City of Tualatin
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CITY ENGINEER'S REVIEW FINDING AND DECISION FOR AR19-0002, TVF&R LOGISTICS CENTER

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I. RECOMMENDATION

Based on the findings presented, the City Engineer approves AR19-0002, TVF&R Logistics Center with the following conditions:

A. PRIOR TO ISSUANCE OF EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMITS:

PFR-1 The applicant must submit water system plans in accordance with code section TMC 3-3-40, -110, -120, and -130 that show location of the water lines, grade, materials, and other details prior to obtaining a public works permit including:
a) Abandonment of the 1 ½" tap from the existing 6" fire line with a plug.
b) A tap for a 2" separate service for their domestic line with valve off the 12" main on SW Avery Street and an approved Reduced Pressure Backflow Device (RPBD).
c) A separate backflow device for the irrigation system on the private-side service.

PFR-2 The applicant must submit plans for a City of Tualatin erosion control permit in accordance with code section TMC 3-5-060.

PFR-3 The applicant must submit plans for a 1200CN NPDES Erosion Control Permit in accordance with code section TMC 3-5-060.

PFR-4 The applicant must submit final stormwater calculations in accordance with TMC 3-5-200.

PFR-5 The applicant must submit plans that show improvement of all public sidewalks and driveways abutting the property to meet ADA/PROWAG in accordance with TDC 74.420.

PFR-6 The applicant must submit plans that show widening SW Avery Street within the existing 72 feet of right-of-way in accordance with TDC 74.425 to include:
a) 28 feet of pavement with striping and gutter
b) A 6 foot wide planter strip with curb and street trees
c) Street lights if needed
d) A 6 foot wide sidewalk adjacent to right-of-way

PFR-7 If the applicant selects a fee-in-lieu of construction of SW Avery Street improvements, the applicant must submit payment in accordance with TDC 74.430. Portions of sidewalk relocated via a public works permit to be adjacent to the edge of right-of-way, which is the ultimate location, will reduce the fee-in-lieu.

PFR-8 The applicant must submit plans that show street trees in accordance with TDC 74.485 and TDC 74.765

PFR-9 The applicant must submit a recorded copy of private stormwater easements from the development's lot crossing private properties to the public stormwater system in accordance with TDC 74.630.

PFR-10 The applicant must submit plans that demonstrate compliance with the submitted Service Provider Letter conditions to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650.

PFR-11 The applicant must submit plans that minimize the impact of stormwater from the development to adjacent properties consistent with TMC 3-5-200.
PFR-12 The applicant must submit plans that show temporary pedestrian access during reconstruction of public sidewalks in accordance with TDC 75.040.
PFR-13 The applicant must submit PDFs of final site and permit plans.

B. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

PFR-14 The applicant must obtain Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.
PFR-15 The applicant must financially secure all public improvements in accordance with PWCC 102.14.00.
PFR-16 The applicant must submit a recorded copy of an 8-foot wide public utility easement adjacent to SW Avery Street right-of-way in accordance with TDC 74.210.
PFR-17 If the private drive is to be used for construction access from SW Avery Street, then a recorded copy of a temporary access easement must be submitted in accordance with TDC 75.040.

C. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

PFR-18 The applicant must complete all the public improvements as shown the approved plans. All improvements must also be accepted by the City in accordance with TDC 74.420.
PFR-19 If the private drive is to be used for construction access from SW Avery Street, then a temporary access easement must be recorded prior to Building permit issuance in accordance with TDC 75.040.
PFR-20 If the private drive is to be used for emergency vehicle or shared use than, the applicant must submit a recorded copy of an emergency vehicle or shared access easement, respectively, over the private drive aisle to the west connecting to SW Avery Street in accordance with TDC 75.040.
PFR-21 The applicant must submit as-built plans for review and acceptance by the City. The plans must be submitted on paper and electronically.

II. APPEAL

Request for appeal of this decision must be received by the Engineering Division within the 14-day appeal period ending on **September 3, 2019 at 5 PM**. Issues must have been described with adequate clarity and detail with identification of the associated Tualatin Municipal or Development Code section to afford a decision maker an opportunity to respond to the issue. A request for appeal must be submitted on the forms provided by the City, signed by the appellant and include the applicable appeal fee.

III. STANDARDS AND APPLICABLE CRITERIA

Tualatin Municipal Code (TMC)
Title 03: Utilities and Water Quality

Tualatin Development Code (TDC)
Chapter 74: Public Improvement Requirements
Chapter 75: Access Management

IV. CONCLUSIONS

A. TMC TITLE 03: UTILITIES AND WATER QUALITY

I. TMC CHAPTER 03-03: WATER SERVICE

1. TMC 3-3-040 SEPARATE SERVICES REQUIRED.

(1) Except as authorized by the City Engineer, a separate service and meter to supply regular water service or fire protection service shall be required for each building, residential unit or structure served. For the purposes of this section, trailer parks and multi-family residences of more than four dwelling units shall constitute a single unit unless the City Engineer determines that separate services are required.

2. TMC 3-3-110 CONSTRUCTION STANDARDS.

All water line construction and installation of services and equipment shall be in conformance with the City of Tualatin Public Works Construction Code. In addition, whenever a property owner extends a water line, which upon completion, is intended to be dedicated to the City as part of the public water system, said extension shall be carried to the opposite property line or to such other point as determined by the City Engineer. Water line size shall be determined by the City Engineer in accordance with the City's Development Code or implementing ordinances and the Public Works Construction Code.

