
JAE Oregon

11555 SW Leveton Rd
Tualatin, Oregon

DESIGN REVIEW NARRATIVE

September 13, 2019

PROJECT NUMBER: 190170.01



Proposed Project Description

JAE Electronics, Inc. North America is a manufacturer of electronic connectors and aerospace products. The JAE Oregon project is a proposed building expansion of 31,211 SF, for additional product storage and loading dock access. This expansion will involve some onsite improvements such as grading and storm line expansion, along with associated interior work.

Site Description

Zoning: Manufacturing Park (MP)

Map & Tax Lot No.: 2S122BA00200-2010

Property is located east of SW 124th Avenue, west of 115th Avenue, south of SW Tualatin Rd and north of SW Leveton Dr.

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Meeting Minutes-Pre-App Conference
PLA19-0008 Approval

03-02 Sewer Regulations

Sections:

TMC 3-2-020 - Application, Permit and Inspection Procedure.

Response: Proposed sanitary sewer connections will follow the procedures below. As shown on C3.0, the project is proposing a 4" Sanitary sewer line. The design will be in conformance with Public Works Construction Code.

- (1) No person shall connect to any part of the sanitary sewer system without first making an application and securing a permit from the City for such connection, nor may any person substantially increase the flow, or alter the character of sewage, without first obtaining an additional permit and paying such charges therefore as may be fixed by the City, including such charges as inspection charges, connection charges and monthly service charges.
- (2) Upon approval of the application and payment of all charges, the City will issue a sewer connection permit for the premises covered in the application. The application and permit shall be on forms provided by the City.
- (3) After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the City. The applicant's signature on an application for any permit as set forth shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other City of Tualatin ordinances, rules and regulations, laws of the State of Oregon, and with the plans and specifications filed with the application, if any, together with such corrections or modifications as may be made or permitted by the City, if any. Such agreement shall be binding upon the applicant and may be altered only by the City upon the written request for the alteration from the applicant.
- (4) It shall be the duty of the person doing the work authorized by permit to notify the City that said work is ready for inspection.
- (5) All sewer construction work shall be inspected by an inspector acting for the City to insure compliance with all requirements of the City. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the City's public sewer until the work covered by the permit has been completed, inspected, and approved by the inspector. All sewers shall be tested for leakage in the presence of the inspector and shall be cleaned of all debris accumulated from construction operations.

- (6) When any work has been inspected and the test results are not satisfactory, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the City.
- (7) All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the work.

(Ord. 496-80 §2, 1-14-80)

TMC 3-2-030 - Materials and Manner of Construction.

Response: Proposed sanitary sewer connections will follow the procedures below. As shown on C3.0, the project is proposing a 4" Sanitary sewer line. The design will be in conformance with Public Works Construction Code.

- (1) All building sewers, side sewers and connections to the main sewer shall be so constructed as to conform to the requirements of the Oregon State Plumbing Laws and rules and regulations and specifications for sewerage construction of the City.
- (2) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Inspector, to meet all requirements of the City.
- (3) A public works permit must be secured from the City and other agency having jurisdiction by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.
- (4) The City and its officers, agents or employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for and shall save the City and its officers, agents and employees harmless from any liability imposed by law upon the City or its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same.

(Ord. 496-80 §3, 1-14-80)

TMC 3-2-040 - Restrictions As to Use of Sanitary Sewer System.

Response: N/A, No storm runoff, ground water, hazardous wastes or illicit discharges will enter the sanitary system.

- (1) Neither temporary nor permanent drainage of excavations into the sanitary sewerage system shall be permitted. Drainage from roofs, foundation drains, uncontaminated cooling water, surface or ground water drains shall not be permitted

into the sanitary sewerage system. Overflows or drains from private or public swimming pools shall not be permitted without written consent of the City.

- (2) The City reserves the right to reject the application for service for any property owner upon whose property industrial or commercial activities create a waste of unusual strength, character or volume. All applications for the discharge of industrial waste shall be reviewed on an individual basis by the City. Certain restricted wastes may require pretreatment facilities prior to discharge to the sewerage system. Where pretreatment facilities are required, they shall be installed and maintained continuously by the owner at his expense in satisfactory and effective operation. An inspection and sampling manhole shall be constructed and made available to the City for examination and testing at any time.
- (3) No person shall discharge or cause to be discharged any substances, materials, waters, or wastes, if it appears likely to the City that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance, or will violate standards established by the Department of Environmental Quality. In determining the acceptability of these wastes, the City will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials used in construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.
- (4) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process; or which constitute a hazard in the receiving waters of the sewage treatment plant including but not limited to cyanides.
 - (c) Any waters having a pH lower than six and one-half or higher than eight and one-half, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole

blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (e) Oil-component wastes, except where separators are employed, the effluent from which contains no more than 20 Mg/L of oil.
- (f) Any liquid or vapor having a temperature higher than 150° F. (65° C.)
- (g) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 Mg/L or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.)
- (h) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ horsepower or greater shall be subject to review and approval of the City.
- (i) Any waters or wastes containing strong acid, iron, pickling wastes or concentrated plating solutions, whether neutralized or not.
- (j) Any waters or wastes containing iron, [chromium], copper, zinc, lead, fluorides, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established for such materials.
- (k) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the USA as necessary, after treatment of the composite sewage to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (l) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the USA in compliance with applicable state or federal regulations.
- (m) Materials which exert or cause:
 - (i) Unusual concentration of inert suspended solids (such as, but not limited to, fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodiumchloride and sodium sulfate).
 - (ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- (n) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to

treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of discharge to the receiving waters.

- (o) Industrial plants may be required to have separate collection systems; one system to be installed for customary sanitary sewerage connected directly to the City system; a second system to be installed to collect processing wastes from shop sinks, floor drains, wash stations, plating or cleaning works, and all other industrial waste sources. The second system is to discharge into an exterior concrete sump of sufficient capacity to hold at least one day's discharge from these sources and be connected to the City system only by a valved overflow. The sump shall be readily accessible for inspection and analysis by the City and the USA, and only properly treated or neutralized wastes will be allowed to flow into the City system. The City reserves the right to require that City approval be secured for each incident of discharge.
- (5) The interpretation of technical provisions of this ordinance, review of plans and specifications required thereby, determination of the suitability of alternate materials and types of construction and the development of rules and regulations covering unusual conditions not inconsistent with the requirements of this ordinance shall be made by the City and, where necessary, in consultation with the USA.

(Ord. 496-80 §4, 1-14-80)

TMC 3-2-050 - Industrial Wastes.

Response: N/A, no industrial waste produced on this site.

- (1) The admission into the public sewers of any waters or wastes having (a) five-day Biochemical Oxygen Demand greater than 250 milligrams per liter; or (b) containing more than 300 milligrams per liter of suspended solids, shall be subject to the review and approval of the City. Where it is deemed necessary by the City, the owner shall provide, at his expense, such preliminary treatment as may be necessary to: (a) reduce the Biochemical Oxygen Demand to 250 milligrams per liter; (b) reduce objectional characteristics or constituents to within the maximum limits provided for; or (c) control the quality, quantities, and rates of discharge of such waters or wastes.
- (2) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City. No construction of such facilities shall be commenced until said approvals are obtained in writing.
- (3) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and available for inspection at any time by the City.

- (4) When required by the City, any owner of any property served by a side sewer carrying industrial wastes shall install a suitable sampling station in the side sewer to facilitate observation, sampling, and measurement of wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at the owner's expense and shall be maintained by him or her so as to be safe and accessible at all times.
- (5) All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made shall be determined in accordance with standard methods and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected.
- (6) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and USA and any industrial concern whereby industrial wastes of unusual strength or character may be accepted by the City and USA for treatment, subject to payment therefor by the industrial concern and subject to such terms and conditions as might be required by either agency.

(Ord. 496-80 §5, 1-14-80)

TMC 3-2-060 - Use of Public Sewers Required.

Response: As shown on C3.0, the project is proposing a 4" sanitary line. Sanitary sewer line design will be in conformance with Public Works Construction Code.

- (1) No person shall discharge to a natural outlet within the City of Tualatin, or in an area under the jurisdiction of the City, any sewage or polluted waters, except where suitable treatment has been provided in accordance with this ordinance.
- (2) Except as provided in this chapter, no person shall construct or maintain a privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the corporate limits of the City of Tualatin, or in any area under the jurisdiction of the City.
- (3) The owner of all buildings situated within the City and abutting on a street, sewer easement, alley or right-of-way in which there is located a public sanitary sewer of the City is required at his or her expense to connect such building directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with this ordinance, within 90 days after the date of official notice to do so; provided that the public sewer is available to or on the property and/or at a property line of the property and the structures or buildings are within 300 feet of the public sewer.

- (a) In the event that, during the period of 90 days, the owner files written objections with the City Recorder against being required to connect to the public sewer, the City shall not enforce this subsection upon the owner until the Council shall have, at a meeting, heard the objections of the owner and rendered its decision. The meeting of the Council at which the objections are heard shall be held not less than ten days or more than 30 days from and after the date of the filing of the objections with the City Recorder. Not less than seven days prior to the date set by the Council for the meeting, the City shall give due notice of the date set to the owner. The decision of the Council shall be final, and no appeal shall be taken by the owner except as is provided by law.
- (b) In its consideration of filed written objections, the City Council may defer the required connection to the public sewer in the following cases:
 - (i) Where the sewer line which could serve the owner's property is (a) extended by a person other than the owner to benefit property other than the owner's property; and (b) the owner's pro rata share of the cost of construction of the sewer line extension is not payable under the provisions of the Bancroft Bonding Act (ORS Chapter 223), then the required sewer connection may be deferred until declaration by the City Council of a health hazard resulting from nonconnection, or the termination date of a reimbursement agreement between the City and the person making the sewer line extension, whichever event first occurs.
 - (ii) In those cases where a structure or structures are located and used upon real property in such a manner that the use is a non-conforming use under the City of Tualatin zoning ordinance, then connection to the public sewer may be deferred for a period of two years after official notice to connect, or declaration by the City Council of a health hazard resulting from nonconnection, or a change in the use or occupancy of the premises, whichever event first occurs.
 - (iii) A connection to the public sewer may be deferred until construction of a sanitary sewer improvement in the vicinity of the owner's property in such cases where the Public Works Director shall determine in writing that the owner's property will be better served by the sewer line to be constructed.
- (4) In the event the owner does not connect to a public sewer in accordance with subsection (3) of this section, the Council may order the connection and assess the cost thereof in accordance with TMC 6-5-200 and 6-5-210.

(Ord. 496-80 §6, 1-14-80; Ord. 648-84, 10/22/84)

TMC 3-2-160 - Construction Standards.

Response: Sanitary sewer line design will be in conformance with Public Works Construction Code.

All sewer 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 sewer line, the extension shall be carried to the opposite property line or to such other point as determined by the Public Works Director.

(Ord. 496-80 §18, 1-14-80)

03-03 Water Services

Sections:

TMC 3-3-040 - Separate Services Required.

Response: The building addition will utilize the existing domestic and fire water service connections.

- (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) For nonresidential uses, separate meters shall be provided for each structure. Separate meters shall also be provided to each buildable lot or parcel on which water service is or will be provided.

(Ord. 839-91 §4, 7/22/9)

TMC 3-3-050 - Regular Service.

Response: The building addition will utilize the existing domestic and fire water service connections.

- (1) Upon the application for water service, and payment of all charges, the City will install a service connection and meter of such size and location as approved by the City Engineer. Service connections and meters larger than two inches may be installed by the property owner after approval from the City Engineer.
- (2) Where the service connection and meter have been installed, regular service shall be provided upon application and payment of all charges if the structure for which service is desired complies with Subsection (3) of this section.
- (3) Regular service shall not be provided until the structure to which water is furnished has received either an approved final inspection in the case of a single-family residence, or a temporary or permanent certificate of occupancy in the case of all other structures.
- (4) The customer shall, at the customer's own risk and expense, furnish, install and keep in good and safe condition equipment that may be required for receiving, controlling, applying and utilizing water. The City shall not be responsible for loss or damage caused by the improper care or wrongful act of the customer or the customer's agent in installing, maintaining, using, operating or interfering with the equipment.

- (5) The service connection, whether located on public or private property, is the property of the City; and the City reserves the right to have it repaired, maintained and replaced.

(Ord. 839-91 §5, 7-22-91)

TMC 3-3-060 - Temporary Service.

Response: N/A, The building addition will utilize the existing domestic service connection.

- (1) A builder or property owner may request installation of temporary service and meter to supply water for use during building construction. Temporary service shall only be provided upon application and payment of all charges.
- (2) All charges for water or other service provided through such temporary service connection shall be at the rates for such services provided to regular customers.
- (3) The applicant for temporary service shall be liable for all damage that occurs to the service, the meter, the meter box or any combination thereof, from whatever cause, including but not limited to, damage which arises from freezing temperatures.
- (4) The applicant for temporary service shall inform the subsequent occupant of the premises to which such temporary service is provided that such service is temporary and may be terminated by the City upon completion of construction and that no regular service will be provided until final building inspection and application for regular service is made with the City.

(Ord. 839-91 §6, 7-22-91)

TMC 3-3-070 - Hydrant Service.

Response: N/A, The building addition will utilize the existing domestic service connection.

- (1) Where available, a builder or property owner may request service through a fire hydrant by means of a hydrant meter. A person requesting hydrant service shall pay the deposit for such meter as specified in the water rates and charges.
- (2) Charges for water furnished through a hydrant meter and for tools and equipment provided with a hydrant meter shall be as established in the water rates and charges.
- (3) If the meter or other equipment is damaged at any time and for any reason during the period in which such equipment is outstanding, the labor and materials cost of making necessary repairs, or where such costs exceed the replacement cost, then the replacement cost shall be paid by the applicant for such service.
- (4) Upon termination or discontinuance of hydrant service the meter and all equipment provided by the City shall be returned to the City. A hydrant service connection shall be discontinued and terminated by the City without further notice six months after

such service is provided, unless prior thereto, the applicant submits and the City approves an application for an extension of time. Where hydrant service is terminated or discontinued and the meter has not been returned to the City within ten days of such termination or discontinuance, in addition to requiring the return of City equipment, the City may retain any remaining deposit.

- (5) Any funds placed on deposit for the hydrant meter or other equipment may be applied to charges payable under this section. Deposited funds which exceed applicable charges shall be returned to the hydrant service applicant unless the applicant fails to return City equipment in a timely manner.

(Ord. 839-91 §7, 7-22-91)

TMC 3-3-080 - Fire Protection Service.

