



City of Tualatin

www.tualatinoregon.gov

July 24, 2019

NOTICE OF ARCHITECTURAL REVIEW BOARD DECISION

**** APPROVAL WITH CONDITIONS****

| | |
|------------|---------------------------------------|
| Case #: | AR 19-0005 |
| Project: | PGE Integrated Operations Center |
| Location: | 12150 SW Tualatin-Sherwood Road |
| Applicant: | Ben Schonberger, Winterbrook Planning |

I. FINDINGS

- A. An application for Architectural Review (AR) was filed by Winterbrook Planning on behalf of Portland General Electric Company (PGE).
- B. The Architectural Review Board (ARB) conducted a noticed public hearing on July 24, 2019 in conformance with the laws of the State of Oregon and the City of Tualatin.
- C. At the July 24, 2019 public hearing, the ARB found that additional landscaping and design variation is necessary along the frontage of SW 124th Avenue in order to meet the objectives of TDC Chapter 73B. As such, the ARB adopts a modified version of Condition of Approval A5 as follows:

A5. The applicant must submit a detailed landscaping schedule demonstrating that the following sections of the TDC are met: 73B- Objectives; 73B.080; 73C.220(2), 73C.220(3)(a), 73C.220(4); and 73D.070. The revised landscaping plan must show a mix and design variation of trees and other landscape material or topographical changes in support of the objectives of section 73B consistent with the standards of TDC 73B.070 and 73B.080, between the SW 124th Avenue right-of-way and the westerly perimeter fence.

II. ACTION

The ARB approved AR 19-0005. The ARB adopted the analysis and findings, dated July 24, 2019.

The Architectural Review Board Decision approves AR 19-0005 subject to the following Architectural Review conditions:

GENERAL:

A1. This Architectural Review approval shall expire after two years unless a building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial

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.

construction pursuant thereto has taken place and an inspection performed by a member of the Building Division, or an extension is granted under the terms of Section 33.020(10).

A2. The applicant must comply with the associated Public Facilities Decision (AR 19-0005) from the City of Tualatin Engineering Division, pursuant to TDC 33.020(6)(a)(ii).

PRIOR TO BUILDING OR ENGINEERING PERMIT ISSUANCE:

A3. The applicant must revise grading plans to indicate that a certified arborist is required be on site to supervise work where fencing is to be temporarily moved for access and construction activities, pursuant to TDC 73B.070(3). The applicant must install the tree protection fencing consistent with Section 73B.070(3). Please contact the Planning Division and provide at least 48 hours' notice.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

A4. The applicant must construct proposed buildings and all site improvements as illustrated on approved plans and reflected in the conditions of approval. A site inspection by the Planning Division staff is required to verify satisfaction of all requirements. Please contact the Planning Division and provide at least 48 hours' notice. This inspection is separate from inspection(s) done by the Building Division.

A5. The applicant must submit a detailed landscaping schedule demonstrating that the following sections of the TDC are met: 73B- Objectives; 73B.080; 73C.220(2), 73C.220(3)(a), 73C.220(4); and 73D.070. The revised landscaping plan must show a mix and design variation of trees and other landscape material or topographical changes in support of the objectives of section 73B consistent with the standards of TDC 73B.070 and 73B.080, between the SW 124th Avenue right-of-way and the westerly perimeter fence.

A6. The applicant must provide covered or interior bike parking for 22 bikes meeting the dimensional standards of TDC 73C.050, in accordance with TDC 73C.100.

A7. Areas impacted by grading and structure demolition must be revegetated pursuant to TDC 73B.040(1).

A8. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services.

A9. The applicant must install bicycle parking signage and vanpool/carpool parking signage per MUTCD standards, pursuant to TDC 73C.010(2)(xi) and TDC 73C.050(2)(d).

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

A10. All mechanical equipment must be screened in accordance with TDC 73A.300(5). Prior to approval of a mechanical permit, the applicant or property owner must submit scaled elevations that illustrate screening by a parapet or other method.

A11. All sign permits require separate sign permit approval per TDC Chapter 38. Architectural Review approval does not constitute sign permit approval.

A12. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR

process, except as permitted under TDC 33.020(7) (*Modifications to Previously Approved Final Architectural Review Decisions*).

A13. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1.

A14. Site landscaping and street trees shall be maintained to meet the vision clearance requirements of TDC Figure 75-1.

A15. The proposed development must comply with the noise standards of TDC 63.051.

A16. If operations cease on the property, the owner must remove the unused wireless communication support structures and associated equipment and antennas within 12 months of cessation, in accordance with TDC 73F.030(1)(i).

III. APPEAL

The applicant or any person who submitted written comments or testified orally or in writing at the Tualatin Architectural Review Board hearing and who may be adversely affected by the Board's decision may file a request for review of the final decision of the Tualatin Architectural Review Board to the City Council.

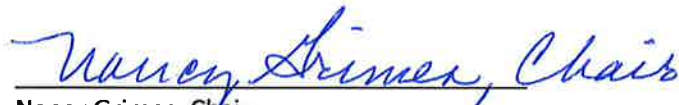
The Tualatin Architectural Review Board's decision will be final after 14 calendar days from the mailing of this order, unless a written appeal is received by the **Tualatin Planning Division at 18880 SW Martinazzi Avenue, Tualatin, Oregon, before 5:00 p.m., August 16, 2019. The appeal must be submitted on the City appeal form with all the information requested provided thereon, signed by the appellant, and include the applicable appeal fee.** The plans and appeal forms are available at the Planning Division offices. The appeal forms must include reasons, current appeal fee, and meet the requirements of Section 32.310 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 24th DAY OF JULY, 2019.

