



City of Tualatin

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September 4, 2019

ARCHITECTURAL REVIEW AND PUBLIC FACILITIES DECISION

AR 19-0003

**** APPROVAL WITH CONDITIONS ****

Case #:	AR 19-0003
Project:	Mutual Materials Tualatin
Location:	10700 SW Tualatin-Sherwood Road; Tax lot: 2S1 27AA 02100
Applicant:	Suzannah Stanley, Mackenzie: 503-224-9560
Owner:	Kimberly Eiring, Mutual Materials

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Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503.691.3026 and allow as much lead time as possible.

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 61: General Manufacturing Zone (MG)
- TDC 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- 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 site at 10700 SW Tualatin-Sherwood Road is a five-acre flag lot which is zoned General Manufacturing (MG). The property takes access from SW Tualatin-Sherwood Road via a 595 foot wide driveway extending from the north side of the property, and is shared with two adjacent parcels that were created through a partition by Specht Development in 2002 (PAR 02-03). The subject site is vacant and described as Parcel #3 of the 2002 partition. Parcel #1 was developed as Arlington Commons, an industrial condominium development that consists of two buildings. Parcel #2 was developed as a Lakeside Lumber facility, which processes and warehouses siding products. The site has a gentle downhill slope from southwest to northeast.

The applicant, Mutual Materials, represented by Mackenzie, requests approval for a 4,200-square foot showroom/office building for the wholesale sales of bricks and pavers on the subject site. The proposal also includes 9,000 square feet of outdoor showroom space, an 11,700-square foot storage building, 27 parking stalls and associated hardscaped and landscaped areas. A stormwater facility is proposed at the north end of the site.

C. Previous Land Use Actions

- CUP 08-02 – Expired; Conditional Use Permit approval in July of 2008
- CUP 09-03 – Expired; Extension of CUP 08-02 in July of 2009
- AR 08-13 – Expired; approval in August of 2008
- CUP 19-0001 – Granted June of 2019 for the wholesale sale of building materials and supplies

D. Surrounding Uses

Surrounding uses indicate a transitional area including light industrial and residential uses to the south. Adjacent land uses include:

North: General Manufacturing (MG)

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

- South: Light Manufacturing (ML)
- Portland & Western Railroad track
 - Metal fabricators shop

- West: General Manufacturing (MG)
- Ethan Allen warehouse
 - Hartman & Forbes warehouse

- East: General Manufacturing (MG)
- Vacant land (Air Liquide)

Figure 1: Aerial view of subject site (highlighted)



E. Exhibit List

- A: Application Materials
 - A1. Applicant's Narrative
 - A2. Plan Set
 - A3. Arborist's Report
 - A4. Traffic Report
 - A5. Supporting Documents
- B: City Engineer's Public Facilities Review and Decision for AR-19-0003
- C: CUP 19-0001 Conditions of Approval
- D: Clean Water Services Memo— June 3, 2019
- E: Tualatin Valley Fire & Rescue Memo— May 29, 2019
- F: Washington County Memo—June 13, 2019
- G: Noticing Materials

F. Public and Agency Comments

Agency comments were received from CWS (Exhibit D), TVF&R (Exhibit E), and Washington County (Exhibit F). No comments were received from community members during the public comment period.

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented, staff recommends approval of AR-19-0003 subject to the following architectural features conditions (A):

GENERAL:

- A1. This Architectural Review approval shall expire after two years unless a building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division, or an extension is granted under the terms of Section 33.020(10).
- A2. The applicant must comply with the incorporated Public Facilities Recommendation (Exhibit B) from the City of Tualatin Engineering Division, pursuant to Section 33.020(6)(a)(ii).
- A3. AR 19-0003 must comply with conditions attached to CUP 19-0001 (Exhibit C).

