



City of Tualatin

www.tualatinoregon.gov

February 15, 2018

ARCHITECTURAL REVIEW AND PUBLIC FACILITIES DECISION

AR-17-0008

**** APPROVAL WITH CONDITIONS ****

Case #:	AR-17-0008
Project:	Mittleman Properties at Leveton Business Park Proposed Building
Location:	12200 SW Tualatin Road, Tualatin, OR 97062
Tax Map/Lots:	2S1 22B 001100
Applicant/Owner:	Mittleman Properties
Applicant/Rep.:	Curt Trolan, Mildren Design Group, P.C., Tigard, OR, curt@mdgpc.com

TABLE OF CONTENTS

I.	INTRODUCTION	3
A.	Project Description	3
B.	Site Description.....	3
C.	Project Schedule	5
II.	CONDITIONS OF APPROVAL	6
III.	PLANNING FINDINGS.....	8
A.	Previous Related Land Use Actions	8
B.	Planning Districts and Adjacent Land Uses.....	8
C.	Planning District Uses	9
D.	Lot Sizes	11
E.	Setback Requirements.....	12
F.	Structure Height	13
G.	Land Use Review Approval	14
H.	Landscape and Building Maintenance	15
I.	Site Planning	15
J.	Structure Design	18
K.	Environmental Regulations.....	19
L.	Mixed Solid Waste and Source Separated Recyclables Storage Areas.....	19
M.	Landscaping	22

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.

N. Tree Removal and Preservation	28
O. Grading	30
P. Off-Street Parking and Loading	31
Q. Access	39
R. Signs.....	39
S. Time Limit on Approval.....	39
IV. APPEAL	41

I. INTRODUCTION

A. Project Description

The applicant, Mittleman Properties, proposes to construct a one-story approximately 43,660-square-foot light industrial building “shell” in the eastern portion of the Leveton Business Park which is located along the east side of SW 124th Avenue between Tualatin Road and Leveton Drive. The proposed 37-foot-tall concrete tilt-up building would be located immediately adjacent and south of the existing 2-story building housing the Versalogic Corporation at 12100 SW Tualatin Road, with four (4) west-facing building entrances to the front of the building and truck loading areas on the east (rear) elevation. The building exterior would be comprised of a neutral beige color with brick veneer, steel and glass canopies, and aluminum storefront systems highlighting building entrances.

This development would also include 130 parking spaces along the east, west, and south sides of the proposed building, served by three access driveways that connect to SW Tualatin Road to the north. Landscaping would be provided along the entire perimeter of the proposed building and along the eastern site boundary.

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

An Industrial Master Plan was approved for the Mittleman Properties in 2008, which included Parcel 1 and 2 on Partition Plat 2010-043. The proposed development would occur on the 17.45-acre Parcel 1, Washington County Tax Lot 2S1 22B 001100. This irregularly-shaped parcel contains two existing buildings: the two-story 59-560-square-foot Versalogic Corporation building at 12100 SW Tualatin Road and the two-story 56,400-square-foot VWR International Building at 12350 SW Tualatin Road. This parcel, with the exception of its southern portion along SW Leveton Drive, is relatively flat, with approximately 1,260 feet of frontage along SW Tualatin Road and approximately 1,025 feet of frontage along SW Leveton Drive (see Figure I-1). It should be noted that the proposed building is accounted for as Building B in the approved Mittleman Properties Industrial Master Plan (IMP-08-01).

The entire Leveton Business Park site and neighboring properties to the east and south are located in the City of Tualatin’s Manufacturing Park (MP) Planning District, which extends eastward to SW 108th Avenue; areas to the west of SW 124th Avenue are in the Light Manufacturing (ML) Planning District, and areas to the north between SW Tualatin Road and Oregon Route 99W (Pacific Highway) contain a mix of General Commercial (CG), High Density Residential (HR), and Medium-High Density (RMH) Planning Districts.

There are no wetlands, greenways, or riverbanks located on or in the immediate vicinity of the Leveton Business Park site, nor is this site located within any Natural Resources Protection Overlay District (NRPO) or floodplain.

Figure I-1. Aerial Map of Subject Area



C. Project Schedule

A pre-application conference for this project was held on July 24, 2017. A neighborhood/developer meeting—as required by Tualatin Development Code (TDC) 31.063—was held on September 12, 2017, commencing at 6:00 PM in the large classroom at the Juanita Pohl Center, 8513 SW Tualatin Road, Tualatin, OR 97062. Meeting attendees included two members from the Mittleman Properties project team. There were no members from the community in attendance.

This application was originally submitted on October 26, 2017, and deemed complete on December 20, 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 April 19, 2018.

Staff visited the site on November 14, 2017 and January 24, 2018.

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented, staff recommends approval of AR-17-0008 subject to the following Architectural Features (AF) conditions:

CONDITIONS OF APPROVAL DOCUMENTATION:

AF-1 Prior to obtaining building permits on the subject site, the applicant shall submit 3 revised paper plan sets—24 x 36, a paper narrative, and electronically in Adobe PDF file format—for review and approval to the Planning Division that meet the conditions of approval below. The narrative shall explain how and on what page each condition of approval has been met. The submittal shall contain page numbers and a table of contents. No piecemeal submittals will be accepted. Each submittal will be reviewed in two (2) weeks.

PRIOR TO APPLICATION FOR A GRADING PERMIT:

- AF-2 In order to remove trees, the applicant must submit a Tree Preservation Site Plan and tree assessment that includes all details outlined in TDC 34.210(1). The granting or denial of a tree removal permit will be based on findings that address criteria in TDC 34.230.
- AF-3 The applicant must revise the grading plan sheets to identify trees and other plant materials proposed for retention and appropriate protection fencing pursuant to TDC 73.250.
- AF-4 All trees depicted and identified on landscape plans (or similar) must be retained unless modified in accordance with TDC 73.100(1).

PRIOR TO APPLICATION FOR A BUILDING PERMIT:

- AF-5 The applicant must submit plans with setback dimensions, and the setbacks must comply with applicable standards in Resolution 4859-09 approving alternate setback requirements. If setbacks do not comply with the standards approved in Resolution 4859-09, the proposal must be redesigned. Construction and development must meet the revised plans.
- AR-6 The applicant must revise the appropriate sheets to note that shrubs in parking areas must not exceed 30 inches in height and tree canopies must not extend below 8 feet measured from grade pursuant to TDC 73.250(3)(e).
- AF-7 The applicant must revise the appropriate sheets to note that deciduous shade trees proposed in parking lot islands must be barren of fruit production pursuant to TDC 73.360(7)(g).
- AF-8 The applicant must revise the appropriate sheets to include twelve covered bicycle parking spaces pursuant to TDC 73.360(1)(o) and 73.360(2)(a).
- AF-9 The applicant must revise the appropriate sheets to either increase the walkway width or stall length of the parking spaces located along the western building elevation to meet the standards set forth in Figure 73-1 and TDC 73.160(1)(b).
- AF-10 The applicant must comply with the incorporated Public Facilities Recommendation (PFR) from the City of Tualatin Engineering Division.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- AF-11 The property owner or future tenants must provide evidence that future identified uses comply with TDC 62.020. Warehousing uses are not permitted for the proposed industrial building.
- AF-12 The applicant must 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 permits, pursuant to TDC 73.160(4)(a).