Response: N/A, The building addition will utilize the existing fire water service connections.

Fire protection facilities will be allowed under the following conditions:

- (1) The owner of a fire protection system shall furnish and install a service meter approved by the City.
- (2) When a building has a fire protection service which is separate from the regular water service to the building, an appropriate backflow device, but not less than a double check detector check, approved by the Operations Director, shall be used in place of a service meter. Water supplied through this service shall not be used for any purpose except for suppressing a fire or testing of the fire protection system. If registration of regular water usage is recorded on the detector check meter, the City may require installation of a service meter or removal of the fire protection service.
- (3) The service meter shall be owned and maintained by the City and the appropriate backflow device shall be owned and maintained by the owner.
- (4) No charge shall be made for water used in the extinguishing of a fire or system testing if the customer reports the use to the City in writing within ten days of the use.
- (5) Water may be obtained from fire protection facilities for filling a tank connected with the fire service, but only if written permission is secured from the City in advance and an approved means of measurement is available and utilized. The water used shall be charged at the rates for general use.
- (6) Charges for fire protection service shall be as specified in the rates and charges.

(Ord. 839-91 §8, 7-22-91)

TMC 3-3-090 - Interruptions in Service.

Response: Noted

The City will make all reasonable efforts to prevent interruptions of service and when such interruptions occur shall endeavor to reestablish service with the shortest possible delay consistent with the safety of its consumers and the general public. The City may resort to temporary shutdowns or interruptions in service in order to carry out improvements and repairs. Insofar as practical, and as time permits, the City will endeavor to give prior notice to the affected customers, but such notice shall not be required in case of interruption due to emergency repairs or where the condition is unanticipated. The City shall not be liable for damage resulting from an interruption in service.

(Ord. 839-91 §9, 7-22-91)

TMC 3-3-100 - Meters.

Response: N/A, The building addition will utilize the existing domestic service connection

- (1) Meters up to and including two inches will be furnished by the City. Meters larger than two inches may be furnished by the customer upon approval of the Operations Director.
- (2) All meters, including those for fire protection service, shall be located within the public right-of-way or within an access easement approved by the City Engineer.
- (3) All meters, whether furnished by the City or a customer, shall be owned and maintained by the City.
- (4) Meters will be sealed by the City at the time of installation, and no seal shall be altered or broken except by one of its authorized agents.
- (5) If a change in size of a meter and service is required, the change shall be accomplished on the basis of a new installation.
- (6) The customer is responsible for maintaining access to the meter free and clear of all shrubs, landscaping and other materials. Any obstructions may be trimmed or removed by the City and the cost therefore billed to the customer of the premises served.

(Ord. 839-91 §10, 7-22-91)

TMC 3-3-110 - Construction Standards.

Response: Any new domestic or fire water line construction will adhere to the Cities Public Works Construction Code.

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.

(Ord. 839-91 §10, 7-22-91)

TMC 3-3-120 - Backflow Prevention Devices and Cross Connections.

Response: The building addition will utilize the existing domestic and fire water service 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 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;
- (3) All double check detector assemblies used for system containment on fire protection services shall be approved by the Oregon State Health Division. The meter register on all double check detector assemblies shall be indicated in cubic feet measurement.
- (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.

- (5) Any installation, corrective measure, disconnection or other change to a backflow prevention device shall be performed at the sole expense of the owner of the property. All costs or expenses for any correction or modification to the City's system caused by or resulting from a cross connection shall be the responsibility of the owner and/or the user of the cross connection.
- (6) Any backflow prevention device which is installed on property for the protection of the City water supply shall be tested at the time of installation and immediately after the device is moved or relocated. The property owner shall forward the results of such testing to the Operations Director within ten days of the date of installation or relocation.

(Ord. 839-91 §12, 7-22-91)

TMC 3-3-130 - Control Valves.

Response: Noted

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.

(Ord. 839-91 §13, 7-22-91)

03-05 Soil Erosion, Surface Water Management, Water Quality, Facilities, and Building and Sewers

EROSION CONTROL

TMC 3-5-060 - Permit Process.

Response: An Erosion Control Permit meeting the below outlined requirements, will be applied for.

- (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.
- (2) *Site Plan.* A site specific plan, prepared by an Oregon registered professional 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.

(Ord. 846-91 §6, 10-28-91)

ADDITIONAL SURFACE WATER MANAGEMENT STANDARDS

TMC 3-5-200 - Downstream Protection Requirement.

Response: Stormwater Quantity will be mitigated per the standards listed below.

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.

(Ord. 846-91 §20, 10-28-91)

TMC 3-5-220 - Criteria for Requiring On-Site Detention to be Constructed.

Response: Onsite detention will be constructed if it is required.

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.

(Ord. 846-91 §22, 10-28-91; Ord. 952-95 § 4, 10/23/1995)

TMC 3-5-230 - On-Site Detention Design Criteria.

Response: Onsite detention will be constructed per the standards listed below if it is required.

- (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 two 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.

(Ord. 846-91 §23, 10-28-91)

TMC 3-5-240 - On-Site Detention Design Method.

Response: Onsite detention will be constructed per the standards listed below if it is required.

- (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 2,640 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.

(Ord. 846-91 §24, 10-28-91)

TMC 3-5-280 - Placement of Water Quality Facilities.

Response: There is an existing onsite Water Quality Facility and it will be utilized for this expansion. It will be updated as required to meet current design standards.

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.

(Ord. 846-91 §28, 10-28-91; Ord. 972-97 § 3, 2/24/1997; Ord. 1068-01 §2, 3/26/2001; Ord. 1068-01, 03/26/2001)

PERMANENT ON-SITE WATER QUALITY FACILITIES

TMC 3-5-290 - Purpose of Title.

Response: Noted

The purpose of this title is to require new development and other activities which create impervious surfaces to construct or fund on-site or off-site permanent water quality facilities to reduce the amount of phosphorous entering the storm and surface water system.

(Ord. 846-91 §29, 10-28-91)

TMC 3-5-300 - Application of Title.

Response: Noted

Title III of this Chapter shall apply to all activities which create new or additional impervious surfaces, except as provided in TMC 3-5.310.

(Ord. 846-91 §30, 10-28-91)

TMC 3-5-310 - Exceptions.

Response: Noted

- (1) Those developments with application dates prior to July 1, 1990, are exempt from the requirements of Title III. The application date shall be defined as the date on which a complete application for development approval is accepted by the City in accordance with City regulations.
- (2) Construction of one and two family (duplex) dwellings are exempt from the requirements of Title III.
- (3) Sewer lines, water lines, utilities or other land development that will not directly increase the amount of storm water run-off or pollution leaving the site once construction has been completed and the site is either restored to or not altered from its approximate original condition are exempt from the requirements of Title III.

(Ord. 846-91 §31, 10-28-91)

(Ord. 846-91 §32, 10-28-91; Ord. 1319-11 §1, 3/28/2011)

TMC 3-5-330 - Permit Required.

Response: Noted

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.

(Ord. 846-91 §33, 10-28-91)

TMC 3-5-340 - Facilities Required.

Response: Noted

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.

(Ord. 846-91 §34, 10-28-91; Ord. 1323-11 §1, 6/13/2011)

TMC 3-5-345 - Inspection Reports.

Response: Noted

The property owner or person in control of the property shall submit inspection reports annually to the City for the purpose of ensuring maintenance activities occur according to the operation and maintenance plan submitted for an approved permit or architectural review.

(Ord. 1319-11§6, 3/28/2011)

TMC 3-5-350 - Phosphorous Removal Standard.

Response: There is an existing onsite Water Quality Facility and it will be utilized for this expansion. It will be updated as required to meet current design standards.

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.

(Ord. 846-91 §35, 10-28-91)

TMC 3-5-360 - Design Storm.

Response: There is an existing onsite Water Quality Facility and it will be utilized for this expansion. It will be updated as required to meet current design standards.

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.

(Ord. 846-91 §36, 10-28-91)

TMC 3-5-370 - Design Requirements.

Response: There is an existing onsite Water Quality Facility and it will be utilized for this expansion. It will be updated as required to meet current design standards.

The removal efficiency in TDC Chapter 35 specifies only the design requirements and are not intended as a basis for performance evaluation or compliance determination of the stormwater quality control facility installed or constructed pursuant to this Title III.

(Ord. 846-91 §37, 10-28-91)

TMC 3-5-380 - Criteria for Granting Exemptions to Construction of On-Site Water

Quality Facilities.

Response: N/A, There is an existing onsite Water Quality Facility and it will be utilized for this expansion.

On-site facilities shall be constructed as required by OAR 340-41-455, unless otherwise approved by the City on a case by case basis due to the size of the development, topography, or other factors causing the City to determine that the construction of onsite permanent stormwater treatment systems is impracticable or undesirable. Determinations by the City may be based upon, but not limited to, consideration of the following factors:

Site topography, geological stability, hazards to public safety, accessibility for maintenance, environmental impacts to sensitive areas, size of the site and development, existence of a more efficient and effective regional site within the basin capable of serving the site, and consistency with sub-basin master plan.

A regional public facility may be constructed to serve private non-residential development provided:

- (1) The facility serves more than one lot; and
- (2) All owners sign a stormwater facility agreement; and
- (3) Treatment accommodates reasonable worst case impervious area for full build-out, stormwater equivalent to existing or proposed roof area is privately treated in LIDA facilities, and any detention occurs on each lot.

(Ord. 846-91 §38, 10-28-91; Ord. 1323-11 §2, 06/13/2011)

TMC 3-5-390 - Facility Permit Approval.

Response: There is an existing onsite Water Quality Facility and it will be utilized for this expansion. It will be updated as required to meet current design standards.

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.

(Ord. 846-91 §39, 10-28-91; Ord. 1323-11 §3, 06/13/2011)

TMC 3-5-400 - System Development Charge.

Response: N/A, There is an existing onsite Water Quality Facility and it will be utilized for this expansion.

If under TMC 3-5-380, an on-site facility will not be constructed, the Storm and Surface Water System Development Charge shall be paid.

(Ord. 846-91 §40, 10-28-91)

TMC 3-5-410 - Permit Fee.

Response: Noted

The City shall collect a reasonable fee established by the Council by resolution for the review of plans, administration, enforcement and field inspection to carry out the provisions of this title.

(Ord. 846-91 §41, 10-28-91)

TMC 3-5-430 - Placement of Water Quality Facilities.

Response: N/A, There is an existing onsite Water Quality Facility and it will be utilized for this expansion.

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.

(Ord. 846-91 §43, 10-28-91)

STANDARD SPECIFICATIONS FOR BUILDING AND SIDE SEWERS

TMC 3-5-440 - General Provisions.

Response: N/A, The project will utilize the existing Side Sewers.

- (1) The specifications contained in this Title III, together with the State of Oregon Uniform Plumbing Code and all other applicable requirements of federal, state and local law, shall govern the installation of all building and side sewers.
- (2) No person other than the owner of the property on which the sewer is being installed or a state or DEQ licensed sewer contractor may excavate or dig up such property and install building sewers within the City.
- (3) Each single family residence shall be served by a side sewer discharging directly into a public sanitary sewer line. The minimum size of a side sewer shall be four-inch for PVC and six-inch for concrete.

(Ord. 846-91 §44, 10-28-91)

TMC 3-5-450 - Building Sewers.

Response: The project will utilize the existing Sewers. Any new piping will be one of the materials listed below and constructed per the standards listed below.

- (1) *Materials.* Pipes for building sewers shall be one of the following types or approved equal:
 - (a) A.B.S. (Acrylonitrile Butadiene Styrene), conforming to ASTM D2751.
 - (b) P.V.C. (Polyvinyl Chloride), conforming to ASTM D3034.
 - (c) Concrete conforming to ASTM C-14, Class 2.
 - (d) Ductile iron or cast iron conforming to Class 50.
- (2) *Joints.* The ends of pipes, collars, gaskets and retaining clamps shall be kept clean and free of foreign material when pipe is laid. All joints shall be made watertight and gastight.
- (3) *Cleanouts.* All changes in direction shall be made with long radius bends, 45 degrees, 22½ degrees, tee or wye branches with straight-through opening plugged for a cleanout. Cleanouts shall be installed in the building sewer between the building outlet and the side sewer when the distance is greater than 100 feet. All bends within the sewer shall not exceed 135 degrees without an additional cleanout. Cleanouts shall be plugged to prevent entrance of dirt, roots, or ground water. Plugs shall be sealed with rubber gaskets and secured against back pressure.

- (4) *Size.* The minimum size of any building sewer shall be determined on the basis of the total number of fixture units drained by such sewer in accordance with Table 4-3 of the Oregon State Plumbing Code.
- (5) *Installation.*
 - (a) *Connection.* Where two buildings are adjacent to one another on the same lot, each building shall have a separate connection pipe to the receiving line. The pipes from each building shall be in separated ditches to point of connection on the receiving line. A duplex may be served by one side sewer providing that a deed restriction is placed on the property requiring the owners thereof to be jointly responsible for maintenance of the building sewers and side sewer. A copy of the deed restriction shall be submitted at the time of sewer permit application. No roof, surface, foundation, footing or other ground water drain shall be connected to the sanitary system.
 - (b) *Connection to Cesspools and Septic Tanks.*
 - (A) Direct connection from all plumbing fixtures in the building to the sanitary sewer system is required.
 - (B) No connection shall be allowed from a cesspool, septic tank, or kitchen grease trap to the building sewer.
 - (C) When a private sewage disposal system is abandoned and no longer to be used, all septic tanks, cesspools, and similar private systems shall be pumped and backfilled in accordance with the Department of Environmental Quality regulations.
- (6) *Excavation.* All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City.
- (7) *Alignment.* All pipe shall be true to grade with the bells up grade. Pipe shall be carefully centered prior to jointing. The bottom of the trench shall be smooth and free from rocks which may injure the pipe. The pipe shall be laid on four inches of 3/4-inch minus crushed rock throughout its entire length, and any such piping laid in fill shall be laid on a bed of approved materials and shall be adequately supported to the satisfaction of the City.
- (8) *Grade.* All sewers shall be laid on a grade of not less than 1/4 inch per foot for a four-inch pipe and 3/16-inch per foot for a six-inch pipe.
 - (a) *Special Release.* If the grade of the side sewer or building sewer is to be less than 1/4 inch per foot for a four-inch pipe, or 3/16-inch per foot for a six-inch pipe, the property owner shall sign and acknowledge a grade release in a form approved by the City. The effect of such form shall be to release the City from all future claims for damages due to the installation of said sewer. If there is doubt about the

grade, a grade release shall be procured before the pipe is laid. If upon inspection the grade is inadequate, the grade release shall be filed with the City Engineer before backfilling takes place. In all special cases, the installation of a backwater valve will be required.

