains to structural design, ventilation, lighting and fire/safety requirements and disabled accessibility.
12. The applicant shall submit a revised parking structure plan showing dimensions consistent with Figure 18.765.2.
13. Prior to issuance of a site/building permit, the applicant shall submit an arborist report prepared by a certified arborist including a tree survey of adjacent parcel property-line trees and tree protection measures consistent with the Tree Removal standards. The tree protection plan shall include a signature of approval from the project arborist and be submitted for review and approval by the City Arborist. The approved tree protection measures shall be placed on the construction plan set prior to issuance of any site work.
14. Prior to issuance of a site/building permit, the applicant shall position fencing as directed by the project arborist to protect the trees to be retained. The applicant shall allow access by the City Arborist for the purpose of monitoring and inspection of the tree protection to verify that the tree protection measures are performing adequately. Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed.

15. The applicant shall have an on-going responsibility to ensure that the Project Arborist has submitted written reports to the City Arborist, at least once every two weeks, as the Project Arborist monitors the construction activities from initial tree protection zone (TPZ) fencing installation through the construction phases. The reports shall evaluate the condition and location of the tree protection fencing, determine if any changes occurred to the TPZ, and if any part of the Tree Protection Plan has been violated. If the reports are not submitted to the City Arborist at the scheduled intervals, and if it appears the TPZ's or the Tree Protection Plan are not being followed by the contractor or a sub-contractor, the City can stop work on the project until an inspection can be done by the City Arborist and the Project Arborist. Prior to final inspection, the applicant shall submit a final report by the Project Arborist certifying the health of protected trees. Tree protection measures may be removed and final inspection authorized upon review and approval by the City Arborist.

**Submit to the Engineering Department (Gus Duenas, 639-4171, ext. 2642) for review and approval:**

16. Prior to issuance of a site permit, a Public Facility Improvement (PFI) permit is required for this project to cover half-street improvements, sanitary sewer, easement restoration and any other work in the public right-of-way or easement. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. NOTE: these plans are in addition to any drawings required by the Building Division and should only include sheets relevant to public improvements. Public Facility Improvement (PFI) permit plans shall conform to City of Tigard Public Improvement Design Standards, which are available at City Hall and the City's web page ([www.tigard-or.gov](http://www.tigard-or.gov)).
17. 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.
18. The applicant shall provide a construction vehicle access and parking plan for approval by the City Engineer. The purpose of this plan is for parking and traffic control during the public improvement construction phase.
19. 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.
20. Prior to issuance of the site permit, the applicant shall submit a suite layout map to Bethany Stewart, Engineering Department. If the applicant is not sure how many suites will be used, they must estimate a number. The City will then assign suite numbers and the address fee will then be calculated. The fee must be paid by the applicant prior to issuance of the site permit. (STAFF CONTACT: Bethany Stewart, Engineering).
21. The applicant shall submit construction plans to the Engineering Department as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontage of SW Cherry Drive. The improvements adjacent to this site shall include:
  - A. Standard pavement section for a local street from curb to centerline equal to a minimum of 16 feet;
  - B. concrete curb, or curb and gutter as needed;
  - C. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
  - D. 9.5-foot concrete sidewalk with tree wells;
  - E. street trees;
  - F. streetlight layout by applicant's engineer, to be approved by City Engineer;
  - G. underground utilities;
  - H. street signs (if applicable); and
  - I. driveway aprons.
22. The applicant shall obtain approval from the Tualatin Valley Water District for the proposed water connection prior to issuance of the City's Public Facility Improvement permit.

23. The applicant shall provide an on-site water quality facility 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 (Gus Duenas) 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.
24. The applicant's engineer shall submit documentation to the City Engineering Department certifying that the water quality facility was constructed in accordance with CWS standards.
25. The applicant shall provide on-site detention calculations 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 (Gus Duenas) for review and approval prior to issuance of the site permit.
26. 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.
27. 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 PAGENSTECHEER 503-639-4171, EXT 2434. The cover letter shall clearly identify where in the submittal the required information is found:**

28. Prior to final building inspection, and prior to installation of any signage, the applicant shall submit a sign permit application for all proposed signage.
29. Prior to final building inspection, the planning division shall be contacted to conduct an inspection to verify that the project was completed in accordance with this decision and the approved plans.

**Submit to the Engineering Department (Gus Duenas, 639-4171, ext. 2470) for review and approval:**

30. 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.
31. Prior to a final building inspection, the applicant shall provide the City with as-built drawings of the public improvements as follows: 1) 3 mil mylar, 2) a diskette of the as-builts in "DWG" format, if available; otherwise "DXF" will be acceptable, and 3) the as-built drawings shall be tied to the City's GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91).
32. The applicant shall either place the existing overhead utility lines along SW Cherry Drive underground as a part of this project, or contact Mike McCarthy (Right-of-Way Administrator) to determine if they will be allowed to pay the fee in-lieu of undergrounding. The fee shall be calculated by the frontage of the site that is parallel to the utility lines and will be \$35.00 per lineal foot. If the fee option is allowed, the amount will be \$5,460 and shall be paid prior to issuance of building permits.
33. Prior to a final building inspection the applicant's engineer shall submit a final sight distance certification for the completed accesses on SW Cherry Drive.

