

CONDITIONS OF APPROVAL

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

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the CURRENT PLANNING DIVISION, ATTN: HAP WATKINS, 503-718-2440. The cover letter shall clearly identify where in the submittal the required information is found:

1. The applicant shall submit fire flow demand calculations and flow test for the hydrant nearest the project site per TVF&R comments listed in SECTION VIII of this decision. Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site.
2. The applicant shall provide revised plans that show the storm water control vault shown on Sheet C3.0 re-located onto private property from its current location in the planter strip, show the new parking lot storm drain lines re-located to the revised water control vault location, and show the direction of flow for the water detention system.
3. The applicant shall provide revised plans that indicate vision clearance lines at both approaches on plan sheets L1.0 and/or L2.0 which shall indicate no trees or other obstructions will restrict the vision clearance area.
4. The applicant shall provide revised plans to construct a relocated bus stop per Tri-Met comments listed in SECTION VIII of this decision.
5. The applicant shall contact Tri-Met two weeks prior to work in the right-of-way to allow for temporary location of the bus stop (Contact: Ben Baldwin, 503-962-2140).
6. The applicant shall submit to the City a revised landscape plan showing street trees spaced appropriately as affected by the applicable Tri-Met bus loading requirement and bus stop re-location (subject to ODOT and Tri-Met review and approval) listed in SECTION VIII of this decision.
7. The applicant shall position fencing as directed by the project arborist and detailed on tree preservation sheet L1.0. 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. 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.
8. 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 building construction phases. Tree protection measures may be removed and final inspection authorized upon review and approval by the City Arborist.
9. Prior to site work, the applicant shall submit a cash assurance (letter of credit or cash deposit) in the amount of \$1,125 for the equivalent value of mitigation required (9 caliper inches of proposed mitigation tree planting x \$125/caliper inch).
10. The applicant shall submit a written sign-off letter from Pride Disposal based on a detailed facility plan that demonstrates the design of the facility is consistent with TMC18.755.040.F.

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 DIVISION, ATTN: GUS DUENAS, 503-718-2470. The cover letter shall clearly identify where in the submittal the required information is found:

11. Prior to issuance of the Site Permit, the applicant shall dedicate additional right-of-way along the SW Pacific Highway frontage to increase the existing right-of-way from 40 feet to 52 feet from its centerline.
12. Prior to issuance of a site permit, a Public Facility Improvement (PFI) permit is required for this project to cover the work in the right-of-way and the on-site storm water detention and treatment facilities. Six (6) sets of detailed public improvement plans 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 storm drainage, water quality and detention. 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). An erosion control plan shall be provided as part of the PFI permit drawings. The plan shall conform to Clean Water Services Design and Construction Standards (Resolution and Order No. 07-20) Chapter 2. No work on-site shall commence until the erosion control permits are issued.
13. The PFI permit plan submittal shall include the exact legal name, address and telephone number of the individual or corporate entity who will be designated as the "Permitee", and who will provide the financial assurance for the public improvements. For example, specify if the entity is a corporation, limited partnership, LLC, etc. Also specify the state within which the entity is incorporated and provide the name of the corporate contact person. Failure to provide accurate information to the Engineering Department will delay processing of project documents.
14. Prior to issuance of the Site Permit, the applicant shall obtain ODOT approval and permits needed for construction of the sidewalk, planter strip, water quality and detention facilities. A copy of the permit shall be provided to the City Engineering Department.

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

The applicant shall prepare a cover letter and submit it, along with any supporting documents and/or plans that address the following requirements to the CURRENT PLANNING DIVISION, ATTN: HAP WATKINS, 503-718-2440. The cover letter shall clearly identify where in the submittal the required information is found:

15. A Knox Box for access is required for this building. Contact the Fire Marshal's Office for an order form and instructions regarding installation and placement.
16. Prior to final building inspection, and prior to installation of any signage, the applicant shall submit a sign permit application for all proposed signage.
17. Prior to final building inspection the planning division shall be contacted to conduct an inspection to verify that the project was completed in accordance with this decision and the approved plans.
18. Prior to issuance of any Certificates of Occupancy, the applicant/owner shall record deed restrictions 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 all trees preserved in accordance with this decision should either die or be removed as hazardous trees.
19. Prior to Certificate of Occupancy 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. 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.

20. 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 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 DIVISION, ATTN: GUS DUENAS, 503-718-2470. The cover letter shall clearly identify where in the submittal the required information is found:

21. Prior to a final building inspection, the applicant shall complete detention and water quality facilities. 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.
22. Prior to final building inspection, the applicant shall enter into an agreement with the City on City-furnished forms for maintenance of the private water quality on-site. That agreement will be recorded and the City will be periodically monitoring the facility for compliance with the terms of the maintenance agreement.
23. Prior to a final building inspection, the applicant shall provide the City with as-built drawings of the detention and water quality facilities 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).

