



**ARCHITECTURAL REVIEW DECISION
LAM BUILDING D ADDITION (AR 20-0001)**

April 27, 2020

Case #:	AR 20-0001
Project:	LAM Building D Addition
Location:	11361 SW Leveton Drive; Tax ID: 2S122AB Lot: 00100
Applicant:	Bob Spendle, JE Dunn
Owner:	LAM Research Corporation

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

I. INTRODUCTION

A. Applicable Criteria

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

- TMC 3: Utilities and Water Quality
- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 62: Manufacturing Park (MP)
- TDC 63: Manufacturing Zones – Environmental Regulations
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

B. Site Description and Proposed Development

The subject site is on a 27.23 acre tax lot that is a portion of a larger 58 acre campus, zoned Manufacturing Park (MP). The property is located north of SW Leveton Drive and south of SW Tualatin Road, with primary public access taken from SW Leveton Drive and secondary access from SW Tualatin Road.

The applicant, JE Dunn Construction, on behalf of LAM Research Corporation, requests approval of an approximately 6,900-square foot expansion to the northern wall of an existing 55,000 square foot building on the campus (Building D). The site improvements are located in the interior of the site and will replace an existing landscaped area and eleven parking spaces immediately north of Building D. The planned addition will be constructed in two phases, and includes a covered truck loading area north of the building addition at full build-out of Phase II.

C. Previous Land Use Actions

- AR 16-0010 – LAM Campus Parking Master Plan
- PLA 16-0006 – Property Line Adjustment
- AR 15-0029 – Building D Expansion
- PAR 00-04 – Partition
- AR 00-03 – Novellus Phase 1
- IMP 00-01 – Novellus
- AR 89-24 – Oki Semiconductor

D. Surrounding Uses

Surrounding uses indicate a transition between residential and industrial areas that include:

North: Residential Medium-Low Density (RML)

- SW Tualatin Road
- Fox Run Subdivision

South: Manufacturing Park (MP)

- SW Leveton Drive
- Fujimi Corporation

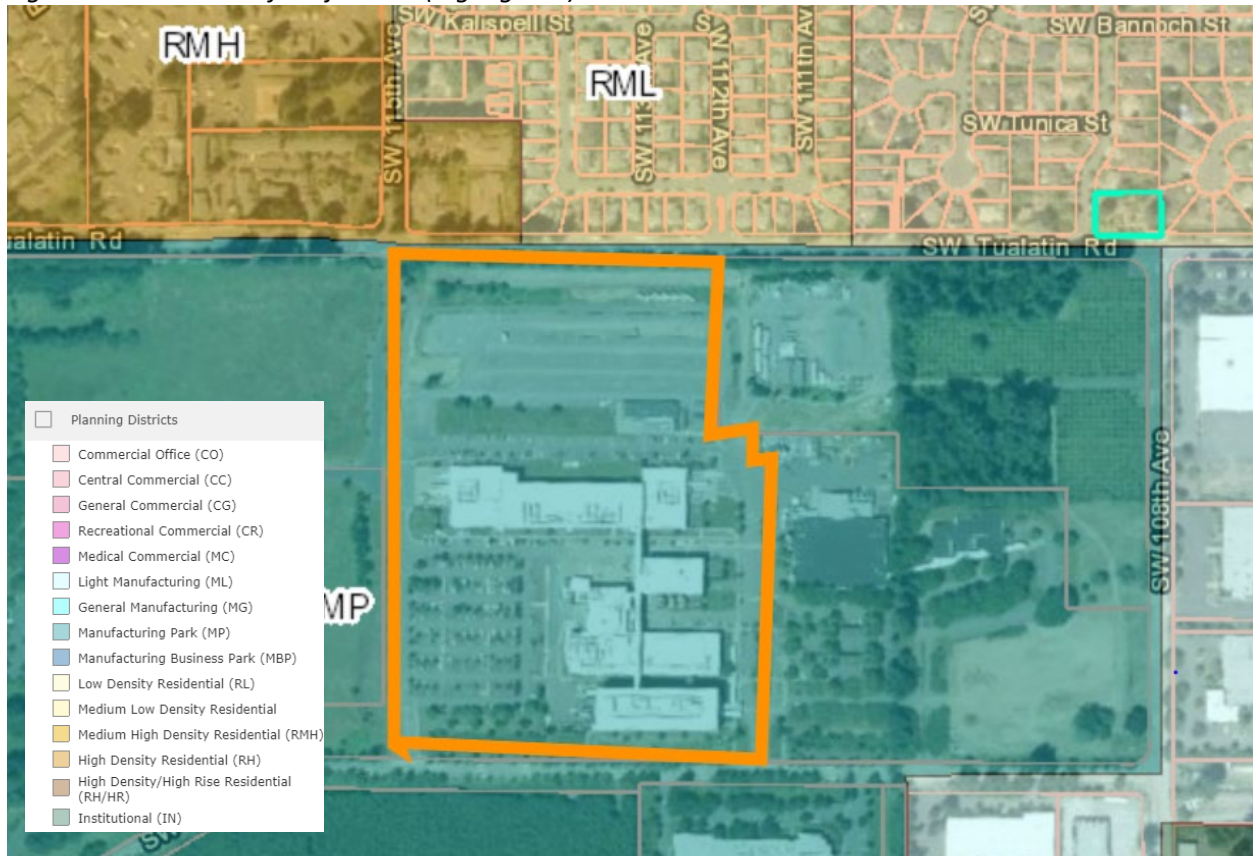
West: Manufacturing Park (MP)

