

NOTICE OF TYPE II DECISION
SITE DEVELOPMENT REVIEW (SDR) 2009-00005
THE KNOLL AT TIGARD



120 DAYS = 5/14/2010

SECTION I. APPLICATION SUMMARY

FILE NAME:	THE KNOLL AT TIGARD
CASE NOS.:	Site Development Review (SDR) SDR2009-00005
	Adjustment (VAR) VAR2009-00019
	Adjustment (VAR) VAR2009-00020

PROPOSAL: The applicant is requesting approval to construct a multi-story, 48 unit apartment building for affordable, senior housing. Square footage of the proposed building is 46,000 square feet. The one acre site is comprised of three parcels. The site is developed with three single family residences, which will be removed. In addition the applicant is requesting two adjustments to reduce the minimum parking requirement due to reduced demand by the resident population and proximity to mass transit.

APPLICANT:	Carlton Hart Architecture	OWNER:	Community Partners for Affordable Housing
	Attn: Ben White		Attn: Sheila Greenlaw-Fink
	322 NW 8 th Ave.		P.O. Box 23206
	Portland, OR 97209		Tigard, OR 97281

LOCATION: 12340 SW Hall Blvd.; WCTM 2S101BC, Tax Lot 800.
12360 SW Hall Blvd.; WCTM 2S101BC, Tax Lot 900.
8485 SW Hunziker St.; WCTM 2S101BC, Tax Lot 1000.

ZONE: MUR-1: Mixed Use Residential Districts. The MUR zoning district is designed to apply to predominantly residential areas where mixed-uses are permitted when compatible with the residential use. A high density (MUR-1) and moderate density (MUR-2) designation is available within the MUR zoning district.

APPLICABLE REVIEW

CRITERIA: Community Development Code Chapters 18.360, 18.370, 18.390, 18.520, 18.705, 18.715, 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 ISSUANCE OF A SITE PERMIT:

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 revised site and landscape plan for review and approval that shows a curb tight sidewalk along Knoll Drive and street trees behind the sidewalk. Street trees must be located within the right-of-way or a public easement must be provided for the trees.
3. The applicant shall position fencing as directed by the project arborist and detailed on the Tree Preservation Plan (A1.20). 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.
4. 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 note shall be included on the Tree Protection/Preservation Plan.
5. 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.
6. Prior to site work, the applicant shall submit a cash assurance (letter of credit or cash deposit) for the equivalent value of mitigation required (e.g. 27 caliper inches of proposed mitigation tree planting x \$125/caliper inch). Any trees successfully planted on or off-site, in accordance with an approved Tree Mitigation Plan and TDC 18.790.060.D, will be credited against the assurance two years after all of the trees are planted. After the plan is approved and the trees are planted, the project arborist shall submit a letter to the City Arborist to certify that all of the mitigation trees were properly planted per the approved Tree Mitigation Plan in order to set the starting point of the two year tree establishment period. After the two year establishment period, the applicant shall provide a re-inventory of the mitigation trees conducted by a certified arborist in order to document mitigation tree survival, and compliance with the approved Tree Mitigation Plan. The remaining value of caliper inches not successfully mitigated shall be paid as a fee in-lieu of planting. Failure to plant and provide documentation of mitigation tree planting by the project arborist within 6 months of certificate of occupancy issuance shall result in the forfeiture of the cash assurance to the City's tree fund.

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: GUS DUENAS 503-639-4171, EXT 2470. The cover letter shall clearly identify where in the submittal the required information is found:

7. Before any work commences on-site or on the public improvements, the applicant shall apply for and obtain a Public Facility Improvement (PFI) permit from the City to cover half-street improvements, sanitary sewer, easement restoration and any other work in the public right-of-way or easement. The plans submitted shall include private water quality and detention facilities as part of the permit application. Six (6) sets of detailed public improvement plans stamped by a professional engineer shall be submitted for review to the Development Engineer. NOTE: these plans are in addition to any drawings required by the Building Division and should only include sheets relevant to public improvements and detention and water quality facilities that have to be inspected during construction and monitored afterwards. 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).
8. 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 Development Engineer will delay processing of project documents. No work shall begin until the PFI permit is issued.
9. The applicant must obtain Oregon Department of Transportation (ODOT) approval and applicable ODOT permits for improvements to Hall Blvd, and for intersection improvements at Hall Blvd and Hunziker Street and Hall Blvd and Knoll Drive. That approval includes:
 - A. ODOT drainage permit for connection to the state highway drainage system
 - B. All other applicable permits from ODOT for work within the Hall Blvd right-of-way.
 - C. Submittal of documentation that all other ODOT requirements are met for performance of the half-street improvements on Hall Blvd.
10. The applicant shall submit construction plans for approval by the Development Engineer, as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontage of SW Hall Boulevard. Half street improvements shall comply with ODOT approved section on SW Hall Boulevard including:
 - A. 36 feet of pavement from centerline of Hall to curb;
 - B. Pavement tapers;
 - C. 6-foot bike lane;
 - D. Concrete curb and gutter;
 - E. Storm drainage;
 - F. 8-foot concrete sidewalk with 5-foot planter strip exclusive of curb;
 - G. Street trees in planter strip;
 - H. Street lights – layout to be as submitted by applicant's engineer and approved by the City;
 - I. Street striping, bike lane markings and signage;
 - J. New water line installation on Hall Blvd;
 - K. Sanitary sewer connections at three existing lateral locations on Hall Blvd. Upgrade lateral sizes if needed. Extend the laterals to the new property line. Install cleanouts @ vicinity of property line for each of the three laterals;
 - L. Adjustments in vertical alignment if needed; and
 - M. All modifications needed to the Hall/Hunziker intersection signal system – all costs for the signal modifications are to be made at the applicant's expense.
11. The applicant shall submit construction plans for approval by the Development Engineer, as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontage of SW Hunziker Street. Half street improvements shall include:
 - A. City and ODOT approved sections on Hunziker Street;
 - B. 23-foot paved area from centerline to curb on Hunziker Street;
 - C. Pavement tapers on transitions as needed;
 - D. Concrete curb, or curb and gutter;