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

SECTION III. BACKGROUND INFORMATION

Site History:

Staff conducted a search of City records for the subject property and found that the site has been an eating and drinking establishment, a permitted use since the site was developed. The site is bounded by a self storage facility to the south and west and a fast food eating establishment to the north.

Vicinity Information:

The subject site is located at 13405 SW Pacific Highway; WMTM 2S102CB, Tax Lot 01802. The property is zoned C-G as are all the abutting properties. The site fronts on Pacific Highway.

Site Information and Proposal Description:

The applicant is requesting Site Development Review approval to construct a 6,800 square foot AutoZone Retail Store with associated parking and site improvements on an approximately 36,590 square foot (0.84-acre) site. The new building will replace a 3,500 square foot restaurant. Landscaping, street trees, replacement trees and 32 parking spaces are planned. A new sidewalk, planter strip and street trees will be placed along the front of the parcel and a Tri-Met bus stop will be moved to the south along Pacific Highway.

SECTION IV. NEIGHBORHOOD COMMENTS

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

SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA

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

SECTION VI. APPLICABLE REVIEW CRITERIA

A. ZONING DISTRICTS

Commercial Zoning District: Section 18.520.020

Lists the description of the Commercial Zoning Districts.

The site is located in the C-G: General Commercial zoning district. The present use of the site is for a 3,500 square foot restaurant. The proposed use, Retail Sales, is listed in the use classifications under “General Retail” as a use permitted outright in the zone.

Development Standards: Section 18.520.040.B states that development standards in commercial zoning districts are contained in Table 18.520.2:

**TABLE 18.520.2
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

| STANDARD | C-G | Proposed |
|---|-------|---------------|
| Minimum Lot Size | None | 36,590 sq ft |
| - Detached unit | - | |
| - Boarding, lodging, rooming house | | |
| Minimum Lot Width | 50' | App 249 ft |
| Minimum Setbacks | | |
| - Front yard | 0' | 52 ft |
| - Side facing street on corner & through lots | 0' | - |
| - Side yard | 0' | 62 ft & 92 ft |
| - Side or rear yard abutting more restrictive zoning district | 0' | - |
| - Rear yard | 0' | 4 ft |
| - Distance between front of garage & property line abutting a public or private street. | - | - |
| Maximum Height | 45 ft | 21 ft |
| Maximum Site Coverage | 85% | 85% |
| Minimum Landscape Requirement | 15% | 15% |

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

B. APPLICABLE DEVELOPMENT CODE STANDARDS

Access, Egress and Circulation (18.705):

Walkways:

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

As described in the applicant's plans and narrative, on-site pedestrian walkways consistent with this standard are proposed between the parking area, the building, and the Pacific Highway right-of-way.

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

As described in the applicant's plans and narrative, on-site pedestrian walkways are proposed across the parking lot from the building to the right-of-way consistent with this standard.

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

The plan depicts concrete sidewalks at the building and striped asphalt to the new sidewalk in the right-of-way which meet the standard.

Access Management:

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

The proposed retail site will have two shared access points, both existing, that will remain unchanged. One is a shared access via a signalized intersection to the south of the property and the other to the north is a 38.75 foot shared driveway. ODOT has indicated that these accesses are acceptable.

A preliminary sight distance report was prepared December 16, 2009 by HDJ Design Group for both accesses. The report found that both had sight distances equal to that required per AASHTO Case B1 and both exceeded the minimum by a factor of 2.

Since the accesses are to remain unchanged and the sight distances are satisfactory, this report is also a final sight distance report. This standard has been met.

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.

Pacific Highway is classified as an Arterial on the City's Transportation System Plan (TSP). Access to the site will be via the existing shared access to the north of the site and the shared access to the south of the site, which is signalized. The northerly site access is approximately 250 feet from the access at a signalized intersection, thereby meeting this standard.

Minimum Access Requirements for Commercial and Industrial Use:

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

The applicant's site plan shows both shared accesses exceed these requirements and are consistent with this standard.

Environmental performance standards (18.725):

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

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

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

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

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

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

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

This is a retail sales establishment use, which is permitted outright within the C-G zone. The applicant's narrative states that the above standards will be met. Based on the provision of adequate trash and recycling area, and the fact that the proposed use is not likely to generate noise, visible emissions, odors, glare and heat, or harbor insects and rodents, this standard is satisfied.

Landscaping and Screening (18.745):

Street Trees:

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

The applicant has provided a landscape plan (Sheet L 2.0) that shows acceptable street trees along the frontage in the planter strip. However, the plan must be revised to incorporate the comments from Tri-Met regarding the re-construction of the bus stop passenger loading areas and re-location of the bus stop sign.

Buffering and Screening:

Section 18.745.050 states that buffering and screening is required to reduce the impacts on adjacent uses which are of a different type. Buffering and/or screening are required for dissimilar uses.

The subject site is zoned C-G and is either surrounded by abutting property zoned C-G or a public right-of-way. Therefore, no buffering or screening is required.