- (b) *Elevation.* In any buildings, structures, or premises in which the house waste drain is too low to permit gravity flow to the sewer, the sewage may with the approval of the City be lifted by artificial means and discharged to the sewer. Wherever a situation exists involving an unusual danger of back-up, the City may prescribe the minimum elevation at which the house drain may be discharged to the public sewer. Sewers below such minimum elevation shall be lifted by artificial means, or if approved by the City, a back-water sewage valve may be installed. The effective operation of the back-water valve shall be the responsibility of the owner of the property served.
- (9) *Backfill.* If common material is available which is free from rocks one inch in diameter, it may be used to backfill the remainder of the ditch. If suitable material is not available, 3/4-inch minus granular material shall be used to backfill the trench to a point six inches above the top of the pipe. The remainder of the ditch may then be backfilled with common material.

A modified method of backfilling shall be used where the house service laterals cross lawn, shrub, or planting areas between the curb and the property line. In this area, backfill shall be modified so that a minimum of 18 inches and a maximum of 36 inches of compacted top soil shall be provided in the upper portions of the trench. The lower portions of the trench shall be backfilled as described above.

- (10) *Cover.* Cover on private property shall be not less than 12 inches from top of pipe to finished grade.
- (11) *Sewer and Water Lines.* Building sewers or drainage piping of materials which are not approved for use within a building shall not be laid in the same trench with water service pipes unless both of the following requirements are met.
 - (a) *Separation.* The bottom of the water pipe, at all points, shall be at least 12 inches above the top of the sewer line.
 - (b) *Placement.* The water pipe shall be placed on a shelf excavated at one side of the common trench.
- (12) *Testing.* All building sewers shall be tested for leakage 15 minutes prior to the City inspection and prior to backfilling the trench. Sewers shall be tested by plugging the building sewer at its point of connection with the side sewer and completely filling the building sewer with water from the lowest point to the highest point thereof. The building sewer shall be watertight and have no visible leakage.

A tee shall be installed at the property line at the expense of the installer. After the test is complete, a plug shall be inserted in the tee. After a satisfactory test has been performed, the trench shall be backfilled.

(Ord. 846-91 §45, 10-28-91)

TMC 3-5-460 - Installation of Side Sewers.

Response: The project will utilize the existing Sewers. Any new piping will be one of the materials listed below and constructed per the standards listed below.

(1) *Material.*

(a) Pipes for side sewers shall be one of the following types or approved equal:

(A) PVC (Polyvinyl chloride), conforming to ASTM D3034.

(B) Concrete conforming to ASTM C-14, Class 2.

(C) Ductile iron conforming to Class 51.

(2) *Excavation and Backfill.* All excavation and backfill shall comply with the standards set forth in the City's Public Works Construction Code.

(3) *Alignment and Grade.* Side sewers shall be laid in a straight grade and alignment from the main sewer line to the edge of right-of-way or edge of permanent easement. The grade shall be a minimum of two percent. The pipe shall be laid on a pipe base of 4-inches of 3/4 inch-minus crushed rock. All plastic pipe shall have 3/4 inch-minus rock placed 6-inches over the top of the pipe.

(4) *Markings.* The side sewers shall be marked with a detectable underground magnetic tape. The magnetic tape shall be placed from the main pipeline to the end of the side lateral. The magnetic tape shall be green in color and have the following marking depending whether it is a sanitary or storm line:

(a) CAUTION STORM DRAIN BURIED BELOW

(b) CAUTION SEWER BURIED BELOW

A two × four stake shall be installed at the end of the side sewer extending from the invert of the pipe to the ground surface. A magnetic tape shall be placed alongside the two × four.

(5) *Testing.* Sanitary side sewers shall be air tested in accordance with the standards set forth in the City's Public Works Construction Code.

(Ord. 846-91 §46, 10-28-91)

73A **Site Design**

Section 73A.010 – Site and Building Design Standards Purpose and Objectives.

(1) **Purpose.** The purpose of the site and building design objectives and standards found in TDC 73A through TDC 73G is to promote functional, safe, innovative, and attractive sites and buildings that are compatible with the surrounding environment, including, but not limited to:

- (a) The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and
- (b) The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.

(2) **Objectives.** The objectives of site and building design standards in TDC 73A through TDC 73G are to:

- (a) Enhance Tualatin through the creation of attractively designed development and streetscapes;
- (b) Encourage originality, flexibility, and innovation in building design;
- (c) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
- (d) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
- (e) Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
- (f) Enhance energy efficiency through the use of landscape and architectural elements; and
- (g) Minimize disruption of natural site features such as topography, trees, and water features.

Response: The purpose and objectives of this chapter are understood. This project is an addition to an existing industrial facility and will be consistent with the surrounding industrial context.

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;

Response: All existing and proposed walkways are at least 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);

Response: All existing and proposed walkways constructed of concrete.

(c) Walkways must meet ADA standards applicable at time of construction or alteration;

Response: All existing and proposed walkways met or will meet ADA standards.

(e) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;

Response: The building is set substantially back from the public right-of-way, with significant grade change between the building and the street. Due to these factors existing sidewalks did not extend to 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

Response: All existing and proposed walkways through these areas are striped or will be striped.

(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.

Response: N/A, no outdoor recreation area.

(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.

Response: N/A, not a common wall development; adjacent properties are industrial. The balance of this section is not included.

(3) Drive-up Uses. Drive-up uses must comply with the following:

Response: N/A, no drive-up uses exist and none are proposed. The balance of this section is not included.

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

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;

Response: Existing building provides windows and lighting oriented towards parking, pedestrian and loading areas. New addition will provide windows and lighting to the expanded loading area at the back of the building. Exterior lighting will be provided to provide adequate lighting throughout the modified parking and loading area.

- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;

Response: Existing building is set significantly back from property lines and is not visible from 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;

Response: Existing and new lighting will provide adequate light for surveillance without shining on public rights-of-way or wildlife habitats.

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

Response: Existing access drives with address monument signage are located off SW Tualatin Rd and SW Leveton Dr. Existing entries on building are clearly defined.

- (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.

Response: N/A, no above ground sewer or water pump stations exist and none are proposed.

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

- (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;

Response: Roof top equipment will be set back from building parapet so that it is not visible from normal vantage points of adjacent properties and rights-of-way. Ground mounted equipment is not anticipated, but if any is installed, screening will be provided as required.

- (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and

Response: N/A, no outdoor storage is proposed on the site.

- (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.

Response: N/A, no above ground stations are proposed on the site.

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

Response: N/A, not on transit street.

- (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; and

- (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:
- (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;
 - (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
 - (iii) Provide a transit passenger landing pad accessible to disabled persons;
 - (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
 - (v) Provide lighting at the major transit stop.

73B Landscape Design Standards

Section 73B.010 – Landscape Standards Purpose and Objectives.

(1) **Purpose.** The purpose of this Chapter is to establish standards for landscaping within Tualatin in order to enhance the environmental and aesthetic quality of the City.

(2) **Objectives.** The objectives of this Chapter are to:

- (a) Encourage the retention and protection of existing trees and requiring the planting of trees in new developments;
- (b) Use trees and other landscaping materials to temper the effects of the sun, wind, noise, and air pollution.
- (c) Use trees and other landscaping materials to define spaces and the uses of specific areas; and
- (d) Use trees and other landscaping materials as a unifying element within the urban environment.

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

The following are the minimum areas required to be landscaped for each use and zone:

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
(5) IN, CN, CO/MR, MC and MP zones – All uses	25% of the total area to be developed	22.5% of the total area to be developed
(6) Industrial Business Park Overlay District and MBP – must be approved through Industrial Master Plans	20% of the total area to be developed	Not applicable

* For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement", the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.

Response: Minimum landscape area of 25% has been met. Please see the landscape plan.

(2) **Manufacturing Park (MP) – Wetland Buffer.** Wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:

- (a) Area counted as landscaping is limited to a maximum of two and one-half percent (of the total land area to be developed;
- (b) Area to be counted as landscape must be within the boundaries of the subject property;
- (c) No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel;
- (d) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer must perform, or bear the cost of, all necessary mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Unified Sewerage Agency; and
- (e) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer must include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Unified Sewerage Agency as part of the Architectural Review submittal. The developer must complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.

Response: n/a. No wetlands are located on the property.

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

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

- (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
 - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.

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

- (i) Pedestrian amenities such as landscaped plazas and arcades; and
- (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.

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

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

(d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.

(2) **MP Area – Wetland Buffer.** Wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:

- (a) Area counted as landscaping is limited to a maximum of two and one-half percent of the total land area to be developed;
- (b) Area to be counted as landscape must be within the boundaries of the subject property;
- (c) No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel;
- (d) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer must perform, or bear the cost of, all necessary

mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Clean Water Services; and

(e) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer must include an enhanced mitigation plan approved by the Oregon Division of State Lands and Clean Water Services. as part of the Architectural Review submittal. The developer must complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.

TDC 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. • A maximum of ten percent 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: <ul style="list-style-type: none"> • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
(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.
(3) Tree	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.

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

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

Response: Landscape areas have been designed in accordance with (1) Required Landscape Areas above, please see Landscape Plan L1.1.

No fencing is proposed.

Tree protection will be provided as required, please see Landscape Plan L1.0.

Grading – the site will be graded using existing topsoil as appropriate.

Irrigation – new plantings will be irrigated using the existing irrigation system.

All disturbed areas will be re-vegetated, please see Landscape Plan L1.1.

TDC 73B.080. - Minimum Standards Trees and Plants.

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

(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"> • Five 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.

Response: The above minimum landscape standards will be met, please see Landscape Plan L.I.1.

73C **Parking Standards**

TDC 73C.010. - Off-Street Parking and Loading Applicability and General Requirements.

(1) *Applicability.* Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:

- (a) Establishment of a new structure or use;
- (b) Change in use; or
- (c) Change in use of an existing structure.

Response: Acknowledge requirements.

(2) *General Requirements.* Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.

(a) The following apply to property and/or use with respect to the provisions of TDC 73C.100:

- (i) The requirements apply to both the existing structure and use, and enlarging a structure or use;
- (ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;
- (iii) Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;
- (iv) Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;
- (v) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;

- (vi) Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;
- (vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;
- (ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;
- (x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones; and
- (xi) Required vanpool and carpool parking must meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

Response: Acknowledge requirements.

TDC 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;
 - (a) Exception: Parking structures and underground parking where stall length and width requirements for a standard size stall must be reduced by .5 feet and vehicular access at the entrance if gated must be a minimum of 18 feet in width.
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;
- (3) Parking stalls must be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural

Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;

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

Response: Acknowledge requirements.

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

Response: Acknowledge parking bumpers and wheel requirements.

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

Response: Acknowledge requirements – ADA parking has been provided.

(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;

Response: Compact parking spaces do not exceed 35% of total parking stalls..

(8) Groups of more than four 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;

Response: Acknowledge requirements.

(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;

Response: Acknowledge requirements.

(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;

Response: Acknowledge parking lot design standards.

(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;

Response: Acknowledge artificial lighting requirements.

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

Response: Acknowledge parking lot landscaping requirements.

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

Response: Acknowledge requirements.

TDC 73C.050. - Bicycle Parking Requirements and Standards.

(1) *Requirements.* Bicycle parking facilities must include:

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

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

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

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

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

(b) A five-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or

a pervious hard surface such as pavers or grasscrete, and be maintained;

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

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

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

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

(g) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking; and

(h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.

Response: New bike parking is located inside the building expansion which accommodates the additional building square footage (2 wall hung spaces).

TDC 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, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC 73C.110.

USE	MINIMUM MOTOR	MAXIMUM MOTOR	BICYCLE PARKING	PERCENTAGE OF BICYCLE
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	VEHICLE PARKING	VEHICLE PARKING		PARKING TO BE COVERED
(e) Commercial				
(vi) General office	2.70 spaces per 1,000 square feet of gross floor area	Zone A: 3.4 spaces per 1,000 square feet of gross floor area Zone B: 4.1 spaces per 1,000 square feet of gross floor area	2, or 0.50 spaces per 1,000 gross square feet, whichever is greater	First ten spaces or 40 percent, whichever is greater
(f) Industrial				
(i) Manufacturing	1.60 spaces per 1,000 square feet of gross floor area	None	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(ii) Warehousing	0.30 spaces per 1,000 square feet of gross floor area	Zone A: 0.4 spaces per 1,000 square feet of gross floor area Zone B: 0.5 spaces per 1,000 square feet of gross floor area	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater

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

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

Response: 9 spots will be designated for Carpool or Carpool Spaces on the site plan.

TDC 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
	5,000—25,000	1	12 feet × 60 feet	14 feet
	25,000—60,000	2	12 feet × 60 feet	14 feet
	60,000 and over	3	12 feet × 60 feet	14 feet

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

Response: Minimum requirements for loading berths have been met.

(3) Required loading areas must be screened from public view, public streets, and

adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.

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

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

(6) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children must be located on the site of a school or child day care center having a capacity greater than 25 students.

TDC 73C.130. - Parking Lot Driveway and Walkway Minimum Requirements.

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

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

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, etc.
1-250	1	36 feet for first 50' from ROW, 24 feet thereafter	No curbs or walkway required
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

(5) *One-way Ingress or Egress.* When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements. However, the hard surfaced pavement of one-way drives must not be less than 16 feet for multi-family residential, commercial, or industrial uses.

(6) *Maximum Driveway Widths and Other Requirements.*

(a) Unless otherwise provided in this chapter, maximum driveway widths for

Commercial, Industrial, and Institutional uses must not exceed 40 feet.

(b) Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.

Response: Shared access way is existing. No changes to current condition will be completed.

(c) The provisions of subsection (b) do not apply to townhouses and duplexes, which are allowed to construct driveways within five feet of adjacent property lines.

Response: This condition does not exist.

(d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.

Response: This condition does not exist.

(e) Must comply with the distance requirements for access as provided in TDC 75.

Response: Acknowledge requirements.

(f) Must comply with vision clearance requirements in TDC 75.

Response: Acknowledge requirements.

TDC 73C.200. - Parking Lot Landscaping Standards Purpose and Applicability.

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

Response: Acknowledge requirements.

(2) *Applicability.* Off-street parking lot landscaping standards apply to any surface vehicle parking or circulation area.

Response: Acknowledge requirements.

TDC 73C.210. - Common Wall Parking Lot Landscaping Requirements.

