



City of Tualatin

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September 14, 2017

ARCHITECTURAL REVIEW AND PUBLIC FACILITIES DECISION

AR-17-0003

**** APPROVAL WITH CONDITIONS ****

Case #:	AR-17-0003
Project:	Leveton Industrial
Location:	12540 SW Leveton Drive, Tualatin, Tax Lot 2S121A004000
Applicant/Owner:	SG Architecture, LLC/Dana Properties, LLC
Applicant/Rep.:	Kevin Godwin, SG Architecture, LLC, Portland, OR, kgodwin@sg-arch.net

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

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I. INTRODUCTION

A. Project Description

The applicant, SG Architecture, LLC, proposes to construct a new one-story approximately 35,700-square-foot light industrial building “shell” on the southeast corner of SW Leveton Drive and SW 126th Place. The proposed 32-foot-tall concrete tilt-up building would be located toward the rear (southern) portion of the project site, with the building entrances and access points—including two recessed and four at-grade loading docks—oriented north facing SW Leveton Drive, similar to the adjacent development to the west. The building exterior would be comprised of neutral gray colors with black canopy accents and clear aluminum storefront windows.

The proposed development would also include 57 parking spaces in the northern portion of the project site, served by two access driveways along SW Leveton Drive. Landscaping would be provided along the entire perimeter of the project site.

While tenants are unknown at this time, the proposed building is expected to house up to four (4) light industrial tenants/uses.

B. Site Description

This parcel, Washington County Tax Lot 2S121A004000, is also identified as Lot 8 of the Leveton Commons Subdivision No. 2. The approximately 2.21-acre subject site is undeveloped and relatively flat, with 208 feet of frontage along SW Leveton Drive (see Figure I-1). The site’s Leveton Drive frontage has previously been constructed with improvements meeting the applicable City of Tualatin Public Works standards.

The subject lot and neighboring properties are located in the City of Tualatin’s Light Manufacturing (ML) Planning District, which extends northward to Oregon Route 99W (Pacific Highway) between SW 124th Avenue and SW 127th Place; areas to the east of SW 124th Avenue are in the Manufacturing Park (MP) Planning District, and areas to the west of SW 127th Place are in the General Manufacturing (MG) Planning District.

C. Project Schedule

A pre-application conference for this project was held on November 7, 2016. A neighborhood/developer meeting—as required by Tualatin Development Code (TDC) 31.063—was held on April 26, 2017, commencing at 6:30 PM in the Community Room at the Tualatin Public Library, 18878 SW Martinazzi Avenue, Tualatin, OR 97062. Meeting attendees included three members from the Leveton Industrial project team and one representative from the City of Tualatin. There were no members from the community in attendance.

This application was originally submitted on June 14, 2017, and, after application revisions to achieve completeness, deemed complete on August 8, 2017. Per the 120-Day Rule—Oregon Revised Statute (ORS) 227.178-227.179—final City of Tualatin action/decision on this application must be completed on or before December 6, 2017.

Staff received no letters of comment from property owners within 1,000 feet of the subject property, including pursuant to TDC 31.064(1) within any residential subdivisions platted through the City, during the comment period that ended August 25, 2017.

Staff last visited the site on August 15, 2017.

Figure I-1. Aerial Map of Subject Area



II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented, staff recommends approval of AR-17-0003 subject to the following Architectural Features (AF) conditions:

CONDITIONS OF APPROVAL DOCUMENTATION:

AF-1 Prior to applying for 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 two (2) weeks.

PRIOR TO APPLICATION FOR A BUILDING PERMIT:

- AF-2 Revise the site plan (Sheet DR-1) or overall development plan to include covered parking for the first 5 spaces of required bicycle parking pursuant to TDC 73.370(1)(n), TDC 73.370(1)(o), and TDC 73.370(2)(a).
- AF-3 Revise the site plan (Sheet DR-1) and site details (Sheet DR1.1) to include bicycle parking signage per MUTCD standards pursuant to TDC 73.370(1)(u).
- AF-4 Revise the site plan (Sheet DR-1) and site details (Sheet DR1.1) to include vanpool/carpool parking signage per MUTCD standards pursuant to TDC 73.370(1)(x).
- AF-5 Revise the site plan (Sheet DR-1) to include the minimum number of required vanpool/carpool parking spaces pursuant to TDC 73.370(3).
- AF-6 Revise the site plan (Sheet DR-1) to either increase the stall size of the northernmost aisle of 11 parking spaces to meet the standard parking stall dimensions or reclassify these spaces to subcompact spaces pursuant to TDC 73.380(1).
- AF-7 The applicant shall comply with the incorporated Public Facilities Recommendation (PFR) from the City of Tualatin Engineering Division.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- AF-8 The applicant shall submit scaled elevations that illustrate future above-grade mechanical equipment (including rooftop units) screened by a parapet or other method as proposed by the applicant when submitting for a mechanical permit in accordance with TDC 73.160(4)(a).
- AF-9 The applicant shall construct proposed buildings and all site improvements as illustrated on approved plans and conditions of approval.

THE FOLLOWING CODE REQUIREMENTS APPLY TO THE SITE IN AN ON-GOING MANNER:

- The applicant must submit sign permit applications separately from this Architectural Review (AR) for any proposed signage.
- Accessways shall be constructed, owned and maintained by the property owner. TDC 73.160(1)(g)
- All landscaping approved through the AR process 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)
- All building exterior improvements approved through the AR process must be continually maintained, including necessary painting and repair, so as to remain substantially similar to original

approval through the AR process, unless subsequently altered with Community Development Director's approval. TDC 73.100(2)

- Site landscaping and street trees shall be maintained to meet the vision clearance requirements of TDC 73.400(16).
- The proposed development must comply with the noise standards of TDC 63.051(1).
- The proposed development must comply with all applicable policies and regulations set forth by the TDC.

PLEASE BE ADVISED (AS APPLICABLE):

- 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. 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. PLANNING FINDINGS

The Planning Division findings in the following section are based on interpretive compliance with the Tualatin Development Code (TDC) and other applicable ordinances. All references are to sections in the TDC unless otherwise noted.

In the following section, planning staff comments, findings, and conditions of approval are in Italic font.

A. Previous Related Land Use Actions

With the exception of Leveton Commons Subdivision (SB-03-01), which was recorded in 2006 as Washington County Document No. 2006001389, there are no previous land use actions related to the project site.

B. 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:

North: Light Manufacturing Planning District (ML)

- Two-story Columbia Roofing and Sheet Metal light industrial building at 18525 SW 126th Place on the northwest corner of SW Leveton Drive and 126th Place
- Two-story LPK Laser & Electronics light industrial building at 12555 SW Leveton Drive on the northeast corner of SW Leveton Drive and 126th Place, directly north of the project site.
- Two-story Ryan Herco Flow Solutions light industrial building at 12451 SW Leveton Drive on the northwest corner of SW Leveton Drive and 124th Avenue

East: Light Manufacturing Planning District (ML)

- Undeveloped property, Leveton Commons Lot 1, adjacent and east of the project site
- City of Tualatin Stormwater Management Facility on the southwest corner of SW Leveton Drive and 124th Avenue

Manufacturing Park Planning District (MP)

- Two (2) two-story buildings of the Leveton Corporate Center, housing Javelin Logistics (11950 SW Leveton Drive) and DPI Specialty Foods (11960 SW Leveton Drive), on the southeast corner of SW Leveton Drive and 124th Avenue

South: Light Manufacturing Planning District (ML)

- Large undeveloped property, extending from SW 124th Avenue to SW 127th Place, owned by Grimm's Fuel Company (recycling), adjacent and south of the project site

West: Light Manufacturing Planning District (ML)

- Two-story light industrial building housing Anodize Solutions (12620 SW Leveton Drive) and HD Supply Fire Protection (12670 SW Leveton Drive), adjacent and west of the project site
- City of Tualatin Stormwater Management Facility on the southeast corner of SW Leveton Drive and 127th Place