Screening: Special Provisions:

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

The parking lot is comprised of 32 parking spaces. It is screened from adjacent properties to the north, west, and south by trees and shrubs. The center of the frontage (east boundary) is screened by trees and shrubs at the north and south ends with a 3 foot screen wall between. Street trees further enhance the screening from the right-of-way. The parking island tree plantings have been increased from 2 to 3 inch caliper to increase the canopy effect in lieu of placing one tree each seven parking spaces. This standard is satisfied.

Screening Of Service Facilities.

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

There is adequate information provided in the plans to establish adequate screening of facilities. Therefore, this standard is satisfied.

Screening of Refuse Containers.

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

The applicant's site plan and narrative describe a six-foot-high masonry trash enclosure. Therefore, this standard is satisfied.

Mixed Solid Waste and Recyclables Storage (18.755):

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

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

The applicant has not submitted a letter from Pride Disposal that states the location of the facility is satisfactory. The applicant shall submit a detailed plan and written sign-off letter from Pride Disposal that demonstrates the design of the proposed facility is consistent with this standard.

Location Standards.

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

The recyclables container is accessed from the parking lot and is visible in order to enhance security for users. The proposed recyclables container will not occupy any required parking stalls and screening has been reviewed to show conformance to Tigard standards previously in this decision. Therefore, this standard is met.

Design Standards.

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

The applicant has submitted a narrative and plans that reflect a 12 foot by 18 foot masonry waste and recyclable container enclosure with two 9 foot metal gates. Details of the enclosure and approval of the waste hauler have been required previously under this code section and this standard can be met conditionally.

Off-Street Parking and Loading (18.765):

Location of vehicle parking:

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

The parking lot associated with this project is directly adjacent to the proposed building. This standard is 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.

Joint parking is not proposed with this application. Therefore, 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 above.

This proposal is not considered a mixed-use project as it will contain only a retail store. Therefore, this standard does not apply.

Preferential Long-Term Carpool/Vanpool Parking:

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

The proposed parking associated with the retail store development is for 32 spaces and does not provide long term parking. Therefore, this standard does not apply.

Disabled-Accessible Parking:

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

The applicant has indicated that there will be two disabled-accessible parking spaces provided. According to ORS 447.233, incorporated through reference to the State Building Code, two such spaces are required. As shown, the site plan is in compliance with State and Federal requirements.

Access Drives:

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

The proposed access drives are shown on the site plan as two existing 37.75 foot paved accesses that are clearly marked with curbs and landscaped areas, and the parking area and access drives provide ample room to facilitate a forward entrance onto SW Pacific Highway. Visual clearance areas are shown on sheet C 5.0 of the plan. No changes are proposed for the accesses. Therefore, the standard for access drives has been satisfied.

Pedestrian Access:

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

There are no drop-off grade separated areas within the parking area. Therefore, this standard does not apply.

Parking Lot Striping:

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

The plans submitted show the parking spaces will be clearly marked with striping, consistent with this standard.

Wheel Stops:

Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located three feet back from the front of the parking stall. The front three feet of the parking stall may be concrete, asphalt or low lying landscape material that does not exceed the height of the wheel stop. This area cannot be calculated to meet landscaping or sidewalk requirements.

The applicant's site plan and landscape plan (Sheet C 5.0) show complying wheel stops and protective curbs. The plans reflect that there will be no overhang of vehicles into landscaped area or sidewalks. Therefore, 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. No more than 50% of the required spaces may be compact spaces.

The applicant's plans show 9 foot width and 18.5 feet depth for parking spaces in all locations, and are adequate for ADA parking. Aisle width is 26 feet wide for two way traffic. Therefore, this standard is met.

Bicycle Parking Location and Access:

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

The applicant's site plan shows two bicycle parking spaces on the north side of the building. These spaces are not in the loading area, parking aisles, or landscaping area. Therefore, this standard is met.

Bicycle Parking Design Requirements:

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

The applicant has submitted plans showing two bicycle parking spaces that are not in a vehicle parking area, loading area, landscape area, or vehicle circulation aisle. The spaces are of adequate size and have sufficient space. Therefore this standard 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 a Retail Sales Establishment use is 0.3 spaces per 1,000 gross square feet. Based on the proposed 6,800 square foot building, a minimum of 2 bicycle rack spaces are required. The applicant has proposed two bicycle parking spaces, consistent with this standard.

Minimum Off-Street Parking:

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

Table 18.765.2 states the minimum parking for a Retail Sales Establishment is 3.7 spaces per 1,000 gross square feet. For the proposed 6,800 square foot building 25.16 spaces (3.7 x 6.8) are required. The site is within the Zone A parking area for purposes of calculating maximum number of parking spaces. The maximum number of allowed parking spaces is 34.68 (5.1 x 6.8). When fractional parking spaces are calculated, it is the City's policy to round up. Therefore, the minimum and maximum parking spaces required are 26 and 35, respectively. The applicant has proposed 32 spaces. This standard has been met

Off-Street Loading Spaces:

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

The proposed building is less than 10,000 square feet. Therefore, this standard does not apply.