3. TMC 3-3-120 BACKFLOW PREVENTION DEVICES AND CROSS CONNECTIONS.

(1) Except where this ordinance provides more stringent requirements, the definitions, standards, requirements and regulations set forth in the Oregon Administrative Rules pertaining to public water supply systems and specifically OAR 333 Division 61 in effect on the date this ordinance becomes effective are hereby adopted and incorporated by reference.
(2) The owner of property to which City water is furnished for human consumption shall install in accordance with City standards an appropriate

backflow prevention device on the premises where any of the following circumstances exist:

(a) Those circumstances identified in regulations adopted under subsection (1) of this section;

(b) Where there is a fire protection service, an irrigation service or a nonresidential service connection which is two inches (2") or larger in size;

(c) Where the potable water supply provided inside a structure is 32 feet or more, higher than the elevation of the water main at the point of service connection;

(4) Except as otherwise provided in this subsection, all irrigation systems shall be installed with a double check valve assembly. Irrigation system backflow prevention device assemblies installed before the effective date of this ordinance, which were approved at the time they were installed but are not on the current list of approved device assemblies maintained by the Oregon State Health Division, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When devices of this type are moved, or require more than minimum maintenance, they shall be replaced by device assemblies which are on the Health Division list of approved device assemblies.

4. TMC 3-3-130 CONTROL VALVES.

The customer shall install a suitable valve, as close to the meter location as practical, the operation of which will control the entire water supply from the service. The operation by the customer of the curb stop in the meter box is prohibited.

FINDING:
The existing water to the subject site and TVF&R Logistics Service Center as illustrated on the Preliminary Public Facilities Plan includes a single lateral to the public main within SW Avery Street for domestic and fire service. This system includes a water meter and fire vault, but proposes to add a 1.5” double check for irrigation. There is no backflow for the domestic service.

To bring the water system into compliance with code final plans must include:

1) Abandonment of the 1 ½” tap from the existing 6” fire line with a plug.
2) A tap for a 2” separate service for their domestic line with valve off the 12” main on SW Avery Street and an approved Reduced Pressure Backflow Device (RPBD).
3) A separate backflow device for the irrigation system on the private-side service.

A public works construction permit for water system plans must be obtained prior to obtaining a Building Permit. The applicant has not applied for a public works permit for these improvements. The applicant must submit water system plans that show location of the water lines, grade, materials, and other details prior to obtaining a public works permit.

This criterion is satisfied with conditions of approval PFR-1, PFR-13, and PFR-18.

II. TMC 3-5 ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS

1. TMC 3-5-050 EROSION CONTROL PERMITS.

(1) Except as noted in subsection (3) of this section, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.

(2) No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the City has issued an Erosion Control Permit covering such work, or the City has determined that no such permit is required. No public agency or body shall undertake any public works project without first obtaining from the City an Erosion Control Permit covering such work, or receiving a determination from the City that none is required.

(3) No Erosion Control Permit from City is required for the following:

(a) For work of a minor nature provided all the following criteria are met:

(A) The development does not require a development permit or approval from the City;

(B) No development activity or disturbance of land surface occurs within 100 feet of a sensitive area defined in TMC 3-5.270;

(C) The slope of the site is less than 20 percent;

(D) The work on the site involves the disturbance of less than 500 square feet of land surface; and

(E) The excavation, fill or combination thereof involves less than 20 cubic yards of material.

(b) Permits and approvals of land division, interior improvements to an existing structure, and other activities for which there is no physical disturbance to the surface of the land.

(c) A permit shall not be required for activities within the City which constitute accepted farming practices as defined in ORS 215.203, provided any erosion does not cause sedimentation in waters of the Tualatin River basin.

(4) An exception from the permit requirement shall not relieve the property or its owner from the prohibition of TMC 3-5.040.

FINDINGS:

The application materials indicate disturbance of approximately 3.19 acres. The applicant must obtain a 1200CN Construction Erosion Control permit from Clean Water Services as agent for Oregon DEQ and obtain a grading and erosion control permit from the City of Tualatin prior to issuance of permits for public improvements and water quality/quantity work.

This criterion is satisfied with conditions of approval PFR-2, PFR-3, and PFR-13.

2. TMC 3-5-060 PERMIT PROCESS.

(1) Applications for an Erosion Control Permit. Application for an Erosion Control Permit shall include an Erosion Control Plan which contains methods and interim facilities to be constructed or used concurrently and to be operated during construction to control erosion. The plan shall include either:

(a) A site specific plan outlining the protection techniques to control soil erosion and sediment transport from the site to less than one ton per acre per year as calculated using the Soil Conservation Service Universal Soil Loss Equation or other equivalent method approved by the City Engineer, or

(b) Techniques and methods contained and prescribed in the Soil Erosion Control Matrix and Methods, outlined in TMC 3-5.190 or the Erosion Control Plans - Technical Guidance Handbook, City of Portland and Unified Sewerage Agency, January, 1991.

FINDINGS:
The application material indicate disturbance of approximately 3.19 acres. The applicant must obtain a 1200CN Construction Erosion Control permit from Clean Water Services as agent for Oregon DEQ and obtain a grading and erosion control permit from the City of Tualatin prior to issuance of permits for public improvements and water quality/quantity work.

This criterion is satisfied with conditions of approval PFR-2, PFR-3, and PFR-13.

(2) Site Plan. A site specific plan, pre-pared by an Oregon registered profession-al engineer, shall be required when the site meets any of the following criteria:

(a) greater than five acres;

(b) greater than one acre and has slopes greater than 20 percent;

(c) contains or is within 100 feet of a City-identified wetland or a waterway identified on FEMA floodplain maps; or

(d) greater than one acre and contains highly erodible soils.

FINDINGS:
The application material indicate disturbance of approximately 3.19 acres. The applicant must obtain a 1200CN Construction Erosion Control permit from Clean Water Services as agent for Oregon DEQ and obtain a grading and erosion control permit from the City of Tualatin prior to issuance of permits for public improvements and water quality/quantity work.

This criterion is satisfied with conditions of approval PFR-2, PFR-3, and PFR-13.

