



# City of Tualatin

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## NOTICE OF DECISION

On June 23, 2016 the City of Tualatin approved with conditions AR15-0028 for Leveton to construct two new two-story building shells located at SW 108<sup>th</sup> Ave at SW Leveton Drive (Tax Lots: 2S122AD01300, 01400, and 01500).

This staff level decision will be final after 14 calendar days from the date of this mailing unless a written request for review is received by the **Community Development Department – Planning Division at 18880 SW Martinazzi Avenue, Tualatin, OR 97062 before 5:00 p.m.** The appeal must be submitted on the City Request for Review (i.e. Appeal) form with all the information requested, as required by TDC 31.075, and signed by the appellant. Only those persons who submitted comments during the notice period may submit a request for review. The plans and appeal forms are available at the Planning Counter. The appeal forms must include reasons, the appeal fee and meet the requirements of Section 31.076 of the Tualatin Development Code.

Date notice mailed: 6/23/16

Date a Request for Review must be filed: 7/7/16

File: AR15-0028



June 23, 2016

**ARCHITECTURAL REVIEW FINDINGS AND  
DECISION**

**\*\* APPROVAL WITH CONDITIONS \*\***

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Case #:	AR-15-0028
Project:	Leveton SW 108th Avenue at SW Leveton Drive
Location:	SW 108th Avenue at SW Leveton Drive
Tax Map/Lots:	2S1 22AD 01300, 01400 and 01500
Applicant/Owner:	Leveton LLC
Applicant/Rep.:	Jack Martin, Leveton LLC, Seattle, WA 206.660.8483

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## I. INTRODUCTION

### A. Project Description

The applicant and developer, Leveton LLC, represented by Jack Martin, proposes to construct two new two-story building “shells” totaling approximately 85,100 square feet on a 5.35-acre undeveloped site on the southwest corner of SW Leveton Drive and SW 108th Avenue in the Leveton Business Park section of Tualatin. The buildings—North Wing and South Wing—would be composed of concrete, steel, and glass intended to house tenants in the high-tech industry. Interior tenant improvements are required for the buildings to be occupied, but the exterior will be complete with utilities, parking, sidewalks, exterior lighting, and landscaping finished and ready for move-in. While the preference is for a single tenant (these buildings can be connected on both floors if necessary), this development is sized and designed with built-in flexibility and secondary access points to accommodate separate and multiple tenants if desired. The projected mix of office, light manufacturing, and storage uses would be permitted in the Light Manufacturing (ML) planning district.

The proposed 45-foot-tall buildings would take the form of a reverse L-shape and would be situated in the eastern portion of the project site, with the longest façade facing SW 108th Street. The building exteriors would be simple palettes of rusticated stained concrete, green tint glazing, neutral colors for the exterior metal, and cast aluminum exterior lighting fixtures of a scale and quality common in Class A office buildings. The loading area would be located along the western façade of the proposed buildings and hidden from views along SW 108th Avenue and SW Leveton Drive.

<i>Attribute</i>	<i>North Wing</i>	<i>South Wing</i>	<i>Second-Floor Deck</i>	<i>Total</i>
<i>Building Area (sf)</i>	31,840	52,660	663	85,183
<i>Building Footprint (sf)</i>	15,920	26,330	0	42,350
<i>Lot Area (sf)</i>				233,404
<i>Building Coverage (%)</i>				18.1
<i>Landscape Area Provided (sf)</i>				56,865
<i>Landscape Area Provided (%)</i>				23.3
<i>Parking Spaces Total:</i>				336
<i>Standard</i>				260
<i>Compact</i>				68
<i>Van/Carpool</i>				0
<i>ADA-Compliant</i>				8
<i>Bicycle Parking</i>	4	8	0	12

The proposed development would include 336 surface parking spaces, with access from two new driveways along SW 108th Avenue and an additional access point from SW Leveton Drive via the parking lot of the existing two-story light manufacturing building at 10850 SW Leveton Drive. The parking areas would be appropriately landscaped, include clearly-identified pedestrian paths, and high quality light-emitting diode (LED) exterior lighting fixtures. Parking lot landscaping and perimeter landscape materials are proposed in accordance with City code standards. The proposed project would also include a pocket park with half basketball court and direct bikeway/walkway access to SW 108th Avenue in the southern portion of the project site.

## **B. Site Description**

The relatively flat approximately 5.35-acre project site is located at the southwest corner of SW 108th Avenue and SW Leveton Drive. This reverse L-shaped site fronts approximately 504 feet along SW 108th Avenue and 218 feet along SW Leveton Drive. The project site itself occupies the southwest corner of a Light Manufacturing (ML) planning district that extends north and east to SW Tualatin Road and south to SW Herman Road. Light industrial uses border the project site on all sides, with larger campus-style industrial park developments located to the north and west.

## **C. Project Schedule**

The neighborhood/developer meeting was held on Wednesday, October 14, 2015, at 5:00 PM at 20185 SW 112th Avenue, Tualatin, OR, 97062. Staff last visited the site on April 18, 2016. Staff received no letters of comment from property owners within 1,000 feet of the subject property, including pursuant to Tualatin Development Code (TDC) 31.064(1) within any residential subdivisions platted through the City, during the comment period that ended April 22, 2016.

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented, AR-16-0001 is approved, subject to the following Architectural Review conditions of approval:

### PRIOR TO ISSUANCE OF BUILDING PERMITS:

- AR-1 Prior to obtaining building permits on the subject site, the Applicant shall submit 3 revised paper plan sets—24 x 36, a paper narrative, and electronically in Adobe PDF file format—for review and approval to the Planning Division that meet the conditions of approval below. The narrative shall explain how and on what page each condition of approval has been met. The submittal shall contain page numbers and a table of contents. No piecemeal submittals will be accepted. Each submittal will be reviewed in 2 weeks.
- AR-2 The Applicant shall obtain a Property Line Adjustment (PLA) through the Engineering Division to meet code requirements. TDC 60.060
- AR-3 The Applicant shall submit revised site plans (sheet A1.0) to illustrate ADA-compliant elements and their appropriate dimensions, including ramps (square and curb), signage and walkway/crosswalk widths, to ensure that the proposed development would not create barriers to disabled individuals. TDC 73.160(1)(b)(i); TDC 73.160(5)
- AR-4 The Applicant shall include vision clearance diagrams on the appropriate sheets (sheet A1.0 and/or L1.0) for both access driveways along SW 108th Avenue to illustrate that the proposed landscaping would not obstruct vision clearance areas. TDC 73.220(1)(c); TDC 73.400(16)(b); TDC 73.400(16)(c)
- AR-5 The Applicant shall revise the site plan (sheet A1.0) to illustrate locations for the required six (6) carpool/vanpool spaces, including pavement markings and/or signs/placards. TDC 73.370(3)
- AR-6 The Applicant shall revise the appropriate landscape plans to illustrate the proposed on-grade equipment and the modified landscaping to achieve the required screening. TDC 73.160(4)(a)
- AR-7 The Applicant shall revise sheet A1.0 and/or sheet A1.2 so that the North Wing trash enclosure depicted on each are consistent and that the overall square footage of the North Wing trash enclosure matches the calculations found on sheet A0.0. In addition, the applicant shall increase the size of the South Wing trash enclosure as illustrated on sheets A1.0 and A1.2 to 315 square feet to meet the required space per the calculations listed on sheet A0.0. TDC 73.226(5)
- AR-8 The Applicant shall submit a revised landscape plan that indicates an automatic underground or drip irrigation system in the landscaped areas and install this system according to the revised plan. TDC 73.280
- AR-9 The Applicant shall revise the site plan (sheet A1.0) to clearly label bicycle parking facilities; for indoor bicycle parking, signage location(s) for these facilities should also be identified on the revised site plan. TDC 73.370(2)(a)
- AR-10 The Applicant shall comply with the incorporated Public Facilities Recommendation (PFR) from the Engineering Division.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

AR-11 The Applicant shall construct proposed buildings and all site improvements as illustrated on approved plans and conditions of approval.

*Please note the following code requirements apply to the site in an on-going manner:*

- The applicant must submit sign permit applications separately from this AR for any proposed signage.
- Accessways shall be constructed, owned and maintained by the property owner. TDC 73.160(1)(g)
- All building exterior improvements approved through the Architectural Review Process must be continually maintained, including necessary painting and repair, so as to remain substantially similar to original approval through the Architectural Review Process, unless subsequently altered with Community Development Director's approval. TDC 73.100(2)
- All landscaping approved through architectural review (AR) must be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, unless subsequently altered with Community Development Director's approval. TDC 73.100(1)
- Site landscaping and street trees shall be maintained to meet the vision clearance requirements of TDC 73.400(16).
- The site development and uses must comply with the noise limits of TDC 63.051(1).
- Greenways and Natural Areas in which an access easement is owned by the City, but retained in private ownership, shall be maintained by the property owner in their natural state and may only be modified if a landscape and maintenance plan complies with the approved Plant List in the Parks and Recreation Master Plan, and has been approved through the Architectural Review process or by the Parks and Recreation Director when Architectural Review is not required. TDC 72.060(4)

*Please be advised:*

- The plan sets for the Planning Division must contain sheets relevant to AR conditions of approval while also not being a full building permit set. For example, because the Planning Division needs no erosion control or roof framing plan sheets, exclude them.
- Following Planning Division approval of revised plans and when the constructed site is ready, the applicant must contact the Planning Division for a site inspection in order to obtain a certificate of occupancy (CO). This inspection is separate from inspection(s) done by the Building Division. Staff recommends scheduling a Planning inspection at least three business days in advance of the desired inspection date.

### III. FINDINGS

#### A. Previous Land Use Actions

- AR-07-21 approved industrial Leveton Business Park, Buildings 1-4 and 6, to the northwest of the subject property, through which this proposed development would share a drive aisle and driveway accessway to SW Leveton Drive (via the existing one-story light manufacturing building at 10850 SW Leveton Drive).
- AR-14-03 (Leveton Commons) would have resulted in a two-story approximately 75,000-square-foot mixed-use (office, warehouse, and light manufacturing uses) building on the project site, but this application was withdrawn.

#### B. Other Permit Actions

None.

#### C. Planning Districts and Adjacent Land Uses

The subject property is located in the Light Manufacturing (ML) Planning District where manufacturing, warehousing/distribution, and wholesaling uses are permitted pursuant to Tualatin Development Code (TDC) 60.020. Additionally, because of Ordinance No. 1370-14 that took effect April 24, 2014, certain commercial uses are permitted with restrictions pursuant to 60.037.

Adjacent planning districts and land uses are:

- N: ML one-story light manufacturing/warehouse building at 10850 SW Leveton Drive at 11250 SW Tualatin-Sherwood Road housing 3CM Stone, abutting the northwest corner of the project site
- MP Lam Research Campus at 11155 SW Leveton Drive (across SW Leveton Drive)
- E: ML two-story light manufacturing building housing Ascentec Engineering and Evans Components at 18500 SW 108th Avenue (across SW 108th Avenue and SW Leveton Drive); D.O.T. Inc. outdoor vehicle storage facility at 18520 SW 108th Avenue (across SW 108th Avenue); City of Tualatin Operations Department, public works yard at 10699 SW Herman Road (across SW 108th Avenue)
- S: ML Northwest Metal Fab & Pipe Inc. outdoor equipment yard at 18805 SW 108th Avenue
- W: MP undeveloped City-owned lot (Tax Lot 2S1 22AD 00800); two-story Fujimi Corporation light manufacturing building at 11200 SW Leveton Drive

#### D. Uses

##### **60.020 Light Manufacturing Planning District (ML) Permitted Uses**

**No building, structure or land shall be used, except for the following uses as restricted in TDC 60.021.**

**(1) All uses permitted by TDC 60.020 in the ML Planning District.**

*Although future tenants are not known at this time, the applicant has identified a probable mix of 75 percent light manufacturing, 15 percent warehousing, and 5 percent (support) office*

*space. The projected mix of uses would be permitted in the Light Manufacturing (ML) planning district and was used to analyze compliance with use-specific code requirements such as parking.*

## **E. Lot Sizes**

### **60.060 Lot Size**

**Except for lots for public utility facilities, natural gas pumping stations and wireless communication facility which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:**

- (1) The minimum lot area shall be 20,000 square feet.**
- (2) The minimum average lot width shall be 100 feet.**
- (3) The minimum lot width at the street shall be 100 feet.**

Applicant Response: We comply.

*Staff notes that the project site is approximately 5.35 acres (the smallest of the three lots comprising the project site 1.01 acres or approximately 44,100 square feet) fronting approximately 504 feet along SW 108th Avenue and 218 feet along SW Leveton Drive.*

*However, staff finds that the proposed development, as currently designed, would not meet a number of code requirements based on the existing lot configuration.*

Condition of Approval: *The applicant shall obtain a Property Line Adjustment (PLA) through the Engineering Division prior to issuance of building permit to meet code requirements.*

## **F. Setback Requirements**

### **60.070 Setback Requirements**

**(1) Front yard. The minimum setback is 30 feet. When the front yard is across the street from a residential or Manufacturing Park (MP) district, a front yard setback of 50 feet is required. When a fish and wildlife habitat area is placed in a Tract and dedicated to the City at the City's option, dedicated in a manner approved by the City to a non-profit conservation organization or is retained in private ownership by the developer, the minimum setback is 10 – 30 feet, as determined in the Architectural Review process, with the exception of front yards across the street from a residential or MP District, provided the buildings are located farther away from fish and wildlife habitat areas.**

Applicant Response: Our setbacks are greater than the minimum.

*Staff finds that the front yard setbacks (along SW 108th Avenue) for the North Wing and the South Wing are 84 feet and 97 feet 6 inches, respectively. This standard is met.*

**(2) Side yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process. When the side yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) District, a side yard setback of 50 feet is required.**

Applicant Response: Our setbacks are greater than the minimum.