- E. Storm drainage – Extend storm drain line to east property line on Hunziker and cap at end of line;
 - F. Minimum 6-foot sidewalk with 5-foot planter. Current plans show an 8-foot sidewalk, which is acceptable;
 - G. Street trees;
 - H. Street lights – layout to be as submitted by applicant’s engineer and approved by the City;
 - I. Street striping and signage;
 - J. New water line on Hunziker Street;
 - K. Adjustments to horizontal and vertical grades as needed;
 - L. Installation of a new fire hydrant on the north side of the street (same side as the project) in compliance with TVF&R requirements; and
 - M. Delineation of an “emergency only” access to the property from Hunziker Street.
12. The applicant shall submit construction plans for approval by the Development Engineer, as a part of the Public Facility Improvement permit, which indicate that they will construct a half-street improvement along the frontage of SW Knoll Drive. Half street improvements shall include:
- A. 16-foot paved area from centerline to curb ;
 - B. Pavement tapers on transitions as needed;
 - C. Concrete curb, or curb and gutter;
 - D. Storm drainage extended to east end of property line and project;
 - E. 5-foot curbtight sidewalk;
 - F. Street trees behind sidewalk;
 - G. Street lights – layout to be as submitted by applicant’s engineer and approved by the City;
 - H. Street striping and signage;
 - I. New 8-inch water line on Knoll Drive extended to east end of project and property line;
 - J. Adjustments to horizontal and vertical grades as needed; and
 - K. Relocation of fire hydrant to conform with the widening of Hall and Knoll.
13. Provide right-of-way dedication needed on Hall Blvd, Hunziker Street and Knoll Drive as follows:
- A. Sufficient right-of-way (ROW) on Hall Blvd to extend the existing ROW to 50 feet from centerline of ROW and to allow for the return radius;
 - B. Sufficient ROW on Hunziker Street to construct a 8-foot sidewalk (as shown in the plans submitted) and a 5-foot planter exclusive of curb. The dedication should provide a ROW at least 37 feet from centerline of ROW and allow for the return radius; and
 - C. Sufficient ROW on Knoll Drive to provide 27 feet from centerline of ROW on the south side of Knoll Drive with appropriate return radius to Hall.
14. The applicant shall enter into an agreement with the Public Works Department to formalize the cost-sharing arrangement for the new 12-inch water line along Hunziker Street and Hall Blvd.
15. The applicant shall obtain approval from the City of Tigard Public Works Water Division for the proposed water connection prior to issuance of the City’s Public Facility Improvement permit.
16. 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.
17. 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.
18. Applicant shall pay for 2 years of energization and maintenance for new street lights to be installed on the project.
19. The applicant shall provide on-site water quality/quantity facilities as required by Clean Water Services Design and Construction Standards (Resolution and Order No. 07-20). Final plans and calculations for both detention and water quality shall be submitted to the Development Engineer (Gus Duenas) for review and approval prior to issuance of the PFI permit. In addition, a proposed maintenance plan shall be submitted along with the plans and calculations for review and approval.

20. 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.
21. Submit 1200C permit application for the project as part of the PFI permit application and approval.
22. Prior to issuance of the PFI permit, the applicant shall obtain approval from Tualatin Valley Fire and Rescue (TVF&R) for fire protection system and hydrant placement

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

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:

23. Prior to building permit the applicant shall submit detailed plans for review and approval that show how all service facilities are screened from view.
24. Prior to issuance of the building permit, the applicant shall submit a mitigation plan to the City Arborist for review and approval. The plan must have a signature of approval from the project arborist certifying that it meets the requirements of 18.790.060(D) and that the species and placement of mitigation trees has been reasonably calculated to provide for their growth to maturity. The mitigation proposal shall show the species, location, and spacing of mitigation trees in relation to buildings, infrastructure, existing trees on adjacent sites, street trees, and each other.
25. Plans must be submitted for review and approval that show the proposed monument sign meets vision clearance requirements at the Hall/Hunziker intersection.

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: GUS DUENAS 503-639-4171, EXT 2470. The cover letter shall clearly identify where in the submittal the required information is found:

26. Prior to issuance of the site permit, the applicant shall submit a suite layout map to Bethany Stewart, in Engineering. If the applicant is not sure how many suites will be used, they must estimate a number. The addressing fee will be calculated based upon the number of suites that must be addressed. The City will assign suite numbers and the address fee will then be calculated. The fee must be paid by the applicant prior to issuance of the site permit. (STAFF CONTACT: Bethany Stewart, Public Works).
27. Prior to issuance of building permits, the applicant must pay the fee-in lieu of undergrounding for the overhead utilities along Center Street. The fee shall be calculated by the frontage of the site that is parallel to the utility lines and will be based on \$35.00 per lineal foot. The project has 394 lineal feet of frontage. The fee-in-lieu amount for this project is therefore \$13,790.00.

**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:

28. The applicant shall install cane bolts for the mixed solid waste enclosure to secure the gate in both the open and closed position.
29. A separate sign permit will be required for all signage prior to installation.

30. 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.
31. 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: GUS DUENAS 503-639-4171, EXT 2470. The cover letter shall clearly identify where in the submittal the required information is found:

32. Prior to a final building inspection, the applicant shall complete the required public improvements in accordance with approved plans, obtain conditional acceptance from the City, and provide a one-year maintenance assurance for the improvements.
33. The applicant's engineer shall submit documentation to the Development Engineer certifying that the water quality treatment facilities are constructed in accordance with CWS standards.
34. The applicant shall enter into an agreement with the City for future maintenance of the water quality facility. The agreement will be a formal document to be recorded with Washington County. The City will be monitoring the facility periodically to ensure that adequate maintenance is being performed in accordance with the maintenance plan and agreement terms.
35. Prior to a final building inspection, the applicant shall provide the City with as-built drawings of the public improvements as follows: 1) 3 mil mylar, 2) a disk 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).
36. The applicant shall complete the undergrounding of lines on Knoll Drive prior to final building inspection.
37. Prior to a final building inspection, the applicant's engineer shall submit a final sight distance certification for the driveway on Knoll Drive. This final sight distance certification shall address the substandard location of the driveway relative to Hall Blvd and shall accurately measure the distances in accordance with the City's development code.
38. Prior to final building inspection, the costs for the water line installation shall be finalized with cost breakdown showing City share of the costs in accordance with the agreement previously executed. Reimbursement of costs by the City shall be in accordance with the terms of the agreement.

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

SECTION III. BACKGROUND INFORMATION

Vicinity & Site Information:

The one acre site consists of three parcels located on the east side of SW Hall Boulevard between Hunziker Street and Knoll Drive. The site was zoned Mixed Use Residential 1 (MUR-1) at the time of application but was recently rezoned Mixed Use – Central Business District (MU-CBD). Adjacent properties lie within a small pocket of R-4.5 zoning and are developed with single family residences. Other properties in the vicinity are zoned General Commercial, Industrial Park, and Central Business District. The site is currently improved with three single family residences. Other properties in the area are developed with a mix of commercial, industrial, and multi-family residential buildings.

Site History & Proposal Description:

Staff conducted a search of City records for the subject property and did not find any previous land use cases. Records show Conditional Use Permits to utilize the residences as day care facilities (Tax Lot 1000 – CU13-67 & CU16-68) (Tax Lot 900 – CU 15-80 & SDR 1-81) (Tax Lot 800 – CU 1-84), but all three structures are currently used as single-family residences. In addition, a two lot Minor Land Partition was approved for tax lot 800 in 1980 (MLP 9-80), but was never completed.

The three tax lots that make up the site are within the Downtown Urban Renewal District. The district was approved by voters in May 2006 after the Tigard Downtown Improvement Plan (TDIP) was adopted in September 2005. Maps within the TDIP do not show the three parcels within the downtown, but the inclusion in the Urban Renewal District applies the TDIP to the site. Previously the site was zoned R-4.5 (Low Density Residential) like the adjacent properties. In February of 2009 a zone change and comprehensive plan amendment was approved to change the zoning to Mixed Use Residential 1 (MUR-1). During the review of this proposal, another zone change was approved to zone the site Mixed Use – Central Business District (MU-CBD) (CPA2009-00003 & ZON2009-00001). New design and development standards for the MU-CBD zone were approved in January 2009. Because the site was zoned MUR-1 at the time of application, this proposal was reviewed utilizing development standards for that zoning designation.

The applicant is requesting Site Development Review approval to construct a multi-story, 48 unit apartment building for affordable, senior housing. The proposed building will be 46,000 square feet, and the existing homes will be removed from the site. In addition the applicant is requesting two adjustments to reduce the minimum parking requirement due to reduced demand by the resident population and proximity to mass transit.