3. TMC 3-5-200 DOWNSTREAM PROTECTION REQUIREMENT.

Each new development is responsible for mitigating the impacts of that development upon the public storm water quantity system. The development may satisfy this requirement through the use of any of the following techniques, subject to the limitations and requirements in TMC 3-5-210:

(1) Construction of permanent on-site stormwater quantity detention facilities designed in accordance with this title;

(2) Enlargement of the downstream conveyance system in accordance with this title and the Public Works Construction Code;

(3) The payment of a Storm and Surface Water Management System Development Charge, which includes a water quantity component designated to meet these requirements.

4. TMC 3-5-210 REVIEW OF DOWNSTREAM SYSTEM.

For new development other than the construction of a single family house or duplex, plans shall document review by the design engineer of the downstream capacity of any existing storm drainage facilities impacted by the proposed development. That review shall extend downstream to a point where the impacts to the water surface elevation from the development will be insignificant, or to a point where the conveyance system has adequate capacity, as determined by the City Engineer. To determine the point at which the downstream impacts are insignificant or the drainage system has adequate capacity, the design engineer shall submit an analysis using the following guidelines:

(1) evaluate the downstream drainage system for at least ¼ mile;

(2) evaluate the downstream drainage system to a point at which the runoff from the development in a build out condition is less than 10 percent of the total runoff of the basin in its current development status. Developments in the basin that have been approved may be considered in place and their conditions of approval to exist if the work has started on those projects;

(3) evaluate the downstream drainage system throughout the following range of storms: 2, 5, 10, 25 year;

(4) The City Engineer may modify items 1, 2, 3 to require additional information to determine the impacts of the development or to delete the provision of unnecessary information.

5. TMC 3-5-220 CRITERIA FOR REQUIRING ON-SITE DETENTION TO BE CONSTRUCTED.

The City shall determine whether the onsite facility shall be constructed. If the onsite facility is constructed, the development shall be eligible for a credit against Storm and Surface Water System Development Charges, as provided in City ordinance.

On-site facilities shall be constructed when any of the following conditions exist:

(1) There is an identified downstream deficiency, as defined in TMC 3-5-210, and detention rather than conveyance system enlargement is determined to be the more effective solution.

(2) There is an identified regional detention site within the boundary of the development.
(3) There is a site within the boundary of the development which would qualify as a regional detention site under criteria or capital plan adopted by the Unified Sewerage Agency.
(4) The site is located in the Hedges Creek Subbasin as identified in the Tualatin Drainage Plan and surface water runoff from the site flows directly or indirectly into the Wetland Protected Area (WPA) as defined in TDC 71.020. Properties located within the Wetland Protection District as described in TDC 71.010, or within the portion of the subbasin east of SW Tualatin Road are excepted from the on-site detention facility requirement.

6. TMC 3-5-230 ON-SITE DETENTION DESIGN CRITERIA.

(1) Unless designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity onsite detention facilities shall be designed to capture run-off so the run-off rates from the site after development do not exceed predevelopment conditions, based upon a 25-year, 24-hour return storm.
(2) When designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed predevelopment rates for the 2 through 100 year storms, as required by the determined downstream deficiency.
(3) Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or subbasin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.

7. TMC 3-5-240 ON-SITE DETENTION DESIGN METHOD.

(1) The procedure for determining the detention quantities is set forth in Section 4.4 Retention/Detention Facility Analysis and Design, King County, Washington, Surface Water Design Manual, January, 1990, except subchapters 4.4.5 Tanks, 4.4.6 Vaults and Figure 4.4.4G Permanent Surface Water Control Pond Sign. This reference shall be used for procedure only. The design criteria shall be as noted herein. Engineers desiring to utilize a procedure other than that set forth herein shall obtain City approval prior to submitting calculations utilizing the proposed procedure.
(2) For single family and duplex residential subdivisions, stormwater quantity detention facilities shall be sized for the impervious areas to be created by the subdivision, including all residences on individual lots at a rate of 2640 square feet of impervious surface area per dwelling unit, plus all roads which are assessed a surface water management monthly fee under Unified Sewerage Agency rules. Such facilities shall be constructed as a part of the subdivision public improvements. Construction of a single family or duplex residence on an

existing lot of record is not required to construct stormwater quantity detention facilities.

(3) All developments other than single family and duplex, whether residential, multi-family, commercial, industrial, or other uses, the sizing of stormwater quantity detention facilities shall be based on the impervious area to be created by the development, including structures and all roads and impervious areas which are assessed a surface water management monthly fee under Unified Sewerage Agency rules. Impervious surfaces shall be determined based upon building permits, construction plans, site visits or other appropriate methods deemed reliable by City.

FINDINGS:
As noted in the responses to the TDC, this application involves the redevelopment of the existing site. City staff have indicated that water quantity detention is required for the 25-year storm event for this site. The project is proposing to stay connected to the existing private storm drainage system that serves the site via adjacent properties to the north. City and CWS staff have indicated that this is acceptable. To ensure that the project does not contribute additional flows to this system, the Applicant is proposing to provide water quality detention for the 100-year storm event. Therefore, as demonstrated in the responses to and in compliance with the TDC (to the extent applicable), these provisions are satisfied.

The applicant must submit final stormwater calculations and plans.

This criterion is satisfied with conditions of approval PFR-4, PFR-13, and PFR-18.

III. TMC 3-5 PERMANENT ON-SITE WATER QUALITY FACILITIES

1. TMC 3-5-280 PLACEMENT OF WATER QUALITY FACILITIES.

Title III specifies that certain properties shall install water quality facilities for the purpose of removing phosphorous. No such water quality facilities shall be constructed within the defined area of existing or created wetlands unless a mitigation action, approved by the City, is constructed to replace the area used for the water quality facility.

FINDING:
As demonstrated in the responses to and in compliance with the TDC, the subject site and proposed on-site stormwater facility are not located within the defined area of existing or created wetlands.

This criterion is met.

2. TMC 3-5-330 PERMIT REQUIRED.

Except as provided in TMC 3-5-310, no person shall cause any change to improved or unimproved real property that will, or is likely to, increase the rate or quantity of run-off or pollution from the site without first obtaining a permit from the City and following the conditions of the permit.