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

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

#### **Site History:**

The subject site is vacant. Staff conducted a search of City records for the subject property and found no prior records.

#### **Vicinity Information:**

The subject site is located at 7404 SW Cherry Drive; Washington County Tax Map 2S101DC, Tax Lot 6300. The property is zoned C-P with the abutting property to the east and north across SW Cherry Drive also zoned C-P. The rectangular shaped site is otherwise bounded by developed property zoned I-P on the south and R-3.5 on the west. A vacated right-of-way for SW 74<sup>th</sup> Avenue abuts the subject property to the west. The right-of-way retains a 50-foot wide public utility easement along the entire western boundary of the subject site (Ord. No. 90-40).

#### **Site Information and Proposal Description:**

The subject site is vacant land with an average slope of approximately six percent east to west.

The applicant is requesting Site Development Review approval to construct a new two-story 9,600 square foot commercial office building over 16 parking spaces, with 13 additional surface parking spaces.

### **SECTION IV. NEIGHBORHOOD COMMENTS**

The Tigard Community Development Code requires that property owners within 500 feet of the subject site be notified of the proposal, and be given an opportunity for written comments and/or oral testimony prior to a decision being made. In addition, staff posted a notice August 25, 2009 on the site visible from the street. No comments were received during the comment period from neighboring landowners or interested parties.

A neighborhood meeting was held on August 20, 2008 in which seven persons attended. Issues raised included parking, security, and lighting.

### **SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA**

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

- A. Zoning Districts**
  - 18.520 Commercial Zoning Districts**
- B. Applicable Development Code Standards**
  - 18.705 Access Egress and Circulation**
  - 18.725 Environmental Performance Standards**
  - 18.745 Landscaping and Screening**
  - 18.755 Mixed Solid Waste and Recyclable Storage**
  - 18.765 Off-Street parking and loading requirements**
  - 18.780 Signs**
  - 18.790 Tree Removal**
  - 18.795 Visual Clearance**
- C. Land Use Decisions**
  - 18.360 Site Development Review**
- D. Street and Utility Improvement Standards**
  - 18.810**
- E. Decision Making Procedures**
  - 18.390 Impact Study**

**SECTION VI. APPLICABLE REVIEW CRITERIA**

**A. ZONING DISTRICTS**

**Commercial Zoning District: Section 18.520.020**

Lists the description of the Commercial Zoning Districts.

The site is located in the C-P: Commercial Professional zoning district. The proposed use, an office building, is listed in the use table for commercial zones (Table 18.520.1) as a use permitted outright in the zone.

**Development Standards:**

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

**TABLE 18.520.2  
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

<b>STANDARD</b>	<b>C-P</b>	<b>Proposed</b>
<b>Minimum Lot Size</b>	<b>6,000 sq ft</b>	<b>13,950 sq ft</b>
- Detached unit	-	
- Boarding, lodging, rooming house		
<b>Minimum Lot Width</b>	<b>50 ft.</b>	<b>Aprox. 156 ft.</b>
<b>Minimum Setbacks</b>		
- Front yard	0 ft.	0 ft.
- Side facing street on corner & through lots	0 ft.	-
- Side yard	0/20 ft.	25' (west)/0' (east)
- Side or rear yard abutting more restrictive zoning district	0 ft.	-
- Rear yard	0/20 ft.	5 ft.
- Distance between front of garage & property line abutting a public or private street.	-	-
<b>Maximum Height</b>	<b>45 ft</b>	<b>Aprox. 45ft</b>
<b>Maximum Site Coverage</b>	<b>85%</b>	<b>83%</b>
<b>Minimum Landscape Requirement</b>	<b>15%</b>	<b>17%</b>

FINDING: As demonstrated in the table above, the proposed development complies with the underlying zone development standards.

**B. APPLICABLE DEVELOPMENT CODE STANDARDS**

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

**Walkways:**

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

As described in the applicant's plans and narrative, on-site pedestrian walkways are proposed between the parking area, the building, and SW Cherry Drive, 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;

As described in the applicant's plans and narrative, on-site pedestrian walkways are not proposed to cross the parking aisle.

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

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

**Access Management:**

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

The applicant has submitted a preliminary sight distance certification. The proposed accesses on Cherry Drive, a local street, requires a minimum sight distance of 250 feet in each direction.

A final sight distance certification shall be submitted after construction of the frontage improvements along Cherry Drive and prior to a final building inspection.

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

The proposed driveway nearest SW 72<sup>nd</sup>, an arterial, is 170 feet from the SW 72<sup>nd</sup> right-of-way. Consequently, there are no proposed driveways within the influence area of a collector or an arterial.

**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.**

No new streets are proposed.

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

**Section 18.705.030.J provides the minimum access requirements for commercial and industrial uses: Table 18.705.3 indicates that the required access width for developments with fewer than 100 parking spaces is one 30-foot accesses with 24 feet of pavement. Vehicular access shall be provided to commercial or industrial uses, and shall be located to within 50 feet of the primary ground floor entrances; additional requirements for truck traffic may be placed as conditions of site development review.**

The applicant's site plan shows one 30 foot driveway with a 24-foot paved section. The entrance for customers is located within 50 feet of the access provided. Therefore, this standard is met.