SECTION IV. COMMENTS FROM PROPERTY OWNERS WITHIN 500 FEET

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

SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA

- A. **Variiances and Adjustments**
18.370
- B. **Zoning Districts**
18.520 **Commercial Zoning Districts**
- C. **Additional Applicable Development Code Standards**
 - 18.705 (Access Egress and Circulation)
 - 18.715 (Density Computations)
 - 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)
- D. **Specific SDR Approval Criteria**
18.360
- E. **Street and Utility Improvement Standards**
18.810
- F. **Impact Study**
18.390

SECTION VI. APPLICABLE DEVELOPMENT CODE STANDARDS

A. VARIANCES AND ADJUSTMENTS

The applicant is requesting two adjustments to reduce the amount of required parking. One adjustment is based upon lower demand within a senior housing development and the other is due to the transit oriented design of the development. Based on minimum parking requirements, 61 (60.75) spaces must be provided. The two 20% adjustments reduce this minimum to 37 (36.45) spaces. The applicant has provided a total of 42 on-site parking spaces, which includes an additional 15% for visitor parking.

Reduction from minimum parking requirements. By means of a Type II procedure, as governed by Section 18.390.040, the Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H when an applicant for a development permit can demonstrate in a parking study prepared by a traffic consultant or in parking data from comparable sites that: (1) Use of transit, demand management programs, and/or special characteristics of the customer, client employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standards Institute of Transportation Engineers (ITE) vehicle trip generation rates and minimum city parking requirements, and (2) A reduction in parking will not have an adverse impact on adjacent uses.

The applicant has provided data from comparable sites that demonstrates reduced parking demand for senior, affordable housing. Residents are less likely to own cars. Information for eight developments, both urban and suburban, was provided. The City has a minimum parking requirement of 1.25 spaces per unit. The comparables show parking ratios that range from .08/unit to .85/unit. Total number of units range from 20 to 176. The proposed development (The Knoll at Tigard) exhibits a ratio of .75/unit with an additional 15% for visitor parking. Based on the information provided for other multi-family, senior housing, parking demand for this use is reduced. The applicant states that the actual reduced vehicle demand demonstrates that neighboring properties will not be adversely affected. These criteria are satisfied.

Reductions in minimum parking requirements in new developments for transit improvements. The Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H by means of a Type II procedure, as governed by Section 18.390.040, when the applicant: (1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit oriented developments and other transit-related development; and (2) Documents operational characteristics indicating the number of transit users, or number of non-auto users for a particular facility.

A second reduction in minimum parking requirements has been requested due to the nature of the development. This project is considered a Transit Oriented Development (TOD) based on criteria outlined by various regional agencies (Metro and TriMet). The Tigard Development Code does not define transit oriented development. Metro defines a site as transit oriented if within a 1,500 square foot radius of a mass transit station. The site is within a 1,200 foot radius of the Tigard WES station on Commercial Street. There are many other qualities which define the project as TOD. The building is located next to the street adding visual interest for passing pedestrians. This high density development may be a catalyst for other TOD projects in the area. The development is designed to create a lower parking ratio. Proposed sidewalk improvements increase ADA accessibility, and improve access to the existing bus stops on Hunziker, and promote pedestrian use within the neighborhood. Documentation of the characteristic outlining the decreased number of auto users for the proposed senior development is outlined under the reduction request above.

FINDING: Both requests to reduce the minimum parking requirements are supported by the information provided. 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 MUR-1 zoning district: Mixed Use Residential -1.

Development Standards: Section 18.520.040.B

States that the development standards in Commercial Zoning Districts are contained in Table 18.520.2 below:

**TABLE 18.520.2
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

STANDARD	MUR-1	PROPOSED
Minimum Lot Size - Detached unit - Boarding, lodging, rooming house	None -	38,336 s.f. (net)
Minimum Lot Width	None	Approx. 75 ft.
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Side or rear yard abutting more restrictive zoning district - Rear yard - Distance between front of garage & property line abutting a public or private street.	0 ft. ^[1] 5 ft. ^[1] 0 ft. ^[2] - 0 ft. ^{[2][3]} -	0 ft. 13 ft./8 ft. N/A - 47 ft. -
Maximum Height	75 ft.	52 ft.
Maximum Site Coverage	80%	76%
Minimum Landscape Requirement	20%	24%
Maximum Floor Area Ratio ^[4]	0.60	N/A

[1] The maximum setback is 20 feet.

[2] Side and rear yard setbacks shall be 20 feet when the zone abuts residential districts shown in Section 18.510.020 except R-25 and R-40.

[3] The maximum setback is 10 feet.

[4] Applies to nonresidential building development and mixed use development which includes a residential component.

The site was zoned MUR-1 at the time of application submittal; therefore the proposal is reviewed using the MUR-1 zoning district standards. As demonstrated in the table above, the applicant's plans comply with the dimensional standards of the zone. The 75-foot width was measured on the site plan at the narrowest portion of the site. The proposed use is Multi-family Units, which is an outright permitted use in the zone.

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

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, 18.705, 18.745, 18.755, 18.765, 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 Knoll Drive. 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 Knoll Drive, 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.

Within all attached housing (except two-family dwellings) and multi-family developments, each residential dwelling shall be connected by walkway to the vehicular parking area, and common open space and recreation facilities;

Each unit is provided direct access to the ground floor lobby. Direct connection to the parking areas is provided from the lobby via a paved concrete courtyard.

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;

There are no on-site walkways crossing vehicle access drives or parking areas. This standard does not apply.

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.

All walkways will be concrete pavement. Fixtures on the building, within the parking area, and on the planter walls provide site lighting for safety and visibility. 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.

The preliminary sight distance certification submitted does not elaborate on why the driveway is placed where it's proposed. Accurate measurements from Hall Blvd. need to be provided. The measurements should be from ROW of Hall Blvd (after dedication of additional ROW) to the nearest part of the driveway on Knoll. The narrative in the application does provide that explanation, but the sight distance certification should briefly reiterate it.

Final sight distance certification shall certify sight distance using correct measurements. That final sight distance certification shall be submitted after construction of the site improvements and prior to a final building inspection.

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

The driveway is placed as far from the Hall Blvd. intersection as practical. The narrative provides an explanation as to why the minimum 150-foot setback is not met. Access cannot be taken from Hall or Hunziker. The frontage along Knoll Drive is not wide enough to meet the 150-foot spacing requirement. Measurements to determine that minimum spacing should be from the new ROW line (after dedication) on Hall Blvd to the nearest edge of the driveway.

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.

The site will have one access from Knoll Drive, which is not a collector. This criterion is not applicable.

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 42 proposed parking spaces. One 24-foot paved access drive is provided to Knoll Drive. Vehicular access ways are within 40 feet of this entrance; therefore this standard has been satisfied.

FINDING: Based on the analysis above, the access egress and circulation requirements have not been fully met, but can be as conditioned below.

CONDITION: Prior to a final building inspection, the applicant's engineer shall submit a final sight distance certification for the driveway on Knoll Drive. This final sight distance certification shall address the substandard location of the driveway relative to Hall Blvd. and shall accurately measure the distances in accordance with the City's development code.

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 multi-family residential, which is an outright permitted use within the MUR-1 zone. 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 site fronts on three streets (Hunziker Street, Hall Boulevard, and Knoll Drive). The proposed plans show trees within planter strips along all three frontages. Based on discussions between City staff and the applicant, these plans are being modified. The planter strip is being eliminated along Knoll, and street trees will be placed behind the sidewalk. Further discussion of this change can be found under the Site Development Review section of this report. The applicant is being conditioned to provide a revised site and landscape plan showing this change. The street trees will need to be located within the right-of-way or a public easement will need to be provided for the trees.

The City Arborist notes that street trees along the Hall and Hunziker frontages may conflict with the overhead utility lines in the future. It is recommended that the applicant choose a different species for the Hall and Hunziker frontages that will meet Portland General Electric (PGE) clearance requirements. Use of the proposed species will require proof of approval by PGE.