General Manufacturing Planning District (MG)

- Grimm's Fuel Company (recycling) west of SW 127th Place

C. Planning District Uses

Section 60.020 Light Manufacturing (ML) Planning District Permitted Uses

No building, structure or land shall be used in this district, except for the following uses as restricted in TDC 60.021:

- (1) Assembly, packaging, processing and other treatment of products, such as dairy products, and soft drinks.**
- (2) Assembly and packaging of small electrical and electronic appliances, such as radios, televisions, phonographs, audio, video and computer equipment, and office machines**
- (3) Assembly of the following types of products:**
 - (a) Bicycles.**
 - (b) Small electric generators.**
 - (c) Small electric motors.**
 - (d) Marine pleasure craft.**
 - (e) Sashes and doors.**
 - (f) Vending machines.**
- (5) Contractor's office.**
- (7) Electroplating.**
- (9) Laboratories: testing, medical, dental, photo, or motion picture, except structural-mechanical testing laboratories.**
- (10) Laundry, dry cleaning, dyeing or rug cleaning plant (non-retail).**
- (11) Machine shop, including automotive machine shop, of less than 7,500 gross square feet.**
- (12) Manufacture of musical instruments, toys and novelties.**
- (13) Manufacture of pottery and ceramics, using only previously pulverized clay.**
- (14) Manufacture of the following types of products:**
 - (a) Cabinets.**
 - (b) Furniture.**
 - (c) Mattresses.**
 - (d) Scientific, medical or dental laboratory measuring, analyzing and controlling equipment, and related tools and supplies.**
- (16) Molding of small products from plastic.**
- (18) Offices for executive, administrative, and professional uses related to the sale or service of industrial products.**
- (19) Other uses of similar character found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.**
- (20) Processing, assembly, packaging, and other treatment of small products manufactured from the following previously prepared or semi-finished materials: bone, hair, fur, leather, feathers, textiles, plastics, glass, wood, paper, cork, wire up to 1/4 inch (0.25") in diameter, rubber, and rubber compounds, precious or semi-precious stones, and similar small products composed of previously prepared or semi-finished materials.**
- (21) Processing, assembly, packaging, and other treatment of such products as small hand tools, optical goods, hearing aids, and scientific instruments or equipment.**
- (22) Processing, assembly, packaging, or other treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries.**
- (25) Publishing and printing (non-retail).**
- (26) Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers.**
- (28) Shared service facilities.**
- (29) Spinning or knitting of fibers.**

- (30) Storage of automobiles, boats, buses, trailers, and recreational vehicles, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).**
- (34) Warehousing related to the above uses; and warehousing for merchandise or goods normally sold or owned in commercial or residential planning districts, but excluding direct retail sales to customers from such warehouse structure, and excluding the storage of hazardous materials.**

Applicant Response: According to TDC 60.020, permitted uses within the ML District allow for multiple types of light manufacturing tenants and limited sized retail type tenants. Therefore, the proposed building uses are a permitted use for the proposed light manufacturing uses.

Although future tenants are not know at this time, staff finds that the applicant has chosen light manufacturing uses (in general) that would be permitted in the Light Manufacturing (ML) planning district to analyze compliance with use-specific code requirements such as parking. Staff finds that this standard is met.

Section 60.021 Restrictions on Permitted Uses in ML.

The following restrictions shall apply to those uses listed as permitted uses in TDC 60.020:

- (1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, outdoor storage of materials and products directly related to the permitted use and outdoor play areas of child day care centers as required by state day care certification standards.**

Although tenants are not yet determined, it is not anticipated that any activities will be conducted outside of the building, except for off-street parking and loading. The proposed development is designed in a manner that is not conducive to outdoor use, and the future activities on the project site are expected to be similar to those on the two-story light industrial building at 12620-12670 SW Leveton Drive adjacent and west. Staff finds that this standard is met.

- (2) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided that the retail sale area, including the showroom area, shall be no greater than 5% of the gross floor area of the building not to exceed 1,500 square feet.**

Although tenants are not yet determined, any proposed use—including the amount of retail space allotted per tenant for products manufactured, assembled, packaged or wholesaled on the site—will comply with permitted use standards prior to issuance of any Certificate of Occupancy by the City of Tualatin Building Division. Staff finds that this standard is met.

- (3) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:**
 - (a) Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.**

As the project site is not located on land designated Employment Area or Corridor, staff finds that this standard does not apply. Staff notes that the subject site is located in a designated Industrial Area as shown on TDC Map 9-4.

- (b) Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9-4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following two exceptions, which shall not be subject to the size limitations stated in this subsection:**
 - (i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on Map 9-5, and as specified in TDC 60.035.**

Staff notes that the project site is not located within the Special Setbacks for Commercial Uses Area. Although tenants are not yet determined, any proposed use—including commercial uses listed in TDC 60.020 and 60.040—will comply with permitted use standards prior to issuance of any Certificates of Occupancy by the City of Tualatin Building Division. Staff finds that this standard is met.

- (ii) Development approved through the application of the Industrial Business Park Overlay District to certain properties, as specified in TDC Chapter 69.**

As the project site is not located within an Industrial Business Park Overlay District, staff finds that this standard does not apply.

- (iii) Development approved through the application of standards for additional small-scale mixed uses in ML as specified in TDC 60.037-60.038.**

Although tenants are not yet determined, if proposed, commercial uses identified in TDC 60.037 and 60.038 are governed by the standards outlined in these code sections, including: a limit on office space to a maximum 25 percent of total gross floor area, individual retail and service use no greater than 5,000 square feet per outlet, and total combined retail and service uses no greater than 20,000 square feet for the development site. Any proposed or future uses will comply with permitted use standards prior to issuance of any Certificates of Occupancy and/or Final Inspection by the City of Tualatin Building Division. Staff finds that this standard is met.

- (4) Marijuana facilities are subject to the provisions in TDC Chapter 80. To the extent there is a conflict between the provisions in this Chapter and the provisions in TDC Chapter 80, the provisions in TDC Chapter 80 apply.**

As the project site is not located in an area where marijuana facilities are permitted, staff finds that these standards do not apply.

D. Lot Sizes

Section 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: As shown on the Existing Conditions Plan (Sheet TOPO in Exhibit 20), the proposed building will be located on an existing legal lot identified as Tax Lot R2141835. This lot encompasses 96,267.60 square feet or approximately 2.21 acres. All of the dimensions for lot size meet the minimum lot size requirements listed above.

Staff finds that the above-referenced standards are met as confirmed by Leveton Commons No. 2 Plat recorded as [Washington County] Document No. 2006001389 (see Attachment 102).

E. Setback Requirements

Section 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.

- (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.
- (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.
- (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.
- (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).
- (6) No spur rail trackage shall be permitted within 200 feet of an adjacent residential district.
- (7) No setbacks are required at points where side or rear property lines abut a rail-road right-of-way or spur track.
- (8) No fence shall be constructed within 10 feet of a public right-of-way.
- (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.

Applicant Response: As shown on the Site Plan DR-1 in Exhibit 20, the location of the industrial use building pad meets all setback requirements listed above. All off-street parking and vehicular circulation areas are set back greater than 5 feet from the property lines.

Staff finds that the above-referenced standards (1), (2), (3), and (5) are met as shown in Sheet DR-1 Site Plan (dated July 20, 2017). Staff finds that above-referenced standards (4), (6), (7), (8), and (9) do not apply.

F. Structure Height

Section 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.
- (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.
- (3) Height Adjacent to a Residential District. Where a property line, street or alley separates ML land from land in a residential district, a building, flagpole or wireless communication support structure shall not be greater than 28 feet in height at the required 50 foot setback line. No building or structure, including flagpoles, shall extend above a plane beginning at 28 feet in height at the required 50 foot setback line and extending away from and above the setback line

at a slope of 45 degrees, subject always to the maximum height limitation set in TDC 60.090(1) and (2).

