



# City of Tualatin

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August 20, 2019

## ARCHITECTURAL REVIEW AND PUBLIC FACILITIES DECISION

AR 19-0002

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

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Case #:	AR 19-0002
Project:	TVF&R Logistics Service Center
Location:	9991 SW Avery Street, Tualatin, OR; 2S126BA00200
Applicant:	Tualatin Valley Fire and Rescue (TVF&R), represented by Mimi Doukas, AKS Engineering and Forestry
Owner:	Tualatin Valley Fire and Rescue (TVF&R)

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## I. INTRODUCTION

### A. Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 33.110: Tree Removal Permit/Review
- TDC 60: Light Manufacturing Zone (ML)
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 73F: Wireless Communications Facilities
- TDC 74: Public Improvement Requirements\*
- TDC 75: Access Management\*

*\*Addressed in Exhibit B (City Engineer's Review, Findings, and Decision)*

### B. Project and Site Description

The applicant, Tualatin Valley Fire and Rescue (TVFR), represented by AKS Engineering and Forestry, proposes to remodel an existing warehouse building located at 9991 SW Avery Street (Washington County Assessor Map No. 2S126BA: Tax Lot 00200) for use as a Logistics Service Center. The subject site (Figure 1), is approximately 4.33 acres and is developed with an existing 40,000 square foot warehouse building, 33 parking stalls, drive aisles and associated landscaping. The site has frontage on SW Avery Street, a public street. A shared driveway also abuts the site on the west side of the property.

The exterior of the existing building would be modified to add new vehicle bays. The site would be modified to add an exterior wash area, as well as new parking, loading docks, and a water quality facility to the north. The mix of uses would include fleet maintenance, offices, and storage. New loading docks and access lanes, as well as additional parking, would be developed on the site. A new stormwater facility is proposed at the north end of the site.

### C. Previous Land Use Actions

- AR 79-06: *Brown & Wisner* (Approval of the original development).

### D. Surrounding Uses

SW Avery Street divides a predominantly light industrial area on the north side of the street, from a primarily residential area to the south side of the street.

Adjacent land uses include:

North: Light Manufacturing (ML)

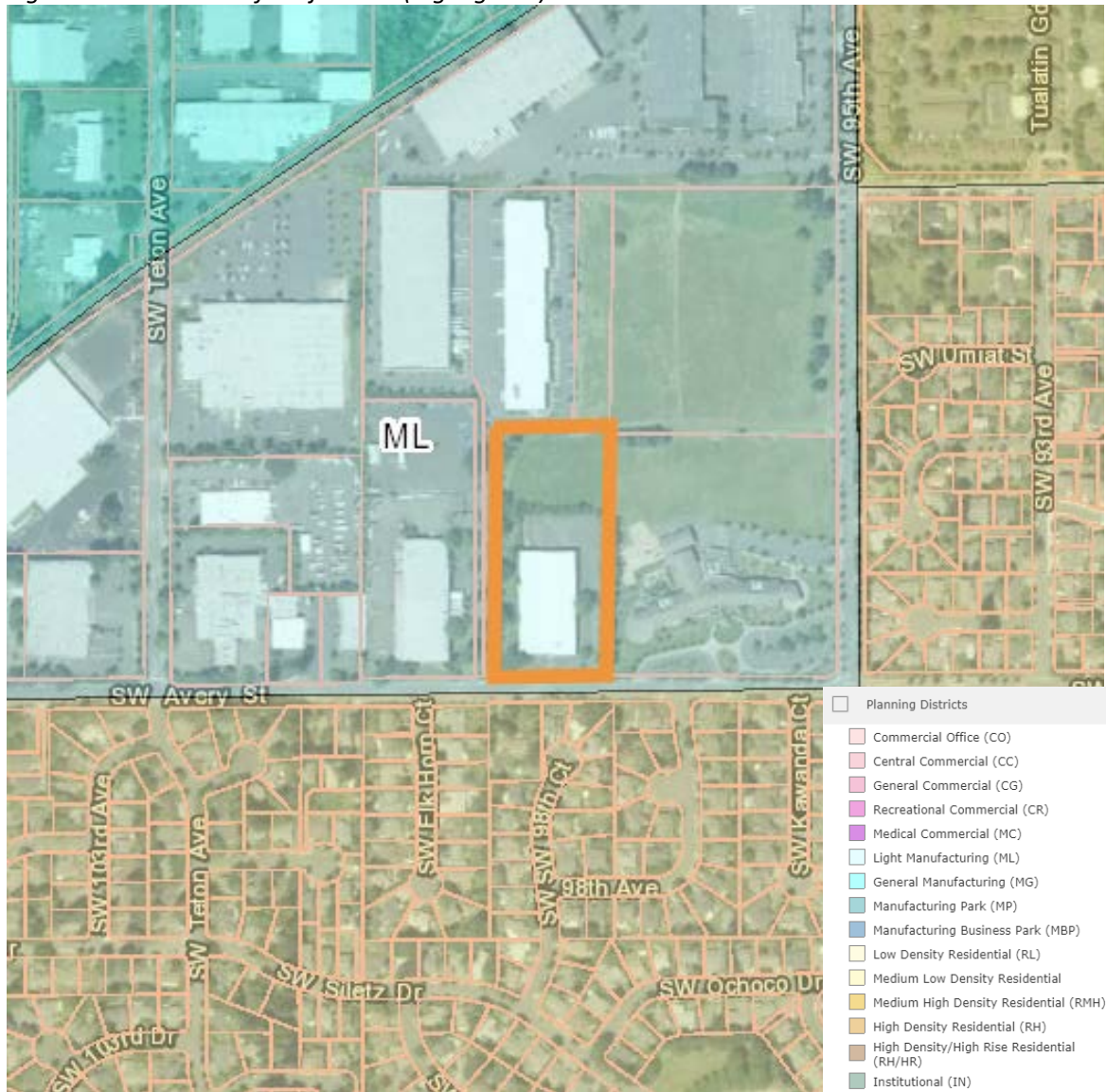
- Timbercon, Inc. (fiber optic services)
- QuestMark (flooring)
- Pioneer Packaging