PRIOR TO BUILDING OR ENGINEERING PERMIT ISSUANCE:

- A4. The applicant must submit revised plans showing:
 - a. Tree protection fencing for trees located on adjacent properties along the northern and western border, that meets the standards of Section 73B.070(3).
- A5. The applicant must install the tree protection fencing consistent with Section 73B.070(3). Please contact the Planning Division and provide at least 48 hours' notice.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A6. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.300(4)(d).
- A7. The applicant must install a bike parking facility that will provide a minimum of two covered spaces that are at least six-feet wide by two-feet long with five-foot wide maneuvering area, pursuant to Section 73C.050.
- A8. The applicant must install bicycle parking signage per MUTCD standards and vanpool/carpool parking signage, pursuant to Section 73C.050(2)(d) and 73C.100(2).
- A9. 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 and provide at least 48 hours' notice. 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:

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

- A11. All sign permits require separate sign permit approval. This approval does not constitute sign permit approval.
- A12. All landscaping approved through the AR process must be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, except as permitted under Section 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.
- A13. All building exterior improvements approved through the AR process must be continually maintained, including necessary painting and repair, so as to remain substantially similar to original approval through the AR process, except as permitted under Section 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 shall be maintained to meet the vision clearance requirements of TDC Figure 73-2.
- A16. The proposed development must comply with the Environmental Regulations of TDC 63.
- A17. The proposed development must comply with all applicable standards and objectives set forth in TDC Chapters 73A through 73D.

III. PLANNING FINDINGS

The Planning Division findings reference the TDC, unless otherwise noted.

Chapter 32: Procedures

[...]

Section 32.010 – Purpose and Applicability.

[...]

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

[...]

(b) Type II Procedure (Administrative/Staff Review with Notice). A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are “limited land use decisions” as defined in ORS 197.015 are so noted in Table 32-1.

[...]

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

Table 32-1 – Applications Types and Review Procedures

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
Architectural Review						
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 28, 2019. The 120th day will be September 25, 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 March 20, 2019, approximately 3 weeks 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 April 1, 2019, 11 days prior to application submittal. The applicant has provided documentation of sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from the meeting. These standards are met.

Section 32.130 – Initiation of Applications.

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

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

[...]

Finding:

The applicant has provided a title report within Exhibit A showing Mutual Materials to be the current owner of the subject site. The application has been signed by an agent of Mutual Materials. This standard is met.

Section 32.140 – Application Submittal.

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

- (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 19-0003 on April 12, 2019. These application was deemed complete on May 28, 2019. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

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

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

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

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

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

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

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

Finding:

The applicant provided certification within Exhibit 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 19-0003 on April 12, 2019. Revisions were submitted May 10, 2019. The application was deemed complete May 28, 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 application for AR 19-0003 was mailed by city staff on May 30, 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.

(ii) Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

Finding:

Chapters TDC 73A through 73D relating to site design, landscape design, parking standards, and waste and recyclables management standards are applicable to the subject proposal. Findings to these standards are located in appropriate sections of this report. TDC Chapter 73E through 73G are not applicable. With conditions, this standard is 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.

[...]

(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.

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(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

(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 inventory and assessment 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.

Finding:

The assessment report included as Exhibit A identifies 14 trees proposed for removal on the development site. The removal of tree #3879 is due to (i) disease and the removal of the remaining 13 trees is due to (iii) development. These standards are met.

Chapter 61: General Manufacturing Zone (MG)

[...]

Section 61.200 Use Categories

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

[...]

Excerpted from Table 61-1: Use Categories in the MG Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INDUSTRIAL USE CATEGORIES		
Wholesale sales	P/C (L)	[...] Conditional use permit required for wholesale sales of building materials and supplies.

Finding:

The subject property is within the General Manufacturing (MG) Planning District. As noted in Table 61-1 of TDC, Use Categories in the MG Zone, the Wholesale Sales of building materials is an Industrial use requiring Conditional Use Permit approval. CUP 19-0001 granted the applicant conditional use for the Wholesale Sales of building materials and supplies, specifically for the sale of bricks and pavers to industry professionals. With Condition of Approval A3, this standard is met.

Section 61.210 Additional Limitations on Uses

[...]

Finding:

Wholesale sales of building materials and supplies were conditionally permitted under CUP 19-0001 for the subject site. No uses subject to the limitations of TDC 61.210 are proposed. This section does not apply.

Section 61.300 Development Standards

Development standards in the MG zone are listed in Table 61-2. Additional standards may apply to some uses and situations, see TDC 61.310.

[...]