**FINDINGS:** As shown in the analysis above, the proposed development can meet the applicable access, egress, and circulation standards with implementation of the following condition of approval.

**CONDITION:** A final sight distance certification shall be submitted after construction of the frontage improvements along Cherry Drive and prior to a final building inspection.

**Environmental performance standards (18.725):**

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

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

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

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

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

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

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

The proposed office use is permitted outright within the C-P zone. The applicant's narrative does not address the environmental performance standards. However, based on the provision of adequate trash and recycling facilities, and the fact that the proposed office use is not likely to generate noise, visible emissions, odors, glare and heat, or harbor insects and rodents, this standard is satisfied. Ongoing maintenance to meet these standards shall be maintained and any violation of these standards will be addressed by the City of Tigard's Code Enforcement Officer.

FINDING: As shown in the above analysis, the Environmental Performance Standards are met.

**Landscaping and Screening (18.745):**

**18.745.030 General Provisions**

**Installation Requirements.** The installation of all landscaping shall be as follows:

1. All landscaping shall be installed according to accepted planting procedures.

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

2. 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
3. Landscaping shall be installed in accordance with the provisions of this title.

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

**Street Trees:**

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

The applicant has provided a landscape plan (Sheet SP2) that shows four Bow Hall Maple trees as street trees within the right-of-way of SW Cherry Drive. This species of tree is not listed on the City of Tigard Street Tree List and may not be approved. The City Arborist suggests Hedge maple, European hornbeam, or Raywood ash spaced 22 feet on center. To ensure consistency with this standard, the applicant shall submit a revised landscape plan showing street trees included on the City of Tigard Street Tree List spaced appropriately for the type of tree specified.

**Buffering and Screening:**

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

The subject site, zoned C-P, is bordered on the west by property zoned R-3.5. Therefore, D-level buffering is required. The applicant has proposed a D-3 buffer (Sheet SP1) which includes a 10-foot wide buffer, landscaping, and a 6-foot wall along the length of the west property boundary.

**Screening:**

**Special Provisions:**

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

The parking lot is comprised of 13 spaces of surface parking and 16 spaces of parking under the building. Except for the accesses, the surface parking lot as shown on the site plan (Sheet SP1) would be screened by at least a 5-foot landscaped planter and the parking below would be screened by a six-foot wall to the west and landscaped planters and the building itself. The City Arborist recommends parking lot trees be revised to a broad spreading species and suggests Katsura, Pacific dogwood, or Frontier elm.

**Screening Of Service Facilities.**

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

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

**Screening of Refuse Containers.**

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

The applicant's site plan and narrative describe an approximately 68 square foot indoor trash enclosure. Therefore, this standard is met.

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

**CONDITIONS:**

- ◆ The applicant shall submit detailed plans that show all service facilities including air conditioning units and gas meters are screened from public view.
- ◆ The applicant shall submit a revised landscape plan showing parking lot trees as recommended by the City Arborist to include a broad spreading species such as Katsura, Pacific dogwood, or Frontier elm.
- ◆ The applicant shall submit a revised landscape plan showing street trees as recommended by the City Arborist and which are included on the City of Tigard Street Tree List spaced appropriately for the type of tree specified.

**Mixed Solid Waste and Recyclables Storage (18.755):**

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

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

The applicant has chosen the minimum standard method of compliance. Four square feet /1,000 square feet of building is required. Therefore, 48 square feet (4 square feet x 9.6 = 48 square feet) is required for this building. The applicant states and Sheet 1 shows that approximately 76 square feet is provided. The applicant has submitted a letter from Pride Disposal dated February 10, 2009 that states the curbside pickup of residential roll-style carts is satisfactory.

**Location Standards.**

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

The proposed residential roll-style carts will be stored inside in a room provided them, next to the parking under the building, consistent with this standard.

**Design Standards.**

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

The applicant has submitted a plan set that includes the proposed trash enclosure which is consistent with this standard.

**FINDING:** The applicant has provided evidence of compliance with the Mixed Solid Waste and Recyclables Storage standards.

**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 parking lots associated with this project are directly adjacent to and under the proposed building, in compliance 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 with this application; therefore this standard is not applicable.

**Parking in Mixed-Use Projects:**

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

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

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

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

The parking proposed for the office use is undifferentiated by the applicant. Assuming all 29 spaces would be available for long term use, then two carpool/vanpool parking spaces ( $29 \times 5\% = 1.45$ , rounded up to 2) would be required consistent with the location and design criteria.

**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 has indicated that there is one ADA handicap space provided. According to ORS 447.233, incorporated through reference to the State Building Code (SBC), two ADA spaces are required. Therefore, the applicant shall submit a revised site plan showing two ADA spaces. Final review of required ADA spaces will be made by the building official during the review of the building permit application.

**Access Drives:**

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

The proposed access drive is shown on the site plan as one 30-foot paved access, is clearly marked with curbs and landscaped areas, and the parking area and access drive provide ample room to facilitate a forward entrance onto SW Cherry Drive. Visual clearance areas are shown on the plan. Therefore, the standard for access drives has been met.