AF-13 The property owner or future tenants shall provide evidence that minimum off-street motor vehicle parking standards have been met based on the sum of the requirements of the uses proposed pursuant to TDC 73.370(1)(h) and 73.370(2)(a).

AF-14 The applicant must construct the proposed building and all site improvements as illustrated on approved plans and conditions of approval.

PLEASE BE ADVISED:

- The plan sets for the Planning Division must contain sheets relevant to AR conditions of approval while also not being a full building permit set. For example, because the Planning Division needs no erosion control or roof framing plan sheets, exclude them.
- Following Planning Division approval of revised plans and when the constructed site is ready, the applicant must contact the Planning Division for a site inspection in order to obtain a certificate of occupancy. 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

The Mittleman Properties site, including Parcels 1 (subject parcel) and 2, were subject to the following previous land use actions (excluding Minor Architectural Review):

- | | |
|-----------|--|
| AR-93-11 | Architectural Review (AR) for the construction of the Sentrol Building (now occupied by Schneider Electric at 12345 SW Tualatin Road) on Parcel 2 |
| AR-93-37 | AR for the construction of the Berwind Technology Center Building A (now occupied by VWR International at 12350 SW Tualatin Road) on Parcel 1 |
| AR-95-03 | AR for the construction of Successful Money Management Seminars Building (now occupied by Versalogic Corporation at 12100 SW Tualatin Road) on Parcel 1 |
| AR-98-15 | AR for the construction of an addition to the Sentrol Building (now occupied by Schneider Electric at 12345 SW Tualatin Road) on Parcel 2 |
| PTA-99-13 | Relating to Manufacturing Park Districts; Deleting “Warehouse and Distribution Center” and “Public Parking Lot” as Permitted Uses, and “Transit Terminal or Transfer Station” and “Public Recreation Facilities” as Conditional Uses; and Amending TDC 35.030, 35.050, 62.020, 62.030, and 62.060 |
| AR-06-13 | AR for a parking lot expansion at the GE Security Building (now occupied by Schneider Electric at 12345 SW Tualatin Road) on Parcel 2 |
| IMP-08-01 | Industrial Master Plan (IMP) for the entire Mittleman Properties site which included reductions to building and parking setbacks, reductions to lot size, and the framework for future development on the site; the proposed building in this AR-17-0008 application is identified as future Building B in this approved IMP |

B. Planning Districts and Adjacent Land Uses

The subject property is located in the Manufacturing Park (MP) planning district; the purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern, large-scale specialized manufacturing and related uses and research facilities. Such permitted uses—pursuant to Tualatin Development Code (TDC) 62.020—shall not cause objectionable noise, smoke, odor, dust, noxious gases, vibration, glare, heat, fire hazard or other wastes emanating from the property. The district is to provide for an aesthetically attractive working environment with park or campus like grounds, attractive buildings, ample employee parking and other amenities appropriate to an employee-oriented activity.

Adjacent planning districts and land uses are:

North: General Commercial Planning District (CG)

- Four-story Pacific Financial Center office building at 12205 SW Tualatin Road

High Density Residential Planning District (RH)

- Two- to three-story apartments and townhomes of Woodridge Apartments at 11999 SW Tualatin Road

Medium-High Density Residential Planning District (RMH)

- Two-story apartments and townhomes of RiverCrest Meadows at 11865 SW Tualatin Road

East: Manufacturing Park Planning District (MP)

- Two-story JAE Oregon, Inc. light manufacturing/corporate facility at 11555 SW Leveton Drive
- Undeveloped parcel (Tax Lot 2S1220000300) owned by Phight LLC on the southeast corner of SW Leveton and 118th Avenue

South: 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

West: Light Manufacturing Planning District (ML)

- Undeveloped property, Leveton Commons Lot 1, on the southwest corner of SW Leveton Drive and 124th Avenue
- Two-story Ryan Herco Flow Solutions industrial building (12451 SW Leveton Drive), on the northwest corner of SW Leveton Drive and 124th Avenue
- Two-story Vitanica industrial building (12401 SW Leveton Drive)
- Two-story CRKT industrial building (18348 SW 126th Place)
- Undeveloped parcel (Tax Lot 2S122BB00200) owned by Blakeslee Properties LLC on the southwest corner of Oregon Route 99W (Pacific Highway) and SW 124th Avenue

Manufacturing Park Planning District (MP)

- Two-story building housing Schneider Electric at 12345 SW Tualatin Road (Mittleman Properties IMP Parcel 2)

C. Planning District Uses

Section 62.020 Manufacturing Park (MP) Permitted Uses.

No building, structure or land shall be used in this district except for the following uses as restricted in TDC 62.021.

Applicant Response: The current anticipated use is a mixture of Office/ Warehouse/ Manufacturing. Specific users have not been identified at this point however; potential users will be made aware to of the permitted uses within the MP zone.

A variety of office types [(1), (2), (5), (6), (12), and (13)] and manufacturing types [(3), (4), (7), (8), and (9)] are permitted in the MP district. Warehousing uses are not permitted in the MP district. A condition of approval will ensure that future tenants comply with the permitted use standard.

Condition of Approval: *The property owner or future tenants must provide evidence that future identified uses comply with TDC 62.020. Warehousing uses are not permitted for the proposed industrial building.*

Section 62.021 Restrictions on Permitted Uses in MP.

The following restrictions shall apply to those uses listed as permitted uses in TDC 62.020:

- (1) The use must be conducted wholly within a completely enclosed building, except off-street parking and loading, utility facilities, wireless communication facilities, and outdoor storage occupying less than ten percent of the total site area.**
- (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.**

- (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.**
 - (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 exception, which shall not be subject to the size limitations stated in this subsection:**
 - (i) Development approved through the application of standards for additional small-scale mixed uses in MP, as specified in TDC 62.023-62.024.**

The subject site is designated Industrial Area on Map 9-4. Outdoor storage, retail sales or uses, and small-scale mixed uses are not proposed at this time; therefore, the proposal was not conditioned to these restrictions. The applicant should be aware that these requirements apply to the site in an ongoing manner.