South: Low-Density Residential (RL)

- Across from SW Avery Street are single-dwelling homes on individual lots

- West: Light Manufacturing (ML)
- Wade Rain Irrigation Systems
  - Redford-Carver Foundry Products
- East : Light Manufacturing
- Tualatin Elementary School

Figure 1: Aerial view of subject site (highlighted)



**E. Exhibit List**

A: Application Materials

B: City Engineer's Review, Findings, and Decision for AR-19-0002

C: Memo from Tualatin Valley Fire and Rescue (TVF&R), dated May 28, 2019

D: Memo from Clean Water Services (CWS), dated June 7, 2019

E: Dr. David H. Farrell comment, May 31, 2019

**F. Public and Agency Comments**

Agency comments were received from TVF&R (Exhibit C) and CWS (Exhibit D). During the public comment period, one comment was received, which is addressed below under TDC 60.200 (Use Categories).

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented, staff recommends approval of AR-19-0002 subject to the following architectural features conditions (A):

### GENERAL:

- A1. This Architectural Review approval will 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 TDC 33.020(10).
- A2. The applicant must comply with the incorporated Public Facilities Recommendation (PFR) 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 provide documentation of a recorded access easement for the driveway(s) to the west side of the property, as shown on *Sheet P3, Preliminary Site Plan (Exhibit A)* pursuant to TDC 75.040(3), or submit modified plans showing a landscape buffer that is at least five feet wide between all vehicle areas on the subject site and the adjacent private drive pursuant to TDC 73C.230(3).
- A4. The applicant must provide written consent for off-site tree removal from the owner of the adjacent parcel (2S126BA00600) or submit modified plans showing no off-site tree removal.
- A5. The applicant must submit revised plans showing:
  - a. Interior bike parking for six bicycles, with at least a 6-foot by 2-foot area for each bicycle pursuant to TDC 73C.100(1) and TDC 73.050(2)(a);
  - b. Two designated vanpool/carpool spaces pursuant to TDC 73.100(2).

### PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A6. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to TDC 73A.300(4)(d)
- A7. The applicant must install vanpool/carpool parking signage per MUTCD standards, pursuant to TDC 73C.050(2)(d).
- A8. The applicant must construct proposed buildings and all site improvements as illustrated on approved plans and conditions of approval. A site inspection by the Planning Division staff is required to verify satisfaction of all requirements. Please contact the Planning Division at least two business days in advance. This inspection is separate from inspection(s) done by the Building Division.