Buffering and Screening:

Section 18.745.050 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 is bordered by streets to the north, south and west. Properties to the east are zoned R-4.5 (Low Density Residential) and are developed with single family residences. Buffering requirements are based on uses; therefore the applicant is required to provide a buffer along the eastern property line. According to Table 18.745.1, a buffer level of C is required. This buffer level can be satisfied with one of the following options: 6-foot wide landscape buffer with 6-foot wall, 8-foot buffer with 5-foot fence, or 10-foot buffer with 4-foot hedge. The buffer width proposed is 6 feet. To meet minimum requirements with this buffer width, a wall is required.

Details of the proposed buffer are found on pages A8.10 and L2.0 of the proposed plans. The applicant has proposed a 6-foot solid fence with interlocking planks, trees, shrubs, vines and groundcover. Due to grade differences between the site and neighboring residential properties, the fence sits atop a concrete retaining wall in some areas. Where the ground is level, no wall is provided – only a fence.

Section 18.745.050 states that in lieu of these standards, a detailed buffer area landscaping plan may be submitted for the Director's approval as an alternative to landscaping and screening standards, provided it affords the same degree of buffering and screening required by code. The applicant states that the alternative proposed design will afford the same degree of buffering. The interlocking pickets in the fence eliminate visibility gaps found in traditional fences – similar to a solid wall (continuous sight obscuring screen). The proposed fence is also 6 feet in height (rather than the 5 feet required for a fence). The applicant notes that a fence is more aesthetically suited to a residential area than a wall.

The applicant also states that due to the limited use of autos and the resident population, the use will not generate a significant amount of noise; therefore the primary function of the buffer is screening. The areas where noise may be generated are buffered from adjoining uses by a topography change and the 8-foot thick retaining wall. Additional proposed bed and vertical plantings exceed the buffer landscape material requirements. Trees are spaced closer together in areas with the fence only. For these reasons the alternative design is acceptable.

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.

A mix of trees and shrubs are proposed along streets to screen the parking area from view. Parking lot trees are provided at a higher rate than the one (1) for each seven (7) spaces required. The applicant states that the design strives to reduce the heat island effect of parking. The trees provided will have canopies from 16 to 40 feet. Landscape islands are all three feet wide. This standard has been 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;

Based on the landscape plan provided, the condensing units and electrical meters are screened from view by a mix of trees and shrubs. A gas meter is shown in the courtyard along Hall Boulevard, but no screening has been provided. Therefore, the applicant will be required to submit detailed plans for Planning Division review prior to issuance of a building permit that shows this meter screened from view. This standard can be met as conditioned below. Rooftop mechanical equipment will be screened by parapet walls.

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 the refuse collection area will be enclosed by 8-foot CMU walls and a 20-foot wide gate. Details provided show the wall and solid gate that will screen the collection area (A8.10). This standard has been 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 revised site and landscape plan for review and approval that shows a curb tight sidewalk along Knoll Drive and street trees behind the sidewalk. Street trees must be located within the right-of-way or a public easement must be provided for the trees.
- ◆ Prior to building permit the applicant shall submit detailed plans for review and approval that show how the proposed 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 Minimum Standards Method of compliance. A storage area is proposed within the parking area near the entrance from Knoll Drive. The proposed multi-family building will have 48 units. Therefore, the applicant is required to provide 240 square feet of storage area (5 x 38 units + 50 = 240). The applicant states that 501 square feet is proposed. There is 225 square feet of outdoor storage and 222 square feet of indoor storage divided between the first, second and third floors.

A review letter from Pride Disposal has been provided. The letter indicates conditional approval of the proposed location/enclosure/containers. Details provided by the applicant (Plan A2.02) show the enclosure meets most of the Pride requirements, with the exception of cane bolts for the gate. A condition of approval will ensure this requirement is satisfied.

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.

Recyclable storage will be co-located with the solid waste storage as shown on the building floor plans (A2.01, A2.02, and A2.03). As discussed previously the space will be both interior and exterior. The exterior storage is located behind the proposed building and not within a front or side yard setback. Screening which meets City standards has been proposed. Collection vehicles can pull into the site to avoid traffic disruption on Knoll Drive. Access to the site is two-way allowing vehicles to move around the collection vehicle if necessary. The location has been reviewed by the service provider, Pride Disposal. The applicant states that Pride will back into the site in order to leave in a forward motion. A clearance for 45 feet of turning radius is available to exit onto Knoll Drive.

Design Standards.

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

The plans indicate that the storage area will have a 20-foot-wide gate opening (A8.10 – Site Details). Screening is provided by a solid wall enclosure and solid gate. It is unknown if the gate can be secured. Pride Disposal noted that the gate needs cane bolts and holes so the gates can be held in the open and closed position. A condition of approval will ensure this requirement is met.

Access standards.

Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service; Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of 10 feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered; Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

The collection area is not covered. Collection vehicle accessibility is discussed above under Location Standards.

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: The applicant shall install cane bolts for the mixed solid waste enclosure to secure the gate in both the open and closed position.

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 35 feet of the proposed building. All parking has been proposed to be located on-site. Two handicap accessible spaces are directly adjacent to the primary building entrance. Therefore, this standard has been satisfied.

Joint Parking:

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

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

Parking in Mixed-Use Projects:

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

The 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.

Additional visitor parking is provided. This standard is satisfied.

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 two ADA parking spaces. Two spaces are provided. Final determination of the number and design of the required ADA spaces will be made by the building official during the review of the building permit application.

Access Drives:

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

The access 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 18.705 (Access, Egress and Circulation). 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 clear since there is only one access to the site. 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.

Wheel stops are provided as shown on the site plan (A1.20). The applicant states that all parking stalls will be provided a 4-inch high wheel stop, three feet back from the front of the stall. The front two feet of the stall will be low lying groundcover. This standard is met.

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 indicate that of the 42 parking stalls, 17 stalls are compact, which is 40% of the total. Dimensions of the 90 degree parking spaces are 7.5 ft. by 16.5 ft. for compact spaces and 8.5 ft. by 18.5 ft. for standard stalls. The drive aisle is two-way and a width of 24 feet. This standard is met.

Bicycle Parking Location and Access:

Section 18.765.050 states bicycle parking areas shall be provided at locations within 50 feet of primary entrances to structures; bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways; outdoor bicycle parking shall be visible from on-site buildings and/or the street. When the bicycle parking area is not visible from the street, directional signs shall be used to 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 20 feet or less of the building entrances. It is visible from on-site and Hall Boulevard. 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. The narrative states that the parking will be steel pipe “staple” racks, secured to the ground. The surface will be concrete. All spaces are uncovered and designed to meet the 2.5 feet x 6 feet requirements. This criterion is 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 multi-family development for seniors is one rack for every 20 units. Three racks are required. The site plan shows three racks, but the narrative indicates four racks are provided. Either way the minimum requirement is 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 multi-family developments is 1.25 spaces for one bedroom units, 1.5 spaces for two bedroom units, and 1.75 spaces for three bedroom units. There are 45 one bedroom units and 3 two bedroom units proposed. An additional 15% of the required spaces must be provided for visitor parking. A total of 70 spaces is required. The applicant has proposed 42 spaces and requested two adjustments to reduce the amount of required parking. These requests have been approved (see section 18.370 - Variances and Adjustments of this report).

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.

This is a residential development; therefore off-street loading spaces are not required.

FINDING: Based on the analysis above the off-street parking and loading requirements are satisfied.