Section 62.023 Additional Permitted Mixed Uses in MP.

- (4) In addition to any other uses permitted in the MP Planning District, the uses set forth in subsection (2) are permitted uses provided:**
- (a) the site is used substantially for industrial purposes; and**
 - (b) the non-industrial use complies with TDC 62.024;**
- (5) Permitted Uses:**
- (a) Office Uses:**
 - (i) Business and commercial offices.**
 - (ii) General office, but not governmental offices.**
 - (iii) Real estate offices.**
 - (b) Retail Uses:**
 - (i) Food or convenience store.**
 - (ii) Restaurant or deli, with or without drive-up or drive-through facilities.**
 - (c) Service Uses:**
 - (i) Correspondence, trade and vocational schools, except vocational high schools.**
 - (ii) Health or fitness facility.**
 - (iii) Job training and related services.**
 - (iv) Mailing operations.**
 - (v) Reproduction, photocopying.**
 - (vi) Branch banks and banking kiosks, with or without drive-up or drive-through facilities.**
 - (vii) Dry cleaning.**
 - (viii) Medical and healing arts.**
 - (d) Other uses of a similar character found by the Community Development Director to meet the purpose of this section as provided in TDC 31.070.**
- (6) The office, retail, and service uses may be located in a stand-alone building or combined in a building with other permitted uses.**

The applicant has stated that a mix of uses, including office use, are anticipated for the proposed building. The applicant has not requested to apply this provision for additional permitted mixed uses.

Section 62.024 Restrictions on Additional Permitted Mixed Uses in MP.

As noted above, this proposal has not requested to apply this provision for additional permitted mixed uses; therefore, the proposal was not conditioned to these restrictions. The applicant should be aware that these requirements apply to the site in an ongoing manner.

Section 62.030 Conditional Uses.

The applicant has not requested a conditional use under this proposal.

Section 62.031 Restrictions on Conditional Uses.

As noted above, this proposal has not requested a conditional use; therefore, the proposal was not conditioned to these restrictions.

Section 62.040 Prohibited Uses.

The following uses are prohibited:

- (1) Residential dwellings, except as provided in TDC 62.030.**
- (2) Commercial uses defined by TDC Chapters 50, 51, 52, 53 and 54, except as otherwise provided in TDC 62.020 and 62.030.**
- (3) Manufacturing uses defined by TDC Chapters 60 and 61, except as otherwise provided in TDC 62.020 and 62.030.**
- (4) Hazardous waste storage facility.**

The proposal has not requested a prohibited use. The applicant should be aware that these requirements apply to the site in an ongoing manner.

Section 62.045 Industrial Master Plan.

Industrial Master Plans may be approved subject to TDC Chapter 37.

Staff notes that an industrial master plan for the site was approved under IMP08-01 – Mittleman Master Plan. Resolution No. 4859-09 was adopted on January 12, 2009.

D. Lot Sizes

Section 62.050 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply, except as otherwise provided in TDC Chapter 37.

- (1) The minimum lot area north of SW Leveton Drive is 40 acres, except the minimum lot area may be reduced to 15 acres pursuant to an approved Industrial Master Plan as provided in TDC Chapter 37, and south of SW Leveton Drive is five acres, except for conditional uses north and south of SW Leveton Drive where the City Council shall set the minimum lot size and dimensions to accommodate the proposed use, or as provided in TDC 62.050(6) or (7).**

This site is located north of SW Leveton Drive, and an industrial master plan for the site was approved under IMP08-01 – Mittleman Master Plan. The master plan includes two lots: Parcel 1 at 17.482 acres and Parcel 2 at 15 acres. The subject proposal is located on Parcel 1. This standard has been met.

- (2) The average lot width shall be 250 feet.**

Applicant Response: The lot is 443' at a line parallel to the north side of the proposed building from the east property line to the west property line. The lot is 248' at a line parallel to the south side of the proposed building from the east property line to the west property line.

Parcel 1 is irregularly shaped. The measurements provided by the applicant provide an average lot width of 345.5', meeting the standard.

- (3) The minimum lot width at the street shall be 250 feet.**

As mentioned, Parcel 1 is irregularly shaped. The proposed building does not have direct frontage along either SW Tualatin Road or SW Leveton Drive; however Parcel 1 is 1,263.19 feet wide along SW Tualatin Road and 1,017.85 wide along SW Leveton Drive, meeting the standard.

- (4) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).**

Parcel 1 is not a flag lot. This standard does not apply.

- (5) The minimum lot width at the street shall be 50 feet on a cul-de-sac bulb.**

No cul-de-sac bulb is proposed or existing on-site. This standard does not apply.

- (6) Lots or remnant areas created by the location of public streets may be less than 40 acres if necessary to create a logical, safe network of streets in the District.**

No remnant areas are proposed or existing on-site. This standard does not apply.

- (7) No minimum lot size, width or frontage requirement shall apply to wetland conservation lots.**

No wetland conservation lots are proposed or existing on-site. This standard does not apply.

E. Setback Requirements

Section 62.060 Setback Requirements.

- (1) The setbacks set forth in an Industrial Master Plan approved in accordance with TDC Chapter 37 apply. Where setbacks are not specified in an Industrial Master Plan, TDC 62.060(2) - (5) apply.**

Applicant Response: The setbacks comply with those specified in the Master Plan.

Setback reductions that were approved in IMP08-01 do not provide relief for the proposed building. The subject proposal is addressed as Building B in IMP08-01. The proposed building setbacks standards of TDC 62.020(2)-(5) are discussed below.

- (2) Yards Adjacent to Streets or Alleys.**

- (a) Except as otherwise provided in TDC Chapter 37, the minimum building setback for parcels south of SW Leveton Drive is 60 feet. The minimum building setback for parcels north of SW Leveton Drive is 100 feet.**

- (b) Except as otherwise provided in TDC Chapter 37, the minimum setback to any parking or circulation area is 50 feet.**

The applicant has not provided setback measurements of building, parking area, or circulation area to adjacent streets in either the plan set or the narrative. Staff has used our available tools to confirm the application meets standards. However, the applicant is responsible for submitting information that shows their proposal meets the standards. Therefore, a condition is necessary in requiring such information.