*Staff finds that the side yard setback along SW Leveton Drive is across the street from an MP District and the North Wing is approximately 74 feet, and the side yard setback along*

*the southern project site boundary and the South Wing is approximately 116 feet; thus, this standard is met.*

<b>Table 2. Setback Requirements</b>				
<i>Attribute</i>	<i>Yard</i>	<i>Direction</i>	<i>Minimum Required (ft)</i>	<i>Proposed Lineal Feet</i>
<i>Project Site (entire)</i>	Front	East	30	84
	Rear	West	0 to 50	261
	Side 1	North	0 to 50	74
	Side 2	South	0 to 50	116

**(3) Rear yard.** The minimum setback is 0 to 50 feet, as determined through the Architectural Review process. When the rear yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) District, a rear yard setback of 50 feet is required.

Applicant Response: Our setbacks are greater than the minimum.

*Staff finds that the rear yard setback (along the western project site boundary) is adjacent to an MP District and the South Wing setback is approximately 261 feet; thus, this standard is met.*

**(4) Corner lot yards.** The minimum setback is the maximum setback prescribed for each yard for a sufficient distance from the street intersections and driveways to provide adequate sight distance for vehicular and pedestrian traffic at intersections and driveways, as determined through the Architectural Review process.

Applicant Response: Acknowledged, we meet the standard.

*Staff finds that the North Wing is set back 74 feet from SW Leveton Drive and 84 feet from SW 108th Avenue. The distance between the centerlines of SW Leveton Drive and the northernmost site access driveway is approximately 205 feet; there is no direct driveway access from SW Leveton Drive to the project site. This standard is met.*

**(5) The minimum parking and circulation area setback is 5 feet, except when a yard is adjacent to public streets or Residential or Manufacturing Park District, the minimum setback is 10 feet. No setback is required from lot lines within ingress and egress areas shared by abutting properties in accordance with TDC 73.400(2).**

Applicant Response: We are generous with landscaping and greatly exceed the setback in all areas, except the 10-foot minimum at right-of-ways (ROWs). With generous planting (greater than 10 feet) proposed in the ROW on SW Leveton Drive and SW 108th Avenue, we are choosing to place the parking at the lot line so [we] can add to the already generous planting surrounding the building. This allows a more campus-like aesthetic for the project.

*Staff finds that the distances between the property line and the sidewalks along SW Leveton Drive and SW 108th Avenue are approximately 18 feet and 32 feet, respectively, allowing for frontage landscaping opportunities similar to those in MP planning districts. This standard is met.*

**(6) No spur rail trackage shall be permitted within 200 feet of an adjacent residential district.**

*Staff finds that this is not applicable.*

**(7) No setbacks are required at points where side or rear property lines abut a railroad right-of-way or spur track.**

*Staff finds that this is not applicable.*

**(8) No fence shall be constructed within 10 feet of a public right-of-way.**

Applicant Response: No fences proposed.

**(9) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider TDC 73.510, shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet.**

*Staff finds that this is not applicable.*

## **G. Structure Height**

### **60.090 Structure Height**

**(1) Except as provided in TDC 60.090(2), (3) or (4), no structure shall exceed a height of 50 feet and flagpoles which display the flag of the United States of America either alone or with the State of Oregon flag shall not exceed 100 feet above grade provided that the setbacks are not less than a distance equal to one and one-half times the flagpole height.**

Applicant Response: Acknowledged, we meet the standard.

*Staff notes that both the proposed North Wing and South Wing would be 45 feet tall. This standard is met.*

**(2) The maximum permitted structure height provided in TDC 60.090(1) may be increased to no more than 85 feet, provided that all yards adjacent to the structure are not less than a distance equal to one and one-half times the height of the structure.**

Applicant Response: Not required.

## **H. Site Planning**

### **TDC 73.050 Criteria and Standards**

**(1) In exercising or performing his or her powers, duties, or functions, the Planning Director shall determine whether there is compliance with the following:**

**(a) The proposed site development, including the site plan, architecture, landscaping, parking and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height, and appearance of the proposed development are involved;**

Applicant Response: We acknowledge this overall requirement and meet the code to the best of our knowledge.

**(b) The proposed design of the development is compatible with the design of other developments in the general vicinity; and**

Applicant Response: We acknowledge this overall requirement and we are compatible. We are also a dramatic aesthetic upgrade.

**(c) The location, design, size, color and materials of the exterior of all structures are compatible with the proposed development and appropriate to the design character of other developments in the vicinity.**

Applicant Response: Yes.

*Staff finds that the proposed development would be consistent with existing and similarly developed industrial uses in the vicinity, including the light manufacturing uses to the east and the campus-like industrial uses in the Manufacturing Park (MP) planning district to the north and west. These standards are met.*

**(2) In making his or her determination of compliance with the above requirements, the Planning Director shall be guided by the objectives and standards set forth in this chapter. If the architectural review plan includes utility facilities or public utility facilities, then the City Engineer shall determine whether those aspects of the proposed plan comply with applicable standards.**

Applicant Response: Acknowledged.

*Staff notes that the proposed development would include utility facilities and/or public utility facilities. These facilities are reviewed by the City of Tualatin Engineering Division and the applicant shall comply with the incorporated Public Facilities Recommendation (PFR) from the Engineering Division.*

**(3) In determining compliance with the requirements set forth, the Community Development Director shall consider the effect of his or her action on the availability and cost of needed housing. The Community Development Director shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Community Development Director from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this Code. As part of the Architectural Review process, the Community Development Director has no authority to reduce dwelling unit densities.**

*Staff finds that this is not applicable.*

**(4) As part of Architectural Review, the property owner may apply for approval to cut trees in addition to those allowed in TDC 34.200. The granting or denial of a tree cutting permit shall be based on the criteria in TDC 34.230.**

Applicant Response: We are removing no existing trees.

**(5) Conflicting Standards. In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73 and other applicable chapters, conflict or are different, they shall be resolved in accordance with TDC 57.200(2).**

Applicant Response: Acknowledged.

*Staff finds that this is not applicable.*

### **73.150 Objectives**

**All commercial, industrial, public and semi-public projects should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Site elements shall be placed and designed, to the maximum extent practicable, to:**

**(1) Provide convenient walkways and crosswalks which separate pedestrians from vehicles and link primary building entries to parking areas, other on-site buildings and the public right-of-way.**

Applicant Response: Accomplished, see site plan.

**(2) Avoid barriers to disabled individuals.**

*Staff finds that—with the exception of the eight (8) ADA-compliant parking spaces—the submitted plans do not identify ADA-compliant and ADA-accessible facilities.*

**(3) Locate and design drive-through facilities in a manner which does not conflict with pedestrian routes or other vehicular circulation and minimizes adverse impacts on adjacent properties.**

*Staff finds that this is not applicable.*

**(4) Break up parking areas with landscaping (trees, shrubs and walkways) and buildings to lessen the overall impact of large paved areas.**

Applicant Response: Accomplished, see landscape plan.

**(5) Utilize landscaping in parking areas to direct and control vehicular movement patterns, screen headlights from adjacent properties and streets, and lessen the visual dominance of pavement coverage.**

Applicant Response: Accomplished, see landscape plan.

**(6) Provide vehicular connections to adjoining sites.**

Applicant Response: Accomplished. We propose to maintain the existing drive connection to the adjacent site, see site plan.

*Staff notes that access to the project site from SW Leveton Drive would be accommodated through an existing driveway on the adjacent 3CM Stone lot. This standard is met.*

**(7) Emphasize entry drives into commercial complexes and industrial park developments with special design features, such as landscaped medians, water features and sculptures.**

Applicant Response: Our entry drives off SW 108th Avenue are located between large 3-foot- and 4-foot-diameter existing fir trees in the ROW, and these sentinels framing our entries are excellent design features.

*Staff notes that the attached plans do not include enough detail to determine if the existing fir trees (or the proposed landscaping) would obstruct vision clearance areas, but the preferred development approach would not result in the elimination of any street trees.*

**(8) Locate, within parking lots, pedestrian amenities and/or landscaping in areas which are not used for vehicle maneuvering and parking.**

Applicant Response: Accomplished, see landscape plan.

**(9) Encourage outdoor seating areas which provide shade during summer and sun during winter, trash receptacles and other features for pedestrian use. Plantings with a variety of textures and color are encouraged.**

Applicant Response: We provide two pedestrian plazas at our building entries planned to receive these features in final design. We also provide a pocket park at the south edge of our site that will include a basketball court and other amenities to be determined.

**(10) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site.**

*Staff finds that this is not applicable.*

**(11) Conserve, protect and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas.**

Applicant Response: Extensive landscape areas are created providing wildlife habitat.

*Staff finds that this is not applicable.*

**(12) Provide safe pathways for pedestrians to move from parking areas to building entrances.**

Applicant Response: Accomplished, see site plan.

**(13) Design the location of buildings and the orientation of building entrances for commercial, public and semi-public uses such as churches, schools and hospitals to provide adequate pedestrian circulation between buildings and to provide preferential access for pedestrians to existing or planned transit stops and transit stations.**

*Staff finds that this is not applicable.*

**(14) Provide accessways between commercial, public and semi-public development and publicly-owned land intended for general public use; arterial and collector streets where a transit stop and/or a bike lane is provided or designated; and abutting residential, commercial and semi-public property.**

*Staff finds that this is not applicable.*

**(15) Provide accessways between industrial development and abutting greenways where a bikeway or pedestrian path is provided or designated.**

*Staff finds that this is not applicable.*

**(16) Accessways should be designed and located in a manner which does not restrict or inhibit opportunities for developers of adjacent properties to connect with an accessway, and provide continuity from property to property for pedestrians and bicyclists to use the accessway.**

*Staff finds that this is not applicable.*

**(17) Provide preferential parking for carpool and vanpools to encourage employees to participate in carpools and vanpools.**

Applicant Response: This will be accomplished at tenant improvement approvals with the tenant on board, currently this is a non-occupied building shell. The important thing here is ample parking well distributed.

**(18) Screen elements such as mechanical and electrical equipment, above ground sewer or water pump stations, pressure reading stations and water reservoirs from view.**

Applicant Response: We are providing electrical and sprinkler riser room space so much of this equipment is inside the buildings. Mechanical and electrical on-site equipment will be screened by landscaping. There is no roof mounted HVAC equipment in this “shell” but we accommodate the future tenant improvement roof equipment in the roof structure near the building centers where it is easiest to screen if needed.

*Staff finds that mechanical and electrical on-site equipment is not shown on either the site plan (sheet A1.0) or the landscape plan (L1.0); please see discussion in TDC 73.160(4)(a) below.*

**(19) Parking structure exteriors and underground parking should be designed to be harmonious with surrounding buildings and architecturally compatible with the treatment of buildings they serve.**

*Staff finds that this is not applicable.*

**(20) When a fish and wildlife habitat area abuts or is on the subject property the applicant and decision authority for a development application should consider locating buildings farther away from the fish and wildlife habitat area.**

*Staff finds that this is not applicable.*

**73.160 Standards**

**(1) Pedestrian and Bicycle Circulation:**

**(b) For Industrial Uses:**

**(i) a walkway shall be provided from the main building entrance to sidewalks in the public right-of-way and other on-site buildings and accessways. The walkway shall be a minimum of 5 feet wide and constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.**

Applicant Response: Accomplished, including ADA compliance - see site plan.

*Staff notes that the applicant provided responses to TDC 73.160(a) for commercial, public, and semi-public uses, as opposed to TDC 73.160(b) for industrial uses. The responses were transferred to the corresponding sections under TDC 73.160(b).*

*As discussed in responses to TDC 73.150(2) above, staff finds that—with the exception of the eight (8) ADA-compliant parking spaces—the submitted plans do not identify ADA-compliant and ADA-accessible facilities.*

Condition of Approval: *The applicant shall submit revised site plans (sheet A1.0) to illustrate ADA-compliant elements and their appropriate dimensions, including ramps (square and curb), signage and walkway/crosswalk widths, to ensure that the proposed development would not create barriers to disabled individuals.*

**(ii) Walkways through parking areas, drive aisles and loading areas shall have a different appearance than the adjacent paved vehicular areas.**

Applicant Response: Accomplished, see site plan.

*Staff finds that this standard is met.*

**(iii) Accessways shall be provided as a connection between the development's walkway and bikeway circulation system and an adjacent bike lane;**

*Staff finds there are on-street bike lanes in both directions along SW Leveton Drive and SW 108th Avenue. While there are no direct connections to these on-street bike lanes, there are several walkway/bikeway connections from the project site to the sidewalks along SW Leveton Drive and SW 108th Avenue, including a walkway/bikeway connection between the sidewalk along SW 108th Avenue and the proposed pocket park in the southern portion of the project site. This standard is met.*

**(iv) Accessways may be gated for security purposes;**

Applicant Response: No fencing is planned, see site plan.

*Staff finds that this is not applicable.*

**(v) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.**

Applicant Response: Accomplished, see site plan.