SIGNS (18.780):

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

A preliminary design has been submitted for a freestanding sign at the corner of Hall and Hunziker. The sign is located within the vision clearance triangle and therefore must not exceed three (3) feet in height. The preliminary design shows a 4-foot, 11-inch sign, which exceeds the height limit. A sign permit is required. The applicant is conditioned to obtain a permit prior to installation of any signage. A condition for the clear vision standards is found under that section of this decision.

CONDITION: A separate sign permit will be required for all 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 Phil Hickey, a certified arborist. However, the report does not contain the four required components (see comments below regarding mitigation).

Plan requirements. The tree plan shall include the following:

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

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

- 2. Identification of a program to save existing trees or mitigate tree removal over 12 inches in caliper. Mitigation must follow the replacement guidelines of Section 18.790.060D, in accordance with the following standards and shall be exclusive of trees required by other development code provisions for landscaping, streets and parking lots:**
 - a. Retention of less than 25% of existing trees over 12 inches in caliper requires a mitigation program in accordance with Section 18.790.060D of no net loss of trees;**
 - b. Retention of from 25% to 50% of existing trees over 12 inches in caliper requires that two-thirds of the trees to be removed be mitigated in accordance with Section 18.790.060D;**
 - c. Retention of from 50% to 75% of existing trees over 12 inches in caliper requires that 50 percent of the trees to be removed be mitigated in accordance with Section 18.790.060D;**
 - d. Retention of 75% or greater of existing trees over 12 inches in caliper requires no mitigation.**

Based on the arborist's report there are 15 trees that are greater than 12 inch caliper. Thirteen trees are being removed from the site and are subject to mitigation. Therefore, 13% of the trees will be retained. According to the mitigation schedule above, 100% of the diameter inches will have to be mitigated. The sum total of diameter inches of the trees to be removed and subject to mitigation is 306. The amount of tree mitigation inches required for this project is 306 inches.

New trees to be planted are primarily required to meet development standards. The applicant is proposing to mitigate with 27 caliper inches of trees not required by other code provisions. The City Arborist notes that the mitigation proposal has not been approved by the Project Arborist. For the remaining 279 unmitigated inches, the applicant is proposing a fee-in-lieu of \$34,875 (279 caliper inches x \$125/caliper inch mitigation fee). Conditions of approval will ensure that the mitigation requirements are satisfied.

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

The proposed tree preservation plan (A1.02) and the arborist report both identify the trees to be removed. This standard is met.

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

Tree protection fencing is shown on the Tree Preservation Plan (A1.02) and protection details are outlined in the arborist report. Conditions of approval will ensure that the tree protection program is implemented during and after construction.

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 position fencing as directed by the project arborist and detailed on the Tree Preservation Plan (A1.20). 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 note shall be included on the Tree Protection/Preservation Plan.
- ◆ 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 issuance of the building permit, the applicant shall submit a mitigation plan to the City Arborist for review and approval. The plan must have a signature of approval from the project arborist certifying that it meets the requirements of 18.790.060(D) and that the species and placement of mitigation trees has been reasonably calculated to provide for their growth to maturity. The mitigation proposal shall show the species, location, and spacing of mitigation trees in relation to buildings, infrastructure, existing trees on adjacent sites, street trees, and each other.
- ◆ Prior to site work, the applicant shall submit a cash assurance (letter of credit or cash deposit) for the equivalent value of mitigation required (e.g. 27 caliper inches of proposed mitigation tree planting x \$125/caliper inch). Any trees successfully planted on or off-site, in accordance with an approved Tree Mitigation Plan and TDC 18.790.060.D, will be credited against the assurance two years after all of the trees are planted. After the plan is approved and the trees are planted, the project arborist shall submit a letter to the City Arborist to certify that all of the mitigation trees were properly planted per the approved Tree Mitigation Plan in order to set the starting point of the two year tree establishment period. After the two year establishment period, the applicant shall provide a re-inventory of the mitigation trees conducted by a certified arborist in order to document mitigation tree survival, and compliance with the approved Tree Mitigation Plan. The remaining value of caliper inches not successfully mitigated shall be paid as a fee in-lieu of planting. Failure to plant and provide documentation of mitigation tree planting by the project arborist within 6 months of certificate of occupancy issuance shall result in the forfeiture of the cash assurance to the City's tree fund.
- ◆ 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 clear vision areas will be maintained at the intersection of the access drive and Knoll Drive and at the intersection of Hall Boulevard and Hunziker Street. A sign that exceeds the three feet height limit is proposed within the clear vision area at the Hall/Hunziker intersection. The applicant is being conditioned to provide a plan showing the sign outside of the clear vision area or within the 3-foot height limitation.

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: Plans must be submitted for review and approval that show the proposed monument sign meets vision clearance requirements at the Hall/Hunziker intersection.

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: 18.360.090.8 (100-year floodplain).

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 applicant states that grading is kept to a minimum with a small amount of cuts along the eastern boundary and fills along the west. The ground floor steps down to match the existing topography. There are no known instances of sliding or slumping in the area. The applicant will be required to submit a geotechnical report to the Building division as part of the site work permit. There are five high value trees on-site. Two of these trees are being preserved along the eastern boundary near Hunziker Street. Two others are located toward the center of the site making them difficult to retain. Tree 18 (44 inch, Douglas Fir, possible candidate for Heritage Tree status) is located near the intersection of Hall and Knoll. The City Arborist notes that tree 18 could possibly be preserved with adjustments to the building footprint and hardscape.

The applicant has acknowledged the importance of tree preservation and has addressed removal of tree 18 within the narrative. The applicant cites several reasons for removal of the tree: economic constraints for significant re-design of the building, site constraints such as limited parking/access aisle locations, fire access lane requirement, dedication for right-of-way at the Hall/Knoll intersection, and required protection area for such a large tree. Discussions with City Staff have lead to the applicant proposing to plant a giant sequoia in place of tree 18. A curb tight sidewalk design will afford more space for the sequoia. Over time this tree will grow into the space and provide an equivalent amenity value to the site and neighboring community.

Innovative methods and techniques to reduce impacts to site hydrology and fish and wildlife habitat shall be considered based on surface water drainage patterns, identified per Section 18.810.100.A.3. and the City of Tigard “Significant Habitat Areas Map.” Methods and techniques for consideration may include, but are not limited to the following: (1) Water quality facilities (for infiltration, retention, detention and/or treatment); (2) Pervious pavement; (3) Soil amendment; (4) Roof runoff controls; (5) Fencing to guide animals toward safe passageways; (6) Re-directed outdoor lighting to reduce spill-off into habitat areas; (7) Preservation of existing vegetative and canopy cover.

The site is not located within a Significant Habitat Area, but the applicant has proposed several stormwater management techniques to reduce excessive runoff and impacts to the public systems. A below grade cistern will collect rainwater that will be used for flushing residential toilets. Native and climate appropriate plantings are proposed to thrive with the available rainfall and rely less on supplemental watering. In addition, the south wing of the building is designed to accommodate a green roof –although a green roof is not proposed at this time.

Exterior elevations:

Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following: (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet; (2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and (3) Offsets or breaks in roof elevations of three or more feet in height.

The applicants Architectural Elevations (A3.01 and A3.02) show that this standard has been met for the street side elevations. Each individual dwelling unit has two offset planes. Height offsets, a ground level courtyard with recessed entryways, a change in roof plane, material textures and paint color also add relief along each elevation of the building.

Privacy and noise: multi-family or group living uses:

Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view by adjoining units as provided in Subsection 6.a below; The buildings shall be oriented in a manner which protects private spaces on adjoining properties from view and noise; On-site uses which create noise, light, or glare shall be buffered from adjoining residential uses; and Buffers shall be placed on the site as necessary to mitigate noise, light or glare from off-site sources.