ARCHITECTURAL REVIEW BOARD

CITY OF TUALATIN

BY:



Nancy Grimes, Chair
Architectural Review Board



City of Tualatin

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July 24, 2019

Analysis and Findings for

AR 19-0005

| | |
|------------|---|
| Case #: | AR 19-0005 |
| Project: | PGE Integrated Operations Center (IOC) |
| Location: | 12150 SW Tualatin-Sherwood Rd, Tualatin, OR. Tax Lots: 2S127C 500 and 701 |
| Applicant: | Ben Schonberger, Winterbrook Planning |
| Owner: | Portland General Electric Company (PGE) |

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I. INTRODUCTION

A. Applicable Criteria

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

- TCD 32: Procedures
- TDC 33.020: Architectural Review
- TDC 33.110: Tree Removal Permit/Review
- TDC 64: Manufacturing Business Park Zone (MBP)
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 73F: Wireless Communications Facilities

B. Site Description

The subject site is a 43-acre property located at 12150 SW Tualatin-Sherwood Road (Washington County Tax Assessor Map 2S127C, Tax Lots 500 and 701), and is zoned Manufacturing Business Park (MBP).

The site has most recently been used for agriculture, and has a small collection of agricultural outbuildings and an existing house on the north side of the property. The land predominantly features open fields; approximately 12 acres at the southwestern extent is largely forested (see Figure 1, below). The land slopes from its lowest point at the northeast corner at approximately 176 feet, to a high point of about 260 feet at the southwest corner. Small wetland areas have been identified at the eastern ends of the property, which will be protected and enhanced consistent with CWS regulations.

Figure 1: Aerial view of subject site (highlighted)



C. Proposed Integrated Operations Center (IOC)

As described in the applicant’s narrative (Exhibit A, Page 1), PGE provides regional transmission and distribution services to over 40 percent of Oregon’s population, mostly in the Portland metro, Salem, and neighboring counties. PGE proposes to consolidate its regional operations management and technical services on the subject 43-acre site in Tualatin. The proposed 108,000 square-foot Integrated Operations Center (IOC) functions as PGE’s regional operations headquarters and is designed to achieve two key objectives: first, to minimize power supply disruptions and second, to continue to decarbonize the grid system. The center will co-locate technical staff conducting 24/7 functions relating to grid and power supply operations as well as physical and cyber security. The IOC will also contain PGE’s emergency operations center, which is activated when storms or other large-scale event disrupts normal electrical operations.

As shown on the applicant’s architectural elevations (Exhibit C, Sheet AR-A303), the proposed 108,000 square-foot IOC is comprised of a single building which ranges from one to two stories (45 feet maximum height). The building is modern in appearance, with the primary building materials consisting of metal wall panels with concealed fasteners in shades of brown. Tall rectilinear windows are provided on both levels on all sides of the building, including adjacent to entries, outdoor areas, and walkways. Cedar shiplap is proposed as an accent for soffit surfaces, an exterior canopy at the entrance, and within an exterior alcove. Accessory structures include the Wireless Communications Facility (WCF) tower, proposed as a metal lattice painted in a brown-gray shade, and a 192 square foot security booth with design and materials similar to the office building. A 12,700 square foot utility yard is proposed at the north end of the building, screened on all sides by the exterior building wall or landscaping. The surrounding vicinity includes modern industrial buildings of a similar height, featuring rectilinear massing with metal and concrete exteriors, in addition to a few agricultural structures, the neighboring quarry, and undeveloped land. The proposed design is harmonious with the existing surroundings, while also meeting the design objectives of the Manufacturing Business Park zone.

As shown on the applicant's site plan (Exhibit D, Sheet AR-G100) and Figure 2, below, the proposed 108,000 square foot building is located roughly in the center of the northern half of the property, and includes a 10,300 square-foot enclosed outdoor amenity for employees to the north of the building. A parking lot for 338 vehicles to the southwest of the building, as well as drive aisles and a manned secure access point are also proposed. A secure perimeter would surround the building and 17.6 acres of the site (41% of the total area). A security fence around the WCF is also proposed. Access to the site is proposed primarily from a new section of SW Blake Street intersecting with 124th Street, approximately 1,100 feet south of its intersection with Tualatin-Sherwood Road. A secondary service and emergency vehicle access is proposed from SW 120th Avenue. Final public improvements will be determined through the separate by associated Public Facilities Decision. Stormwater facilities are proposed to the northwest and northeast of the property, as well as access drives to provide vehicle access for facility maintenance.

Figure 2: Site Plan (overview)



D. Previous Land Use Actions

- In January of 2019, the property was annexed to the City of Tualatin (ANN 18-0002).
- In June of 2019, the property received approval of a Conditional Use Permit for a Wireless Communications Facility (CUP 19-0002), associated with the subject facility.
- In June of 2019, the property received approval of a Variance allowing up to a 140-foot height for a Wireless Communications Facility and a Variance allowing a 20-foot setback for fences on site (VAR 19-0001), both of which are associated with the subject facility.

E. Surrounding Uses

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

North: General Manufacturing (MG)

- Fleet Pride
- Shields Manufacturing
- IPT (new industrial construction)
- Packaging Resources
- Columbia Corrugated Box

South: FD-20 (Unincorporated Washington County)

Tualatin Urban Planning Area; designated future Manufacturing Business Park (MBP) zone.

- Tigard Sand and Gravel

West: FD-20 (Unincorporated Washington County)

- Tualatin Valley Water District

East : FD-20 (Unincorporated Washington County)

Tualatin Urban Planning Area; designated future Manufacturing Business Park (MBP) zone.

- Tigard Sand and Gravel
- CR Contracting

General Manufacturing (MG)

- La-Z Boy Furniture Warehouse
- Lucky Foods
- Innovative Bakery Resources
- Western Precision Products
- Tualatin Indoor Soccer
- Ardent Mills
- Engine and Performance Warehouse
- Majestic Building (new construction)

F. Exhibit List

A: Applicant's Narrative

B: Supporting Documents

C: Architectural Elevations

D: Site Plans

E: Memorandum from Tualatin Valley Fire and Rescue, April 25, 2019

F: Memorandum from Clean Water Services, June 3, 2019

II. 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 |
|---|----------------|----------------|--------------|-------------------------------------|--------------------------------------|-------------------------|
| Architectural Review | | | | | | |
| Commercial Buildings 50,000 square feet and larger [...] as requested by the CM | III | ARB | CC | Yes | Yes | TDC 33.020 |
| [...] | | | | | | |
| * City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA). | | | | | | |

Finding:

The proposed 108,000 square-foot commercial/office building is classified as Type III Procedure Types according to Table 32-1. The application has been processed according to the applicable code for Type III procedures. This standard is 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 proposal for the PGE IOC project required prior approval of Conditional Use approval for the Wireless Communications Facility (WCF), and a Variance for the WCF height, and security fence setback. A hearing for these land use reviews (CUP 19-0002 and VAR 19-0001) was held on June 20, 2019, and the land use reviews were both approved by the Tualatin Planning Commission. In this case, the approval of the Architectural Review is dependent upon prior approval of the Conditional Use and Variance applications. This standard is met.

