



**ARCHITECTURAL REVIEW DECISION  
 HORIZON COMMUNITY CHURCH EXPANSION (AR 23-0014)**

August 22, 2024

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Case #:	AR23-0014
Project:	Horizon Community Church Expansion
Location:	23370 SW Boones Ferry Road; Tax ID: 2S135D000106
Applicant:	Glen Southerland, AKS Engineering & Forestry, LLC
Owner:	Horizon Community Church

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*Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503.691.3026 and allow as much lead time as possible.*

## I. INTRODUCTION

### A. Applicable Criteria

The following Chapters of the Tualatin Development Code (TDC) are applicable to the subject proposal:

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 33.110 Tree Removal
- TDC 34 Special Regulations
- TDC 35: Nonconforming Situations
- TDC 49: Institutional Zone (IN)
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

### B. Site Description

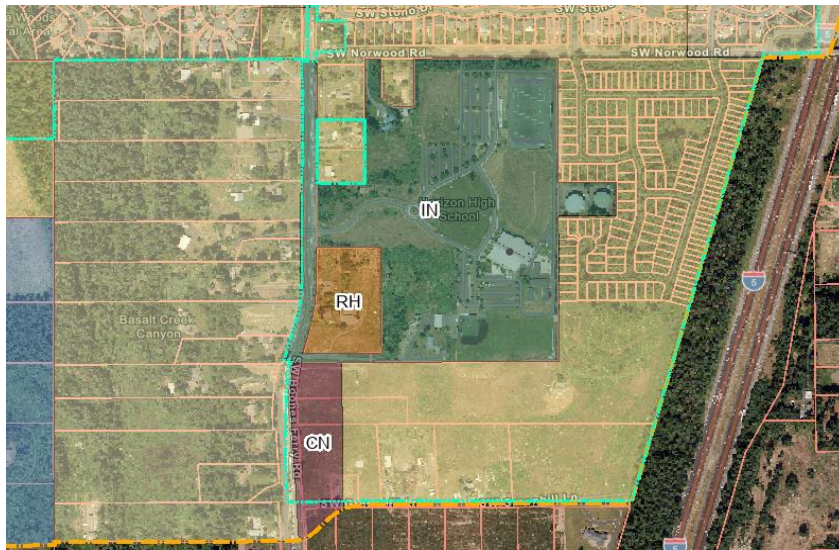


Figure 1 Aerial view of site with zoning (TualGIS)

The site at 23370 SW Boones Ferry Road is a 29-acre lot located in the Institutional (IN) Planning District. The property takes access from existing access points on Boones Ferry Road and Norwood Road. The Horizon Community Church is located on the eastern and southern portions of the site. The site also includes improved sports fields, parking areas, access driveways, and buildings, including the existing high school building, which currently holds the activities and services proposed to be housed within the new sanctuary building. The Horizon Community Church property was originally constructed in 2006 before annexing into the City of Tualatin under ANN 06-06.

### C. Proposed Project

AKS Engineering & Forestry, LLC, on behalf of Horizon Community Church, requests approval for a Type II Architectural Review to construct a new church sanctuary at 23370 SW Boones Ferry Road. The proposal includes a 19,300 sf sanctuary building, baseball field replacement, parking lot improvements, stormwater improvements, and associated landscaping. The proposed 800-seat sanctuary would replace

the existing 660 seats for services currently held in the high school gymnasium. Services would no longer be held in the school facilities.

**D. Previous Land Use Actions**

- ANN 06-06
- AR 12-0003 – Horizon Christian School Batting Cage
- AR 15-0020 – Horizon Community Church Modular Classroom
- PAR 22-0002

**E. Surrounding Uses**

Surrounding uses include:

North: Medium-Low Density Residential (RML)

- Norwood Heights Subdivision
- Pennington Heights Subdivision
- Norwood Road

South: Medium-Low Density Residential (RML)/Neighborhood Commercial (CN)

- Autumn Sunrise Subdivision

West: High-Density Residential (RH)/Unincorporated Lots with County FD-20 Zoning

- Plambeck Gardens Apartments
- Low-Density Residential Properties zoned County FD-20
- Boones Ferry Road

East: Medium-Low Density Residential (RML)/Institutional (IN)

- Autumn Sunrise Subdivision
- City-owned water tanks

**F. Exhibit List**

A: Application Materials

A1. Application & Narrative

A2. Preliminary Site & Architectural Plans

A3. Supporting Documents

B: Public Notice

C: Service Provider Letters

D: Clean Water Services Memorandum

E: Washington County Conditions

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, Architectural Review 23-0014 is **approved** subject to the following conditions:

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### GENERAL:

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- A1. This Architectural Review approval expires after two years from the date of issuance unless a building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place, and an inspection performed by a member of the Building Division, or an extension is granted under the terms of Section 33.020(10) or most current revision of the TDC.

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### PRIOR TO EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY ISSUANCE:

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***Submit to the Planning Division via [eTrakit](#) for review and approval:***

- A2. Trees identified for preservation on the Erosion Control plan must be protected by chain link or other sturdy fencing placed around the tree at the drip line, pursuant to TDC 73B.080(3). Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

***Submit to the Engineering Division via [eTrakit](#) for review and approval:***

- A3. The applicant must apply for applicable Engineering Erosion Control, Water Quality, and Public Works permits:
- a. Apply using [eTrakit](#). With the initial Engineering permit(s) application(s) include:
    - i. One combined set of 22"x34" plans:
      1. Using NAVD 1988; and,
      2. Attaching one plan set including all applicable Engineering permits to one Engineering permit; and,
      3. Adding notes on other Engineering permits stating which application includes the attached plan set; and,
    - ii. Payment for an Erosion Control permit fee per the [fee schedule](#); and,
    - iii. Engineering estimate and deposit for each Water Quality or Public Works permit per the [fee schedule](#); and,
  - b. Deliver two 22"x34" hard copies of the combined Engineering permit plan sets to:

**City of Tualatin**  
**Attn: Engineering Division c/o Principal Engineer**  
**10699 SW Herman Road**  
**Tualatin, OR 97062**

- A4. The applicant must submit Final Street Improvement Plans for SW Boones Ferry Road and SW Norwood Road and Final Onsite Plans in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show:
- a. Plan and profile of public street cross-sections and utilities 100 feet minimum beyond site frontage and further as needed to demonstrate consistent horizontal and vertical alignments or improvements as needed; and,
  - b. The boundaries and nature of private access and all public access and utility easements:
    - i. Existing with recorded document numbers; and,
    - ii. Proposed; and,

- c. Dedication of:
  - i. Right-of-way from the platted centerline plus any additional right-of-way necessary to accommodate a 12-foot-wide multi-use path and to any final accepted future public stormwater LIDA management of a total of:
    - 1. 57 feet for SW Boones Ferry Road with a 6-foot wide planter strip reduced where approved by the City Engineer to preserve wetlands; and,
    - 2. 45 feet for SW Norwood Road with a 6-foot wide planter strip; and,
  - ii. Public utility easements:
    - 1. A minimum of a 8-foot-wide adjacent to rights-of-way of:
      - a. SW Boones Ferry Road; and,
      - b. SW Norwood Road which may be reduced in width as approved by the City Engineer to accommodate tree preservation or other infrastructure needs; and,
    - 2. Additional as needed for PGE infrastructure to:
      - a. Encompass poles and guy wires; and,
      - b. Surround underground vaults by five feet; and,
  - iii. A slope easement adjacent to SW Boones Ferry Road and SW Norwood Road right-of-way:
    - 1. As required to support the public street cross-section and applicable public utility easement as approved by the City Engineer and,
    - 2. With any proposed private retaining walls outside of public utility and slope easements; and,
- d. A curb-tight planter strip:
  - i. 6-feet-wide for SW Boones Ferry Road, reduced where approved by the City Engineer to preserve wetlands matching proposed plans; and,
  - ii. 6-feet-wide for SW Norwood Road reduced as approved by the City Engineer to enable preservation of existing private trees; and,
  - iii. With street trees spaced to allow vehicular sight distance and vision clearance at accesses; and,
  - iv. Where the multi-use path is curb tight, the planter strip shall be beyond the path within right-of-way or in public street tree easements as approved by the City Engineer; and,
  - v. Widened as needed to accommodate any required LIDA street swales for public stormwater to meet current CWS requirements; and,
- e. 12-foot-wide public multi-use paths adjacent to the development and transitioning into existing beyond the property boundaries:
  - i. For SW Boones Ferry Road meandering to preserve wetlands as approved by the City Engineer; and,
  - ii. For SW Norwood Road with construction methods as approved by the arborist and City Engineer to protect the remaining private trees; and,
- f. Existing remaining public sidewalks and driveways:
  - i. Within compliance of ADA standards; or,
  - ii. Proposed maintenance to bring into compliance; and,
- g. Any driveway closure to include removal of apron and driveway within right-of-way through public utility easement and installation of curb, planter, and multi-use path.
- h. Street illumination meeting PGE Option A standards:
  - i. Identifying standards are met; or,
  - ii. Including construction of necessary improvements with a request for payment of a fee-in-lieu of actual PGE costs for City Engineer consideration; and,