Signs (18.780):

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

The applicant's narrative states that no application for a sign permit is included with this submittal. Signage will be reviewed and permitted under a separate application. Therefore this standard does not apply.

Tree Removal (18.790):

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

A tree plan and arborist's report has been provided by the applicant and contains all of the required elements. Based on the arborist report 2 of 3 trees over 12 inches diameter are to be preserved for retention of 66%. The tree to be removed is 18 inches in diameter and 50% of the total inches removed require mitigation. The applicant is proposing to mitigate with 9 caliper inches of trees not required by other code provisions. Therefore, this standard is met.

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 has indicated on sheet C 5.0 the acceptable vision clearance areas for both accesses. Therefore, this standard is met.

FINDINGS: The applicant has provided evidence of partial compliance with the Mixed Solid Waste and Recyclables Storage standards. A waste hauler approval letter is required.

The applicant has provided a landscape plan (Sheet L 2.0) that shows acceptable street trees along the frontage in the planter strip. However, the plan must be revised to incorporate the applicable Tri-Met requirements regarding the re-construction of the bus stop passenger loading areas and re-location of the bus stop sign.

CONDITIONS: The applicant shall submit a written sign-off letter from Pride Disposal based on a detailed facility plan that demonstrates the design of the facility is consistent with TMC18.755.040.F.

The applicant shall submit to the City a revised landscape plan showing street trees spaced appropriately as affected by the applicable Tri-Met bus loading requirement and bus stop re-location (subject to ODOT and Tri-Met review and approval) listed in SECTION VIII of this decision.

CONCLUSION: Upon completion of the two conditions mentioned above, the application will be in substantial compliance with Part B, Applicable Development Code Standards of this section.

C. SPECIFIC SITE DEVELOPMENT REVIEW APPROVAL CRITERIA

Section 18.360.090(A)(2) through 18.360.090(A)(15) provides additional Site Development Review approval criteria 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 they are, therefore, found to be not applicable as approval standards:

18.360.090. A.3 (Multi Family Exterior Elevations); 18.360.090.A.5 (Privacy and Noise: Multi-family or Group Living Uses); 18.360.090.A.6 (Private Outdoor Areas: Multi-family Use); 18.360.090.A.7 (Shared Outdoor Recreation Areas: Multi-family Use); 18.360.090.A.8 (100-year floodplain); and 18.360.090.A.9 (Demarcation of Spaces).

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

18.360.090.A.4 (Buffering, Screening and Compatibility Between Adjoining Uses); 18.360.090.A.12 (Landscaping); 18.360.090.A.13 (Drainage); 18.360.090.A.14 (Provision for the Disabled); and 18.360.090.A.15 (Provisions and Regulations of the Underlying Zone).

18.360.090.A.2 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's plan has located the building in a considerate relationship with the natural and physical environment, consistent with this standard.

18.360.090.A.10 Crime Prevention and Safety:

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

The areas most vulnerable to crime are well lighted as shown on sheet C-1 of the plans. The City of Tigard Police Department has reviewed the proposal and has no objections. Therefore this standard is satisfied.

Public Transit:

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

Tri-Met was given the narrative and plans for the proposed development and provided these comments:

This site is served by bus stop #4254 adjacent to the proposed AutoZone store. Ridership records indicate this stop should be designed for two passenger loading pads and re-located south of the present location. Revised plans will be required as a condition of approval

FINDING: Based on the analysis above, these specific applicable development review standards can be met conditionally.

CONDITION: Applicant shall submit plans that reflect a 10 foot loading pad designed to City of Tigard Sidewalk Standards beginning approximately 55 feet north of the crosswalk for the front door of the bus, a 10 foot landscape area without trees, and a second 10 foot loading pad. Street trees can be planted immediately south and north of the 30 foot bus stop. The sign will move approximately 77 feet south to the south edge of the bus stop. Applicant shall contact Tri-Met two weeks prior to commencement of work in the right of way so a temporary stop can be assigned (Contact: Ben Baldwin, 503-962-2140).

CONCLUSION: Upon completion of the condition mentioned above, the application will be in substantial compliance with Part C, Specific Site Development Review Approval Criteria, of this section.

D. STREET AND UTILITY IMPROVEMENTS STANDARDS

Street And Utility Improvements Standards (Section 18.810):

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

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

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

Minimum Rights-of-Way and Street Widths: Section 18.810.030.E requires a 7-lane Arterial Street to have a 128 foot right-of-way width and 48-foot paved section. Other improvements required may include on-street parking, sidewalks and bikeways, underground utilities, street lighting, storm drainage, and street trees.