Condition of Approval: *The applicant must submit plans with setback dimensions, and the setbacks must comply with applicable standards in Resolution 4859-09 approving alternate setback requirements. If setbacks do not comply with the standards approved in the resolution, the proposal must be redesigned. Construction and development must meet the revised plans.*

- (3) Side and Rear Yards Not Adjacent to Streets or Alleys.**

- (a) Except as otherwise provided in TDC Chapter 37, the minimum setback for parcels south of SW Leveton Drive is 0 to 50 feet, as determined through the Architectural Review process. The minimum setback for parcels north of SW Leveton Drive is 50 feet.**

The eastern and western property lines are not adjacent to streets or alleys. The proposed building is setback 55 feet from the eastern property line and 92 feet from the western property line as shown on Sheet A1.1 (dated 1 December 2017), meeting the standard.

- (b) Except as otherwise provided in TDC Chapter 37, all parking and circulation areas shall be set back a minimum of 5 to 25 feet from the property line, as determined through the**

Architectural Review process. However, no setback is required from lot lines lying within ingress and egress areas shared by two or more abutting properties in accordance with TDC 73.400(2).

The parking and circulation area is setback 11 feet from the eastern property line as shown on Sheet A1.1 (dated 1 December 2017). The western property line lies within an abutting ingress and egress area, meeting the standard.

(c) No spur rail track shall be permitted within 200 feet of an adjacent residential district.

There are no existing or proposed rail spurs. This standard does not apply.

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

The proposal does not abut a railroad right-of-way or track. This standard does not apply.

(4) No fence shall be constructed within 50 feet of a public right-of-way.

No fencing is proposed. This requirement does not apply.

(5) 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.

No wireless communication facilities are proposed. This standard does not apply.

F. Structure Height

Section 62.080 Structure Height.

(1) Except as provided in TDC 62.080(2) or (3), no structure shall exceed a height of 70 feet, except for flagpoles displaying the flag of the United States of America either alone or with the State of Oregon flag, which shall not exceed 100 feet above grade provided that the setbacks are not less than a distance equal to the flagpole height.

Sheets A3.1-2 (dated 29 September 2017) illustrate the maximum building height, including parapet, at 37.33 feet. This standard has been met.

(2) Height Adjacent to a Residential District. Except as otherwise provided in TDC Chapter 37, where a property line, street or alley separates MP 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 or 100 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 or 100 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 in TDC 62.080(1).

Land designated High-Density Residential (RH) (Woodridge Apartments) is located north of Parcel 1, beyond SW Tualatin Road. The subject proposal and building are located behind an existing 37-foot tall building and will be setback at a distance greater than 300 feet from SW Tualatin Road. This standard has been met.

(3) Wireless Communication Support Structure. Except as otherwise provided in TDC Chapter 37, the maximum structure height for a wireless communication support structure and antennas is 100 feet.

There is no existing or proposed wireless communication support structure. This standard does not apply.

G. Land Use 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;**

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 with conditions of approval. Findings are 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 Project has been designed to reflect the development established by the existing buildings within the development area.

The proposed exterior design and architectural features of the building are consistent with the context of surrounding areas in IMP08-01.

- (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: Along the North South and West elevations, the building is articulated to add visual interest and emphasize the business entrance locations through variation of roofline and use of brick. The project is to be constructed of concrete tilt-up panels with brick veneer, steel and glass canopies and aluminum storefront systems. The colors and materials will be consistent with the adjacent projects.

The primary use of materials for the building will be neutral painted concrete tilt-up panels, aluminum storefronts, and brick veneer as shown on Sheets A3.1-2. All on-site landscaping (Sheet L1.0) and lighting (Sheet ELC1.0) is consistent with the adjacent developments.

(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.

The proposed development includes 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...

The project site is located in the Manufacturing Park (MP) Planning District and designated as an Industrial Area (IA) by Metro; 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.

Existing trees will be impacted by the subject development on Sheet C1. Please refer to TDC 34.230 for appropriate findings. The applicant has been conditioned to provide a Tree Preservation Site Plan and tree assessment in condition of approval AF-2.

- (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.

H. 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.**

This standard applies to the site in an on-going manner. Violation of this standard is a matter of code enforcement.

- (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.**

This standard applies to the site in an on-going manner. Violation of this standard is a matter of code enforcement.

I. Site Planning

Section 73.160 Standards (Community Design)

- (1) Pedestrian and Bicycle Circulation:**
(a) For commercial, public and semi-public uses:

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

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

Applicant Response: As proposed, the building has (4) main entrances on the west side. Pedestrian ways are provided from the existing building walkways to the north and to existing parking to the south. Sidewalks are concrete, 7 feet in width at entry, ADA accessible and 5 feet in width at the Fire Riser Room. Route connects to adjacent sidewalk system to the building to the north and to the public ways. Sidewalks are on private property and will be maintained by the property owner.

Sheet A1.1 (dated 1 December 2017) illustrates that 7-foot wide walkways are located along the west elevation and 5-foot wide walkways along a section of the east elevation. This standard has been met.

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

No walkways are proposed through the parking area, drive aisles, or loading areas. This standard does not apply. The pedestrian connection to the exiting building to the north is provided through a landscaped area.

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

SW Tualatin Road is a major collector with a bike lane. The subject proposal is located interior to the site and does not have direct frontage along SW Tualatin Road. As such, an accessway is not required for this proposal. This standard does not apply.

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

No accessway is proposed. This provision does not apply.

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

Applicant Response: Curb ramps are provided wherever ADA parking is located.

This requirement has been met on Sheet A1.1, dated 1 December 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 accessways 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.**

No accessways are proposed or required. This standard does not apply.

- (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 review and approval.**

No accessways are proposed or required. This standard does not apply.

- (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.**

No accessways are proposed or required. This standard does not apply.

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

No accessways are proposed or required. This standard does not apply.

(2) Drive-up Uses

No drive-up uses are included in the subject proposal. This section 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.**

The majority of parking is located on the west elevation of the building, with loading and some parking located along the east elevation. Pedestrian areas are primarily located on the north and west elevations. Aluminum storefronts and window banks are proposed on the north, west, and south elevations as shown on Sheets A3.1-2 (dated 29 September 2017). Lighting is proposed consistently on all four elevations. This standard has been met.

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

The proposal is located interior to Parcel 1 and does not have frontage along a public right-of-way. This standard does not apply.

- (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.**

The proposal is located interior to Parcel 1 and does not have frontage along a public right-of-way or habitat area. A photometric plan has been submitted as Sheet ELC1.0; however, this standard does not apply.

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

All signage permits and approvals are handled separately and not as part of this review. Provisions for emergency services are reviewed through the building permit process. Refer to comments from Tualatin Valley Fire & Rescue (TVF&R) in Attachment 102.