- (4) **Wireless Communication Support Structure.** The maximum structure height for a wireless communication support structure and antennas is 100 feet unless the wireless communication support structure and antennas are located within 300 feet of the centerline of I-5, in which case the maximum structure height is 120 feet.

Applicant Response: As shown on the building elevation DR-2 included in Exhibit 20, the proposed building height (including parapet) is approximately 32 feet.

Staff finds that 60.090(1) standards are met as shown in Sheet DR-2 Exterior Elevation (dated May 2017). Staff finds that above-referenced standards (2), (3), and (4) do not apply.

G. Access

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Storm Water Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street.

Applicant Response: The site abuts SW Leveton Drive and two driveway accesses are proposed onto the property. The main east full access entrance will primarily be used for servicing WB-52 semi-trucks and box-trucks (+/- 30-45 feet) entering and existing the site. This entrance is 36 feet wide as shown on site plan DR-1. The west full access entrance is a secondary entrance for customers and business owners, 40 feet wide and is approximately 200 feet from the east entrance (center to center). This entrance is located 35 feet east from the northeast corner of the SW 126th Place intersection. Both entrances will be designed and built per the City Engineering standards.

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

H. Development Review Approval

Section 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: The proposed site development is in conformance with the standards defined within the Community Design Standards in Chapter 73, as well as all other development code regulations. This narrative is provided as supporting evidence to show that the proposed development meets the location, height, and appearance standards of the development code.

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

Applicant Response: The proposed exterior design and architectural features of the building are consistent with the context of surrounding areas. The primary use of materials for the building will be painted concrete tilt panels and use of glazing complement materials. Also, it should be noted that all

on-site landscaping and electrical was considered and selected to ensure consistency with the adjacent developments.

- (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: The primary use of materials for the proposed building will be painted concrete tilt panels and use of glazing complement and metal awnings over the entrances and loading areas. Additional site features are expanded sidewalk areas and plaza spaces for bicycle spaces, see Exhibit 20 DR-2 & DR-1 Site Plan and DR-2 Exterior Elevations.

Staff finds that the proposed development would be consistent with existing and similarly developed industrial uses in the immediate vicinity, including the light manufacturing uses to the north and west and the campus-like industrial uses in the Manufacturing Park (MP) planning district to the east. 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: The request complies with the City's development standards. Responses and findings are provided under each applicable standard in the following sections of this land use narrative. This project is subject to input received from the Community Development Director and the City Engineer.

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 Planning Director shall consider the effect of his or her action on the availability and cost of 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.**

The project site is located in the Light Manufacturing (ML) Planning District and designed as an Industrial Area (IA) by Metro and therefore unsuitable for housing; this standard does not apply.

- (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.**

There are no existing trees on the project site; thus, this standard does not apply.

- (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).**

As the project site is not located in the MUCOD, staff finds that this standard does not apply.

I. Landscape and Building Maintenance

Section 73.100 Landscaping and Building Installation and Maintenance

- (1) All landscaping approved through the Architectural Review Process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved through the Architectural Review Process, unless subsequently altered with Community Development Director approval.**

A note has been added to this decision to meet the standard (see "II. Conditions of Approval").

- (2) All building exterior improvements approved through the Architectural Review Process shall 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 approval.**

A note has been added to this decision to meet the standard (see "II. Conditions of Approval").

J. Site Planning

Section 73.160 Standards (Community Design)

- (1) Pedestrian and Bicycle Circulation:**

- (a) For commercial, public and semi-public uses:**

- (i) a walkway shall be provided between the main entrance to the building and any abutting public right-of-way of an arterial or collector street where a transit stop is designated or provided. The walkway shall be a minimum of 6 feet wide and shall be 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;**
- (ii) walkways shall be provided between the main building entrances and other on-site buildings and accessways. The walkways shall be a minimum of 6 feet wide and shall be 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;**
- (iii) walkways through parking areas, drive aisles, and loading areas shall be visibly raised and of a different appearance than the adjacent paved vehicular areas;**
- (iv) accessways shall be provided as a connection from the development's internal bikeways and walkways to all of the following locations that apply: abutting arterial or collector streets upon which transit stops or bike lanes are provided or designated; abutting undeveloped residential or commercial areas; adjacent undeveloped sites where an agreement to provide an accessway connection exists; and to abutting publicly-owned land intended for general public use, including schools;**
- (v) fences or gates which prevent pedestrian and bike access shall not be allowed at the entrance to or exit from any accessway.**
- (vi) bikeways shall be provided which link building entrances and bike facilities on the site with the adjoining public right-of-way and accessways.**
- (vii) 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.**

As the project development would not result in a commercial, public and/or semi-public use, staff finds that this standard does not apply.

Staff notes that the applicant erroneously provided responses to 73.160(1) and that these responses have been included as responses to 73.160(2) as applicable.

(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.**
- (ii) Walkways through parking areas, drive aisles and loading areas shall have a different appearance than the adjacent paved vehicular areas.**
- (iii) Accessways shall be provided as a connection between the development's walkway and bikeway circulation system and an adjacent bike lane;**
- (iv) Accessways may be gated for security purposes;**
- (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: As this site is part of the larger Leveton Commons Subdivision, the proposed building ties into the existing pedestrian and bicycle circulation network abutting SW Leveton Drive ROW. All proposed internal walkways through the parking areas are a minimum of 8-feet wide and constructed of concrete to differentiate from the adjacent paved vehicular areas. Bike racks have been designated on the plazas. See Exhibit 20 DR-1 Site Plan, DR-1.1 Site Details, and DR-3 Floor Plan.

Staff finds that 73.160(1)(b)(i) and 73.160(1)(b)(ii) standards are met as shown in Sheet DR-1 Site Plan (dated July 20, 2017). Staff finds that above-referenced standards 73.160(1)(b)(iii), 73.160(1)(b)(iv), and 73.160(1)(b)(v) do not apply, noting there are no bike lanes along SW Leveton Drive and no bikeways or greenways in the immediate vicinity of the project site.

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

Applicant Response: As shown on in Exhibit 20 DR-1.1, Site Details curb ramps are provided wherever a walkway or accessway crosses a curb.

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and DR-1.1 Site Details (dated June 12, 2017).

- (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.**

Applicant Response: All on-site proposed walkways and pedestrian paths to be 8 feet in width and have a concrete surface.

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

- (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.**

Applicant Response: No transit accessways are not purposed or required for this proposed development.

Staff finds that this standard is met and notes that the property adjacent and west of the project site is undeveloped.

- (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.**

There are no wetlands or greenways in the immediate area; thus, staff finds this standard does not apply.

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

Applicant Response: All proposed private accessways will be maintained by the developer.

A note has been added to this decision to meet the standard (see "II. Conditions of Approval") per 73.100(1) and 73.100(2).

(2) Drive-up Uses

- (a) Drive-up uses shall provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:**
 - (i) Banks--each lane shall provide a minimum capacity for five automobiles.**
 - (ii) Restaurants--each lane shall provide a minimum capacity for eight automobiles.**
 - (iii) Other Drive-Up Uses--each lane shall provide a minimum capacity for two to eight automobiles, as determined through the architectural review process.**
 - (iv) For purposes of this Section, an automobile shall be considered no less than twenty feet in length. The width and turning radius of drive-up aisles shall be approved through the architectural review process.**
- (b) Parking maneuvers shall not occur in the stacking area. The stacking area shall not interfere with safe and efficient access to other parking areas on the property.**
- (c) Locate drive-up aisles and windows a minimum of 50 feet from residential planning districts to avoid adverse impacts. A wall or other visual or acoustic may be required through the architectural review process.**

As no drive-up uses are proposed, staff finds that this standard does not apply.