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

- A9. Office uses must not exceed 25 percent of the total gross floor area of all buildings on the site in accordance with TDC 60.210(2)(a).

- A10. The property owner and occupants must comply with all noise standards of *Tualatin Municipal Code Chapter 06-14: Noise Ordinance* and TDC 63.051.
- A11. 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.
- A12. All sign permits require separate sign permit approval consistent with TDC Chapter 38. This approval does not constitute sign permit approval.
- A13. 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*).
- A14. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1.
- A15. Site landscaping and street trees shall be maintained to meet the vision clearance requirements of TDC Figure 75-1.

### III. PLANNING FINDINGS

#### 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
<b>Architectural Review</b>						
Architectural Review (except as specified below) (limited land use)	II	CM	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 requested application is classified as Type II Procedure Types according to Table 32-1. It has been processed according to the applicable code for Type II procedures. 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 120<sup>th</sup> day will be September 18, 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:**

*A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on November 7, 2018, approximately 4.5 months 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 that they held a Neighborhood/Developer meeting on January 24, 2019, 57 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 (Exhibit A) showing Tualatin Valley Fire & Rescue (TVF&R) to be the current owner of the subject site. The application has been signed by an agent of TVF&R. 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 an application for AR 19-0002 on March 22, 2019. These 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 (Exhibit A) 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 applicant submitted an application for AR 19-0002 on March 22, 2019. Revisions were submitted May 10, 2019. The application was deemed complete May 21, 2019. These standards are met.*

**Section 32.220 – Type II Procedure (Administrative Review with Notice).**

Type II decisions are made by the City Manager with public notice and an opportunity for review and comment. The local appeal body for each application type is specified in Table 32-1. Type II decisions include limited land use decisions under ORS 197.195.

(1) **Submittal Requirements.** Type II 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 for completeness in accordance with TDC 32.160.

(3) **Written Notice of Application and Opportunity to Comment.** Once the application has been deemed complete, the City must mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days before making the Type II decision to allow interested people and agencies the opportunity to submit written comments on the application before the City issues the decision.

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

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

(vi) 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; where the project site would access a County road or otherwise be subject to review by the County, then the County; 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; and

(vii) Utility companies (as applicable).

(b) The mailed notice of pending Type II Decision, 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 proposed site plan;

(iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;

(v) The type of application and a concise description of the nature of the land use action;

(vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;

(vii) Brief summary of the local decision making process for the land use decision being made;

(viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;

- (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;
  - (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;
  - (xi) A statement that comments received after the close of the public comment period will not be considered;
  - (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and
  - (xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.
- (c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.
- (d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.
- (4) Decision. At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:
- (a) Explains the criteria and standards considered relevant to the decision;
  - (b) States the facts relied upon in issuing the decision; and
  - (c) Explains the justification for the decision based on the criteria, standards and facts set forth.

**Finding:**

*After submittal and completeness review as required by this section, notice for the Type II hearing concerning AR 19-0002 was mailed by city staff on May 23, 2019 and contained the information required by this section. These standards are met.*

- (5) Notice of Type II Decision.** Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision 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 a statement that the 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 an appeal is submitted; and
  - (e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.
- (6) Appeal of a Type II Decision. Appeals may be made in accordance with TDC 32.310.
- (7) Effective Date of Type II Decision. A Type II Decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise.

**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 proposed development must comply with the standards and objectives in TDC 73A through 73G. The standards are met.*

**(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 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 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 has proposed to remove 41 trees on the development site. In the applicant’s arborist report (Exhibit A), the arborist indicates that tree removal is proposed in order to construct proposed improvements (33.110(5)(a)(iii)) or because the tree is in poor condition as described in 33.110(5)(b). Five additional trees are proposed to be removed on the adjacent private drive parcel to the west of the subject site. With Condition of Approval A4, these standards are met.*

**Chapter 60: Light Manufacturing Zone (ML)**

[...]

**Section 60.200 Use Categories**

**(1) Use Categories.** Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the ML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 60-1 and restrictions identified in TDC 60.210. 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.

[...]

**Table 60-1  
 Use Categories in the ML Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
[...]		
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
[...]		
<b>Public Safety Facilities</b>	<b>P (L)/C (L)</b>	<p><b>Permitted uses limited to public works storage yard and shop.</b></p> <p><b>Conditional uses limited to fire station.</b></p>
[...]		