Section 32.030 – Time to Process Applications.

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

[...]

Finding:

The application was deemed complete on May 21, 2019. The 120th day will be September 18, 2019. The hearing for AR 19-0005 is scheduled July 24, 2019. The final action will take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.

Section 32.110 – Pre-Application Conference.

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

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

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

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

(4) Application Requirements for Pre-Application Conference.

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

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

(i) A completed application form;

(ii) Payment of the application fee;

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

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

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

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

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

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

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

Finding:

The subject land use action is identified as requiring a pre-application conference in Table 32-1. The applicant participated in a pre-application meeting on February 13, 2019, 64 days prior to submittal. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

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

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

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

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

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

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

(5) Notice Requirements.

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

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

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

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

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

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

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

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

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

Finding:

The applicant has provided evidence within Exhibit B that they held a Neighborhood/Developer meeting on March 21, 2019, 28 days prior to application submittal. The applicant has provided documentation of

sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from the meeting. These standards are met.

Section 32.130 – Initiation of Applications.

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

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

[...]

Finding:

The applicant has provided a title report within Exhibit B showing Portland General Electric Company (PGE) to be the current owner of the subject site. The application has been signed by Mark Lindley, an agent of PGE. This standard is met.

Section 32.140 – Application Submittal.

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

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

(g) For those applications requiring a neighborhood/developer meeting:

- (i) The mailing list for the notice;**
- (ii) A copy of the notice;**
- (iii) An affidavit of the mailing and posting;**
- (iv) The original sign-in sheet of participants; and**
- (v) The meeting notes described in TDC 32.120(7).**

(h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

(i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

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

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

Finding:

The applicant submitted the subject application on April 18, 2019. The application was deemed complete on May 21, 2019. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

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

- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and**
- (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.**

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

- (a) Waterproof sign materials;**
- (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and**
- (c) Sign text must be at least two (2) inch font.**

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

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

- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
- (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Finding:

The applicant provided certification within Exhibit B that signs in conformance with this section were placed on site in accordance with this section. This standard is met.

Section 32.160 – Completeness Review.

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

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

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

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

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

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

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

[...]

Finding:

The subject application was submitted on April 18, 2019. The applicant was deemed incomplete on May 2, 2019. The applicant subsequently addressed all incomplete items, and the application was deemed complete May 21, 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.

(a) Recipients:

(i) The applicant and, the owners of the subject property;

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

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

(iv) All recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;

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

(vi) Any person who submits a written request to receive a notice;

(vii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code;

(viii) Utility companies (as applicable); and,

(ix) Members of the decision body identified in Table 32-1.

- (b) The Notice of a Public Hearing, at a minimum, must contain all of the following information:**
- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
 - (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
 - (iii) The type of application and a concise description of the nature of the land use action;**
 - (iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
 - (v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;**
 - (vi) The date, time and location of the hearing;**
 - (vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;**
 - (viii) The name of a City representative to contact and the telephone number where additional information may be obtained; and**
 - (ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and**
 - (x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.**
- (c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.**

Finding:

After submittal and completeness review as required by this section, notice for the Type III hearing concerning AR 19-0005 was mailed by city staff on May 29, 2019, and contained the information required by this section. These standards are met.

(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:

- (a) At the commencement of the hearing, the person chairing the hearing must state to those in attendance all of the following information and instructions:**

(i) The applicable substantive criteria;

(ii) That testimony, arguments and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;

(iii) That failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue;

(iv) At the conclusion of the initial evidentiary hearing, the decision body must deliberate and make a decision based on the facts and arguments in the public record; and

(v) Any participant may ask the decision body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the decision body grants the request, it will schedule a date to continue the hearing as provided in TDC 32.230(4)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.230(4)(f).

(b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the decision body must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the decision body must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the decision body must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.

(c) Presenting and receiving evidence.

(i) The decision body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

(ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and

(iii) Members of the decision body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

(d) The decision body, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

(e) If the decision body decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the

hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.

(f) If the decision body leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:

- (i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
- (ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030, unless the applicant waives his or her right to a final decision being made within the required timeframe; and
- (iii) If requested by the applicant, the decision body must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

Finding:

The Architectural Review Board will follow the hearing requirements set forth by this section. These standards will be met.

(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:

- (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
- (c) A statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
- (d) The date the decision becomes final, unless a request for appeal is submitted; and
- (e) The notice must include an explanation of rights to appeal the decision to the City Council in accordance with TDC 32.310.

(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:

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

Chapter 33: Applications and Approval Criteria

[...]

Section 33.020 Architectural Review

[...]

(5) Approval Criteria.

(b) General Development.

- (i) Applications for General Single Family Dwellings (not clear and objective), must comply with TDC 73A.140.
- (ii) Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

Finding:

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

(9) Permit Expiration.

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

(10) Extension of Permit Expiration.

- (a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.
- (b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.
- (c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:
 - (i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.
 - (ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.
- (d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.
- (e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:

- (i) The applicant submitted a written extension request prior to the expiration date;
 - (ii) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;
 - (iii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and
 - (iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.
- (f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.
- (g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

Finding:

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

Section 33.110 Tree Removal Permit/Review

- (1) Purpose. To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.
- (2) Applicability. No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.
- [...]
- (3) Procedure Type. Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.

Finding:

The applicant has submitted a tree plan and sufficient documentation in conjunction with the Architectural Review application. The criteria in TDC 33.110, addressed below, are the basis on approval or denial for tree removal as part of this Architectural Review. These standards are met.