Excerpted from Table 61-2: Development Standards in MG Zone			
Standard	Direction	Required (ft)	Proposed (ft)
Minimum Setbacks			
Front	North	30 feet	786 feet
Rear	South	N/A¹	10 feet
Side	North	0 to 50 feet	94 feet
Side	East	0 to 50 feet	84.5 feet
Side	West	0 to 50 feet	10 feet
Parking and Circulation	South	5 feet	7.5 feet
Parking and Circulation	Others	5 feet	Over 10 feet
Structure Height			
Maximum Height		60 feet	22.42 feet

¹ Per TDC Section 61.060(7), no setback is applicable to rear and side lot lines adjacent to railroad rights-of-way.

Finding:

As shown in Exhibit A (Site Plan C1.10 and Elevations A3.1), these standards are met.

Section 61.310 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:

The proposed development is to support wholesale sales of building materials and supplies approved through CUP 19-0001. The wholesale sales activity will be wholly enclosed in the proposed showroom building. Associated supporting site activities include materials handling within the paved storage and loading yard on the west portion of the site. Materials will be inventoried in the proposed storage building along the western property line, and the 13 storage bays along the southern property line. The remaining yard area will be used for the loading of materials, such as management of shipments-in and shipments-out, which is a form of off-street loading permitted per this subsection. This standard is met.

(2) 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.
- [...]

Finding:

The subject site is approximately 350' from residential property in the southwestern corner of the site. The concrete storage bays along the southern property line and the trash enclosure in the southwest corner of the site are the only elements located within 450' of the nearest residentially zoned property. No doorways larger than 64 square feet or building mechanical devices are proposed with the storage bays or trash enclosure. Access to both structures is from the side opposite the residential area; therefore no sound barrier is required. Additionally a railroad right-of-way separates the subject property from the residentially zoned property. These standards are met.

Chapter 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations

[...]

Section 63.020 – Applicability.

The regulations of this Chapter apply to:

- (1) All industrial uses and utilities, regardless of the Planning District in which they are located, and**
- (2) All Manufacturing Planning Districts, regardless of the use category**

[...]

Finding:

The proposed wholesale sales use is of an industrial nature and the site is located in the General Manufacturing District therefore the noise, vibration, air quality, odor, heat and glare, materials storage, waste disposal, and dangerous substances regulations of this Chapter apply to the use and site. With Condition of Approval A16 these regulations are 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 Exhibit A (Site Plan C1.10), a 6 foot-wide walkway of architectural slab is provided between the main entrance and the existing walkway along the shared entrance drive to SW Tualatin-Sherwood Road. Further evaluation for ADA standards will be conducted during the building permit phase. No walkways are proposed through the parking or loading areas. There are no outdoor recreation access routes required for this site. These standards are met.

(2) Accessways.

- (a) When Required. Accessways are required to be constructed when a common wall development is adjacent to any of the following:**
 - (i) Residential property;**
 - (ii) Commercial property;**
 - (iii) Areas intended for public use, such as schools and parks; and**
 - (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.**

Finding:

This development is not located adjacent to residential and commercial properties or areas intended for public use. This standard is not applicable.

[...]

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

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;**
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;**
- (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;**

Finding:

As shown in the elevations, Exhibit A, extensive windows are provided on the north and west elevations facing the parking areas. The proposed development of the flag lot is located over 600 feet from the nearest public roadway; therefore no surveillance is possible from the public right-of-way. The photometric plan contained in Exhibit A includes exterior building lighting, storage yard lighting and parking lot lighting. Five wall-mounted light fixtures will be placed on the east side of the storage

building to light the adjacent storage yard. Five light poles, 30' in height, will be placed in the parking area. All lights selected are full cutoff to reduce light pollution. These standards are met.

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

Finding:

The applicant will be required to provide building identification in a manner that complies with the above criterion, subject to approval by TVF&R. With Condition of Approval A6, this standard is met.