(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.**

Applicant Response: As shown on the building elevations DR-3 provided in Exhibit 20, all windows are located to provide natural lighting which enables employees and patrons to watch over pedestrian and parking areas.

Staff finds that this standard is met as shown in Sheet DR-2 Exterior Elevation (dated May 2017) and Sheet E-1 Site Lighting (dated May 30, 2017).

- (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.**

Applicant Response: As shown on the building elevations DR-2 provided in Exhibit 20, all windows and lighting are located to enable surveillance of interior activity from the adjacent drive aisles and parking areas.

Staff finds that this standard is met as shown in Sheet DR-2 Exterior Elevation Exterior Elevation (dated May 2017) and Sheet E-1 Site Lighting (dated May 30, 2017). There are a number of windows on the

northern façade of the proposed building which face SW Leveton Drive and the immediately adjacent lighted parking and circulation areas.

- (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.**

Applicant Response: As shown on the Site Photometric Plan E1 provided in Exhibit 20, all on-site lighting allows for surveillance of on-site activities from adjacent drive aisles and parking areas without shining lights into the adjacent SW Leveton Drive ROW.

Staff finds that this standard is met as shown in Sheet E-1 Site Lighting (dated May 30, 2017) and notes that there are no sensitive fish or wildlife habitat areas near the project site.

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

Applicant Response: Signage will be provided to clearly mark the primary building access for both patrons and emergency services. Further coordination will be addressed by the Fire Marshall and Building Official.

All signage permits and approvals are handled separately and not as part of this review. Staff also notes that provisions for emergency services are reviewed through the building permit process. Refer to comments from Tualatin Valley Fire & Rescue (TVF&R) in Attachment 103.

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

Applicant Response: As shown on the Landscape Plan L1 provided in Exhibit 20, existing shrubs in parking areas do not exceed 30-inches in height and tree canopies do not extend below 8-feet measured from grade.

Staff finds that this standard is met as shown on Sheet L-1 Landscape Plan (dated July 20, 2017) and Sheet L-2 Plant List (dated June 5, 2017).

- (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.**

As none of the above-mentioned improvements are proposed, staff finds that this standard does not apply.

(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.**

Applicant Response: As shown on the Landscape Plan provided under Exhibit 20, Sheets L-1 and L-2, the location for the at-grade mechanical equipment, specifically the transformer pad, is screened using a combination of shrubs and trees and located behind a 6-foot-tall trash enclosure out of view of the public. An alternate transformer pad has been proposed located in the first double row at the northwest landscape island. Appropriate screening will be provided and an updated landscape plan will be provided if this becomes the permanent pad location.

Staff finds that this standard is met.

- (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 as shown on Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet DR1.1 Site Details (dated June 12, 2017).

- (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.**

As none of the above-mentioned improvements are proposed, staff finds that this standard does not apply.

- (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.**

Staff notes that the proposed development would include three (3) on-site ADA parking spaces and an 8-foot-wide ADA-accessible walkway connecting the proposed building at the SW Leveton Drive right-of-way as shown on Sheet DR-1 Site Plan (dated July 20, 2017). Staff also notes that ADA and OSSC standards must be met during the building permit process. Staff finds that this standard is met.

- (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.**
- (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.**

As SW Leveton Drive west of 124th Avenue and adjacent to the project site is not classified as a transit street, staff finds that this standard does not apply.

Section 60.085 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.**
- (3) Sound barrier construction shall consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry**

- "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three.
- (4) Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.
 - (5) "Straight-line lateral path" shall mean a direct line between two points as measured on a site plan. "Wing wall" shall mean a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section. "Building mechanical device" shall include, but is not necessarily limited to, heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building.
 - (6) Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound barrier construction shall not be required, except that at the time such structures are removed, sound barrier construction shall be required.
 - (7) New construction, including additions or changes to existing facilities, shall comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with the provisions of this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section.

As there are no residential uses or residential planning districts within 450 feet of the project site (the nearest residential district is greater than 1,000 feet north of the project site and north of Oregon Route 99W [Pacific Highway]), staff finds that these standards do not apply.

K. Structure Design

Section 73.220 Standards

The following standards are minimum requirements for commercial, industrial, public and semi-public development and it is expected that development proposals shall meet or exceed these minimum requirements.

- (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.
 - (b) Provide an identification system which clearly identifies and locates buildings and their entries.
 - (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: The on-site lighting, see Exhibit 20 E-1 Site Lighting and E2.0 Site Photometric CUT-SHEETS proposed for this industrial use building will combine to provide adequate candling for safe and visible access by both vehicles and pedestrians. The lighting will be focused internally to the site, limiting off-site impacts to the frontages along SW Leveton Drive and adjacent properties. The proposed signage and lighting will provide an identification system for the primary entrances, while shrubs will be installed to not exceed 30-inches in height and trees will not extend below 8 feet measured from grade. See DR-2 Exterior Elevation for exterior lighting shown on the elevations.

Staff finds that this standard is met as shown in Sheet DR-2 Exterior Elevation (dated May 2017), Sheet E-1 Site Lighting (dated May 30, 2017), and Sheet L-1 Landscape Plan (dated July 20, 2017). The proposed building is oriented northward and toward SW Leveton Drive, and proposed lighting and parking area landscape plan provide surveillance opportunities of on-site activities without shining light into the public right-of-way (there are no fish or wildlife habitat areas near the project site).

L. Environmental Regulations

Section 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.**
- (2) Method of measurement: sound or noise measurements procedures shall conform to the methods described in this section or to procedures approved by the Oregon Department of Environmental Quality.**
 - (a) Measurements shall be made with a calibrated sound level meter in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standards, Section 1.4 - 1971. For purposes of this section, a sound level meter shall contain at least an "A" weighting network, and both fast and slow response capability.**
 - (b) Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from the Department of Environmental Quality or other competent body prior to engaging in any enforcement activity.**
 - (c) When sound measurements are made, they shall be made from a position no more than 25 feet away from the noise sensitive property.**

Staff finds that these regulations are matters of zoning enforcement, and less matters to be reviewed as development standards. As such, as a condition of approval, the proposed development must comply with all applicable noise standards (see "The Following Code Requirements Apply to the Site in an On-Going Manner" section under "Conditions of Approval" above).

M. Mixed Solid Waste and Source Separated Recyclables Storage Areas

Section 73.227 Standards

The following standards are minimum requirements for mixed solid waste and source separated recyclables storage areas. To provide for flexibility in designing functional storage areas, this section provides four different methods to meet the objectives of providing adequate storage for mixed solid waste and source separated recyclables and improving the efficiency of collection. An applicant shall choose and implement one of the following four methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; 3) comprehensive recycling plan; or 4) franchised hauler review, as more fully described in subsections (2), (3), (4) and (5) of this section.

- (1) The mixed solid waste and source separated recyclables storage standards shall apply to all new or expanded multi-family residential developments containing five or more units and to new or expanded commercial, industrial, public and semi-public development.**
- (2) Minimum Standards Method.**
 - (a) The size and location of the storage area(s) shall be indicated on the site plan. Compliance with the requirements set forth below is reviewed through the Architectural Review process.**
 - (i) The storage area requirement is based on the area encompassed by predominant use(s) of the building (e.g., residential, office, retail, wholesale/warehouse/**

manufacturing, educational/institutional or other) as well as the area encompassed by other distinct uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building shall be the sum of the area of each use.