Section 33.110 Tree Removal Permit/Review Approval Criteria

(5) Approval Criteria.

- (a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:
- (i) The tree is diseased and:
 - (A) The disease threatens the structural integrity of the tree; or
 - (B) The disease permanently and severely diminishes the esthetic value of the tree; or

- (C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.
 - (ii) The tree represents a hazard which may include but not be limited to:
 - (A) The tree is in danger of falling; or
 - (B) Substantial portions of the tree are in danger of falling.
 - (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.
- (b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.
- (i) Evergreen Trees. An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
 - (A) Trunk Condition - extensive decay and hollow; or
 - (B) Crown Development - unbalanced and lacking a full crown;
 - (ii) Deciduous Trees. A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
 - (A) Trunk Condition - extensive decay and hollow;
 - (B) Crown Development - unbalanced and lacking a full crown; or
 - (C) Structure - Two or more dead limbs.

Finding:

The applicant proposes to remove a total 164 trees out of 581 trees surveyed over 8 inches dbh. Of those trees, 105 are proposed to be removed in order to clear way for public improvements along SW 124th Avenue and for SW Blake Street, and therefore their removal meets criterion (a)(iii). The total also includes 51 trees proposed to be removed for private improvements, primarily the security fence, parking lot grading, and to accommodate demolition of the existing buildings at the north of the property. This tree removal meets the standards of criterion (a)(iii). Eight trees are proposed to be removed due to hazardous condition, both the six trees that are labeled as such on the site plans, and also trees 22184 and 12149. These trees meet the standard of TDC 33.110(5)(a)(ii) for removal of hazardous trees. These standards are met.

Chapter 64: Manufacturing Business Park Zone (MBP)

[...]

Section 64.200 - Use Categories.

(1) Use Categories. Table 64-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MBP zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 64-1 and restrictions identified in TDC 64.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

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

**Table 64-1
 Use Categories in the MBP Zone**

| USE CATEGORY | STATUS | LIMITATIONS AND CODE REFERENCES |
|--|---------|---|
| [...] | | |
| COMMERCIAL USE CATEGORIES | | |
| [...] | | |
| Office | P/C (L) | Permitted uses limited, see TDC 64.210(3). |
| INFRASTRUCTURE AND UTILITIES USE CATEGORIES | | |
| Wireless Communication Facility | P/C (L) | Permitted uses limited to: Wireless Communication Facility Attached. Conditional uses limited to: Wireless Communication Facility. Subject to maximum height and minimum setback standards defined by TDC Chapter 73F. |

[...]

(3) Offices. Office uses are a permitted or conditional use as follows:

(a) Permitted Uses.

- (i) **Research and Development Offices.** Research and development offices and laboratories for chemical, engineering, and physical sciences; medical and pharmaceutical products; alternative energy production from sources such as solar and wind; industrial products and consumer products.
- (ii) **Headquarters Offices.** Corporate, regional, or district office headquarters are permitted outright if the headquarters is for any use permitted in this Code, the offices occupy at least 20,000 square feet, and no manufacturing is conducted that is otherwise not a permitted use in the MBP zone.

Finding:

The proposed use is categorized as a “Headquarters Office”; offices are proposed over 20,000 square feet. The proposed WCF has been approved through CUP 19-0002, and the design standards for this use are addressed below at TDC 73F. This standard is met.

Section 64.300 – Development Standards.

Development standards in the MBP zone are listed in Table 64-2. Additional standards may apply to some uses and situations, see TDC 64.310.

**Table 64-2
 Development Standards in the MBP Zone**

| | Standard | | Proposed |
|-------------------------|------------|---|-----------------------------|
| MINIMUM SETBACKS | | | |
| Front | 30-50 feet | | >50 feet |
| Side | 0-100 feet | | >100 feet |
| Side | 0-100 feet | | >100 feet |
| Rear | 0-100 feet | | >100 feet |
| Fences | 50 feet | From public right-of-way. | Set by Variance VAR 19-0001 |
| STRUCTURE HEIGHT | | | |
| Maximum Height | 65 feet | May be increased to 85 feet if yards adjacent to structure are not less than a distance equal to one and one-half times the height of the structure. Flagpoles may extend to 100 feet. | 45 feet |

[...]

(6) Setbacks for Conditional Uses. Setback requirements for conditional uses must be as determined and approved through the Conditional Use Permit process in accordance with TDC Chapter 33 and the Architectural Review process in accordance with TDC Chapter 33 and TDC Chapter 73A through 73F. However, no setback greater than 50 feet may be required.

Finding:

The proposed use complies with all applicable dimensional standards in Table 64-2, above, except that the perimeter fence is permitted to be within 20 feet of the right-of-way, as approved through approved through a Variance (VAR 19-0001). In addition, the Conditional Use approval for the WCF (CUP 19-0002) set a minimum setback of 50 feet, though greater setback than 50 feet is proposed (Exhibit D, Sheet AR-L103). These standards are met.

Chapter 73A: Site Design

Section 73A.300 – Commercial Design Standards.

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

(1) Walkways. Commercial development must provide walkways as follows:

- (a) Walkways must be a minimum of 6 feet in width;**
- (b) Walkways must be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete (not gravel or woody material);**
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;**
- (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;**
- (e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;**
- (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and**
- (g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.**

Finding:

A walkway is proposed wrapping along the west and south edge of the parking lot. The walkway is separated from the vehicle area by a strip of landscaping, and is at least 6 feet wide, with opportunities to connect with the walkway at each row. Cyclists will be encouraged to use the main drive aisle and connect to bike facilities made available at the main entrance. These standards are met.

[...]

(4) Safety and Security. Commercial development must provide safety and security features as follows:

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;**
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;**
- (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;**
- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and**

[...]