Common wall residential 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.

Response: This condition does not exist.

(2) *Clear Zone.* Clear zone must be provided 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 eight feet as measured from the ground level.

(a) Exceptions: does not apply to parking structures and underground parking.

Response: This condition does not exist.

(3) *Setback.* Minimum 10-foot landscape setback must be provided between the property lines and parking areas and must comply with the following:

(a) Must be planted with deciduous trees an average of not more than 30 feet on center and shrubs at least 30 inches in height which provide screening of vehicular headlights;

(b) Native trees and shrubs are encouraged; and

(c) Exceptions: Minimum 10-foot landscape setback does not apply to Duplexes and Townhouses.

Response: This condition does not exist.

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

(a) Deciduous trees located not more than 30 feet apart on average as measured on center;

(b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;

- (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;
- (d) Native trees and shrubs are encouraged; and
- (e) Exceptions:
 - (i) Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.
 - (ii) Minimum of ten feet in width for all conditional uses in residential zones. However perimeter landscaping does not apply to small lot subdivisions.

Response: This condition does not exist.

(5) *Transition.* Minimum 10-foot landscaped transition area between parking and vehicle circulation areas and buildings and shared outdoor areas and must comply with the following:

- (a) Deciduous shade trees located at not less than 30 feet on center must be located in this transition area;
- (b) Groundcover plants mixed with low shrubs must completely cover the remainder of this area within three years;
- (c) Native trees and shrubs are encouraged; and
- (d) Exceptions: Minimum 10-foot landscaped transition area does not apply to Duplexes and Townhouses.

Response: This condition does not exist.

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

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
- (c) Landscape separation required for every eight continuous spaces in a row;

- (d) Must be planted with one deciduous shade trees for every four parking spaces. Required trees must be evenly dispersed throughout the parking lot;
- (e) Must be planted with groundcover or shrubs;
- (f) Native plant materials are encouraged;
- (g) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);
- (h) Required plant material in landscape islands must achieve 90 percent coverage within three years; and
 - (i) Exceptions:
 - (i) Landscape island requirements do not apply to Duplexes and Townhouses; and
 - (ii) Landscape square footage requirements do not apply to parking structures and underground parking.

Response: This condition does not exist.

TDC 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.

Response: Acknowledge requirements.

- (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 eight feet as measured from the ground level.
 - (a) Exception: does not apply to parking structures and underground parking.

Response: Acknowledge requirements.

- (3) *Perimeter.* Minimum five feet in width in all off-street parking and vehicular

circulation areas, including loading areas and must comply with the following:

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

Response: Acknowledge requirements.

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

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;
- (d) Landscape separation required for every eight continuous spaces in a row;
- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;
- (f) Must be planted with groundcover or shrubs;
- (g) Native plant materials are encouraged;
- (h) Landscape island areas with trees must be a minimum of 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
- (j) Exception: Landscape square footage requirements do not apply to parking structures and underground parking.

Response: Acknowledge requirements.

- (5) *Landscaping Along Driveway Access.* For lots with 12 or more parking spaces:
 - (a) Landscape area at least five (5) feet in width on each side of an accessway;
 - (b) Landscape area must extend 30 feet back from the property line; and
 - (c) Exceptions: does not apply to parking structures and underground parking which must be determined through the Architectural Review process.

Response: Acknowledge requirements.

73D Waste and Recyclables Management Standards

TDC 73D.010. - Applicability and Objectives.

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

Response: This building is an industrial development

- (b) Commercial developments;
- (c) Industrial developments; and

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

- (a) Screen elements such as garbage and recycling containers from view;

Response: Existing waste storage area is screened.

- (b) Ensure storage areas are centrally located and easy to use;

Response: Existing waste storage area is centrally located easily accessible at the north side of building.

- (c) Meet dimensional and access requirements for haulers;

Response: Confirmation that existing waste storage area meets dimension and access requirements is pending waste hauler review. Size and Separation meets current needs and do not anticipate a significant increase or change of materials relating to addition.

- (d) Designed to mitigate the visual impacts of storage areas;

Response: Existing waste storage area utilizes similar materials to main building.

- (e) Provide adequate storage for mixed solid waste and source separated recyclables; and

Response: Confirmation that existing waste storage area meets requirements for storage of mixed solid waste and source separated recyclables is pending waste hauler review. Size and Separation meets current needs and do not anticipate a significant increase or change of materials relating to addition.

(f) Improve the efficiency of collection of mixed solid waste and source separated recyclables.

Response: Efficiency improvement of the collection of mixed solid waste and source separated recyclables pending waste hauler review of existing waste storage area

TDC 73D.020. - Design Methods.

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

Response: Acknowledge requirements.

- (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.

TDC 73D.030. - Minimum Standards Method.

Response: N/A, Completing Franchise Hauler Review 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 seven feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.
- (2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the

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

- (c) Commercial, industrial, and institutional developments must provide a minimum storage area of ten square feet plus:
 - (i) Office—Four square feet/1,000 square feet gross leasable area (GLA);
 - (iii) Wholesale/Warehouse/Manufacturing—Six square feet/1,000 square feet GLA;
 - (v) All other uses—Four square feet/1,000 square feet GLA.

TDC 73D.040. - Waste Assessment Method.

Response: N/A, Completing Franchise Hauler Review Method.

This method tailors the storage area size to a waste assessment and management program for the specific user of a new or expanded building. It is most appropriate when the specific use of a building is known and the type and volume of mixed solid waste to be generated can be estimated.

- (1) A waste assessment form must be obtained from the City Manager. The form must be used to estimate the volumes of both mixed solid waste and source separated recyclables generated.
- (2) Techniques such as a compactor or cardboard baler may be implemented to minimize the square footage of the storage area.
- (3) The plans must identify the size and location of interior, or exterior storage area(s) or both, specialized equipment to be used, and collection schedule required to accommodate the volumes of waste projected in the waste assessment.
- (4) The application must demonstrate that the mixed solid waste and source separated recyclable volumes expected to be generated can be stored in less space than required by the Minimum Standards Method. If the application does not demonstrate that the waste assessment method requires less space, the minimum standards method will be required.

TDC 73D.050. - Comprehensive Recycling Plan Method.

Response: N/A, Completing Franchise Hauler Review Method.

This method may be used when a comprehensive recycling plan has been developed for a specific development. It is most suited to uses such as hospitals, schools, and industrial developments.

- (1) The applicant must submit plans and text that show how mixed solid waste and source separated recyclables generated by the proposed development will be served under a comprehensive recycling plan.
- (2) The application must demonstrate that the mixed solid waste and source separated recyclable volumes expected to be generated can be stored in less space than required by the Minimum Standards Method. If the application does not demonstrate that the waste assessment method requires less space, the minimum standards method will be required.

TDC 73D.060. - Franchised Hauler Review Method.

Response: Confirmation that existing waste storage area meets requirements for storage of mixed solid waste and source separated recyclables is pending waste hauler review.

This method can be used when there are unique conditions associated with the site, use, or waste stream that make compliance with any of the three other methods impracticable. The objective of this method is to match a specific hauler program (types of equipment, frequency of collection, etc.) to the unique characteristic(s) of the site or development.

- (1) The applicant must coordinate with the franchised hauler to develop a plan for storage and collection of mixed solid waste and source separated recyclables to be generated. The plan must include:
 - (a) Site plan and architectural drawings showing the size and location of storage area(s) required to accommodate anticipated volumes;
 - (b) A letter from the franchised hauler that describes the level of service to be provided by the hauler, including any special equipment and collection frequency, which will keep the storage area from exceeding its capacity; and
 - (c) A narrative describing how the proposed site meets one or more unique conditions:

- (i) Use of either of the three other methods of compliance would interfere with the use of the proposed development by reducing the productive space of the proposed development, or make it impossible to comply with the minimum off-street parking requirements of the underlying zone, or
 - (ii) The site is of an irregular shape or possesses steep slopes that do not allow for access by collection vehicles typically used by the franchised hauler to serve uses similar in size and scope to the proposed use, or
 - (iii) The proposed use will generate unique wastes that can be stacked, folded, or easily consolidated without the need for specialized equipment, such as a compactor.
- (2) The application must demonstrate that the mixed solid waste and source separated recyclable volumes expected to be generated can be stored in less space than required by the Minimum Standards Method. If the application does not demonstrate that the waste assessment method requires less space, the minimum standards method will be required.

TDC 73D.070. - Location, Design and Access Standards.

Response: Confirmation that existing waste storage area meets requirements for location, size and access standards is pending waste hauler review.

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

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

public or private street.

(2) *Design Standards.*

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

(3) *Access Standards.*

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

safely exit the site in a forward motion.

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

(e) The following is an exception to the access standard:

(i) Access may be limited for security reasons.

74 Public Improvement Requirements

TDC 74.010. - Purpose.

The City's Community Plan sets forth the requirements for providing adequate transportation and utility systems to serve the community's present and future needs. Land development without adequate transportation and utility systems will adversely affect the overall economic growth of the City and cause undue damage to the public health and welfare of its citizens. Consequently, the City finds that it is in the public interest to require land development to meet the following improvement requirements.

Response: Noted

TDC 74.020. - Authority.

- (1) The City Manager may develop standard forms, including but not limited to deeds, easements, interim access agreements, escrow agreements, street improvement agreements, subdivision compliance agreements and agreements to dedicate right-of-way, to include the contents and warranties when they are submitted, and the procedure for implementation necessary to carry out the purpose of this chapter.
- (2) Easements submitted on a final plat or on a separate easement form must be subject to this chapter.
- (3) Supervision of Planting. The City Manager has jurisdiction over all trees, plants and shrubs planted or growing in or upon the public rights-of-way of the City and their planting, removal, care, maintenance and protection. The City Manager is to enforce these provisions.

Response: Noted

TDC 74.110. - Phasing of Improvements.

The applicant may build the development in phases. If the development is to be phased the applicant must submit a phasing plan to the City Manager for approval with the development application. The timing and extent or scope of public improvements and the conditions of development must be determined by the City Council on subdivision applications and by the City Manager on other development applications.

Response: N/A

TDC 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.

Response: Existing ADA sidewalk ramps located at access drives off SW Leveton Dr will be updated to meet current standards. No other public improvements are required.

(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.

Response: N/A, no modification to right-of-ways.

TDC 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.

Response: Private improvements will be installed and maintained at the expense of the applicant.

TDC 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.

Response: Public improvements will be submitted for proper jurisdictional review.

(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.

Response: Private improvements will be submitted for proper jurisdictional review.

TDC 74.210. - Minimum Street Right-of-Way Widths.

The width of streets in feet must 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 must not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

Response: Current street Right of way widths comply with minimums. Leveton Drive is classified as a Minor Arterial and Tualatin Road is classified as a Major Collector, both of which have preferred width of 74' and a minimum width of 56'; (minimum 28' and preferred width of 37' from centerline of street to right of way line). Current right of way width on both streets at JAE frontage is 60' (30' from centerline of street to the right of way line on the property).

(1) For subdivision and partition applications, 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 must be shown on the final subdivision or partition plat prior to approval of the plat by the City. 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.

Response: N/A.

(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.

Response: N/A. Current right of way widths meet minimum requirements, no additional dedications are anticipated.

(3) For development applications that will impact existing streets not adjacent to the

applicant's property, and to construct necessary street improvements to mitigate those impacts would require additional right-of-way, the applicant must be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form must be obtained from the City Manager and upon completion returned to the City Manager for acceptance by the City. On subdivision and partition plats the right-of-way dedication must be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication must be accepted by the City prior to issuance of building permits. The City may elect to exercise eminent domain and condemn necessary off-site right-of-way at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.

Response: N/A, there is no impact to streets not adjacent to the subject property.

(4) If the City Manager deems that it is impractical to acquire the additional right-of-way as required in subsections (1)—(3) of this section from both sides of the center-line in equal amounts, the City Manager may require that the right-of-way be dedicated in a manner that would result in unequal dedication from each side of the road. This requirement will also apply to slope and utility easements as discussed in TDC 74.320 and 74.330. The City Manager's recommendation must be presented to the City Council in the preliminary plat approval for subdivisions and partitions, and in the recommended decision on all other development applications, prior to finalization of the right-of-way dedication requirements.

Response: N/A, there is no impact to streets not adjacent to the subject property that require additional right of way dedications.

(5) Whenever a proposed development is bisected by an existing or future road or street that is of inadequate right-of-way width according to TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G, additional right-of-way must be dedicated from both sides or from one side only as determined by the City Manager to bring the road right-of-way in compliance with this section.

Response: N/A, the development is not bisected by existing or future roads or streets.

(6) When a proposed development is adjacent to or bisected by a street proposed in TDC Chapter 11, Transportation Plan (Figure 11-3) and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G must be dedicated by the applicant. The dedication of right-of-way required in this subsection must be

along the route of the road as determined by the City.

Response: N/A, the proposed development is not adjacent to or bisected by any streets proposed in the TDC Chapter 11, Transportation Plan.

TDC 74.220. - Parcels Excluded from Development.

On subdivision development applications which include land partitioned off or having adjusted property lines from the original parcel, but do not include the original parcel, the applicant must be responsible for obtaining any necessary right-of-way from the owner of the original parcel if the right-of-way is needed to accommodate street improvements required of the applicant. The applicant must submit a completed right-of-way dedication deed to the City Manager for acceptance. The right-of-way dedication must be accepted by the City prior to the City approving the final subdivision plat.

Response: N/A, the proposal does not include subdivision development with land partitioned off or adjusted properties that do not include the original parcels.

TDC 74.310. - Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.

(1) Areas dedicated to the City for Greenway or Natural Area purposes or easements or dedications for bike and pedestrian facilities during the development application process must be surveyed, staked and marked with a City approved boundary marker prior to acceptance by the City.

(2) For subdivision and partition applications, the Greenway, Natural Area, bike, and pedestrian path dedication and easement areas must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or

(3) For all other development applications, Greenway, Natural Area, bike, and pedestrian path dedications and easements must be submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the dedication or easement by the City.

Response: N/A, no dedication to the City is anticipated for Greenway or Natural Area purposes, nor for easements or dedications for bike or pedestrian facilities.

TDC 74.320. - Slope Easements.

Response: N/A, no new easements required.

- (1) The applicant must obtain and convey to the City any slope easements determined by the City Manager to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or accessway or utility improvements required to be constructed by the applicant.
- (2) For subdivision and partition applications, the slope easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or
- (3) For all other development applications, a slope easement dedication must be submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.

TDC 74.330. - Utility Easements.

Response: N/A, no new easements required.