**Finding:**

*TVF&R is a public agency that provides fire protection and emergency medical services, and this facility is proposed to serve as storage and a maintenance shop for these efforts. This proposed mix of uses is categorized as a public safety facility with the uses limited to storage yard and shop, which is listed as a permitted use in the Light Manufacturing (ML) zone. The facility will contain vehicle operations and maintenance, administrative offices, supply storage, and employee support, which are typical of a public works shop. During the comment period, one neighboring property owner wrote with concerns that the*

*facility might be used as a fire station. According to the applicant’s narrative and site plans (Exhibit A), the property is not proposed as a fire station, but exclusively as a vehicle maintenance shop. The proposed internal layout Sheet A-102, Floor Plan (Exhibit A) is oriented toward vehicle service, support offices, and storage, in line with the stated use. Staff notes further that, as shown in in Table 60-1, the applicant would need to obtain prior Conditional Use Permit approval in order to use the site as a fire station, at which time concerns regarding the nature of such a use would be addressed. This standard is met.*

**Section 60.210 Additional Limitations on Uses**

[...]

**(2) Limited Commercial Uses.** Commercial uses permitted as limited uses, as specified in Table 60-1, must be located on the same site as a permitted industrial use. The site must be used substantially for industrial purposes and the commercial use is subject to the following limitations. The office, retail, and service uses may be located in a stand-alone building or combined in a building with other permitted uses.

**(a) Offices.** Office uses must not exceed 25 percent of the total gross floor area of all buildings on the site.

**Finding:**

*As demonstrated in Sheet A-102, Floor Plan (Exhibit A), offices uses are not proposed to exceed 25% of the total gross floor area of this development. With Condition of Approval A9 that office spaces will not be expanded to exceed 25% of the total gross floor area, this standard is met.*

**Section 60.300 Development Standards**

[...]

**From Table 60-2, Development Standards in ML Zone**

Standard	Direction	Required (ft)	Proposed (ft)
<b>Minimum Setbacks</b>			
Front	South	30	56.8 (no change)
Rear	North	0 to 50	302.8 (no change)
Side	West	0 to 50	20
Side	East	0 to 50	60
Parking and Circulation	South	5	8
Parking and Circulation	West	5	6.5
Parking and Circulation	East	5	60
<b>Structure Height</b>			
Maximum Height		50 feet	26 (no change)

**Finding:**

*As demonstrated in the table above and shown in Sheets P3, Preliminary Site Plan and A-201, Building Elevations (Exhibit A), the development standards in Table 60-2 are met for all development. These standards are met.*

### **Section 60.310 Additional Development Standards**

**(1) Outdoor Uses.** All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities and outdoor play areas of child day care centers as required by state day care certification standards.

[...]

#### **Finding:**

*Uses are predominantly proposed to be conducted indoors within the enclosed building. A covered truck wash drive-through is proposed on the east end of the property, which is directly related to the primary use. The wash will be fully screened from the east school property. This standard is met.*

**(3) Sound Barrier Construction.** Sound barrier construction is required to mitigate the impact of noise associated with overhead doors and building mechanical equipment, including but not limited to heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building. Sound barrier construction must conform to the following standards:

(a) **Applicability.** New construction, including additions or changes to existing facilities, must comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with the provisions of this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section.

(b) **Distance from Residential Use.** Sound barriers must be used to intercept all straight-line (a direct line between two points) lateral paths of 450 feet or less between a residential property within a residential planning district and:

(i) Any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway; or

(ii) Any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.

(c) **Exemption for Existing Structures.** Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound barrier construction is not required, except that at the time such structures are removed, sound barrier construction is required.

(d) **Design.** Sound barriers must consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three. Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.

(e) **Definitions.** "Wing wall" mean a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section.

[...]

#### **Finding:**

*New overhead doors are proposed on the east and west of the facility, along with new mechanical equipment. As demonstrated in the Acoustic Engineering Report and Sound Wall Compliance Alternative Letter (Exhibit A), an acoustical engineer determined that the existing structure locations act to reflect*

*sound from these sources away from residential areas. Per this analysis, the existing acoustic landscape would be more effective than other measures intended to mitigate sound, meeting standard C, Exemption for Existing Structures. As demonstrated in the analysis, the overhead doors, rooftop HVAC units, and generator equipment will be regulated by Tualatin Municipal Code standards for noise impacts at the nearest residential property line, and will comply with these standards. This standard is met.*

## **Chapter 73A: Site Design**

[...]