The right-of-way requirement for Pacific Highway along the project frontage is 52 feet from centerline of the right-of-way. The applicant proposes to dedicate 12 feet of additional right-of-way along the frontage to increase the existing right-of-way from 40 feet to 52 feet from its centerline. With that dedication, the right-of-way requirement will be met. The applicant proposes to construct a 10 foot wide sidewalk located 6 inches from the new property boundary along the frontage and a 7.5 foot wide planter between the sidewalk and the existing curb. Street trees will be planted where feasible within the planter strip. These improvements are the only street improvements required for this project. Therefore, this standard has been 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. Therefore, this standard does not apply.

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.

No streets are being constructed or extended. Therefore, this standard does not apply.

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 streets that could be extended to provide through circulation. Therefore, this standard does not apply.

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.

There is no proposal for street construction. Therefore this standard does not apply.

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

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

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

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

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

No new streets are proposed with this development, the bicycle lane is in place, and the sidewalk re-location is part of the plan. Therefore, this standard does not apply.

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

There is no minimum lot size in the C-G zoning district. The lot is rectangular in shape approximately 249 feet wide and approximately 128 feet deep. The lot size and shape are consistent with the lot size and shape standard.

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

The subject property has approximately 249 feet of frontage on Pacific Highway, which is consistent with the lot frontage standard.

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

This project proposes to construct a 10 foot wide sidewalk with 7.5 foot wide planter strip. The sidewalk standard has been satisfied.

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 is available on site and the proposed structure will be served by the existing sewer line. The load on the sewer line from the proposed use will be less than the previous use. There is no opportunity for additional development on or around this property. Therefore, this standard does not apply.

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 proposes to construct facilities that address detention and water quality requirements for the development. The water quality and detention measures described in the narrative and shown in the plans and calculations are satisfactory; however any comments from ODOT listed in SECTION VIII must be addressed.

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).

Storm water detention is required and included in this proposal. Therefore this standard is met.

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.

No bikeways, bike lanes, or pedestrian pathways are required as part of this project. There is a pedestrian connection from the building to the sidewalk along the frontage and an existing bike lane. Therefore, this standard is met.

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

Pacific Highway is classified as an arterial, requiring a 6-foot bicycle travel lane, which is currently in place. Therefore, this standard is satisfied.

Utilities:

Section 18.810.120 states that all utility lines, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

- ♦ The developer shall make all necessary arrangements with the serving utility to provide the underground services;
- ♦ The City reserves the right to approve location of all surface mounted facilities;
- ♦ All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
- ♦ Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

Exception to Under-Grounding Requirement: Section 18.810.120.C states that a developer shall pay a fee in-lieu of under-grounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of under-grounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which under-grounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities. An applicant for a development which is served by utilities which are not underground and which are located across a public right-of-way from the applicant's property shall pay a fee in-lieu of under-grounding.

There are existing overhead utility lines along the frontage on Pacific Highway. However, overhead power is high voltage at this location and undergrounding is not required. The applicant proposes to place the utilities serving their development underground and no fee will be collected for the high-power lines. Therefore, this standard is satisfied.

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

Traffic Study:

As stated in the applicant's narrative, a Traffic Impact Analysis was not required for this application. The redevelopment and new use will reduce the number of trips generated to and from the subject site.

Fire and Life Safety:

Tualatin Valley Fire and Rescue reviewed the application and their comments are listed in SECTION VIII and incorporated into the conditions of this decision.

Public Water System:

The City of Tigard is the service provider for water in this area. The proposed facility will obtain water service from the existing 2 inch service line located at the front of the property.

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.

This project is required to provide on-site detention and water quality treatment. The project plans includes facilities to address both. Calculations have been submitted to support the facilities incorporated in the project plans. With the submittal of a maintenance plan, these requirements will be met.

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.

An erosion control plan is required as part of the project submittals prior to issuance of any City permits on the project. This includes submittal of an erosion control plan for demolition of the existing building, unless it is incorporated as part of an erosion control plan for the entire project. This standard can be met conditionally.

Address Assignments:

The site has an existing address, 13405 SW Pacific Highway, and no changes are proposed.

FINDING: A storm water quality maintenance plan and an erosion control plan were not included in the proposal. These requirements can be met conditionally.

CONDITIONS: A water quality facility maintenance plan shall be submitted to the City as part the required Public Facility Improvement permit application.

An erosion control plan is required as part of the application for a demolition permit for the existing building. This plan can also reflect erosion control measures for site work and new construction.

CONCLUSION: Upon completion of the two conditions mentioned above, the application will be in substantial compliance with Part D, Street and Utility Standards, of this section.

E. IMPACT STUDY

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

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

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

A project impact analysis was prepared by HDJ Design Group and submitted as part of the proposal narrative stating the following:

Impacts to the City’s transportation system will be minimal as the proposed use will result in a reduction in overall transportation impacts. There are no changes proposed to the existing bikeway system.

This application has provided updated plans for storm water collection, conveyance, treatment and detention. No additional mitigation measures are proposed with this development relating to the site’s drainage system. These plans have been submitted to ODOT for review and the resulting comments are incorporated into the conditions of this decision.