*With the exception of the on-street bike lanes in both directions along SW Leveton Drive and SW 108th Avenue, there are no parks, bikeways, or greenways adjacent to the project site. Staff notes that this is not applicable.*

**(c) Curb ramps shall be provided wherever a walkway or accessway crosses a curb.**

*Staff finds that this standard is met.*

**(d) Accessways shall be a minimum of 8 feet wide and constructed in accordance with the Public Works Construction Code if they are public accessways, and if they are private access-ways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.**

*Staff notes that the two public accessways onto the project site from SW Leveton Drive and SW 108th Avenue are 8 feet wide; however, these two accessways have not been labeled in terms of width or ADA compliance. As a condition of approval—and originally discussed in 73.160(1)(b)(i)—the applicant shall submit revised site plans (sheet A1.0) to illustrate ADA-compliant elements and their appropriate dimensions, including ramps (square and curb), signage and walkway/crosswalk widths, to ensure that the proposed development does not create barriers to disabled individuals.*

**(e) 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 of a parcel adjacent to an undeveloped parcel shall 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 shall be subject to the City's re-view and approval.**

*Staff finds that this is not applicable.*

**(f) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection to a bike or pedestrian path, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland.**

*Staff finds that this is not applicable.*

**(g) Accessways shall be constructed, owned and maintained by the property owner.**

*Staff finds that this standard is met.*

## **(2) Drive-up Uses**

*Staff finds that this is not applicable.*

## **(3) Safety and Security**

**(a) Locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.**

*Staff finds that this standard is met.*

**(b) In commercial, public and semi-public development and where possible in industrial development, locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way.**

*Staff finds that this standard is met.*

**(c) Locate, orient and select on-site 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.**

*Staff finds that there are no fish or wildlife habitats adjacent to the project site. In addition, staff review of the submitted lighting plan finds that the proposed development will not result in an unacceptable level of light spilling onto adjacent public rights-of-way. This standard is met.*

**(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services.**

*Staff notes that the proposed elevations (sheets A3.0 and A3.1) do not illustrate potential tenant sign or building address locations, and that the latter is typically required by the City of Tualatin Building Department and Tualatin Valley Fire & Rescue; however, all tenant/occupant signage permits and approvals are handled separately and not as part of this review.*

**(e) Shrubs in parking areas must not exceed 30 inches in height. Tree canopies must not extend below 8 feet measured from grade.**

*Staff finds that this standard is met.*

**(f) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations shall provide a minimum 6' tall security fence or wall.**

*Staff finds that this is not applicable.*

**(4) Service, Delivery and Screening**

**(a) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.**

*Staff finds that mechanical and electrical on-site equipment is not shown on either the site plan (sheet A1.0) or the landscape plan (L1.0) and it is therefore not possible to determine whether or not the proposed landscaping would accomplish the required screening.*

Condition of Approval: *The applicant shall revise the appropriate landscape plans to illustrate the proposed on-grade equipment and the modified landscaping to achieve the required screening.*

**(b) Outdoor storage, excluding mixed solid waste and source separated recyclables storage areas listed under TDC 73.227, shall be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping.**

*Staff finds that this standard is met.*

**(c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations shall be screened with sight-obscuring fences or walls and landscaping.**

*Staff finds that this is not applicable.*

**(5) The Federal Americans with Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC, Chapter 73 does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with the OSSC.**

Applicant Response: ADA access is anticipated in this design, see site plan.

*As discussed in response to TDC 73.160(1)(b)(i) above, staff finds that—with the exception of the eight (8) ADA-compliant parking spaces—the submitted plans do not identify ADA-compliant and ADA-accessible facilities. As a condition of approval, the applicant shall submit revised site plans (sheet A1.0) to illustrate ADA-compliant elements and their appropriate dimensions, including ramps (square and curb), signage and walkway/crosswalk widths, to ensure that the proposed development does not create barriers to disabled individuals.*

**(6) (a) All industrial, institutional, retail and office development on a transit street designated in TDC Chapter 11 (Figure 11-5) shall 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.**

*Staff finds that this is not applicable.*

**(b) In addition to (a) above, new retail, office and institutional uses abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) shall:**

- (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.**

*Staff finds that this is not applicable.*

#### **61.075 Sound Barrier Construction**

**(1) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway.**

**(2) Sound barrier construction shall be used to intercept all straight-line lateral paths of 450 feet or less between a residential property within a residential planning district and any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.**

*Staff finds that this is not applicable.*

## **I. Structure Design**

#### **73.210 Objectives**

**All commercial, industrial, public and semi-public projects should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Buildings shall be designed, to the maximum extent practicable, to:**

**(1) Minimize disruption of natural site features such as topography, trees and water features.**

Applicant Response: This is a flat grassy site providing us flexibility in layout, but we have located our access drives between existing trees.

**(2) Provide a composition of building elements which is cohesive and responds to use needs, site context, land form, a sense of place and identity, safety, accessibility and climatic factors. Utilize functional building elements such as arcades, awnings, entries, windows, doors, lighting, reveals, accent features and roof forms, whenever possible, to accomplish these objectives.**

Applicant Response: We believe we have accomplished these objectives in our design with a distinctive sense of place enhanced by a limited palette of timeless materials such as semi-transparent stained concrete, generous green tint glass, and strong metal cornice and canopy elements.

**(3) Where possible, locate loading and service areas so that impacts upon surrounding areas are minimized. In industrial development loading docks should be oriented inward to face other buildings or other loading docks. In commercial areas loading docks should face outward towards the public right-of-way or perimeter of the site or both.**

Applicant Response: Our service dock is inward and well screened by the buildings from public ROW. The buildings are further softened in the service area by climbing plant material on the stained concrete walls. Our goal is a very soft and green service area that is also functional.

**(4) Enhance energy efficiency in commercial and industrial development through the use of landscape and architectural elements such as arcades, sunscreens, lattice, trellises, roof overhangs and window orientation.**

Applicant Response: Our 11.25" concrete walls provide a thermal mass for energy efficiency as well as aesthetics. Our glass height is tall on both floors (11.5' at 1st floor and 10' at second) to bring natural light deep into the buildings.

**(5) Locate and design entries and loading/service areas in consideration of climatic conditions such as prevailing winds, sun and driving rains.**

Applicant Response: All portals have generous canopies for functional and aesthetic reasons.

**(6) Give consideration to organization, design and placement of windows as viewed on each elevation having windows. Surveillance over parking areas from the inside, as well as visual surveillance from the outside in, should be considered in window placement.**

Applicant Response: Accomplished, see drawings.

*Staff finds that both North Wing and South Wing buildings would have windows on all sides and the reverse-L-shape of the proposed development mimics the shape of the project site and provides increased visibility to the on-site parking areas. This standard is met.*

**(7) Select building materials which contribute to the project's identity, form and function, as well as to the surrounding environment.**

Applicant Response: Our limited palette is concrete steel and glass, and the general aesthetic we propose has been well received by our high-tech tenants as well as their employees.

**(8) Select colors in consideration of lighting conditions and the context under which the structure is viewed, the ability of the material to absorb, reflect or transmit light and the color's functional role (e.g., to identify and attract business, aesthetic reasons, image-building).**

Applicant Response: We seek neutral colors in our concrete stain that go well with our green-tint glass and darker steel elements.

**(9) Where possible, locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.**

Applicant Response: Accomplished, see drawings.

*As mentioned in response to TDC 73.210(6) above, staff finds that both North Wing and South Wing buildings would have windows on all sides and the reverse-L-shape of the proposed development mimics the shape of the project site and provides increased visibility throughout the project site. This standard is met.*

**(10) Where practicable locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way or other public areas.**

Applicant Response: Accomplished, see drawings.

*Staff finds that the proposed North Wing and South Wing would have substantial window presence on all sides, enabling surveillance from other areas on the project site and the adjacent public rights-of-way. This standard is met.*

### **73.220 Safety and Security**

#### **(1) Safety and Security**

**(a) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way or other public areas without shining into public rights-of-way or fish and wildlife habitat areas.**

Applicant Response: We propose conventional lighting fixtures with glare cut-off features limiting the light at ROWs, and we have good lighting distribution in the circulations areas.

*Staff finds that there are no fish or wildlife habitats adjacent to the project site. In addition, staff review of the submitted lighting plan finds that the proposed development will not result in an unacceptable level of light spilling onto adjacent public rights-of-way. This standard is met.*

**(b) Provide an identification system which clearly identifies and locates buildings and their entries.**

Applicant Response: Signing is a tenant improvement when the tenant is known, but the architectural language makes entries a natural focal point in this design.

*As discussed in responses to TDC 73.160(3)(d) above, staff notes that the proposed elevations (sheets A3.0 and A3.1) do not illustrate potential building address locations and that building address locations are typically required by the City of Tualatin Building Department and Tualatin Valley Fire & Rescue; however, all tenant/occupant signage permits and approvals are handled separately and not as part of this review.*

*Staff notes that the main entries are clearly visible and identifiable per the proposed design.*

**(c) Shrubs in parking areas shall not exceed 30 inches in height, and tree canopies must not extend below 8 feet measured from grade, except for parking structures and underground parking where this provision shall not apply.**

Applicant Response: Acknowledged. We will trim the existing fir trees to the 8' limit with City permission.

*Staff notes that street trees and other features of the public right-of-way are reviewed by City of Tualatin Engineering and Operations/Parks Maintenance Divisions.*

*Staff finds that this code provision is related to vision clearance areas, and that the attached plans do not include enough detail to determine if the existing fir trees (or the proposed landscaping) would obstruct vision clearance areas.*

Condition of Approval: The applicant shall include vision clearance diagrams on the appropriate sheets (sheet A1.0 and/or L1.0) for both access driveways along SW 108th Avenue to illustrate that the proposed landscaping would not obstruct vision clearance areas.

## **J. Mixed Solid Waste and Source Separated Recyclables Storage Areas**

### **73.226 Objectives**

All new or expanded multi-family, including townhouses, commercial, industrial, public and semi-public projects should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments such as apartments. Mixed solid waste and source separated recyclable storage areas shall be designed to the maximum extent practicable, to:

- (1) Screen elements such as garbage and recycling containers from view.
- (2) Ensure storage areas are centrally located and easy to use.
- (3) Meet dimensional and access requirements for haulers.
- (4) Designed to mitigate the visual impacts of storage areas.
- (5) Provide adequate storage for mixed solid waste and source separated recyclables.
- (6) Improve the efficiency of collection of mixed solid waste and source separated recyclables.

Applicant Response: Our solid waste/recyclable storage areas are shown in the rear service areas on our site plan and they are thoughtfully placed to be functional and not visible to the public. Our calculations are on the site plan showing how we comply.

*Staff notes that the applicant provided responses to TDC 73.225—a general purpose statement, as opposed to TDC 73.226, which includes a list a clearly identifiable objectives/standards. As such, the applicant response was transferred to discussion for TDC 73.226.*

*Staff finds that the proposed mixed solid waste storage areas meet the standards as identified under TDC 73.226(1), TDC 73.226(2), TDC 73.226(4), and TDC 73.226(6) and are sited appropriately in terms of not being visible to public rights-of-way. In addition, staff finds that the proposed storage areas meet the dimensional and access requirements for haulers as outlined in TDC 73.226(3) per correspondence with Republic Services (see Attachment 102).*

*Staff has found discrepancies in trash enclosure diagrams and provisions as related to TDC 73.226(5). In reference to trash enclosure diagrams, the illustration for the North Wing trash enclosure (see “B Enlarged Site Plan” on sheet A1.2) does not match the dumpster/recycle enclosure as depicted on sheet A1.0. In addition, based on the calculations on sheet A0.0, the provided square footage calculation for the North Wing trash enclosure does not match the square footage of the corresponding diagram in “B Enlarged Site Plan” on sheet A1.2.*

*Also on sheet A0.0, the South Wing trash enclosure calculations note 315 square feet required and provided; based on the dimensions in “A Enlarged Site Plan” on sheet A1.2, the proposed South Wing enclosure would only provide approximately 286 square feet of trash enclosure space (using 20 feet inside clear) and would therefore not satisfy the standards as outlined in TDC 73.226(5).*

Condition of Approval: *The applicant shall revise sheet A1.0 and/or sheet A1.2 so that the North Wing trash enclosure depicted on each are consistent and that the overall square footage of the North Wing trash enclosure matches the calculations found on sheet A0.0. In addition, the applicant shall increase the size of the South Wing trash enclosure as*

*illustrated on sheets A1.0 and A1.2 to 315 square feet to meet the required space per the calculations listed on sheet A0.0.*

## **K. Landscaping**

### **73.240 Landscaping General Provisions**

**(1) The following standards are minimum requirements.**

**(2) The minimum area requirement for landscaping for conditional uses for RL, RML, RMH, RH and RH/HR Planning Districts, listed in TDC 40.030, 41.030, 42.030, 43.030 and 44.030, excluding 40.030(3), 40.030 (4)(j), 40.030 (4)(m), 40.030 (4)(n) and 41.030(2) shall be twenty-five (25) percent of the total area to be developed. When a dedication is granted in accordance with the planning district provisions on the subject property for a fish and wildlife habitat area, the minimum area requirement for landscaping shall be twenty (20) percent of the total area to be developed as determined through the AR process.**

*Staff finds that this is not applicable.*

**(3) The minimum area requirement for landscaping for uses in CO, CR, CC, CG, ML and MG Planning Districts shall be fifteen (15) percent of the total land area to be developed, except within the Core Area Parking District, where the minimum area requirement for landscaping shall be 10 percent. When a dedication is granted in accordance with the planning district provisions on the subject property for a fish and wildlife habitat area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.**

Applicant Response: We significantly exceed the 15% minimum landscaping area requirement, see site plan notes.

*Staff finds that the proposed development would include approximately 23 percent landscaping area (see Table 1). This standard is met.*

**(4) The minimum area requirement for landscaping for uses in IN, CN, CO/MR, MC and MP Planning Districts shall be twenty-five (25) percent of the total land area to be developed. When a dedication is granted in accordance with the planning district provisions on the subject property for a fish and wildlife habitat area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.**

*Staff finds that this is not applicable.*

**(5) The minimum area requirement for landscaping for uses in the Industrial Business Park Overlay Planning District and the Manufacturing Business Park Planning District shall be twenty (20) percent of the total land area to be developed.**

*Staff finds that this is not applicable.*

**(6) The minimum area requirement for landscaping for approved Industrial Master Plans shall be 20% of the total land area to be developed.**

*Staff finds that this is not applicable.*

**(7) For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement", the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.**

*Staff finds that this is not applicable.*

**(8) Developments not in a Low Density Residential (RL) or Manufacturing Park (MP) Planning District, but which abut an RL or MP Planning District shall provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses in the district and the adjacent Low Density Residential (RL) or Manufacturing Park (MP) Planning District as approved through the Architectural Review process.**

*Staff finds that this is not applicable.*

**(9) Yards adjacent to public streets, except as described in the Hedges Creek Wetlands Mitigation Agreement, TDC 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.**

*Staff finds that this is not applicable.*

**(10) Yards not adjacent to public streets or Low Density Residential (RL) or Manufacturing Park (MP) Planning Districts shall be planted with trees, shrubs, grass or other live groundcover, and maintained consistent with a landscape plan indicating areas of future expansion, as approved through the Architectural Review process.**

*Staff finds that the proposed development would include such landscaping. This standard is met.*

**(11) Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. Disturbed soils are encouraged to be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.**

Applicant Response: Acknowledged.

**(12) In the MP District, wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, [...]**

*Staff finds that this is not applicable.*

**(13) Landscape plans for required landscaped areas that include fences should carefully integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.**

Applicant Response: No fencing proposed.