FINDINGS:
The applicant has not submitted an application for a Water Quality Permit for the private stormwater facility. The applicant must obtain a Water Quality Permit prior to commencing private or public work.

This criterion is satisfied with conditions of approval PFR-4, PFR-13, and PFR-18.

3. TMC 3-5-340 FACILITIES REQUIRED.

For new development, subject to the exemptions of TMC 3-5-310, no permit for construction, or land development, or plat or site plan shall be approved unless the conditions of the plat, plan or permit approval require permanent stormwater quality control facilities in accordance with this Title III.

FINDINGS:
The applicant has not submitted an application for a Water Quality Permit. The application for the Water Quality Permit must include plans detailing the private water quality facility.

This criterion is satisfied with conditions of approval PFR-4, PFR-13, and PFR-18.

4. TMC 3-5-350 PHOSPHOROUS REMOVAL STANDARD.

The stormwater quality control facilities shall be designed to remove 65 percent of the phosphorous from the runoff from 100 percent of the newly constructed impervious surfaces. Impervious surfaces shall include pavement, buildings, public and private roadways, and all other surfaces with similar runoff characteristics.

FINDINGS:
The preliminary plans and stormwater calculations indicate that the private facility is able to meet phosphorus removal requirements. The final private water quality facility plans and calculations must identify that phosphorous removal requirements are met.

This criterion is satisfied with conditions of approval PFR-4, PFR-13, and PFR-18.

5. TMC 3-5-360 DESIGN STORM.

The stormwater quality control facilities shall be designed to meet the removal efficiency of TMC 3-5-350 for a mean summertime storm event totaling 0.36

inches of precipitation falling in four hours with an average return period of 96 hours.

FINDINGS:
The preliminary plans and stormwater calculations indicate that the private facility is able to meet the design storm. The final private water quality facility plans and calculations must identify that design storm requirements are met.

This criterion is satisfied with conditions of approval PFR-4, PFR-13, and PFR-18.

6. TMC 3-5-390 FACILITY PERMIT APPROVAL.

A stormwater quality control facility permit shall be approved only if the following are met:

(1) The plat, site plan, or permit application includes plans and a certification prepared by an Oregon registered, professional engineer that the proposed stormwater quality control facilities have been designed in accordance with criteria expected to achieve removal efficiencies for total phosphorous required by this Title III. Clean Water Services Design and Construction Standards shall be used in preparing the plan for the water quality facility; and

(2) The plat, site plan, or permit application shall be consistent with the areas used to determine the removal required in TMC 3-5-350; and

(3) A financial assurance, or equivalent security acceptable to the City, is provided by the applicant which assures that the stormwater quality control facilities are constructed according to the plans established in the plat, site plan, or permit approval. The financial assurance may be combined with our financial assurance requirements imposed by the City; and

(4) A stormwater facility agreement identifies who will be responsible for assuring the long term compliance with the operation and maintenance plan.

FINDING:
As demonstrated in the responses to and in compliance with the TDC, the application materials include Preliminary Plans prepared by an Oregon registered, professional engineer, which demonstrates the proposed stormwater facility is designed in accordance with the provisions above and in compliance with the TDC and TMC.

A financial assurance and stormwater facility agreement identifying the responsible party for the long-term compliance with the operation and maintenance plan must be obtained prior to permit issuance.

This criterion is satisfied with conditions of approval PFR-4, PFR-13, and PFR-18.

7. TMC 3-5-430 PLACEMENT OF WATER QUALITY FACILITIES.

No water quality facilities shall be constructed within the defined area of existing or created wetlands unless a mitigation action is approved by the City, and is constructed to replace the area used for water quality.

FINDINGS:
As demonstrated in the responses to and in compliance with the TDC, the subject site is not located within the defined area of existing or created wetlands. Therefore, the proposed stormwater facility is in compliance with this provision.

This criterion is satisfied.

B. TDC CHAPTER 74: PUBLIC IMPROVEMENT REQUIREMENTS

I. TDC SECTION 74.120 PUBLIC IMPROVEMENTS.

(1) Except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. Work must not be undertaken on any public improvement until after the construction plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.

FINDINGS:
The applicant must obtain a public works permit prior to commencing work and complete construction to Public Works Construction Code standards prior to approval.

This criterion is satisfied with conditions of approval PFR-13, PFR-15, and PFR-18.

(2) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.

FINDINGS:
All public improvements proposed as part of this project and required by conditions of approval must be installed by in accordance with the Public Works Construction Code.

This criterion is satisfied with conditions of approval PFR-13, PFR-15, and PFR-18.

II. TDC SECTION 74.130 PRIVATE IMPROVEMENTS.

All private improvements must be installed at the expense of the applicant. The property owner must retain maintenance responsibilities over all private improvements.

FINDINGS:
The applicant will be responsible for proposed utility facilities located within the subject property.

This criterion is satisfied with conditions of approval PFR-18.

III. TDC SECTION 74.140 CONSTRUCTION TIMING.

(1) All the public improvements required under this chapter must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy; or, for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

(2) All private improvements required under this Chapter must be approved by the City prior to the issuance of a Certificate of Occupancy; or for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

FINDINGS:
All public and private improvements must be complete prior to receiving a Certificate of Occupancy.

This criterion is satisfied with conditions of approval PFR-18.

IV. TDC SECTION 74.210 MINIMUM STREET RIGHT-OF-WAY WIDTHS.

The width of streets in feet shall not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is required to be improved according to the standards of the TDC, the width of the right-of-way shall not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

(2) For development applications other than subdivisions and partitions, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width, the additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G of the Tualatin Community Plan must be dedicated to the City for use by the public prior to issuance of any building permit for the proposed development. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.

FINDINGS:

This application is for the redevelopment of the existing building. The subject site has frontage on SW Avery Street which is classified as a Major Collector which allows a right-of-way width of 74 feet down to 54 feet. The existing right-of-way width is 72 feet wide which is adequate right-of-way per the City Engineer. Therefore, additional right-of-way is not proposed or required to be dedicated.