Finding:

As a secure facility, the IOC is designed with space for 24-hour security staff. As seen on the elevation plans, Sheet AR-A303 (Exhibit C) windows are provided throughout the office, resulting in ample opportunity for mutual surveillance within the secure area. As shown on the photometric plans, Sheet AR-E020 A through G (Exhibit D), lighting is provided consistently around the outside security perimeter which is visible from the surrounding rights-of-way, without glaring into the streets or habitat areas. With recommended Condition of Approval A7 for identification of building meeting standards for emergency services, these standards are met.

(5) Service, Delivery, and Screening. Commercial development must provide service, delivery, and screening features as follows:

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

Finding:

As shown on building elevations, AR-A303 (Exhibit C), parapets are provided for rooftop mechanical screening. Air-handling units will be enclosed in penthouses in the east wing of the building. Equipment within the outdoor mechanical/utility yard is to be screened by landscaping trees as shown on AR-L200. With recommended Condition of Approval A5 specifying the range of allowable landscaping options, these standards are met.

(6) Adjacent to Transit. Commercial development adjacent to transit must comply with the following:

- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.**

[...]

Finding:

SW Tualatin-Sherwood Road is designated as a transit street in TDC Chapter 11 Figure 11-5. There is no existing bus stop along the frontage of this property. Sidewalk improvements are proposed along SW 124th that would connect to the sidewalk along SW Tualatin-Sherwood Road, providing connection to the nearest transit stops with consistent sidewalk along the property frontage. This standard is met.

Chapter 73B: Landscaping Standards

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

Excerpted from 73B.020

| Zone | Minimum Area Requirement* | Minimum Area Requirement with dedication for a fish and wildlife habitat* |
|---|--|---|
| [...] | | |
| (6) Industrial Business Park Overlay District and MBP – must be approved through Industrial Master Plans | 20% of the total area to be developed | Not applicable |

Finding:

As shown in the landscaping plans, Sheets AR L200 through L205 (Exhibit D), 383,000 square feet of landscaping is provided within the main development area. This development area has been identified as the area within the security fence and the driveways. The landscape area represents 44% of this main development area. There are additional development areas to the north of the security fence, where demolition, tree removal, and new water quality facilities are proposed. The remaining site area will be left vegetated well over the 20% threshold, and the water quality facilities will provide additional landscaping. This standard is met.

Section 73B.040 – Additional Minimum Landscaping Requirements for Commercial Uses.

(1) General. In addition to requirements in TDC 73B.020, commercial uses must comply with the following:

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

[...]

Finding:

The main development area complies to this standard; landscaping is provided in all areas not otherwise occupied by buildings and amenities. All other areas impacted by grading are proposed to be planted with a hydroseed “ecoprarie” mix of seeds as described on Sheet AR—L200 (Exhibit D). With recommended Condition of Approval A6 that the area of existing buildings, to be demolished, also be revegetated with the hydroseed ecoprarie mix, this standard is met.

(b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:

- (i) Pedestrian amenities such as landscaped plazas and arcades; and**

(ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children’s play areas, shade trees, canopies.

(c) 5-foot-wide landscaped area requirement does not apply to:

- (i) loading areas,
- (ii) bicycle parking areas,
- (iii) pedestrian egress/ingress locations, and
- (iv) where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than 8 feet.

Finding:

The office building is buffered with at least five feet of landscaping or pedestrian amenity areas consistently around the building. This standard is met.

Section 73B.070 – Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

| Standards | |
|------------------------------|---|
| (1) Required Landscape Areas | <ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot 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. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility. |

Finding:

The density of plantings as shown on Sheet AR-L200 (Exhibit D) is sufficient to provide full coverage of landscaping within three years. Of the total landscaping, less than 10% is shown to be “open” between plants and filled with mulch or bark chips. These standards are met.

| | |
|------------|---|
| (2) Fences | Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors. |
|------------|---|

Finding:

The perimeter security fence will generally deter wild animals from entering most of the site. A sufficient unrestricted perimeter exists as to not to necessarily steer animals to the adjacent transportation corridors. This standard is met.

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

Finding:

Trees to be retained have been identified on a tree preservation plan on sheets AR-L301 and AR-L302 (Exhibit D), and a separate tree protection fencing plan has been submitted on sheets MG-L551 and MG-L552 (Exhibit D). As shown, sturdy fencing is proposed for most tree preservation north of the proposed location for SW Blake Street. For trees 16205, 16208, 16067, 16123, and 16058, an alternative approach is proposed: trees would be individually fenced with the option to move the fencing to accommodate nearby development activity. With recommended Condition of Approval A3, these standards are met.

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

| | |
|--|--|
| | landscape areas except where the landscape area is a water quality facility. |
|--|--|

Finding:

The applicant proposes to hydroseed all exposed areas remaining after grading. This standard is met.

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

Finding:

Irrigation is proposed in new landscaping areas, except where the Oak Savannah seed mix is applied due to the drought-resistant nature of the proposed plantings. This standard is met.

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

Finding:

With recommended Condition of Approval A6, this standard is met.

Section 73B.080 – Minimum Standards Trees and Plants.

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

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

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

Finding:

As shown in the charts provided on Sheet AR-L200 (Exhibit D), trees, shrubs, and lawn areas would meet each of these standards. With recommended Condition of Approval A5, providing further definition regarding the specific mix of plants proposed, this standard is met.

Chapter 73C: Parking Standards

Section 73C.020 – Parking Lot Design Standards.

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

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

Finding:

As shown on Parking and Circulation Plan, Sheet AR-G110 (Exhibit D), parking stalls are to be 18.5 feet by 9 feet as shown for 90-degree parking in Figure 73-1. Parking stalls and drive aisles are to be composed of asphalt. Spaces are provided with either curbs or wheel stops. These standards are met.

- (6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;
- (7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;

Finding:

The Parking and Circulation Plan, Sheet AR-G110 (Exhibit D), shows eight ADA compliant parking spaces, including two van spaces. There are no subcompact stalls proposed. ADA standards will be reviewed in greater detail during the building permit phase. These standards are met.