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

A landscape plan has been submitted as Sheet L1.0, dated 29 September 2017. Certain landscaping is shown in the parking area that can reach a height of four feet, such as Azalea x. 'Karen.' A condition of approval will ensure this standard is met.

Condition of Approval: The applicant must revise the appropriate sheets to note that shrubs in parking areas must not exceed 30 inches in height and tree canopies must not extend below 8 feet measured from grade pursuant to TDC 73.250(3)(e).

- (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, 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.**

The transformer on the east side of the building is appropriately screened with Nandina Domestica on Sheet L1.0, dated 29 September 2017. A condition of approval will ensure that future tenant improvements meet the standard.

Condition of Approval: The applicant must 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 permits, pursuant to TDC 73.160(4)(a).

- (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.**

The proposed development does not include any of these elements at this time; thus, this standard does not apply. However, if future tenants desire outdoor storage, such facilities must obtain Planning Division approval for appropriate screening mechanisms.

- (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.**

The proposed development does not include any of these elements at this time; thus, this standard does not apply. However, should conditions change in the future and any of the above-referenced elements are necessary, the applicant shall submit revised plans for approval of appropriate screening mechanisms.

- (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.**

The proposed development will include six (6) ADA parking spaces with ADA access. ADA and OSSC standards must be met during the building permit process. 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.**

Both SW Tualatin Road and SW Leveton Drive are transit-designated streets on Figure 11-5. The subject proposal is located interior on Parcel 1. The proposed pedestrian network connects to the existing development to the north and public sidewalks on SW Tualatin Road. Trimet Stop 4316 and 4293 are located approximately 0.2 miles to the west on SW Pacific Highway and SW 124th Avenue. This standard has been met.

- (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:**

The proposal does not abut a major transit stop as identified on Figure 11-5. This standard does not apply.

J. 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.**

Please refer to TDC 73.160(3) for findings. These standards have been addressed.

K. Environmental Regulations

Section 63.020 Applicability

All industrial uses, regardless of the Planning District in which they are located, shall comply with the environmental standards contained in TDC 63.050.

The proposal includes industrial uses; therefore, environmental standards contained in TDC 63.050 apply.

Section 63.050 Environmental Standards

Industrial uses located pursuant to TDC 63.020 shall continually comply with the standards prescribed in TDC 63.051 to 63.057.

Section 63.051 Noise

Section 63.052 Vibration

Section 63.053 Air Quality

Section 63.054 Odors

Section 63.055 Heat and Glare

Section 63.056 Stored Materials

Section 63.057 Liquid Waste Materials

The site must comply with these standards. Any breach in environmental standards is subject to zoning enforcement.

L. 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.**

The subject application is for a new industrial building; therefore, the mixed solid waste and source separated recyclables storage area standards apply.

- (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.

Sheet A0.1, dated 29 September 2017, identifies a mix of 25% office, 40% manufacturing, and 35% warehousing. Warehousing is not a permitted use for the MP District. For purposes of this review, staff has evaluated the proposal at 40% office and 60% manufacturing.

- (ii) **Storage areas for multiple uses on a single site may be combined and shared.**

The storage area for the proposed building has been evaluated as a single site.

- (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.**

The applicant has not indicated that stacked storage is proposed.

- (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.**

The proposal does not include multi-family housing.

- (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: Using the minimum standards method, the area of the trash/recyclables storage area is a minimum of 238 S.F. (10 S.F. + 4 S.F./1000 Office + 6 S.F./1000 S.F. Mnfr./Warehouse = 10 + 70 + 158 = 238 S.F.) Proposed project is providing an area of 460 S.F.

As indicated previously, warehousing is not a permitted use for the MP District. Staff has evaluated the proposal at 40% office and 60% manufacturing as a result. This standard has been met.

Trash Enclosure Requirements				
Use	Percentage	Area (sf)	Applied Rate (sf)	Required (sf)
Office	40%	17,463.6	$[(17,463.6 / 1,000) * 4]$	69.9
Manufacturing	60%	26,195.4	$[(26,195.4 / 1,000) * 6]$	157.2
General	N/A	N/A	N/A	10
Total Minimum Requirement				237.1
Proposed Trash and Recyclables Storage Area				460

(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 single proposed trash/recycling enclosure is located outside the building at the center of the rear exterior wall adjacent to the building. The enclosure will accommodate both recycling and solid waste. It is easily accessible from the doors to the rear of the building, will be well lit by the proposed parking lot and does not interrupt proposed pedestrian or vehicular access ways. The location is not visible from any public right-of-way.

Building and Fire Codes are administrated by others. These standards are met as shown on Sheet A1.1 (dated 1 December 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: The proposed enclosure is 460 SF in size, paved with concrete wall panels and metal gate. All storage containers will be clearly signed to acceptable materials, meet Fire Code and have water proof lids. The enclosure has two 10-foot gates on the east side, facing the loading zone area at the rear of the building. A separate pedestrian access is provided on the north side of the enclosure with a sidewalk connection from the parking lot area. Please refer to Detail 3/A1.3.

No sidewalk connection is proposed to the pedestrian access on the north end of the enclosure on Sheet A1.1; however, the proposed pavement is sufficient. Staff finds that (iii) is met as shown on Sheet A1.3 and L1.0, dated 29 September 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: The trash enclosure will be accessible during all hours. As evidenced by the attached letter from Republic Services, the storage area has been designed to be easily accessible, horizontal and vertical clearance requirements have been met. The collection vehicle will not need to back into a public right-of-way to access the trash/recycling containers.

This standard is met as shown in Site Plan Sheet A1.1 (dated 1 December 2017) and Details Sheet A3.1 (dated 29 September 2017). In addition, a letter from Republic Services Tab 8 dated September 27, 2017, states that the proposed enclosures are serviceable by their standards.

M. 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...**
- (3) The minimum area requirement for landscaping for uses in CO, CR, CC, CG, ML and MG Planning Districts ...**

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

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

Staff notes that the proposal is located in the MP planning district; however, an Industrial Master Plan has been approved for the site (IMP08-01). Please refer to finding (6) below.

- (5) The minimum area requirement for landscaping for uses in the Industrial Business Park Overlay Planning District and the Manufacturing Business Park Planning District...**

As the project site is not located in any 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.**

The site is subject to approved IMP08-01. Sheet A0.1 (dated 29 September 2017) states that 73,236 square feet out of 192,464 square feet or 38% of landscaping is proposed, which meets the standard.

- (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, 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.**

The subject site is located in the Manufacturing Park (MP) Planning District. 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: No yards are adjacent to public streets.

The proposal is located interior to Parcel 1. This standard does not apply.

- (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.**

Applicant Response: Refer to Landscape Plans for planting information. Landscape shall be maintained as approved by the Architectural Review process.

