

NOTICE OF TYPE II DECISION
SITE DEVELOPMENT REVIEW (SDR) 2009-00001
KEYWAY OFFICE CONVERSION



120 DAYS = 6/4/2009

SECTION I. APPLICATION SUMMARY

FILE NAME: KEYWAY OFFICE CONVERSION

CASE NOS.: **Site Development Review (SDR)** **SDR2009-00001**
Adjustment (VAR) VAR2009-00001
Adjustment (VAR) VAR2009-00002

PROPOSAL: The applicant is requesting approval to convert an existing 1,972 square foot residence into a commercial building for office use. The site is approximately 15,000 square feet. The applicant is requesting two adjustments. One is an adjustment to the landscape standards to use an existing Douglas Fir as a street tree. The other is an adjustment to the street improvement requirements to allow a curb-tight sidewalk in order to save the existing Fir tree.

APPLICANT: Kent Krafve **APPLICANT'S** Andrew Barrett
Keyway Corporation **REPRESENTATIVE:** AAI Engineering
7275 SW Hermoso Way 4875 SW Griffith Dr., Suite 300
Tigard, OR 97223 Beaverton, OR 97005

OWNERS: Kent Krafve and Brian Frank
7275 SW Hermoso Way
Tigard, OR 97223

LOCATION: 7275 SW Hermoso Way; WCTM 2S101AB, Tax Lot 1200.

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

**APPLICABLE
REVIEW**

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

SECTION II. DECISION

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

CONDITIONS OF APPROVAL

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

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

1. Any modification to the approved plan requires review and approval from the Planning Department. A minor or major modification application may be required.
2. Prior to site work the applicant shall provide a site plan for review and approval showing the street trees spaced at a maximum of 28 feet on center. Size and species must be shown. If the spacing standards cannot be met, then the applicant shall apply for a Type II adjustment to the street tree requirements.
3. Prior to site work the applicant shall provide a landscape plan for review and approval showing:
 - A. Trees and shrubs within the required buffer along the northern property line meeting the specifications of 18.745.050.B.4.; and
 - B. Landscaping that meets the L-1 requirements of the Tigard Triangle along with a letter from the landscape architect explaining how the Tigard Triangle screening standards will be met. L-1 along Hermoso: shrubs shall be of a variety that will provide a 3-foot high screen and 90 percent opacity within one (1) year. Groundcover plants must fully cover the remainder of landscape area within two (2) years.
4. Submit detailed plans for review and approval that shows how all service facilities including air conditioning units, HVAC, and gas meters, are screened from view.
5. Prior to site work the applicant shall submit a detailed plan illustrating how the garbage collection area is screened from neighboring properties.
6. Prior to site work the applicant shall submit a revised site plan for review and approval that shows the following:
 - A. Wheel stops for each parking space;
 - B. Compact parking spaces labeled; and
 - C. Dimensions of the bike parking area and materials used for the surfacing.
7. The applicant shall provide a revised tree protection plan for review and approval that shows:
 - A. Tree protection fencing type and location to scale per the project arborist's recommendations;
 - B. Tree protection notes from the arborist report; and
 - C. A signature of approval from the project arborist.
8. 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.
9. If work is required within an established tree protection zone, the project arborist shall prepare a proposal detailing the construction techniques to be employed and the likely impacts to the trees. The proposal shall be reviewed and approved by the City Arborist before proposed work can proceed within a tree protection zone. The City Arborist may require changes prior to approval. The project arborist shall be on site while work is occurring within the tree protection zone and submit a summary report certifying that the work occurred per the proposal and will not significantly impact the health and/or stability of the trees.

10. 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.
11. A site plan must be provided for review and approval indicating how the vision clearance requirements are met.

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:

12. Prior to issuance of a site permit, A Public Facility Improvement (PFI) permit is required for this project to cover half-street improvements and any other work in the public right-of-way. Six (6) sets of detailed public improvement plans shall be submitted for review to the Engineering Department. NOTE: these plans are in addition to any drawings required by the Building Division and should only include sheets relevant to public improvements. Public Facility Improvement (PFI) permit plans shall conform to City of Tigard Public Improvement Design Standards, which are available at City Hall and the City's web page (www.tigard-or.gov).
13. 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.
14. The applicant shall provide a construction vehicle access and parking plan for approval by the City Engineer. The purpose of this plan is for parking and traffic control during the public improvement construction phase.
15. 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.
16. Additional right-of-way shall be dedicated to the Public along the frontage of SW Hermoso Way to increase the right-of-way to 30 feet from centerline. The description shall be tied to the existing right-of-way centerline. The dedication document shall be on City forms. Instructions are available from the Engineering Department.
17. 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 Hermoso Way. The improvements adjacent to this site shall include:
 - A. Tigard Triangle standard pavement section for a local street from curb to centerline equal to 18 feet;
 - B. pavement tapers needed to tie the new improvement back into the existing edge of pavement shall be built beyond the site frontage;
 - C. concrete curb, or curb and gutter as needed;
 - D. storm drainage, including any off-site storm drainage necessary to convey surface and/or subsurface runoff;
 - E. 12-foot concrete sidewalk with 4' x 4' tree wells or 8-foot sidewalk with 4-foot planter strip;
 - F. street trees spaced per TDC requirements;
 - G. street striping;
 - H. streetlight layout by applicant's engineer, to be approved by City Engineer;