- (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.
- (2) For subdivision and partition applications, the on-site public utility easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; and
- (3) For subdivision and partition applications which require off-site public utility easements to serve the proposed development, a utility easement must be granted to the City prior to approval of the final plat 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.
- (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.
- (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.

TDC 74.340. - Watercourse Easements.

Response: N/A, no new easements required.

- (1) Where a proposed development site is traversed by or adjacent to a watercourse, drainage way, channel or stream, the applicant must provide a storm water easement, drainage right-of-way, or other means of preservation approved by the City Manager, conforming substantially with the lines of the watercourse. The City Manager must determine the width of the easement, or other means of preservation, required to accommodate all the requirements of the Surface Water Management Ordinance, existing and future storm drainage needs and access for operation and maintenance.
- (2) For subdivision and partition applications, any watercourse easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or
- (3) For all other development applications, any watercourse easement must be executed on a dedication form submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.
- (4) The storm water easement must be sized to accommodate the existing water course and all future improvements in the drainage basin. There may be additional requirements as set forth in TDC Chapter 72, Greenway and Riverbank Protection District, and the Surface Water Management Ordinance. Water quality facilities may require additional easements as described in the Surface Water Management Ordinance.

TDC 74.350. - Maintenance Easement or Lots.

Response: N/A, no new easements required.

A dedicated lot or easement will be required when access to public improvements for operation and maintenance is required, as determined by the City Manager. Access for maintenance vehicles must be constructed of an all-weather driving surface capable of carrying a 50,000-pound vehicle. The width of the lot or easement must be at least 15-feet in order to accommodate City maintenance vehicles. In subdivisions and partitions, the easement or lot must be dedicated to the City on the final plat. In any other

development, the easement or lot must be granted to the City and recorded prior to issuance of a building permit.

TDC 74.410. - Future Street Extensions.

Response: N/A, there are no future street extensions proposed in this development.

(1) Streets must be extended to the proposed development site boundary where necessary to do any one of the following:

- (a) Give access to, or permit future development of adjoining land;
- (b) Provide additional access for emergency vehicles;
- (c) Provide for additional direct and convenient pedestrian, bicycle and vehicle circulation;
- (d) Eliminate the use of culs-de-sac except where topography, barriers such as railroads or freeways, existing development, or environmental constraints such as major streams and rivers prevent street extension; and
- (e) Eliminate circuitous routes. The resulting dead end streets may be approved without a turnaround. A reserve strip may be required to preserve the objectives of future street extensions.

(2) Proposed streets must comply with the general location, orientation and spacing identified in the Functional Classification Plan (Figure 11-1), Local Streets Plan (TDC 11.630 and Figure 11-3) and the Street Design Standards (Figures 74-2A through 74-2G).

(a) Streets and major driveways, as defined in TDC 31.060, proposed as part of new residential or mixed residential/commercial developments must comply with the following standards:

- (i) Full street connections with spacing of no more than 530 feet between connections, except where prevented by barriers;
- (ii) Bicycle and pedestrian accessway easements where full street connections are not possible, with spacing of no more than 330 feet, except where prevented by barriers;
- (iii) Limiting culs-de-sac and other closed-end street systems to situations

where barriers prevent full street extensions; and

(iv) Allowing culs-de-sac and closed-end streets to be no longer than 200 feet or with more than 25 dwelling units, except for streets stubbed to future developable areas.

(b) Streets proposed as part of new industrial or commercial development must comply with TDC 11.630, Figure 11-1, and Figures 74-2A through 74-2G.

(3) During the development application process, the location, width, and grade of streets must be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The arrangement of streets in a subdivision must either:

(a) Provide for the continuation or appropriate projection of existing streets into surrounding areas; or

(b) Conform to a street plan approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical.

(4) The City Manager may require the applicant to submit a street plan showing all existing, proposed, and future streets in the area of the proposed development.

(5) The City Manager may require the applicant to participate in the funding of future off-site street extensions when the traffic impacts of the applicant's development warrant such a condition.

TDC 74.420. - Street Improvements.

Response: Existing ADA sidewalk ramps located at access drive off SW Leveton Drive will be updated to meet current public works standards. No other public improvements are required.

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.
- (3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.
- (4) Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.
- (5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.
- (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.
- (7) For subdivision and partition applications, the street improvements required by TDC Chapter 74 must be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.
- (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.
- (9) In addition to land adjacent to an existing or proposed street, the requirements of this section must apply to land separated from such a street only by a railroad right-of-

way.

(10) Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.

(11) Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).

(12) Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.

(13) The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.

(14) The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.

(15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.

(16) The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be

necessary at some future date. In such a case, the applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.

(17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.

(18) Pursuant to requirements for off-site improvements as conditions of development approval, proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to comply with the City's Mid-Block Crossing Policy.

TDC 74.425. - Street Design Standards.

Response: Existing ADA sidewalk ramps located at access drive off SW Leveton Dr will be updated to meet current public works standards. No other public improvements are required.

(1) Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.

(2) The proposed street design standards are shown in Figures 72A through 72G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets.

(3) In accordance with the Tualatin Basin Program for fish and wildlife habitat it is the intent of Figures 74-2A through 74-2G to allow for modifications to the standards when deemed appropriate by the City Manager to address fish and wildlife habitat.

(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.

TDC 74.430. - Streets, Modifications of Requirements in Cases of Unusual Conditions.

Response: N/A, no 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.

(2) When the City Manager determines that modification of the street improvement requirements in TDC 74.420 is warranted pursuant to subsection (1) of this section, the City Manager must prepare written findings of modification. The City Manager must forward a copy of said findings and description of modification to the applicant, or his authorized agent, as part of the Utility Facilities Review for the proposed development, as provided by TDC Chapter 32 (Procedures). The decision of the City Manager may be appealed to the City Council in accordance with TDC Chapter 32 (Procedures).

(3) To accommodate bicyclists on streets prior to those streets being upgraded to the full standards, an interim standard may be implemented by the City. These interim standards include reduction in motor vehicle lane width to ten feet (the minimum specified in AASHTO's A Policy on Geo-metric Design of Highways and Streets (1990)), a reduction of bike lane width to 4-feet (as measured from the longitudinal gutter joint to the centerline of the bike lane stripe), and a paint-striped separation two to four feet wide in lieu of a center turn lane. Where available roadway width does not provide for these minimums, the roadway can be signed for shared use by bicycle and motor vehicle travel. When width constraints occur at an intersection, bike lanes should terminate 50 feet from the intersection with appropriate signing.

TDC 74.440. - Streets, Traffic Study Required.

Response: N/A, no 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.
- (4) The applicant must implement all or a portion of the improvements called for in the traffic study as determined by the City Manager.

TDC 74.450. - Bikeways and Pedestrian Paths.

Response: Existing ADA sidewalk ramps located at access drives off SW Tualatin Rd and SW Leveton Dr will be updated to meet current standards.

- (1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path, as set forth in TDC Chapter 11, Transportation Figure 11-4, the City may require that a bikeway, pedestrian path, or multi-use path be constructed, and an easement or dedication provided to the City.
- (2) Where required, bikeways and pedestrian paths must be provided as follows:
 - (a) Bike and pedestrian paths must be constructed and surfaced in accordance with the Public Works Construction Code.

- (b) The applicant must install the striping and signing of the bike lanes and shared roadway facilities, where designated.

TDC 74.460. - Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.

Response: N/A, no new accessways are proposed.

- (1) Accessways must be constructed by the applicant, dedicated to the City on the final residential, commercial or industrial subdivision or partition plat, and accepted by the City.
- (2) Accessways must be located between the proposed subdivision or partition and all of the following locations that apply:
 - (a) Adjoining publicly-owned land intended for public use, including schools and parks. Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland;
 - (b) Adjoining arterial or collector streets upon which transit stops or bike lanes are provided or designated;
 - (c) Adjoining undeveloped residential, commercial or industrial properties;
 - (d) Adjoining developed sites where an accessway is planned or provided.
- (3) In designing residential, commercial and industrial subdivisions and partitions, the applicant is expected to design and locate accessways in a manner which does not restrict or inhibit opportunities for developers of adjacent property to connect with an accessway. The applicant is to have reasonable flexibility to locate the required accessways. When developing a parcel which adjoins parcels where accessways have been constructed or approved for construction, the applicant must connect at the same points to provide system continuity and enhance opportunities for pedestrians and bicyclists to use the completed accessway.
- (4) Accessways must be as short as possible, but in no case more than 600 feet in length.
- (5) Accessways must be as straight as possible to provide visibility from one end to the other.

- (6) Accessways must be located and improved within a right-of-way or tract of no less than eight feet.
- (7) Where possible, accessways must be combined with utility easements.
- (8) Accessways must be constructed in accordance with the Public Works Construction Code.
- (9) Curb ramps must be provided wherever the accessway crosses a curb and must be constructed in accordance with the Public Works Construction Code.
- (10) The Federal Americans With Disabilities Act (ADA) applies to development in the City of Tualatin. Accessways must comply with the Oregon Structural Specialty Code's (OSSC) accessibility standards.
- (11) Fences and gates which prevent pedestrian and bike access must not be allowed at the entrance to or exit from any accessway.
- (12) Final design and location of accessways must be approved by the City.
- (13) Outdoor Recreation Access Routes must be provided between a subdivision or partition and parks, bikeways and greenways where a bike or pedestrian path is designated.

TDC 74.470. - Street Lights.

Response: N/A, existing street lighting is not impacted.

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

TDC 74.475. - Street Names.

Response: N/A, no new streets are proposed.

- (1) A street name must not be used which will duplicate or be confused with the names of existing streets in the Counties of Washington or Clackamas, except for extensions of existing streets. Street names and numbers must conform to the established pattern in the surrounding area.

(2) The City Manager must maintain the approved list of street names from which the applicant may choose. Prior to the creation of any street, the street name must be approved by the City Manager.

TDC 74.480. - Street Signs.

Response: N/A, no new streets are proposed and no street signs will be impacted by the improvements.

(1) Street name signs must be installed at all street intersections in accordance with standards adopted by the City.

(2) Stop signs and other traffic control signs (speed limit, dead-end, etc.) may be required by the City.

(3) Prior to approval of the final subdivision or partition plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street signs, traffic control signs and street name signs. The location, placement, and cost of the signs must be determined by the City.

TDC 74.485. - Street Trees.

Response: N/A, no new streets are proposed and no street trees will be impacted by the improvements.

(1) Prior to approval of a residential subdivision or partition final plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.

(2) In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.

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

TDC 74.610. - Water Service.

Response: N/A, The project will utilize the existing domestic water service. No public water main work is required.

- (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.
- (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.
- (3) As set forth in 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.

TDC 74.620. - Sanitary Sewer Service.

Response: N/A, The project will utilize the existing sanitary sewer service. No public sanitary main work is required.

- (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.
- (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.

TDC 74.630. - Storm Drainage System.

Response: N/A, The project will utilize the existing storm water service. No public stormwater main work is required.

- (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.
- (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.
- (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.

TDC 74.640. - Grading.

Response: The project will be graded to avoid impacts to adjacent properties.

- (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.
- (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.

TDC 74.650. - Water Quality, Storm Water Detention and Erosion Control.

Response: There is an existing onsite Water Quality Facility and it will be utilized for this expansion. It will be updated as required to meet current design standards.

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

- (1) On subdivision and partition development applications, prior to approval of the final plat, 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 satisfied and obtain a Stormwater Connection Permit from Clean Water Services; or

(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.

(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.

TDC 74.660. - Underground.

Response: N/A, There are no requirements to underground any utilities.

(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.

(2) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.

TDC 74.670. - Existing Structures.

Response: N/A, The existing building is connected to all available utilities.

- (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.
- (2) The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.
- (3) The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.

TDC 74.700. - Removal, Destruction or Injury of Trees.

Response: N/A, no work is proposed in the public right-of-way that will require removal or injure existing trees and plantings.

It is unlawful for a person, without a written permit from the City Manager, to remove, destroy, break or injure a tree, plant or shrub, that is planted or growing in or upon a public right-of-way within the City, or cause, authorize, or procure a person to do so, authorize or procure a person to injure, misuse or remove a device set for the protection of any tree, in or upon a public right-of-way.

TDC 74.705. - Street Tree Removal Permit.

Response: N/A, no work is proposed in the public right-of-way that will require removal of existing street trees.

- (1) A person who desires to remove or destroy a tree, as defined in TDC 31.060, in or upon public right-of-way must make application to the Operations Director on City forms.
- (2) The applicant must provide:
 - (a) The applicant's name and contact information and if applicable that of the applicant's contractor;
 - (b) The number and species of all street trees the applicant desires to remove;
 - (c) A clear description of the street trees' the applicant desires to remove;
 - (d) The date of removal;

(e) The reason(s) for removal; and

(f) Other information as the Operations Director deems necessary.

(3) Upon the City Manager approving the removal of a street tree, the applicant or designated contractor must replace each removed tree on a one-for-one basis by fulfilling the following requirements:

(a) Remove both the tree and stump prior to planting a replacement tree, or request the City to remove the tree and stump and pay the applicable fee(s) established in TDC 74.706; and

(b) Replace the removed tree by planting a species of street tree permitted by Schedule A of the TDC Chapter 74 within the time period specified in writing by the City Manager; or, the applicant may request within 60 days of the permit approval date that the City replace the street tree and pay the applicable fee(s) established in TDC 74.706. If an applicant opts for the City to plant the replacement tree, the City may plant the tree on its usual tree-planting schedule. Planting done by the applicant or designated contractor must comply with all applicable TDC sections and any additional requirements imposed by the City Manager.

(c) The applicant must comply with all applicable TDC sections and additional requirements imposed by the City Manager. The City Manager may waive the one-for-one replacement requirement if the City Manager determines that the replacement would:

(i) Conflict with public improvements or utility facilities, including but not limited to fire hydrants, water meters and pipes, lighting fixtures, traffic control signs; private improvements or utility facilities—including but not limited to driveways and power, gas, telephone, cable television lines; or, minimum vision clearance;

(ii) Interfere with the existing canopy of adjacent trees, the maturation of the crown of the proposed replacement tree, or both;

(iii) Cause a conflict by planting trees too close to each other, hurting their health;

(iv) Limit the selection of species from Schedule A: and;

(v) Direct how to plant replacement tree(s).

(d) A person who fails to comply with TDC 74.705 must pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.

TDC 74.706. - Street Tree Fees.

Response: N/A, no work is proposed in the public right-of-way that will require removal of existing street trees.