**73.280 Irrigation System Required**

**Except for townhouse lots, landscaped areas shall be irrigated with an automatic underground or drip irrigation system.**

*Staff finds that no irrigation system is shown on any of the plan sheets submitted.*

*Condition of Approval: The applicant shall submit a revised landscape plan that indicates an automatic underground or drip irrigation system in the landscaped areas and install this system according to the revised plan.*

### **73.290 Re-vegetation in Un-landscaped Areas**

**The purpose of this section is to ensure erosion protection, and in appropriate areas to encourage soil amendment, for those areas not included within the landscape percentage requirements so native plants will be established, and trees will not be lost.**

**(1) 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, vegetation shall be replanted.**

Applicant Response: Acknowledged. Our proposal fully landscapes our site, which is currently in natural grass.

**(2) Plant materials shall be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.**

Applicant Response: Acknowledged.

**(3) The use of native plant materials is encouraged to reduce irrigation and maintenance demands.**

Applicant Response: Acknowledged.

**(4) Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.**

Applicant Response: Acknowledged.

### **73.310 Landscape Standards – Commercial, Industrial, Public and Semi-Public Uses**

**(1) A minimum 5'-wide landscaped area must be located along all building perimeters which are viewable by the general public from parking lots or the public right-of-way, excluding loading areas, bicycle parking areas and pedestrian egress/ingress locations. Pedestrian amenities such as landscaped plazas and arcades may be substituted for this requirement. This requirement shall not apply 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 8 feet.**

Applicant Response: We greatly exceed the minimum 5' landscape requirement on all building sides, except at the fire access lane on the east side of the North Wing where it is 3.5' (this is not viewable from public roads). Here we move the fire lane closer to the building to allow more landscape area (17' setback of dense planting) at the lot line to better screen the adjacent Tofle Building.

**(2) Areas exclusively for pedestrian use that are developed with pavers, bricks, etc., and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies, etc., may be included as part of the site landscape area requirement.**

Applicant Response: We have not included our plazas with pedestrian amenities as landscape area already significantly exceeds the minimum requirement.

**(3) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas shall be landscaped.**

Applicant Response: Accomplished, see landscape plan.

**73.340 Off-Street Parking Lot and Loading Area Landscaping - Commercial, Industrial, Public and Semi-Public Uses, and Residential and Mixed Use Residential Uses within the Central Design District**

**(1) A clear zone shall be provided 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 8 feet as measured from the ground level, except for parking structures and underground parking where this provision shall not apply.**

Applicant Response: Accomplished, see site plan.

**(2) Perimeter site landscaping of at least 5 feet in width shall be provided in all off-street parking and vehicular circulation areas (including loading areas). For conditional uses in multifamily residential planning districts the landscape width shall be at least 10 feet except for uses allowed by TDC 40.030(3), 40.030(5)(j), 40.030(5)(m), 40.030(5)(n) and 41.030(2).**

Applicant Response: The project greatly exceeds landscaping minimums at the owner's request, and will present itself as a heavily landscaped suburban campus from public roads. For example, in front of South Wing there is over 40' of landscaping from our parking curb to the street curb, and in addition there is another 40' of landscaping from parking curb to the building.

**(a) The landscape area shall contain:**

**(i) Deciduous trees an average of not more than 30 feet on center. The trees shall meet the requirements of TDC 73.360(7).**

**(ii) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round.**

**(iii) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years.**

**(iv) Native trees and shrubs are encouraged.**

*Staff finds that these standards are met.*

**(b) Where off-street parking areas on separate lots are adjacent to one another and are connected by vehicular access, the landscaped strips required in subsection (2) of this section are not required.**

*Staff finds that although the project site is comprised of three separate lots, these lots essentially function as one site and therefore this standard does not apply.*

**73.360 Off-Street Parking Lot Landscape Islands - Commercial, Industrial, Public, and Semi-Public Uses**

**(1) A minimum of 25 square feet per parking stall be improved with landscape island areas. They 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. They shall be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands. They shall be dispersed throughout the parking area [see TDC 73.380(3)]. They shall be planted with groundcover or shrubs that will completely cover the island area within 3 years. They shall be planted with deciduous shade trees when needed to meet the parking lot shade tree requirements. Native plant materials are encouraged. Landscape square footage requirements shall not apply to parking structures and underground parking.**

Applicant Response: Accomplished, see landscape plan.

**(2) Landscaped island areas with deciduous parking lot shade trees shall be a minimum of 5 feet in width (from inside of curb to curb).**

Applicant Response: Accomplished, see site plan.

*Staff finds that although the exact dimensions of the landscaped island areas in the western portion of the project site are not labeled, the plans illustrate that these islands are greater than 5 feet in width and thus this standard is met.*

**(3) A minimum of one deciduous shade tree shall be provided for every four (4) parking spaces to lessen the adverse impacts of glare, reduce heat from paved surfaces, and to emphasize circulation patterns. Required shade trees shall be uniformly distributed throughout the parking lot (see TDC 73.380(3)), except that within the Central Design District landscape islands and shade trees may be placed to frame views of the Tualatin Commons water feature or identified architectural focal elements. The trees shall meet the requirements of TDC 73.360(7). Parking lot shade tree requirements shall not apply to parking structures and underground parking.**

Applicant Response: Accomplished, see landscape plan.

**(4) Landscape islands shall be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns. Landscape island location requirements shall not apply to parking structures and underground parking.**

Applicant Response: Accomplished, see landscape plan.

**(5) Required plant material in landscape islands shall achieve 90 percent coverage within three years. Native shrubs and trees are encouraged.**

Applicant Response: Acknowledged. The owner is personally involved in plant selection at the nurseries on his projects, and he generally exceeds code minimum size.

**(6) (a) Except as in (b) below, site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 25 feet back from the property line for commercial, public, and semi-public development with 12 or more parking spaces and extend 30 feet back from the property line for industrial development, except for parking structures and underground parking which shall be determined through the Architectural Review process.**

Applicant Response: Acknowledged. Our ROW curb to interior curb landscape depth extends 60'±, which well exceeds minimum.

**(b) In the Central Design District where driveway access is on local streets, not collectors or arterials, and the building(s) on the property is(are) less than 5,000 square feet in gross floor area, or parking is the only use on the property, site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 5 feet back from the property line, except for parking structures and underground parking which shall be determined through the Architectural Review process.**

*Staff finds that this standard does not apply.*

#### **73.410 Street Tree Plan**

**A person who desires to plant a street tree shall comply with TDC 74.765, which comprises the street tree plan.**

*Staff notes that street trees and other features of the public right-of-way are reviewed by City of Tualatin Engineering and Operations/Parks Maintenance Divisions.*

## L. Tree Preservation

### **34.230 Tree Removal Criteria**

*Staff finds that the application materials submitted do not indicate any trees would be removed.*

### **73.250 Tree Preservation**

**(1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.**

*Staff finds that street trees that are to be retained are identified on the site grading and landscape plans, sheets C1.0 and L1.0, respectively; therefore, this standard is met.*

**(2) During the construction process:**

**(a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.**

**(b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.**

**(c) If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist as defined in TDC 31.060.**

**(d) Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.**

**(e) 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 shall 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.**

**(f) Tree root ends shall not remain exposed.**

Applicant Response: Acknowledged. We are preserving five significant trees in the SW 108th Avenue ROW, and will implement these preservation standards on each tree. The site now also has many newer trees planted by the owner at all our internal property line setbacks, where we will also implement these preservation standards.

*Staff notes that the applicant response above was provided for TDC 34.270. However, to ensure a more comprehensive discussion on the tree protection during construction, the applicant response was transferred to the discussion for TDC 73.250(2).*

*Staff finds that these standards are met.*

## **M. Grading**

### **73.270 Grading**

**(1) 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.**

*Staff finds that sheet C1.0 states that topsoil would be replaced in all landscaping areas; therefore, this standard is met.*

**(2) All planting areas shall be graded to provide positive drainage.**

*Staff finds that this standard is met.*

**(3) Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.**

*Staff finds that this standard is met.*

**(4) Impervious surface drainage shall 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.**

*Staff finds that this standard is met.*

## **N. Off-Street Parking and Loading**

### **73.370 Off-Street Parking and Loading**

**(2) Off-Street Parking Provisions.**

**(a) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except for minimum parking requirements for the uses in TDC 73.370(2)(a) (Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv) within the Core Area Parking District (CAPD). Minimum standards for off-street motor vehicle parking for the uses in 73.370(2) (a) Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv in the CAPD are in TDC 73.370(2)(b). The maximum requirements are divided into Zone A and Zone B, as shown on the Tualatin Parking Zone Map, Figure 73-3. The following are exempt from calculation of maximum parking requirements: parking structures; fleet parking; parking for vehicles for sale, lease or rent; car/vanpool parking; dedicated valet parking; and user-paid parking.**

*Staff notes that the table below has been modified from the table included in the TDC to only include off-street parking requirements for proposed uses on the project site.*

USE	MINIMUM MOTOR VEHICLE PARKING REQUIREMENT	MAXIMUM MOTOR VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
<u>Industrial</u>				
(i) Manufacturing	1.60 spaces per 1,000 sq. ft. of gross floor area	None	2, or 0.10 spaces per 1,000 gross sq. ft., whichever is greater	First 5 spaces or 30%, whichever is greater
(ii) Warehousing	0.30 spaces per 1,000 sq. ft. of gross floor area	Zone A: 0.4 spaces per 1,000 sq. ft. gross floor area Zone B: 0.5 spaces per 1,000 sq. ft. gross floor area	2, or 0.10 spaces per 1,000 gross sq. ft., whichever is greater	First 5 spaces or 30%, whichever is greater
(iii) Wholesale establishment	3.00 spaces per 1,000 sq. ft. of gross floor area	None	2, or 0.50 spaces per 1,000 gross sq. ft., whichever is greater	First 5 spaces or 30%, whichever is greater

Staff finds that the proposed 336 (vehicular) parking spaces meet the overall total on-site parking requirement as calculated using the standards in the above table and as shown on sheet A0.0.

Staff also finds that while the applicant has calculated the requirement amount of bicycle parking as shown on sheet A0.0, these proposed facilities are not clearly labeled on the site plan (sheet A1.0). Bicycle parking facilities shall either be lockable enclosures in which the bicycle is stored, or secure stationary racks, which accommodate a bicyclist's lock securing the frame and both wheels. Each bicycle parking space shall be at least 6 feet long and 2 feet wide, and overhead clearance in covered areas shall be at least 7 feet, unless a lower height is approved through the Architectural Review process. Bicycle parking areas and facilities shall be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs shall be located at the main entrance and at the location of the bicycle parking facilities.

Condition of Approval: The applicant shall revise the site plan (sheet A1.0) to clearly label bicycle parking facilities; for indoor bicycle parking, signage location(s) for these facilities should also be identified on the revised site plan. TDC 73.370(2)(a)

**(b) The following are the minimum requirements for off-street motor vehicle parking in the Core Area Parking District (CAPD) for the uses in TDC 73.370(2)(a)(Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: i, ii, iv; Commercial Amusements: i, ii; and Commercial: i, ii, xi, xii, xiv).**

*Staff finds that this is not applicable.*

**(3) Off-Street Vanpool and Carpool Parking Provisions.**

**The minimum number of off-street Vanpool and Carpool parking for commercial, institutional and industrial uses is as follows:**

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

*Staff finds that based on the projected mix of uses, the proposed development would require 6 carpool/vanpool spaces.*

Condition of Approval: *The applicant shall revise site plan (sheet A1.0) to illustrate locations for the required 6 carpool/vanpool spaces, including pavement markings and/or signs/placards.*

**73.380 Off-Street Parking Lots**

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

**(1) Off-street parking lot design shall comply with the dimensional standards set forth in Figure 73-1 of this section, except for parking structures and underground parking where stall length and width requirements for a standard size stall shall be reduced by .5 feet and vehicular access at the entrance if gated shall be a minimum of 18 feet in width.**

Applicant Response: Accomplished, see site plan.

*Staff finds that this standard is met.*

**(2) Parking stalls for sub-compact vehicles shall not exceed 35 percent of the total parking stalls required by TDC 73.370(2). Stalls in excess of the number required by TDC 73.370(2) can be sub-compact stalls.**

Applicant Response: Acknowledged, and you can see from our calculations we are near the max for compacts allowed because cars are getting smaller.

*Staff finds that the proposed development would include 68 compact parking stalls. While these 68 stalls exceed the 35 percent of total parking stalls required (129) per TDC 73.370(2), stalls in excess of this requirement can be compact stalls; this standard is met.*

**(3) Off-street parking stalls shall not exceed eight continuous spaces in a row without a landscape separation, except for parking structures and underground parking. For parking lots within the Central Design District that are designed to frame views of the central water feature or identified architectural focal elements as provided in TDC**

**73.350(3), this requirement shall not apply and the location of parking lot landscape islands shall be determined through the Architectural Review process.**

Applicant Response: [We] acknowledge this rigid requirement.

*Staff finds that this standard is met.*

**(4) Parking stalls shall be constructed of asphalt or concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Drive aisles and parking stalls shall be maintained adequately for all-weather use and drained to avoid water flow across sidewalks. Pervious surfaces such as pervious concrete, pavers and grasscrete, but not gravel or woody material, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or in a Clean Water Services Vegetated Corridor. Parking lot landscaping shall be provided pursuant to the requirements of TDC 73.350 and TDC 73.360. Walkways in parking lots shall be provided pursuant to TDC 73.160.**

*Staff finds that this standard is met.*

**(5) Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents.**

*Staff finds that this is not applicable.*

**(6) Artificial lighting, which may be provided, shall be deflected to not shine or create glare in a residential planning district, an adjacent dwelling, street right-of-way in such a manner as to impair the use of such way or a Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or a Clean Water Services Vegetated Corridor.**

Applicant Response: Acknowledged.

*As discussed in the responses to TDC 73.220(1)(a), staff finds that there are no natural areas or wildlife habitats adjacent to the project site. In addition, staff review of the submitted lighting plan finds that the proposed development will not result in an unacceptable level of light spilling onto adjacent properties or public rights-of-way. This standard is met.*

**(7) Groups of more than 4 parking spaces shall 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.**

*Staff finds that this standard is met.*

**(8) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety for pedestrians and vehicular traffic on the site.**

Applicant Response: Accomplished, see site plan.