This criterion is satisfied.

V. TDC SECTION 74.330 UTILITY EASEMENTS.

(1) Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities must be granted to the City.

FINDINGS:
As illustrated on the Preliminary Plans an 8-foot wide public utility easement is proposed to be dedicated along the site's frontage. The City Engineer has determined this width is acceptable and no sides or rear easements are needed due to adjacent lots access from other easements and right-of-way.

This criterion is satisfied with conditions of approval PFR-16.

(4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement must be granted to the City; building permits must not be issued for the development prior to acceptance of the easement by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.

FINDINGS:
As illustrated on the Preliminary Plans an 8-foot wide public utility easement is proposed to be dedicated along the site's frontage. The City Engineer has determined this width is acceptable and no sides or rear easements are needed due to adjacent lots access from other easements and right-of-way.

This criterion is satisfied with conditions of approval PFR-16.

(5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines. Other easements may be required as determined by the City Manager.

FINDINGS:
The proposed public utility easement will be eight feet wide along the property frontage. The City Engineer has determined this width is acceptable and no sides or rear

easements are needed due to adjacent lots access from other easements and right-of-way.

This criterion is satisfied with conditions of approval PFR-16.

VI. TDC SECTION 74.420 STREET IMPROVEMENTS.

When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, subject to the following provisions:

(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.

(2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.

(6) All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.

(8) For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.

FINDINGS:
The subject site is adjacent to SW Avery Street (a public street). The existing sidewalk on the site's frontage along SW Avery Street has been evaluated and as illustrated on the Preliminary Plans the sidewalk and driveway must be reconstructed to make it compliant with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, consistent with the provisions above.

SW Avery Street is not constructed to the Preferred cross-section to assure the safety of travelling public. The applicant will need to widen SW Avery Street to a Preferred cross-section reduced by 2 feet within the existing right-of-way or pay a fee-in-lieu. The applicant must submit plans that show widening SW Avery Street within the existing 72 feet of right-of-way to include:

- 28 feet of pavement with striping and gutter
- A 6 foot wide planter strip with curb and street trees
- Street lights if needed
- A 6 foot wide sidewalk adjacent to right-of-way

If the applicant selects a fee-in-lieu of construction of SW Avery Street improvements, the applicant must submit payment. Portions of sidewalk relocated via a public works

permit to be adjacent to the edge of right-of-way, which is the ultimate location, will reduce the fee-in-lieu.

All improvements to SW Avery Street must be completed prior to the issuance of a Certificate of Occupancy.

This criterion is satisfied with conditions of approval PFR-18.

VII. TDC SECTION 74.425 STREET DESIGN STANDARDS.

(4) All streets must be designed and constructed according to the preferred standard. The City Manager may reduce the requirements of the preferred standard based on specific site conditions, but in no event will the requirement be less than the minimum standard. The City Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:

(a) Arterials:
- **(i) Whether adequate right-of-way exists;**
- **(ii) Impacts to properties adjacent to right-of-way;**
- **(iii) Current and future vehicle traffic at the location; and**
- **(iv) Amount of heavy vehicles (buses and trucks).**

(b) Collectors:
- **(i) Whether adequate right-of-way exists;**
- **(ii) Impacts to properties adjacent to right-of-way;**
- **(iii) Amount of heavy vehicles (buses and trucks); and**
- **(iv) Proximity to property zoned manufacturing or industrial.**

(c) Local Streets:
- **(i) Local streets proposed within areas which have environmental constraints and/or sensitive areas and will not have direct residential access may utilize the minimum design standard.**
- **(ii) When the minimum design standard is allowed, the City Manager may determine that no parking signs are required on one or both sides of the street.**

FINDINGS:
This application is for the redevelopment of the existing building. The subject site has frontage on SW Avery Street which is classified as a Major Collector which allows a right-of-way width of 74 feet down to 54 feet. The existing right-of-way width is 72 feet wide which is adequate right-of-way per the City Engineer. Therefore, additional right-of-way is not proposed or required to be dedicated or constructed.

Lancaster Engineering completed a Technical Memorandum, dated March 7, 2019, pertaining to the expected trips generated by the proposed reuse of the existing site as a TVF&R Logistics Service Center. Based on the Technical Memorandum, the proposed use of the site as a TVF&R Logistics Service Center is expected to generate a net increase of 23 morning peak hour trips, 14 evening peak hour trips, and 60 to 86 daily trips. Additionally, SW Avery Street is a Major Collector adjacent to the site,

carrying relatively high traffic volumes. The net increase in trips represents a very minor increase in traffic volumes on the street. Lancaster Engineering does not recommend a full traffic impact study, given the low increase in peak-hour trip generation. City staff has indicated that a traffic study is not warranted.

Lancaster Engineering also submitted a Transportation Study Addendum #1, dated July 2, 2019, evaluated left turn lane warrants and found that none were met and as such a left turn lane was not recommended. The City Engineer has determined that a left turn lane is needed to accommodate the larger vehicles that will be serviced at this location. The applicant must submit plans that show a left turn lane on SW Avery Street.

Lancaster Engineering submitted a proposed striping plan to accommodate traffic within the existing cross-section on August 6, 2019. The City Engineer determined that SW Avery Street cannot be restriped to meet the Preferred cross-section to assure the safety of travelling public.

SW Avery Street is not constructed to the Preferred cross-section to assure the safety of travelling public. The applicant will need to widen SW Avery Street to a Preferred cross-section reduced by 2 feet within the existing right-of-way or pay a fee-in-lieu. The applicant must submit plans that show widening SW Avery Street within the existing 72 feet of right-of-way to include:

- 28 feet of pavement with striping and gutter
- A 6 foot wide planter strip with curb and street trees
- Street lights if needed
- A 6 foot wide sidewalk adjacent to right-of-way

If the applicant selects a fee-in-lieu of construction of SW Avery Street improvements, the applicant must submit payment. Portions of sidewalk relocated via a public works permit to be adjacent to the edge of right-of-way, which is the ultimate location, will reduce the fee-in-lieu.