The applicant's elevation and floor plans show that each ground floor unit has a covered outdoor patio, which is screened from neighboring units. Buffering and screening is provided to protect private spaces of adjoining properties. As the development is for senior housing, significant noise creation is not anticipated. Lighting fixtures are aimed to illuminate the site and not create glare for adjoining properties.

Private outdoor area: multi-family use:

Private open space such as a patio or balcony shall be provided and shall be designed for the exclusive use of individual units and shall be at least 48 square feet in size with a minimum width dimension of four feet; and Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit; and Required open space may include roofed or enclosed structures such as a recreation center or covered picnic area. Wherever possible, private outdoor open spaces should be oriented toward the sun; and Private outdoor spaces shall be screened or designed to provide privacy for the users of the space.

Each unit is provided with a private patio or balcony of at least 48 square feet and a minimum width of four feet.

Shared outdoor recreation areas: multi-family use:

In addition to the requirements of subsections 5 and 6 above, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts: Studio up to and including two-bedroom units, 200 square feet per unit; and Three or more bedroom units, 300 square feet per unit. The required recreation space may be provided as follows: (1) It may be all outdoor space; or (2) It may be part outdoor space and part indoor space; for example, an outdoor tennis court, and indoor recreation room; or (3) It may be all public or common space; or (4) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room and balconies on each unit; and (5) Where balconies are added to units, the balconies shall not be less than 48 square feet. Shared outdoor recreation space shall be readily observable to promote crime prevention and safety.

The proposed development includes 48 one and two-bedroom units, which would require 9,600 square feet of shared outdoor recreation area. The applicant states and the site/floor plans show this standard met by both interior and exterior space totaling 9,740 square feet. These areas are readily observable from the units and common areas, which should promote crime prevention. Therefore, the shared outdoor recreation areas standard has been met.

Demarcation of public, semi-public and private spaces for crime prevention:

The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and These areas may be defined by, but not limited to: (1) A deck, patio, low wall, hedge, or draping vine; (2) A trellis or arbor; (3) A change in elevation or grade; (4) A change in the texture of the path material; (5) Sign; or (6) Landscaping.

Public courtyard plazas allow interaction of the residents with each other and the community at large. Contrasting paving patterns and furnishings create outdoor rooms that are clearly part of the proposed development. Private outdoor spaces are designed with railings and screen walls to prevent public entry. All unit balconies are visible from interior spaces and are lit for safety and crime prevention.

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 proposed parking area. Lighting is provided for the courtyard within planter walls and bollards. The applicant states that laundry areas are adjacent to circulation corridors and glass doors/windows to be readily observable. Mailboxes are located within the secured building off the common hallway and main lobby.

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.

There is an existing transit route on Hunziker Street approximately 300 feet from the site. The applicant states that original plans were to provide an on-site bus shelter and relocate the bus stop adjacent to the site. Proximity to the Hall/Hunziker intersection would not allow safe access for riders without disturbing traffic patterns. The applicant has proposed additional benches and plaza areas for pedestrians and bike lane and sidewalk upgrades to provide better access to transit in lieu of relocating the bus stop.

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

D. STREET AND UTILITY IMPROVEMENTS STANDARDS (18.810):

Streets:

Improvements:

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

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

Minimum Rights-of-Way and Street Widths: Section 18.810.030E and Figure 18.810.1 require a 5-lane arterial to have right-of-way varying from 100 feet to 104 feet, a 3-lane collector to have right-of-way varying from 70 to 74 feet, and a local street to have a 54-foot right-of-way. Other improvements required include sidewalks, bike lanes if designated as bike routes, underground utilities, street lighting, storm drainage, planter strips and street trees.

This site lies adjacent to SW Hall Boulevard, SW Hunziker Street and SW Knoll Drive. Hall is classified as an arterial street on the City of Tigard Transportation Plan Map. Hunziker and Knoll are classified as collector and locals streets respectively. The applicant's narrative discussions for this are very general and do not provide specifics, but cross sections are provided within the plans (Sheet C 5.5). Plans will be reviewed again during the Public Facility Improvement permit process. Specific requirements are listed as follows:

The applicant shall dedicate property to provide the following:

- ◆ Sufficient ROW on Hall Blvd to extend the existing ROW to 50 feet from centerline of ROW. According the most recent assessor's map there is approximately 35 feet from centerline.

- ◆ Sufficient ROW on Hunziker Street to construct a sidewalk at least 6 feet wide and a 5-foot planter exclusive of curb. The dedication should provide a ROW at least 35 feet from centerline of ROW. The current plans show an 8-foot sidewalk, which calls for dedication of ROW sufficient to provide a ROW width of 37 feet from centerline of ROW. Based on the current assessor's map there is approximately 30 feet from centerline.
- ◆ Sufficient ROW on Knoll Drive to provide 27 feet from centerline of ROW on the south side of Knoll Drive. There is approximately 25 feet from centerline based on the most recent assessor's map.

All three streets are partially improved. Half street improvements are required on Hall, Hunziker, and Knoll. The final plans to be reviewed at time of Public Facility Improvement (PFI) permit shall contain the required improvements on each of the streets. Conditions of approval will ensure the street standards are met.

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.

There are no future streets or extensions of streets through this development.

Street Alignment and Connections:

Section 18.810.030.H.1 states that full street connections with spacing of no more than 530 feet between connections is required except where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to a regulated water feature if regulations would not permit construction.

Section 18.810.030.H.2 states that all local, neighborhood routes and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is precluded when it is not possible to redesign, or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.

There are no future streets or extensions of streets through this development.

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.

No new streets are proposed. The existing block size is roughly 1,500 feet, under the 2,000-foot maximum.

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 development code requires the following:

- ◆ Hall Blvd: 8-foot sidewalk and 5-foot planter exclusive of curb
- ◆ Hunziker Street – Minimum 6-foot sidewalk and 5-foot planter exclusive of curb
- ◆ 5-foot curbtight sidewalk exclusive of curb. Planter strip will be behind the sidewalk and street trees will be located behind the sidewalk within the public right-of-way or a public easement.

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.

Sanitary sewer service will be from Hall Blvd. There is no requirement to provide oversizing of sanitary sewer lines on this project.

Storm Drainage:

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

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

The applicant will construct facilities that address detention and water quality requirements for the development proposed.

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. Detention is required and included on this project.

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.

Bike lanes are required on Hall Blvd. Although Hunziker Street is a designated bike route on the City's Transportation System Plan, the approach to the intersection from Hunziker Street includes a right-turn only lane. The most practical way to deal with the existing alignment and configuration is to make the right-turn lane a shared bike/motor vehicle lane. Any separate bike lanes marked on Hunziker would be terminated east of the project limits. As a result, no bike lane is required on Hunziker for this project.

No other bikeways, bike lanes, or pedestrian pathways are required as part of this project.

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 Hall Blvd and Hunziker Street frontages. Because of the complexities involved in under-grounding utilities on these two streets, the developer shall pay a fee-in-lieu of under-grounding of electrical lines equal to \$35.00 per lineal foot of street frontage that contains the overhead lines. The frontages along Hunziker and Hall for this site total 394 lineal feet; therefore the fee would be \$13,790. The overhead lines on Knoll Drive shall be under-grounded with this project.