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

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

Finding:

A transformer will be located adjacent to the east elevation of the showroom building, which will be screened by a 6'-tall block wall (see Site Plan C1.10, Exhibit A). Outdoor storage of material is isolated to the 11,700-SF storage building on the western side of the site and 13 storage bays in the southwestern corner. The storage building is a pre-fabricated metal structure walled on the north, west, and south sides, with a sight-obscuring gate providing security and access from the east. The storage building includes a roof, and therefore fully conceals materials stored inside the structure. The 13 storage bays are formed by concrete tilt slabs on the west, south, and east sides, with no roof. Landscape screening is proposed along the north, south, and west property lines to obscure the storage yard area from the adjacent properties, obscuring the storage yard area from the adjacent properties. No facilities described in section "c" are provided on this site. This standard is not applicable. All other 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 Tualatin-Sherwood Road, which is designated as a transit street in TDC Chapter 11 (Figure 11-5). As shown in Exhibit A (Site Plan C1.10), a sidewalk connection exists along the flag frontage to SW Tualatin-Sherwood Road. The site is not adjacent to a major transit stop. 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
[...]	
(3) CO, CR, CC, CG, ML and MG zones <i>except</i> within the Core Area Parking District – All uses	15% of the total area to be developed

[...]

Finding:

As shown on the Site Plan C1.10 in Exhibit A, approximately 45% 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.
- (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:

As shown on the Landscape Plan L1.10 in Exhibit A, all areas not occupied by buildings, parking spaces, drive aisles, or pedestrian areas, are proposed to be landscaped with a variety of materials (see sheet L1.10). The building's northern, eastern, and western perimeter are viewable by the general public. As shown on the Site Plan C1.10, the area adjacent to the northern perimeter features an architectural slab sidewalk with landscaped area beyond, as well as a 6 foot wide landscaped area along the western perimeter. The landscape area located in the northeast corner of the site provides a patio area for product display, which is included in the total landscape area calculation. These standards are met.

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

The following are minimum standards for landscaping for all zones.

(1) Required Landscape Areas	<ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot be used to meet this requirement.
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	<ul style="list-style-type: none"> • A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
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Finding:

As shown in Exhibit A, Landscape Plan L1.10, living grass and plant materials are proposed to cover the new landscape areas. New plantings near pedestrian areas are generally shrubs and grasses, as well as Green Vase and Eastern redbud, which will not interfere with visibility. This standard is met.

(2) Fences	<ul style="list-style-type: none"> • Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
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Finding:

Perimeter fencing is proposed for site security, with portions of the fence adjacent to landscape areas. The site is surrounded by industrial developments and fronts an arterial road that facilitates many vehicular trips per day. There are no designated natural wildlife areas or crossings adjacent to the property. The intent of the fencing is to secure the site and deter unwanted visitors or trespassers, especially as truck traffic utilizes the site for loading and delivery throughout the day. Therefore, the proposed fencing would act to prevent wild animals from entering the industrial site and guide them around the perimeter to safer locations more appropriate for animals. The submitted landscape plans show all proposed fencing locations. This standard is met.

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

All existing trees will be impacted by development or disease and are proposed for removal as previously discussed. With Conditions of Approval A4 and A5, these standards are met.

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

Proposed grading associated with this project is generally designed to provide level building areas and paved areas that divert to catch basins. As shown in Exhibit A (Sheet C1.20), all landscaped areas shall have positive drainage. Grading and erosion control is further addressed in the Public Facilities Decision (Exhibit B). This standard is met.

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

As shown in Exhibit A (see e.g. Note 3 of Landscape Plan L1.10), the proposal includes an automatic irrigation system and automatic rain shutoff controller providing 100% head-to-head coverage for all landscaped areas. This standard is met.

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

The application proposes to improve the entire site, leaving no unoccupied area on the property. This standard does not apply.

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

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

Standard	
(1) Deciduous Shade Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; • Reach a mature height of 30 feet or more; • Cast moderate to dense shade in summer; • Live over 60 years; • Do well in urban environments, tolerant of pollution and heat, and resistant to drought; • Require little maintenance and mechanically strong; • Insect- and disease-resistant; • Require little pruning; and • Barren of fruit production.
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species
(3) Coniferous Trees	<ul style="list-style-type: none"> • 5 feet in height above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> • One to five gallon size; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • Side of shrub with best foliage must be oriented to public view.
(5) Groundcovers	<ul style="list-style-type: none"> • Fully rooted; • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited.
(6) Lawns	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species.