Staff finds that this standard is met as shown in Landscape Plan Sheet L.0 (dated 29 September 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 landscape areas have been designed and will be installed and maintained to achieve living plant coverage within three years. Planting area soils will be amended to promote maximum health and growth of the plant materials.

This standard is met as shown in Landscape Plan Sheet L.0 (dated 29 September 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: ...**

There is no wetland buffer located onsite. This relief does not apply to the proposal.

- (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.**

The subject site does not have a wildlife designation on Metro Title 13: Regionally Significant Fish and Wildlife Habitat. No fencing is illustrated on the site plan or landscaping plan.

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.

This standard is met per the Planting Legend (see Sheet L1.0, dated 29 September 2017). All proposed deciduous trees are specified as balled and burlapped and are 1.5-inches above DBH.

- (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.

Coniferous trees are not proposed on the Landscape Plan Sheet L1.0 (dated 29 September 2017). This standard does not apply.

- (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.

Two (2) gallon sized shrubs are proposed on the Landscape Plan Sheet L1.0 (dated 29 September 2017). This standard has been met.

- (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.

This standard is met per the Planting Legend (see Sheet L1.0, dated 29 September 2017).

- (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.

This standard is met per the Planting Legend (see Sheet L1.0, dated 29 September 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).**

Adequate notes have been included on Landscape Plan Sheet L1.0 (dated 29 September 2017). This standard does not apply.

- (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.**

This standard is met per the Planting Legend (see Sheet L1.0, dated 29 September 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.**

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 13 on Landscape Plan Sheet L1.0 (dated 29 September 2017) states that all landscape plantings are guaranteed for one year.

Section 73.280 Irrigation System Required

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

This standard is met per Note 9 on Landscape Plan Sheet L1.0 (dated 29 September 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: An Erosion Control Plan, compliant with this code section, will be part of the Building Permit application package.

Adequate notes regarding erosion control and soil amendments have been included on Landscape Plan Sheet L1.0 (dated 29 September 2017), meeting the requirement.

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

Applicant Response: Varying depths of landscape areas are provided on all sides of the building except the east (rear) side of the building where the loading docks are located. Pedestrian walkways are provided to the NW and SW corners of the building and along the west building front where the four primary entrances are located.

This standard is met as shown on the Landscape Plan Sheet L1.0 (29 September 2017). A landscape area that generally varies between seven to five feet wide is located along the building perimeter with the exception of loading areas and pedestrian entrances.

Section 73.330 Parking Lot Landscaping - Multi-family Uses.

No multifamily uses are proposed. This section does not apply.

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: Landscape clear vision triangles have been considered at all parking aisle access points.

This standard is met as shown on Landscape Plan Sheet L1.0 (dated 29 September 2017). The proposed development would include parking lot islands that contain both landscaping and trees, and Note 1 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.
- (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.

Applicant Response: This project proposes a minimum landscape area around all parking, loading and vehicular maneuvering areas of 5-feet or more in width. These areas have been landscaped as required by this code section. Please refer to the Landscape Plan included in this submittal package.

The proposed parking area is adjacent to a parking area on a separate lot to the west. Regardless a 5-7 foot landscape area is located along vehicular circulation areas to the east, south, and west. These standards are met as shown on Landscape Plan Sheet L1.0 (dated 29 September 2017).

Section 73.350 Off-Street Parking Lot Landscape Island Requirements - Multi-Family Uses.

No multifamily uses are proposed. This section 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.

Applicant Response: The project proposes 130 parking stalls, which results in a requirement of 3250 SF of landscape island landscape area. (25 SF x 130 stalls = 3250 SF). The project proposes a total of approximately 8000 SF of landscape within the parking lot area.

The applicant has provided 7,630 square feet of parking lot landscaping as noted on Sheet A0.1 (dated 29 September 2017). Regulations regarding vegetative longevity are matters of zoning enforcement, and less matters to be reviewed as development standards. This requirement has been met.

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

Applicant Response: As proposed, the landscape islands within the parking lot area are a minimum of 8-feet in width.

This standard is met as shown on Landscape Plan Sheet L1.0 (dated 29 September 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.

39 trees are proposed as shown on the Landscape Plan Sheet L1.0 (dated 29 September 2017). As 130 parking spaces are proposed, 33 trees would be required. This standard has been exceeded.

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

Applicant Response: Landscape islands are provided at the ends of each row of parking spaces, as required.

This standard is met as shown on Landscape Plan Sheet L1.0 (dated 29 September 2017).

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

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.

(b) In the Central Design District ...

The project is internal to Parcel 1 and does not take direct access from a public street. Additionally the proposal is not located in the Central Design District. These standards do 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.**

Applicant Response: Refer to Landscape Drawings for this section.

Autumn Blaze Flowering Pear are proposed on the Landscape Plan Sheet L1.0 (dated 29 September 2017). These trees produce fruit that is approximately half an inch in diameter. A condition has been added to meet the standard of TDC 73.360(7)(g).

Condition of Approval: *The applicant must revise the appropriate sheets to note that deciduous shade trees proposed in parking lot islands must be barren of fruit production pursuant to TDC 73.360(7)(g).*

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.

The proposal is located interior on Parcel 1 and does not abut a public right of way. This standard does not apply.

N. 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.

The applicant did not provide a Tree Preservation Site Plan or tree assessment; however, the applicant did provide some details on the Landscape Plan Sheet L1.0 (dated 29 September 2017). This sheet shows that of the 32 existing trees on-site, 22 are proposed for removal and 12 are proposed for retention. A condition has been added to meet these standards.

Condition of Approval: In order to remove trees, the applicant must submit a Tree Preservation Site Plan and tree assessment that includes all details outlined in TDC 34.210(1). The granting or denial of a tree removal permit will be based on findings that address criteria in TDC 34.230.

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.

The applicant has not provided a finding to this standard. Staff has conditioned the applicant to provide the necessary documentation to address the criteria in AF-2, under TDC 34.210.

Section 73.250 Tree Preservation

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

The applicant has provided this information on Landscape Plan Sheet L1.0 and has provided details on Landscape Details Sheet L1.2 (dated 29 September 2017). No tree preservation is noted on the Grading Plans submitted as Sheets C2.0-2.2 (dated 1 December 2017). Conditions have been added to meet these standards.

Condition of Approval: The applicant must revise the grading plan sheets to identify trees and other plant materials proposed for retention and appropriate protection fencing pursuant to TDC 73.250.

Condition of Approval: All trees depicted and identified on landscape plans (or similar) must be retained unless modified in accordance with TDC 73.100(1).