- I. underground utilities;
 - J. street signs (if applicable); and
 - K. driveway apron (if applicable).
 - L. adjustments in vertical and/or horizontal alignment to construct SW Hermoso Way in a safe manner, as approved by the Engineering Department.
18. A profile of SW Hermoso Way shall be required, extending 300 feet either side of the subject site showing the existing grade and proposed future grade.
 19. 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.
 20. The applicant shall provide an on-site water quality facility as required by Clean Water Services Design and Construction Standards (adopted by Resolution and Order No. 00-7). Final plans and calculations shall be submitted to the Engineering Department (Kim McMillan) for review and approval prior to issuance of the site permit. In addition, a proposed maintenance agreement shall be submitted along with the plans and calculations for review and approval.
 21. 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 (Kim McMillan) for review and approval prior to issuance of the site permit.
 22. Discharge stormwater to an approved public facility which may include curb weep holes. Submit detail plans to the Engineering Department (Kim McMillan) for review and approval prior to issuance of the site permit.
 23. 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.
 24. 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 A FINAL BUILDING INSPECTION:**

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

25. A separate sign permit will be required for all tenant signage prior to installation.
26. Prior to final building inspection, the Project Arborist will submit a final certification indicating the elements of the Tree Protection Plan were followed and that all remaining trees on the site are healthy, stable, and viable in their modified growing environment.
27. Prior to final building inspection, the applicant/owner shall record a deed restriction to the effect that any existing tree greater than 6" diameter may be removed only if the tree dies or is hazardous according to a certified arborist. The deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this decision should either die or be removed as a hazardous tree.
28. Prior to final building inspection, the applicant shall contact the Staff Planner, Cheryl Caines, 503-639-4171, ext. 2437 for final walk-through. All site improvements must be completed per approved plans.

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

29. Prior to a final building inspection, the applicant shall complete the required public improvements, obtain conditional acceptance from the City, and provide a one-year maintenance assurance for said improvements.
30. Prior to final building inspection, the applicant shall provide the City with as-built drawings of the public improvements as follows: 1) 3 mil mylar, 2) a diskette of the as-builts in "DWG" format, if available; otherwise "DXF" will be acceptable, and 3) the as-built drawings shall be tied to the City's GPS network. The applicant's engineer shall provide the City with an electronic file with points for each structure (manholes, catch basins, water valves, hydrants and other water system features) in the development, and their respective X and Y State Plane Coordinates, referenced to NAD 83 (91).
31. The applicant shall pay a deposit equal to 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. The amount will be \$3,500 and it shall be paid prior to a final building inspection.
32. Prior to a final building inspection, the applicant's engineer shall submit final sight distance certification for the completed access on SW Hermoso Way.
33. Prior to a final building inspection the applicant's engineer shall submit a final sight distance certification for the completed access on SW Hermoso Street.
34. Prior to a final building inspection the applicant shall contribute \$712 to the SW 72nd/Dartmouth Street signal funds.
35. Prior to final building inspection, the applicant shall pay a fee in-lieu of extending the existing storm drain in Hermoso to the site in the amount of \$4,754.
36. Prior to final building inspection, the applicant shall pay the reimbursement fee required by Sewer Reimbursement District No. 15.

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

SECTION III. BACKGROUND INFORMATION

Site History & Proposal Description:

Staff conducted a search of City records for the subject property and did not find any previous land use cases. This Site Development Review has been submitted to resolve a land use code enforcement action (CEO2008-00080) for converting the residence into a commercial business without proper permitting. The applicant is requesting approval to convert an existing 1,972 square foot residence and garage into an office building. Two adjustments are also requested; one is to utilize an existing fir tree as a street tree and the second is to allow construction of a curb tight sidewalk around the fir tree instead of a sidewalk with planter strip. A small parking area is proposed in front of the structure. No other significant site changes are proposed.

Vicinity & Site Information:

The .34 acre site is located on the north side of SW Hermoso Way within the Tigard Triangle. It is zoned Mixed Use Employment (MUE), as are the properties to the east and west. The site to the north is zoned General Commercial (C-G) with a Planned Development overlay. The site is currently improved with one single-family residence. Properties in the area are developed with single family residences, residences converted to office buildings, and other office buildings of various ages. The homes are left from when the area was predominantly residential.

SECTION IV. COMMENTS FROM PROPERTY OWNERS WITHIN 500 FEET

The Tigard Community Development Code requires that property owners within 500 feet of the subject site be notified of the proposal, and be given an opportunity for written comments and/or oral testimony prior to a decision being made. In addition, staff posted two notices on the site, visible from the street. Staff received one comment letter from John Shonkwiler, representing the property owner to the west, M.M. Shinmen, L.L.C. Mr. Shonkwiler supports the proposed request to convert the existing residence into a commercial office since many other owners on the street are doing the same. He also states that the requested street improvement and landscaping adjustments are appropriate and necessary to preserve the mature tree in the front yard.

SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA

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

SECTION VI. APPLICABLE DEVELOPMENT CODE STANDARDS

A. VARIANCES AND ADJUSTMENTS

The applicant is requesting two adjustments for retention of an existing 42-inch Douglas Fir tree located in the site's front yard. One adjustment is to the landscape standards to allow the existing tree to be utilized as a street tree. The second is an adjustment to the street improvement standards to allow a 5-foot curb-tight sidewalk in lieu of the required 12-foot sidewalk or 8-foot sidewalk and 4-foot planter strip.

Section 18.370.020.C.6.a. states that the Director shall approve, approve with conditions, or deny by means of a Type I procedure, an adjustment to use existing trees as street trees, providing there has been no cutting and filling around the tree during construction which may lead to its loss, unless the following can be demonstrated:

- ♦ **The ground within the drip-line is altered merely for drainage purposes; and**
- ♦ **It can be shown that the cut or fill will not damage the roots and will not cause the tree to die.**

The applicant is requesting to utilize an existing Douglas Fir (*Pseudotsuga menziesii*) as a street tree along Hermoso Way. Construction proposed in the tree's dripline includes installation of two parking stalls, a 5-foot sidewalk, and utility installations. The Project Arborist has outlined construction methods to be used and protection measures for the tree within the Arborist Report. The report shows that retention of the tree is possible if the measures outlined in the report are followed. The City Arborist has reviewed the report and recommends approving the adjustment.