*Staff finds that this standard is met.*

**(9) Parking bumpers or wheel stops or curbing shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.**

Applicant Response: Accomplished, see site plan.

*Staff finds that this standard is met. All proposed pedestrian walkways adjacent to on-site parking spaces would maintain 5 feet of unobstructed width per ADA standards.*

**(10) Disability parking spaces and accessibility shall be provided in accordance with applicable federal and state requirements.**

*Staff finds that this standard is met. The proposed development would include 8 accessible parking spaces per Oregon Structural Specialty Code (OSSC) Chapter 11.*

**(11) 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, shall have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, shall have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic.**

Applicant Response: Accomplished, see site plan.

*Staff finds that all on-site drive aisles with parking spaces are 24 feet wide and all on-site drive aisles without parking are 22 feet wide. This standard is met.*

**73.390 Off-Street Loading Facilities**

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

Square Feet of Floor Area	Number of Berths
Less than 5,000	0
5,000 - 25,000	1
25,000 - 60,000	2
60,000 and over	3

Applicant Response: To best fit our high-tech tenant's needs, we propose two (2) shared full size loading berths and two (2) smaller on-grade van berths. The owner has learned over time this building type uses the smaller van service doors much more frequently than the 12' x 60' loading berths. We also provide built-in flexibility in our architecture to easily add more on-grade van service doors in existing glass openings if needed. Flexibility to adapt is key in this design, and for aesthetics we infill our van service doors openings with glass/aluminum doors.

*Staff finds that this standard is met.*

**(2) Loading berths shall conform to the following minimum size specifications.**

**(a) Commercial, public and semi-public uses of 5,000 to 25,000 square feet shall be 12' x 25' and uses greater than 25,000 shall be 12' x 35'**

Applicant Response: We provide three (2) - 12' x 25' on-grade drive-in service doors, with the ability to add more relatively easily if needed.

*Staff finds that this is not applicable.*

**(b) Industrial uses - 12' x 60'**

Applicant Response: We are designing to 12' x 60' loading berths on our (2) shared 4' docks.

*Staff finds that this standard is met.*

**(c) Berths shall have an unobstructed height of 14'**

Applicant Response: Accomplished.

*Staff finds that this standard is met.*

**(d) Loading berths shall not use the public right-of-way as part of the required off-street loading area.**

Applicant Response: Accomplished, the service area is well screened by buildings in the rear area away from Public ROWs.

**(3) Required loading areas shall be screened from public view from public streets and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.**

Applicant Response: Accomplished, we are screened from the public roads by buildings, including the neighbors building.

**(4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.**

Applicant Response: Agreed.

**(5) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school or child day care center having a capacity greater than 25 students.**

*Staff finds that this is not applicable.*

**(6) The off-street loading facilities shall in all cases be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.**

Applicant Response: Accomplished.

*Staff finds that although the project site is comprised of three separate lots, these lots essentially function as one site and therefore this standard is met.*

## O. Access

### 73.400 Access

**(1) The provision and maintenance of vehicular and pedestrian ingress and egress 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. Access management and spacing standards are provided in this section of the TDC and TDC Chapter 75. No building or other permit shall be issued until scale plans are presented that show how the ingress and egress 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 ingress and egress requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until the required increase in ingress and egress is provided.**

Applicant Response: Acknowledged.

**(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and egress 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 shall be placed on permanent file with the City Recorder.**

Applicant Response: Acknowledged. The owner intends to establish joint use of all our drives and site amenities via easements as part of development of this property, as he has done previously on his similar projects.

*Staff notes that access to and from SW Leveton Drive to the proposed development would be accommodated and shared through an existing driveway on the adjacent 3CM Stone lot (existing access easement per Doc # 2008-054248, see Attachment 104).*

### **(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.**

Applicant Response: Acknowledged. We propose to continue with the existing easement with Tofle.

*Staff finds although the project site would share an access driveway to and from SW Leveton Drive on the adjacent 3CM Stone lot, neither of these uses are commercial in nature and therefore this standard is not applicable.*

**(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 10 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;**

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

*Staff finds that this is not applicable.*

**(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;**

*Staff finds that this standard is met per applicant's response to TDC 73.400(3)(a) above.*

**(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;**

**(iv) If (i-iii) above involve access to the state highway system or county road system, ODOT or the county shall be contacted and shall approve changes to (i-iii) above prior to any changes.**

*Staff finds that this is not applicable.*

**(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 [comprising] more than one building site shall be reviewed as one unit in relation to the access standards. The number of access points permitted shall 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 shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area shall comply with the access requirements.**

*Staff finds that this standard is met.*

**(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.**

*Staff finds that this is not applicable.*

**(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 Engineer.**

*Staff finds that this standard is met.*

**(6) Except as provided in TDC 53.100, all ingress and egress shall connect directly with public streets.**

*Staff finds that this is not applicable.*

**(7) Vehicular access for residential uses shall be brought to within 50 feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.**

*Staff finds that this is not applicable.*

**(8) To afford safe pedestrian access and egress for properties within the City, a sidewalk shall 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 shall 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 shall be constructed to a design and in a manner approved by the City Engineer. Sidewalks approved by the City Engineer may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grades and alignment established by the City Engineer.**

*Staff finds that this standard is met as existing sidewalks along SW Leveton Drive and SW 108th Avenue adjacent to the project site have been previously constructed per City standards.*

**(9) The standards set forth in this Code are minimum standards for access and egress, 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.**

**(10) Minimum access requirements for residential uses:**

*Staff finds that this is not applicable.*

**(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses.**

*Staff finds that this is not applicable.*

**(12) Minimum Access Requirements for Industrial Uses.**

**Ingress and egress for industrial uses shall not be less than the following:**

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
1-250	1	36 feet for first 50' from ROW, 24' thereafter	No curbs or walkway required
Over 250	As required by City Engineer	As required by City Engineer	As required by City Engineer

Applicant Response: We propose an actual 336 stalls based upon the owner's experience with Hi-Tech tenants and market demand. The number of actual stalls suggests more than one drive is useful here. The Fire Marshall requires a minimum two access drives for this size of project and use. We request City Engineer approval for two access drives proposed in this submittal.

*Staff finds that this standard is met based on statements from the City Engineer's Review Findings and Decision regarding access, including "the City Engineer considers both access locations and widths [along SW 108th Avenue] acceptable."*

**(13) One-way Ingress or Egress.**

When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements of Subsections (7), (8), and (9). However, the hard surfaced pavement of one-way drives shall not be less than 16 feet for multi-family residential, commercial, or industrial uses.

*Staff finds that this is not applicable.*

**(14) Maximum Driveway Widths and Other Requirements.**

**(a) Unless otherwise provided in this chapter, maximum driveway widths shall not exceed 40 feet.**

Applicant Response: We easily meet this requirement, see site plan.

*Staff notes that the proposed project would include a 32-foot-wide driveway and a 24-foot-wide driveway along SW 108th Avenue.*

**(b) Except for townhouse lots, no driveways shall be constructed within 5 feet of an adjacent property line, except when two adjacent property owners elect to provide joint access to their respective properties, as provided by Subsection (2).**

Applicant Response: We meet this requirement.

**(c) There shall 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 Engineer.**

Applicant Response: We meet this requirement.

*Staff notes that centerlines of the two proposed driveways along SW 108th Avenue are approximately 295 feet apart.*

**(15) Distance between Driveways and Intersections.**

Except for single-family dwellings, the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection.

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

Applicant Response: We meet this requirement, see site plan.

*Staff notes that SW Leveton Drive and the section of SW 108th Avenue adjacent to the project site are classified as minor arterials and that the northernmost driveway is approximately 205 feet south (centerline to centerline) of the intersection between these two streets.*

**(b) At the intersection of two local streets, driveways shall be located a minimum of 30 feet from the intersection.**

*Staff finds that this is not applicable.*

**(c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line as required by TDC 73.400(14)(b).**

*Staff finds that this standard is met.*

**(d) When considering a public facilities plan that has been submitted as part of an Architectural Review plan in accordance with TDC 31.071(6), the City Engineer may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. The written approval shall be incorporated into the decision of the City Engineer for the utility facilities portion of the Architectural Review plan under the process set forth in TDC 31.071 through 31.077.**

*Staff finds that this is not applicable.*

**(16) Vision Clearance Area**

**(a) Local Streets - A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections shall 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 10 feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).**

Applicant Response: Acknowledged.

*Staff finds that this is not applicable.*

**(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 shall 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 shall be 10 feet (see Figure 73-2 for illustration).**

Applicant Response: Acknowledged.

*As discussed under TDC 73.150(7), staff finds that the attached plans do not include vision clearance diagrams, and therefore as a condition of approval the applicant shall include vision clearance diagrams on the appropriate sheets (sheet A1.0 and/or L1.0) for both access driveways along SW 108th Avenue to illustrate that the proposed landscaping would not obstruct vision clearance areas.*

**(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 shall be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).**

Applicant Response: Acknowledged.

*As discussed under TDC 73.150(7) and TDC 73.400(16)(b), staff finds that the attached plans do not include vision clearance diagrams, and therefore as a condition of approval the applicant shall include vision clearance diagrams on the appropriate sheets (sheet A1.0 and/or L1.0) for both access driveways along SW 108th Avenue to illustrate that the proposed development would not include elements that obstruct vision clearance areas.*

**(17) Major driveways, as defined in 31.060, in new residential and mixed-use areas are required to connect with existing or planned streets except where prevented by topography, rail lines, freeways, pre-existing development or leases, easements or covenants, or other barriers.**

*Staff finds that this is not applicable.*

**Section 75.120 Existing Streets**

The following list describes in detail the freeways and arterials as defined in TDC 75.030 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below.

**(15) LEVETON DRIVE**

**(a) 108th Avenue to 118th Avenue:**

On the north side of Leveton Drive, JAE (2S122B 200) shall align a driveway across from 118th Avenue and be permitted a second driveway approximately 50 feet from their east property line. Novellus (2S122AA 500 and 2S122AB 100) shall be permitted three driveways located approximately 25 feet and 950 feet from the west property line for Tax Lot 100 and 600 feet west of 108th Avenue for Tax Lot 500.

On the south side, Phight Inc. (2S122 300) shall be allowed a driveway aligned with the west Novellus (2S122AB 100) driveway and a driveway adjacent to their east property line. Fujimi (2S122 400) shall be allowed a driveway adjacent to their west property line and east property line. Tofle (2S122AD 400) shall be allowed a driveway aligning across from the Novellus (2S122AA 500) driveway and a second driveway approximately 260 feet west of 108th Avenue.

*Staff finds that this standard is met as the proposed development would not include an additional driveway on the south side of SW Leveton Drive and that the proposed project would share access with the second driveway on the Tofle (3CM Stone) site approximately 260 feet west of 108th Avenue.*

**(b) 118th Avenue to 124th Avenue:**

**The existing driveways will be allowed to remain. No new driveways will be permitted.**

*Staff finds that this is not applicable.*

**(16) 108TH AVENUE**

**(a) Leveton Drive to Herman Road:**

On the west side, Tofle (2S122AD 400) shall take access from Leveton Drive. The undeveloped property (2S122AD 500) shall be allowed one driveway onto 108th Avenue. The old Shulz Clearwater site (2S122AD 800) and then Northwest Pipe and Metal Fab (2S122AD 600 and 700) shall provide a joint driveway access. The Wahco Inc. property (2S122AD 900) shall take access from Herman Road.

On the east side, the DOT Inc. site shall have a driveway that aligns with Leveton Drive. The City Operations Center (2S122AD 200 and 300) will be permitted two driveways at locations to be determined by the City Engineer.

*Staff finds that this standard is met based on statements from the City Engineer's Review Findings and Decision regarding access, including "the City Engineer considers both accesses to SW 108th Avenue acceptable."*

## **P. Environmental**

### **63.051 Noise**

**(1) Except as otherwise provided in this section, all industrial development shall comply with the Oregon State Department of Environmental Quality standards relating to noise. From 9:00 p.m. to 7:00 a.m., a dBA reading from an industrial development, whether new or existing, shall not exceed an L-max of 60 dBA when measured from a noise sensitive property.**

*Staff finds that the applicant shall comply with the noise limits of 63.051(1).*

## **Q. Signs**

*The applicant shall, separately from this AR, submit sign permit applications for any changed or new signage.*

## **R. Time Limit on Approval**

**73.056 Architectural Review approvals shall expire after two years unless:**

**(1) 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**

**(2) The Architectural Review (AR) applicant requests in writing an extension and the City approves it. If the Community Development Director and City Engineer or their designees approved the AR. then the Community Development Director and City Engineer shall decide upon the extension request. If the Architectural Review Board (ARB) approved the AR. then the ARB shall decide upon the extension request. The applicant shall provide notice of extension request to past recipients of the AR notice of application and post a sign pursuant to TDC 31.064. Before approving an extension, the deciding party shall find the request meets these criteria:**

**(a) The applicant submitted a written extension request prior to the original expiration date.**

**(b) There have been no significant changes in any conditions, ordinances, regulations or other standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for AR.**

**(c) If the previously approved application included a special study, the applicant provided with the extension a status report that shows no significant changes on the site or within the vicinity of the site. A letter from a recognized professional also would satisfy this criterion if it states that conditions have not changed after the original approval and that no new study is warranted.**

**(d) If the AR applicant neglected site maintenance and allowed the site to become blighted, the deciding party shall factor this into its decision.**

**(e) The deciding party shall grant no more than a single one-year extension for an AR approval.**

**(f) If the Community Development Director and City Engineer or their designees are the deciding party, then they shall decide within thirty (30) days of receipt of the request. If the ARB is the deciding party, then the ARB shall decide within sixty (60) days of receipt of the request. If the deciding party fails to decide within the applicable time period, the decision shall default to approval.**

## IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days on **July 7, 2016**, unless a written appeal is received by the **Community Development Department – Planning Division at 18880 Martinazzi Avenue, Tualatin, Oregon 97062 before 5:00 p.m., July 7, 2016**. 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).