- JAE Corporation
- Vacant land (Phight LLC)

East: Manufacturing Park (MP)

- LAM accessory buildings and vacant land
- SW 108th Avenue

Figure 1: Aerial view of subject site (highlighted)



E. Exhibit List

A: Application Materials

A1. Applicant's Narrative

A2. Plan Set

A3. Supporting Documents

B: Clean Water Services Memo – April 7, 2020

C: Public Comment

D: Noticing Materials

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 20-0001 is **approved** subject to the following conditions:

GENERAL:

- A1. The Architectural Review approval for Phase I – shall expire after two years from the date of this approval. Approval for Phase II – canopy build-out shall expire after four years from the date of this approval unless a building permit application has been issued for that Phase, substantial construction pursuant thereto has taken place, and an inspection has been performed by a member of the Building Division, under the terms of TDC 33.020(10).

PRIOR TO EROSION CONTROL AND PUBLIC WORKS PERMIT ISSUANCE:

Submit to the Engineering Division (Tony Doran, 503.691.3035 or tdoran@tualatin.gov) for review and approval:

- A2. In accordance with code section TMC 3-5-050 and 3-5-060, TDC 74.640, and the Public Works Construction Code the applicant must submit final erosion control plans that minimize the impact of stormwater from the development to adjacent properties.
- A3. In accordance with TMC 3-5-200 through 3-5-430, TDC 74.630 and 74.650, and Public Works Construction Code the applicant must submit:
- a. Final stormwater plans and calculations that:
 - i. Demonstrate that phosphorous removal and design storm requirements are met.
 - ii. Are certified by an Oregon registered, professional engineer.
 - iii. Include stormwater treatment of runoff from all new and modified public and private impervious areas.
 - 1. Identify and incorporate the more conservative of Tualatin 25-year storm event and/or Clean Water Services hydromodification detention requirements.
 - 2. Pay a fee-in-lieu of the new impervious areas that do not meet hydromodification standards, construct or modify facilities to accommodate hydromodification, or conform to an alternative otherwise approved by the City Engineer.
 - iv. Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter conditions to obtain a Stormwater Connection Permit Authorization Letter.
 - b. If construction or reconstruction of a private water quality or detention facility is needed, submit:
 - i. Financial assurance for construction.
 - ii. A copy of a recorded private stormwater facility agreement that identifies the responsible party for the permanent compliance with an operation and maintenance plan.
- A4. The applicant must submit PDFs of final site and permit plans.

PRIOR TO BUILDING PERMIT ISSUANCE:

Submit to the Planning Division (Erin Engman, 503.691.3024 or eengman@tualatin.gov) for review and approval:

- A5. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and includes:
- a. A landscape plan sheet demonstrating that:
 - i. All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas are landscaped, pursuant to TDC 73B.060(1);
 - ii. Lawn areas are irrigated with an automatic underground or drip irrigation system, pursuant to TDC 73B.070(5).
 - iii. A minimum five-foot wide perimeter landscape area to screen the western loading dock including, to the greatest extent possible, deciduous trees located not more than an average of 30 feet apart on center and complementary shrubs or ground cover, planted so as to achieve 90 percent coverage and reach a mature height of 30 inches within three years, pursuant to TDC 73C.230(3).
- A6. The applicant must submit Final Color Architectural Elevations (in .pdf format) to the Planning Division that in in substantial conformance to the submitted elevations.