- i. Accessways planned and constructed from SB21-0001, Autumn Sunrise Subdivision will be connected to this development as approved by the City Engineer; and,
  - j. Undergrounding of overhead utilities in accordance with TDC 74.660; and,
  - k. Relocation of franchise services (including, but not limited to, communication, gas, and power) out of the area of the previous southern flag pole access to SW Boones Ferry road dedicated within Recorded Document Number 2023-011722.
- A5. The applicant must submit Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74.620, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show:
- a. The boundaries of existing private and public sanitary sewer easements with recorded document numbers; and,
  - b. Separate laterals for each building's service or as approved by the City Engineer; and,
  - c. Location of the lines, grade, materials, and other details; and,
  - d. Cleanouts adjacent to right-of-way; and,
- A6. The applicant must submit Final Water System Plans in accordance with Tualatin Development Code (TDC) 74.610, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
- a. The boundaries of existing public water easements with recorded document numbers; and,
  - b. Proposed public water or utility easements outside existing public easements for all portions of water laterals ten feet wide to and surrounding any meter, reduced pressure backflow prevention, and fire vault by five feet; and,
  - c. Separate laterals to the main for each:
    - i. Domestic service for each building's service; and,
    - ii. Fire service; and,
    - iii. Public fire hydrant; and,
  - d. Separate water meters per domestic lateral located within the planter strip or City Engineer approved alternate location with:
    - i. City Engineer approved backflow prevention for the domestic lateral; and,
    - ii. Irrigation after a domestic meter and reduced pressure backflow assembly serving the planter strip adjacent to this development; and,
  - e. A separate lateral, meter, and reduced pressure backflow assembly for any proposed public LIDA street swales or alternate City Engineer approved facilities.
- A7. The applicant must submit:
- a. Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.630 and 74.650, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:
    - i. Addresses runoff from all new and modified private and public impervious areas:
      - 1. Show:
        - a. Gravity flow five feet from the outside of the established line of the building to the public stormwater system or as otherwise

- approved by the City Engineer in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4); and,
    - b. Private facilities per legal lot connecting directly to public mains in accordance with CWS D&CS 5.09.3; and,
    - c. Public LIDA street swales within right-of-way planter strips or City Engineer approved alternatives within easements; and,
  - 2. Confirm the capacities of stormwater facilities for hydromodification, detention, and treatment to include new and modified impervious area within:
    - a. Existing and proposed private per legal lot; and,
    - b. Proposed public addressing right-of-way; and,
    - c. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2; and,
    - d. Prove any proposed infiltration rates in accordance with CWS D&CS 4.08.03; and,
    - e. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5; and,
    - f. Detain in accordance with, TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08; and,
  - ii. Provides a downstream analysis and include solutions within final plans:
    - 1. Accommodate up to a 25-year storm event within the City of Tualatin's public stormwater system with a maximum flow of 82% of capacity for Tualatin's lines in accordance with TDC 74.640, CWS D&CS 5.05.2.d, and the City Engineer; and,
    - 2. For ¼ mile downstream from the release from the private development through the public stormwater system in accordance with TMC 3-5-210(4); and,
    - 3. Including but not limited to erosion; and,
  - iii. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
    - 1. The submitted Clean Water Services' Service Provider Letter dated March 12, 2024 conditions to obtain a Stormwater Connection Permit Authorization Letter, and,
    - 2. Requirements stated within the Clean Water Services' Memorandum dated June 12, 2024; and,
- b. Financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1; and,
- c. A copy of recorded private stormwater maintenance agreement(s) for new and existing facilities in accordance with TMC 3-5-390(4):
  - i. Assuring the owner of the legal lot is responsible for maintenance of the constructed portions of private stormwater systems within their lot; and,
  - ii. The identified system must include all conveyance, detention, hydromodification, and treatment.

- iii. For existing private stormwater facilities, applicant must address deficient facilities and bring them into compliance with the standard(s) under which they were approved.
- A8. The applicant must submit Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that:
- a. Minimize the impact of stormwater from the development to adjacent properties; and,
  - b. Plans sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.

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**PRIOR TO BUILDING PERMIT ISSUANCE:**

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***Submit to the Planning Division via [eTrakit](#) for review and approval:***

- A9. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. A revised grading plan with details to demonstrate;
    - i. Identified trees for removal and retention, tree protection measures, and a complete tree inventory list in accordance with the Preliminary Landscape Plan submitted as Exhibit A2 and TDC 73B.080(3).
  - b. A revised landscape plan with details to demonstrate;
    - i. Perimeter landscaping is the minimum five feet in width in the proposed off-street parking and vehicular circulation areas, including loading areas in compliance with TDC 73C.240(3).
    - ii. Landscape islands in the proposed parking areas are a minimum of five feet in width (from inside or curb to curb) in accordance with TDC 73C.250(4).
  - c. A revised site plan with details to demonstrate;
    - i. The proposed baseball field accessory structures and fences comply with the development standards in TDC Table 49-2.
    - ii. Required bicycle parking counts, locations, and standards are met per TDC 73C.050 and TDC 73C.100.
    - iii. Parking stalls are identified for the minimum number of off-street vanpool and carpool parking for Institutional uses in accordance with TDC 73C.100(2).
    - iv. Loading berth dimensions are met in accordance with TDC 73C.120.
- A10. The applicant must submit a Service Provider Letter from Republic Services that confirms the existing trash enclosure will accommodate the proposed sanctuary structure.

***Submit to the Engineering Division via [eTrakit](#) for review and approval:***

- A11. The applicant must submit copies of recorded documents in accordance with Public Works Construction Code (PWCC) and Tualatin Development Code (TDC) 74.210, 74.330, 74.350, and 75.040 which show the City Engineer approved:
- a. Dedication of right-of-way for SW Boones Ferry Road and SW Norwood Road; and,
  - b. Applicable slope easements for SW Boones Ferry Road and SW Norwood Road; and,
  - c. Applicable public stormwater facility and access easements; and,
  - d. Public utility easements:
    - i. Adjacent to SW Boones Ferry Road; and,



- ii. Any additional to encompass portions of the private system from the public main to and surrounding domestic meters and fire vaults; and,
- e. Applicable private access, sanitary sewer, stormwater, and/or utility easements.

A12. The applicant must obtain:

- a. A Right-of-Way Permit from Washington County; and,
- b. A 1200-C NPDES from DEQ; and,
- c. Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.

A13. If the applicant phases construction of the baseball field the applicant must:

- a. Submit 1200-C plan amendments if the permit remains active; and,
- b. Obtain and Erosion Control Permit from the City of Tualatin for the vicinity of phased work; and,
- c. Confirm adequate private stormwater facilities exist or obtain a Water Quality Permit from the City of Tualatin meeting requirements current as of the time of permitting; and,

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**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY/OR CERTIFICATE OF COMPLETION**

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***The applicant must contact the Planning Division (Madeleine Nelson, 503.691.3027 or [mnelson@tualatin.gov](mailto:mnelson@tualatin.gov)) for a site inspection at least 72 hours prior to requesting a certificate of completeness. This inspection is separate from inspection(s) done by the Building Division. The following conditions must be satisfied:***

A14. The applicant must install an identification system that clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.500(4)(d). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, must be a minimum of 4 inches high, and must have a minimum stroke width of 1/2 inch. It is recommended to double this size on large buildings.

***Submit to the Engineering Division via [eTrakit](#) for review and approval:***

A15. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.120.

A16. The applicant must submit electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.

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**THE FOLLOWING ITEMS APPLY TO THE SITE IN AN ON-GOING MANNER:**

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A17. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.

A18. Consistent with TDC 35.030 a nonconforming development may be repaired and maintained and continued, but not altered or enlarged, except: (i) aesthetic changes to the external dimensions of the building; (ii) a development conforming as to use but nonconforming as to setback or yard requirements may be altered or enlarged, providing the alteration or enlargement does not result in a violation of the change to setback or yard requirements; (iii) a nonconforming

development may be altered or enlarged when such alteration or enlargement will bring the development or use into conformity with the Planning District Standards for the property.

- A19. Outdoor public address or audio amplification systems are uses that may be permitted as a conditional use through a Conditional Use Permit in accordance with TDC 49.210.
- A20. Proposed landscaping must meet the minimum standards for trees and plants in accordance with TDC 73B.090.
- A21. Vegetation must be replanted in all areas where vegetation has been removed or damaged. The use of native plant material is encouraged.
- A22. All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.070(1).
- A23. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 75-1.
- A24. Artificial lighting must be deflected to not shine or create glare in residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor in accordance with TDC 73C.020(11).
- A25. The applicant must screen with sight-obscuring fences or walls and landscaping, in accordance with TDC 73A.700(4), all above-grade and on-grade electrical and mechanical equipment.
- A26. If the use of the property changes, thereby increasing off-street parking or loading requirements the increased parking/loading area must be provided prior to the commencement of the new use, pursuant to TDC 73C.010.
- A27. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.

### III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

#### Chapter 32: Procedures

[...]

#### Section 32.010 – Purpose and Applicability.

[...]

**(2) Applicability of Review Procedures.** All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below.

Table 32-1 lists the City’s land use and development applications and corresponding review procedure(s).

[...]

**(b) Type II Procedure (Administrative/Staff Review with Notice).** A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are “limited land use decisions” as defined in ORS 197.015 are so noted in Table 32-1.

[...]

**(3) Determination of Review Type.** Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

**Table 32-1 – Applications Types and Review Procedures**

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
<b>Architectural Review</b>						
Architectural Review (except as specified below) (limited land use)	II	CM	ARB / CC	Yes	Yes	TDC 33.020
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

#### **Finding:**

The Architectural Review application is classified as “General Development” under TDC 33.020(3)(f) and therefore is subject to the Type II Procedure Type according to Table 32-1. The application has been processed according to the applicable code for Type II procedures. These standards are met.

[...]

**Section 32.030 – Time to Process Applications.**

**(1) Time Limit - 120-day Rule.** The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)

[...]