- (ii) Storage areas for multiple uses on a single site may be combined and shared.
- (iii) The specific requirements are based on an assumed storage area height of 4 feet for mixed solid waste and source separated recyclables. Vertical storage higher than 4 feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans shall include drawings to illustrate the layout of the storage area and dimensions for containers.
- (iv) Multi-family residential developments containing 5-10 units shall provide a minimum storage area of 50 square feet. Multi-family residential developments containing more than 10 units shall provide 50 square feet plus an additional 5 square feet per unit for each unit above 10.
- (v) Commercial, industrial, public and semi-public developments shall provide a minimum storage area of 10 square feet plus: Office - 4 square feet/1000 square feet gross leasable area (GLA); Retail - 10 square feet/1000 square feet GLA; Wholesale/ Warehouse/ Manufacturing - 6 square feet/1000 square feet GLA; Educational and institutional - 4 square feet/1000 square feet GLA; and other - 4 square feet/1000 square feet GLA.

Applicant Response: Based on the Light Manufacturing (Wholesale/Warehouse) requirements for storage areas, the minimum requirement is 214 square feet of storage area. As shown on the Site Plan (Exhibit 20 DR-1) and Trash Enclosure Details (Exhibit 20 DR1.1), the proposed trash enclosure area will be designed to accommodate mixed solid waste and source separated recyclable storage areas. The proposed area is approximately 683 square feet. The trash enclosure plans were submitted to Republic Services and a letter of authorization is provided in Exhibit G to verify that the enclosure meets the dimensional and access requirements for the service hauler.

Staff finds that this standard is met. Per the Minimum Standards Method, the proposed development would require approximately 225 square feet of storage area and two (2) approximately 335-square-foot storage areas—totaling 670 square feet—would be provided as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet DR1.1 Site Details (dated June 12, 2017). In addition, a letter from Republic Services dated May 16, 2017, states that the proposed enclosures are serviceable by their standards.

(6) Location, Design and Access Standards for Storage Areas.

(a) Location Standards

- (i) To encourage its use, the storage area for source separated recyclables may be co-located with the storage area for mixed solid waste.
- (ii) Indoor and outdoor storage areas shall comply with Building and Fire Code requirements.
- (iii) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
- (iv) Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street.

- (v) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.
- (vi) Exterior storage areas can be located in a parking area, if the proposed use provides parking spaces required through the Architectural Review process. Storage areas shall be appropriately screened according to TDC 73.227(6)(b)(iii).
- (vii) Storage areas shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on site or on public streets adjacent to the site.

Applicant Response: The trash enclosures are located on east/west sides of the building, in a designated area from the main parking stalls, and outside any required setback or yard. The storage area is appropriately screened according to TDC 73.227(6)(b)(iii) and two sets of front access doors are provided on the side of the enclosure with locking mechanisms – See Exhibit 20 DR1.1 Trash Enclosure Details. The base of the enclosure is designed with 8 x 16 smooth face CMU to improve overall longevity of the enclosure and painted to compliment the proposed building.

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet DR1.1 Site Details (dated June 12, 2017).

(b) Design Standards

- (i) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection at the time of Architectural Review approval.
- (ii) Storage containers shall meet Fire Code standards and be made and covered with water proof materials or situated in a covered area.
- (iii) Exterior storage areas shall be enclosed by a sight obscuring fence or wall at least 6 feet in height. In multi-family, commercial, public and semi-public developments evergreen plants shall be placed around the enclosure walls, excluding the gate or entrance openings. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position. A separate pedestrian access shall also be provided in multi-family, commercial, public and semi-public developments.
- (iv) Exterior storage areas shall have either a concrete or asphalt floor surface.
- (v) Storage areas and containers shall be clearly labeled to indicate the type of material accepted.

Applicant Response: As shown on the Site Plan and Trash Enclosure Details Exhibit 20 DR1.1 the proposed trash enclosure size is dimensioned 21-4 feet wide by 16-feet deep, with walls 6 feet tall with double metal front access doors with locking mechanisms in the form of drop rods. Tenant access into the enclosure is provided in the rear by a concrete sidewalk that is connected to the proposed building on the east, west and south side exit doors. The trash enclosure plan was submitted to Republic Services and a letter of authorization is provided in Exhibit 14 to verify that the enclosure meets the dimensional and access requirements for the service hauler, including signature on the proposed plan for the trash enclosure.

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet DR1.1 Site Details (dated June 12, 2017).

(c) Access Standards

- (i) Access to storage areas can be limited for security reasons. However, the storage areas shall be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.

- (ii) **Storage areas shall be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet vertical clearance is required if the storage area is covered.**
- (iii) **Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow vehicles to safely exit the site in a forward motion.**

Applicant Response: Vehicle access to the enclosure is provided from the new parking lot and will not require backing onto the public street for servicing. A trash enclosure plan was submitted to Republic Services and a letter of authorization is provided in Exhibit 14 to verify that the enclosure meets the dimensional and access requirements for the hauler, including signature on the proposed plan for the trash enclosure.

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet DR1.1 Site Details (dated June 12, 2017). In addition, a letter from Republic Services dated May 16, 2017, states that the proposed enclosures are serviceable by their standards.

N. Landscaping

Section 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.**

As the project site is not located in any of the planning districts mentioned above, staff finds that this standard does not apply.

- (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: As shown on the Landscape Planting Plan Exhibit 20 L1& DR1, the overall landscape percentage provided for the proposed developed area is 16.65% (16,028 SF) of the total development area of 37.11 % (35,731 SF).

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

- (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.**

As the project site is not located in any of the planning districts mentioned above, staff finds that this standard does not apply.

- (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.**

As the project site is not located in either of the planning districts mentioned above, staff finds that this standard does not apply.

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

As the project site is not located in an approved Industrial Master Plan, staff finds that this standard does not apply.

- (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.**

As the project site is not located within the Hedges Creek Wetland Protection District, staff finds that this standard does not apply.

- (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.**

As the project site is not located in either of the planning districts mentioned above, staff finds that this standard does not apply.

- (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.**

Applicant Response: The yard adjacent to SW Leveton Drive is planted to be lawn, live groundcover, trees, shrubs and street trees to create an attractive park like character. See Exhibit 20 L-1 Landscape Plan.

Staff finds that this standard is met as shown in Sheet L-1 Landscape Plan (dated July 20, 2017) and Sheet L-2 Plant List (dated June 5, 2017).

- (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 this standard is met as shown in Sheet L-1 Landscape Plan (dated July 20, 2017) and Sheet L-2 Plant List (dated June 5, 2017).

- (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: All proposed landscape areas are designed and will be constructed and installed so that all ground will be covered by living grass and/or plant material within three years of installation. No rock or stone are being proposed as groundcover however bark chips are only proposed under the existing trees near the development. See Exhibit 20 L-1 Landscape Plan.

Staff finds that this standard is met as shown in Sheet L-1 Landscape Plan (dated July 20, 2017) and Sheet L-2 Plant List (dated June 5, 2017).

- (12) In the MP District, wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:**
- (a) The amount of wetland buffer area which may be counted as landscaping is limited to a maximum of two and one-half percent (2.5 percent) of the total land area to be developed.**
 - (b) All portions of the required buffer area to be counted as landscape shall be within the boundaries of the subject property. No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel.**
 - (c) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer shall perform, or bear the cost of, all necessary mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Unified Sewerage Agency.**
 - (d) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer shall include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Unified Sewerage Agency as part of the Architectural Review submittal. The developer shall complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.**

As the project site is not located in the MP planning district, staff finds that this standard does not apply.

- (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.**

There are no fences proposed with this development; therefore, staff finds that this standard does not apply.

73.260 Tree and Plant Specifications

- (1) The following specifications are minimum standards for trees and plants:**
- (a) Deciduous Trees.** Deciduous shade and ornamental trees shall be a minimum one and one-half inch (1-1/2") caliper measured six inches (6") above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be characteristically shaped specimens.
 - (b) Coniferous Trees.** Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimens.
 - (c) Evergreen and Deciduous Shrubs.** Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

- (d) **Groundcovers.** Groundcovers shall be fully rooted and shall be well branched or leafed. English ivy (*Hedera helix*) is considered a high maintenance material which is detrimental to other landscape materials and buildings and is therefore prohibited.
- (e) **Lawns.** Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free.