Adjustments for street improvement requirements (Chapter 18.810). By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the street improvement requirements, based on findings that the following criterion is satisfied: Strict application of the standards will result in an unacceptably adverse impact on existing development, on the proposed development, or on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes or existing mature trees. In approving an adjustment to the standards, the Director shall determine that the potential adverse impacts exceed the public benefits of strict application of the standards.

A 5-foot, curb-tight sidewalk is proposed in lieu of the required 8-foot sidewalk with 4-foot planter strip. This configuration will allow the applicant to protect and retain an existing 42-inch Douglas Fir tree along the street frontage. The sidewalk will be set back from the tree 10 feet. Strict application of the code may result in an adverse impact on the tree and tree roots. The proposed adjustment still allows construction of a 5-foot sidewalk, which is the minimal sidewalk width required on a local street. There is no adverse impact to the public by allowing the smaller sidewalk.

FINDING: Both adjustments proposed allow retention of the existing Douglas Fir tree and still provide for safe public access to the site and travel through the neighborhood. These adjustments are approved.

B. ZONING DISTRICT

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

The site is located in the MUE zoning district: Mixed Use Employment.

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

**TABLE 18.520.2
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

STANDARD	MUE	PROPOSED
Minimum Lot Size	None	14,500 s.f. [1]
- Detached unit	-	
- Boarding, lodging, rooming house		
Minimum Lot Width	50 ft.	100 ft.
Minimum Setbacks		
- Front yard	0 ft.	27.5 ft.
- Side facing street on corner & through lots	-	-
- Side yard	0 ft.	15.42 ft/11.4 ft
- Side or rear yard abutting more restrictive zoning district	-	-
- Rear yard	0 ft.	24.2 ft.[2]
- Distance between front of garage & property line abutting a public or private street.	-	-
Maximum Height	45 ft.	24 ft.
Maximum Site Coverage	85%	33%
Minimum Landscape Requirement	15%	67%
Maximum Floor Area Ratio	0.40	0.13

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

[2] Measured to existing storage shed in the rear yard.

The site lies within the MUE zoning district. As demonstrated in the table above, the applicant’s plans comply with the dimensional standards of the zone. The proposed use is an office for a construction company, which is permitted in the zone as long as the storage of materials and equipment are incidental to the office use. Only indoor storage is allowed. If this storage exceeds 50% of the occupied space, the use is classified as Industrial Services, which is not a permitted use in the zone. A site visit has shown that the existing business complies with this requirement.

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

B. TRIANGLE DESIGN STANDARDS (18.620):

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

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

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

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

Street Connectivity:

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

Design Option:

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

Performance Option:

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

The proposal meets the Performance Option because SW Hermoso Way is approximately 1,050 feet in length, which requires 1 to 2 intersections. Currently, there are (2) intersections on Hermoso. The straight-line distance from the subject property to the closest arterial (72nd Ave.) is 112 feet. The shortest vehicle and pedestrian trip from the subject property to 72nd Ave. is also 112 feet. Therefore, the performance option has been met.

Site Design Standards:

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

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

Building Placement on Major And Minor Arterials And The Street:

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

Southwest Hermoso Way is not a major or minor arterial. Therefore, this criterion does not apply.

Building Setback:

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

This section requires a maximum building set back of 10 feet from dedicated rights-of-way. The existing building sits at an angle on the site. The front yard setback is approximately 22.5 feet to the western front corner and 40 feet to the eastern front corner. This building location is non-conforming. As long as the building remains otherwise lawful, the conversion is permissible. No additions or expansions are proposed. This criterion is not applicable at this time.

Front Yard Setback Design:

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

The site fronts one street (Hermoso). A landscape plan was not provided by the applicant, therefore one must be provided showing how the L-1 landscape standard is met along the street frontage. The applicant did not propose L-1 landscaping because the definition of L-1 landscaping states that it is required only along major and minor arterials; Hermoso is a local street. 18.620.030.A.3 and 5 both require L-1 landscaping for this development. This standard can be met as conditioned under the Landscaping and Screening section of this decision.

Walkway Connection To Building Entrances:

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

One walkway connection is provided to the public street from the building entrance. It will be through the parking area so as not to further disturb the root system of the existing fir tree. The connection is 6 feet wide scored concrete. This criterion is satisfied.

Parking Location and Landscape Design:

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

The applicant has shown the associated parking to be located in the front of the building. A drive to the rear of the site could not be constructed due to site constraints such as the location of the existing residence and Douglas Fir tree. The site plan shows a 4-foot area between the sidewalk and parking area, but no landscape details were provided. To ensure the site is landscaped to meet the Tigard Triangle requirements, the applicant is conditioned to provide a detailed landscape plan under the Landscaping and Screening section of this decision.

Building Design Standards:

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

Ground Floor Windows:

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

According to the standard above, the building must have a minimum of 50 percent of the ground floor wall area as windows. The building is pre-existing, and the applicant is not proposing to modify the façade. Ground floor windows cover approximately 40% of the front façade. Should any modifications be made, this standard will have to be satisfied.

Building Facades:

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

Because the building is pre-existing, this standard does not apply. However, no addition or expansion may occur that increases the non-conformity of the structure according to Section 18.760.040.D (Nonconforming use of structures) of the Tigard Development Code. This standard is satisfied.

Weather Protection:

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

The existing structure has a covered entry. This standard has been satisfied.

Building Materials:

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

No changes are proposed to the existing materials, and the applicant notes that the building will be a non-conforming structure. A site visit revealed that the structure is finished with wood siding. This criterion has been satisfied.

Roofs And Roof Lines:

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

The existing building does not have a false front or false roof. This criterion is satisfied.

Roof-Mounted Equipment:

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

The applicant is not proposing any rooftop equipment. Because the structure was a residence, an existing chimney will remain. This criterion is satisfied.