**Finding:**

*The application was deemed complete on May 20, 2024. The 120<sup>th</sup> day will be September 17, 2024. The final action on this application must take place within 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.*

**Section 32.110 – Pre-Application Conference.**

**(1) Purpose of Pre-Application Conferences.** Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

**(2) When Mandatory.** Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.

**(3) Timing of Pre-Application Conference.** A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

**(4) Application Requirements for Pre-Application Conference.**

**(a) Application Form.** Pre-application conference requests must be made on forms provided by the City Manager.

**(b) Submittal Requirements.** Pre-application conference requests must include:

**(i)** A completed application form;

**(ii)** Payment of the application fee;

**(iii)** The information required, if any, for the specific pre-application conference sought; and

**(iv)** Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.

**(5) Scheduling of Pre-Application Conference.** Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

**(6) Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.** A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:

**(a)** An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;

**(b)** The proposed use, layout, and/or design of the proposal have significantly changed; or

**(c)** The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

**Finding:**

*A Pre-Application Meeting is mandatory. The applicant participated in a Pre-Application Meeting on May 24, 2023, and submitted their application on November 22, 2023. These standards are met.*

**Section 32.120 – Neighborhood/Developer Meetings.**

**(1) Purpose.** The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

**(2) When Mandatory.** Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

**(3) Timing.** A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

**(4) Time and Location.** Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:

(a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.

(b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

**(5) Notice Requirements.**

(a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:

(i) All property owners within 1,000 feet measured from the boundaries of the subject property;

(ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and

(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

(c) The City will provide the applicant with labels for mailing for a fee.

(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

**(6) Neighborhood/Developer Sign Posting Requirements.** The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

**(7) Neighborhood/Developer Meeting Requirements.** The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

**Finding:**

*The applicant provided evidence that a Neighborhood/Developer Meeting was held on February 21, 2023. The applicant has provided documentation of sign posting and notification in compliance with this section in Exhibit B. These standards are met.*

**Section 32.130 – Initiation of Applications.**

**(1) Type I, Type II, Type III, and Type IV-A Applications.** Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:

- (a) The owner of the subject property;
- (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
- (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
- (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[...]

**Finding:**

*The applicant provided a title report (Exhibit A3) showing Horizon Community Church to be the current owner of the subject site. The application has been signed by an agent of Horizon Community Church. This standard is met.*

**Section 32.140 – Application Submittal.**

**(1) Submittal Requirements.** Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

- (a) A completed application form. The application form must contain, at a minimum, the following information:
  - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
  - (ii) The address or location of the subject property and its assessor's map and tax lot number;
  - (iii) The size of the subject property;
  - (iv) The comprehensive plan designation and zoning of the subject property;
  - (v) The type of application(s);
  - (vi) A brief description of the proposal; and
  - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (b) A written statement addressing each applicable approval criterion and standard;
- (c) Any additional information required under the TDC for the specific land use action sought;
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
- (e) Recorded deed/land sales contract with legal description.
- (f) A preliminary title report or other proof of ownership.
- (g) For those applications requiring a neighborhood/developer meeting:
  - (i) The mailing list for the notice;
  - (ii) A copy of the notice;
  - (iii) An affidavit of the mailing and posting;
  - (iv) The original sign-in sheet of participants; and

- (v) The meeting notes described in TDC 32.120(7).
  - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
  - (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) Administrative Standards for Applications. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

**Finding:**

*The applicant, AKS Engineering & Forestry, LLC, on behalf of Horizon Community Church, submitted an application for Architectural Review 23-0014 on November 22, 2023. The application was deemed complete on May 20, 2024. The general land use submittal requirements were included with this application. These standards are met.*

**Section 32.150 - Sign Posting.**

- (1) When Signs Posted. Signs in conformance with these standards must be posted as follows:
- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
  - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.
- (2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:
- (a) Waterproof sign materials;
  - (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and
  - (c) Sign text must be at least two (2) inch font.
- (3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.
- (4) Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:
- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
  - (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

**Finding:**

*The applicant provided certification within Exhibit B that signs in conformance with this section were placed on site in accordance with this section. These standards are met.*

**Section 32.160 – Completeness Review.**

- (1) Duration.** Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.
- (2) Considerations.** Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.
- (3) Complete Applications.** If an application is determined to be complete, review of the application will commence.
- (4) Incomplete Applications.** If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:
  - (a) All of the missing information;
  - (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
  - (c) Written notice from the applicant that none of the missing information will be provided.
- (5) Vesting.** If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.
- (6) Void Applications.** An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.  
[...]

**Finding:**

*The applicant submitted an application for Architectural Review 23-0014 on November 22, 2023. The application was deemed complete on May 20, 2024. These standards are met.*

**Section 32.220 – Type II Procedure (Administrative Review with Notice).**

Type II decisions are made by the City Manager with public notice and an opportunity for review and comment. The local appeal body for each application type is specified in Table 32-1. Type II decisions include limited land use decisions under ORS 197.195.

- (1) Submittal Requirements.** Type II applications must include the submittal information required by TDC 32.140(1).
- (2) Determination of Completeness.** After receiving an application for filing, the City Manager will review the application for completeness in accordance with TDC 32.160.
- (3) Written Notice of Application and Opportunity to Comment.** Once the application has been deemed complete, the City must mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days before making the Type II decision to allow interested people and agencies the opportunity to submit written comments on the application before the City issues the decision.
  - (a) Recipients:
    - (i) The applicant and the owners of the subject property;



- (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
  - (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;**
  - (iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
  - (v) Any person who submits a written request to receive a notice;**
  - (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and**
  - (vii) Utility companies (as applicable).**
- (b) The mailed notice of pending Type II Decision, at a minimum, must contain all of the following information:**
- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
  - (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
  - (iii) The proposed site plan;**
  - (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
  - (v) The type of application and a concise description of the nature of the land use action;**
  - (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
  - (vii) Brief summary of the local decision making process for the land use decision being made;**
  - (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**
  - (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;**
  - (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;**
  - (xi) A statement that comments received after the close of the public comment period will not be considered;**
  - (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and**
  - (xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.**

**(c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.**

**(d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.**

**(4) Decision.** At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:

**(a) Explains the criteria and standards considered relevant to the decision;**

**(b) States the facts relied upon in issuing the decision; and**

**(c) Explains the justification for the decision based on the criteria, standards and facts set forth.**

**Finding:**

*After submittal and completeness review as required by this section, notice for the Type II application for AR 23-0014 was mailed by city staff on May 31, 2024, and contained the information required by this section, as attached in Exhibit B. No public comments were received. These standards are met.*

**(5) Notice of Type II Decision.** Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision must contain all of the following information:

**(a) A description of the applicant’s proposal and the City’s decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;**

**(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;**

**(c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;**

**(d) The date the decision becomes final, unless an appeal is submitted; and**

**(e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.**

**(6) Appeal of a Type II Decision.** Appeals may be made in accordance with TDC 32.310.

**(7) Effective Date of Type II Decision.** A Type II Decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise.

**Finding:**

*A final decision and any appeal will follow the requirements of this section. These standards will be met.*

**Chapter 33: Applications and Approval Criteria**

[...]

**Section 33.020 Architectural Review.**

[...]

**(5) Approval Criteria.**

**(b) General Development.**

**(ii) Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.**

**Finding:**

*The subject application, which is for “general development,” must comply with the standards and objectives in TDC 73A through 73G. These standards are met by the submittal of the subject application.*

[...]

**(9) Permit Expiration.** Architectural Review decisions (including Minor Architectural Review decisions) expire two (2) years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.

**(10) Extension of Permit Expiration.**

(a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.

(b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.

(c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:

(i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.

(ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.

(d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.

(e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:

(i) The applicant submitted a written extension request prior to the expiration date;

(ii) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;

(iii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and

(iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.

(f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.

(g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

**Finding:**

*The proposed application is approved subject to compliance with the above criteria. With Condition of Approval A1, these standards are met.*

**Section 33.110 Tree Removal Permit/Review.**

**(2) Applicability.** No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.

[...]

**(3) Exemptions.** The following actions are exempt from the requirements of a tree removal permit.

**(a) General Exemption. Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:**

- (i) Not located in the Natural Resource Protection Overlay District (NRPO);**
- (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);**
- (iii) Not a Heritage Tree; and**
- (iv) Not previously required to be retained or planted under an approved Architectural Review decision.**

**Finding:**

*The Preliminary Tree Preservation and Removal Plan found in Exhibit A2 reported 95 trees onsite. Nine trees are proposed for removal due to development activities. The remaining 86 trees will be retained and protected according to the recommendations found in the Preliminary Tree Preservation and Removal Plan in Exhibit A2. With Condition of Approval A9.a, these standards are met.*

**Section 33.110 Tree Removal Permit/Review Approval Criteria.**

**(5) Approval Criteria.**

**(a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:**

- (i) The tree is diseased and:**
  - (A) The disease threatens the structural integrity of the tree; or**
  - (B) The disease permanently and severely diminishes the esthetic value of the tree; or**
  - (C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.**
- (ii) The tree represents a hazard which may include but not be limited to:**
  - (A) The tree is in danger of falling; or**
  - (B) Substantial portions of the tree are in danger of falling.**
- (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.**

**Finding:**

*The submitted Preliminary Tree Preservation and Removal Plan in Exhibit A2 stated it is necessary to remove nine trees to construct the proposed improvements. The trees identified for removal are within the footprint of the development site. With Condition of Approval A9.a, these standards are met.*

**Chapter 34: Special Regulations**

[...]

**Section 34.700 Religious Uses.**

- (1) Whenever a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under City zoning ordinances. The following uses are also allowed:**
  - (a) Worship services;**
  - (b) Religion classes;**
  - (c) Weddings;**
  - (d) Funerals;**
  - (e) Meal programs;**
  - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education; and**

- (g) **Providing housing or space for housing in a building that is detached from the place of worship, provided:**
  - (i) **At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;**
  - (ii) **The real property is in an area zoned for residential use that is located within the City;**
  - (iii) **The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone; and**
  - (iv) **The property is subject to a covenant appurtenant for a period of 60 years from the date of the certificate of occupancy that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located.**
- (2) **Notwithstanding subsection (1) of this section, the City may prohibit or regulate the use of real property by a place of worship if the city finds that the level of service of public facilities, including transportation, water supply, sewer, or storm drain systems are not adequate to serve the place of worship.**

**Finding:**

*The current use of the property is a place of worship with a variety of associated uses. The church and school uses were developed and approved under Washington County jurisdiction before annexing into the City of Tualatin under ANN 06-06. These standards are met.*

**Chapter 35: Nonconforming Situations**

[...]