**Pedestrian Access:**

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

There are no drop-off grade separated areas within the parking area.

**Parking Lot Striping:**

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

The plans submitted show the parking spaces will be clearly marked with striping, 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.**

The applicant's site plan (Sheets SP01) does not show any wheel stops. The narrative does not address this standard. Therefore, this standard is not met. The applicant shall submit a revised site plan that includes wheel stops that meet the applicable criteria.

**Space and Aisle Dimensions:**

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

The applicant’s plans dimension the parking spaces to show three compact spaces and 26 standard spaces. The applicant’s site plan shows a 24-foot-wide aisle. Therefore, this standard is met.

**Bicycle Parking Location and Access:**

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

The applicant’s site plan shows two bicycle parking spaces outside and adjacent to the front entry to the building. However, the applicant’s narrative states that spaces have been proposed for both inside and outside the building. The inside spaces are not evident in the plan set. To ensure consistency with the bicycle parking location and access standards, the applicant shall submit a revised site plan and detail sheet demonstrating compliance.

**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 not provided details of a bike rack sufficient for the minimum number required. Therefore, this standard has not been met. As conditioned above, a detail sheet is required to ensure consistency with the bicycle parking design requirements.

**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 office use is 0.5 spaces per 1,000 gross square feet. Based on the proposed 9,600 square foot building, a minimum of 5 bicycle parking spaces are required. The applicant has proposed two bicycle parking spaces; therefore, this standard has not been met.

**Parking Structure Design Standards:**

**Ground-floor windows/wall openings.** All parking structures shall provide ground floor windows or wall openings along the street frontages. Blank walls are prohibited. Any wall facing the street shall contain windows, doors or display areas equal to at least 20% of the ground floor wall area facing the street excluding those portions of the face(s) devoted to driveway entrances and exits, stairwells, elevators, and centralized payment booths. Required windows shall have a sill no more than four (4) feet above grade. Where the interior floor level prohibits such placement, the sill may be raised to allow it to be no more than two (2) feet above finished floor wall up to a maximum sill height of six (6) feet above grade.

The proposed parking structure fronts on SW Cherry Drive. No openings are provided other than the garage access and egress. The parking structure is built into the slope so that the opportunity for street frontage windows diminishes as the grade increases to the east. Still, there is room for openings adjacent to the access that could be provided to meet this standard. Therefore, the applicant shall submit a revised elevation showing the wall facing SW Cherry Drive contains windows, doors or display areas equal to at least 20% of the ground floor wall area.

**Exit warning bell.** A warning bell or other signal must be provided for exits from parking structures that cross public sidewalks where a standard vision clearance area cannot be provided.

The applicant did not address the parking structure design standards. The proposed structure includes an exit that would cross a public sidewalk where a standard vision clearance cannot be provided. Therefore, the applicant shall submit a revised plan that includes an exit warning bell or other signal.

**Other standards.** Parking structures must comply with all standards of the Uniform Building Code for the State of Oregon as it pertains to structural design, ventilation, lighting and fire/safety requirements and disabled accessibility.

The applicant did not address this standard. Therefore, to ensure compliance, a condition requiring the standards the Uniform Building Code for the State of Oregon as it pertains to structural design, ventilation, lighting and fire/safety requirements and disabled accessibility shall be imposed and met during the building permit review process.

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

The applicant states that their plan set conforms to the parking standards cited above. The Parking structure plan, Sheet 1, does not provide sufficient information to determine compliance. Therefore, the applicant shall submit a revised parking structure plan showing dimensions consistent with Figure 18.765.2.

**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 office use is 2.7 spaces per 1,000 gross square feet. For the proposed 960 square foot building, 26 spaces (2.7 spaces/1,000 square feet x 9,600 square feet) are required. The site lays within the Zone B parking area for purposes of calculating maximum number of parking spaces. The maximum number of allowed parking spaces is 33 (3.4 spaces/1,000 square feet x 9,600 square feet) The applicant has proposed 29 spaces (13 surface and 16 under). This standard has been met.

**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 not greater than 10,000 square feet; therefore, this standard does not apply.

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 following conditions, the standards can be met.

CONDITIONS:

- ◆ The applicant shall submit a revised site plan and detail sheet demonstrating compliance with the required number of bicycle parking spaces (5) and the location, access and design standards.
- ◆ The applicant shall submit a revised site plan showing two designated ADA parking spaces.
- ◆ The applicant shall submit a revised site plan showing two carpool/vanpool parking spaces consistent with the applicable location and design criteria.
- ◆ The applicant shall submit a revised site plan that includes wheel stops that meet the applicable design criteria.
- ◆ The applicant shall submit a revised elevation showing the wall facing SW Cherry Drive contains windows, doors or display areas equal to at least 20% of the ground floor wall area.
- ◆ The applicant shall submit a revised plan that includes an exit warning bell or other signal.
- ◆ The applicant's plans shall demonstrate compliance with the standards of the Uniform Building Code for the State of Oregon as it pertains to structural design, ventilation, lighting and fire/safety requirements and disabled accessibility.
- ◆ The applicant shall submit a revised parking structure plan showing dimensions consistent with Figure 18.765.2.