Signs:

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

Zoning District Regulations:

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

Sign Area Limits:

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

Height Limits:

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

Sign Location:

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

The applicant has indicated that no signs are proposed with this submittal. A condition of approval under the Sign section of this decision ensures that the applicant will obtain a sign permit prior to installation of any signage.

Landscaping and Screening:

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

L-1 (Low Screen):

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

L-2 (General Landscaping):

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

This requirement has not been met. A landscape plan was not provided. L-1 landscaping is required along the Hermoso street frontage, and L-2 is required within the parking area. Landscaping requirements are discussed in further detail under the Landscaping and Screening section of this decision. The applicant is conditioned under that section to provide a detailed landscape plan showing how the L-1 and L-2 standards are met.

FINDING: Based on the analysis above, the Tigard Triangle Design criteria for landscaping have not been satisfied, but can be as conditioned under the Landscaping and Screening section of this decision.

C. ADDITIONAL APPLICABLE DEVELOPMENT CODE STANDARDS

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

Access, Egress and Circulation (18.705):

Access plan:

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

The applicant has provided a site plan showing access from SW Hermoso Way. Therefore, this standard has been satisfied.

Joint access:

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

Joint access is not proposed with surrounding development. This standard is not applicable.

Public street access:

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

The proposed building will be accessible from SW Hermoso Way; a public street. Therefore, this criterion has been satisfied.

Curb cuts:

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

Walkways:

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

On-site pedestrian walkways are proposed from the building entrance to the parking area and public sidewalk. This standard is met.

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;

One proposed walkway crosses the asphalt parking area for a distance of 28 feet. The walkway is 6 feet wide and made of scored concrete. This standard is met.

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 walkway will be scored concrete and lit by fixtures mounted on the front of the building. A lighting plan was provided by the applicant. This standard has been met.

Access Management (Section 18.705.030.H)

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

A preliminary sight distance assessment has been submitted. The proposed access on Hermoso Way, a local street with parking, requires a minimum sight distance of 280 feet in each direction. The sight distance to the west is about 330 feet. To the east, the sight distance was measured to be about 160 feet. However, vehicles entering Hermoso Way from 72nd are visible since the intersection of Hermoso Way and SW 72nd is about 112 feet from the proposed access.

A final sight distance certification should be submitted after construction of the frontage improvements along Hermoso Way and prior to a final building inspection to ensure that these sight distances are maintained.

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 is 112 feet from the intersection of SW 72nd. This is the most separation that can be achieved without removing a 42-inch Douglas fir which is intended to remain.

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

One access point is required for this project, which has 5 proposed parking spaces. One 24-foot paved access drive is provided to Gonzaga Street. Vehicular access ways are within 10 feet of this entrance; therefore this standard has been satisfied.

FINDING: Based on the analysis above, the access egress and circulation requirements have been met.

ENVIRONMENTAL PERFORMANCE STANDARDS (18.725):

Noise:

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

Visible emissions:

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

Vibration:

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

Odors:

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

Glare and heat:

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

Insects and rodents:

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

The proposed use is office which is an outright permitted use within the MUE zoning district. There is no indication within the application that these standards will not be met. However, ongoing efforts to meet these standards shall be maintained and any violation of these standards will be addressed by the City of Tigard's Code Enforcement Officer.

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

LANDSCAPING AND SCREENING (18.745):

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

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

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 states that one street tree will be planted in addition to the existing fir tree being utilized as a street tree. The proposed tree is a 2 inch Japanese Lilac. Trees within the Tigard Triangle along local streets are required to be a minimum 2½ inch caliper and spaced a maximum 28 feet apart.

The City Arborist notes that the applicant has not met the requirements; therefore the applicant is conditioned to provide revised plans that show street trees meeting the size, species and spacing standards. If the spacing requirement cannot be met, then the applicant shall apply for an adjustment to the street tree requirement under 18.370.020.C.6.b. It is acceptable for the applicant to include a note on their street tree plan that slight variations in placement may be required due to driveways, utilities, etc., but every attempt will be made to keep the same species and net number of street trees that are shown on the final approved plans.

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 site borders tax lot 401 to the north, which is developed with a single family residence and is zoned C-G (PD). Properties to the east and west are office/commercial uses and zoned MUE like the subject site. The applicant states that the adjacent zoning does not require buffering. Buffering requirements are based on uses and not zoning, therefore the applicant is required to provide a buffer along the northern property line for the single family residence. An 8-foot wide landscape buffer with a fence, trees and shrubs is required. A detailed landscape plan was not provided with the application to show the plantings. This requirement can be met as conditioned below.

Special Provision:

Screening and Landscaping of Parking Areas

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

The applicant states that the parking lot will be screened by a 4-foot planting area between the public sidewalk and the parking area. Details are not given on the types of plants to be used. Tigard Triangle standards require parking areas to be screened by an L-1 landscape standard. The applicant is being conditioned to submit a detailed landscape plan that shows how this standard is met.

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;

Screening of other service facilities such as A/C units, gas meters, etc. has not been addressed. Therefore, the applicant will be required to submit detailed plans for Planning Division review prior to issuance of a building permit that shows any service facilities including air conditioners and gas meters screened from view. This standard can be met as conditioned below.

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 indicates that the garbage cans will be placed in the back of the building and rolled out to the curb for collection. The applicant also states that the location at the back of the building will not be visible from the street or parking area, but does not address visibility from neighboring sites. The applicant has been conditioned to ensure this standard is met.

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

CONDITIONS:

- ◆ Prior to site work the applicant shall provide a site plan for review and approval showing the street trees spaced at a maximum of 28 feet on center. Size and species must be shown. If the spacing standards cannot be met, then the applicant shall apply for a Type II adjustment to the street tree requirements.
- ◆ Prior to site work the applicant shall provide a landscape plan for review and approval showing:
 - A. Trees and shrubs within the required buffer along the northern property line meeting the specifications of 18.745.050.B.4.; and
 - B. Landscaping that meets the L-1 requirements of the Tigard Triangle along with a letter from the landscape architect explaining how the Tigard Triangle screening standards will be met. L-1 along Hermoso: shrubs shall be of a variety that will provide a 3-foot high screen and 90 percent opacity within one (1) year. Groundcover plants must fully cover the remainder of landscape area within two (2) years.
- ◆ Submit detailed plans for review and approval that shows how all service facilities including air conditioning units, HVAC, and gas meters, are screened from view.