Submit to the Engineering Division (Tony Doran, 503.691.3035 or tdoran@tualatin.gov) for review and approval:

- A7. The applicant must obtain an Erosion Control Permit, and if needed a Water Quality Permit, from the City of Tualatin.
- A8. If a Water Quality Permit is needed, the applicant must financially secure those improvements in accordance with PWCC 102.14.00.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

The applicant must contact the Planning Division (Erin Engman, 503.691.3024 or eengman@tualatin.gov) for a site inspection at least 72 hours prior to requesting a certificate of occupancy. This inspection is separate from inspection(s) done by the Building Division.

- A9. The applicant must construct proposed buildings and all site improvements as illustrated on the approved Final Site Plan and Final Color Architectural Elevations.

Submit to the Engineering Division (Tony Doran, 503.691.3035 or tdoran@tualatin.gov):

- A10. The applicant must complete all needed private stormwater improvements as shown on the approved plans. All improvements must also be accepted by the City in accordance with TDC 74.120.
- A11. The applicant must submit paper and electronic as-builts of the Engineering permits.

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

- A12. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) (Modifications to Previously Approved Final Architectural Review Decisions).

- A13. The proposed development must comply with the Environmental Regulations for Industrial Uses of TDC 63.

- A14. The proposed development must comply with all applicable policies and regulations set forth by the TDC, or most current revision thereto.

III. FINDINGS

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

Chapter 32: Procedures

[...]

Section 32.010 – Purpose and Applicability.

[...]

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

[...]

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

[...]

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

Table 32-1 – Applications Types and Review Procedures

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
Architectural Review						
Architectural Review (except as specified below) (limited land use)	II	CM	ARB / CC	Yes	Yes	TDC 33.020
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Finding:

The proposed Architectural Review application is classified as Type II Procedure Type according to Table 32-1. It has been processed according to the applicable code for Type II procedures. This standard is met.

[...]

Section 32.030 – Time to Process Applications.

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

[...]

Finding:

The application was deemed complete on March 20, 2020. The 120th day will be July 17, 2020. The final action will take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.

Section 32.110 – Pre-Application Conference.

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

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

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

(4) Application Requirements for Pre-Application Conference.

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

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

(i) A completed application form;

(ii) Payment of the application fee;

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

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

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

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

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

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

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

Finding:

A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on January 15, 2020, approximately five weeks prior to submittal. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

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

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

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

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

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

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

(5) Notice Requirements.

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

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

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

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

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

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

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

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

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

Finding:

The applicant has provided evidence that they held a Neighborhood/Developer meeting on February 19, 2020, two days prior to application submittal. The applicant has provided documentation of sign posting and notification in compliance with this section. Two members of the public attended the meeting. These standards are met.

Section 32.130 – Initiation of Applications.

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

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

[...]

Finding:

The applicant has provided a title report within Exhibit A3 showing Lam Research Corporation to be the current owner of the subject site. The application has been signed by an agent of the Lam Research Corporation. This standard is met.

Section 32.140 – Application Submittal.

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

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

- (iii) An affidavit of the mailing and posting;
- (iv) The original sign-in sheet of participants; and
- (v) The meeting notes described in TDC 32.120(7).

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

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

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

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

Finding:

The applicant submitted an application for AR 20-0001 on February 21, 2020. The application was deemed complete on March 20, 2020. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

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

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

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

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

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

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

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

Finding:

The applicant provided certification within Exhibit A3 that signs in conformance with this section were placed on site in accordance with this section. These standards are met.

Section 32.160 – Completeness Review.

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

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

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

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

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

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

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

[...]

Finding:

The applicant submitted an application for AR 20-0001 on February 21, 2020. The application was deemed complete on March 20, 2020. These standards are met.

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

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

(1) Submittal Requirements. Type II applications must include the submittal information required by TDC 32.140(1).

(2) Determination of Completeness. After receiving an application for filing, the City Manager will review the application for completeness in accordance with TDC 32.160.