Submitted by:

A handwritten signature in blue ink, appearing to read 'CHB III', with a horizontal line extending to the right.

Charles H. Benson, III  
Associate Planner

Issued by:

A handwritten signature in blue ink, appearing to read 'Aquilla Hurd-Ravich', written in a cursive style.

Aquilla Hurd-Ravich  
Planning Manager

## **V. ATTACHMENTS**

The record includes all submitted materials that may be requested for viewing at the City of Tualatin Planning Counter. The following can be downloaded from the City of Tualatin webpage:

- 101: Application Materials, deemed complete April 6, 2016
- 102: Republic Services letter, dated October 23, 2015
- 103: Clean Water Services memorandum, dated April 28, 2016
- 104: Recorded Partition Plat, Doc. No. 2011053337



# City of Tualatin

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June 23, 2016

## CITY ENGINEER'S REVIEW FINDINGS AND DECISION FOR AR15-0028 LEVETON – SW 108TH AVENUE AT SW LEVETON DRIVE

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## I. RECOMMENDATION

Based on the findings presented, the City Engineer approves the preliminary plans of AR15-0028, Leveton Commons with the following conditions:

### A. PRIOR TO ISSUANCE OF A PUBLIC WORKS OR WATER QUALITY PERMIT

- PFR-1 Submit final sanitary sewer plans that show location of the lines, grade, materials, and other details.
- PFR -2 Submit final water system plans that show location of the water lines, grade, materials, and other details without any proposed public fire hydrant on SW 108<sup>th</sup> Avenue.
- PFR-3 Submit an application for hydraulic modeling and associated fee.
- PFR-4 Obtain a NPDES Erosion Control Permit in accordance with code section TMC 3-5-060.
- PFR-5 Obtain a City of Tualatin erosion control permit in accordance with code section TMC 3-5-060.
- PFR-6 Submit a final stormwater report that refers to the TM Rippey Storm Drainage Basin Analysis report.
- PFR-7 Submit final stormwater system plans that include Clean Water Services treatment approvable plants within LIDA facilities.
- PFR-8 Submit plans that show pedestrian connections to the existing curb-tight sidewalk to be constructed to conform to Public Works Construction Code.
- PFR-9 Submit plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions and obtain an Amended Service Provider Letter as determined by Clean Water Services for any revisions to the proposed plans.
- PFR-10 Submit a signed agreement to pay for undergrounding existing overhead utilities adjacent to this development if there is a future project to underground along SW 108th Avenue.
- PFR-11 Submit plans that show approved street trees from the Street Tree Ordinance spaced, compatible with, and located within the area of a future planter strip to match full build of the street's cross-section of a Minor Arterial's 6-foot wide planter strip.
- PFR-12 Submit plans that do not have additional shrubs restricting vision clearance.

PFR-13 Submit plans that show root barriers are required to be installed for trees that are within 10 feet of a public line or adjacent to a public sidewalk. Root barriers shall be 24-inch deep, 10-foot long root barrier centered on the tree trunk at the edge of the public easement or sidewalk.

**B. PRIOR TO ISSUANCE OF BUILDING PERMITS:**

PFR-14 Obtain Public Works, Water Quality, Erosion Control, and 1200C permits.

PFR-15 Submit plans that meet the requirements of TVF&R.

**C. PRIOR TO A CERTIFICATE OF OCCUPANCY:**

PFR-16 The applicant shall complete all public and private improvements.

**II. APPEAL**

Requests for review of this decision must be received by the Engineering Division within the 14-day appeal period ending on **July 7, 2016 at 5 PM**. Issues must have been described with adequate clarity and detail with identification of the associated Tualatin Municipal or Development Code section to afford a decision maker an opportunity to respond to the issue. A request for review must be submitted on the form provided by the City, as detailed in TDC 31.076, and signed by the appellant.

Sincerely,



Tony Doran, EIT  
Engineering Associate

**III. STANDARDS AND APPLICABLE CRITERIA**

Tualatin Municipal Code (TMC)  
Title 03: Utilities and Water Quality  
Title 04: Building

Tualatin Development Code (TDC)  
Chapter 73: Community Design Standards  
Chapter 74: Public Improvement Requirements  
Chapter 75: Access Management

#### **IV. CONCLUSIONS**

##### **A. TMC TITLE 03: UTILITIES AND WATER QUALITY**

##### **I. TMC CHAPTER 03-02: SEWER REGULATIONS; RATES**

##### **1. TMC 3-2-020 APPLICATION, PERMIT AND INSPECTION PROCEDURE.**

(1) No person shall connect to any part of the sanitary sewer system without first making an application and securing a permit from the City for such connection, nor may any person substantially increase the flow, or alter the character of sewage, without first obtaining an additional permit and paying such charges therefore as may be fixed by the City, including such charges as inspection charges, connection charges and monthly service charges.

##### **2. TMC 3-2-030 MATERIALS AND MANNER OF CONSTRUCTION.**

(1) All building sewers, side sewers and connections to the main sewer shall be so constructed as to conform to the requirements of the Oregon State Plumbing Laws and rules and regulations and specifications for sewerage construction of the City.

(3) A public works permit must be secured from the City and other agency having jurisdiction by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

##### **3. TMC 3-2-160 CONSTRUCTION STANDARDS.**

All sewer line construction and installation of services and equipment shall be in conformance with the City of Tualatin Public Works Construction Code. In addition, whenever a property owner extends a sewer line, the extension shall be carried to the opposite property line or to such other point as determined by the Public Works Director.

#### **FINDING:**

The civil drawings define the sanitary system proposal and the developer will obtain permits before the work begins. The proposal is a code complying gravity system connecting to existing sanitary stubs in SW 108th Avenue, which has an existing public gravity sewer line. The Leveton development team that will meet Tualatin construction Standards, and building permit documents will also reflect those standards.

The applicant will submit sanitary sewer plans that show location of the lines, grade, materials, and other details prior to obtaining a Building Permit.

This criterion is satisfied with conditions of approval PFR-1.

## **II. TMC CHAPTER 03-03: WATER SERVICE**

### **1. TMC 3-3-040 SEPARATE SERVICES REQUIRED.**

**(1) Except as authorized by the City Engineer, a separate service and meter to supply regular water service or fire protection service shall be required for each building, residential unit or structure served. For the purposes of this section, trailer parks and multi-family residences of more than four dwelling units shall constitute a single unit unless the City Engineer determines that separate services are required.**

### **2. TMC 3-3-110 CONSTRUCTION STANDARDS.**

**All water line construction and installation of services and equipment shall be in conformance with the City of Tualatin Public Works Construction Code. In addition, whenever a property owner extends a water line, which upon completion, is intended to be dedicated to the City as part of the public water system, said extension shall be carried to the opposite property line or to such other point as determined by the City Engineer. Water line size shall be determined by the City Engineer in accordance with the City's Development Code or implementing ordinances and the Public Works Construction Code.**

### **3. TMC 3-3-120 BACKFLOW PREVENTION DEVICES AND CROSS CONNECTIONS.**

**(2) The owner of property to which City water is furnished for human consumption shall install in accordance with City standards an appropriate backflow prevention device on the premises where any of the following circumstances exist:**

**(4) Except as otherwise provided in this subsection, all irrigation systems shall be installed with a double check valve assembly. Irrigation system backflow prevention device assemblies installed before the effective date of this ordinance, which were approved at the time they were installed but are not on the current list of approved device assemblies maintained by the Oregon State Health Division, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When devices of this type are moved, or require more than minimum maintenance, they shall be replaced by device assemblies which are on the Health Division list of approved device assemblies.**

#### **4. TMC 3-3-130 CONTROL VALVES.**

**The customer shall install a suitable valve, as close to the meter location as practical, the operation of which will control the entire water supply from the service. The operation by the customer of the curb stop in the meter box is prohibited.**

#### **FINDING:**

The civil drawings define the water system proposal and the developer will obtain permits before the work begins. The proposal is a code complying water system connecting to existing public water service lines in SW 108th Avenue.

A proposed public fire hydrant is shown on SW 108<sup>th</sup> Avenue near the intersection with SW Leveton Drive. Public fire hydrants already exist on SW 108<sup>th</sup> Avenue and SW Leveton Drive with appropriate spacing, therefore this hydrant is not needed. The applicant will submit revised plans without any proposed public fire hydrants. Any proposed fire hydrants should be private and onsite.

The applicant will submit water system plans that show location of the water lines, grade, materials, and other details prior to obtaining a Building Permit.

As the development's building square footage is greater than 48,300 feet, the applicant will submit for a hydraulic model and associated fee to determine the adequacy or improvement requirements for the public water system serving the site.

This criterion is satisfied with conditions of approval PFR-2 and -3.

### **III. TMC 3-5 ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS**

#### **1. TMC 3-5-010 POLICY.**

It is the policy of the City to require temporary and permanent measures for all construction projects to lessen the adverse effects of construction on the environment. The contractor shall properly install, operate and maintain both temporary and permanent works as provided in this chapter or in an approved plan, to protect the environment during the term of the project. In addition, these erosion control rules apply to all properties within the City, regardless of whether that property is involved in a construction or development activity. Nothing in this chapter shall relieve any person from the obligation to comply with the regulations or permits of any federal, state, or local authority...

#### **2. TMC 3-5-050 EROSION CONTROL PERMITS.**

(1) Except as noted in subsection (3) of this section, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees...

#### **3. TMC 3-5-060 PERMIT PROCESS.**

(1) Applications for an Erosion Control Permit. Application for an Erosion Control Permit shall include an Erosion Control Plan which contains methods and interim facilities to be constructed or used concurrently and to be operated during construction to control erosion. The plan shall include either:

(a) A site specific plan outlining the protection techniques to control soil erosion and sediment transport from the site to less than one ton per acre per year as calculated using the Soil Conservation Service Universal Soil Loss Equation or other equivalent method approved by the City Engineer, or

(b) Techniques and methods contained and prescribed in the Soil Erosion Control Matrix and Methods, outlined in TMC 3-5.190 or the Erosion Control Plans - Technical Guidance Handbook, City of Portland and Unified Sewerage Agency, January, 1991.

(2) Site Plan. A site specific plan, pre-pared by an Oregon registered professional engineer, shall be required when the site meets any of the following criteria:

- (a) greater than five acres;
- (b) greater than one acre and has slopes greater than 20 percent;
- (c) contains or is within 100 feet of a City-identified wetland or a waterway identified on FEMA floodplain maps; or
- (d) greater than one acre and contains highly erodible soils.

**FINDING:**

The plans indicate the development area is approximately 5.36 acres. The applicant will obtain a City of Tualatin Erosion Control Permit and a 1200C NPDES Permit.

This criterion is satisfied with conditions of approval PFR-4 and -5.

**4. TMC 3-5-200 DOWNSTREAM PROTECTION REQUIREMENT.**

Each new development is responsible for mitigating the impacts of that development upon the public storm water quantity system. The development may satisfy this requirement through the use of any of the following techniques, subject to the limitations and requirements in TMC 3-5-210: Construction of permanent on-site stormwater quantity detention facilities designed in accordance with this title;...

**5. TMC 3-5-210 REVIEW OF DOWNSTREAM SYSTEM.**

For new development other than the construction of a single family house or duplex, plans shall document review by the design engineer of the downstream capacity of any existing storm drainage facilities impacted by the proposed development. That review shall extend downstream to a point where the impacts to the water surface elevation from the development will be insignificant, or to a point where the conveyance system has adequate capacity, as determined by the City Engineer. To determine the point at which the downstream impacts are insignificant or the drainage system has adequate capacity, the design engineer shall submit an analysis using the following guidelines:

- (1) evaluate the downstream drainage system for at least  $\frac{1}{4}$  mile;
- (2) evaluate the downstream drainage system to a point at which the runoff from the development in a build out condition is less than 10 percent of the total runoff of the basin in its current development status. Developments in the basin that have been approved may be considered in place and their conditions of approval to exist if the work has started on those projects;
- (3) evaluate the downstream drainage system throughout the following range of storms: 2, 5, 10, 25 year;
- (4) The City Engineer may modify items 1, 2, 3 to require additional information to determine the impacts of the development or to delete the provision of unnecessary information.

**6. TMC 3-5-220 CRITERIA FOR REQUIRING ON-SITE  
DETENTION TO BE CONSTRUCTED.**

**The City shall determine whether the onsite facility shall be constructed. If the onsite facility is constructed, the development shall be eligible for a credit against Storm and Surface Water System Development Charges, as provided in City ordinance. On-site facilities shall be constructed when any of the following conditions exist:**

**(1) There is an identified downstream deficiency, as defined in TMC 3-5-210, and detention rather than conveyance system enlargement is determined to be the more effective solution...**

**FINDING:**

The applicant submitted a Storm Drainage Basin Analysis from TM Rippey Consulting Engineers dated December 2013. This analysis summarized that the existing public storm drainage system within SW 108<sup>th</sup> Avenue and SW Herman Road have sufficient capacity for up to both a 25- and 50-year storm event with the basin developed, including this site.

The applicant also submitted a Preliminary Stormwater Report from VLMK Engineering and Design dated October 21<sup>st</sup>, 2015. This report leveraged the conclusion from the TM Rippey analysis that downstream conveyance was adequate. The proposed system shown on sheet C2.0 includes treatment of all impervious areas via 12 LIDA flow through planters treating the western parking lot and nine catch basin stormfilter units treating the remainder of the development. All stormwater will be detained up to the 25-year storm event with underground Stormtech SC-740 cartridges prior to release to the existing public stormwater system in SW 108<sup>th</sup> Avenue.

The landscaping plan shown on sheet L1.0 includes trees and groundcover that are not identified on Clean Water Services approved plant list for treatment within the LIDA flow through planters. The plants will conform to Clean Water Services standards.

This criterion is satisfied with conditions of approval PFR-6 and -7.

**IV. TMC 3-5 PERMANENT ON-SITE WATER QUALITY FACILITIES**

**1. TMC 3-5-280 PLACEMENT OF WATER QUALITY  
FACILITIES.**

**Title III specifies that certain properties shall install water quality facilities for the purpose of removing phosphorous. No such water quality facilities shall be constructed within the defined area of existing or created wetlands unless a mitigation action, approved by the City, is constructed to replace the area used for the water quality facility.**

**FINDING:**

The site's proposed water quality facilities are not located in wetlands or associated buffers.