MIXED SOLID WASTE AND RECYCLABLES STORAGE (18.755):

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

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

The applicant is proposing to meet the Franchised Hauler Review and Sign-off Method of compliance. A letter from Pride Disposal Service was provided. The letter indicates that the existing roll-cart service can continue to serve the office use. Therefore, this standard has been met.

Location Standards.

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

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 existing service level involves roll-carts that are stored in the rear yard. The cans are rolled to the curb for garbage pickup. This is the same service provided to residential uses. Hauler access to the storage area is not necessary. Screening has not been adequately addressed. The collection area is not visible from streets or the parking area, but may be from neighboring sites. The applicant has been conditioned to provide plans that show how the cans will be screened from view.

FINDING: Based on the analysis above, the Mixed Solid Waste and Recyclable Storage standards have not been fully met, but can be as conditioned below.

CONDITION: Prior to site work the applicant shall submit a revised landscape plan for review and approval illustrating how the garbage collection area is screened from neighboring properties.

OFF-STREET PARKING AND LOADING (18.765):

Location of vehicle parking:

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

According to measurements taken from the plans, the parking associated with this project is within 40 feet of the existing building. All parking has been proposed to be located on-site. Therefore, this standard has been satisfied.

Joint Parking:

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

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

Parking in Mixed-Use Projects:

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

The proposed building is not a mixed-use project. This standard is not applicable.

Visitor Parking in Multi-Family Residential Developments:

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

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

Preferential Long-Term Carpool/Vanpool Parking:

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

The applicant's plans show a total of 5 parking spaces. This criterion is not applicable to the development.

Disabled-Accessible Parking:

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

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

Access Drives:

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

The access drive has been addressed previously in this decision under Chapter 18.705 (Access, Egress and Circulation).

Pedestrian Access:

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

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

Parking Lot Striping:

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

The plans submitted show the parking spaces clearly marked with striping, and the direction of flow is obvious in the small parking area. Therefore, this standard has been satisfied.

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 narrative indicates that wheel stops will be installed throughout the parking lot but are not shown on the site plan. This standard can be satisfied as conditioned below.

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. Stall width dimensions may be distributed as 50% standard spaces, 50% compact spaces. All compact spaces shall be labeled as such.

The applicant's plans and narrative indicate that of the 5 parking stalls, 2 stalls are compact, which is 40% of the total. Dimensions of the 90 degree parking spaces are 8 ft. by 18.5 ft. for compact spaces and 10 ft. by 18.5 ft. for standard stalls. The drive aisle is two-way and a width of 24 feet. Figure 18.765.1 requires that all compact spaces be marked as such. The applicant is conditioned to submit a revised site plan labeling the compact spaces. Therefore, this standard can be met as conditioned.

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.

Bicycle parking is provided within 10 feet of the building entrance and is visible from on-site and Hermoso Way. The designated bike parking areas will not be within parking aisles or pedestrian ways. This criterion is satisfied.

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 site plan shows the location of the bicycle parking and a detail of the rack has been provided. The narrative states that the parking will not be covered, but that the rack will be secured to the ground and placed on an asphalt or concrete surface. The applicant is being conditioned to provide a revised site plan showing the hard surface bike parking area with dimensions. This criterion will be satisfied.

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 an office use is 0.5 spaces per 1,000 square feet. Although the minimum required spaces based on the square footage (1,972 square feet) is one, the applicant must supply two as noted in the code above. Based on the narrative the applicant is proposing two bicycle parking spaces. Therefore, this standard has been satisfied.

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.

The minimum parking for Office Uses is 2.7 spaces per 1,000 gross square feet. For the total square footage (1,972), 5 spaces are required. The site lies within the Zone B parking area for purposes of calculating maximum number of parking spaces. The maximum allowed parking is 4.1 spaces per 1,000 g.s.f. or 7 spaces. The site plan shows 5 parking spaces. This number meets both minimum and maximum standards.

Off-Street Loading Spaces:

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

Based on the square footage of the building (1,972 square feet), an off-street loading space is not required. This standard is met.

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

CONDITION: Prior to site work the applicant shall submit a revised site plan for review and approval that shows the following:

- A. Wheel stops for each parking space;
- B. Compact parking spaces labeled; and
- C. Dimensions of the bike parking area and materials used for the surfacing.

SIGNS (18.780):

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

There are no proposed signs with this application. This section does not apply. If any signage is to be installed in the future, a sign permit is required.

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

TREE REMOVAL (18.790):

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

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

Plan requirements. The tree plan shall include the following:

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

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

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

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

Based on the arborist's report there is 1 tree greater than 12 inch caliper on-site. This one, 42-inch fir tree is being preserved; therefore, 100% of the trees will be retained. No mitigation is required and this criterion is satisfied.

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

One 8-inch weeping mulberry will be removed for street improvements as identified in the Arborist Report.

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

This requirement has not been met. The site plan shows fencing around the fir tree but does not provide details. The tree protection plan must show the tree protection fencing type and location to scale per the project arborist's recommendations. Also, the tree protection notes in the arborist report must be included on the plan, as well as a signature of approval from the project arborist. Protection standards can be met as conditioned below.

18.790.040 Incentives for Tree Retention

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

Conditions of approval will ensure that this standard is met.

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

- CONDITIONS:**
- ◆ The applicant shall provide a revised tree protection plan for review and approval that shows:
 - A. Tree protection fencing type and location to scale per the project arborist's recommendations;
 - B. Tree protection notes from the arborist report; and
 - C. A signature of approval from the project arborist.
 - ◆ 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.