**Section 35.030 Nonconforming Development.**

- (1) **Generally.** A nonconforming development is any development which met the applicable City or County development standards imposed at the time the development was constructed, but which no longer complies with development standards due to the adoption of, or amendment to, the City's land use regulations, or annexation of the property into the City. A nonconforming development may be continued until the development's nonconforming status is terminated as provided in this Chapter provided it conforms to the requirements of this Chapter. Examples of nonconforming developments, include but are not limited, nonconformity by reason of restrictions on lot area, lot coverage, location on a lot, setbacks, height, yard, equipment, access, parking, landscaping, or other physical restriction, or requirement.
- (2) **Ordinary Repairs and Maintenance.** Except as provided by this Chapter, nonconforming developments may be repaired and maintained.
- (3) **Alteration or Enlargement of Nonconforming Development Prohibited.**
  - (a) A nonconforming development may be continued, but not altered or enlarged, except:
    - (i) **aesthetic changes to the external dimensions of the building;**
    - (ii) **A development conforming as to use but nonconforming as to setback or yard requirements may be altered or enlarged, providing the alteration or enlargement does not result in a violation of the change to setback or yard requirements.**
    - (iii) **A nonconforming development may be altered or enlarged when such alteration or enlargement will bring the development or use into conformity with the Planning District Standards for the property.**
  - (b) **Notwithstanding subsection (a), the following nonconforming developments may be altered or enlarged:**

- (i) Warehouse and distribution centers existing on April 12, 2000 in the Manufacturing Park District;
  - (ii) The Winona Cemetery (9900 SW Tualatin Road);
  - (iii) The PGE Substation (6280 SW Borland Road);
  - (iv) The Stafford Hills Racquet and Fitness Club (5916 SW Nyberg Lane); and
  - (v) Conditional uses located in the RL Planning District that obtained conditional use approval before January 13, 2011.
- (4) **Termination of Nonconforming Development.**
- (a) A nonconforming development is deemed terminated if:
    - (i) A nonconforming development is declared a "dangerous building" pursuant to TMC Chapter 4-03 or the state building code. Termination of the nonconforming development is effective upon the date the order declaring the development a dangerous building becomes final; and
    - (ii) If a nonconforming development is destroyed or damaged by any cause to an extent requiring the discontinuance of the development for more than six months while making repairs. Termination of the nonconforming development is effective upon the date of the damage or destruction.
  - (b) Once a nonconforming development is terminated the development must be removed or any subsequent development of the subject lot must conform to the current standards and criteria of this Code.
- (5) **Reinstatement of Nonconforming Development.** A nonconforming development that was terminated may only be reinstated as provided in TDC 33.060.

**Finding:**

*The current onsite structures, landscaping, parking areas, and uses were constructed prior to annexing into the City of Tualatin under ANN 06-06. A nonconforming development may be continued, but not altered or enlarged, except for the examples listed in these standards.*

*The new proposed structures and site development will be reviewed for compliance with the Tualatin Development Code. With Condition of Approval A18, these standards are met.*

**Chapter 49: Institutional Zone (IN)**

[...]

**Section 49.200 Use Categories.**

- (1) **Use Categories.** Table 49-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the IN zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 49-1 and restrictions identified in TDC 49.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) **Overlay Zones.** Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 49-1  
 Use Categories in the IN Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>INSTITUTIONAL USE CATEGORIES</b>		
Assembly Facilities	P (L)	Permitted uses limited to places of religious worship.
Schools	P	—

**Finding:**

*The project area is within the Institutional (IN) Planning District. The existing use of the site is a mix of religious worship assembly facilities and school. The application proposed the use of assembly facilities. The uses were established prior to the site annexing into the City of Tualatin under ANN 06-06. These standards are met.*

**Section 49.210 Additional Limitations on Uses.**

- (1) **Accessory Uses Conditionally Permitted.** The following uses may be permitted as a conditional use when incidental and subordinate to a permitted or conditionally permitted primary use:
- (a) Child day care center;
  - (b) Exterior lighting, if the height of the fixture or standard is greater than the tallest permitted building on the site; and
  - (c) Outdoor public address or audio amplification system.

**Finding:**

*The submitted Narrative (Exhibit A1) stated that the project would not include exterior lighting taller than the tallest permitted building on the site or an outdoor public address or audio amplification system. Subject to TDC 34.700, whenever a place of worship is allowed on real property under City zoning child care uses are also allowed. With Condition of Approval A19, this standard is met.*

**Section 49.300 Development Standards.**

Development standards in the IN zone are listed in Table 49-2. Additional standards may apply to some uses and situations, see TDC 49.310.

**Table 49-2  
 Development Standards in the IN Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>MINIMUM LOT SIZE</b>		
All Uses	1.5 acres	
<b>MINIMUM LOT WIDTH</b>		
Minimum Average Lot Width	100 feet	When lot has frontage on public street, minimum lot width is 40 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front	25 feet	
Side	0— 25 feet	As determined through the Architectural Review process
Rear	25 feet	
Parking and Vehicle Circulation Areas	5 feet	
	10 feet	
	30 feet	
Fences	5 feet from public right-of-way	

Conditional Uses	—	As determined through Conditional Use Permit and Architectural Review process. No minimum setback must be greater than 50 feet.
<b>MAXIMUM STRUCTURE HEIGHT</b>		
All Uses	50 feet	

**Section 49.310 Projections into Required Yards.**

The following architectural features may project into a required front or rear yard setback area not more than three feet, and into a required side yard not more than two feet: cornices, eaves, canopies, decks, sun-shades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features.

**Finding:**

*The existing lot is larger than 1.5-acres and meets the minimum lot widths. The proposal involves an additional building sited to the north of the existing structure. The proposed new sanctuary meets the setback requirements of Table 49-2. The Preliminary Architectural Plans in Exhibit A2 showed the maximum sanctuary height to be 50 feet which conforms to the maximum structure height.*

*The Preliminary Architectural Materials (Exhibit A2) depicted accessory structures including baseball bleachers, dugouts, and a restroom and concession building are shown around the perimeter of the proposed baseball field. With Condition of Approval A2.c, these standards are met.*

**Chapter 73A: Site Design**

**Section 73A.600 Institutional Design Standards.**

The following standards are minimum requirements for institutional development in all zones:

- (1) **Walkways.** Institutional development must provide walkways as follows:
  - (a) Walkways must be a minimum of six feet in width;
  - (b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable;
  - (c) Walkways must meet ADA standards applicable at time of construction or alteration;
  - (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;
  - (e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;
  - (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and
  - (g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

**Finding:**

*The applicant's narrative and site plans depicted walkways a minimum of six feet in width and are constructed of concrete. The narrative stated the walkways were designed to meet ADA standards at the time of construction, and are raised throughout the parking areas. This standard is met.*

- (2) **Accessways.**
  - (a) **When Required.** Accessways are required to be constructed when a multi-family development is adjacent to any of the following:
    - (i) Residential property;



- (ii) Commercial property;
  - (iii) Areas intended for public use, such as schools and parks; and
  - (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.
- (b) **Design Standard.** Accessways must meet the following design standards:
- (i) Accessways must be a minimum of eight feet in width;
  - (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;
  - (iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material;
  - (iv) Accessways must meet ADA standards applicable at time of construction or alteration;
  - (v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;
  - (vi) Accessways must not be gated to prevent pedestrian or bike access;
  - (vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and
  - (viii) Must be constructed, owned and maintained by the property owner.
- (c) **Exceptions.** The Accessway standard does not apply to the following:
- (i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and
  - (ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.

**Finding:**

*The project is located in the Institutional (IN) Planning District and does not contain a multi-family development. This standard is met.*

- (3) **Safety and Security.** Institutional development must provide safety and security features as follows:
- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;
  - (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;
  - (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;
  - (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and
  - (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.

**Finding:**

*The sanctuary building proposed windows on the northern, western, and southern elevations to view the pedestrian and parking areas. Lighting is proposed for safety and security throughout the parking areas and the exterior of the sanctuary. The applicant did not propose ground sewer or water pumping*

stations, pressure reading stations, water reservoirs, or electrical substations. With Condition of Approval A14 and A25, this standard is met.

- (4) Service, Delivery, and Screening.** Institutional development must provide service, delivery, and screening features as follows:
- (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;
  - (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and
  - (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

**Finding:**

The applicant’s narrative stated that all electrical and mechanical equipment will be screened with sight-obscuring fences, walls, or landscaping. The project did not propose outdoor storage, ground pumping stations, pressure reading stations, water reservoirs, electrical substations, or above-ground natural gas pumping stations. With Condition of Approval A25, this standard is met.

- (5) Adjacent to Transit.** Institutional development adjacent to transit must comply with the following:
- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property’s frontage on the transit street; and
  - (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:
    - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;
    - (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
    - (iii) Provide a transit passenger landing pad accessible to disabled persons;
    - (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
    - (v) Provide lighting at the major transit stop.

**Finding:**

The proposed development does not abut a major transit stop. TriMet Route 96 services Boones Ferry Road. Another local project is constructing a transit stop pad on the east side of the Boones Ferry frontage. The existing walkway network on the existing Horizon Community Church site would allow access to the future transit stop. This standard is met.

**Chapter 73B: Landscaping Standards**

**Section 73B.020 – Landscape Area Standards Minimum Areas by Use and Zone.**

Excerpted from 73B.020	
Zone	Minimum Area Requirement
(5) IN, CN, CO/MR, MC and MP zones—All uses	25 percent of the total area to be developed

[...]