Applicant Response: The Landscape Plan provided in Exhibit 20, Sheet L-1 and L-2 includes a legend that specifies the species size and caliper of each species of the proposed new plant material. A photo sheet of the plantings has been provided.

Staff finds that this standard is met as shown in Sheet L-1 Landscape Plan (dated July 20, 2017) and Sheet L-2 Plant List (dated June 5, 2017).

- (2) **Landscaping shall be installed in accordance with the provisions of Sunset New Western Garden Book (latest edition), Lane Publishing Company, Menlo Park, California or the American Nurserymen Association Standards (latest edition).**

Staff finds that this standard is met as a note (Note 1) included in Sheet L-1 Landscape Plan (dated July 20, 2017) states that landscaping must comply with all code requirements.

- (3) **The following guidelines are suggested to ensure the longevity and continued vigor of plant materials:**
 - (a) **Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.**
 - (b) **Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.**

Applicant Response: The proposed Landscape Plan has been prepared, reviewed and signed by a registered landscape architect. The design and plant species have been chosen to reflect the site characteristics.

Staff finds that this standard is met as shown in Sheet L-1 Landscape Plan (dated July 20, 2017) and Sheet L-2 Plant List (dated June 5, 2017).

- (4) **All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species.**
- (5) **All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:**
 - (a) **It will not interfere with designated pedestrian or vehicular access; and**
 - (b) **It will not constitute a traffic hazard because of reduced visibility.**

Staff finds that these regulations are matters of zoning enforcement, and less matters to be reviewed as development standards. Therefore, staff's findings regarding the proposal in review are mute as to compliance with Sections 73.260(4) and 73.260(5). Staff notes that Note 4 on Sheet L-1 Landscape Plan (dated July 20, 2017) states that all landscape plantings are guaranteed for one year and will be maintained by a professional maintenance company for a viable healthy landscape.

Section 73.280 Irrigation System Required

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

Applicant Response: All landscape areas shown on the Landscape Plan in Exhibit 20, Sheet L-1 will be irrigated with an automatic drip irrigation system.

Staff finds that this standard is met per Note 2 on Sheet L-1 Landscape Plan (dated July 20, 2017).

Section 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.
- (2) Plant materials shall be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.
- (3) The use of native plant materials is encouraged to reduce irrigation and maintenance demands.
- (4) Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

Applicant Response: The new development [will] have no un-landscaped (non-planted) areas with the exception of the areas under the existing trees but we are treating those areas with a bark mulch application which is what an arborist would typically recommend.

As the proposed development would not result in any un-landscaped areas, staff finds that this standard does not apply. Staff notes that the existing trees referenced in the applicant's response are not located on the project site—but on the adjacent site to the south—and that the proposed development would not result in significant impacts to these resources.

Section 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: As shown on Exhibit 20 DR-1 Site Plan and L-1 Landscape Plan, there are proposed landscaped areas located along the north, west, and east portions of the building which are viewable from SW Leveton Drive.

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet L-2 Plant List (dated June 5, 2017).

- (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: Although some pedestrian amenities are provided on-site, none of these areas are included in the site landscape area requirement.

As the proposed development would not result in any of the pedestrian amenities listed above (pedestrian elements are solely provided for circulation), staff finds that this standard does not apply.

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

Applicant Response: All areas within the limit of work that are not occupied by buildings, parking spaces, drive aisles, pedestrian area or undisturbed natural areas are planned to be landscaped with

new plantings. The landscape plan includes both deciduous and coniferous trees, shrubs and groundcover to occupy all remaining areas not summarized above.

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet L-2 Plant List (dated June 5, 2017).

Section 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: As shown on the Site Plan Existing Exhibit 20 DR-1, parking stalls, drive lanes and landscape islands have been provided.

Staff finds that this standard is met as shown in Sheet L-1 Landscape Plan (dated July 20, 2017). The proposed development would include parking lot islands that contain both landscaping and trees, and Note 1 on Sheet L-1 Landscape Plan (dated July 20, 2017) states that landscaping must comply with all code requirements.

- (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).

(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 as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet L-2 Plant List (dated June 5, 2017).

- (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.

As the proposed parking area would not connect to parking areas on adjacent lots, staff finds that this standard does not apply.

Section 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.

Staff finds that these standards are met as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet L-2 Plant List (dated June 5, 2017). However, staff finds that regulations regarding vegetative longevity are matters of zoning enforcement, and less matters to be reviewed as development standards.

- (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).**

Staff finds that this standard is met as shown in Sheet L-1 Landscape Plan (dated July 20, 2017).

- (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.**

Staff finds that this standard is met as shown in Sheet L-1 Landscape Plan (dated July 20, 2017).

- (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.**

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

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

Staff finds that these regulations are matters of zoning enforcement, and less matters to be reviewed as development standards. Therefore, staff's findings regarding the proposal in review are mute as to compliance with Section 73.360(5).

- (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.**

As shown in Sheet DR-1 Site Plan (dated July 20, 2017), the proposed development would have two (2) access points: the east 36-foot-wide primary access driveway and a secondary 40-foot-wide secondary access driveway (included for ease of circulation for larger trucks) approximately 165 feet to the west of the primary access driveway. As identified in TDC Section 73.400(12), the proposed development is only required to have one (1) 36-foot-wide access point with a length of 50 feet from the property line, satisfied by the primary (eastern) access driveway. The proposed parking area is set back approximately 40 feet from the property line at this primary access point; therefore, staff finds that this standard is met. For all other standards regarding site access (TDC Section 73.400), staff defers to the analysis of the City Engineer (see City Engineer findings).

- (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.

As the project site is not within the Central Design District, staff finds that this standard does not apply.

(7) Deciduous shade trees shall meet the following criteria:

- (a) Reach a mature height of 30 feet or more;**
- (b) Cast moderate to dense shade in summer;**
- (c) Long lived, i.e., over 60 years;**
- (d) Do well in an urban environment:**
 - (i) Pollution tolerant.**
 - (ii) Tolerant of direct and reflected heat.**
- (e) Require little maintenance:**
 - (i) Mechanically strong.**
 - (ii) Insect- and disease-resistant.**
 - (iii) Require little pruning.**
- (f) Be resistant to drought conditions;**
- (g) Be barren of fruit production.**

Staff finds the deciduous shade tree standards listed above are met per Sheet L-2 Plant List (dated June 5, 2017).

The following applicant response was intended as a collective response to TDC Section 73.360(1) through 73.360(7); however, staff believed more detailed responses to each of the sections above were necessary to determine code compliance.

Applicant Response: The project has 57 parking spaces which requires a minimum of 1,425 SF (57 x 25 SF) of interior landscaped islands of 5 feet minimum width and no more than 4 parking spaces between each island. The proposed site has provided 2,120 SF of interior landscaping, See Exhibit DR-1 Site Plan and L-1 Landscape Plan for these locations as part of this calculation with minimum 6-foot-wide landscape planters throughout the parking areas.

Section 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.

Applicant Response: The applicant has proposed street trees along SW Leveton See Exhibit 20 L-1 Landscape Plan. Golden Desert Ash trees at 30 feet on center have been specified per the City's Schedule A approved Tree Species.

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 confirms that Golden Desert Ash trees are included on TDC 74.765 Schedule A: Street Tree Species.

O. Tree Removal and Preservation

Section 34.210 Application for Architectural Review, Subdivision or Partition Review, or Tree Removal Permit.

- (1) Architectural Review, Subdivision, or Partition.** When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), to develop property, and the development is subject to Architectural Review, Subdivision Review, or Partition Review approval, the property owner shall apply for approval to remove trees as part of the Architectural Review, Subdivision Review, or Partition Review application process.