O. Grading

Section 73.270 Grading

- (1) After completion of site grading, topsoil 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.**

Applicant Response: Grading which reduces runoff and provides surface drainage flow away from the building and sidewalks has been achieved. All landscape top soil will be restored and amended.

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.

P. 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.**
- (b) At the time of enlargement of an existing multi-family residential, commercial, institutional or industrial structure or use, TDC 73.370 shall apply to the existing and enlarged structure or use.**
- (c) Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.**
- (d) Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift.**
- (e) Calculations to determine the number of required parking spaces and loading berths shall be rounded to the nearest whole number.**
- (f) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.**
- (g) Parking and loading requirements for structures not specifically listed herein shall be determined by the Community Development Director, based upon requirements of comparable uses listed.**
- (h) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking.**
- (i) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located shall be in the same ownership as the structure.**

- (j) **Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.**
- (k) **Institution of on-street parking, where none is previously provided, shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.**

Applicant Response: Vehicular parking is proposed on-site, reflective of the anticipated use ratio and compliant with the General Provisions of this code section.

The proposed shell building meets the threshold requirements defined under 73.370(1)(a), triggering the off-street parking, loading, and bicycle parking requirements. No tenants have been identified at this time. A condition has been added to ensure that parking requirements are met. Staff recognizes that (b)-(k) are guidelines for implementing parking standards.

Condition of Approval: *The property owner or future tenants shall provide evidence that minimum off-street motor vehicle parking standards have been met based on the sum of the requirements of the uses proposed pursuant to TDC 73.370(1)(h) and 73.370(2)(a).*

- (l) **Parking facilities may be shared by users on adjacent parcels if the following standards are met:**
 - (i) **One of the parcels has excess parking spaces, considering the present use of the property; the other parcel lacks sufficient area for required parking spaces.**
 - (ii) **The total number of parking spaces meets the standards for the sum of the number of spaces which would be separately required for each use.**
 - (iii) **Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying permanent use of the excess parking area on one lot by patrons of the uses deficient in required parking area.**
 - (iv) **Physical access between adjoining lots shall be such that functional and reasonable access is actually provided to uses on the parcel deficient in parking spaces.**
 - (v) **Adequate directional signs shall be installed specifying the joint parking arrangement.**
 - (vi) **Areas in the 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 would be better protected.**

The Industrial Master Plan (IMP08-01) reviewed parking facilities shared by users on adjacent Parcels 1 and 2 recorded as Partition Plat No. 2010-043. The approved IMP08-01 anticipated 100 stalls for the subject site and 130 stalls are proposed under this Architectural Review application. Page 2 of Partition Plat No. 2010-043 includes four parking easements on Parcel 2 and noted to the benefit of Parcel 1. The subject proposal is located interior to Parcel 1. This standard has been met.

- (m) **Joint Use Parking. Joint use of parking spaces may occur where two or more separate developments or multiple uses in a development are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times.**

The applicant is not seeking a joint use parking agreement under this application. This standard does not apply.

- (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.

This requirement is met on Site Plan Sheet A1.1 (dated 1 December 2017).

- (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.**

This requirement is met on Site Plan Sheet A1.1 (dated 1 December 2017).

- (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.**

Bicycle racks are proposed on five-foot wide concrete area. This requirement is met on Site Plan Sheet A1.1 (dated 1 December 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.**

This requirement is met on Site Plan Sheet A1.1 (dated 1 December 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.**

This requirement is met on Site Plan Sheet A1.1 (dated 1 December 2017).

- (s) Long-term bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.**

No indoor bicycle parking is proposed.

- (t) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking.**

The proposal is not located in the Core Area Parking District.

- (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.**

This requirement is met on Details Sheet A1.2/10 (dated 29 September 2017).

- (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.**

Applicant Response: Twelve covered bicycle parking spaces are provided at four of the primary building entrances. Please see Detail 11/A1.2 Signage identifying the bicycle parking has been mounted to the building wall adjacent to the racks. Please see Detail 10/A1.2.

There is a discrepancy between the applicant narrative and plan set, as six bicycle parking spaces are proposed (two at three entrances), as shown on Site Plan Sheet A1.1 (dated 1 December 2017). As twelve

covered spaces are required, a condition has been added to meet the standard. The applicant has been conditioned in AF-8 to provide the required bicycle parking spaces.

- (w) **Parking on existing residential, commercial and industrial development may be redeveloped as a transit facility as a way to encourage the development of transit supportive facilities such as bus stops and pullouts, bus shelters and park and ride stations. Parking spaces converted to such uses in conjunction with the transit agency and approved through the Architectural Review process will not be required to be replaced.**

No transit facility is proposed. This allowance does not apply.

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

Applicant Response: The project proposes 130 parking spaces. At 1/25 spaces, the project will provide 6 Vanpool/ Carpool spaces dispersed through the parking area. These spaces are 9-feet in width and identified with signage.

There is a discrepancy between the applicant narrative and plan set, as five vanpool/carpool spaces are proposed as shown on Site Plan Sheet A1.1 (dated 1 December 2017). Staff finds that $130/25 = 5.2$ spaces; therefore the standard is met.

(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.**

APPLICANT PROPOSED PARKING				
Use	Minimum Motor Vehicle Parking Requirements	Maximum Motor Vehicle Parking Requirements	Bicycle Parking Requirements	Percentage of Bicycle Parking to be Covered
<u>Commercial</u>				
(vi) General office	2.70 spaces per 1,000 sq. ft. of gross floor area	4.1 spaces per 1,000 sq. ft. gross floor area	2, or 0.50 spaces per 1,000 gross sq. ft. whichever is greater	First 10 spaces or 40%, whichever is greater
	$2.70 * 10.91475 = 30$	$4.1 * 10.91475 = 45$	$0.50 * 10.91475 = 6$	6
<u>Industrial</u>				
(i) Manufacturing	1.60 spaces per 1,000 sq. ft. of gross floor area	None	2, or 0.10 spaces per 1,000 gross sq. ft., whichever is greater	First 5 spaces or 30%, whichever is greater
	$1.60 * 17.4636 = 28$	N/A	$0.10 * 17.4636 = 2$	2
(ii) Warehousing	0.30 spaces per 1,000 sq. ft. of gross floor area	None	2, or 0.10 spaces per 1,000 gross sq. ft., whichever is greater	First 5 spaces or 30%, whichever is greater
	$0.30 * 15.28065 = 5$	N/A	$0.10 * 15.28065 = 2$	2
Total Proposed per sheet A0.1 September 2017	130		12	

Applicant Response: The project anticipates a mix of Office (25%), Manufacturing (40%) and Warehouse (35%). Based on this use mix, the project requires a minimum of 96 parking spaces. Because Manufacturing has no specific maximum, this mixed use has no specific maximum. A total of 130 spaces are proposed. Based on the above mix ration, twelve covered bicycle spaces are required.