This criterion is satisfied with conditions of approval PFR-6.

VIII. TDC SECTION 74.430 STREETS, MODIFICATIONS OF REQUIREMENTS IN CASES OF UNUSUAL CONDITIONS.

(1) When, in the opinion of the City Manager, the construction of street improvements in accordance with TDC 74.420 would result in the creation of a hazard, or would be impractical, or would be detrimental to the City, the City Manager may modify the scope of the required improvement to eliminate such hazardous, impractical, or detrimental results. Examples of conditions requiring modifications to improvement requirements include but are not limited to horizontal alignment, vertical alignment, significant stands of trees, fish and wildlife habitat areas, the amount of traffic generated by the proposed development, timing of the development or other conditions creating hazards for pedestrian, bicycle or motor vehicle traffic. The City Manager may determine that, although an improvement may be impractical at the time of development, it will be

necessary at some future date. In such cases, a written agreement guaranteeing future performance by the applicant in installing the required improvements must be signed by the applicant and approved by the City.

FINDINGS:
The City Engineer has determined that the current right-of-way width of 72 feet can accommodate the preferred cross-section that totals 74 feet with a reduction of width of elements.

SW Avery Street is not constructed to the Preferred cross-section to assure the safety of travelling public. The applicant will need to widen SW Avery Street to a Preferred cross-section reduced by 2 feet within the existing right-of-way or pay a fee-in-lieu. The applicant must submit plans that show widening SW Avery Street within the existing 72 feet of right-of-way to include:

- 28 feet of pavement with striping and gutter
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If the applicant selects a fee-in-lieu of construction of SW Avery Street improvements, the applicant must submit payment. Portions of sidewalk relocated via a public works permit to be adjacent to the edge of right-of-way, which is the ultimate location, will reduce the fee-in-lieu.

This criterion is satisfied with conditions of approval PFR-6.

IX. TDC 74.440 STREETS, TRAFFIC STUDY REQUIRED

(1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:
(a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or
(b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.
(2) The required traffic study must be completed prior to the approval of the development application.
(3) The traffic study must include, at a minimum:
(a) an analysis of the existing situation, including the level of service on adjacent and impacted facilities.
(b) an analysis of any existing safety deficiencies.
(c) proposed trip generation and distribution for the proposed development.
(d) projected levels of service on adjacent and impacted facilities.

(e) recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.
(f) The City Manager will determine which facilities are impacted and need to be included in the study.
(g) The study must be conducted by a registered engineer.

FINDINGS:
Lancaster Engineering completed a Technical Memorandum, dated March 7, 2019, pertaining to the expected trips generated by the proposed reuse of the existing site as a TVF&R Logistics Service Center. Based on the Technical Memorandum, the proposed use of the site as a TVF&R Logistics Service Center is expected to generate a net increase of 23 morning peak hour trips, 14 evening peak hour trips, and 60 to 86 daily trips. Additionally, SW Avery Street is a Major Collector adjacent to the site, carrying relatively high traffic volumes. The net increase in trips represents a very minor increase in traffic volumes on the street. Lancaster Engineering does not recommend a full traffic impact study, given the low increase in peak-hour trip generation. City staff has indicated that a traffic study is not warranted.

Lancaster Engineering also submitted a Transportation Study Addendum #1, dated July 2, 2019, evaluated left turn lane warrants and found that none were met and as such a left turn lane was not recommended. The City Engineer has determined that a left turn lane is needed to accommodate the larger vehicles that will be serviced at this location. The applicant must submit plans that show a left turn lane on SW Avery Street.

Lancaster Engineering submitted a proposed striping plan to accommodate traffic within the existing cross-section on August 6, 2019. The City Engineer determined that SW Avery Street cannot be restriped to meet the Preferred cross-section to assure the safety of travelling public.

SW Avery Street is not constructed to the Preferred cross-section to assure the safety of travelling public. The applicant will need to widen SW Avery Street to a Preferred cross-section reduced by 2 feet within the existing right-of-way or pay a fee-in-lieu. The applicant must submit plans that show widening SW Avery Street within the existing 72 feet of right-of-way to include:

- 28 feet of pavement with striping and gutter
- A 6 foot wide planter strip with curb and street trees
- Street lights if needed
- A 6 foot wide sidewalk adjacent to right-of-way

If the applicant selects a fee-in-lieu of construction of SW Avery Street improvements, the applicant must submit payment. Portions of sidewalk relocated via a public works permit to be adjacent to the edge of right-of-way, which is the ultimate location, will reduce the fee-in-lieu.

This criterion is satisfied with conditions of approval PFR-6.

X. TDC SECTION 74.470 STREET LIGHTS.

(1) Street light poles and luminaries must be installed in accordance with the Public Works Construction Code.

FINDINGS:
There are existing street lights on SW Avery Street and no new lights are proposed. The City Engineer confirmed that no improvements to the lights are needed in this location. Therefore, to the extent applicable, this criterion is satisfied.

This criterion is satisfied.

(2) The applicant must submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.

FINDINGS:
A Preliminary Lighting Plan was submitted. The City Engineer confirmed that no improvements to the lights are needed in this location. Therefore, to the extent applicable, this criterion is satisfied.

XI. TDC SECTION 74.485 STREET TREES.

(3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.

FINDINGS:
Street trees are proposed to be installed on the site's frontage along SW Avery Street as illustrated on the Preliminary Landscape Plan. The species and spacing of proposed street trees must be in conformance with the Street Tree Ordinance.

This criterion is satisfied with conditions of approval PFR-7, PFR-13, and PFR-18.

XII. TDC SECTION 74.610 WATER SERVICE.

(1) Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.

