



City of Tualatin

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June 20, 2019

**Analysis and Findings for
Mutual Materials
Conditional Use Permit**

Case #:	CUP 19-0001
Project:	Mutual Materials Tualatin
Location:	10700 SW Tualatin-Sherwood Road; Tax lots: 2S1 27AA 02100
Applicant:	Suzannah Stanley, Mackenzie
Owner:	Kimberly Eiring, Mutual Materials

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I. INTRODUCTION

The issue before the Planning Commission is consideration of a Conditional Use Permit (CUP 19-0001) for the wholesale sales of building materials and supplies, specifically for the sale of bricks and pavers by Mutual Materials.

The subject site is a five acre property located at 10700 SW Tualatin-Sherwood Road (Washington County Assessor Map Number 2S1 27AA Tax Lot: 2100) and is zoned General Manufacturing (MG).

A. Applicable Criteria

In order to grant the proposed Conditional Use Permit (CUP 19-0001), the request must meet the following approval criteria of the Tualatin Development Code:

- TDC 33.040(5)

B. Project Background

Mutual Materials has several locations in the western United States, and distributes masonry and hardscape products to wholesale customers. The wholesale use of the subject site is to be supported by a small building, with office and showroom space to provide a place for contractors to view product samples and place materials orders. Most order fulfillment occurs as shipments for off-premise product delivery to wholesale customers or contractors' jobsites; however contractors may pick-up small orders on-site.

Overall site development would be the subject of a separate Architectural Review application (AR 19-0003). Because approval of an Architectural Review is dependent upon components proposed in the Conditional Use Permit application currently presented, this land use review is being processed first in accordance with TDC 32.020(3).

The Applicant previously obtained Conditional Use Permit (CUP 08-02; extended by CUP 09-03) and Architectural Review approvals (AR 08-13) for the site for a similar proposal, though no action was taken for site development and both approvals have now expired.

C. Project Description

The applicant, Mackenzie, on behalf of Mutual Materials requests approval of a Conditional Use Permit for the wholesale sales of building materials and supplies, specifically for the sale of bricks and pavers to industry professionals. Wholesale sales of building materials and supplies are conditionally permitted in the General Manufacturing (MG) zone as identified in Tualatin Development Code Table 61-1. Wholesale sales are described in Section 39.450 as the sale, lease, and/or rental of products primarily to businesses. On-site sales to the general public are limited.

D. Previous Land Use Actions

- Conditional Use Permit approval in July of 2008 (CUP 08-02) - Expired
- Extension of CUP 08-02 in July of 2009 (CUP 09-03) - Expired
- Architectural Review approval in August of 2008 (AR 08-13) – Expired

E. Site Description and Surrounding Uses

Surrounding uses indicate a transitional area including light industrial uses. Adjacent land uses include:

North: General Manufacturing (MG)

- Arlington Commons, industrial condominiums
- Lakeside Lumber
- SW Tualatin-Sherwood Road

South: Light Manufacturing (ML)

- Portland & Western Railroad track
- Metal fabricators shop

West: General Manufacturing (MG)

- Ethan Allen warehouse
- Hartman & Forbes warehouse

East: General Manufacturing (MG)

- Vacant land (Air Liquide)

Figure 1: Aerial view of subject site (highlighted)



F. Exhibit List

A: Application Materials – Narrative

B: Application Materials – Plan Set

C: Application Materials – Traffic Analysis

D: Tualatin Development Code Figure 11-6: Freight Routes

E: Tualatin Development Code Map 9-5: Commercial Setback & Commercial Services Overlay

II. PLANNING FINDINGS

These findings reference the Tualatin Development Code (TDC), unless otherwise noted.

Chapter 32: Procedures

Section 32.010 – Purpose and Applicability.

[...]

(2) Applicability of Review Procedures. All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City’s land use and development applications and corresponding review procedure(s).

[...]

(c) Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.

[...]

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

Table 32-1 – Applications Types and Review Procedures

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
[...]						
Conditional Use Permit	III	PC	CC	Yes	Yes	TDC 33.040
[...]						

* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).