TOTAL REQUIRED PARKING				
Use	Minimum Motor Vehicle Parking Requirements	Maximum Motor Vehicle Parking Requirements	Bicycle Parking Requirements	Percentage of Bicycle Parking to be Covered
Commercial				
(vi) General office	2.70 spaces per 1,000 sq. ft. of gross floor area	4.1 spaces per 1,000 sq. ft. gross floor area	2, or 0.50 spaces per 1,000 gross sq. ft. whichever is greater	First 10 spaces or 40%, whichever is greater
	2.70 * 17.4636 = 47	4.1 * 17.4636 = 72	0.50 * 17.4636 = 9	9
Industrial				
(i) Manufacturing	1.60 spaces per 1,000 sq. ft. of gross floor area	None	2, or 0.10 spaces per 1,000 gross sq. ft., whichever is greater	First 5 spaces or 30%, whichever is greater
	1.60 * 26.1954 = 42	N/A	0.10 * 26.1954 = 3	3
Total	89		12	

The subject property lies in Zone B on Figure 73-3 and is not located in the Core Area Parking District.

The applicant narrative identifies a mix of 25% office, 40% manufacturing, and 35% warehousing. Warehousing is not a permitted use for the MP District. For purposes of this review, staff has evaluated the proposal at 40% office and 60% manufacturing. A minimum of 89 vehicles spaces is required and a minimum of 12 bicycle spaces are required. Staff additionally notes that IMPO8-01 anticipated 100 spaces for this site. The applicant has exceeded the vehicle parking requirement.

Staff notes there is a discrepancy between the applicant narrative and plan set, as six bicycle parking spaces are proposed (two at three entrances), as shown on Site Plan Sheet A1.1 (dated 1 December 2017). Staff recommends a condition of approval to meet the standard.

Condition of Approval: The applicant must revise the appropriate sheets to include twelve covered bicycle parking spaces pursuant to TDC 73.360(1)(o) and 73.360(2)(a).

(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

Applicant Response: The project proposes 130 parking spaces. At 1/25 spaces, the project will provide 6 Vanpool/ Carpool spaces dispersed through the parking area.

There is a discrepancy between the applicant narrative and plan set, as five vanpool/carpool spaces are proposed as shown on Site Plan Sheet A1.1 (dated 1 December 2017). Staff finds that 130/25= 5.2 spaces; therefore the standard is met.

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 lot spaces are 9-feet by 18.5 feet with 2'-6" bumper overhang.

This standard is not met as shown on Site Plan Sheet A1.1 (dated 1 December 2017). Stalls are designed to utilize the bumper overhang provision at 9 feet by 16 ft. Parking along the west building elevation abuts a seven foot wide walkway. TDC 73.160(1)(b) requires a minimum of five foot wide walkway; therefore the bumper overhang is short by half a foot. A condition has been included to meet the standards.

Condition of Approval: *The applicant must revise the appropriate sheets to either increase the walkway width or stall length of the parking spaces located along the western building elevation to meet the standards set forth in Figure 73-1 and TDC 73.160(1)(b).*

- (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.**

Compact parking is not included in this proposal. This standard does not apply.

- (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 proposed, the parking lot has a maximum of 8 continuous parking spaces.

This requirement is met on Site Plan Sheet A1.1 (dated 1 December 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: The parking lot is paved. Parking lot landscape has been provided as required and discussed above.

Asphalt is proposed in vehicular areas under Keynote 23. This requirement is met on Site Plan Sheet A1.1 (dated 1 December 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, 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: A Lighting Plan with associated fixture cut-sheets has been prepared and submitted with the application package.

This standard is met as shown in Sheet ELC1.0 (dated 27 September 2017). 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.**

Applicant Response: The parking lot has been configured to eliminate the need for any backing into or maneuvering within a public right-of-way.

This requirement is met on Site Plan Sheet A1.1 (dated 1 December 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: No service specific use driveways are proposed. Service vehicles will use the driveways off of SW Tualatin Road, which comply with this code section.

The eastern access provides a direct route to loading areas. This requirement is met on Site Plan Sheet A1.1 (dated 1 December 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: The proposed parking spaces and adjacent landscape areas have been sized and designed to accommodate bumper overhang.

Seven-inch curbs are proposed. This requirement is met as noted by Keynote 15 on Site Plan Sheet A1.1 (dated 1 December 2017). The applicant has been conditioned in AF-7 to meet Figure 73-1 standards.

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

Applicant Response: Six ADA accessible parking spaces which comply with all applicable federal and state requirements.

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: The four drive aisles that access the parking lot are two-way and 30- feet in width.

Aisles included with this proposal are two-way and provide direct access to parking areas. There is a discrepancy between the applicant narrative and plan set, as 26-foot wide aisle is proposed west of the building, as shown on Site Plan Sheet A1.1 (dated 1 December 2017). Aisle widths comply with Figure 73-1.

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

Applicant Response: The proposed building is 43,660 SF in size, which requires two loading spaces. However, the project proposes a total of eight loading docks across the east side/rear of the building.

This requirement is met on Site Plan Sheet A1.1 (dated 1 December 2017). Four loading berths and four at-grade berths are proposed.

(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.**

Applicant Response: The proposed loading docks are a minimum of 13 feet 6 inches X 60 feet, with unobstructed height in excess of 14-feet. Furthermore, the loading dock area is located behind the building, not abutting a right-of-way. 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.

The proposal meets the requirement as shown on Site Plan Sheet A1.1 (dated 1 December 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.

Applicant Response: The proposed loading dock area is screened from SW Tualatin Road by existing buildings. Additional screening is provided by the perimeter and parking lot landscape.

This requirement is met under Keynote 26 on Site Plan Sheet A1.1 (dated 1 December 2017) and on Building Elevations Sheets A3.1-2 (dated 29 September 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, 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.**

Applicant Response: The required parking for this project has been provided on site.

This requirement is met on Site Plan Sheet A1.1 (dated 1 December 2017).

Q. 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).

R. 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.

S. 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 **March 2, 2018** 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., March 1, 2018. 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:



Erin Engman
Associate Planner

Issued by:



Aquilla Hurd-Ravich
Planning Manager, AICP

Attachments:

- 101: Application Materials – Revised December 11, 2017
- 102: Tualatin Valley Fire & Rescue Conditions of Approval – December 28, 2017
- 103: Clean Water Services Conditions of Approval – January 5, 2018