- (8) Groups of more than 4 parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;
- (9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;
- (10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces,

which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;

Finding:

The design of the main parking lot will require no movements on the public street. Six parking spaces are proposed outside of the security area for visitors and security that will back on the private drive area. The westernmost drive aisle without parking is 26 feet wide. Drive aisles between stalls are at least 24 feet wide. The private drive to the parking area has been designed to provide a clear direction of traffic, with directional separation at the security gate, while pedestrian facilities are separated from the drive. These standards are met.

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

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

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

Finding:

As shown in photometric plan, Sheets AR-E202 A-G (Exhibit D), lighting on site will not shine or glare off site or into designated Clean Water Services vegetated corridors. Parking lot landscaping is discussed below in TDC 73C.200. These standards are met.

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

(1) Requirements. Bicycle parking facilities must include:

(a) Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;

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

(b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.

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

(a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;

(b) A five (5) foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;

(c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;

(d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle

parking signs must be located at the main entrance and at the location of the bicycle parking facilities;

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

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

(g) 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; and

(h) The City Manager 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 Architectural Review.

Finding:

The bike parking dimensions and locations as shown on Sheet AR-G110 (Exhibit D). The proposed bike parking areas provide both indoor and outdoor opportunities for parking that are secure, well lit, and proximate to one of the main building entrances. Bike parking spaces meet and exceed the minimum dimensions, and are accessible by a 6-foot wide path. With recommended Condition of Approval A8, requiring MUTCD signage, these standards are met.

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

| USE | MINIMUM MOTOR VEHICLE PARKING | MAXIMUM MOTOR VEHICLE PARKING | BICYCLE PARKING | PERCENTAGE OF BICYCLE PARKING TO BE COVERED |
|---------------------|---|--|---|--|
| (e) Commercial | | | | |
| (vi) General office | 2.70 spaces per 1,000 square feet of gross floor area | Zone A: 3.4 spaces per 1,000 square feet of gross floor area Zone B: 4.1 spaces per 1,000 square feet of gross floor area | 2, or 0.50 spaces per 1,000 gross square feet, whichever is greater | First 10 spaces or 40%, whichever is greater |

Finding:

For a 108,000 square foot office, 292 parking spaces are required; 338 are proposed. Additionally, 54 bike parking spaces are required by code, 22 of which must be covered. The site will provide 22 long-term bike parking spaces inside the building, as well as 32 staple bike rack spaces outside the main entrance

as shown on Sheet AR-G110 (Exhibit D). With recommended Condition of Approval A5, these standards are met.

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

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

[...]

Finding:

Since 292 parking spaces are required, 11 are required to be carpool/vanpool spaces. Fourteen carpool/vanpool spaces are proposed. This standard is met.

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

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

| Use | Square Feet of Floor Area | Number of Berths | Dimensions of Berth | Unobstructed Clearance of Berth |
|-------------------|---------------------------|-------------------|---------------------|---------------------------------|
| Industrial | | | | |
| 60,000 and over | 3 | 12 feet x 35 feet | 14 feet | 60,000 and over |

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

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

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

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

[...]

Finding:

As shown on Sheet AR-G110 (Exhibit D), one loading berth is proposed east of the building in the parking lot, and two loading berths are proposed on the west side of the building off of the west service drive. Each of these berths meets the required dimensions and are effectively screened by landscaping both within and without the security fencing, as well as the building itself. These standards are met.

Section 73C.130 – Parking Lot Driveway and Walkway Minimum Requirements. Parking lot driveways and walkways must comply with the following requirements:

[...]

(2) Commercial Uses. Ingress and egress for industrial uses must not be less than the following:

| Required Parking Spaces | Minimum Number Required | Minimum Pavement Width | Minimum Pavement Walkways, Etc. |
|-------------------------|-----------------------------|-----------------------------|---------------------------------|
| [...] | | | |
| Over 250 | As required by City Manager | As required by City Manager | As required by City Manager |

[...]

Finding:

The site provide two points of ingress and egress, though, due to the secure nature of the facility, only one entrance will be available to most users. The site design provides a long private driveway to ameliorate the impacts of queuing at the security gate. A separated pedestrian pathway, 6 feet wide, is provided along the drive, connecting to SW 124th Ave. This standard is met.

(6) Maximum Driveway Widths and Other Requirements.

- (a) Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.**
- (b) Driveways must not be constructed within 5 feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.**
- (c) The provisions of subsection (b) do not apply to townhouses and duplexes, which are allowed to construct driveways within 5 feet of adjacent property lines.**
- (d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.**
- (e) Must comply with the distance requirements for access as provided in TDC 75.**
- (f) Must comply with vision clearance requirements in TDC 75.**

Finding:

No driveways are greater than 40 feet wide or within 5 feet of an adjacent property line. One driveway is proposed from SW Blake Street, and one from SW 120th. The standards of TDC 75 are addressed in the Public Facilities Review. These standards are met.

PARKING LOT LANDSCAPING

Section 73C.200 – Parking Lot Landscaping Standards Purpose and Applicability.

- (1) Purpose.** The goals of the off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns, reduce the total number of spaces, reduce the impervious surface area and stormwater runoff, and enhance the visual environment. The design of the off-street parking area must be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics.
- (2) Applicability.** Off-street parking lot landscaping standards apply to any surface vehicle parking or circulation area.

Section 73C.220 – Commercial Parking Lot Landscaping Requirements. Industrial uses must comply with the following landscaping requirements for parking lots in all zones.

(1) General. Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering

Finding:

The parking lot contains landscaping in areas not uses for vehicles and pedestrian movement. This standard is met.

(2) Clear Zone. Clear zone required for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level.

Finding:

With recommended Condition of Approval A5, clarifying the proposed tree species planted at drive aisles and driveway entrances, this standard is met.

(3) Perimeter. Minimum 5 feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following:

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

Finding:

As shown on Sheet AR-L200 (Exhibit D), the smallest landscape area surrounding the parking lot is at the south end, where 5 feet of landscaping is provided before the pedestrian path, before an additional 5 feet of landscaping to the security fence. A greater extent of landscaping is provided on all other sides except where the parking lot meets the building. Landscaping includes tree, shrubs, and seed planting that should reach a mature height within 3 years. With recommended Condition of Approval A5, showing that only deciduous trees are selected for parking area perimeter landscaping, this standard is met.