- ◆ If work is required within an established tree protection zone, the project arborist shall prepare a proposal detailing the construction techniques to be employed and the likely impacts to the trees. The proposal shall be reviewed and approved by the City Arborist before proposed work can proceed within a tree protection zone. The City Arborist may require changes prior to approval. The project arborist shall be on site while work is occurring within the tree protection zone and submit a summary report certifying that the work occurred per the proposal and will not significantly impact the health and/or stability of the trees.
- ◆ 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.
- ◆ Prior to final building inspection, the Project Arborist will submit a final certification indicating the elements of the Tree Protection Plan were followed and that all remaining trees on the site are healthy, stable, and viable in their modified growing environment.
- ◆ Prior to final building inspection, the applicant/owner shall record a deed restriction to the effect that any existing tree greater than 6" diameter may be removed only if the tree dies or is hazardous according to a certified arborist. The deed restriction may be removed or will be considered invalid if a tree preserved in accordance with this decision should either die or be removed as a hazardous tree.

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.

The applicant's narrative states that a Clear Vision Triangle has been shown on the site plan. None of the plans provided show this triangle. The applicant is being conditioned to provide a site plan showing how the standard is met.

FINDING: Based on the analysis above, the vision clearance standards have not been fully satisfied; as conditioned below the code requirements can be met.

CONDITION: A site plan must be provided for review and approval indicating how the vision clearance requirements are met.

C. SPECIFIC SITE DEVELOPMENT REVIEW APPROVAL STANDARDS

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

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

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

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

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

Relationship to the Natural and Physical Environment:

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

The building is a pre-existing home that is to be converted. The site is not in an area identified as prone to sliding. The site is relatively flat with few trees and no slopes associated with the site. The frontage improvements and parking area have been designed to retain an existing 42-inch Fir tree on-site.

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.

Windows exist on all sides of the building. The applicant has provided a lighting plan that shows illumination of the pedestrian pathways and proposed parking along the front of the building, but lighting along the rear of the building for crime prevention is not addressed. This standard has not been met; therefore the applicant is conditioned to provide a revised lighting plan that shows lighting along the rear of the building.

Public Transit:

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

The site has frontage on SW Hermoso Way, which is not on a Tri-met transit route, therefore, this standard does not apply.

FINDING: Based on the analysis above the Site Development Review criteria have not been satisfied, but can be met as conditioned.

CONDITION: Submit a detailed lighting plan to the Planning Division for review and approval. The plan shall show areas along the rear of the building illuminated by the fixtures and details on the fixture types.

D. STREET AND UTILITY IMPROVEMENTS STANDARDS (18.810):

Streets:

Improvements:

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

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

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

This site lies adjacent to SW Hermoso Way, which is classified as a local street on the City of Tigard Transportation Plan Map and is within the Tigard Triangle. At present, there is approximately 25 feet of ROW from centerline, according to the most recent tax assessor's map. The applicant should dedicate any additional ROW required to provide the full 30 feet of right-of-way as shown on the submitted plans.

SW Hermoso Way is currently partially improved. In order to mitigate the impact from this development, the applicant should construct half-street improvements that provide the north half of a three-lane section, as shown in the Tigard Triangle Standards, 18.620. This includes a minimum of 18 feet of pavement from centerline, curb, and 12 sidewalk or 8-foot sidewalk with 4-foot planter.

An arborist report dated June 5, 2008 to preserve a 42-inch Douglas fir at the southwest corner of the site has been submitted. The report evaluates the effect of the proposed driveway on the tree and provides a tree protection plan. Portions of the proposed sidewalk will be directed to the south side of the tree, as discussed under the Variances and Adjustments section of this decision. Alternative materials for this portion of the sidewalk, specifically intended for the purpose, may be proposed in advance of plan submittal.

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.

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 2,000 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.

There is difficulty in meeting the block standards for the area around the development. Topographical issues like the wetlands to the northwest of the site and proximity to an arterial (SW 72nd) and State Highway (Hwy 217) hinder connectivity in the area. Currently Hermoso Way only connects with streets to the south and east. There are no street connections to the north that are required at this time by the Transportation System Plan or Tigard Triangle Street Plan. Therefore, this standard has been satisfied.

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

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

No new parcels are being created with this project. These standards do not apply.

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

The applicant's plans indicate they will construct an 8-foot sidewalk with a landscape strip along Hermoso, but is reduced to a 5-foot, curb-tight sidewalk around the existing fir tree. An adjustment to the street improvement standards has been approved to allow the narrower sidewalk around the tree.

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 Hermoso Way with a lateral to the site constructed through Sewer Reimbursement District No. 15. The applicant proposes to use this lateral. Connection to the lateral requires payment of a reimbursement fee established by the reimbursement district. The fee is currently \$7,777.72 and increases \$304.66 every January 25th.

Storm Drainage:

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

A land use permit for the adjacent parcel (SDR 2005-00008) to the west allowed a \$4,754 payment in-lieu of extending the street storm drain in Hermoso Way. The lot has the same length of frontage along the street and should be required to pay the same fee.

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 is no significant upstream drainage to the site. While disposal of onsite runoff through a curb weep hole is permitted, the proposed connection of a 6-inch storm drain to a weep hole is not acceptable. Condition #21 will ensure this standard is met.

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 storm water 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 proprietary water quality facility is proposed. Detention is not required since there is less than 5,000 square feet of new impervious surface.

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.

Hermoso Way 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 along the south side of SW Hermoso Way. If the fee in-lieu is proposed, it is equal to \$35.00 per lineal foot of street frontage that contains the overhead lines. The frontage along this site is 100.00 lineal feet; therefore the fee would be \$3,500.