A person who applies to remove a street tree under TDC 74.705 must pay all costs incurred by the City as reflected in the applicable fees listed in the city of Tualatin Fee Schedule. City actions and associated fees include but are not limited to inspection of a street tree requested for removal, removal of a street tree, removal of a stump, planting of a street tree, and inspection(s) to determine if the applicant has fulfilled permit requirements.

TDC 74.707. - Street Tree Voluntary Planting.

Response: N/A, no street trees are being planted.

A person who desires to plant a tree in or upon a public right-of-way may plant or have the City plant a species of street tree permitted by TDC Chapter 74 Schedule A without a City permit, if the tree is not a replacement for a tree that the person has removed. Such a person may submit a request to the City with payment of fee(s) so that the City may plant a street tree. If a stump exists where a street tree is to be planted, the person must remove the stump or pay a fee to the City as established in TDC 74.706 so that the City may remove the stump on behalf of the person. In all instances, a person who desires to plant a tree must comply with other applicable TDC sections and any additional requirements of the City Manager.

TDC 74.708. - Street Tree Emergencies.

Response: N/A, no street trees are being planted.

(1) If emergency conditions occur that require the immediate cutting or removal of street trees to avoid danger or hazard to persons or property, the City Manager must issue emergency permits without payment of fees and formal applications. If the City Manager is unavailable, the adjacent property owners may proceed to cut the trees without permits to the extent necessary to eliminate the immediate danger or hazard. If a street tree is cut under this section without filing of an application with the City Manager, the person doing so must report the action to the City Manager within two

City business days without payment of fee and must provide such information and evidence as may be reasonably required by the City Manager to explain and justify the removal.

(2) In all instances, a person who removes a street tree as a result of an emergency must replace it within 60 days of notifying the City Manager. The City reserves the right to waive this requirement.

(3) A person who fails to comply with TDC 74.708 must pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.

(4) If no emergency is found to exist, no person must cut or remove a street tree without complying with the requirement of the Tualatin Development Code.

TDC 74.710. - Open Ground.

When impervious material or substance is laid down or placed in or upon a public right-of-way near a tree, at least nine square feet of open ground for a tree up to three inches in diameter must be provided about the base of the trunk of each tree.

TDC 74.715. - Attachments to Trees.

It is unlawful for a person to attach or keep attached a rope, wire, chain, sign or other device to a tree, plant or shrub in or upon a public right-of-way or to the guard or stake intended for the protection of such tree, except as a support for a tree, plant or shrub.

TDC 74.720. - Protection of Trees During Construction.

(1) During the erection, repair, alteration or removal of a building or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave a tree in or upon a public right-of-way in the vicinity of the building or structure without a good and sufficient guard or protectors to prevent injury to the tree arising out of or by reason of such erection, repair, alteration or removal.

(2) Excavations and driveways must not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Manager. During excavation or construction, the person must guard the tree within six feet and all building material or other debris must be kept at least four feet from any tree.

TDC 74.725. - Maintenance Responsibilities.

Trees, shrubs or plants standing in or upon a public right-of-way, on public or private grounds that have branches projecting into the public street or sidewalk must be kept trimmed by the owner of the property adjacent to or in front of where such trees, shrubs or plants are growing so that:

- (1) The lowest branches are not less than 12 feet above the surface of the street, and are not be less than 14 feet above the surface of streets designated as state highways.
- (2) The lowest branches are not less than eight feet above the surface of a sidewalk or footpath.
- (3) A plant, tree, bush or shrub must not be more than 24 inches in height in the triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, such an area defined by a line across the corner between the points on the street right-of-way line measured ten feet back from the corner, and extending the line to the street curbs or, if there are no curbs, then to that portion of the street or alley used for vehicular traffic.
- (4) Newly planted trees may remain untrimmed if they do not interfere with street traffic or persons using the sidewalk or obstruct the light of a street electric lamp.
- (5) Maintenance responsibilities of the property owner include repair and upkeep of the sidewalk in accordance with the City Sidewalk Maintenance Ordinance.

TDC 74.730. - Notice of Violation.

Response: noted.

When the owner, lessee, occupant or person in charge of private grounds neglects or refuses to trim a tree, shrub or plant as provided in TDC 74.725, the City Manager must cause a written notice to trim such tree or trees, shrubs or plants to be served upon such owner, lessee, occupant or person in charge, within ten days after the giving the notice; and if the owner, lessee or occupant or person in charge fails to do so, the person is guilty of violating this ordinance and subject to the penalties in TDC 74.760. The notice must be served upon the owner, lessee, occupant or person in charge either by "Certified Mail-Return Receipt Requested," or by posting the same notice on the property or near to the trees, shrubs or plants to be trimmed.

TDC 74.735. - Trimming by City.

Response: noted.

If the owner, lessee, occupant or person in charge of the property fails and neglects to trim the trees, shrubs or plants within ten days after service of the notice in TDC 74.730, the City Manager may trim the trees, shrubs or plants. Such trimming by the City does not act to relieve such owner, lessee, occupant or person in charge of responsibility for violating this Chapter.

TDC 74.740. - Prohibited Trees.

Response: noted.

It is unlawful for a person to plant a tree within the right-of-way of the City of Tualatin that is not in conformance with City standards, including Table 74-1. Any tree planted subsequent to adoption of this Chapter not in compliance with City standards, including Table 74-1, must be removed at the expense of the property owner.

TDC 74.745. - Cutting and Planting Specifications.

Response: noted.

The following regulations are established for the planting, trimming and care of trees in or upon the public right-of-way of the City.

- (1) When trees are cut down, the stump must be removed to a depth of six inches below the surface of the ground or finish grade of the street, whichever is of greater depth.
- (2) Trees must be planted in accordance with City standards, Table 74-1, except when a greater density is allowed under a special permit from the City Manager.

TDC 74.750. - Removal or Treatment by City.

Response: noted.

The City Manager may remove or cause or order to be removed a tree, plant or shrub, planted or growing in or upon a public right-of-way which by its nature causes an unsafe condition or is injurious to sewers or public improvements, or is affected with an injurious fungus disease, insect or other pest. When, in the opinion of the City Manager, trimming or treatment of a tree or shrub located on private grounds, but having branches extending over a public right-of-way is necessary, the City Manager may trim or treat such a branch or branches, or cause or order branches to be

trimmed or treated.

TDC 74.755. - Appeal of Permit Denial.

Response: noted.

When application for a permit under this Chapter is denied by the City Manager, an order is issued by the City Manager directing certain trees, shrubs or plants to be trimmed or removed, or a permit is granted by the City Manager containing conditions which the applicant deems unreasonable, the applicant may appeal to the Council in writing and filed with the City Recorder within ten City business days after the denial of the permit sought or the making of the order the appellant deems unreasonable. After hearing, the Council may either grant or deny the application, rescind or modify the order from which the appeal was taken.

TDC 74.760. - Penalties.

Response: noted.

A person who violates this ordinance or fails to trim a tree or shrub for which notice to do so was provided, must, upon conviction, be fined not more than \$100.00.

TDC 74.765. - Street Tree Species and Planting Locations.

Response: n/a, street trees are not proposed as part of the work.

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.

Table 74-1
Street Tree Species

The following street trees are authorized for planting in the City of Tualatin. Please refer to Map 74-1 to reference locations of the following species of trees.			
Species Common Names	Planting Strip Width (feet)	Power line Compatible	Spacing on center (feet)

Exhibit A1. Application Materials - Narrative

Zone 1	4	5	6+		
Leprechaun Ash	•	•	•		30
Purple Beech	•	•	•		30
European Hornbeam	•	•	•	•	30
Armstrong Maple	•	•	•		30
Scanlon/Bowhall Maple	•	•	•		30
Skyrocket English Oak	•	•	•		30
Capital Flowering Pear	•	•	•		30
Persian Parrotia	•	•	•		30
Eastern Redbud	•	•	•		30
Zelkova Musashino	•	•	•		30
Autumn Applause Ash		•	•		30
Shademaster Honey Locust		•	•		30
Zone 2					30
Golden Desert Ash	•	•	•	•	30
Leprechaun Ash	•	•	•		30
Purple Beech	•	•	•		30
Goldenrain	•	•	•		30

Exhibit A1. Application Materials - Narrative

European Hornbeam	•	•	•	•	30
Ivory Japanese Lilac	•	•	•	•	30
Amur Maackia	•	•	•	•	30
Amur Maple	•	•	•	•	30
Crimson Sentry Maple	•	•	•	•	30
Trident Maple	•	•	•	•	30
Skyrocket English Oak	•	•	•	•	30
Persain Parrotia	•	•	•		30
Eastern Redbud	•	•	•		30
Yellowwood	•	•	•		30
Raywood Ash		•	•	•	30
Urbanite Ash		•	•		30
Ginko		•	•		30
Greenspire Linden		•	•		30
Crimson King Maple		•	•		30
Tri-Color Beech			•		60
Frontier Elm			•		60
Globe Sugar Maple			•		60

Exhibit A1. Application Materials - Narrative

Red Sunset Maple			•		60
Red Oak			•		60
Scarlet Oak			•		60

75 Access Management

TDC 75.030. - Driveway Approach Closure.

Response: N/A, no closure required.

- (1) The City Manager may require the closure of a driveway approach where:
 - (a) The driveway approach is not constructed in conformance with this Chapter and the Public Works Construction Code;
 - (b) The driveway approach is not maintained in a safe manner;
 - (c) A public street improvement project is being constructed, and closure of the driveway approach will more closely conform to the current driveway approach standards;
 - (d) A new building or driveway is constructed on the property;
 - (e) A plan text amendment or zone change is proposed for the property served by the driveway;
 - (f) A change of use or activity in an existing building increases the amount of required parking;
 - (g) The driveway approach has been abandoned; or
 - (h) There is a demonstrated safety issue.
- (2) *Notice.* Notice of driveway approach closure must be given in writing to the property owner and any affected tenants stating the grounds for closure, the date upon which the closure becomes effective, and the right to appeal.
- (3) *Appeals.* Any person entitled to notice under subsection (2) of this section may appeal the decision to the City Council.
- (4) *Effect.* Closure is effective immediately upon the mailing of notice of the decision. Unless otherwise provided in the notice, closure terminates all rights to continue the use the driveway approach for which the notice of closure has been issued.
- (5) *Failure to Close Driveway.* If the owner fails to close the driveway approach to conform to the notice within 90 days, the City Manager may cause the closure to be

completed and all expenses assessed against the property owner.

(Ord. 1414-18, 12-10-2018)

TDC 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.

Response: Existing ADA sidewalk ramps located at access drive off SW Leveton Dr will be updated to meet current public works standards. Shared access drive off SW Tualatin Rd does not require updates.

(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.

Response: N/A

(3) Joint and Cross Access.

Response: N/A

(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 ten 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.

(4) Requirements for Development on Less than the Entire Site.

Response: N/A

(a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

(b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.

(5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Manager.

Response: N/A

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

Response: Existing driveways connect directly to SW Tualatin Rd and SW Leveton Dr.

(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.

Response: Existing ADA sidewalk ramps located at access drive off SW Leveton Dr will be updated to meet current public works standards.

(8) The standards set forth in this Code are minimum standards for driveway approaches, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.

Response: Existing driveways may exceed some standards; however, these access drives were constructed prior to the adoption of this current standard. Existing driveways do not have a negative impact on health, safety and general welfare. See TDC 75.140. - Existing Streets Access Standards.

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

Response: Existing driveways exceed current maximum approach widths; however, these access drives were constructed prior to the adoption of this current standard and do not impact safety.

TABLE 75-1
Driveway Approach Width

Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Industrial	36 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet

(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.

Response: Existing driveways meet standard.

(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.

Response: Existing driveways align with intersections and stop signs are provided. These access drives were constructed prior to the adoption of this current standard.

(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.

(12) *Vision Clearance Area.*

Response: Existing driveways meet standard.

(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 ten 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 ten 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 eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

(Ord. 1414-18, 12-10-2018)

TDC 75.050. - Access Limited Roadways.

Response: Existing access drive is located off SW Leveton Dr.

(1) This section applies to all developments, permit approvals, land use approvals,

partitions, subdivisions, or any other actions taken by the City pertaining to property abutting any road or street listed in TDC 75.050(2). In addition, any property not abutted by a road or street listed in subsection (2), but having access to an arterial by any easement or prescriptive right, must be treated as if the property did abut the arterial and this Chapter applies.

(2) The following Freeways and Arterials are access limited roadways:

- (a) Interstate 5 Freeway;
- (b) Interstate 205 Freeway;
- (c) Pacific Highway 99W;
- (d) Tualatin-Sherwood Road at all points located within the City of Tualatin Planning Area;
- (e) Nyberg Street, from its intersection with Tualatin-Sherwood Road east to 65th Avenue, including the I-5 Interchange;
- (f) 124th Avenue from Pacific Highway 99W south to Tonquin to Basalt Creek Parkway;
- (g) Lower Boones Ferry Road, from Boones Ferry Road to the Bridgeport/72nd intersection and from the Bridgeport/72nd intersection to the east City limits;
- (h) Boones Ferry Road at all points located within the City of Tualatin Planning Area;
- (i) 65th Avenue from its intersection with Nyberg Street south to City limits;
- (j) Borland Road from 65th Avenue east to Saum Creek;
- (k) Bridgeport Road from Lower Boones Ferry Road to the west City limits;
- (l) Martinazzi Avenue from Boones Ferry Road south to Sagert Street;
- (m) Sagert Street from Martinazzi Avenue to 65th Avenue;
- (n) Leveton Drive from 108th Avenue to 124th Avenue;
- (o) 108th Avenue from Leveton Drive to Herman Road;
- (p) Herman Road from Teton Avenue to 124th Avenue;

- (q) 90th Avenue;
- (r) Avery Street;
- (s) Teton Avenue;
- (t) Basalt Creek Parkway.

If the Council finds that any other road or street is in need of access control for any reason, it may direct that the street or road be added to this section through a Plan Text Amendment.

(3) This Chapter takes precedence over any other TDC chapter and over any other ordinance of the City when considering any development, land use approval or other proposal for property abutting an arterial or any property having an access right to an arterial.

(4) The City may act on its own initiative to protect the public safety and control access on arterials or any street to be included by TDC 75.030, consistent with its authority as the City Road Authority.

(Ord. 635-84, § 45, 6-11-84; Ord. 982-97, § 4, 8-4-97; Ord. 1103-02, 3-25-02; Ord. 1321-11 § 52, 4-25-11; Ord. 1354-13 § 22, 02-25-13; Ord. 1414-18, 12-10-18; Ord. No. 1418-19, § 6, 4-22-19)

TDC 75.060. - Interim Access Agreement.