Finding:

Mutual Materials submitted a Type III application to request approval for the wholesale sales of building materials and supplies as a Conditional Use on April 12, 2019. This application will be decided by the Planning Commission at a public meeting held on June 20, 2019. The applicant attended a pre-application meeting on March 20, 2019 and held a neighbor/ developer meeting on April 1, 2019 as required. These standards are met.

Section 32.020 – Procedures for Review of Multiple Applications.

Multiple applications processed individually require the filing of separate applications for each land use action. Each application will be separately reviewed according to the applicable procedure type and processed sequentially as follows:

- (1) Applications with the highest numbered procedure type must be processed first;**
- (2) Applications specifically referenced elsewhere in the TDC as to the particular order must be processed in that order; and**
- (3) Where one land use application is dependent on the approval of another land use application, the land use application upon which the other is dependent must be processed first (e.g., a conditional use permit is subject to prior approval before architectural review).**

Finding:

The overall Mutual Materials project also requires a Type II Architectural Review application (AR-19-0003). The Type III conditional use permit (CUP-19-0001) is to be decided prior to AR-19-0003. This application will be decided by the Planning Commission at a public meeting held on June 20, 2019. With condition of approval CUP-1, these standards are met.

Section 32.030 – Time to Process Applications.

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

[...]

Finding:

CUP-19-0001 was submitted on April 12, 2019 and deemed complete on May 2, 2019. This application will be decided by the Planning Commission at a public hearing held on June 20, 2019. The final action will occur before August 30, 2019. This standard is met.

Section 32.110 – Pre-Application Conference.

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

applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

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

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

(4) Application Requirements for Pre-Application Conference.

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

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

(i) A completed application form;

(ii) Payment of the application fee;

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

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

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

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

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

Finding:

As mentioned previously, the applicant attended a pre-application meeting on March 20, 2019, as required by the Type III process. The pre-application meeting occurred prior to the neighbor/ developer meeting held on April 1, 2019. The Conditional Use Permit application was submitted on April 12, 2019, before the six month validity period expired. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

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

(2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily

conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

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

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

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

(5) Notice Requirements.

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

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

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

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

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

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

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

Finding:

A neighbor/ developer meeting was held on April 1, 2019 after the pre-application meeting was held. The meeting was noticed and posted as required. These standards are met.

Section 32.130 – Initiation of Applications.

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

(a) The owner of the subject property;

[...]

(d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[...]

Finding:

The application was submitted by Mackenzie on behalf of the property owner, Mutual Materials. This standard is met.

Section 32.140 – Application Submittal.

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

[...]

(2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.

(3) Administrative Standards for Applications. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Finding:

CUP-19-0001 was submitted on April 12, 2019 and deemed complete on May 2, 2019, see Exhibit A. These standards are met.

Section 32.150 - Sign Posting.

(1) When Signs Posted. Signs in conformance with these standards must be posted as follows:

[...]

(2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:

[...]

(3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.

(4) Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:

[...]

Finding:

A notice of application sign has been posted along the site's frontage as required. These standards are met.

Section 32.160 – Completeness Review.

(1) Duration. Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.

(2) Considerations. Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

(3) Complete Applications. If an application is determined to be complete, review of the application will commence.

(4) Incomplete Applications. If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

[...]

(5) Vesting. If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

(6) Void Applications. An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

[...]

Finding:

CUP-19-0001 was submitted on April 12, 2019 and deemed complete on May 2, 2019. These standards are met.

Section 32.230 – Type III Procedure (Quasi-Judicial Review – Public Hearing).

Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.

(1) Submittal Requirements. Type III applications must include the submittal information required by TDC 32.140(1).

(2) Determination of Completeness. After receiving an application for filing, the City Manager will review the application will for completeness in accordance with TDC 32.160.

(3) Written Notice of Public Hearing – Type III. Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.

[...]

(4) Conduct of the Hearing - Type III. The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:

[...]

(5) Notice of Adoption of a Type III Decision. Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption must contain all of the following information:

[...]

(6) Appeal of a Type III Decision. Appeal of an Architectural Review Board or Planning Commission Type III Decision to the City Council may be made in accordance with TDC 32.310.

(7) Effective Date of a Type III Decision.