This criterion is satisfied.

**2. TMC 3-5-290 PURPOSE OF TITLE.**

The purpose of this title is to require new development and other activities which create impervious surfaces to construct or fund on-site or off-site permanent water quality facilities to reduce the amount of phosphorous entering the storm and surface water system.

**3. TMC 3-5-300 APPLICATION OF TITLE.**

Title III of this Chapter shall apply to all activities which create new or additional impervious surfaces, except as provided in TMC 3-5.310.

**4. TMC 3-5-310 EXCEPTIONS.**

(1) Those developments with application dates prior to July 1, 1990, are exempt from the requirements of Title III.

The application date shall be defined as the date on which a complete application for development approval is accepted by the City in accordance with City regulations.

(2) Construction of one and two family (duplex) dwellings are exempt from the requirements of Title III.

(3) Sewer lines, water lines, utilities or other land development that will not directly increase the amount of storm water run-off or pollution leaving the site once construction has been completed and the site is either restored to or not altered from its approximate original condition are exempt from the requirements of Title III.

**5. TMC 3-5-320 DEFINITIONS.**

(1) "Stormwater Quality Control Facility" refers to any structure or drainage way that is designed, constructed and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement. It may also include, but is not limited to, existing features such as constructed wetlands, water quality swales, low impact development approaches ("LIDA"), and ponds which are maintained as stormwater quality control facilities.

**(2) "Low impact development approaches" or "LIDA: means stormwater facilities constructed utilizing low impact development approaches used to temporarily store, route or filter run-off for the purpose of improving water quality. Examples include; but are not limited to, Porous Pavement, Green Roofs, Infiltration Planters/Rain Gardens, Flow-Through Planters, LIDA Swales, Vegetated Filter Strips, Vegetated Swales, Extended Dry Basins, Constructed Water Quality Wetland, Conveyance and Stormwater Art, and Planting Design and Habitats.**

**(3) "Water Quality Swale" means a vegetated natural depression, wide shallow ditch, or constructed facility used to temporarily store, route or filter run-off for the purpose of improving water quality.**

**(4) "Existing Wetlands" means those areas identified and delineated as set forth in the Federal Manual for Identifying the Delineating Jurisdictional Wetlands, January, 1989, or as amended, by a qualified wetlands specialist.**

**(5) "Created Wetlands" means those wetlands developed in an area previously identified as a non-wetland to replace, or mitigate wetland destruction or displacement.**

**(6) "Constructed Wetlands" means those wetlands developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and/or separated from existing or created wetlands. This separation shall preclude a free and open connection to such other wetlands.**

#### **6. TMC 3-5-330 PERMIT REQUIRED.**

**Except as provided in TMC 3-5-310, no person shall cause any change to improved or unimproved real property that will, or is likely to, increase the rate or quantity of run-off or pollution from the site without first obtaining a permit from the City and following the conditions of the permit.**

#### **7. TMC 3-5-340 FACILITIES REQUIRED.**

**For new development, subject to the exemptions of TMC 3-5-310, no permit for construction, or land development, or plat or site plan shall be approved unless the conditions of the plat, plan or permit approval require permanent stormwater quality control facilities in accordance with this Title III.**

#### **8. TMC 3-5-345 INSPECTION REPORTS.**

**The property owner or person in control of the property shall submit inspection reports annually to the City for the purpose of ensuring maintenance activities occur according to the operation and maintenance plan submitted for an approved permit or architectural review.**

**9. TMC 3-5-350 PHOSPHOROUS REMOVAL STANDARD.**

The stormwater quality control facilities shall be designed to remove 65 percent of the phosphorous from the runoff from 100 percent of the newly constructed impervious surfaces. Impervious surfaces shall include pavement, buildings, public and private roadways, and all other surfaces with similar runoff characteristics.

**10. TMC 3-5-360 DESIGN STORM.**

The stormwater quality control facilities shall be designed to meet the removal efficiency of TMC 3-5-350 for a mean summertime storm event totaling 0.36 inches of precipitation falling in four hours with an average return period of 96 hours.

**11. TMC 3-5-370 DESIGN REQUIREMENTS.**

The removal efficiency in TDC Chapter 35 specifies only the design requirements and are not intended as a basis for performance evaluation or compliance determination of the stormwater quality control facility installed or constructed pursuant to this Title III.

**12. TMC 3-5-330 PERMIT REQUIRED.**

Except as provided in TMC 3-5-310, no person shall cause any change to improved or unimproved real property that will, or is likely to, increase the rate or quantity of run-off or pollution from the site without first obtaining a permit from the City and following the conditions of the permit.

**13. TMC -5-340 FACILITIES REQUIRED.**

For new development, subject to the exemptions of TMC 3-5-310, no permit for construction, or land development, or plat or site plan shall be approved unless the conditions of the plat, plan or permit approval require permanent stormwater quality control facilities in accordance with this Title III.

**14. TMC 3-5-390 FACILITY PERMIT APPROVAL.**

A stormwater quality control facility permit shall be approved only if the following are met:

**(1) The plat, site plan, or permit application includes plans and a certification prepared by an Oregon registered, professional engineer that the proposed stormwater quality control facilities have been designed in accordance with criteria expected to achieve removal efficiencies for total phosphorous required by this Title III. Clean Water Services Design and Construction Standards shall be used in preparing the plan for the water quality facility; and**

**(2) The plat, site plan, or permit application shall be consistent with the areas used to determine the removal required in TMC 3-5-350; and**

**(3) A financial assurance, or equivalent security acceptable to the City, is provided by the applicant which assures that the stormwater quality control facilities are constructed according to the plans established in the plat, site plan, or permit approval. The financial assurance may be combined with our financial assurance requirements imposed by the City; and**

**(4) A stormwater facility agreement identifies who will be responsible for assuring the long term compliance with the operation and maintenance plan.**

**FINDING:**

The applicant will obtain a Water Quality Permit for the proposed onsite LIDA and stormfilter treatment systems.

This criterion is satisfied with conditions of approval PFR-14.

**B. TMC 4-1-030 GRADING**

**A person seeking a grading permit must submit a soil report with the permit application. The soils report submitted must be signed and sealed by an Oregon-certified soils engineer and comply with Appendix J of the Oregon Structural Specialty Code, 2014 edition. No grading activities may occur unless and until a person receives a grading permit and complies with this section.**

**FINDING:**

The applicant submitted a geotechnical report as part of AR submittal package and it will be part of building permit submittal for a grading permit.

This criterion is satisfied.

**C. CHAPTER 04-02: FIRE HYDRANT LOCATIONS AND RATES OF FLOW**

**I. TMC 4-2-010 HYDRANTS AND WATER SUPPLY FOR FIRE PROTECTION.**

(1) Every application for a building permit and accompanying plans shall be submitted to the Building Division for review of water used for fire protection, the approximate location and size of hydrants to be connected, and the provisions for access and egress for firefighting equipment. If upon such review it is determined that the fire protection facilities are not required or that they are adequately provided for in the plans, the Fire and Life Safety Reviewer shall recommend approval to the City Building Official.

(2) If adequate provisions for such facilities are not made, the Fire and Life Safety Reviewer shall either recommend against approval of the plans or indicate to the applicant in writing where the plans are deficient or recommend approval of plans subject to conditions.

**FINDING:**

Regarding life-safety the buildings are designed to both of these referenced codes. Noted the building shell is concrete and steel and glass (non-combustible materials) and includes a sprinkler system. Documentation that the proposed development will meet these standards is partially included on the AR submittal documents and will be further defined on Building Permit documents. The applicant will comply with any TVF&R requirements.

This criterion is satisfied with conditions of approval PFR-15.

**D. TDC CHAPTER 73: COMMUNITY DESIGN STANDARDS**

**I. TDC SECTION 73.270 GRADING.**

(1) 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.

(2) All planting areas shall be graded to provide positive drainage.

(3) Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.

(4) Impervious surface drainage shall 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.

**FINDING:**

Sheet C1.0, Site Grading Plan, shows all impervious areas of the development to be graded towards onsite stormwater facilities. Sheet L1.0 shows all pervious areas to be planted.

This criterion is satisfied with conditions of approval PFR-4 and -5.

**II. TDC SECTION 73.400 ACCESS.**

**(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and egress 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 shall be placed on permanent file with the City Recorder.**

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

**(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 10 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;**

**(iv) a 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;**

**(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 Engineer.**

**(6) Except as provided in TDC 53.100, all ingress and egress shall connect directly with public streets.**

**(8) To afford safe pedestrian access and egress for properties within the City, a sidewalk shall 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 shall 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 shall be constructed to a design and in a manner approved by the City Engineer. Sidewalks approved by the City Engineer may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grades and alignment established by the City Engineer.**

**(9) The standards set forth in this Code are minimum standards for access and egress, 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.**

**(10) Minimum access requirements for residential uses:**

**(a) Ingress and egress for single-family residential uses, including townhouses, shall be paved to a minimum width of 10 feet. Maximum driveway widths shall not exceed 26 feet for one and two car garages, and 37 feet for three or more car garages. For the purposes of this section, driveway widths shall be measured at the property line....**

**(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses.**

**...In all other cases, ingress and egress for commercial uses shall not be less than the following:**

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

**..(12) Minimum Access Requirements for Industrial Uses. Ingress and egress for industrial uses shall not be less than the following:**

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
1-250	1	36 feet for first 50' from ROW, 24' thereafter	No curbs or walkway required
Over 250	As required by City Engineer	As required by City Engineer	As required by City Engineer

**(13) One-way Ingress or Egress.**

When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements of Subsections (7), (8), and (9). However, the hard surfaced pavement of one-way drives shall not be less than 16 feet for multi-family residential, commercial, or industrial uses.

**(14) Maximum Driveway Widths and Other Requirements.**

- (a) Unless otherwise provided in this chapter, maximum driveway widths shall not exceed 40 feet.
- (b) Except for townhouse lots, no driveways shall be constructed within 5 feet of an adjacent property line, except when two adjacent property owners elect to provide joint access to their respective properties, as provided by Subsection (2).
- (c) There shall 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 Engineer.

**(15) Distance between Driveways and Intersections.**

Except for single-family dwellings, the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection.

- (a) At the intersection of collector or arterial streets, driveways shall be located a minimum of 150 feet from the intersection.
- (b) At the intersection of two local streets, driveways shall be located a minimum of 30 feet from the intersection.
- (c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line as required by TDC 73.400(14)(b).

**(d) When considering a public facilities plan that has been submitted as part of an Architectural Review plan in accordance with TDC 31.071(6), the City Engineer may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. The written approval shall be incorporated into the decision of the City Engineer for the utility facilities portion of the Architectural Review plan under the process set forth in TDC 31.071 through 31.077.**

**FINDINGS:**

The owner intends to establish joint use of all our drives and site amenities via easements as part of development of this property, as he has done previously on his similar projects. The applicant will continue to maintain the existing easement with Tofle near the center of the site just south of and with 30-foot wide driveway to SW Leveton Drive. The applicant proposes 336 stalls based upon the owner's experience with Hi-Tech tenants and market demand. The number of actual stalls requires two driveways 32 feet wide. The Fire Marshall requires a minimum two access drives for this size of project and use. The applicant requests City Engineer approval for two access drives proposed in this submittal to SW 108<sup>th</sup> Avenue of 32 and 26 feet wide approximately 160 and 450 feet south of SW Leveton Drive, respectively.

The applicant submitted a Traffic Profile Review and Supplemental Traffic Assessment for Leveton Industrial Building – Tualatin, OR from Kittelson and Associates dated January 20, 2016 and April 4, 2016, respectively. The profile review recommended that the mature street trees within SW 108<sup>th</sup> Avenue be maintained by trimming overhanging branches to achieve adequate vision clearances and sight distances. The assessment concluded that the proposed development's accesses would not cause safety, queue, or level-of-service concerns for public transportation and that no public improvements were needed. Additionally, both submittals didn't indicate a need for additional dedication or street improvements.

The City Engineer considers both access locations and widths acceptable and that the mature trees should be preserved.

This criterion is satisfied.

**E. TDC CHAPTER 74: PUBLIC IMPROVEMENT REQUIREMENTS**

**I. TDC SECTION 74.120 PUBLIC IMPROVEMENTS.**

**(1) Except as specially provided, all public improvements shall be installed at the expense of the applicant. All public improvements installed by the applicant shall be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. No work shall be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and a Public Works Permit issued and the required fees paid.**

**FINDINGS:**

A conceptual land use plan set has been submitted to show the proposed public water, sanitary sewer, and storm drainage facilities meeting City requirements to serve the proposed development.

This criterion is satisfied with conditions of approval PFR-14.

**TDC Section 74.130 Private Improvements.**

**All private improvements shall be in-stalled at the expense of the applicant. The property owner shall retain maintenance responsibilities over all private improvements.**

**FINDINGS:**

A conceptual land use plan set has been submitted to show the proposed private water, sanitary sewer, and storm drainage facilities meeting City requirements to serve the proposed development.

This criterion is satisfied with conditions of approval PFR-16.

**II. TDC SECTION 74.140 CONSTRUCTION TIMING.**

**(1) All the public improvements required under this chapter shall 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 shall 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.**

**FINDINGS:**

This criterion is satisfied with conditions of approval PFR-16.