Response: N/A

(1) When a property abuts a freeway or arterial and a future street shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), or abuts or bisects the property, the City Manager may approve an interim access on the arterial through an agreement with the property owner if:

(1) The City Manager finds that at the current time the construction of the new street shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), is impractical due to costs of right-of-way acquisition.

(2) The Interim Access Agreement must be signed by the property owner and contain the following provisions:

(a) A statement that the property owner receiving interim access dedicates the

right-of-way for the new street as shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), if it would be on the property.

(b) A statement that the property owner agrees that at such time as the City Manager finds that it is practical to construct a new street as shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), the property owner agrees to pay for or construct its fair share of the new street when it is practical.

(c) A statement that at such time as the new street as shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), is constructed, the interim access must be closed and no longer used.

(d) A statement that the cost of this closure of the interim access must be borne by the property owner; and

(e) A statement that the City may enforce the Interim Access Agreement against the property owner, its successors, and assigns and seek any remedies available to the City at law and in equity.

(3) In granting the interim access the property owner may be required to share said interim access with adjacent properties.

(4) The interim access must be constructed in a manner to make it as efficient as possible. Improvements required as part of the interim access may include:

(a) A left turn lane;

(b) A right turn lane;

(c) Driveways constructed at street intersections to provide for truck turning movement;

(d) Dedication of additional right-of-way on the arterial;

(e) Installation of traffic control signals; and

(f) Limitation of new driveways to right turn in, right turn out movements by construction of raised median barriers or other means.

(5) Any interim access approved in accordance with this chapter must be set forth in the form of a written agreement, approved by the City Attorney. The agreement must be verified by the owner in the manner provided for deeds and restrictions on

real property. The agreement must bind the parties thereto as well as their heirs, successors in interest and assigns and must not be modified without the express written approval of the City, and the agreement must be recorded in the deed of records for the County in which the property is located.

(Ord. 635-84, § 51, 6-11-84, § 75.090(7); Ord. 743-88, § 30, 3-28-88; Ord. 1103-02, 3-25-02; Ord. 1354-13 § 25, 02-25-13; Ord. 1414-18, 12-10-2018)

TDC 75.070. - Existing Driveways and Street Intersections.

Response: Existing driveways access drives were constructed prior to the adoption of these current standard. Existing driveways do not have a negative impact on health, safety and general welfare. Stop signs and median barrier are provided at the SW Leveton Dr access (main access). No alterations other than ADA ramp upgrades are required. See TDC 75.140. - Existing Streets Access Standards.

(1) Existing driveways with access onto arterials on the date this chapter was originally adopted are allowed to remain. If additional development occurs on properties with existing driveways with access onto arterials then this Chapter applies and the entire site must be made to conform with the requirements of this chapter.

(2) The City Manager may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means.

(Ord. 635-84, § 48, 6-11-84; Ord. 982-97, § 7, 8-4-97; Ord. 1414-18, 12-10-2018)

TDC 75.100. - Spacing Standards for New Intersections.

Response: N/A

Except as shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), all new intersections with arterials must have a minimum spacing of one-half mile between intersections.

TDC 75.110. - Joint Access Standards.

Response: N/A

When the City Manager determines that joint accesses are required by properties

undergoing development or redevelopment, an overall access plan shall be prescribed by the City Manager and all properties shall adhere to this. Interim accesses may be allowed in accordance with TDC 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

(Ord. 1414-18, 12-10-2018)

TDC 75.120. - Collector Streets Access Standards.

Response: N/A

(1) *Major Collectors.* Direct access from newly constructed single family homes, duplexes or triplexes are not permitted. As major collectors in residential areas are fully improved, or adjacent land redevelops, direct access should be relocated to the nearest local street where feasible.

(2) *Minor Collectors.* Residential, commercial and industrial driveways where the frontage is greater or equal to 70 feet are permitted. Minimum spacing at 100 feet. Uses with less than 50 feet of frontage shall use a common (joint) access where available.

(3) If access is not able to be relocated to the nearest local street, the City Manager may allow interim access in accordance with 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

(Ord. 1414-18, 12-10-2018)

TDC 75.130. - New Streets Access Standards.

Response: N/A

(1) New streets designed to serve as alternatives to direct, parcel by parcel, access onto arterials are shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3). These streets are shown as corridors with the exact location determined through the partition, subdivision, public works permit or Architectural Review process. Unless modified by the City Council by the procedure set out below, these streets will be the only new intersections with arterials in the City. See map for changes

(2) Specific alignment of a new street may be altered by the City Manager upon finding that the street, in the proposed alignment, will carry out the objectives of this chapter to the same, or a greater degree as the described alignment, that access to adjacent and nearby properties is as adequately maintained and that the

revised alignment will result in a segment of the Tualatin road system which is reasonable and logical.

(3) The City Council may include additional streets in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), through the plan amendment procedure. In addition to other required findings, the City Council must find that the addition is necessary to implement the objectives of this chapter.

(Ord. 635-84, § 53, 6-11-84; Ord. 743-88, § 31, 3-28-88; Ord. 975-97, § 3, 5-12-97; Ord. 1023-99, § 11, 6-28-99; Ord. 1354-13 § 27, 02-25-13; Ord. 1414-18, 12-10-2018)

TDC 75.140. - Existing Streets Access Standards.

Response: Existing access drive is located off SW Leveton Dr. See (15) for allowed standards.

The following list describes in detail the freeways and arterials as defined in TDC 75.030 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below.

- (1) *INTERSTATE 5 (I-5).* I-5 is a State facility and access is controlled by the State.
- (2) *INTERSTATE 205 (I-205).* I-205 is a State facility and access is controlled by the State.
- (3) *PACIFIC HIGHWAY 99W.*
 - (a) On the southeasterly side of Pacific Highway 99W access will be provided by Cipole Road, 130th Avenue, 124th Avenue and Hazelbrook Road. In addition to 130th Avenue, shared driveway accesses will be allowed between Tax Lots 2S1 21A 1800 (Grimm's Fuel, 18850 Cipole Road) and 1801 (Construction Equipment Company, 18650 99W), and Lots 2000 (no street address) and 2101 (Anderson Forge & Machine, 18500 99W). A shared driveway access will also be allowed between 130th Avenue and 124th Avenue. West of Cipole Road and south of Pacific Highway 99W access will be provided by a new street or private drive extending west of Cipole Road across from the proposed Cummins Drive/Cipole Road intersection.
 - (b) East of 124th Avenue on the southeasterly side of Pacific Highway 99W, property will access onto Tualatin Road or onto Hazelbrook Road. In this area a central access from Pacific Highway 99W consisting of one right-in and one right-out driveway may be allowed.

The access point shall be located within the middle one-third of the frontage between 124th Avenue and Hazelbrook Road. The City Manager shall determine the final location at the time any portion of either site is developed.

(c) On the northwesterly side of Pacific Highway 99W access will be provided by Cipole Road and Pacific Drive. West of Cipole Road and north of Pacific Highway 99W access will be provided by Pacific Drive. Pacific Drive will be extended as a frontage road toward the 124th Avenue intersection as far as is practicable as determined by the City Manager. Past that point shared driveways shall be used as determined by the City Manager. Pacific Drive will be reconfigured to align with 130th Avenue to form a new intersection. From the reconfigured intersection with Pacific Drive and Pacific Highway 99W to 124th Avenue, interim accesses may be approved in accordance with TDC Chapter 75. Between 124th Avenue and the Tualatin River on the northwesterly side of Pacific Highway 99W existing accesses will remain except as noted below for development or redevelopment due to the median of Pacific Highway 99W these will be limited to right-turn in, right-turn out. Any redevelopment in this area will require that the driveway accesses be consolidated to a minimum number as determined by the City Manager.

(4) *TUALATIN-SHERWOOD ROAD.*

(a) Nyberg Street to Boones Ferry Road: Access to this section was purchased at the time of right-of-way acquisition. Access will be provided by Martinazzi Avenue and Boones Ferry Road. Notwithstanding other provisions of this Code, a single access onto Tualatin-Sherwood Road shall be allowed along the north side of this section in the block between Martinazzi Avenue and Boones Ferry Road; its exact location and configuration shall be determined by the City Manager.

(b) Boones Ferry Road to 89th Avenue: All access to this property was purchased as part of the right-of-way acquisition. Access shall be limited to right-in, right-out access on the south side at Mohave Court and on the north side kitty-corner or opposite to Mohave Court. Full access shall be prohibited at these locations by means of a median barrier. An existing four-way intersection serving 89th Avenue, Old Tualatin-Sherwood Road, and a driveway of the Hedges Greene retail development (Tax Lot 2S123D 2600) located approximately 800 feet west of Boones Ferry Road.

(c) 89th Avenue to Teton Avenue:

(i) Tualatin-Sherwood Road access shall be limited as follows: On the north side of the road the Emery Zidell Commons Subdivision (Tax Map 2S1-23D) shall have two street accesses located at 90th Avenue across from 90th Court and at 95th Place at the west property line. The intersection of 90th Avenue with Tualatin-Sherwood Road shall remain a four-way intersection. The four-way intersection at the west line of the Emery Zidell Subdivision shall remain located across from 95th Place on the south side of Tualatin-Sherwood Road.

(ii) Between 95th Place and 97th Avenue on the north side of Tualatin-Sherwood Road, the two existing driveways may remain, but limited to right-in, right-out. A cross access will be developed to serve tax lots 2S1 23CA 200, 90000, 700, 800, 801 and 900 for access to 95th Place.

(iii) The cul-de-sac street system (of 97th Avenue) extends north with Potano Street as a stub to the west to serve Tax Lot 2S1 23CB 100. On the south side Tualatin Gardens Subdivision (Tax Lot 2S1 23DA, 1400) shall access onto Old Tualatin-Sherwood Road. Tax Lots 2S1 23DB 00600 and 2S1 23DC 00401 shall access onto 95th Place. Between 97th Avenue and Teton Road, Tax Lots 2S1 23CC 200 and 300 shall have a joint driveway access, and Tax Lot 400 shall have a cross access to either the joint driveway on Tax Lots 200 and 300 or a cross access over Tax Lot 500 to Teton Avenue.

(iv) A driveway extends south of Tualatin-Sherwood Road at 97th Avenue. The driveway provides access for Tax Lot 2S1 23 CD 300 and the six Tualatin Business West Tax Lots 2S123CD 700, 800, 900, 1000, 1100, and 1200 located between 95th Place and the properties to the west fronting Teton (2S1 23CC/1100, 1200, 1300). The properties fronting on Teton Avenue take access from Teton Avenue. The Washington County water quality facility (Tax Lot 2S123CC 1000) is permitted the one existing service driveway adjacent to its east property line.

(d) Teton Avenue to Avery Street/112th Avenue:

(i) On the north side of Tualatin-Sherwood Road no new driveways will be constructed and existing driveways will be removed at the time of development or redevelopment. All of the properties will be served by either Manhasset Drive or 112th Avenue. 112th Avenue will connect to Myslony Street. Tax Lot 2S1 22DD 600 (Western Industrial Ceramics (2S1 22D/200) shall take access to Manhasset Street. An eastern extension off of the 112th Avenue/Myslony Street connection will terminate at and provide access to Tax Lot 2S1 22DD 600 (Pascuzzi Investment LLC and may provide additional access for Tax Lot 2S1 22DD 100 (UPS) which has access from the west end of Manhasset Drive.

(ii) On the south side of Tualatin-Sherwood Road there will be no new driveways or streets. Development of property east of Tax Lot 2S1 27AA 90000 (Arlington Commons at Tualatin Condominiums) on Tualatin-Sherwood Road may be accomplished only with a joint access agreement with Lakeside Lumber through its driveways on Tax Lot 2S1 27AA 2000. Tax Lot 90000 shall have one access onto Tualatin-Sherwood Road. Properties between Arlington Commons at Tualatin and Avery Street on the south side are served from Avery Street and Avery Court and no driveway access will be constructed with Tualatin-Sherwood Road.

(e) Avery Street/112th to Cipole Road. On the north side of Tualatin-Sherwood Road between 112th Avenue and Cipole Road the area will be served by the following streets or driveways:

- (i) 115th Avenue which will extend north to Amu Street.
- (ii) 124th Avenue which will extend north and west to an intersection at 124th Avenue approximately 800 feet north of Tualatin-Sherwood Road.
- (iii) 124th Avenue.
- (iv) Cipole Road. The exact location and configuration of the streets or driveways shall be determined by the City Manager.
- (v) On the south side of Tualatin-Sherwood Road between Avery Street and 120th Avenue the area will be served by the following street system:
 - (A) 115th Avenue.
 - (B) 120th Avenue, which may be restricted to right-in, right-out movements in the future. The exact location and configuration of the streets shall be determined by the City Manager. No driveways will be constructed in this area and existing driveways will be removed. Tax Lot 2S127B 800 (Select Sales) shall have a cross access to 115th Avenue.
- (5) *NYBERG STREET.*
 - (a) Tualatin-Sherwood Road to 65th Avenue:
 - (i) West of I-5. On the south side between Fred Meyer and I-5 any development shall be served by the Fred Meyer driveway Tax Lot 2S1 24CA 200 or Urban Renewal Area Block 6) aligned with the Urban Renewal Area Block 2 driveway on the north side and shall not be granted any access to Nyberg Street. No additional driveways will be allowed.
 - (ii) East of I-5.
 - (A) On the north side of the Nyberg Woods development (Tax Lot 2S1 24A 2503) shall be limited to one signalized access and one right-in/right-out access. The driveway for Forest Rim Apartments (Tax Lot 2S1 24A 2800) may remain.
 - (b) On the south side, access to Tax Lot 2S1 24DB 200 (Shell) shall be limited to right-in, right-out. Tax Lot 2S1 24DB 100 (La-Z-Boy) access shall be aligned with the Nyberg Woods signalized access. The existing westside Nyberg Retail access shall be limited to right-in, right-out. Tax Lot 2S1 24DA 100 (Meridian Park Veterinary Hospital and 7Eleven) shall share a driveway that aligns with the 65th/Nyberg Street intersection. There will be no new additional driveways created in this section of roadway.
- (6) *124TH AVENUE.*
 - (a) Pacific Highway to Tualatin Road. No street or driveway accesses on the west side of this intersection will be permit-ted. No driveway accesses shall be allowed between Pacific Highway 99W and Tualatin Road.