There are no impacts to the city’s parks facilities anticipated with this application.

This proposal will utilize the existing water service lateral and meter, and will require significantly less water than the previous use.

The site is connected to existing sanitary sewer service with a 6-inch sewer lateral which will serve the new building. The proposed use will require less sanitary service that the previous tenant.

The proposal is for an auto parts retail business, with all business related activities occurring within the building. Construction noise will be limited to the City of Tigard guidelines for construction hours.

The applicant concurs with and proposes the dedication of 12 feet of property to the right-of-way along the frontage of Pacific Highway.

FINDING: The project proposal adequately addresses the impact study standards.

CONCLUSION: The application is in compliance with Part E, Impact Study, of this section.

SECTION VII. OTHER STAFF COMMENTS

City of Tigard Arborist: The City Arborist has reviewed the proposal and his comments and conditions are incorporated into this decision in SECTION II.

City of Tigard Building Division, Police Department, and Public Works: These City Offices were provided the proposal documents and had no comments or conditions regarding this land use decision.

City of Tigard Development Engineer: The Development Engineer reviewed the proposal and his comments and conditions are incorporated into this decision in SECTION II and SECTION VI.

SECTION VIII. AGENCY COMMENTS

Clean Water Services: Clean Water Services was provided a copy of the application documents and plans and has not responded. Applicable issues have been reviewed by the City Development Engineer and conditions will be listed in SECTION II of this decision.

Tualatin Valley Fire and Rescue: TVF&R has reviewed the proposal and offered the following comments in a letter dated April 13, 2010:

Two fire hydrants are required for this project. Both fire hydrants shown on the submitted drawings must be capable of supplying the required fire flow. The applicant must submit fire flow demand calculations and flow test the hydrant nearest the project site. 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 is available from the Fire Marshal's Office.

Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site.

A Knox Box for access is required for this building. Contact the Fire Marshal's Office for an order form and instructions regarding installation and placement.

Oregon Department of Transportation: ODOT has reviewed the proposal and provided the following comments by e-mail on April 2, 2010:

Plan sheet C3.0 shall indicate direction of flow for the water detention system.

The storm water control vault shown on Sheet C3.0 must be re-located onto private property from its current location in the planter strip.

The new parking lot storm drain lines must be re-located to the revised water control vault location.

Indicate vision clearance lines at both approaches on plan sheets L1.0 and/or L2.0 that indicate no trees will restrict the vision clearance area.

On plan sheet L2.0 in the text for "Root Barriers", delete "with less than 8' width".

Tri-Met: Tri-Met has reviewed the proposal plans and narrative and provided the following comments by e-mail March 30, 2010:

Add a 10 foot concrete pad to serve the front door of the bus and use the pad shown in the plans to serve the rear door of the bus. Provide 10 feet of landscaped area with no trees between the pads. Street trees can be placed immediately north and south of the 30 foot bus stop.

The south end of the 30 foot bus stop is to be located approximately 55 feet north of the crosswalk. The bus stop sign is to be installed at the south edge of the bus stop, approximately 77 feet from its current location.

The pads can be designed to City of Tigard sidewalk standards and can accommodate a 2% cross slope.

The applicant shall contact Tri-Met two weeks prior to work in the right-of-way to allow for temporary location of the bus stop (Contact: Ben Baldwin 503-962-2140)

Clean Water Services: CWS was provided the proposal documents and did not comment. Their standards will be addressed in the PFI application and erosion control plan.

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 MAY 3, 2010 AND BECOMES EFFECTIVE ON MAY 18, 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.

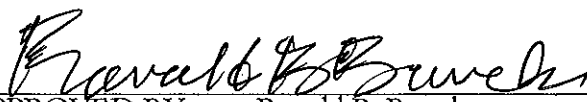
THE DEADLINE FOR FILING AN APPEAL IS AT 5:00 PM ON MAY 17, 2010.

Questions:

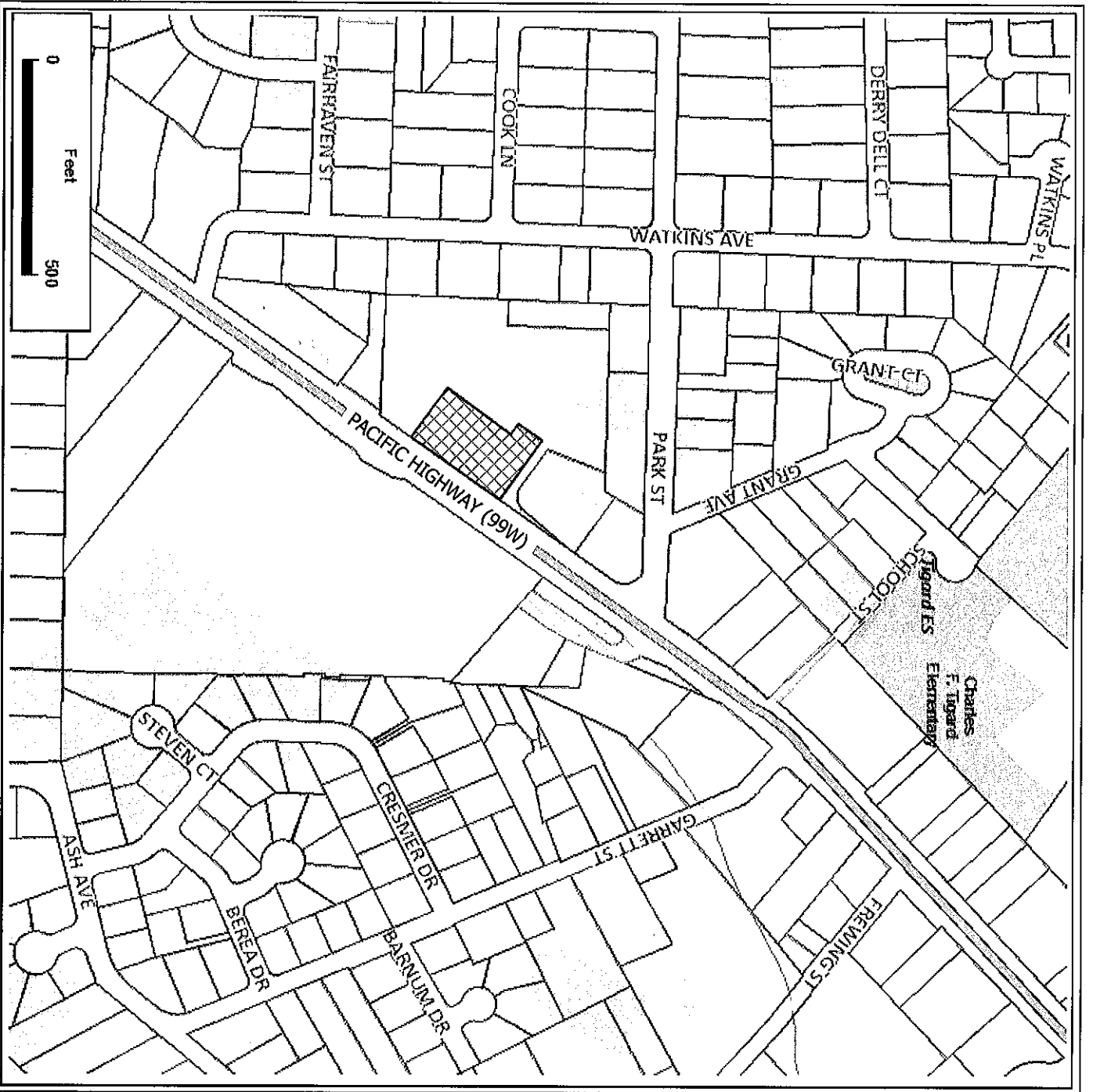
If you have any questions, please call the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon at (503) 639-4171.