**Finding:**

*The subject site is located in the Institutional (IN) Planning District. The applicant team submitted a Preliminary Landscape Plan in Exhibit A2. The project proposed to disturb ±8.3 acres of the subject site, which would require ±2.07 acres of the development to be landscaped.*

*The Preliminary Landscape Plan in Exhibit A2 showed landscaping surrounding the buildings, aisleways, parking areas, and within stormwater facilities. The project proposed to provide ±30,700 square feet of parking lot landscaping area, ±58,400 square feet of lawn (natural grass baseball outfield), and ±44,600 square feet of stormwater facility plantings, or ±3.07 acres. This standard is met.*

**Section 73B.070 Additional Minimum Landscaping Requirements for Institutional Uses.**

- (1) **General.** In addition to the requirements in TDC 73B.020, institutional uses comply with the following:
- (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
    - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.
  - (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:
    - (i) Pedestrian amenities such as landscaped plazas and arcades; and
    - (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.
  - (c) Five-foot-wide landscaped area requirement does not apply to:
    - (i) Loading areas,
    - (ii) Bicycle parking areas,
    - (iii) Pedestrian egress/ingress locations, and
    - (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.
  - (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.

**Finding:**

*The subject site is located in the Institutional (IN) Planning District. Existing site landscaping was determined and approved prior to annexing into the City of Tualatin under ANN 06-06. The applicant proposed pedestrian plaza amenities in lieu of the 5-foot-wide building perimeter landscaping. The plans depicted a paved plaza with an overhead shade trellis and seating. The site does not abut an RL or MP zone. With Condition of Approval A22, these standards are met.*

**Section 73B.080 – Minimum Landscaping Standards for All Zones.**

The following are minimum standards for landscaping for all zones.

<p>(1) Required Landscape Areas</p>	<ul style="list-style-type: none"> <li>• Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.</li> <li>• The foliage crown of trees cannot be used to meet this requirement.</li> <li>• A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.</li> <li>• Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).</li> </ul>
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	<ul style="list-style-type: none"> <li>• <b>Must be controlled by pruning, trimming, or otherwise so that:</b></li> <li>• <b>It will not interfere with designated pedestrian or vehicular access; and</b></li> <li>• <b>It will not constitute a traffic hazard because of reduced visibility.</b></li> </ul>
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**Finding:**

*All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped. The applicant proposed new landscaping throughout the parking areas, pedestrian plaza, and landscaped baseball field. With Condition of Approval A22, this standard is met.*

<b>(2) Fences</b>	<ul style="list-style-type: none"> <li>• <b>Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.</b></li> </ul>
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**Finding:**

*The Preliminary Landscape Plan (Exhibit A2) depicted a six-foot fence around the perimeter of the baseball field. With Condition of Approval A9.c, this standard is met.*

<b>(3) Tree Preservation</b>	<ul style="list-style-type: none"> <li>• <b>Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</b></li> <li>• <b>During construction:</b></li> <li>• <b>Must provide above and below ground protection for existing trees and plant materials identified to remain;</b></li> <li>• <b>Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the dripline;</b></li> <li>• <b>If it is necessary to fence within the dripline, such fencing must be specified by a qualified arborist;</b></li> <li>• <b>Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</b></li> <li>• <b>Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and</b></li> <li>• <b>Tree root ends must not remain exposed.</b></li> <li>• <b>Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</b></li> <li>• <b>When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing landscape materials. Native trees are encouraged</b></li> <li>• <b>100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development</b></li> </ul>
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**Finding:**

*Tree protection measures are identified in the Preliminary Tree Preservation and Removal Plan submitted in Exhibit A2. With Condition of Approval A9.a, this standard is met.*

<b>(4) Grading</b>	<ul style="list-style-type: none"> <li>• After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.</li> <li>• All planting areas must be graded to provide positive drainage.</li> <li>• Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>• Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.</li> </ul>
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**Finding:**

The proposal includes grading, as shown in the Preliminary Grading Plan Exhibit A2. Grading and erosion control are further addressed in Chapter 74. With recommended Condition of Approval A9.a, this standard is met.

<b>(5) Irrigation</b>	<ul style="list-style-type: none"> <li>• Landscaped areas must be irrigated with an automatic underground or drip irrigation system</li> <li>• Exceptions: Irrigation requirement does not apply to duplexes and townhouses.</li> </ul>
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**Finding:**

Irrigation will be provided in landscaped areas, as described in the Preliminary Landscape Plan in Exhibit A2. This standard is met.

<b>(6) Re-vegetation in Un-landscaped Areas</b>	<ul style="list-style-type: none"> <li>• Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements,.</li> <li>• Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>• The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>• Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul>
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**Finding:**

The applicant submitted a Preliminary Landscape Plan in Exhibit A2. With Condition of Approval A21, this standard is met.

**Section 73B.090 – Minimum Standards Trees and Plants.**

The following minimum standards apply to the types of landscaping required to be installed for all zones.

Standard		
<b>(1) Deciduous Shade Trees</b>	<ul style="list-style-type: none"> <li>• One and on-half inch caliper measured six inches above ground;</li> <li>• Balled and burlapped; bare root trees will be acceptable to plant during their dormant season;</li> <li>• Reach a mature height of 30 feet or more;</li> <li>• Cast moderate to dense shade in summer;</li> <li>• Live over 60 years;</li> <li>• Do well in urban environments, tolerant of pollution and heat, and resistant to drought;</li> <li>• Require little maintenance and mechanically strong;</li> <li>• Insect- and disease-resistant;</li> </ul>	

	<ul style="list-style-type: none"> <li>• Require little pruning; and</li> <li>• Barren of fruit production.</li> </ul>	
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> <li>• One and on-half inch caliper measured six inches above ground;</li> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species</li> </ul>	
(3) Coniferous Trees	<ul style="list-style-type: none"> <li>• 5 feet in height above ground;</li> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.</li> </ul>	
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> <li>• One to five gallon size;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• Side of shrub with best foliage must be oriented to public view.</li> </ul>	
(5) Groundcovers	<ul style="list-style-type: none"> <li>• Fully rooted;</li> <li>• Well branched or leafed;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• English ivy (<i>Hedera helix</i>) is prohibited.</li> </ul>	
(6) Lawns	<ul style="list-style-type: none"> <li>• Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</li> <li>• 100 percent coverage and weed free; and</li> <li>• Healthy, disease-free, damage-free, characteristic of the species.</li> </ul>	

**Finding:**

*Landscaping was proposed throughout the site in the submitted Preliminary Landscape Plan (Exhibit A2). With recommended Condition of Approval A20, these standards are met.*

**Chapter 73C: Parking Standards**

**Section 73C.020 – Parking Lot Design Standards.**

A parking lot, whether an accessory or principal use, intended for the parking of automobiles or trucks, must comply with the following:

- (1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;
- (3) Parking stalls must be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;
- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;
- (5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.

**Finding:**

*The applicant proposed the development of two new parking areas located to the west and north of the proposed sanctuary building. As shown on the submitted Preliminary Site Plan (Exhibit A2), the proposed parking stalls in the new parking areas comply with the dimensional standards set forth in Figure 73-1. The*

*proposed parking lots provide standard 90-degree spaces that are 9 feet wide and a minimum of 18.5 feet in depth. The proposed drive aisles are 24 feet in width. The parking area is to be constructed of asphalt. The submitted Narrative (Exhibit A1) stated that where curbs are not provided there are planned wheel stops to prevent vehicular encroachment on landscaped areas and pedestrian walkways. This standard is met.*

*There are existing onsite parking areas located on the south and northwest portions of the site that are nonconforming to the parking lot design standards. The current parking areas existed prior to annexing into the City of Tualatin under ANN 06-06. A nonconforming development may be continued, but not altered or enlarged, with the exception of the examples listed in TDC 35.030. With Condition of Approval A18, these standards are met.*

**(6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;**

**(7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;**

**Finding:**

*The submitted Narrative (Exhibit A1) stated the number of remaining and new parking spaces provided on the property would total 468 stalls consisting of 386 standard parking spaces, 40 compact parking spaces, and 42 accessible parking spaces. The Preliminary Site Plan (Exhibit A2) also showed 40 parking stalls for sub-compact vehicles which is less than 35 percent of the total parking stalls required by TDC 73C.100. These standards are met.*

**(8) Groups of more than 4 parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;**

**(9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;**

**(10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;**

**Finding:**

*As shown on the Preliminary Site Plan (Exhibit A2), the design of the proposed vehicular on-site drive aisles would facilitate the flow of traffic and are a minimum of 24 feet in width. These standards are met.*

**(11) Artificial lighting, must be deflected to not shine or create glare in a residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor;**

**(12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and**

**Finding:**

*Artificial lighting is proposed in the parking areas. The Photometric Plans submitted in Exhibit A2 located and designed the lighting to not shine on adjacent properties or street right of ways. Parking lot landscaping is reviewed below in TDC 73C.200. With Condition of Approval A24, these standards are met.*

**(13) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.**

**Finding:**

*The site is adjacent to residential zones. The submitted Narrative in Exhibit A1 stated the central location of the parking areas was selected to minimize the disturbance of residents. The existing buildings and intervening landscaping act as a buffer and screen between the parking areas and residential dwellings. This standard is met.*

**Section 73C.050 – Bicycle Parking Requirements and Standards.**

**(1) Requirements. Bicycle parking facilities must include:**

- (a) Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;**
- (i) Long-term bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.**
- (b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.**

**(2) Standards. Bicycle parking must comply with the following:**

- (a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;**
  - (b) A five-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt or a pervious hard surface such as pavers, or grasscrete, and be maintained;**
  - (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;**
  - (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;**
  - (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;**
  - (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;**
- [...]

**Finding:**

*Under the subject Architectural Review application, the applicant proposes to add 234 new parking stalls to the site. Bicycle parking is a requirement. The submitted Narrative (Exhibit A1) proposed 20 bicycle parking spaces with seven spaces proposed to be covered. With Condition of Approval A9.c, these standards are met.*

*There are existing onsite parking areas located on the south and northwest portions of the site that are nonconforming to the bicycle parking requirements and standards. The existing parking stalls were*



constructed prior to annexing into the City of Tualatin under ANN 06-06. A nonconforming development may be continued, but not altered or enlarged, with the exception of the examples listed in TDC35.030. With Condition of Approval A18, these standards are met.