**III. TDC SECTION 74.210 MINIMUM STREET RIGHT-OF-WAY WIDTHS.**

**The width of streets in feet shall 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 shall 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 of the Tualatin Community Plan shall 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 shall be for the full width of the property abutting the roadway and, if required by the City Engineer, additional dedications shall be provided for slope and utility easements if deemed necessary.**

**(3) For development applications that will impact existing streets not adjacent to the applicant's property, and to construct necessary street improvements to mitigate those impacts would require additional right-of-way, the applicant shall be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form shall be obtained from the City Engineer and upon completion returned to the City Engineer for acceptance by the City. On subdivision and partition plats the right-of-way dedication shall be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication shall be accepted by the City prior to issuance of building permits. The City may elect to exercise eminent domain and condemn necessary off-site right-of-way at the applicant's request and expense. The City Council shall determine when condemnation proceedings are to be used.**

**(4) If the City Engineer deems that it is impractical to acquire the additional right-of-way as required in subsections (1)-(3) of this section from both sides of the center-line in equal amounts, the City Engineer may require that the right-of-way be dedicated in a manner that would result in unequal dedication from each side of the road. This requirement will also apply to slope and utility easements as discussed in TDC 74.320 and 74.330. The City Engineer's recommendation shall be presented to the City Council in the preliminary plat approval for subdivisions and partitions, and in the recommended decision on all other development applications, prior to finalization of the right-of-way dedication requirements.**

**(6) When a proposed development is adjacent to or bisected by a street proposed in TDC Chapter 11, Transportation Plan (Figure 11-3) and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G shall be dedicated by the applicant. The dedication of right-of-way required in this subsection shall be along the route of the road as determined by the City.**

#### **IV. TDC 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 shall 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 shall 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 Engineer 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 shall 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 shall be required in the same manner as the half-street improvement requirements.**

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

**(7) For subdivision and partition applications, the street improvements required by TDC Chapter 74 shall be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.**

**(10) Streets within, or partially within, a proposed development site shall 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 shall 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 shall 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 shall 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 shall 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 shall 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.**

**(16) The City Engineer may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant shall sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement shall be subject to the City's approval.**

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

**(18) Pursuant to requirements for off-site improvements as conditions of development approval in TDC 73.055(2)(e) and TDC 36.160(8), proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to comply with the City’s Mid-Block Crossing Policy.**

**V. TDC 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.**

**VI. TDC SECTION 74.440 STREETS, TRAFFIC STUDY REQUIRED.**

**(1) The City Engineer 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 Engineer 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 shall be completed prior to the approval of the development application.**

**(3) The traffic study shall 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 Engineer will determine which facilities are impacted and need to be included in the study.**

**(g) The study shall be conducted by a registered engineer.**

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

**FINDINGS:**

The plans show the existing right-of-way to be 49 feet from centerline for both SW 108<sup>th</sup> Avenue and SW Leveton Drive, adequate to construct the preferred cross-sections for both streets. Two travel lanes, a center turn lane, bike lanes, curb tight sidewalk, and a large planter strip exist and the developed street is consistent with the surrounding area. The planter strip adjacent to SW 108<sup>th</sup> Avenue includes six mature fir trees.

The applicant submitted a Traffic Profile Review and Supplemental Traffic Assessment for Leveton Industrial Building – Tualatin, OR from Kittelson and Associates dated January 20, 2016 and April 4, 2016, respectively. The profile review recommended that the mature street trees within SW 108<sup>th</sup> Avenue be maintained by trimming overhanging branches to achieve adequate vision clearances and sight distances. The assessment concluded that the proposed development's accesses would not cause safety, queue, or level-of-service concerns for public transportation and that no public improvements were needed. Additionally, both submittals didn't indicate a need for additional dedication or street improvements.

The City Engineer considers both accesses acceptable and that the mature trees should be preserved until such a time as widening the street becomes a requirement or creates a hazard. Due to the wider planter the connections within the right-of-way from onsite to public sidewalk will conform to Public Works Construction Code.

This criterion is satisfied with conditions of approval PFR-8.

**VII. TDC SECTION 74.470 STREET LIGHTS.**

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

**(2) The applicant shall submit a street lighting plan for all interior and exterior streets on the proposed development**

**FINDINGS:**

Street lights exist on SW 108<sup>th</sup> Avenue and SW Leveton Drive adjacent to this development.

This criterion is satisfied.

**VIII. TDC SECTION 74.610 WATER SERVICE.**

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

**(2) If there are undeveloped properties adjacent to the subject site, public water lines shall be extended by the applicant to the common boundary line of these properties. The lines shall be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.**

**(3) As set forth is TDC Chapter 12, Water Service, the City has three water service levels. All development applicants shall 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 shall 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.**

**FINDINGS:**

The applicant will construct a new water lateral within SW 108<sup>th</sup> Avenue to serve onsite fire and domestic needs. Public water lines already exist to serve adjacent properties; no additional extension is needed.

This criterion is satisfied with conditions of approval PFR-2 and -3.

**IX. TDC SECTION 74.620 SANITARY SEWER SERVICE.**

**(1) Sanitary sewer lines shall be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations shall be submitted to the City Engineer 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 shall extend public sanitary sewer lines to the common boundary line with these properties. The lines shall 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.**

**FINDINGS:**

The applicant will connect to an existing sanitary sewer lateral in SW 108<sup>th</sup> Avenue. Public sanitary sewer lines already exist to serve adjacent properties; no additional extension is needed.

This criterion is satisfied with conditions of approval PFR-1.

#### **X. TDC SECTION 74.630 STORM DRAINAGE SYSTEM.**

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

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

**(3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant shall extend storm drainage lines to the common boundary line with these properties. The lines shall be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the Tualatin Drainage Plan in TDC Chapter 14.**

#### **FINDINGS:**

The applicant will connect a proposed lateral to an existing manhole in SW 108<sup>th</sup> Avenue. Public stormwater lines already exist to serve adjacent properties; no additional extension is needed.

This criterion is satisfied with conditions of approval PFR-7.

#### **XI. TDC SECTION 74.640 GRADING.**

**(1) Development sites shall 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 shall 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 Engineer may require the applicant to remove all excess material from the development site.**

#### **FINDINGS:**

Sheet C1.0, Site Grading Plan, shows all impervious areas of the development to be graded towards onsite stormwater facilities. Sheet C2.0 shows gravity service within private property to the public sanitary sewer system. Sheet L1.0 shows all pervious areas to be planted.

This criterion is satisfied with conditions of approval PFR-4 and 5.

**XII. TDC SECTION 74.650 WATER QUALITY, STORM WATER  
DETENTION AND EROSION CONTROL.**

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

**(1) On subdivision and partition development applications, prior to approval of the final plat, the applicant shall 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 satisfied and obtain a Stormwater Connection Permit from Clean Water Services; or**

**(3) For on-site private and regional non-residential public facilities, the applicant shall 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 shall submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site shall occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.**

**FINDINGS:**

The applicant submitted a Storm Drainage Basin Analysis from TM Rippey Consulting Engineers dated December 2013. This analysis summarized that the existing public storm drainage system within SW 108<sup>th</sup> Avenue and SW Herman Road have sufficient capacity for up to both a 25- and 50-year storm event with the basin developed, including this site.

The applicant also submitted a Preliminary Stormwater Report from VLMK Engineering and Design dated October 21st, 2015. This report leveraged the conclusion from the TM Rippey analysis that downstream conveyance was adequate. The proposed system shown on sheet C2.0 includes treatment of all impervious areas via 12 LIDA flow through planters treating the western parking lot and nine catch basin stormfilter units treating the remainder of the development. All stormwater will be detained up to the 25-year storm event with underground Stormtech SC-740 cartridges prior to release to the existing public stormwater system in SW 108<sup>th</sup> Avenue.

The landscaping plan shown on sheet L1.0 includes trees and groundcover that are not identified on Clean Water Services approved plant list for treatment within the LIDA flow through planters.

A CWS Service Provider Letter (SPL) indicating that no site assessment or service provider letter is required is included with the Architectural Review application.

The applicant has submitted a Service Provider Letter from Clean Water Services indicating that Sensitive Areas do not exist on-site. A CWS Memorandum was received dated April 28, 2016 for development on this site. The applicant will submit plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions.

This criterion is satisfied with conditions of approval PFR-4, -5, -6,-7, -14, and -15.

### **XIII. TDC 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 shall 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 shall 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 shall, at their own expense, provide an underground system. The applicant shall be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements shall be submitted to the City Engineer for acceptance by the City prior to issuance of the Public Works Permit.**

#### **FINDINGS:**

SW Leveton Drive was constructed with all utilities underground. The plans show existing power poles adjacent to this development on SW 108<sup>th</sup> Avenue to remain. Generally when development occurs utilities are required to be placed underground. Since the frontage of this development is insufficient to underground a significant portion of poles without adding a disproportionate quantity of support poles the applicant will sign an agreement that if a future project undergrounds adjacent utilities, the applicant agrees to pay for the undergrounding of the above ground utilities along their frontage of SW 108<sup>th</sup> Avenue.

This criterion is satisfied with conditions of approval PFR-10.

#### **XIV. TDC SECTION 74.765 STREET TREE SPECIES AND PLANTING LOCATIONS.**

**All trees, plants or shrubs planted in the right-of-way of the City shall conform in species and location and in accordance with the street tree plan in Schedule A. If the Operations Director determines that none of the species in Schedule A is appropriate or finds appropriate a species not listed, the Director may substitute an unlisted species.**

#### **FINDINGS:**

The plans show a street tree and landscape planting plan on sheets L1.0. These plans show many trees closely spaced throughout the wide planter strips of SW 108<sup>th</sup> Avenue and SW Leveton Drive.

Approved street trees and spacing from the Street Tree Ordinance are required. Approvable street trees will be spaced, compatible with, and located within the area of a future planter strip to match full build of the street's cross-section of a Minor Arterial's 6-foot wide planter strip. Any additional shrubs will not restrict vision clearance.

Root barriers are required to be installed for trees that are within 10 feet of a public line or adjacent to a public sidewalk. Root barriers shall be 24-inch deep, 10-foot long root barrier centered on the tree trunk at the edge of the public easement or sidewalk.

This criterion is satisfied with conditions of approval PFR-11, -12, and -13.

#### **F. TDC CHAPTER 75: ACCESS MANAGEMENT**

##### **I. TDC SECTION 75.010 PURPOSE.**

**The purpose of this chapter is to promote the development of safe, convenient and economic transportation systems and to preserve the safety and capacity of the street system by limiting conflicts resulting from uncontrolled driveway access, street intersections, and turning movements while providing for appropriate access for all properties.**

##### **II. TDC SECTION 75.030 FREEWAYS AND ARTERIALS DEFINED.**

**This section shall apply to all City, County and State public streets, roads and highways within the City and to all properties that abut these streets, roads and highways.**

**(1) Access shall be in conformance with TDC Chapter 73 unless otherwise noted below.**

**(2) Freeways and Arterials Designated. For the purposes of this chapter the following are freeways and arterials: ...**

- (i) 65th Avenue from its intersection with Nyberg Street south to City limits;**
- (j) Borland Road from 65th Avenue east to Saum Creek;...**

**(3) Applicability**

**(a) This chapter applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions taken by the City Council or any administrative officer of the City pertaining to property abutting any road or street listed in TDC 75.030. In addition, any parcel not abutted by a road or street listed in TDC 75.030, but having access to an arterial by any easement or prescriptive right, shall be treated as if it did abut the arterial and this chapter applies. This chapter shall take precedence over any other TDC chapter and over any other ordinance of the City when considering any development, land use approval or other proposal for property abutting an arterial or any property having an access right to an arterial.**

**Section 75.050 Approval Process For Access Onto Arterials, and Appeal Provisions. (1) All requests for access onto arterials shall be reviewed by the City Engineer and follow the process described in TDC 31.074 through TDC 31.078 unless it is processed in conjunction with an application requiring a public hearing by the City Council. Based on provisions of this chapter and of the procedure described in TDC 31.074 through TDC 31.078, the City Engineer shall approve, approve with conditions, or reject the request for access in writing, stating the reasons for his or her decision.**

**III. TDC SECTION 75.050 APPROVAL PROCESS FOR ACCESS ONTO ARTERIALS, AND APPEAL PROVISIONS.**

**(1) All requests for access onto arterials shall be reviewed by the City Engineer and follow the process described in TDC 31.074 through TDC 31.078 unless it is processed in conjunction with an application requiring a public hearing by the City Council. Based on provisions of this chapter and of the procedure described in TDC 31.074 through TDC 31.078, the City Engineer shall approve, approve with conditions, or reject the request for access in writing, stating the reasons for his or her decision.**

**IV. TDC SECTION 75.120 EXISTING STREETS.**

**The following list describes in detail the freeways and arterials as defined in TDC 75.030 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below....**

**(15) LEVETON DRIVE**

**(a) 108th Avenue to 118th Avenue:**

**On the north side of Leveton Drive...Novellus (2S122AA 500 and 2S122AB 100) shall be permitted three driveways located approximately 25 feet and 950 feet from the west property line for Tax Lot 100 and 600 feet west of 108th Avenue for Tax Lot 500.**

**(16) 108TH AVENUE**

**(a) Leveton Drive to Herman Road:**

**On the west side, Tofle (2S122AD 400) shall take access from Leveton Drive. The undeveloped property (2S122AD 500) shall be allowed one driveway onto 108th Avenue. The old Shulz Clearwater site (2S122AD 800) and then Northwest Pipe and Metal Fab (2S122AD 600 and 700) shall provide a joint driveway access. The Wahco Inc. property (2S122AD 900) shall take access from Herman Road.**

**FINDINGS:**

The plans propose City Engineer approval on relocation of the two existing driveways to SW 108<sup>th</sup> Avenue to the development as shown on our site plan. Supporting the request the Fire Marshall also requires two access drives for our size project. The parking stall count also suggests two driveways are appropriate.

The plans show the right-of-way to be 49 feet from centerline for both SW 108<sup>th</sup> Avenue and SW Leveton Drive, adequate to construct the preferred cross-sections for both streets. Two travel lanes, a center turn lane, bike lanes, curb tight sidewalk, and a large planter strip exist and the developed street is consistent with the surrounding area. The planter strip adjacent to SW 108th Avenue includes six mature fir trees.

The applicant submitted a Traffic Profile Review and Supplemental Traffic Assessment for Leveton Industrial Building – Tualatin, OR from Kittelson and Associates dated January 20, 2016 and April 4, 2016, respectively. The profile review recommended that the mature street trees within SW 108<sup>th</sup> Avenue be maintained by trimming overhanging branches to achieve adequate vision clearances and sight distances. The assessment concluded that the proposed development's accesses would not cause safety, queue, or level-of-service concerns for public transportation and that no public improvements were needed. Additionally, both submittals didn't indicate a need for additional dedication or street improvements.

The City Engineer considers both accesses to SW 108<sup>th</sup> Avenue acceptable.

This criterion is satisfied.