**Signs (18.780):**

**Chapter 18.780.130.C lists the type of allowable signs and sign area permitted in the C-G Zoning District.**

FINDING: No specific signs have been proposed with the development application. The elevation plan submitted by the applicant is general in nature and has not been submitted for review and approval as proposed signage. Therefore, any signage must be reviewed through a separate Type I process and will be subject to the code standards in effect at the time of application submittal.

CONDITION: The applicant shall submit a separate sign permit application for all signage prior to installation of any signs.

**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: The applicant did not address the standards in the Tree Removal chapter. Although there are no trees on the subject site, trees exist along the parcel lines on adjacent properties to the south and east. A tree plan should be required to protect the neighboring trees overhanging the project site.

CONDITIONS:

- ♦ The applicant shall submit an arborist report prepared by a certified arborist including a tree survey of adjacent parcel property-line trees and tree protection measures consistent with the Tree Removal standards. The tree protection plan shall include a signature of approval from the project arborist and be submitted for review and approval by the City Arborist. The approved tree protection measures shall be placed on the construction plan set prior to issuance of any site work.
- ♦ The applicant shall position fencing as directed by the project arborist to protect the trees to be retained. The applicant shall allow access by the City Arborist for the purpose of monitoring and inspection of the tree protection to verify that the tree protection measures are performing adequately. Failure to follow the plan, or maintain tree protection fencing in the designated locations shall be grounds for immediate suspension of work on the site until remediation measures and/or civil citations can be processed.
- ♦ The applicant shall have an on-going responsibility to ensure that the Project Arborist has submitted written reports to the City Arborist, at least once every two weeks, as the Project Arborist monitors the construction activities from initial tree protection zone (TPZ) fencing installation through the construction phases. The reports shall evaluate the condition and location of the tree protection fencing, determine if any changes occurred to the TPZ, and if any part of the Tree Protection Plan has been violated. If the reports are not submitted to the City Arborist at the scheduled intervals, and if it appears the TPZ's or the Tree Protection Plan are not being followed by the contractor or a sub-contractor, the City can stop work on the project until an inspection can be done by the City Arborist and the Project Arborist. Prior to final inspection, the applicant shall submit a final report by the Project Arborist certifying the health of protected trees. Tree protection measures may be removed and final inspection authorized upon review and approval by the City Arborist.

**Visual Clearance Areas (18.795):**

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

FINDING: The applicant has indicated in the narrative and on the Visual Clearance Diagram that a clear vision area will be maintained at the surface parking vehicular access to the property. In addition, a condition has been imposed requiring a warning bell for the exit of the proposed parking structure. Therefore, as conditioned, the proposal will be consistent with visual clearance area 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 elsewhere in this decision and, therefore, will not be addressed in this section:

18.360.090.4 (Buffering, Screening and Compatibility Between Adjoining Uses; 18.360.090.12 (Landscaping); 18.360.090.13 (Drainage); and 18.360.090.14 (Provision for the Disabled).

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

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

The proposed building location along the SW Cherry Drive frontage preserves the existing topography, as the building takes up the grade change with a retaining foundation wall that provides parking under the building. As described in the findings for the Tree Removal section of this decision, no trees exist on the site and the adjacent boundary line trees will be protected. A condition of approval will require the applicant to submit an arborist report to identify all the affected trees. The proposed building is located within 75 feet of the residence to the west, 20 feet from the industrial building to the south, and 118 feet from the office building to the east providing adequate distance between buildings for adequate light, air circulation, and fire-fighting. The building is at the crest of a hill and is open to southern sun exposure with the entrance away from the prevailing southwest wind. The applicant has located the building in a considerate relationship with the natural and physical environment, consistent with this standard.

**Crime Prevention and Safety:**

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

The areas most vulnerable to crime are in the interior of the property where the parking area is located. The applicant's elevation drawings show windows facing the parking area and wash lights on the building's north and east elevations. The applicant did not submit a lighting plan for parking lot illumination. However, the City of Tigard Police Department has commented on the proposal and has no objections to it. To ensure adequate lighting is available for crime prevention and safety, the applicant shall submit a lighting plan that includes fixtures placed at a height so that light patterns overlap at a height of seven feet, which is 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.**

Tri-Met was notified of the proposed development but did not provide any comment. A bus stop exists within 230 feet of the subject site for south bound travel. The site is adequately served by transit by an existing transit route in the vicinity.

**FINDING:** Based on the analysis above, these specific applicable development review standards are met.

**CONDITION:**The applicant shall submit a lighting plan that includes fixtures placed at a height so that light patterns overlap at a height of seven feet, which is sufficient to illuminate a person.

## **D. STREET AND UTILITY IMPROVEMENTS STANDARDS**

### **Street And Utility Improvements Standards (Section 18.810):**

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

#### **Streets:**

##### **Improvements:**

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

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

**Minimum Rights-of-Way and Street Widths:** Section 18.810.030.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 lies adjacent to SW Cherry Drive, which is classified as a local street on the City of Tigard Transportation Plan Map. At present, there is approximately 25 feet of right-of-way from centerline, according to the most recent tax assessor's map. The applicant should dedicate the additional right-of-way required to provide 27 feet from centerline.