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

Traffic Signals:

Lancaster Engineering prepared a traffic impact report for this development, dated November 17, 2008. Two key intersections were analyzed:

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

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

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

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

The Lancaster Engineering report shows that this project will generate approximately 1 PM peak hour trip to the intersection of SW 72nd Avenue/SW Dartmouth Street. With a total entering volume (TEV) of 2,555 vehicles, the project impact is approximately 0.039%. Therefore, based on simple proportions, the project contribution to this intersection is \$712.

Likewise, the Lancaster Engineering report shows that the project will not generate any PM peak hour trips at the intersection of SW 68th Avenue/SW Dartmouth Street. Therefore, the project will not contribute to this intersection.

Funds for SW 72nd Avenue/SW Dartmouth Street intersection must be paid to the City before final building inspection.

Public Water System:

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

Storm Water Quality:

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

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

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 (18.390):

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

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

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

The applicant has provided an impact study addressing the project's impacts on public systems. Run-off from the site will be collected and then treated in a proposed catch basin before being released onto the street via a weephole. Extension of the public storm line is not required at this time due to the distance to the existing line (430 feet to the west). A fee-in-lieu is being collected for future construction of the line. Existing public sanitary sewer and water laterals will serve the site. There is no known deficiency in capacity. Since the site is a commercial development, there should be no impact on the City's parks system.

The Washington County Traffic Impact Fee (TIF) is a mitigation measure that is required at the time of development. Based on a transportation impact study prepared by Mr. David Larson for the A-Boy Expansion/Dolan II/Resolution 95-61, TIF's are expected to recapture 20 percent of the traffic impact of new development on the collector and arterial Street system. The applicant will be required to pay TIF's of approximately \$6,615 based on the use proposed.

Based on the estimate that total TIF fees cover 20 percent of the impact, on major street improvements citywide, a fee that would cover 100 percent of this projects traffic impact is \$33,075 (\$6,615 divided by .20). Besides the TIF that mitigates for 20% of the projects impact on the transportation system, the applicant is required to dedicate additional right-of-way along SW Hermoso Way (500 square feet). The estimated value of the dedication is \$10 a square foot for a total value of \$5,000.

The applicant is also required to construct a full street lane and sidewalk on Hermoso Way. At an approximate cost of \$170 per lineal foot the improvements are valued at \$17,000. The following is the estimated cost of construction of the proposed improvements and are considered mitigated costs.

Mitigated Costs:

Hermoso Way: (100 ft x \$170.00)	\$ 17,000.00
Dedication: (500 sq ft x \$10)	\$ 5,000.00
<u>Total:</u>	<u>\$ 22,000.00</u>

Estimated Value of Impacts

Full Impact	\$ 33,075.00
Less TIF Assessment.....	-\$ 6,615.00
Future Signalization of 72 nd and Dartmouth Street.....	-\$ 712.00
Storm In-Lieu Fee.....	-\$ 4,754.00
<u>Less Mitigated Costs (from above).....</u>	<u>-\$ 22,000.00</u>
Estimated Value of Unmitigated Impacts.....	\$ -1,006.00

FINDING: The total value of these improvements and payments is only slightly greater than the total value of the projected impacts and is roughly proportionate. The improvement of SW Hermoso Way is required to meet the street improvement requirements of 18.810.030 and the Tigard Triangle (18.620). In addition, the applicant has proposed making these improvements.

SECTION VII. OTHER STAFF COMMENTS

City of Tigard Public Works Department has reviewed the proposal and requested that the storm line be extended the full width of the site frontage. A fee-in-lieu has been accepted for future construction of the line.

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

City of Tigard Building Division has reviewed the application and has no objections.

SECTION VIII. AGENCY COMMENTS

Tualatin Valley Water District noted that the existing water meter must be relocated behind the sidewalk. The work is to be performed on a time and materials basis by TVWD.

Tualatin Valley Fire and Rescue were sent a copy of the applicant's materials however, no comments were received.

Clean Water Services has reviewed the proposal and comments have been incorporated into the report. These items will be reviewed during site permit and public facility permit review.

Qwest was sent a copy of the application and has responded that the project is outside of the Qwest service area.

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 MARCH 18, 2009 AND BECOMES EFFECTIVE ON APRIL 2, 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 APRIL 1, 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: Cheryl Caines
Associate Planner