(a) The written order is the final decision on the application.

(b) The mailing date is the date of the order certifying its approval by the decision body.

(c) A decision of the Architectural Review Board or Planning Commission is final unless:

(i) a written appeal is received at the City offices within 14 calendar days of the date notice of the final decision is mailed; or

(ii) The City Manager or a member of the City Council requests a review of the decision within 14 calendar days of the date notice of the final decision is mailed.

Finding:

CUP-19-0001 Planning Commission hearing is scheduled for June 20, 2019, and has been noticed as required. The decision will be recognized as a written order. These standards are met.

Chapter 33: Applications and Approval Criteria

Section 33.040 Conditional Use Permit

[...]

(2) Applicability. A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit may be initiated by a property owner or the owner's authorized agent.

Finding:

The proposed conditional use request is a request submitted by Mackenzie on behalf of the property owner, Mutual Materials. This proposal is a Type III review, and follows the procedures in Chapter 32, addressed above. This standard is met.

[...]

(5) Approval Criteria. The applicant must provide evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:

(a) The use is listed as a conditional use in the underlying zone;

Finding:

The applicant requests approval of a Conditional Use Permit for the Wholesale Sales of building materials and supplies, specifically for the sale of bricks and pavers to industry professionals. The subject property is within the General Manufacturing (MG) Planning District. As noted in Table 61-1 of TDC, Use Categories in the MG Zone, the Wholesale Sales of building materials is an Industrial use requiring Conditional Use Permit approval.

Chapter 39.450 of the Tualatin Development Code (TDC) identifies Wholesale Sales as the sale, lease, and/or rental of products primarily to businesses. On-site sales to the general public are limited. Examples of building materials and supplies identified include “masonry supplies” and “ceramic & stone tile and pavers”. Mutual Materials sells bricks and pavers in large quantities to industry professionals, thus meeting the characteristics of “Wholesale Sales” per TDC Chapter 39. This standard is met.

(b) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features;

Finding:

The site is located on a five acre flag lot created as Parcel 3 by Partition Plat No. 2003-040 with access from a shared driveway provided off of SW Tualatin-Sherwood Road, which is a Major Arterial under Washington County’s jurisdiction. Though Washington County’s Transportation System Plan identifies plans to widen the segment of SW Tualatin-Sherwood Road adjacent to the site to a five-lane configuration, the existing right-of-way provides adequate improvements for the site’s access.

Topographically, the site has a minor downhill slope from southwest to northeast, which does not interfere with the proposed development of the site. No notable natural resources exist on site, and vegetation is limited to eight (8) trees, small- to mid-sized shrubbery, and groundcover.

The property is located within the General Manufacturing (MG) Planning District, and is designated an Industrial area by Metro’s Title 4. This location is bordered on all sides by industrial uses and does not require buffering from residential zones. An associated Architectural Review application (AR19-0003) requests approval of a 4,200 square foot office/showroom building, a partially enclosed 11,700 square foot storage building, a large materials storage area, and related site improvements contingent on conditional use approval. Together the two buildings equate to approximately 7% lot coverage. This standard is met.

(c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;

Finding:

The site has access on SW Tualatin-Sherwood Road, which is under Washington County's jurisdiction and is designated a Major Arterial by the City of Tualatin. The shared driveway approach provides limited right-of-way frontage for the subject property.

Washington County's Transportation System Plan identifies plans to widen the segment of SW Tualatin-Sherwood Road adjacent to the site to a five-lane configuration that would ultimately have a right-of-way width of 98 feet and include four travel lanes, a center turn lane, bike lanes, planter strips, and sidewalks. SW Tualatin-Sherwood Road is currently approximately 94 feet wide (49 feet on this development's side) with two travel lanes, one center turn lane, bike lanes, and sections of sidewalks.

Tualatin-Sherwood Road is also designated a local freight route as shown on Figure 11-6 (Exhibit C). The subject site is located approximately 2.1 miles from Interstate-5 exit 289.