- (a) **The application for tree removal shall include:**
- (i) **A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; existing and proposed property lines; existing and proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas; and illustration of all trees on-site that are eight inches or more in diameter (including size, species, and tag i.d. number). All trees proposed for removal and all trees proposed for preservation shall be indicated on the site plan as such by identifying symbols, except as follows:**
 - (A) **Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and**
 - (B) **Where CWS has approved delineation of a “sensitive area” or “vegetated corridor” on the subject property, and**
 - (C) **Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then**
 - (D) **All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.**
 - (ii) **A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist’s signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year proceeding the date the development application is deemed complete by the City. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.**
 - (iii) **All trees on-site shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.**
- (b) **The application for tree removal shall be approved or denied based on the criteria in TDC 34.230.**
- (c) **The approval or denial of an application to remove trees shall be a part of the Architectural Review, Subdivision Review, or Partition Review decision.**

Staff finds that these standards do not apply as there are no existing trees on the project site as shown on the Topographic Site Map (dated November 2016).

Section 34.230 Tree Removal Criteria

The Community Development Director shall consider the following criteria when approving, approving with conditions, or denying a request to cut trees.

- (1) **An applicant must satisfactorily demonstrate that any of the following criteria are met:**
- (a) **The tree is diseased, and**
 - (i) **The disease threatens the structural integrity of the tree; or**

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

Staff finds that these standards do not apply as there are no existing trees on the project site as shown on the Topographic Site Map (dated November 2016).

Section 73.250 Tree Preservation

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

Applicant Response: There no existing trees on the site – this standard is not applicable.

Staff finds that this standard does not apply as there are no existing trees on the project site as shown on the Topographic Site Map (dated November 2016).

- (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.
- (3) Landscaping under preserved trees shall be compatible with the retention and health of said tree.
- (4) When it is necessary for a preserved tree to be removed in accordance with TDC 34.210 the landscaped area surrounding the tree or trees shall be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, nearby landscape materials. Native trees are encouraged
- (5) Pruning for retained deciduous shade trees shall be in accordance with National Arborist Association "Pruning Standards For Shade Trees," revised 1979.
- (6) Except for impervious surface areas, one hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape plan (as approved through the Architectural Review process) shall apply directly to the percentage of landscaping required for a development.

Staff finds that these standards do not apply as there are no existing trees on the project site as shown on the Topographic Site Map (dated November 2016).

P. Grading

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.**

With regard to standards of 73.270(1) through 73.270(4), including grading and surface drainage, staff defers to the analysis of the City Engineer.

Q. Off-Street Parking and Loading

Section 73.370 Off-Street Parking and Loading

(1) General Provisions.

- (a) At the time of establishment of a new structure or use, or change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces, off-street vanpool and carpool parking spaces for commercial, institutional and industrial uses, off-street bicycle parking, and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare or that a lesser number of vehicle parking spaces will be sufficient to carry out the objectives of this section. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In case of conflicts between guidelines or objectives in TDC Chapter 73, the proposal shall provide a balance.**

Applicant Response: The proposed light industrial use meets the threshold requirements defined under 73.370(1)(a), triggering the off-street parking, loading, and bicycle parking requirements. The minimum parking requirements are based on those included in 73.370(2)(a): manufacturing 1.6 spaces per 1,000 SF, and rounded to the nearest whole number. Additional bicycle and carpool parking is provided within this development and within the parking lot and building front plazas. See Exhibit 20 DR-1 Site Plan for site data summary.

- (n) Bicycle parking facilities shall include long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms (indoor or outdoor) in which the bicycle is stored and short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels. The Community Development Director, their designee, or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Section 73.370.**

Staff finds that this standard is not met. Per 73.370(2)(a), the first 5 bicycle parking spaces must be covered; as shown on Sheet DR-1 Site Plan (dated July 20, 2017), the proposed development would include 4 uncovered parking spaces.

Condition of Approval: *Revise the site plan (Sheet DR-1) or overall development plan to include covered parking for the first 5 spaces of required bicycle parking pursuant to TDC 73.370(1)(n).*

- (o) 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.**

Staff finds that this standard is not met. Per 73.370(2)(a), the first 5 bicycle parking spaces must be covered; as shown on Sheet DR-1 Site Plan (dated July 20, 2017), the proposed development would include 4 uncovered parking spaces.

Condition of Approval: *Revise the site plan (Sheet DR-1) or overall development plan to include covered parking for the first 5 spaces of required bicycle parking pursuant to TDC 73.370(1)(o).*

- (p) A 5-foot-wide bicycle maneuvering area shall be provided beside or between each row of bicycle parking. It shall be constructed of concrete, asphalt or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be maintained.**

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

- (q) Access to bicycle parking shall be provided by an area at least 3 feet in width. It shall be constructed of concrete, asphalt or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be maintained.**

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

- (r) Required bicycle parking shall be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, shall be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas.**

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

- (u) 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.**

Staff finds that this standard is not met. The provided site plan (Sheet DR-1, dated July 20, 2017) does not illustrate any parking signage.

Condition of Approval: *Revise the site plan (Sheet DR-1) and site details (Sheet DR1.1) to include bicycle parking signage per MUTCD standards pursuant to TDC 73.370(1)(u).*

- (v) Required bicycle parking spaces shall be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This shall not preclude the operation of private for-profit bicycle parking businesses.**

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

- (x) Required vanpool and carpool parking shall meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.**

Staff finds that this standard is not met. While Sheet DR-1 Site Plan (dated July 20, 2017) illustrates the two (2) vanpool/carpool spaces that meet size standards, no vanpool/carpool signs are indicated. Staff also finds the total number of vanpool/carpool spaces do not comply with TDC 73.370(2), as discussed below.

Condition of Approval: *Revise the site plan (Sheet DR-1) and site details (Sheet DR1.1) to include vanpool/carpool parking signage per MUTCD standards pursuant to TDC 73.370(1)(x).*

(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 Requirements	Maximum Motor Vehicle Parking Requirements	Bicycle Parking Requirements	Percentage of Bicycle Parking to be Covered
<u>Industrial</u>				
(i) Manufacturing	1.6 spaces per 1,000 gross floor area (GFA)	None	2, or 0.1 spaces per 1,000 GFA, whichever is greater	First 5 spaces or 30 percent, whichever is greater

Applicant Response: Parking, loading, and bicycle parking stalls meet the requirements for this code section. See Exhibit 20 DR-1 Site Plan data for calculation.

Staff finds that this standard is not met. While the total number of vehicle and bicycle parking spaces meets code requirements, the proposed development would include 4 uncovered parking spaces and 0 covered parking spaces. Per the table in 73.370(2)(a) above, the first 5 bicycle parking spaces must be covered.

Condition of Approval: *Revise the site plan (Sheet DR-1) or overall development plan to include covered parking for the first 5 spaces of required bicycle parking pursuant to 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).

(i) Core Area Parking District (CAPD) off-street motor vehicle parking standards are required at 75% of the applicable off-street motor vehicle parking requirements identified in TDC 73.370(1)(h), 73.370(1)(m) and 73.370(2)(a).

(ii) Off-street motor vehicle parking requirements: (Refer to Core Area Parking District Ordinance TMC Chapter 11-3 for fee schedules and regulations regarding the Core Area Parking District.)

(A) Commercial, semi-public, and public uses except as outlined under TDC 73.370(2)(b)(ii)(B). A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided for the first two floors of gross leasable area for commercial, semi-public, and public uses above grade, except as outlined under TDC 73.370(2)(b)(ii)(B).