**Section 73C.100 – Off-Street Parking Minimum/Maximum Requirements.**

(1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
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(c) Places of Public Assembly				
(iii) Senior high school	0.2 spaces per student and staff	Zone A and Zone B: 0.3 spaces per student plus 1.00 space per staff	4, or 1.00 space per five students based on the design capacity of the facility, whichever is greater	25
(iv) Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length	Zone A: 0.6 spaces per seat Zone B: 0.5 spaces per seat	1.0 space per 40 seats or 80 feet of bench length	35

(2) In addition to the general parking requirements in subsection (1), the following are the minimum number of off-street vanpool and carpool parking for commercial, institutional, and industrial uses.

Number of Required Parking Spaces	Number of Vanpool or Carpool Spaces
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces

**Finding:**

Table 1: Minimum and Proposed Parking by Use

Use	Vehicle Parking Min.	Vehicle Parking Max	Proposed Vehicle Parking	Bike Parking Min.	Proposed Bike Parking
Public Assembly, including churches	200	400		20	20
Senior High School	92	173		-	-
<b>Total</b>	<b>292</b>	<b>573</b>	<b>468</b>	<b>20</b>	<b>20</b>

The subject site includes multiple institutional uses of an assembly facility and school. The site is located in Zone B of the TDC Figure 73-3 Parking Maximum Map. The applicant’s Narrative (Exhibit A1) stated

*the proposed sanctuary building would have 800 planned seats. The existing high school use has approximately 411 students and 50 teachers and staff.*

*For the proposed mix of existing and proposed uses, a minimum of 292 and a maximum of 573 parking spaces would be required. The applicant’s Preliminary Site Plan (Exhibit A2) proposed 468 parking stalls through a mix of existing parking areas and 234 new parking spaces.*

*Bicycle parking requirements are further addressed in TDC 73C.050. The proposed 800-seat sanctuary building would require 20 bicycle parking spaces with a minimum of seven covered bicycle parking stalls.*

*The proposed sanctuary building would also require carpool or vanpool spaces. The minimum required parking for the carpool or vanpool spaces for the additional 234 parking spaces would be nine identified stalls.*

*With Condition of Approval A9.c, these standards are met.*

**Section 73C.120 - Off-Street Loading Facilities Minimum Requirements.**

**(1) The minimum number of off-street loading berths for commercial, industrial, and institutional uses is as follows:**

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
<b>Commercial</b>	Less than 5,000	0	0	0
	5,000— 25,000	1	12 feet × 25 feet	14 feet
	25,000— 60,000	2	12 feet × 35 feet	14 feet
	60,000 and over	3	12 feet × 35 feet	14 feet
<b>Industrial</b>	Less than 5,000	0	0	0
	5,000— 25,000	1	12 feet × 60 feet	14 feet
	25,000— 60,000	2	12 feet × 60 feet	14 feet
	60,000 and over	3	12 feet × 60 feet	14 feet
<b>Institutional</b>	Less than 5,000	0	0	0
	5,000— 25,000	1	12 feet × 25 feet	14 feet
	25,000— 60,000	2	12 feet × 35 feet	14 feet
	60,000 and over	3	12 feet × 35 feet	14 feet

- (2) Loading berths must not use the public right-of-way as part of the required off-street loading area.**
- (3) Required loading areas must be screened from public view, public streets, and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.**
- (4) Required loading facilities must be installed prior to final building inspection and must be permanently maintained as a condition of use.**
- (5) The off-street loading facilities must in all cases be on the same lot or parcel as the structure they are intended to serve. In no case must the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.**
- (6) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children must be located on the site of a school or child day care center having a capacity greater than 25 students.**

**Finding:**

*The proposed new sanctuary building is an Institutional use and is projected to be 19,268 square feet. These parameters would require one loading berth that is 12 feet x 25 feet and a 14-foot unobstructed clearance of berth. The submitted Preliminary Site Plan (Exhibit A2) depicted two off-street loading berths on the eastern elevation of the building. The proposed loading areas are located at the rear of the site and are screened from the east property line by planned tree plantings. Based on the rear location, the proposed off-street loading facilities would not impact any forward flow of passenger vehicles for the purposes of loading and unloading children on a school site. With Condition of Approval A9.c, these standards are met.*

**Section 73C.130 – Parking Lot Driveway and Walkway Minimum Requirements.**

Parking lot driveways and walkways must comply with the following requirements:

- (4) **Institutional Uses.** Ingress and egress must not be less than 24 feet. In all other cases, ingress and egress for institutional uses must not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, etc.
1-99	1	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
100-249	2	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

- (5) **One-way Ingress or Egress.** When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements. However, the hard surfaced pavement of one-way drives must not be less than 16 feet for multi-family residential developments (as defined in TDC 31.060), commercial, or industrial uses.
- (6) **Maximum Driveway Widths and Other Requirements.**
- (a) Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.
  - (b) Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.
  - (c) The provisions of subsection (b) do not apply to townhouses, duplexes, triplexes, quadplexes, and cottage clusters which are allowed to construct driveways within five feet of adjacent property lines.
  - (d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.
  - (e) Must comply with the distance requirements for access as provided in TDC 75.
  - (f) Must comply with vision clearance requirements in TDC 75.

**Finding:**

*The proposed parking areas are connected to two existing driveways. The existing parking lot driveways and walkways were approved prior to the site annexing into the City of Tualatin under ANN 06-06. Maintenance work was proposed at both driveway entrances on Boones Ferry Road and Norwood Road.*

*One-way ingress or egress is not proposed under this Architectural Review. The creation of a new driveway is not proposed in this application. These standards are further addressed in the Tualatin Development Code Chapter 75 findings below.*

## **PARKING LOT LANDSCAPING**

### **Section 73C.250 - Institutional Parking Lot Landscaping Requirements.**

**Institutional uses must comply with the following landscaping requirements for parking lots in all zones.**

- (1) *General.* Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.**
- (2) *Clear Zone.* Clear zone required for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of eight feet as measured from the ground level.**
  - (a) *Exception:* does not apply to parking structures and underground parking.**

#### **Finding:**

*In the submitted Preliminary Site Plan (Exhibit A2) the new parking areas proposed to install landscaping in all areas not necessary for vehicular parking and maneuvering.*

*There are existing onsite parking areas located on the south and northwest portions of the site that are nonconforming to the parking lot landscaping standards. The current parking areas were existing prior to annexing into the City of Tualatin under ANN 06-06. A nonconforming development may be continued, but not altered or enlarged, with the exception of the examples listed in TDC 35.030.*

*With Conditions of Approval A22 and A23, these standards are met.*

- (3) *Perimeter.* Minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following:**
  - (a) Deciduous trees located not more than 30 feet apart on average as measured on center;**
  - (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;**
  - (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;**
  - (d) Native trees and shrubs are encouraged; and**
  - (e) *Exception:* Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.**

#### **Finding:**

*As shown in the Preliminary Landscape Plan (Exhibit A2) landscaping is proposed onsite in the new parking and vehicular circulation areas.*

*There are existing onsite parking areas located on the south and northwest portions of the site that are nonconforming to the perimeter landscaping standards. The current parking areas were existing prior to annexing into the City of Tualatin under ANN 06-06. A nonconforming development may be continued, but not altered or enlarged, with the exception of the examples listed in TDC 35.030.*

*With Condition of Approval A9.b and A18, this standard is met.*

- (4) *Landscape Island.* Minimum 25 square feet per parking stall must be improved with landscape island areas and must comply with the following:**

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;
- (d) Landscape separation required for every eight continuous spaces in a row;
- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;
- (f) Must be planted with groundcover or shrubs;
- (g) Native plant materials are encouraged;
- (h) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);
- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and
- (j) Exception: Landscape square footage requirements do not apply to parking structures and underground parking.

**Finding:**

*Given 234 proposed new parking stalls, 5,850 square feet must be improved with landscape island areas. The Preliminary Landscape Plan (Exhibit A2) depicted 30,700 sf of parking lot landscape area. The Preliminary Site Plan (Exhibit A2) depicted landscape separation for every eight continuous spaces in a row in the new parking areas. The Preliminary Landscape Plan (Exhibit A2) proposed 72 deciduous shade trees evenly dispersed through the parking lot. Landscape islands are utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns.*

*There are existing onsite parking areas located on the south and northwest portions of the site that are nonconforming to the landscape island landscaping standards. The current parking areas were existing prior to annexing into the City of Tualatin under ANN 06-06. A nonconforming development may be continued, but not altered or enlarged, with the exception of the examples listed in TDC 35.030.*

*With Conditions of Approval A9.b and A18, this standard is met.*

- (5) **Driveway Access.** For lots with 12 or more parking spaces, site access from the public street must be defined by:
  - (a) Landscape area at least five feet in width on each side of the site access;
  - (b) Landscape area must extend 25 feet from the right-of-way line; and
  - (c) Exceptions: Does not apply to parking structures and underground parking which must be determined through the Architectural Review process.

**Finding:**

*Existing driveway accesses are lined by five-foot landscaped areas. The current driveways existed prior to annexing into the City of Tualatin under ANN 06-06. This standard is met.*

**Chapter 73D: Waste and Recyclables Management Standards**

**Section 73D.010. - Applicability and Objectives.**

**(1) Applicability.** The requirements of this Chapter apply to all new or expanded:

- (d) Institutional developments.

[...]

**Section 73D.020 - Design Methods.**

An applicant required to provide mixed solid waste and source separated recyclables storage areas must comply with one of following methods:

- (1) The minimum standards method in TDC 73D.030;
- (2) The waste assessment method in TDC 73D.040;
- (3) The comprehensive recycling plan method in TDC 73D.050; or
- (4) The franchised hauler review method in TDC 73D.060.