### **INDUSTRIAL DESIGN STANDARDS**

#### **Section 73A.400 – Industrial Design Standards.**

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

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

- (a) Walkways must be a minimum of 5 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;**
- (e) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;**
- (f) Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas; 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:**

*As demonstrated in Sheet P3, Preliminary Site Plan (Exhibit A), a walkway is provided between the main entrance and SW Avery Street. The walkway is at least 5 feet wide and designated with diagonal stripes for a different visual appearance. Further evaluation for ADA standards will be conducted during the building permit phase. These standards are met.*

[...]

**(4) Safety and Security. Industrial 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:**

*The proposed modifications, as illustrated in Exhibit A, Plan A-201 Building Elevations, will generally add glazing and transparency between the interior and exterior of the building, most notably by including roll*

*up doors with glazing, improving mutual visibility The south façade facing SW Avery is proposed for a reduction in glazing, but windows will be added in the area more likely to be consistently occupied by staff, supporting the goal of visibility. As demonstrated in Exhibit A (E-100 PH, Site Plan—Photometrics), lighting will be provided consistently through the parking lot and other occupied areas of the site, while minimizing off-site glare. With Conditional of Approval A6, these standards are met.*

**(5) Service, Delivery, and Screening. Industrial 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**
- [...]**

**Finding:**

*Proposed mechanical equipment, including an emergency generator and rooftop HVAC equipment is proposed to be fully screened, as additionally addressed in Section 60.310(3). The outdoor drive-through truck wash is fully screened with an east wall. These standards are met.*

**(6) Adjacent to Transit. Industrial 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.**
- (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:**
- [...]**

**Finding:**

*The subject site abuts SW Avery Street, which is designated as a transit street in TDC Chapter 11 (Figure 11-5). As shown in Sheet P3, Preliminary Site Plan (Exhibit A), a sidewalk connection exists along the property's frontage on SW Avery Street. The site is not adjacent to a major transit stop as there is no current fixed transit serving this street. 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
[...]	
<b>(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District – All uses</b>	<b>15% of the total area to be developed</b>

**[...]**

**Finding:**

*As shown on Sheet P8, Preliminary Landscape Plan (Exhibit A), approximately 26% of the site is provided with landscaping. This standard is met.*

**Section 73B.050 – Additional Minimum Landscaping Requirements for Industrial Uses.**

- (1) General.** In addition to requirements in TDC 73B.020, industrial 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.
    - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.
    - (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 required 5-foot wide landscaped areas are delineated on Sheet P8, Preliminary Landscape Plan (Exhibit A), and are proposed along the building perimeters, except at driveway entrances, pedestrian facilities, and loading facilities, and the truck wash bay. These standards are 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"> <li>• Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.</li> <li>• The foliage crown of trees cannot be used to meet this requirement.</li> <li>• A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.</li> <li>• Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).</li> <li>• Must be controlled by pruning, trimming, or otherwise so that:                             <ul style="list-style-type: none"> <li>• It will not interfere with designated pedestrian or vehicular access; and</li> <li>• It will not constitute a traffic hazard because of reduced visibility.</li> </ul> </li> </ul>

[...]

**Finding:**

*As shown in Sheet P8, Preliminary Landscape Plan (Exhibit A), living grass and plant materials are proposed to cover the new landscape areas. New plantings near pedestrian areas primarily consist of low shrubs such as spirea japonica, and ground cover, as well as deciduous trees, which will not interfere with visibility. This standard is met.*

<p><b>(3) Tree Preservation</b></p>	<ul style="list-style-type: none"> <li>• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</li> </ul> <p><b>During construction:</b></p> <ul style="list-style-type: none"> <li>• Must provide above and below ground protection for existing trees and plant materials identified to remain;</li> <li>• 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;</li> <li>• If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</li> <li>• Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</li> <li>• 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</li> <li>• Tree root ends must not remain exposed.</li> <li>• Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</li> <li>• 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</li> <li>• 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</li> </ul>
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**Finding:**

*Tree protection fencing has been proposed in areas at the east and west ends of the property where improvements may interfere with trees to be preserved. These standards are met.*