March 17, 2009
DATE


APPROVED BY: Richard H. Bewersdorff
Planning Manager

March 17, 2009
DATE

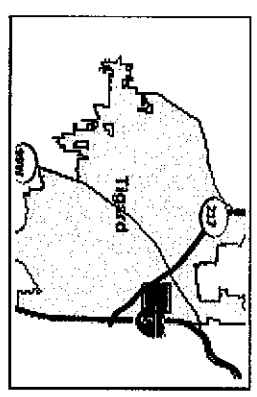


VICINITY MAP

SDR2009-00001
 VAR2009-00001
 VAR2009-00002

**KEYWAY OFFICE
 CONVERSION**

 Subject Site



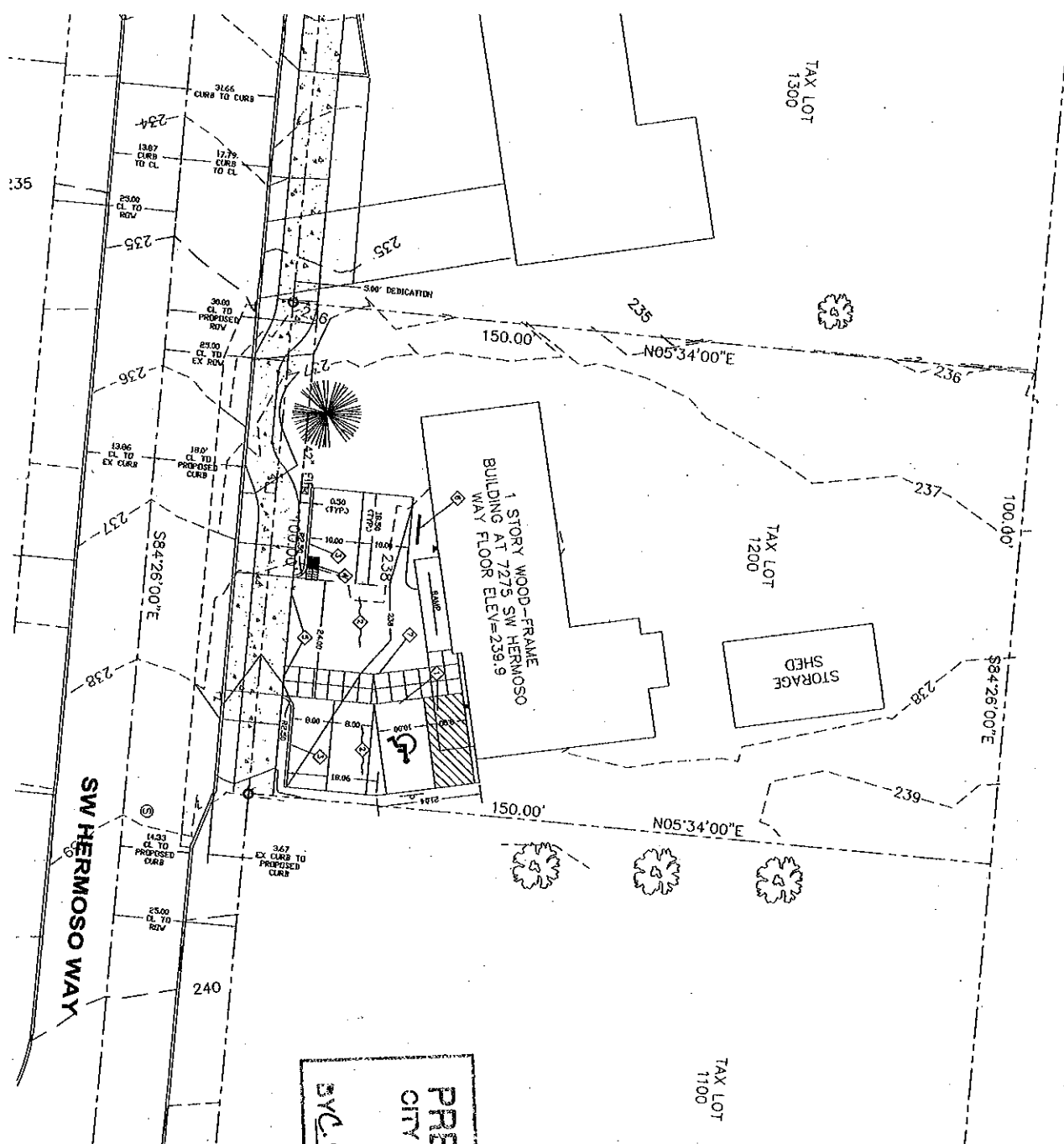
Information on this map is for general location only and should be verified with the Development Services Division.

Scale 1/4,336 - 1 in = 361 ft
 Map printed at 18-Feb-09 09:09 AM

DATA IS DERIVED FROM MULTIPLE SOURCES. THE CITY OF TIGARD MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE DATA PROVIDED HEREIN. THE CITY OF TIGARD SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED HEREON, OR FOR ANY DAMAGE TO PERSONS OR PROPERTY.

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



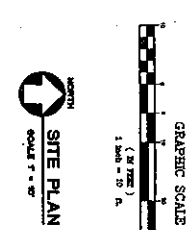


SW HERMOSO WAY

PRELIMINARY
CITY OF TIGARD PLANNING DIVISION

BY: *Carina* DATE: 3-17-09

- LEGEND**
- CONTOUR - 1 TO 4 FOOT INTERVALS
 - CONTOUR - 5 FOOT INTERVALS
 - STANDARD ERECTION LINE
 - STANDARD FINISH LINE
 - STANDARD SLOPE LINE
 - CONCRETE WALKWAY LINE
 - ELECTRIC LINE
 - SEWER LINE
 - WATER LINE
 - PAVING STRIPING
 - SMALL PAVEMENT
 - LARGE PAVED DRIVE BASIN
- PROPOSED**
- 1" WIDE CONCRET CONCRETE WALKWAY
- SITE NOTES**
- INSTALL ADA PARKING AND SIGN. SEE SHEET C-10 FOR DETAIL.
 - INSTALL NEW ASPHALT PAVEMENT. SEE SHEET C-10 FOR DETAIL.
 - INSTALL CONCRETE DRIVE BASIN. SEE SHEET C-10 FOR DETAIL.
 - INSTALL CONCRETE WALKWAY. SEE SHEET C-10 FOR DETAIL.
 - INSTALL CONCRETE DRIVE BASIN. SEE SHEET C-10 FOR DETAIL.
 - CONNECT PROPOSED IMPROVEMENTS WITH EXISTING IMPROVEMENTS. SEE SHEET C-10 FOR DETAIL.
 - APPROPRIATE PLAN FOR MORE INFO. SEE SHEET C-10 FOR DETAIL.
 - SEE SHEET C-10 FOR DETAIL.
 - SEE SHEET C-10 FOR DETAIL.
 - SEE SHEET C-10 FOR DETAIL.



01/05/09-DESIGN REVIEW RESUBMITTAL

C10

DATE:	10/28/08
DRAWN:	NMS
CHECKED:	CMS
DATE:	01/23/09
PROJECT:	KEYWAY OFFICE BUILDING
LOCATION:	7275 SW HERMOSO WAY, TIGARD, OR

KEYWAY OFFICE BUILDING
7275 S.W. HERMOSO WAY
TIGARD, OREGON 97223

AAI Applied Analysis & Innovation, Inc.
ENGINEERING
1425 SW Green Street, Suite 100 Tigard, Oregon 97223
503.338.1111