- (B) Development of a publicly-owned community center on Tract 8 of the Tualatin Commons shall be exempt from providing off-street motor vehicle parking and the impact fee within the CAPD.
- (C) Residential Uses:
 - (1) Common-wall Dwellings including townhouses and condominiums. A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided.
 - (2) Multi-Family Dwellings. A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided for the first two floors of living units, above grade.
 - (3) Retirement Housing, Residential Homes and Residential Facilities. A minimum of 75% of required CAPD off-street motor vehicle parking shall be provided for the first two floors of dwelling units, above grade.
- (iii) CAPD off-street motor vehicle parking required under TDC 73.370(2)(b)(i) shall be provided for residential uses and gross leasable area of commercial, semi-public, and public uses below grade and above the second floor, except as outlined under TDC 73.370(2)(b)(ii)(B).
- (iv) At the time of enlargement of an existing structure or use there shall be no net loss of existing off-street motor vehicle parking in addition to providing new off-street motor vehicle parking required under TDC 73.370(2)(b).
- (v) Outdoor dining facilities are exempt from providing off-street motor vehicle parking within the CAPD.

As the proposed development is not located in the Core Area Parking District (CAPD), staff finds that this standard does not apply.

(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 this standard is not met. Per the table above, the proposed 57 parking spaces would require three (3) vanpool/carpool spaces; Sheet DR-1 Site Plan (dated July 20, 2017) only illustrates two (2) vanpool/carpool spaces.

Condition of Approval: Revise the site plan (Sheet DR-1) to include the minimum number of required vanpool/carpool parking spaces pursuant to TDC 73.370(3).

Section 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: All proposed standard parking stalls associated with this new development are dimensioned at 9 feet wide by 19 feet long to meet the dimensional standards set forth in Figure 73-1.

Staff finds that this standard is not met. As shown in Sheet DR-1 Site Plan (dated July 20, 2017), the northernmost aisle of 11 parking spaces have dimensions of 9 feet wide by 16 feet 6 inches long, which do not meet standard parking stall dimensions. Staff notes that these spaces meet subcompact parking stall standards.

Condition of Approval: *Revise the site plan (Sheet DR-1) to either increase the stall size of the northernmost aisle of 11 parking spaces to meet the standard parking stall dimensions or reclassify these spaces to subcompact spaces pursuant to TDC 73.380(1).*

- (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: Compact parking stalls associated with this new development are dimensioned at 7.7 feet wide by 16 feet long to meet the compact parking dimensional standards. No compacts are being proposed for this development review.

Staff finds that this standard is met. Staff notes—as discussed in the response to TDC 73.380(1) above—the northernmost aisle of 11 parking spaces have dimensions of 9 feet wide by 16 feet 6 inches long. While not classified as such, these spaces meet the dimensional requirements of subcompact spaces should the applicant decide to reclassify these spaces per the condition of approval pursuant to TDC 73.380(1) above.

- (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: As shown on the Site Plan in Exhibit 20 DR-1, no section of parking stalls exceeds eight continuous stalls in a row without a landscape separation.

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

- (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.**

Applicant Response: All parking lot drive aisles are constructed of asphalt.

Staff finds that this standard is met as noted by Keynote 4 in Sheet DR-1 Site Plan (dated July 20, 2017).

- (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.**

As the project site is not adjacent to residential uses or residential planning districts, staff finds that this standard does not apply.

- (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: Proposed lighting will deflect to the interior of the site to limit shine or glare into adjacent properties and street ROWs see Exhibit 20 E-1 Site Photometric Plan.

Staff finds that this standard is met as shown in Sheet E-1 Site Lighting (dated May 30, 2017). Staff also finds that there are no sensitive natural resources or natural areas in the vicinity of the project site.

- (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 as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

- (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: All parking areas associated with this development will be served by two (2) driveways. A service drive on the northwest end of the site which is intended for truck ingress/egress only along with signage posted to identify this drive to only serving loading vehicles for the development. A main entrance drive is proposed on the northeast end of the site which is intended for the tenants and customers. This drive alignment with the existing drive to the north was limited due to the east properties size and the need for a 5-foot landscape buffer between adjacent properties. The site plan also identifies a truck maneuvering ingress/egress path through-out the parking lot from SW Leveton Drive to show there is clear and safe traveling clearances for the loading trucks. See Exhibit 20 DR-1.

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

- (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: All parking adjacent to landscaped areas and pedestrian walkways feature minimum 6" high concrete curbs to prevent cars from encroaching into the landscaping, plazas and pedestrian pathways.

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet DR1.1 Site Details (see detail 1, "Perimeter Curb," dated June 12, 2017).

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

Applicant Response: ADA compliant parking spaces are provided at the north side of the building. There are three (3) which one (1) is van accessible. See Exhibit 20 DR-1 and DR1.1.

ADA accessibility requirements are typically reviewed during the building permit stage. Staff confirms the number of proposed on-site ADA parking spaces as stated by the applicant.

- (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: All proposed on-site drive aisles located on the new development meet or exceed the dimensional standards set forth in these standards. Applicant is seeking a reduced drive lane to 12 feet (20 feet currently shown) on the northwest end of the project for truck one-way access for ingress/egress.

Staff finds that the on-site drive aisle standards are met as shown in Sheet DR-1 Site Plan (dated July 20, 2017). Staff notes that access and other features of the public right-of-way are reviewed by City of Tualatin Engineering and Operations/Parks Maintenance Divisions.

Section 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

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017). Staff notes that the proposed development would include two (2) required loading berths and an additional four (4) at-grade berths.

(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'**
- (b) Industrial uses - 12' x 60'**
- (c) Berths shall have an unobstructed height of 14'**
- (d) Loading berths shall not use the public right-of-way as part of the required off-street loading area.**

Staff finds that these standards met as shown in Sheet DR-1 Site Plan (dated July 20, 2017). The two (2) required loading berths are 14 feet wide by 65 feet long.

(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.

Staff finds that these standards met as shown in Sheet DR-1 Site Plan (dated July 20, 2017) and Sheet DR-2 Exterior Elevation (dated May 2017).

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

A note has been added to this decision to meet the standard (see "II. Conditions of Approval").

(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.

As the proposed development would not include a school or child day care center, staff finds that this standard does not apply.

- (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.**

Staff finds that this standard is met as shown in Sheet DR-1 Site Plan (dated July 20, 2017).

- (7) Subject to Architectural Review approval, the Community Development Director may allow the standards in this Section to be relaxed within the Central Design District, where a dense mix of uses is desirable in close proximity, pedestrian circulation is strongly emphasized, and the orientation of structures around a central water feature virtually eliminates the possibility of reserving any side of a building solely for truck access. Adjustments may include, but are not limited to, reduction in the number of loading berths required, adjustment of loading berth size specifications and right-of-way restrictions, shared loading berths and maneuvering areas for use by more than one building, alteration or elimination of screening requirements, and requirements for maintenance of berths in a clean and visually appealing condition. The Community Development Director, their designee, or the Architectural Review Board may allow a loading area adjacent to or within a street right-of-way in the Central Design District where the loading and unloading operations meet all of the following criteria:**
- (a) short in duration (i.e., less than one hour);**
 - (b) infrequent (fewer than three operations daily);**
 - (c) does not obstruct traffic during peak traffic hours;**
 - (d) does not interfere with emergency response services;**
 - (e) is acceptable to the applicable roadway authority; and**
 - (f) the design standards for the abutting road allow on-street parking.**

As the project site is not located in the Central Design District, staff finds that this standard does not apply.

R. Access

Section 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.**

Staff defers to the analysis of the City Engineer (see City Engineer findings).

S. Signs

Except code required signs for street number, disabled parking and car/vanpool, no signs are proposed by this application and none are approved. The applicant shall submit separate sign permit applications for any future signage.

T. Time Limit on Approval

Section 73.056 Time Limit on Approval

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 September 28, 2017 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., September 28, 2017. 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' followed by a stylized flourish.

Charles H. Benson, III, AICP
Associate Planner

Issued by:

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

Aquilla Hurd-Ravich
Planning Manager

Attachments:

- 101: Application Materials – Revised July 20, 2017
- 102: Leveton Commons No. 2 Plat, recorded as [Washington County] Document No. 2006001389
- 103: Tualatin Valley Fire & Rescue Conditions of Approval – August 24, 2017