The Trip Generation and Distribution letter provided with the application (Exhibit A) surveyed trips at an existing Mutual Materials site of comparable size and found trip generation to be comparable to ITE use category Specialty Trade Contractor and Building Materials and Lumber store. Peak traffic occurs during the hour of 1:55-2:55 pm with a total of 32 trips and outside the typical hours of evening traffic occurring between 4-6 pm, which helps reduce the site's impact on the surrounding transportation system.

Utility facilities (2" domestic water, 8" fire water, 8" sewer, 15" storm) to serve the proposed development are available and stubbed to the site via a 20' wide private utility easement adjacent to the access driveway. This standard is met.

(d) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone; and

Finding:

Surrounding zoning designations include General Manufacturing (MG) to the north, east, and west, and Light Manufacturing (ML) to the south. Neighboring uses predominantly include warehousing, manufacturing, and industrial offices. A portion of the Miller Forest residential subdivision is located approximately 400' southeast of the site, across SW Avery Street and further separated by both the rail line and multitenant industrial building to the south of the property.

Because the surrounding uses are manufacturing and because the residences are separated by a lot with a less intense industrial use allowed within the ML Planning District and multiple rights-of-way, the proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district. This standard is met.

(e) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Finding:

The following Tualatin Community Plan policies are applicable to the proposed use:

Chapter 07: Manufacturing Planning Districts

7.040(3) General Manufacturing (MG) Planning District Purpose

(a) Suitable for light manufacturing uses and also for a wide range of heavier manufacturing and processing activities. Such areas could be expected to be more unsightly and to have more adverse environmental effects. Rail access and screened open storage would be allowed in this area, conforming to defined architectural, landscape and environmental design standards. Also suitable is the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Also suitable for the retail sale of home improvement materials and supplies provided it is not greater than 60,000 square feet of gross floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 61.035.

Finding:

Mutual Materials describes their operation as the distribution of products to wholesale customers, including masons and landscape contractors, builders, lumberyards, and other distributor customers. The primary wholesale and distribution use of the site is supported by the small building, with an office and a showroom area that provides a place for contractors to view product samples and place materials orders. For some smaller orders, contractors may pick up will-call orders at the site, but most order fulfillment occurs as shipments for off-premises product delivery to wholesale customers or contractors' jobsites.

This business model is different from that of a commercial retail operation, in which sales of merchandise direct to retail customers predominates. Occasionally, contractors suggest that their customers visit the showroom to make material selections for use in fulfilling product orders for projects; however, these consultative visits are infrequent, represent a small share of site traffic, and do not typically result in immediate sales and product delivery.

Mutual Materials have indicated that the subject site's hours of operation will be 6:30 am to 4:00 pm Monday through Friday and 9:00 am to 3:00 pm on Saturdays between the months of April through October. The Trip Generation and Distribution letter provided with the application (Exhibit A) surveyed trips at an existing Mutual Materials site of comparable size and found trip generation to be comparable to ITE use category Specialty Trade Contractor and Building Materials and Lumber store, with peak traffic occurring during the hour of 1:55-2:55 pm with a total of 32 trips and outside the typical hours of evening traffic occurring between 4-6 pm.

In consideration of the description provided above, the proposed wholesale, storage, and distribution of building materials and supplies align with the General Manufacturing purpose statement. Table 61-1 lists

Wholesale Sales of building materials and supplies as a conditional use in the General Manufacturing District. Section 39.450 describes the characteristics of wholesale sales as the sale, lease, and/or rental of products primarily to businesses. On-site sales to the general public are limited. This section includes illustrative examples of wholesale sale building materials and supplies including, but not limited to, [...]; masonry supplies; ceramic & stone tile and pavers; [...]. Exceptions include companies that engage primarily in sales to the general public, companies that engage in sales on a membership basis, and companies that are primarily storing goods with little on-site business activity, or the storage, transfer, or processing of hazardous, toxic, or radioactive waste. As the proposal does not include activities listed under exceptions; the request meets the characteristics of a wholesale sales of building materials and supplies.