**Section 73D.030 – Minimum Standards Method.**

This method specifies a minimum storage area requirement based on the size and general use category of the new or expanded development. This method is most appropriate when specific use of a new or expanded development is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

- (1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.
- (2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:

[...]

- (c) Commercial, industrial, and institutional developments must provide a minimum storage area of ten square feet plus:
  - (i) Office—Four square feet/1,000 square feet gross leasable area (GLA);
  - (ii) Retail—Ten square feet/1,000 square feet GLA;
  - (iii) Wholesale/Warehouse/Manufacturing—Six square feet/1,000 square feet GLA;
  - (iv) Educational and Institutional—Four square feet/1,000 square feet GLA; and
  - (v) All other uses—Four square feet/1,000 square feet GLA.
- (3) Mixed solid waste and source separated recyclables storage areas for multiple tenants on a single site may be combined and shared.

**Finding:**

*The applicant's Narrative (Exhibit A1) proposed to utilize an existing refuse collection area to the southwest of the proposed sanctuary site. The proposed sanctuary structure is 19,268 square feet and the existing uses total 59,986 square feet. The existing collection area is ±820 square feet in size. The enclosed area is located at the rear of the high school building and is adjacent to an existing loading area. With Condition of Approval A10, these standards are met.*

**Section 73D.070 – Location, Design and Access Standards.**

The following location, design, and access standards are applicable to all storage areas:

**(1) Location Standards.**

- (a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste.
- (b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
- (c) Exterior storage areas must:

- (i) Be located in central and visible locations on the site to enhance security for users;
- (ii) Be located in a parking area; and
- (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

**(2) Design Standards.**

- (a) The dimensions of the storage area must accommodate containers consistent with current methods of local collection at time of construction or alteration.
- (b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.
- (c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height.
- (d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.
- (e) Gate openings for haulers must be a minimum of 10 feet wide and must be capable of being secured in a closed and open position.
- (f) Horizontal clearance must be a minimum of 10 feet and a vertical clearance of 8 feet is required if the storage area is covered.
- (g) A separate pedestrian access must also be provided in common wall, commercial, and institutional developments.
- (h) Exterior storage areas must have either a concrete or asphalt floor surface.
- (i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.

**(3) Access Standards.**

- (a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.
- (b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.
- (c) Storage areas must be accessible to hauler trucks 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 must be provided to allow hauler trucks to safely exit the site in a forward motion.
- (d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.
- (e) The following is an exception to the access standard:
  - (i) Access may be limited for security reasons.

**Finding:**

*The applicant proposed no modifications to the existing onsite trash and recycling enclosure. The applicant's narrative stated the existing trash enclosure would not be affected by the project's scope of work. With Condition of Approval A10, these standards are met.*

## **Chapter 74: Public Improvement Requirements**

[...]

### **Section 74.120 - Public Improvements.**

**(1) Except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. Work must not be undertaken on any public improvement until after the construction plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.**

#### **Finding:**

*All public improvements will be installed by the applicant at their expense after approval of plans and issued Erosion Control, Water Quality, and Public Works Permits. With recommended Conditions of Approval A15 and A16, this standard is met.*

### **Section 74.130 - Private Improvements.**

**All private improvements must be installed at the expense of the applicant. The property owner must retain maintenance responsibilities over all private improvements.**

#### **Finding:**

*All private improvements will be installed by the applicant at their expense and will require prior approval of plans and building permits. With recommended Conditions of Approval A15 and A16, this standard is met.*

### **Section 74.140 - Construction Timing.**

**(1) All the public improvements required under this chapter must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.; or, for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.**

**(2) All private improvements required under this Chapter must be approved by the City prior to the issuance of a Certificate of Occupancy.; or for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.**

#### **Finding:**

*All public and private improvements proposed and modified by conditions of approval will be completed and accepted by the City prior to receiving a Certificate of Occupancy. With recommended Conditions of Approval A15 and A16, this standard is met.*

[...]

### **Section 74.210. - Minimum Street Right-of-Way Widths.**

**The width of streets in feet must not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is required to be improved according to the standards of the TDC, the width of the right-of-way must not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.**

[...]

**(2) For development applications other than subdivisions and partitions, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width, the additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G must be dedicated to the City for use by the public prior to issuance of**



**any building permit for the proposed development. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.**  
[...]

**Finding:**

*Any additional right-of-way for SW Boones Ferry Road and SW Norwood Road and public easements necessary to accommodate public stormwater facilities and pedestrian improvements as determined by the City Engineer will be shown within final permit plans and dedicated.*

*With recommended Conditions of Approval A15 and A16, this standard is met.*

**Section 74.330. - Utility Easements.**

**(1) Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities must be granted to the City.**  
[...]

**(4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement must be granted to the City; building permits must not be issued for the development prior to acceptance of the easement by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.**

**(5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines. Other easements may be required as determined by the City Manager.**

**Finding:**

*All required public utility easements will be granted to the City. Public utility easements will be 8-foot-wide adjacent to the final dedicated right-of-way of SW Boones Ferry Road and SW Norwood Road, 10-foot wide centered on water laterals from right-of-way to and surrounding all fire vaults, water meters, and reduced pressure backflow prevention by 5 feet to meet the Public Works Construction Code, and as needed to support PGE infrastructure of poles, guy wires, and vaults.*

*With recommended Conditions of Approval A4, A6, and A11, these standards are met.*

[...]

**Section 74.420 - Street Improvements.**

**When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, subject to the following provisions:**

**(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.**

**(2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.**

**(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.**

**(4) Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.**

**(5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.**

**(6) All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.**

[...]

**(8) For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.**

[...]

**(10) Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.**

**(11) Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).**

**(12) Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.**

**(13) The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.**

**(14) The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.**

**(15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.**

[...]

**(17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.**

[...]

**Finding:**

*A Transportation Impact Analysis from Lancaster Mobley was submitted. City staff have reviewed the proposal against the above requirements. Required construction and reconstruction of public street surface infrastructure will benefit this development's bicycle, pedestrian, and vehicular trips utilizing streets and sidewalks.*

*With recommended Conditions of Approval A4, A12, A15 and A16, these standards are met.*

**Section 74.425 - Street Design Standards.**

**(1) Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.**

**(2) The proposed street design standards are shown in Figures 72A through 72G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets.**

**(3) In accordance with the Tualatin Basin Program for fish and wildlife habitat it is the intent of Figures 74-2A through 74-2G to allow for modifications to the standards when deemed appropriate by the City Manager to address fish and wildlife habitat.**

**(4) All streets must be designed and constructed according to the preferred standard. The City Manager may reduce the requirements of the preferred standard based on specific site conditions, but in no event will the requirement be less than the minimum standard. The City Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:**

**(a) Arterials:**

- (i) Whether adequate right-of-way exists;**
- (ii) Impacts to properties adjacent to right-of-way;**
- (iii) Current and future vehicle traffic at the location; and**
- (iv) Amount of heavy vehicles (buses and trucks).**

**(b) Collectors:**

- (i) Whether adequate right-of-way exists;**
- (ii) Impacts to properties adjacent to right-of-way;**
- (iii) Amount of heavy vehicles (buses and trucks); and**
- (iv) Proximity to property zoned manufacturing or industrial.**

**Finding:**

*Tualatin Comprehensive Plan Map 8-1: Tualatin Functional Classification Plan and Traffic Signal Plan designates street classifications. SW Boones Ferry Road and SW Norwood Road are classified as a Major Arterial and Major Collector, respectively. Both streets are under Washington County jurisdiction. A Transportation Impact Analysis from Lancaster Mobley did not recommend additional improvements greater than the Preferred cross-sections.*

*With recommended Conditions of Approval A4, A11, and A12, these standards are met.*

[...]

**Section 74.440 - Streets, Traffic Study Required.**

**(1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:**

- (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or**
- (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.**

**(2) The required traffic study must be completed prior to the approval of the development application.**

**(3) The traffic study must include, at a minimum:**

- (a) An analysis of the existing situation, including the level of service on adjacent and impacted facilities.**
- (b) An analysis of any existing safety deficiencies.**
- (c) Proposed trip generation and distribution for the proposed development.**
- (d) Projected levels of service on adjacent and impacted facilities.**
- (e) Recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.**
- (f) The City Manager will determine which facilities are impacted and need to be included in the study.**
- (g) The study must be conducted by a registered engineer.**

**(4) The applicant must implement all or a portion of the improvements called for in the traffic study as determined by the City Manager.**

**Finding:**

*A Transportation Impact Analysis from Lancaster Mobley did not recommend any improvements to any street cross-section or nearby intersections. Their summary included:*

- 1. The proposed Horizon Sanctuary will include the construction of a 19,268-square-foot building to be located on the Horizon Community Church and High School property in Tualatin, Oregon. A baseball field will be constructed in the southeast quadrant of the site. Additionally, a parking lot expansion is proposed, which will include the construction of 234 parking spaces (including 14 ADA spaces) to offset the loss of parking associated with future subdivision of the site.*
- 2. The trip generation calculations show that the proposed development is estimated to generate 6 morning peak hour, 9 evening peak hour, 146 weekday, and 200 Sunday peak hour trips. Compared with the existing church uses a net increase of 2 morning peak hour, 3 evening peak hour, 52 weekday, and 72 Sunday peak hour trips is anticipated.*
- 3. No significant trends or crash patterns were identified at any of the site accesses.*
- 4. Sight distance requirements are met at all site accesses.*
- 5. Preliminary traffic signal warrants are not expected to be met for any of the site accesses.*
- 6. Left-turn lane warrants are not expected to be met for any the site accesses.*

7. All study intersections are expected to operate within jurisdictional standards under all analysis scenarios.

8. Queuing analysis results show the 95th percentile queues at the site accesses are anticipated to provide adequate vehicle storage space that does not inhibit safe and expeditious travel under all scenarios.