Finding:

As shown in Exhibit A (Plant Material Schedule of the Landscaping Plan L1.10), new landscaping proposed in the development area will meet the planting standards for each plant category. Additional landscaping in the vegetated corridor will be required to comply with Clean Water Services' regulations. 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;

[...]

Finding:

As shown in Exhibit A (Site Plan C1.10), 19 parking stalls measuring 9' x 17' are proposed around the showroom building and are adjacent to a 6.5' walkway that can accommodate vehicle overhang of 1.5", thus meeting the dimensional requirements of Figure 73-1. Eight subcompact parking stalls measuring 9' x 16.5' are proposed on the northern side of the north parking lot drive aisle. The drive aisle between parking lanes is 24'. This standard is met.

(2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;

(3) Parking stalls must be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;

Finding:

As noted in Exhibit A (pavement legend of Site Plan C1.10), the applicant proposes asphalt paving for the drive aisles, and pavers for the parking stalls, which is an acceptable material per this section. This standard is met.

(4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;

Finding:

Vehicle areas will be paved and are designed to drain into catch basins that flow to the on-site water quality and detention facility. This standard is met.

(5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.

Finding:

Curbs are provided to separate parking from landscaping and pedestrian areas. This standard is met.

(6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;

Finding:

Two ADA parking stalls are included with the proposal. ADA standards must be addressed during the building permit process. This standard is met.

(7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;

Finding:

Thirteen stalls are needed to satisfy the requirements of TDC 73C.100, as discussed later in this report. The 35% allowance would provide flexibility for five compact stalls outright. There are 14 stalls provided, which exceeds the minimum requirement; therefore the proposal of 8 subcompact stalls meets the standard.

(8) Groups of more than 4 parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;

(9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;

(10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;

Finding:

The proposed parking is located over 600' from the right-of-way, no vehicles will need to back into the street with the proposed site layout. As reflected in Exhibit A (Site Plan C1.10), the north drive aisle is 24' wide, the west drive aisle is 29.5' wide, and the entrance driveway is 30' wide. This standard is met.

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

Finding:

The project site does not abut a residential planning district. In addition, the site is set back over 600' from SW Tualatin-Sherwood Road. As shown in Exhibit A (Lighting Plan C1.31 and corresponding lighting cut sheets C1.32), the site lighting fixtures are designed to direct light in the desired area and include shields which limit offsite spill and glare. This standard is 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.

Finding:

The applicant proposes to provide a stationary rack, covered by the showroom building canopy. With Condition of Approval A7 this standard is met.

(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;
- [...]

Finding:

As shown in Exhibit A (Keynotes 17 and 32 of the Site Plan C1.10, bicycle parking and signage will be provided on the northeast corner of the showroom building’s patio area. Adequate lighting will be provided in the area, as reflected on the Photometric Plan C1.31. With Conditions of Approval A7 and A8 these standards are met.

[...]

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

(1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City:

USE	MINIMUM VEHICLE PARKING	MAXIMUM VEHICLE PARKING	BICYCLE PARKING	COVERED BICYCLE PARKING
(f) Industrial				
(iii) Wholesale establishment	3.00 spaces per 1,000 square feet of gross floor area	None	2, or 0.50 spaces per 1,000 gross square feet, whichever is greater	First 5 spaces or 30%, whichever is greater

Finding:

The 4,200 square foot showroom building requires 13 vehicle parking spaces and two bicycle parking spaces. As shown in Exhibit A (Site Plan C1.10) 27 total vehicle parking spaces and five covered bicycle parking spaces are proposed. 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
10 to 25	2

Finding:

The proposed showroom building requires a minimum of 13 vehicle parking spaces and therefore requires two vanpool or carpool spaces. As shown in Exhibit A (Site Plan C1.10), two carpool/vanpool spaces are proposed adjacent to the northern entrance of the showroom. With Condition of Approval A8, 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	Less than 5,000	0	0	0

[...]

Finding:

The proposed showroom building is 4,200 square feet in size, which is below the threshold that requires an off-street loading facilities. No loading berths are proposed; therefore, this section does not apply.

Section 73C.130 – Parking Lot Driveway and Walkway Minimum Requirements.