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

Traffic Study Findings:

The traffic analysis performed by Charbonneau Engineering LLC determines that the traffic generated by the land use on the site and the proposed development will not have a significant effect on the major intersections in the vicinity of the project. It further concludes that no intersection improvements are required and that the intersection of Knoll Drive and Hall Blvd does not require installation of a traffic signal. The City concurs with the findings of the traffic analysis.

Fire and Life Safety:

A new fire hydrant needs to be installed on Hunziker Street on the north side, and the existing fire hydrant needs to be relocated along Knoll Drive to accommodate the widening of Hall and Knoll. An "emergency only" access needs to be provided on the Hunziker Street frontage, as shown on the plans. Other requirements by TVF&R also need to be met. See TVF&R comments for those.

Public Water System:

The applicant will install a new 12-inch water line crossing Hunziker Street from the south side to serve the development.

In addition, the applicant will extend that 12-inch water line west along the Hunziker frontage to Hall, then north along Hall to the north ROW line of Hunziker Street.

An 8-inch line will be installed to replace the existing 4-inch line from Hall Blvd to Knoll Drive. The 8-inch line shall connect to the 12-inch line on Hall Blvd and extended east along Knoll the entire length of the property and terminated at the west end of the property line along Knoll Drive. The 8-inch line will be connected to the existing 4-inch line west of the 12-inch line along Hall Blvd. All connection details will be in accordance with City of Tigard water design standards.

The applicant and the City will enter into an agreement satisfactory to both parties for cost sharing on the 12-inch line installation. Details on the cost sharing arrangements will be as specified in that agreement. The agreement will be incorporated by reference in the land use approval for this project.

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. The developer shall enter into an agreement with the City for periodic maintenance of the water quality facility as needed. That agreement will be recorded and City will monitor its implementation.

(For Private Facilities)

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.

(For privately maintained Stormwater Management Units)

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

On site water quality treatment and detention are required. Both have to be reviewed by the City and ODOT because Hunziker Street is a City street while Hall Blvd is under ODOT jurisdiction. Required on-site detention is shown on the plans and preliminary calculations have been submitted. The applicant's engineer shall submit final detention plans and calculations to both ODOT and the City for review and approval prior to issuance of permits. 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 retain a professional engineer to monitor construction and perform 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 applicant shall provide the City of Tigard (Inspection Supervisor) with written confirmation from that professional engineer that the water quality facility is in compliance with the design and specifications.

Prior to final building inspection, the developer shall enter into an agreement with the City for periodic maintenance of the water quality facility as needed. That agreement will be recorded and City will monitor its implementation.

Grading and Erosion Control:

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

The Federal Clean Water Act requires that a National Pollutant Discharge Elimination System (NPDES) erosion control permit be issued for any development that will disturb one or more acre of land. Since this site is over one acre, the developer will be required to obtain an NPDES permit from the City prior to construction. This requires a 1200C permit application and needs to be approved before any site work begins on the project. This permit will be issued along with the site and/or building permit.

A 1200c permit is required because more than one acre of property will be disturbed by the development improvements. This permit shall be obtained from Clean Water Services. Submittal shall be via the Development Engineer for review and approval prior to submittal to CWS.

Site Permit Required:

The applicant is required to obtain a Site Permit from the Building Division to cover all on-site private utility installations (water, sewer, storm, etc.) and driveway construction.

Address Assignments:

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

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

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. Stormwater from the site will be collected in a detention pipe, released through a manhole filter before being released into the public system. Extension of the public storm line is required within Knoll Drive and Hall Boulevard. There is an existing public sanitary line in Hall Boulevard and three existing laterals which will serve the building. Public water lines within Hunziker, Hall and Knoll will be extended and upgraded. There is no known deficiency in capacity. Potso Dog Park and Fanno Creek Park are located approximately one half mile from the site. Because this is a residential development, a Parks System Development Charge will be assessed at time of building permit issuance.

The Washington County Transit Development Tax (TDT) is a mitigation measure that is required at the time of development. Based on the methodology established in a transportation impact study prepared by Mr. David Larson for the A-Boy Expansion/Dolan II/Resolution 95-61, TDT’s are expected to recapture 14 percent of the traffic impact of new multi-family development on the collector and arterial street system. The applicant will be required to pay TDT’s of approximately \$100,179.00 based on the use proposed. This estimate utilizes current TDT rates (7/1/09 – 6/30/10).

Based on the estimate that total TDT fees cover 14 percent of the impact, on major street improvements citywide, a fee that would cover 100 percent of this projects traffic impact is \$715,564 (\$100,179 divided by .14). Besides the TDT that mitigates for 14% of the projects impact on the transportation system, the applicant is required to dedicate additional right-of-way along SW Hunziker Street (595 square feet), Hall Boulevard (4,575 square feet), and Knoll Drive (300 square feet). The estimated value of the dedication is \$15 a square foot for a total value of \$82,050.

The applicant is also required to construct a half-street improvement, including sidewalk, on all three frontages. In addition the traffic signal at the Hall/Hunziker intersection must also be relocated. At an approximate cost of \$350 per lineal foot the improvements (including signal work) are valued at \$239,000. The following is the estimated cost of construction of the proposed improvements and are considered mitigated costs.

Mitigated Costs (Hall Blvd.):

Improvements: (305 ft x \$350.00).....	\$ 106,750.00
Dedication: (4,575 sq ft x \$15)	\$ 68,625.00
Total:	\$ 175,375.00

Mitigated Costs (Hunziker St.):

Improvements: (85 ft x \$350.00).....	\$ 29,750.00
Dedication: (595 sq ft x \$15)	\$ 8,925.00
Total:	\$ 38,675.00

Mitigated Costs (Knoll Dr.):

Improvements: (150 ft x \$350.00).....	\$ 52,500.00
Dedication: (300 sq ft x \$15)	\$ 4,500.00
Total:	\$ 57,000.00

Estimated Value of Impacts

Full Impact.....	\$ 715,564.00
Less TDT Assessment	-\$ 100,179.00
Signal Work.....	-\$ 50,000.00
<u>Less Mitigated Costs (from above)</u>	<u>-\$ 271,050.00</u>
Estimated Value of Unmitigated Impacts.....	\$ 294,335.00

FINDING: The total value of these improvements and payments less than the total value of the projected impacts and is roughly proportionate. In addition, the applicant has proposed making these improvements.

SECTION VII. OTHER STAFF COMMENTS

City of Tigard Urban Forester and Design Review Engineer reviewed the proposal. Their comments have been inserted into the decision.

City of Tigard Public Works Department was sent a copy of the proposal. Comments from the Development Review Engineer incorporated the review by Public Works staff.

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

SECTION VIII. AGENCY COMMENTS

Tualatin Valley Fire and Rescue has reviewed the proposal and endorses it predicated on the following criteria and conditions of approval:

- 1) **AERIAL FIRE APPARATUS ACCESS:** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. (IFC D105)

The area between the east and west parking stalls must meet the 26 foot requirement.

The connection to SW Hunziker Street also serves as the access point in order to meet this requirement.

Staff Response: The proposed 24-foot wide aisle will be acceptable if the applicant installs a full NFPA 13 sprinkler system, according to John Dalby, Fire Marshal. (See e-mail correspondence from February 8, 2010.)

- 2) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (IFC D102.1)

The drivable surface of the parking lot must meet this requirement.

- 3) **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (IFC 503.2.4 & D103.3)

Access points from SW Knoll Drive and SW Hunziker Street must meet this requirement.

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

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

A flow test to determine the available fire flow from the nearest fire hydrant to the project must be conducted prior to submitting any fire flow demand calculations.

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

Considerations for placing fire hydrants may be as follows:

- ◆ Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- ◆ Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.