SW Cherry Drive is currently partially improved with a 16.5-foot paved width, curb and 5-foot sidewalk. The applicant proposes to install tree wells. In order to mitigate the impact from this development, the applicant should construct half-street improvements including a new sidewalk with tree wells extending 26.5 feet from centerline.

**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.

No land division is proposed and 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.

There are no opportunities to extend the public street system through this property.

**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.

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

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

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

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

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

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

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

The lot is rectangular in shape approximately 156- feet wide and approximately 90 feet deep. The lot size and shape are consistent with the lot size and shape standard.

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

The subject property has approximately 156 feet of frontage on SW Cherry Drive, consistent with the lot frontage standard.

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

Half street improvements should include a 9.5-foot sidewalk.

**Sanitary Sewers:**

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

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

There is an existing public sewer line in the adjacent vacated portion of SW 74<sup>th</sup> right-of-way. The right-of-way was vacated through Ordinance No. 90-40 which retained a public utility easement of the vacated right-of-way. Public improvement plans should show restoration of the disturbed easement area.

**Storm Drainage:**

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

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

There are no significant upstream drainage areas that would contribute to this site.

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

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

Required on-site detention is shown on the plans and preliminary calculations have been submitted. A combined water quality and detention swale is proposed. Detention is required for all net, new impervious surface area runoff. The applicant's engineer shall submit final detention plans and calculations for review and approval prior to issuance of permits.

**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.

Cherry Drive is not a bicycle facility.

**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 adjacent to the site along SW Cherry Drive. If the fee in-lieu is proposed, it must be requested and approved by the Engineering Department and is equal to \$35.00 per lineal foot of street frontage that contains the overhead lines. The frontage along this site is 156 lineal feet; therefore the fee would be \$5,460.

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

**Public Water System:**

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

**Storm Water Quality:**

The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (CWS) Design and Construction Standards (adopted by Resolution and Order No. 07-20) which require the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from newly created impervious surfaces. In addition, a maintenance plan shall be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

Prior to issuance of permits, the applicant shall submit plans and calculations for the proposed water quality swale 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.

**Address Assignments:**

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

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

### **Survey Requirements**

Applicant's as-built drawings shall be tied to the GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91).

### **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.**

According to the Development Review Engineer, dedication of 312 square feet (2 feet by 156 lineal feet) of real property is required with the proposed development to meet the right-of-way standard for SW Cherry Drive. The applicant did not address this issue in their narrative or site plan.

The applicant has provided an impact study addressing the project's impacts on public systems. The applicant states that SW Cherry Drive is fully built out to commercial City standards and can easily handle the small amount of traffic the project will create; that there is no storm sewer available to the site and so the applicant will be handling storm water on site; that the site is currently served with adequate water and sewer; that the proposed office use will not create any noise impacts; and that the parks system will be unaffected by the proposed commercial use.

The Washington County Transportation Development Tax (TDT – effective July 1, 2009) is a mitigation measure that is required at the time of development. Based on Washington County figures TDTs are expected to recapture 28 percent of the traffic impact of new development on the Collector and Arterial Street system. The applicant will be required to pay TDTs of approximately \$42,509. (Effective July 1, 2009)

Based on the estimate that total TDT fees cover 28 percent of the impact on major street improvements citywide, a fee that would cover 100 percent of this projects traffic impact is \$151,817 (\$42,509 divided by .28). The difference between the TDT paid, and the full impact, is considered the unmitigated impact on the street system; therefore the unmitigated impact of this project is \$109,308 (\$151,817 - \$42,509).

### **Less mitigated costs**

Besides the TDT that mitigates for 28% of the projects impact on the transportation system, the applicant is required to dedicate additional right-of-way along SW Cherry Drive (approximately 312 square feet). The estimated value of the dedication is fifteen dollars a square foot for a total value of \$4,680. The applicant is also required to construct half-street improvements including a new sidewalk with tree wells extending 26.5 feet from centerline at an estimated cost of \$30,000.

<u>Estimated Value of Impacts</u>	
Full Impact.....	\$151,817
Less TIF Assessment.....	- 42,509
Dedicated right-of-way.....	- 4,680
<u>Estimated Half-street Improvements.....</u>	<u>- 30,000</u>
Estimated Value of Unmitigated Impacts.....	..\$ 74,628

FINDING: According to the analysis above, the unmitigated impacts exceed the costs of the conditions imposed and, therefore, the conditions are proportionally justified.

**SECTION VII. OTHER STAFF COMMENTS**

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

The City of Tigard Arborist has reviewed the proposal and commented that the proposed street and landscape trees have not been chosen from the Tigard Tree list and should be spaced according to the City’s standards for large trees. Specific findings and recommendations are included in the body of this decision under the Landscaping and Screening and Tree Removal sections.

The Tigard Public Works Department has reviewed the proposal and has no objection to it. They advised that the Tualatin Valley Water District (TVWD) is the water provider for the property.

**SECTION VIII. AGENCY COMMENTS**

Clean Water Services has reviewed the proposal and provided a general comment letter dated August 24, 2009 addressing sanitary sewer, storm drainage, and water quality and erosion control issues. These issues are addressed within the body of the application and reviewed in this decision under the applicable standards of the Street and Utility Improvement section.