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

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;
- (d) Landscape separation required for every eight continuous spaces in a row;

- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;
- (f) Must be planted with groundcover or shrubs;
- (g) Native plant materials are encouraged;
- (h) Landscape island areas with trees must be a minimum of 5 feet in width (from inside of curb to curb);
- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and
- [...]

Finding:

Given 338 parking spaces, 8,450 square feet of parking lot landscape island area is required. As shown on Sheet AR-G110 (Exhibit D), approximately 18,450 square feet is provided. Islands are protected by curbs. Islands are provided at least every 8 spaces and at aisle ends. Islands with trees are at least five feet wide. Based on the proposed 338 vehicle parking spaces, 85 parking lot trees are required. As shown on Sheet AR-L200 (Exhibit D), 94 are provided throughout the main parking area. With recommended Condition of Approval A5, these standards are met.

Chapter 73D: Waste and Recyclables Management Standards

Section 73D.010 – Applicability and Objectives.

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

- (a) Common wall residential developments containing five or more units;
- (b) Commercial developments;
- (c) Industrial developments; and
- (d) Institutional developments.

(2) Objectives. Mixed solid waste and source separated recyclable storage areas should be designed to the maximum extent practicable to:

- (a) Screen elements such as garbage and recycling containers from view;
- (b) Ensure storage areas are centrally located and easy to use;
- (c) Meet dimensional and access requirements for haulers;
- (d) Designed to mitigate the visual impacts of storage areas;
- (e) Provide adequate storage for mixed solid waste and source separated recyclables; and
- (f) Improve the efficiency of collection of mixed solid waste and source separated recyclables.

Section 73D.020 - Design Methods.

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

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

Finding:

The applicant proposes to use the Minimum Standards Method (TDC 73D.030) and has verified that the location and configuration of the proposed waste facility and access will satisfy Republic Services. As discussed below, these standards are met.

Section 73D.030 – Minimum Standards Method.

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

(1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.

(2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:

(a) Common wall residential 5-10 units must provide 50 square feet.

(b) Common wall residential greater than 10 units must provide 50 square feet plus an additional 5 square feet per unit above 10.

(c) Commercial, industrial, and institutional developments must provide a minimum storage area of 10 square feet plus:

(i) Office - 4 square feet/1000 square feet gross leasable area (GLA);

(ii) Retail - 10 square feet/1000 square feet GLA;

(iii) Wholesale/ Warehouse/ Manufacturing - 6 square feet/1000 square feet GLA;

(iv) Educational and Institutional - 4 square feet/1000 square feet GLA; and

(v) All other uses- 4 square feet/1000 square feet GLA.

(3) Mixed solid waste and source separated recyclables storage areas for multiple tenants on a single site may be combined and shared.

Finding:

As shown on Sheet AR-G110 (Exhibit D) the trash enclosure is proposed to east of the building at the north of the main parking lot. For a 108,000 square foot office, a waste area of 432 square feet would be required; as shown on Sheet AR-A120 (Exhibit D) this same area is proposed. These standards are met.

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

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

(1) Location Standards.

- (a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste.**
- (b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.**
- (c) Exterior storage areas must:**
 - (i) Be located in central and visible locations on the site to enhance security for users;**
 - (ii) Be located in a parking area; and**
 - (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.**

(2) Design Standards.

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

Finding:

The waste area is central and visible on the site, accessible off of the parking area and outside of any setbacks. A pedestrian access is provided on the south of the enclosure, connecting to the interior waste management room. With recommended Condition of Approval A5, clarifying the selection of tree species for screening, these standards are met.

(3) Access Standards.

- (a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.**
- (b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.**
- (c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.**

- (d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.**
- (e) The following is an exception to the access standard:**
- (i) Access may be limited for security reasons.**

Finding:

Access is limited for security reasons. Within Exhibit B, the applicant has provided confirmation from Republic Services that the design plans and location of the waste area will meet their service needs. These standards are met.

Chapter 73F: Wireless Communications Facilities

Section 73F.020 - Maximum Height. The maximum height for a wireless communication facilities, support structures, and antennas is as follows:

| PLANNING DISTRICT | MAXIMUM STRUCTURE HEIGHT |
|---|---|
| [...] | |
| (18) Manufacturing Business Park (MBP) | <ul style="list-style-type: none">• 65 feet• 85 feet if all yards adjacent to the structure are not less than a distance equal to one and one-half times the height of the structure• 28 feet if a property line, street, or alley separates MBP land from land in a residential district |

Finding:

The proposed WCF height is 140 feet, as approved by Variance (VAR 19-0001). With approval of VAR 19-0001, this standard is met.

Section 73F.030 - Site Design Standards.

- (1) All Wireless Communication Facilities must comply with the following minimum design standards:**
- (a) A wireless communication facility attached must not be attached to buildings which are designed solely for single family residential use;**

Finding:

The WCF is proposed to be constructed on a support tower. This standard is met.

- (b) Mechanical and electrical equipment and the bottom six feet of the support structure for a wireless communication facility must be screened from the public right-of-way and abutting property**

by the use of a minimum six foot tall security fence or wall consisting of chain link fencing with vinyl slats, solid wood fencing, concrete masonry unit block, or brick;

(c) Equipment shelters, buildings or cabinets to house radio electronics equipment must be concealed, camouflaged, screened by vegetative, or placed underground.

Finding:

The base of the tower is proposed to be screened with a 10-foot opaque fence or wall. A stand of mature trees will further screen and obscure the tower base. This standard is met.

(d) A wireless communication facility must utilize existing site conditions such as surrounding vegetation and trees;

Finding:

The proposed location would find the proposed tower nestled in a relative clearing among mature trees, primarily Douglas fir, making use of the only area on the site that is forested for screening. The proposed location also takes advantage of the site's natural topography to achieve needed height. This standard is met.