All proposed site development will be reviewed and permitted under separate Architectural Review application AR 19-0003. Plans submitted with the subject application include a 4,200 square foot building, 11,700 square foot partially enclosed storage building, segmental block storage bins, and an approximately 9,000 square foot outdoor product display area to showcase hardscape materials. The smaller building accommodates incidental office and showroom space to support the wholesale sale activities. Due to the nature of the wholesale sale activity and the size of the hardscape materials sold, a sizable indoor/outdoor showroom space is essential to the activity. Based on the evidence provided, less than 13,200 square feet of showroom space is proposed and therefore is under the allowable 60,000 square foot threshold. Additionally the site is not located in the special commercial setback as indicated on Map 9-5 (Exhibit D), and therefore complies with the commercial provision. With conditions of approval CUP-1 through 5, this standard is met.

Chapter 39 - Use Categories

Section 39.450 - Wholesale Sales.

(1) Characteristics. Wholesale Sales are the sale, lease, and/or rental of products primarily to businesses. On-site sales to the general public are limited.

(2) Examples of Uses.

- **Wholesale sales of building materials and supplies, including, but not limited to, electrical supplies; fencing materials; building insulation; lumber; prefabricated trusses and structural frames; structural metal materials; masonry supplies; ceramic & stone tile and pavers; painting supplies; plumbing supplies; plywood and wood panel materials; roofing; siding; flooring; window materials; door materials; and tools (handheld and table or stand mounted).**

(3) Exceptions.

- **Companies that engage primarily in sales to the general public are classified as Retail Sales and Services.**

[...]

Finding:

Mutual Materials requests approval of a Conditional Use Permit for the wholesale sales of building materials and supplies, specifically for the sale of bricks and pavers. Wholesale sales of building materials and supplies are conditionally permitted in the General Manufacturing (MG) zone as identified in Tualatin Development Code Table 61-1. Through conditions of approval CUP-1 through 5, these standards are met.

Chapter 61 General Manufacturing Zone (MG)

Section 61.100 – Purpose.

The purpose of this zone is to provide areas of the City that are suitable for a wide range of heavier manufacturing and processing activities, including those of a more intense nature and impact than the uses allowed in the Light Manufacturing (ML) Planning Zone. Industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. A limited amount of commercial service and other support uses are permitted as regulated by the Commercial Services Overlay zone and the Limited Commercial Setback.

Section 61.200 – Use Categories.

(1) **Use Categories.** Table 61-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 61-1 and restrictions identified in TDC 61.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

(2) **Use Categories in the Limited Commercial Setback.** Commercial uses may be further restricted within the Limited Commercial Setback, see TDC 60.210(4).

(3) **Overlay Zones.** Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 61-1
 Use Categories in the MG Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
[...]		
INDUSTRIAL USE CATEGORIES		
[...]		
Wholesale Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> ○ Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and ○ Sale, service and rental of construction and industrial equipment to contractors and industrial firms only. Conditional use permit required for wholesale sales of building materials and supplies.

[...]

Finding:

Mutual Materials requests approval of a Conditional Use Permit for the wholesale sales of building materials and supplies, specifically for the sale of bricks and pavers. Wholesale sales of building materials

and supplies are conditionally permitted in the General Manufacturing (MG) zone as identified in Tualatin Development Code Table 61-1. The site is not located in the limited commercial setback. Through conditions of approval CUP-1 through 5, these standards are met.

III. RECOMMENDATION

Based on the application materials and analysis and findings presented above, staff finds that the applicable criteria have been met relative to CUP 19-0001, and therefore recommends approval of these applications with the following conditions of approval:

- CUP-1** Site improvements to support the wholesale sales of building materials and supplies approved under CUP-19-0001 must be constructed as conditioned under AR-19-0003 approval, except as subsequently modified as provided by TDC 33.020(7).
- CUP-2** On-site retail sales to the general public must remain limited and incidental to wholesale sales of building materials and supplies.
- CUP-3** Hours of operation shall be limited to 6:30 am to 4:00 pm Monday through Friday and 9:00 am to 3:00 pm on Saturdays between the months of April through October.
- CUP-4** On-site showroom space must be limited to 4,200 square feet of indoor space and 9,000 square feet of outdoor space, as indicated on the submitted site plan in Exhibit B.
- CUP-5** Any modification to these Conditions of Approval will be subject to additional Conditional Use Permit application review.