FINDINGS:
The existing water to the subject site and TVF&R Logistics Service Center as illustrated on the Preliminary Public Facilities Plan includes a single lateral to the public main within SW Avery Street for domestic and fire service. This system includes a water meter and fire vault, but proposes to add a 1.5" double check for irrigation. There is no backflow for the domestic service.

To bring the water system into compliance with code final plans must include:

1) Abandonment of the 1 ½" tap from the existing 6" fire line with a plug.
2) A tap for a 2" separate service for their domestic line with valve off the 12" main on SW Avery Street and an approved Reduced Pressure Backflow Device (RPBD).
3) A separate backflow device for the irrigation system on the private-side service in addition.

A public works construction permit for water system plans must be obtained prior to obtaining a Building Permit. The applicant has not applied for a public works permit for these improvements. The applicant must submit water system plans that show location of the water lines, grade, materials, and other details prior to obtaining a public works permit.

This criterion is satisfied with conditions of approval PFR-1, PFR-13, and PFR-18.

(2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.

FINDINGS:
Undeveloped properties are not adjacent to the subject site. Therefore, this criterion is not applicable.

This criterion is satisfied.

(3) As set forth is TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

FINDINGS:
As previously noted, the proposed development is a reuse of the existing building. Therefore, the redeveloped building will continue to connect to the appropriate water service level.

The existing water to the subject site and TVF&R Logistics Service Center as illustrated on the Preliminary Public Facilities Plan includes a single lateral to the public main within SW Avery Street for domestic and fire service. This system includes a water meter and fire vault, but proposes to add a 1.5" double check for irrigation. There is no backflow for the domestic service.

To bring the water system into compliance with code final plans must include:
1) Abandonment of the 1 ½" tap from the existing 6" fire line with a plug.

2) A tap for a 2” separate service for their domestic line with valve off the 12” main on SW Avery Street and an approved Reduced Pressure Backflow Device (RPBD).
3) A separate backflow device for the irrigation system on the private-side service in addition.

A public works construction permit for water system plans must be obtained prior to obtaining a Building Permit. The applicant has not applied for a public works permit for these improvements. The applicant must submit water system plans that show location of the water lines, grade, materials, and other details prior to obtaining a public works permit.

This criterion is satisfied with conditions of approval PFR-1, PFR-13, and PFR-18.

XIII. TDC SECTION 74.620 SANITARY SEWER SERVICE.

(1) Sanitary sewer lines must be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

FINDINGS:
As previously noted, the proposed development is a reuse of the existing building, the creation of new property is not proposed. The existing site is served by an existing private sanitary sewer system over adjacent private properties to the north. The Applicant is proposing to continue to utilize the existing private sewer system. A sanitary sewer easement, to the benefit of the subject property, currently exists for this purpose. Based on discussions with City staff it is understood that it is acceptable for the project to remain connected to this system.

This criterion is satisfied with conditions of approval PFR-18.

(2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.

FINDINGS:
As previously noted above, adjacent properties are developed. Therefore, this criterion is not applicable.

This criterion is satisfied.

XIV. TDC SECTION 74.630 STORM DRAINAGE SYSTEM.

(1) Storm drainage lines must be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

FINDINGS:
As illustrated on the Preliminary Public Facilities Plan, a stormwater facility and infrastructure are proposed to provide on-site stormwater management. The existing site is served by an existing private storm drainage system over adjacent private properties to the north. The Applicant is proposing to continue use of the existing private storm drainage system. The Applicant is currently working with adjacent private property owners to obtain an easement over the existing system for this purpose. Based on discussions with City staff it is understood that it is acceptable for the project to remain connected to this system.

Preliminary stormwater calculations have been submitted. Final stormwater calculations will be submitted prior to issuance of permits.

This criterion is satisfied with conditions of approval PFR-4, PFR-9, PFR-10, PFR-13, and PFR-18.

(2) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City's Storm and Surface Water Regulations.

FINDINGS:
City staff have indicated that water quantity detention is required for the 25-year storm event for this site. The project is proposing to stay connected to the existing private storm drainage system that serves the site via adjacent properties to the north. City and CWS staff have indicated that this is acceptable. To ensure that the project does not contribute additional flows to this system, the Applicant is proposing to provide water quality detention for the 100-year storm event. Therefore, this criterion is satisfied.

This criterion is satisfied with conditions of approval PFR-4, PFR-9, PFR-10, PFR-13, and PFR-18.

(3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the Tualatin Drainage Plan in TDC Chapter 14.

FINDINGS:
As previously noted above, undeveloped properties are not adjacent to the subject site. Therefore, this criterion is not applicable.

This criterion is satisfied.

XV. TDC SECTION 74.640 GRADING.

(1) Development sites must be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.

FINDINGS:
The Preliminary Grading Plan and Preliminary Public Facilities Plan demonstrate the proposed grading minimizes the impact of stormwater runoff onto adjacent properties. The applicant must submit final plans that show drainage not adversely affecting adjacent properties.

This criterion is satisfied with conditions of approval PFR-2, PFR-3, PFR-10, PFR-13, and PFR-18.

(2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.

FINDINGS:
The Preliminary Grading Plan and Preliminary Public Facilities Plan demonstrate the proposed site will be served by gravity drainage. The applicant must submit final plans that shows gravity drainage.

This criterion is satisfied with conditions of approval PFR-2, PFR-3, PFR-10, PFR-13, and PFR-18.

XVI. TDC SECTION 74.650 WATER QUALITY, STORM WATER DETENTION AND EROSION CONTROL.

The applicant must comply with the water quality, storm water detention and erosion control requirements in the Surface Water Management Ordinance. If required:

(2) On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.

FINDINGS:

As illustrated on the Preliminary Plans an on-site stormwater facility is proposed as part of this application. A Preliminary Stormwater Report was included which provides information pertaining to design and calculations.

The applicant has submitted a Service Provider Letter from Clean Water Services indicating that Sensitive Areas do not exist on-site. A CWS Memorandum was received dated June 7, 2019 for development on this site.