Parking lot driveways and walkways must comply with the following requirements:

[...]

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

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
[...]			
1-250	1	36 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only

[...]

Finding:

The subject site is a flag lot that was established through partition PAR 02-03. The applicant is not proposing to modify the existing driveway width as part of this application. This standard does not apply.

PARKING LOT LANDSCAPING

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.
- (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:

New landscaping is provided throughout the parking area where vehicular parking and maneuvering is not necessary, except for pedestrian facilities that feature architectural slab pavers. The plantings proposed for the parking area will leave a vertical clear zone as shown in Exhibit A (Landscape Plan L1.10). With Condition of Approval A15 the 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**

Finding:

As shown in Exhibit A (Landscape Plan L1.10), 5-20 feet of landscaping is proposed along the perimeter of vehicular circulation areas that contain a mix of all the above plantings. A variety of deciduous trees including Autumn Purple Ash and Green vase zelkova will be spaced 30' on-center. Groundcover is proposed at one to two gallons in size and spaced to accommodate their size at maturity, while still providing at least 90% coverage. 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 runoff 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 five 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 Exhibit A (Landscape Plan L1.10), there are 27 parking spaces proposed, requiring 675 square feet of landscape island area. Approximately 1,435 square feet of landscape island area is provided, with the islands all being curbed and measuring at least five feet wide. Landscape separation is provided every seven spaces or better and at island ends, as illustrated in Exhibit A (Site Plan C1.10). Eight parking area trees are provided for the 27 spaces, meeting the minimum standard of one tree per four stalls. These standards are met.

(5) Driveway Access. For lots with 12 or more parking spaces, site access from the public street must be defined by:

- (a) Landscape area at least 5 feet in width on each side of the site access;**
- (b) Landscape area must extend 25 feet from the right-of-way line; and**

Finding:

The subject site is a flag lot that was established through partition PAR 02-03. The landscape areas flanking the driveway are located on neighboring lots, and are not a part of this application. This standard does not apply.

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.**

Finding:

The applicant is opting to conform with the minimum standards method, as outlined in TDC 73D.030. Findings addressing compliance with the applicable standards are included below.

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.

Finding:

The mixed solid waste and recycling storage area is identified within Exhibit A (Site Plan C1.10, keynote 26). Additional trash enclosure details were included as part of Republic Services approval. Two four-yard containers are proposed in the waste and recycling storage area; no vertical or stacked storage is proposed. This standard is met.

(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:

[...]

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

[...]

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

[...]

Finding:

The subject proposal includes a 4,200 square foot wholesale sales building; therefore, the required minimum storage area is 10 square feet plus 6 square feet per 1,000 square feet of GLA (totaling 35 square feet). As shown in Exhibit A (Site Plan C1.10), the proposed waste storage area is approximately 173 square feet, thereby exceeding the minimum requirement. This standard is 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.**

Finding:

The mixed solid waste and recycling storage area is sited in the southwestern corner of the site, between the proposed storage structure (to the north) and the material bays (to the east). The trash enclosure location is visible to vehicles and located close to the storage yard where trash items may be larger and more difficult to transport. The enclosure is located over 50' from the western (side) property line and over 45' from the southern (rear) property line. Neither yard is adjacent to a public or private street. These standards are met.

(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.**
[...]
- (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.**
[...]
- (h) Exterior storage areas must have either a concrete or asphalt floor surface.**
 - (i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.**

Finding:

The proposed enclosure is 17.33' x 10' and is capable of housing two four-yard storage containers. The enclosure features an 8' tall masonry wall with metal gate opening that is 14.67' wide and is not enclosed with a roof. This area includes a reinforced 5" concrete slab. These standards are met.

(3) Access Standards.

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

(d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.

[...]

Finding:

A service provider letter from waste-hauler Republic Services was included within Exhibit A. The enclosure is located adjacent to a large truck drive-area and provides sufficient spacing from the entry drive aisle to prevent any backing movements that would interfere with other site traffic, vehicle maneuvering, or pedestrian ways. These standards are met.

Chapter 33.020 – Architectural Review.

[...]

(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.

IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days on September 19, 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 18, 2019. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB).

Submitted by:



Erin Engman
Associate Planner