(b) Tualatin Road to Herman Road. Between Tualatin Road and Herman Road, access to 124th Avenue shall be limited to a street intersection at Leveton Drive. The area west of the 124th Avenue/Tualatin Road intersection and south of Pacific Highway 99W will be served by a cul-de-sac connecting to the westward extension of Leveton Drive.

(c) Herman Road to Tualatin-Sherwood Road. On the east side of 124th Avenue between Herman Road and Tualatin-Sherwood Road the area will be served by the following streets or driveways:

(i) A street intersection at Myslony Street.

(ii) A street or driveway intersection approximately 800 feet south of the Myslony Street/124th Avenue intersection extending east with an alternative to extend north to connect with Myslony Street a minimum of 150 feet east of 124th Avenue. Access may be limited to right in/right out as determined by the City Manager.

(iii) Cimino Street extending east and south to an intersection at Tualatin-Sherwood Road across from 120th Avenue. The exact location and configuration of the streets and driveways shall be determined by the City Manager.

(iv) On the west side of 124th Avenue between Herman Road and Tualatin-Sherwood Road the area will be served by the following streets or driveways:

(A) A driveway across from Myslony Street.

(B) A street or driveway intersection approximately 800 feet north of the intersection of Tualatin-Sherwood Road and 124th Avenue. The exact location and configuration of the streets or driveways shall be determined by the City Manager.

(d) Tualatin-Sherwood Road. Between Tualatin-Sherwood Road and Basalt Creek Parkway access to 124th Avenue shall be limited to street intersections at Tonquin Road and one other location.

(7) *LOWER BOONES FERRY ROAD.*

(a) Boones Ferry Road to Childs Road.

(i) On the south side of the road, Tax Lot 2S1 24AB 800 shall have its access located at its east property line. This access shall be combined with the access of the Mt. Hood Chemical Building (Tax Lot 2S1 24 700) at its west property line into one joint access.

(ii) On the north side of the road is a small lot (Leageld Development; Tax Lot 2S1 13DC/2000) the driveway of which shall line up with the intersection of Childs Road and Lower Boones Ferry Road.

(b) Childs Road to I-5 Freeway:

- (i) On the south side of the road the existing driveways may be allowed to remain. No new driveways will be permitted.
- (ii) On the north side of the road, the existing driveways may be allowed to remain. No new driveways will be permitted.
- (c) I-5 Freeway northerly to Bridgeport Road:
 - (i) On the west side, Hazel Fern Road shall intersect with Lower Boones Ferry Road, as Traveller's Lane.
 - (ii) On the east side, the Tri-Met park and ride shall be permitted two driveway accesses as determined by the City Manager.
- (d) 72nd Avenue to the east City limits:
 - (i) On the north side access shall be permitted only by 65th Avenue and 63rd Avenue and a right-in, right-out driveway between 65th and 63rd Avenues. Between 63rd Avenue and the east City limits the properties fronting Lower Boones Ferry Road shall take access from 63rd Avenue.
 - (ii) On the south side access shall be permitted at 65th Avenue. Between 65th Avenue and the east City limits no new accesses shall be permitted. A median may be constructed to limit access to right-in, right-out.
- (8) *BOONES FERRY ROAD.*
 - (a) North City Limits to the Tualatin River. All existing driveways will remain. No new driveways will be permitted.
 - (b) Tualatin River to Tualatin Road.
 - (i) Between the River and Martinazzi Avenue on the south side, the access for the apartments (Tax Lot 2S1 24B 1500) will be closed and converted over to the Loop Road. The Loop Road will have a right-in, right-out connection to Boones Ferry Road between the river and Martinazzi Avenue.
 - (ii) On the south side of Boones Ferry Road between Martinazzi Avenue and the driveway for the White Lot (formerly Lot C), any development or redevelopment shall take access over the White Lot or from Martinazzi Avenue.
 - (iii) Between the White lot and 84th Avenue, all properties shall have combined accesses resulting in only one access on Boones Ferry Road. Between 84th Avenue and Tualatin Road on the south side, any redevelopment shall result in no driveways onto Boones Ferry Road and access shall be taken from 84th Avenue or Seneca Street.
 - (iv) On the north side Tax Lots 2S1 24BC 1301 and 1400 and Tax Lot 2S1 24B 1300

(Apartments by Hedges Creek: Kaplan) shall combine their driveways at a location to be determined by the design of the Martinazzi Avenue-Boones Ferry Road intersection. Further the properties shall combine their access into one on Lot 1300 across from the White lot's driveway. Between the Green (former Lot G) and Blue (former Lot H) Lots, any redevelopment of these properties shall remove the existing driveways and take access from the public parking lots from a cross access between the two public lots. Between the Blue Lot and Tualatin Road any development or redevelopment shall have access off of Tualatin Road at the north edge of the property or over the Blue Lot.

(c) Tualatin Road to Tualatin-Sherwood Road.

(i) On the west side of this road is the Portland & Western Railroad (PNWR) tracks. There will be no access to Boones Ferry Road across the PNWR tracks except an access for a public street to the west side of the railroad tracks, centered on the centerline of Nyberg Street. The existing two driveways to the Tax Lot 2S1 23D 3400 (Sweek House also known as Willowbrook) shall be allowed a gated emergency access onto Boones Ferry Road, the other access shall be closed and access taken over Tax Lot 2S1 23D 2600 (Hedges Greene retail development) to Nyberg Street.

(ii) On the east side of this road, all redevelopment shall lead to elimination of all driveways onto Boones Ferry Road. Vehicular access to Boones Ferry Road in this section shall be limited to the Seneca Street intersection and Nyberg Street intersection. This will require interim access agreements per TDC 75.090.

(d) Tualatin-Sherwood Road to Sagert Street.

(i) On the west side, all existing driveways will be allowed to remain. On the frontage of the property of the demolished historic Tualatin Elementary School (Tax Lots 2S1 23DD 500 and 501), a new local street intersection is allowed on SW Boones Ferry Road that connects to a future public street on the Old Tualatin Elementary School property that extends north from Sagert Street in the approximate alignment of 90th Avenue. The new local street intersection may be located approximately 500 ft. north of the intersection with Sagert Street. Tax Lot 2S1 23DA 100 (the unnamed retail development at the intersection with Warm Springs Street will have one access aligned with Warm Springs.

(ii) On the east side, the driveway of McDonald's (Tax Lots 2S1 24CB 1201, 1301, and 1400) was closed and shall remain closed. Any additional development on the Brock property (Tax Lot 2S1 24CB 2100) shall result in closure of this driveway to Boones Ferry Road. Any additional development on (Tax Lot 2S1 24CB 2200) (Tualatin West Center retail development) shall result in closure of this driveway to Boones Ferry Road. Between Warm Springs Street and Tualatin-Sherwood Road, as an option to closing the driveways at Brocks, and Tualatin West Center, it may be permissible to construct a raised median barrier or other improvements in Boones Ferry Road in this section to physically eliminate left turning movements, thus limiting all these driveways to right turn in, right turn out.

Any redevelopment of the residential property between Mohawk and Sagert on the east side of Boones Ferry Road shall be accomplished in such a manner that the ultimate access to this area is from a street off of Sagert Street at its intersection with 86th Avenue. This may require interim agreements in accordance with TDC 75.090. All existing driveways in this area will be allowed to remain so long as the use of the property does not change.

(e) Sagert Street to Avery Street. The existing driveways will be allowed to remain. Any redevelopment of any residential property between Sagert and Avery shall result in no additional driveways being constructed in this area.

(f) Avery Street to Ibach Street. South of Avery Street, the Sundae Meadows Subdivision and Tualatin Presbyterian Church (Tax Lot 2S1 26AC 301) shall access Boones Ferry Road via Siletz Drive. One additional street or private drive (Cherry Lane) will be allowed for the Boones Ferry Commons Condominiums (Tax Lot 2S1 26CA 90000).

(g) Ibach Street to Norwood Road. Development of these residential properties shall result in no more than two driveway accesses for Tualatin High School, one emergency access with no curb cut for Grahams Landing Townhomes Condos (Tax Lot 2S1 35BA 90000) and only street intersections for other properties. All street intersections on Boones Ferry Road between Ibach and Norwood shall be spaced a minimum of 500 feet apart.

(9) *65TH AVENUE.*

(a) Nyberg to Borland: There will be no new additional driveways.

(b) Borland Road to south city limits: A street connection will be constructed across from Sagert Street to serve property to the east of 65th Avenue.

(10) *BORLAND ROAD.*

(a) Between 65th and the Entrance to Bridgeport School: In this section of roadway, as the residential properties develop, all accesses to Borland shall be limited to street intersections. These street intersections shall be spaced a minimum of 500 feet apart. All development in this area shall be interconnected so there are no dead-end entrances from Borland Road.

(b) Bridgeport School Entrance to Saum Creek: As the residential properties develop, all accesses to Borland shall be limited to street intersections. These street intersections shall be spaced a minimum of 500 feet apart. All development in this area shall be interconnected so there are no dead-end entrances from Borland Road. Access to Prosperity Park Road is allowed.

(11) *BRIDGEPORT ROAD.*

(a) 72nd Avenue to the West City Limits.

(i) On the north side, the existing driveways will be allowed to remain. No new driveways will be permitted.

(ii) On the south the existing driveways will be allowed to remain. No new driveways will be permitted.

(12) *72ND AVENUE.*

(a) Bridgeport Road to North City Limits. The existing driveways will be allowed to remain. No new driveways will be permitted.

(13) *MARTINAZZI AVENUE.*

(a) Boones Ferry Road to Seneca Street:

(i) On the west side, any redevelopment on the Haberman and Soft Tough Dentistry property (2S1 24BC 1500 and 1503) or the unnamed retail development property with corner tenant Umpqua Bank (Tax Lot 2S1 24BC 1502) shall result in combining these two driveways into one driveway on Martinazzi Avenue, or the Halstin retail development property shall take access from the White Lot (former Lot C) to Boones Ferry Road.

(ii) On the east side the existing driveway shall be removed and access shall be taken off of the Loop Road.

(b) Seneca Street to Nyberg Street. No driveways shall be permitted. The raised center median prohibiting left turns in this area shall remain until driveways are removed. On the west side on Tax Lot 2S1 24BC 2702 (Wells Fargo Bank), the driveway shall be removed and access taken from Seneca Street or Nyberg Street. On the east side the driveway for Tax Lot 2S114B 2000 (Tualatin Center retail development Building 1) shall be removed and access taken from the Loop Road or Nyberg Street.

(c) Nyberg Street to Tualatin-Sherwood Road. There shall be no access to Martinazzi Avenue.

(d) Tualatin-Sherwood Road to Warm Springs Street. The only access shall be the existing Fred Meyer/Martinazzi Square driveway intersection.

(e) Warm Springs Street to Sagert Street. There shall be no additional access granted. The only street intersection will be Mohawk Street.

(14) *SAGERT STREET.*

(a) Martinazzi Avenue to 65th Avenue. No new driveways or streets shall be allowed, except the City Manager may allow one driveway from the SE corner lot of Sagert and Martinazzi. This driveway may be restricted to right-in, right-out.

(15) *LEVETON DRIVE.*

(a) 108th Avenue to 118th Avenue.

(i) On the north side of Leveton Drive, JAE (2S122B 200) shall align a driveway across from 118th Avenue and be permitted a second driveway approximately 50 feet from their east property line. Novellus (2S122AA 500 and 2S122AB 100) shall be permitted three driveways located approximately 25 feet and 950 feet from the west property line for Tax Lot 100 and 600 feet west of 108th Avenue for Tax Lot 500.

(ii) On the south side, Phight Inc. (2S122 300) shall be allowed a driveway aligned with the west Novellus (2S122AB 100) driveway and a driveway adjacent to their east property line. Fujimi (2S122 400) shall be allowed a driveway adjacent to their west property line and east property line. Tofle (2S122AD 400) shall be allowed a driveway aligning across from the Novellus (2S122AA 500) driveway and a second driveway approximately 260 feet west of 108th Avenue.

(b) 118th Avenue to 124th Avenue. The existing driveways will be allowed to remain. No new driveways will be permitted.

(16) *108TH AVENUE.*

(a) Leveton Drive to Herman Road.

(i) On the west side, Tofle (2S122AD 400) shall take access from Leveton Drive. The undeveloped property (2S122AD 500) shall be allowed one driveway onto 108th Avenue. The old Shulz Clearwater site (2S122AD 800) and then Northwest Pipe and Metal Fab (2S122AD 600 and 700) shall provide a joint driveway access. The Wahco Inc. property (2S122AD 900) shall take access from Herman Road.

(ii) On the east side, the DOT Inc. site shall have a driveway that aligns with Leveton Drive. The City Operations Center (2S122AD 200 and 300) will be permitted two driveways at locations to be determined by the City Manager.

(17) *HERMAN ROAD.*

(a) Teton Avenue to 108th Avenue:

(i) On the north side, the existing driveways will be allowed to remain. No new driveways will be permitted. Airifco (2S123B 600) will be permitted one driveway adjacent to their west property line.

(ii) On the south side is the Portland & Western Railroad (PNWR) tracks. There will be no access to Herman Road across the tracks except for a shared driveway between the Kem Equipment (2S122AD 800) and Marshall Property (2S122AD 1000) located on the common property line. The Marshall Property (2S123BC 1000) shall take access from Teton Avenue.

(b) 108th Avenue to 118th

(i) On the north side the existing driveways will be allowed to remain. No new driveways will be permitted.

(ii) On the south side is the Portland & Western Railroad (PNWR) tracks. There will be no access to Herman Road across the tracks.

(c) 118th Avenue to 124th Avenue:

(i) On the north side the existing driveways will be allowed to remain. No new driveways will be permitted.

(ii) On the south side is the Portland & Western Railroad (PNWR) tracks. There will be no access to Herman Road across the tracks.

(18) *90TH AVENUE.*

(a) Tualatin Road to Tualatin-Sherwood Road. The existing driveways will be allowed to remain. No new driveways will be permitted.

(19) *AVERY STREET.*

(a) Teton Road to Tualatin-Sherwood Road:

(20) *TETON AVENUE.*

(a) Tualatin Road to Herman Road. The existing driveways will be allowed to remain. No new driveways will be permitted.

(b) Herman Road to Tualatin-Sherwood Road. The existing driveways will be allowed to remain. No new driveways will be permitted.

(c) Tualatin-Sherwood Road to Avery Street. The existing driveways will be allowed to remain. No new driveways will be permitted.

(21) *BASALT CREEK PARKWAY.*

(a) 124th Avenue to Boones Ferry Access to the Parkway shall be limited to Grahams Ferry Road and Boones Ferry Road.