The applicant must submit final plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions.

This criterion is satisfied with conditions of approval PFR-4, PFR-9, PFR-10, PFR-13, and PFR-18.

(3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

FINDINGS:
No preliminary stormwater facility agreement was provided. Preliminary erosion control plans were submitted.

A stormwater facility agreement that includes an operation and maintenance plan must be recorded.

A final erosion control plan must be submitted prior to approval of a Public Works Permit. Stormwater and water quality for each building and associated impervious surface will be accommodated on-site. The applicant must obtain a 1200CN Construction Erosion Control permit from Clean Water Services as agent for Oregon DEQ and obtain a grading and erosion control permit from the City of Tualatin prior to issuance of construction permits.

This criterion is satisfied with conditions of approval PFR-2, PFR-3, PFR-13, and PFR-18.

XVII. TDC 74.660 UNDERGROUND

(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines,

and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.

FINDINGS:
The Preliminary Public Facilities Plan shows that the proposed underground utilities associated with the development of the existing site and for the future construction of a fuel enclosure are designed to be constructed in accordance with the provisions above, as applicable.

This criterion is satisfied with conditions of approval PFR-13, and PFR-18.

XVIII. TDC SECTION 74.670 EXISTING STRUCTURES.

(1) Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.

FINDINGS:
As noted above and as shown on the Preliminary Plans the proposed redevelopment of the existing building is in compliance with the provisions above. Therefore, these criteria are satisfied.

XIX. TDC SECTION 74.765 STREET TREE SPECIES AND PLANTING LOCATIONS.

All trees, plants or shrubs planted in the right-of-way of the City must conform in species and location and in accordance with the street tree plan and City standards, including Table 74-1. If the City Manager determines that none of the species in City standards, including Table 74-1 is appropriate or finds appropriate a species not listed, the City Manager may substitute an unlisted species.

FINDINGS:
Street trees are proposed to be installed on the site's frontage along SW Avery Street as illustrated on the Preliminary Landscape Plan. The species and spacing of proposed street trees must be in conformance with the Street Tree Ordinance.

This criterion is satisfied with conditions of approval PFR-7, PFR-13, and PFR-18.

C. TDC CHAPTER 75: ACCESS MANAGEMENT

I. TDC SECTION 75.040 – DRIVEWAY APPROACH REQUIREMENTS.

(1) The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.

FINDINGS:
The subject site contains an existing 36-foot wide driveway approach. The driveway approach is illustrated on the Preliminary Plans, which is in compliance with City standards. Therefore, the criteria are satisfied.

(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.
(3) Joint and Cross Access.
- **(a) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.**
- **(b) A system of joint use driveways and cross access easements may be required and may incorporate the following:**
  - **(i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;**
  - **(ii) A design speed of 10 mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;**
  - **(iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and**
  - **(iv) An unified access and circulation system plan for coordinated or shared parking areas.**
- **(c) Pursuant to this section, property owners may be required to:**
  - **(i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;**
  - **(ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;**
  - **(iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and**

(iv) If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.

FINDINGS:
As noted above and as illustrated on the Preliminary Plans this application involves the redevelopment of the existing site and the existing driveway approach will continue to serve as the main access to the TVF&R Logistics Service Center. The subject site is adjacent to an existing elementary school (to the east) and the site's western property line is adjacent to an existing private drive. As noted above, the Applicant is in coordination with the property owner to the west to obtain a pedestrian and vehicle access easement to the site over the existing adjacent private drive. However, a joint access or cross access is not necessary or warranted. To the extent applicable, these provisions are satisfied.

The applicant has not submitted a temporary construction or shared access easement over the private drive on property to the west. If the private drive is to be used for construction access from SW Avery Street, then a temporary access easement must be recorded prior to Building permit issuance. If the private drive is to be used for emergency vehicle or shared use than, the applicant must record an emergency vehicle or shared access easement, respectively, over the private drive aisle to the west connecting to SW Avery Street.

This criterion is satisfied with conditions of approval PFR-19 and PFR-20.

(6) Except as provided in TDC 53.100, all driveway approach must connect directly with public streets.

FINDINGS:
As illustrated on the Preliminary Site Plan, the existing driveway approach connects directly with SW Avery Street (a public street), which will continue to serve the TVF&R Logistics Service Center. Therefore, this criterion is satisfied.

(7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section must be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.

FINDINGS:
As illustrated on the Preliminary Site Plan, sidewalks exist along the site's frontage on SW Avery Street. The existing sidewalk will be reconstructed to make it compliant with the TDC and continue to provide safe pedestrian access and egress.

This criterion is satisfied with conditions of approval PFR-11.

(9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width).

Table 75-1 Driveway Approach Width	
Use	Minimum Driveway Approach Width
Industrial	36 feet

FINDINGS:
As illustrated on the Preliminary Site Plan the driveway approach is 36-foot wide, therefore in compliance with the minimum driveway approach width for an industrial use. Therefore, this criterion is met.

(10) Driveway Approach Separation. 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.

FINDINGS:
As illustrated on the Preliminary Site Plan the existing driveway approach is the only one on this property, therefore in compliance with the minimum driveway approach separation distance. Therefore, this criterion is satisfied.

(11) Distance between Driveways and Intersections. Except for single-family dwellings, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection.

- **(a) At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.**
- **(b) At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.**
- **(c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.**
- **(d) When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.**

FINDINGS:
The existing driveway approach is approximately 200 feet from the nearest local street and 645 feet from the nearest collector. This spacing meets these provisions and will continue to remain in compliance. Therefore, the provisions are satisfied.

(12) Vision Clearance Area.

(a) Local Streets. A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 10 feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

(b) Collector Streets. A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be 10 feet (see Figure 73-2 for illustration).

(c) Vertical Height Restriction. Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

FINDINGS:

The vision clearance areas are illustrated on the Preliminary Plans are consistent with the provisions above. Therefore, these criteria are satisfied.