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

The required fire hydrant serving the fire department connection must be on the same side of the street and the same side of any drive aisles or driveway aprons as the fire department connection.

It is our understanding the location of the fire department connection has been changed to the north side of the property on SW Knoll Street. Site development drawings must reflect this change.

Oregon Department of Transportation has reviewed the proposal and submitted the following comments.

The site is adjacent to the referenced state highway. ODOT has permitting authority for the state highway and an interest in ensuring that the proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact (Jim Nelson at 503-229-5002) to determine permit requirements and obtain application information.**

Recommended Local Conditions of Approval

- ◆ Curb, sidewalk, bikeways and road widening shall be constructed as necessary to be consistent with the local Transportation System Plan and ODOT/ADA standards.
- ◆ An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way.
- ◆ The applicant must obtain an ODOT permit to place trees in the state right of way. Tree spacing and design must be consistent with Highway Design Manual Technical Bulletin RD06-03B, or ODOT must approve a design exception. Illumination plans must meet ODOT standards and policies.
- ◆ An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.
- ◆ A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:
 1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
 2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

Advisory Noise Impacts

The applicant is advised that a residential development on the proposed site may be exposed to traffic noise levels that exceed federal noise guidelines. Builders should take appropriate measures to mitigate this impact. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place.

NW Natural Gas submitted comments stating no objection to the project but did request abandonment of existing services prior to construction. A condition of approval will ensure this request is met.

Staff Response: Termination of all utilities will be reviewed/inspected by the Tigard Building Division as part of the demolition/building permit(s).

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 FEBRUARY 19, 2010 AND BECOMES
EFFECTIVE ON MARCH 6, 2010 UNLESS AN APPEAL IS FILED.**

Appeal:

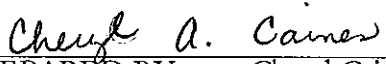
The decision of the Director (Type II Procedure) or Review Authority (Type II Administrative Appeal or Type III Procedure) is final for purposes of appeal on the date that it is mailed. Any party with standing as provided in Section 18.390.040.G.1. may appeal this decision in accordance with Section 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 MARCH 5, 2010.

Questions:

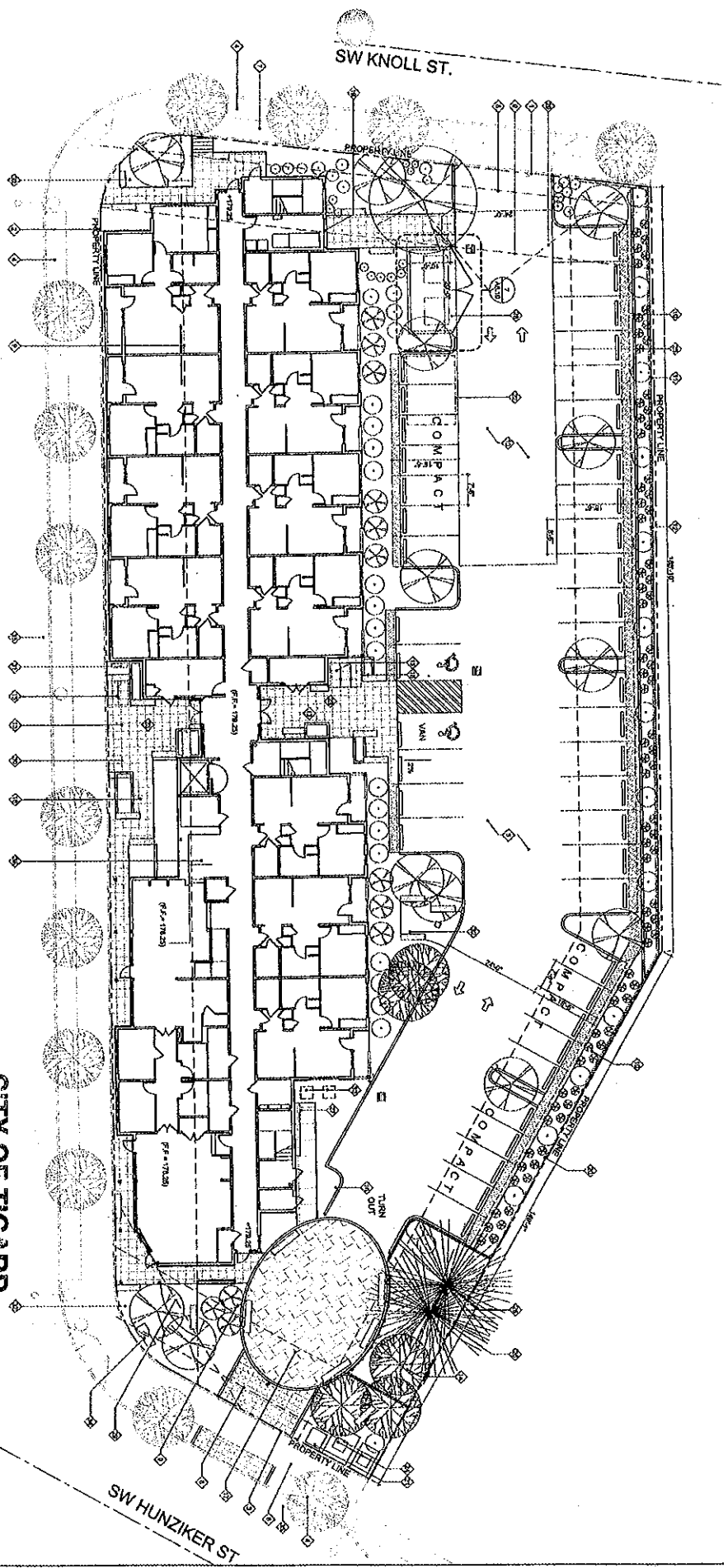
If you have any questions, please call the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon at (503) 639-4171.


PREPARED BY: Cheryl Caines
Associate Planner

February 19, 2010
DATE


APPROVED BY: Richard H. Bowersdorff
Planning Manager

February 19, 2010
DATE



1 SITE PLAN
SCALE: 1" = 10'-0"

SW HALL BLVD.

CITY OF TIGARD

Approved []
 Conditionally Approved [X]
 For only the work as described in:
 PERMIT NO. SDR2009-00005
 See Letter to: Follow []
 Attach []
 Job Address: _____
 E.g. C. Carve Date: 2-18-10

GENERAL NOTES

- 1. PRESERVE EXISTING SITE AREA: 42,549 SF (1.21 ACRES)
- 2. TOTAL LOT AREA: 42,549 SF (1.21 ACRES)
- 3. TOTAL IMPROVED SITE AREA: 42,549 SF (1.21 ACRES)
- 4. TOTAL UNIMPROVED SITE AREA: 0 SF (0 ACRES)
- 5. TOTAL COVERED AREA: 776,787 SF (17.7 ACRES)
- 6. TOTAL UNCOVERED AREA: 42,549 SF (1.21 ACRES)
- 7. TOTAL UNIMPROVED AREA: 42,549 SF (1.21 ACRES)
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- 15. TOTAL UNIMPROVED AREA: 42,549 SF (1.21 ACRES)

KEY NOTES

- 1. SEE CIVIL DRAWINGS FOR STREET IMPROVEMENTS & DEVELOPMENT IN BLOCK.
- 2. SEE LANDSCAPE FOR STREET TREES & PLANTING STRIP IN BLOCK.
- 3. SEE SHEET #10 FOR EXISTING TREE PRESERVATION REQUIREMENTS - GRADE DURING THESE PRESERVATION PERIODS - SEE CIVIL FOR EXISTING & PROPOSED ELEVATIONS.
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