<p><b>(4) Grading</b></p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• All planting areas must be graded to provide positive drainage.</li> <li>• Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>• 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.</li> </ul>
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**Finding:**

*Proposed grading associated with this project is generally designed moderate the slope of the parking area to flow toward a new water quality facility, and to create said stormwater facility. Grading and erosion control is further addressed in the Public Facilities Decision (Exhibit B). This standard is met.*

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

*According to Sheet P8, Preliminary Landscape Plan (Exhibit A), irrigation will be provided for landscaping. This standard is met.*

<b>(6) Re-vegetation in Un-landscaped Areas</b>	<ul style="list-style-type: none"> <li>• 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,.</li> <li>• Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>• The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>• Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul>
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**Finding:**

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



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

**Finding:**

*As shown on Sheet P8, Preliminary Landscape Plan (Exhibit A), all new landscaping proposed in the development area will meet the planting standards for each plant category. These standards are 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, previous 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.
  - (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;
  - (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;
  - (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 Sheet P3, Preliminary Site Plan (Exhibit A), the parking lot and drive aisles are proposed to be paved. Spaces are 18.5 feet long and 9 feet wide, meeting the dimensional requirements in Figure 73-1. All spaces are proposed with wheel stops, and do not require on-street backing. New drive aisles meet or exceed the minimum width of 22 feet, the smallest aisle measuring 24 feet. As shown in Sheet E-100PH (Exhibit A) new artificial lighting would not create a glare into the street, neighboring driveways or properties, or adjacent natural area. 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 applicant notes that bicycle parking will be provided inside the building. With Condition of Approval A5, this standard is 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
(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
(f) Industrial				

(i) Manufacturing	1.60 spaces per 1,000 square feet of gross floor area	None	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First 5 spaces or 30%, whichever is greater
(ii) Warehousing	0.30 spaces per 1,000 square feet of gross floor area	Zone A: 0.4 spaces per 1,000 square feet of gross floor area Zone B: 0.5 spaces per 1,000 square feet of gross floor area	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First 5 spaces or 30%, whichever is greater

**Finding:**

*The public works storage yard and shop use is permitted as a category of Public Safety and Utility Facilities. This use category is not explicitly addressed in TDC 73.100 for parking minimums, but the use can be understood as a mix of office, warehousing, manufacturing, and fleet parking. Based on the areas shown in Sheet A-102, Floor Plan (Exhibit A), there is approximately 5,940 square feet of office, 16,704 square feet of storage/warehousing, and 17,316 square feet of manufacturing. Fleet parking is exempt from parking minimums. 49 parking spaces are required. As shown in P3, Preliminary Site Plan (Exhibit A), 74 standard spaces (2 ADA spaces) are provided. Six bike parking spaces are required, which are proposed to be provided indoors. With Condition of Approval A5, this standard is 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:**

*Two vanpool or carpool spaces are required. With Condition of Approval A5, 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	25,000 - 60,000	2	12 feet x 60 feet	14 feet

- (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 P3, Preliminary Site Plan (Exhibit A), a loading dock providing at least 80 feet of width and approximately 75 feet of depth before the drive aisle is provided on the north side of the building. This dimension exceeds the berth dimensions required by this code section. The truck wash and tire storage shed provides screening for 30 out from the loading dock to the east of the loading berths as shown in Sheet P3, Preliminary Site Plan (Exhibit A). Additional landscaping is provided at the border with the neighboring school. A row of laurel is proposed to the west side of the loading dock to provide screening, followed by additional trees at the border with the neighboring private drive and property. 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:**

[...]

**(3) Industrial Use. 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.	Required Parking Spaces
[...]				
1-250	1	36 feet for first 50' from ROW, 24 feet thereafter	No curbs or walkway required	1-250

[...]

**(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 TDC 73C.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:**

*As shown in Sheet P3, Preliminary Site Plan (Exhibit A), the driveway width from SW Avery Street is proposed to be at least 36 feet wide from the right-of-way, meeting the minimum driveway width requirement. The applicant has proposed secondary vehicle access via the existing shared private access drive located to the immediate west of the site. With Condition of Approval A3, 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.230 – Industrial 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:**

*Landscaping is provided throughout the parking area where vehicular parking, maneuvering, and loading is not necessary as shown in Sheet P8, Preliminary Landscape Plan (Exhibit A). 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:**