City staff have reviewed the subject analysis and have determined that it meets the requirements above.

With recommended Conditions of Approval A4, A15, and A16, this standard is met.

[...]

**Section 74.460. - Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.**

(1) Accessways must be constructed by the applicant, dedicated to the City on the final residential, commercial or industrial subdivision or partition plat, and accepted by the City.

(2) Accessways must be located between the proposed subdivision or partition and all of the following locations that apply:

[...]

(d) Adjoining developed sites where an accessway is planned or provided.

(3) In designing residential, commercial and industrial subdivisions and partitions, the applicant is expected to design and locate accessways in a manner which does not restrict or inhibit opportunities for developers of adjacent property to connect with an accessway. The applicant is to have reasonable flexibility to locate the required accessways. When developing a parcel which adjoins parcels where accessways have been constructed or approved for construction, the applicant must connect at the same points to provide system continuity and enhance opportunities for pedestrians and bicyclists to use the completed accessway.

(4) Accessways must be as short as possible, but in no case more than 600 feet in length.

(5) Accessways must be as straight as possible to provide visibility from one end to the other.

(6) Accessways must be located and improved within a right-of-way or tract of no less than eight feet.

(7) Where possible, accessways must be combined with utility easements.

(8) Accessways must be constructed in accordance with the Public Works Construction Code.

(9) Curb ramps must be provided wherever the accessway crosses a curb and must be constructed in accordance with the Public Works Construction Code.

(10) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Accessways must comply with the Oregon Structural Specialty Code's (OSSC) accessibility standards.

(11) Fences and gates which prevent pedestrian and bike access must not be allowed at the entrance to or exit from any accessway.

(12) Final design and location of accessways must be approved by the City.

[...]

**Finding:**

Accessways planned and constructed from SB21-0001, Autumn Sunrise Subdivision will be connected to this development as approved by the City Engineer.

With recommended Conditions of Approval A4, A15, and A16, this standard is met.

**Section 74.470. - Street Lights.**

(1) Street light poles and luminaries must be installed in accordance with the Public Works Construction Code.

**(2)The applicant must submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.**

**Finding:**

*SW Boones Ferry Road and SW Norwood Road adjacent to the development will meet PGE’s Option A lighting standards.*

*With recommended Conditions of Approval A4, A15, and A16, this standard is met.*

[...]

**Section 74.610 - Water Service.**

**(1) Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.**

[...]

**(3) As set forth is TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.**

**Finding:**

*The Existing Conditions Plan (P1) shows a singular 12” water lateral at the northeast corner of the property connected to the public main within SW Norwood Road serving an existing 6” water domestic, 8” fire service, and public fire hydrant.*

*Separate laterals to the main will be provided for each building’s domestic and fire service within the lot and the public fire hydrant. Water meters with reduced pressure backflow prevention and the fire double check device assembly vault will be located within landscaped areas. Each building and structure served will have a separate domestic lateral.*

*Public utility easements will be recorded for any portion of the system outside existing public easements for all portions of water laterals ten feet wide to and surrounding any meter, reduced pressure backflow prevention, and fire vault by five feet.*

*With recommended Conditions of Approval A6, A11, A15 and A16, these standards are met.*

**Section 74.620. - Sanitary Sewer Service.**

**(1) Sanitary sewer lines must be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.**

**(2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.**

**Finding:**

*The Existing Conditions Plan (P1) shows an 8” sanitary sewer lateral at the northeast corner of the property connected to the public main within SW Norwood Road serving the site.*

*Separate laterals to the main will be provided for each building’s service or as determined by the City Engineer.*

*With recommended Conditions of Approval A6, A11, A15 and A16, these standards are met.*

**Section 74.630 - Storm Drainage System.**

**(1) Storm drainage lines must be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.**

**(2) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City’s Storm and Surface Water Regulations.**

[...]

**Section 74.640 - Grading.**

**(1) Development sites must be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.**

**(2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.**

**Section 74.650 - Water Quality, Storm Water Detention and Erosion Control.**

**The applicant must comply with the water quality, storm water detention and erosion control requirements in the Surface Water Management Ordinance. If required:**

[...]

**(2) On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.**

**(3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City’s review and approval. The applicant must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.**

**Finding:**

*The Preliminary Composite Utility Plan sheets (P12 and P13) show reconstruction of existing private stormwater routing to anticipate a future partition and construction of proposed private stormwater systems releasing to the public system within SW Boones Ferry Road. Public stormwater facilities are proposed for the modifications to SW Norwood Road right-of-way within a public stormwater easement. The Stormwater Report prepared by AKS discusses proposed detention, hydromodification, and treatment of the new and modified private and public impervious areas.*

*New and modified private and public impervious areas will include detention, hydromodification, and treatment. New and modified impervious areas within SW Boones Ferry Road and SW Norwood Road*

*right-of-way will be addressed by construction of public LIDA street swales or alternate approaches as approved by the City Engineer.*

*Final plans and stormwater calculations will demonstrate that the development has direct access by gravity to public stormwater systems with adequate infiltration and/or downstream capacity in accordance with City of Tualatin and Clean Water Services.*

*The site disturbance is approximately 6.5 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality will be provided with the construction permit submittal documents. The applicant will obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet and a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for disturbance greater than 5 acres.*

*A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance the applicant will submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).*

*With recommended Conditions of Approval A7, A8, A12, A13, A15, and A16 these standards are met.*

**Section 74.660. - Underground.**

**(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.**

**(2) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.**

**Finding:**

*The Preliminary Demolition Plan (P5) shows undergrounding of overhead utilities for SW Boones Ferry and SW Norwood Road. The applicant will provide approved undergrounding plans from PGE indicating any new poles and supporting infrastructure within public utility easements as approved by the City Engineer.*

*With recommended Conditions of Approval A6, A11, A15 and A16, these standards are met.*

**Section 74.670. - Existing Structures.**

**(1) Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.**

**(2) The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.**



**(3) The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.**

**Finding:**

*Existing structures remain near the south portion of the site. Franchises such as communication, gas, and power to this vicinity is routed through the area of the previous southern flag pole access to SW Boones Ferry road dedicated within Recorded Document Number 2023-011722. The applicant will relocate private franchises out of this area to an alternate public street frontage.*

*With recommended Conditions of Approval A6, A11, A15 and A16, these standards are met.*

**Section 74.765. - Street Tree Species and Planting Locations.**

**All trees, plants or shrubs planted in the right-of-way of the City must conform in species and location and in accordance with the street tree plan and City standards, including Table 74-1. If the City Manager determines that none of the species in City standards, including Table 74-1 is appropriate or finds appropriate a species not listed, the City Manager may substitute an unlisted species.**

**Finding:**

*The applicant will plant street trees within planter strips of adjacent SW Boones Ferry road and SW Norwood Road frontages.*

*With recommended Conditions of Approval A6, A11, A15 and A16, these standards are met.*

[...]

**Chapter 75: Access Management**

[...]

**Section 75.040. - Driveway Approach Requirements.**

**(1) The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.**

**(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.**

**(3) Joint and Cross Access.**

**(a) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.**

**(b) A system of joint use driveways and cross access easements may be required and may incorporate the following:**

**(i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;**

**(ii) A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles; (iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and**

**(iv) An unified access and circulation system plan for coordinated or shared parking areas.**

**(c) Pursuant to this section, property owners may be required to:**

**(i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;**

**(ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;**

**(iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and (iv) If subsection (i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection (i) through (iii) above prior to any changes.**

**(4) Requirements for Development on Less than the Entire Site.**

**(a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.**

**(b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.**

**(5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Manager.**

**(6) Except as provided in TDC 53.100, all driveway approaches must connect directly with public streets.**

**(7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section must be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.**

**(8) The standards set forth in this Code are minimum standards for driveway approaches, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.**

**(9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width):**

**TABLE 75-1  
 Driveway Approach Width**

Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Institutional	1-99 Parking Spaces = 32 feet  100-249 Parking Spaces = two approaches each 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet

(10) **Driveway Approach Separation.** There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.

(11) **Distance between Driveways and Intersections.** Except for single-family dwellings, duplexes, townhouses, triplexes, quadplexes, and cottage clusters, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection.

(a) At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.

[...]

(12) **Vision Clearance Area.**

(b) **Collector Streets.** A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be ten feet (see Figure 73-2 for illustration).

(c) **Vertical Height Restriction.** Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

[...]

**Finding:**

*This lot is adjacent to SW Boones Ferry Road and SW Norwood Road. Local streets and accessways terminate at the property line to the south and east as approved within SB21-0001, Autumn Sunrise Subdivision. The existing private main access will remain off of SW Boones Ferry Road, a Major Arterial. If the partition plat, PAR22-0002 enabling division of the Horizon lot, is not recorded prior to permit issuance then the second western driveway access to SW Norwood Road, a Major Collector, must have all existing surfaces removed within right-of-way and public utility easement and reconstructed with curb, planter, and multi-use path.*

*A 12-ft wide public multi-use path will be constructed adjacent to SW Boones Ferry Road and SW Norwood Road adjacent to the developed area connecting to adjacent existing multi-use paths and sidewalks. The driveways will meet vehicular sight distance and vision clearance requirements.*

*With recommended Conditions of Approval A4, A11, A15, and A16, these standards are met.*

[...]

#### **IV. APPEAL**

The Architectural Review portion of this decision will be final after 14 calendar days unless a written appeal is received by the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / [planning@tualatin.gov](mailto:planning@tualatin.gov) before 5:00 p.m., September 6, 2024. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB); appeals of Public Facilities Decision elements are appealed directly to City Council as specified in TDC Table 32-1.

Submitted by:



Madeleine Nelson  
Assistant Planner