(e) A wireless communication facility support structure must be constructed to the minimum height necessary to serve the operational requirements of the facility;

Finding:

The applicant has submitted a Radio Frequency Report demonstrating that the proposed height is the minimum viable height for their line-of-sight communications needs, since the tower must essentially have an unobstructed line past tree growth and neighboring hills to communicate with other regional towers. This standard is met.

(f) A wireless communication facility must be designed to allow co-location of facilities;

(g) Wireless communication support structure towers must be used in all zones, except when co-locating on an existing structure.

Finding:

A tower is proposed as the support structure. Due to the role of the WCF in a security facility, future co-location with private companies would not be feasible. These standards are met.

(h) Antennas and platforms must be designed to minimize their size and appearance to surrounding development;

Finding:

Placing the tower within a grove of mature trees, with additional landscaping proposed, significantly minimizes the visual impact of the platform and immediate views of the antenna. The location selection within a 43-acre site also works to minimize off-site visual impacts since this places a significant distance between the tower and potential onlookers. Lastly, the tower is to be a lattice-style structure, which is visually light. This standard is met.

(i) Obsolete or unused wireless communication support structures and associated equipment and antennas must be removed within 12 months of cessation of operations at a site;

Finding:

With recommended Condition of Approval A16, this standard is met.

(j) No new wireless communication support structure is permitted unless the applicant submits a co-location report showing whether or not any existing tower or support structure within one-half mile of the proposed site can accommodate the applicant's proposed antennae. The report must address the following:

- (i) Do existing towers or support structures, or approved but not yet constructed towers or support structures, located within the geographic area meet the applicant engineering requirements;**
- (ii) Are existing towers or support structures of sufficient height to meet the applicant's engineering requirements;**
- (iii) Do existing towers or support structures have sufficient structural strength to support the applicants proposed antennae and related equipment;**
- (iv) Would the applicant's proposed antennae cause electromagnetic interference with the antennae on the existing tower or support structure, or would existing antennae cause interference with the applicant's proposed antennae; and**
- (v) Are there other limiting factors that render existing towers and support structures unsuitable or unavailable.**

Finding:

The applicant has submitted a report illustrating the need for this tower within Exhibit B. The proposed WCF is dedicated to the PGE use for system security. This is one way for the WCF to comply with federal security requirements for protection of critical infrastructure. Co-location is not an option for security reasons. Secondly, the functionality of the proposed tower cannot be replicated on other towers, which are typically not tall enough to create a direct line-of-sight needed for this WCF's purpose. This is explained in more detail in the Radio Frequency Report. The WCF operates on a designated band and would not interfere with other communications. These standards are met.

(k) The minimum distance between wireless communication support structure tower is 1,500 feet. Separation must be measured by following a straight line from one wireless communication support structure tower to the next. For purposes of this section, a wireless communication support structure tower includes wireless communication support structure tower for which the City has issued a development permit, or for which an application has been filed and not denied.

Finding:

Tualatin's nearest existing or permitted tower is 2,750 feet from the proposed site. This standard is met.

[...]

Section 73F.040 - Setback Requirements. Setbacks for all Wireless Communication Facilities are determined through the Architectural Review process, and must be consistent with the following:

(1) The minimum setback must be 5 feet, except as otherwise specified in (2), below;

Finding:

In this case, the setback (a minimum of 50 feet) for the WCF was previously determined by approval of a Conditional Use for the facility (CUP 19-0002). The minimum distance proposed for the WCF is more than 250 feet from the nearest property line. This standard is met.

III. CONCLUSION AND RECOMMENDATION

Based on the application materials and above listed findings demonstrating compliance with the applicable criteria, staff respectfully recommends approval of the subject Architectural Review application (AR 19-0005), subject to the following recommended conditions of approval:

GENERAL:

- A1. This Architectural Review approval shall expire after two years unless a building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division, or an extension is granted under the terms of Section 33.020(10).
- A2. The applicant must comply with the associated Public Facilities Decision (AR 19-0005) from the City of Tualatin Engineering Division, pursuant to TDC 33.020(6)(a)(ii).

PRIOR TO BUILDING OR ENGINEERING PERMIT ISSUANCE:

- A3. The applicant must revise grading plans to indicate that a certified arborist is required be on site to supervise work where fencing is to be temporarily moved for access and construction activities, pursuant to TDC 73B.070(3). The applicant must install the tree protection fencing consistent with Section 73B.070(3). Please contact the Planning Division and provide at least 48 hours' notice.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A4. The applicant must construct proposed buildings and all site improvements as illustrated on approved plans and reflected in the conditions of approval. A site inspection by the Planning Division staff is required to verify satisfaction of all requirements. Please contact the Planning Division and provide at least 48 hours' notice. This inspection is separate from inspection(s) done by the Building Division.
- A5. The applicant must submit a detailed landscaping schedule demonstrating that the following sections of the TDC are met: 73B.080; 73C.220(2), 73C.220(3)(a), 73C.220(4); and 73D.070.
- A6. The applicant must provide covered or interior bike parking for 22 bikes meeting the dimensional standards of TDC 73C.050, in accordance with TDC 73C.100.
- A7. Areas impacted by grading and structure demolition must be revegetated pursuant to TDC 73B.040(1).
- A8. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services.

- A9. The applicant must install bicycle parking signage and vanpool/carpool parking signage per MUTCD standards, pursuant to TDC 73C.010(2)(xi) and TDC 73C.050(2)(d).

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

- A10. All mechanical equipment must be screened in accordance with TDC 73A.300(5). Prior to approval of a mechanical permit, the applicant or property owner must submit scaled elevations that illustrate screening by a parapet or other method.
- A11. All sign permits require separate sign permit approval per TDC Chapter 38. Architectural Review approval does not constitute sign permit approval.
- A12. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) (*Modifications to Previously Approved Final Architectural Review Decisions*).
- A13. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1.
- A14. Site landscaping and street trees shall be maintained to meet the vision clearance requirements of TDC Figure 75-1.
- A15. The proposed development must comply with the noise standards of TDC 63.051.
- A16. If operations cease on the property, the owner must remove the unused wireless communication support structures and associated equipment and antennas within 12 months of cessation, in accordance with TDC 73F.030(1)(i).