*Kinnikinnick groundcover and European hornbeam trees are the primary plants proposed for the parking area, as shown in Sheet P8, Preliminary Landscape Plan (Exhibit A), which will leave a vertical clear zone. 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 in Sheet P3, Preliminary Site Plan (Exhibit A), five feet wide perimeter landscaping is provided, with landscaping adequate to provide full coverage and screening as provided in this section. These standards are 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:**

*As shown in Sheet P8, Preliminary Landscape Plan (Exhibit A), 2,036 square feet of landscaping is provided for the 74 parking spaces, approximately 27.5 square feet per stall. These areas are protected by curbs, provided at least every eight spaces, and at aisle ends. Islands are at least five feet wide and contain trees. Ten new trees in addition to eight existing trees are provided throughout the parking area, for a total of 18 trees, representing one tree per four parking spaces. 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 TDSC 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.

**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:**

*The applicant has proposed a trash and recycling area measuring 280 square feet. Approximately 240 square feet is required for a warehouse/manufacturing use according to the minimum standards method. 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.**

**(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:**

*A waste storage area for all waste types is proposed at the north end of the building near the loading dock. This location is visible to site users while being largely concealed by the building, and other enclosures from the road, and vegetation, from the adjacent properties. As shown in as shown in Sheet A-201 Building Elevations (Exhibit. A), the enclosure will be screened with a 7-foot tall CMU wall. A chain link gate with opaque slats, with a 20 foot wide opening is also provided. Republic Services has further indicated that the storage area meets the current methods of local access and collection as seen in Exhibit A. The enclosure also meets the minimum dimensional standards. 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
[...]	
(15) Light Manufacturing (ML)	<ul style="list-style-type: none"> <li>• 100 feet</li> <li>• 120 feet ( including antennas) if structure is within 300 feet of the centerline of I-5</li> </ul>

**Finding:**

*As shown on Sheet A-201, Building Elevations (Exhibit A), the proposed roof mounted antenna would be a maximum height of 25 feet. The building is 26 feet tall. 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:**

*This attached facility is proposed for a non-residential use. 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:**

*Since the proposed facility is attached to a building roof, which acts as the support structure, all equipment other than the antenna is proposed internal to the building, where it is effectively screened from public view. These standards are met.*

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

**Finding:**

*The wireless communication facility utilizes existing conditions by locating on the roof of an existing building, minimizing ground level disturbance and visibility. 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 demonstrated the wireless communication facility functions as emergency communications radio equipment, requiring line-of-sight access to other communications towers. The height proposed is the minimum to achieve this line of sight. 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:**

*The WCF is proposed on an existing structure. The support structure does not inherently impede co-location of facilities. Nevertheless, since the antenna would be provided as an emergency communications radio, as opposed to a cell phone tower or similar service, co-location would not be a viable opportunity. These standards are met.*

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

[...]

**Finding:**

*As proposed, the antenna is the only visible part of the communications facility, and is designed as a relatively light lattice work spire, thereby minimizing its size and appearance to surrounding development. This standard is met.*

**(2) In addition to complying with subsection (1), all Wireless Communication Facilities Attached must comply with the following:**

**(a) Wireless communication facility attached antennas must use existing rooftop mechanical equipment, and only if not practicable be placed on the exterior wall of a building; and**

**(b) Wireless communication facility attached antennas must be painted to match the color of the mechanical screen wall or building to which it is attached.**

**Finding:**

*The antenna is proposed on the rooftop with no proposed attachments on the exterior wall of the building. The applicant proposes to paint the antenna the same shade of gray as the mechanical screens for a coordinated appearance, also coordinating with the aggregate concrete panels of the building exterior. These standards are 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:**

*The antenna is proposed on the building rooftop, which has a minimum front setback of 56.8 feet, with the antenna setback an additional 20 feet. This standard is met.*

#### IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days on September 3, 2019 unless a written appeal is received by the **Community Development Department – Planning Division at 18880 Martinazzi Avenue, Tualatin, Oregon 97062 before 5:00 p.m., September 3, 2019. The appeal must be submitted on the City appeal form with all the information requested provided thereon, the applicable fee, and signed by the appellant.** The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB).

Submitted by:

A handwritten signature in blue ink, appearing to read "Tabitha Boschetti", is written over a set of three blue wavy lines that resemble a stylized signature or a decorative flourish.

Tabitha Boschetti  
Assistant Planner