 PREPARED BY: Darrel "Dap" Watkins
 Assistant Planner

5/3/10
 DATE


 APPROVED BY: Ronald B. Bunch
 Director of Community Development

5/3/10
 DATE

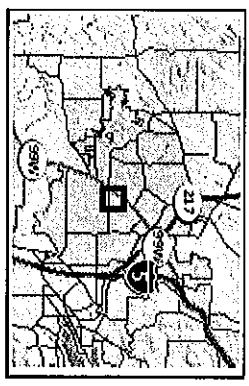


VICINITY MAP

SDR2009-00007

AUTOZONE STORE

Subject Site



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

Scale 1:4,000 - 1 in = 333 ft
 Map printed at 09:56 AM on 12-Mar-10

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



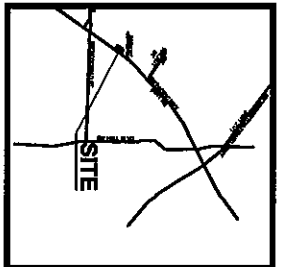
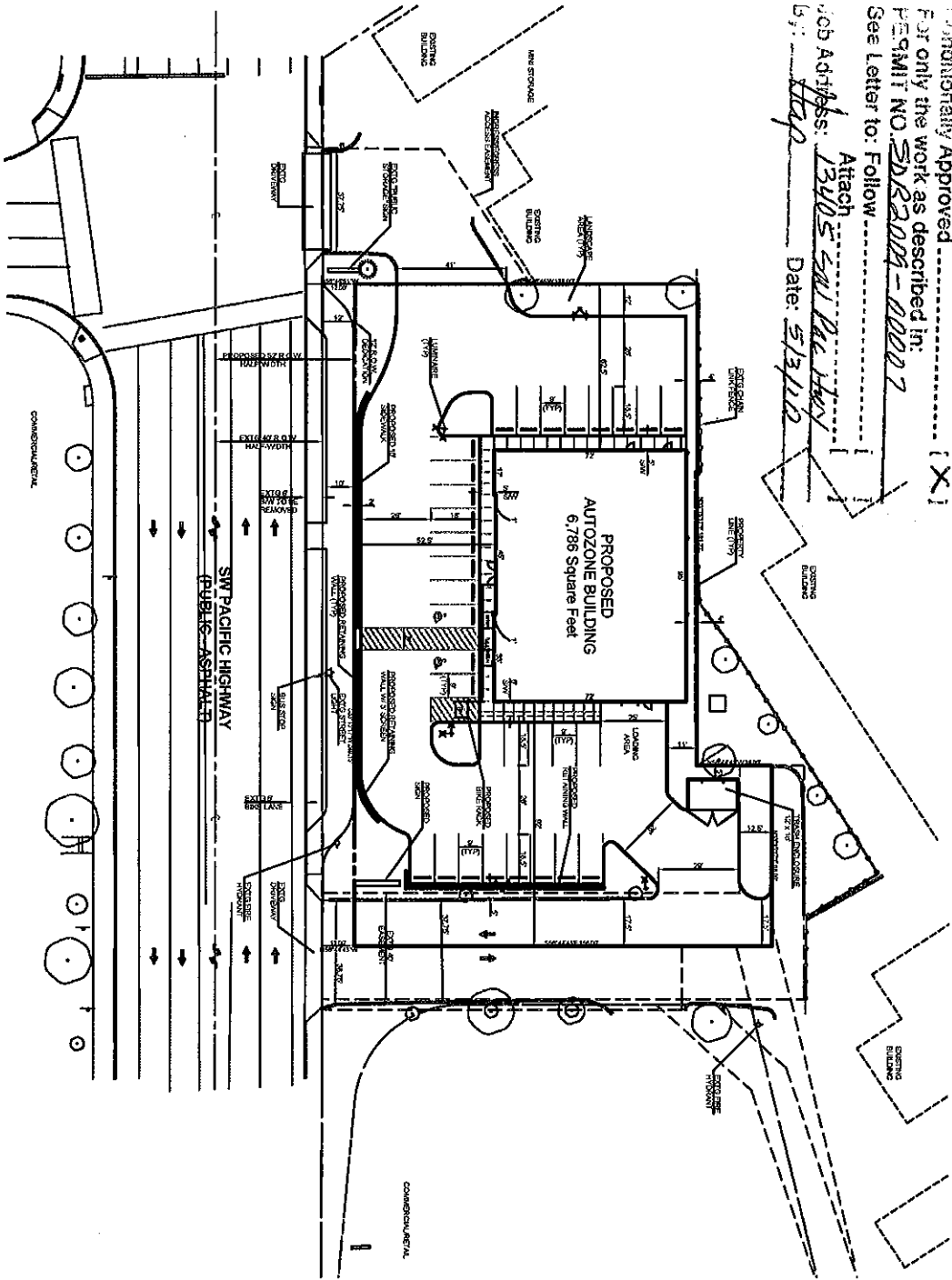
AUTOZONE STORE NO. 3756

CITY OF TIGARD

Located in The SW ¼, Sec. 2, T2S, R1W, W4M

Approved
 Conditionally Approved [X]
 For only the work as described in:
 PERMIT NO. SDR2005-00007
 See letter to: Follow

Job Address: 3405 SW Pacific Hwy
 City: Tigard Date: 5/13/10

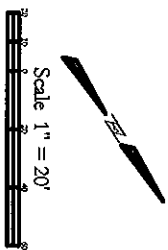


SITE INFORMATION:

PROPOSED BUILDING AREA: 6,786 SF 20%
 PROPOSED DRIVEWAY AREA: 2,223 SF 6%
 PROPOSED PAVEMENT AREA: 5,082 SF 15%
 PROPOSED LANDSCAPE AREA: 35,831 SF

TOTAL SITE AREA: 35,831 SF
 (25 SPACES @ 1400 SPACES)

The parking lot consists 25% landscaped area.
STANDARDS:
 Min. Lot Size: 0.44 acres
 Front Setback: 0' max
 Side Setback: 0' max
 Rear Setback: 0' max
 Maximum Building Height: 42' max
 Minimum Landscaping: 15%
TRASH ENCLOSURE:
 The trash enclosure will be constructed of masonry block matching the building, 6'x6' in height.



PRELIMINARY SITE DEVELOPMENT PLAN FOR:
AUTOZONE STORE NO. 3756
 A SITE IN THE CITY OF TIGARD, OREGON

HDJ
 DESIGN GROUP
 300 W 11th, 2nd fl.
 Tigard, OR 97146-0227
 503-636-2148
 503-636-8728
 503-636-8747 fax
 Website: www.hdjdesigngroup.com

DESIGNER:
 DATE:
 SCALE:
 SHEET:
 SP1.0