Tualatin Valley Fire and Rescue (TVF&R) has reviewed the proposal and offered the following comments in a letter dated September 3, 2009: Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and condition of approval:

- 1) **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.**

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

**The fire hydrant on the northwest corner of SW 74<sup>th</sup> Avenue and SW Cherry Drive must be able to produce the required fire flow demand. If a flow test of the hydrant has not been conducted within the last five years, it will be required prior to our endorsement of the issuance of any site development permits.**

- 3) **FIRE HYDRANT/FIRE DEPARTMENT CONNECTION:** A fire hydrant shall be located within 100 feet of a fire department connection (FDC). Fire hydrants and FDC’s shall be located on the same side of the fire apparatus access roadway. FDC’s shall normally be remote except when approved by the fire code official. (IFC 912.2)

**The submitted documents do not indicate if the applicant intends to install automatic sprinkler protection within the building. If the building is protected with automatic sprinklers, an additional fire hydrant will be required to be located on the same side of the street and the same side of the drive apron as the fire department connection.**

- 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 SEPTEMBER 23, 2009 AND BECOMES EFFECTIVE ON OCTOBER 8, 2009 UNLESS AN APPEAL IS FILED.**

Appeal:

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

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

**THE DEADLINE FOR FILING AN APPEAL IS AT 5:00 PM ON OCTOBER 7, 2009.**

Questions:

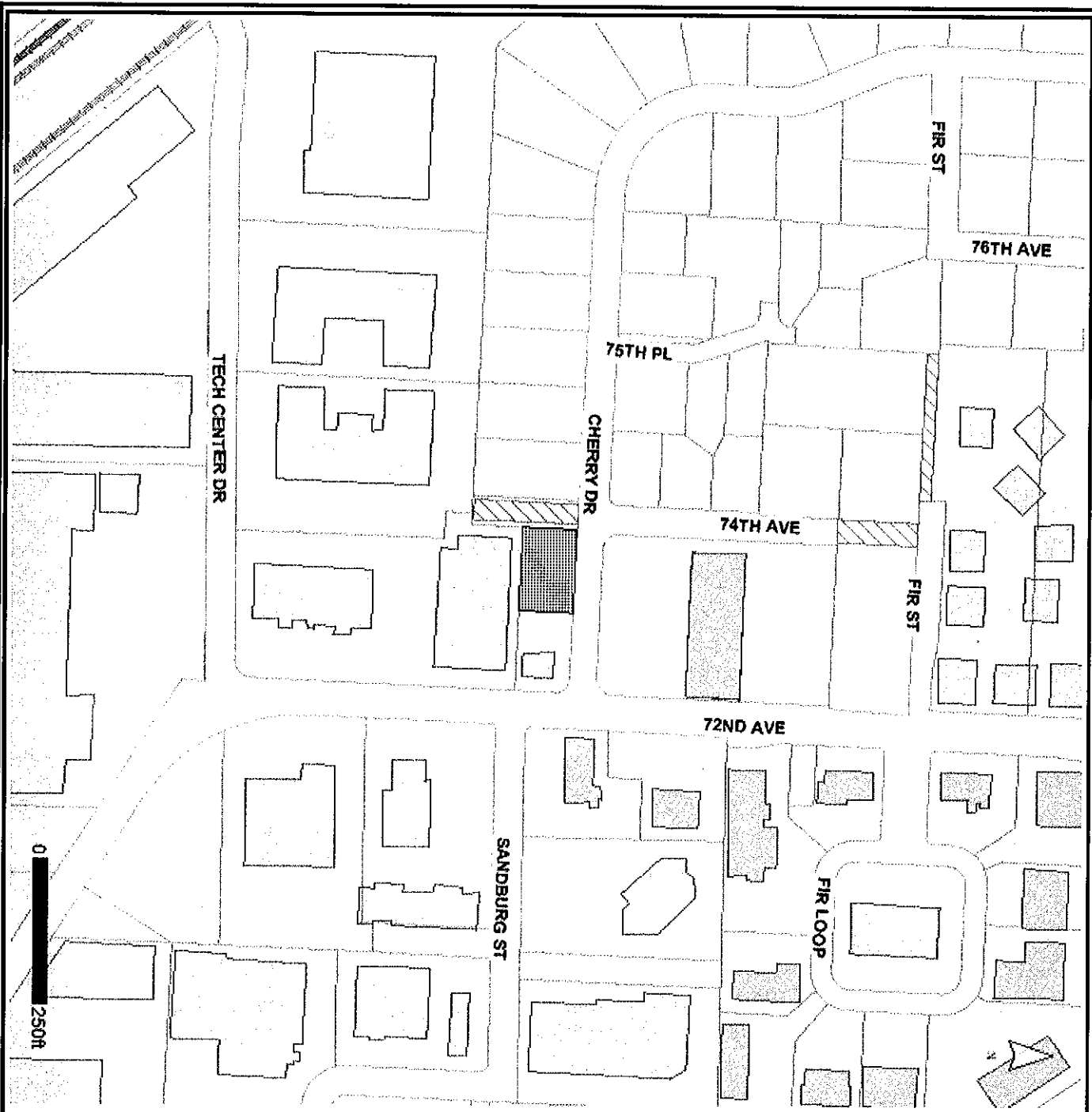
If you have any questions, please call the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon at (503) 639-4171.

  
 PREPARED BY: Gary Pagenstecher  
 Associate Planner

September 23, 2009  
 DATE

  
 APPROVED BY: Richard H. Bewersdorff  
 Planning Manager

September 23, 2009  
 DATE

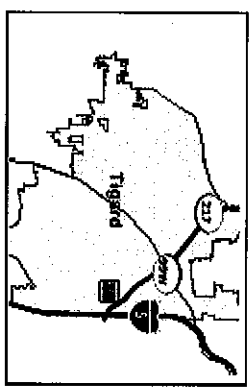


**VICINITY MAP**

SDR2008-00008

SYLVAN INDUSTRIES

 Subject Site



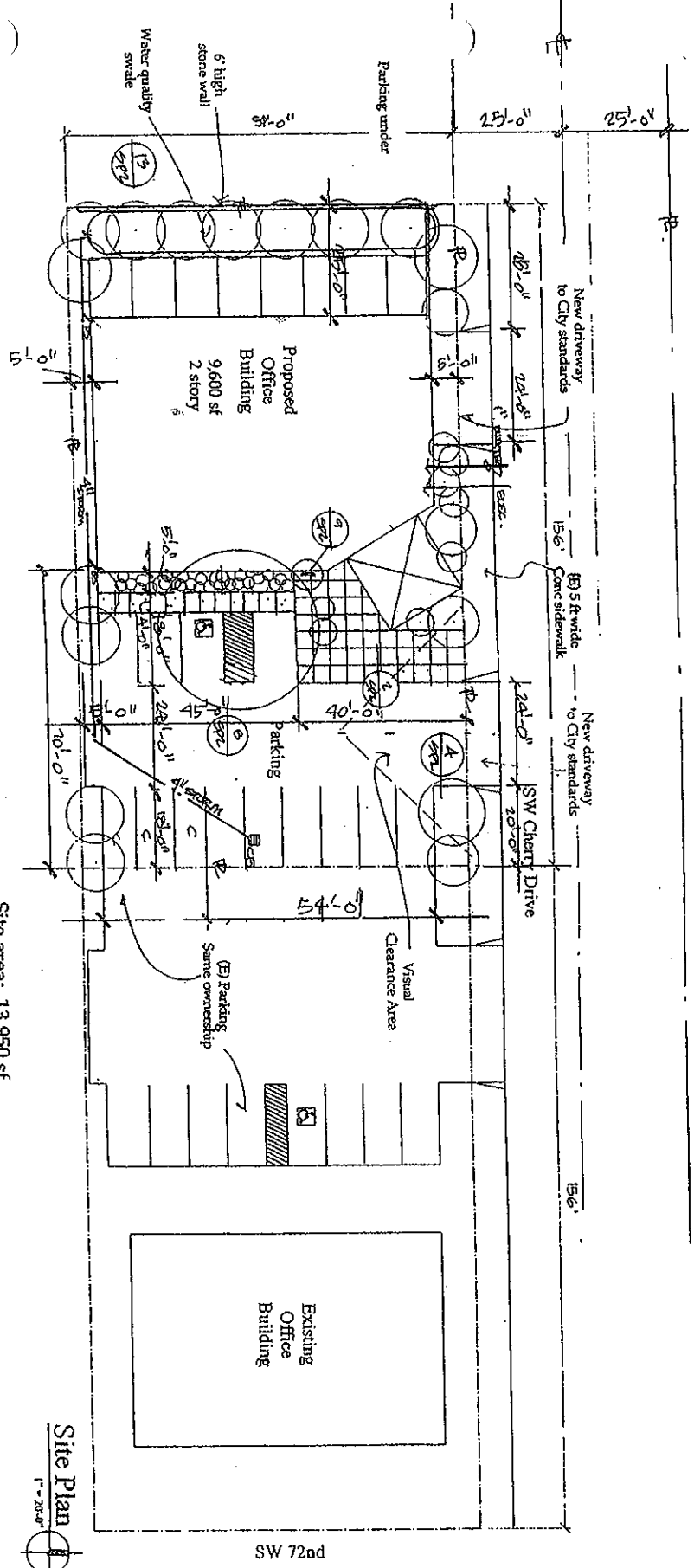
Information on this map is for general location only and should be verified with the Development Services Division.

Scale 1:3,011 - 1 in = 261 ft  
Map printed at 13-Aug-09 01:51 PM

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**TIGARD MAPS**  
13123 SW Hill Blvd  
Tigard, OR 97223  
303.639-4171  
www.tigard-or.gov





**CITY OF TIGARD**

Approved ..... [X]  
 Conditionally Approved ..... [X]  
 For only the work as described in:  
 PERMIT NO. SDR 2008-00008  
 See Letter to: Follow ..... [X]  
 Attach ..... [X]  
 Job Address: 5125 SW Cherry Drive  
 Date: 9/22/09

**SDR2008-00008**  
**SYLVAN INDUSTRIES**

SW 72nd