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

(a) Recipients:

- (i) The applicant and the owners of the subject property;**
- (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
- (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;**
- (iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
- (v) Any person who submits a written request to receive a notice;**
- (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and**
- (vii) Utility companies (as applicable).**

(b) The mailed notice of pending Type II Decision, at a minimum, must contain all of the following information:

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
- (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
- (iii) The proposed site plan;**
- (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
- (v) The type of application and a concise description of the nature of the land use action;**
- (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
- (vii) Brief summary of the local decision making process for the land use decision being made;**
- (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**
- (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;**
- (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;**
- (xi) A statement that comments received after the close of the public comment period will not be considered;**
- (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and**

(xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.

(c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.

(4) Decision. At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:

(a) Explains the criteria and standards considered relevant to the decision;

(b) States the facts relied upon in issuing the decision; and

(c) Explains the justification for the decision based on the criteria, standards and facts set forth.

Finding:

After submittal and completeness review as required by this section, notice for the Type II application for AR 20-0001 was mailed by city staff on March 23, 2020 and contained the information required by this section. One public comment was received on March 27, 2020 and is included as Exhibit C. These comments were directed toward Neighborhood Developer meeting requirements, as well as Chapter 63 requirements. Findings addressing these standards are located in applicable sections of this report. These standards are met.

(5) Notice of Type II Decision. Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision must contain all of the following information:

(a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;

(c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;

(d) The date the decision becomes final, unless an appeal is submitted; and

(e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.

(6) Appeal of a Type II Decision. Appeals may be made in accordance with TDC 32.310.

(7) Effective Date of Type II Decision. A Type II Decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise.

Finding:

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

Chapter 33: Applications and Approval Criteria

[...]

Section 33.020 Architectural Review

[...]

(5) Approval Criteria.

(b) General Development.

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

Finding:

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

[...]

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

(10) Extension of Permit Expiration.

(a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.

(b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.

(c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:

(i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.

(ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.

(d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.

(e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:

(i) The applicant submitted a written extension request prior to the expiration date;

(ii) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;

(iii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and

(iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.

(f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.

(g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

Finding:

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

Section 33.110 Tree Removal Permit/Review

[...]

Finding:

The applicant has provided a Tree Preservation Plan as Sheet P04 in Exhibit A2. The TDC regulates trees eight inches or more in diameter, at a point four feet above mean ground level (see TDC 31.060). One volunteer tree that is 1.5 inches at dbh is identified for removal and is not regulated under Code. Therefore, this section does not apply to the proposal.

Chapter 62: Manufacturing Park Zone (MP)

[...]

Section 62.200 Use Categories

(1) Use Categories. Table 62-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MP zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 62-1 and restrictions identified in TDC 62.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

[...]

Table 62-1: Use Categories in the MP Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INDUSTRIAL USE CATEGORIES		
Light Industrial	P (L)	Permitted uses limited to: <ul style="list-style-type: none">• Manufacture or assembly of electronic or optical instruments, equipment, devices [...] <ul style="list-style-type: none">• Research and development laboratories.

[...]

Finding:

The project area is within the Manufacturing Park (MP) Planning District. Lam designs and manufactures equipment used in the fabrication of semiconductor products. As noted in the Table 62-1 above, the manufacturing of electronic instruments or equipment is a permitted use. This standard is met.

Section 62.300 Development Standards

Development standards in the MP zone are listed in Table 62-2. Additional standards may apply to some uses and situations, see TDC 62.310.

[...]

Finding:

Industrial Master Plan (IMP-00-01) provided alternate setback standards to those listed in Table 62-2. Given that there are buildings between the planned addition and the property boundaries, existing minimum setbacks will not be impacted. The subject building addition is not located adjacent to a residential district and does not exceed the maximum height standard of 70 feet. These standards are met.

TDC 62.310. - Additional Development Standards.

(1) Industrial Master Plan. Minimum lot size, setbacks, maximum height, and other development standards may be modified by submittal of an Industrial Master Plan application. See TDC 33.050.

Finding:

Industrial Master Plan (IMP-00-01) provided reduced building and parking circulation setbacks, methods for shared parking and circulation, lot sizes below the 40 acre minimum, and parking lot landscape modifications that provide a required landscape island every twelve stalls, as opposed to eight. These alternative standards are not impacted or utilized by the subject proposal.

**Chapter 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations
[...]**

Section 63.020 – Applicability.

The regulations of this Chapter apply to:

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

[...]

Finding:

The site is located in the Manufacturing Park District; therefore the noise, vibration, air quality, odor, heat and glare, materials storage, waste disposal, and dangerous substances regulations of this Chapter apply to the use and site. With Condition of Approval A13 these regulations are met.

Chapter 73A: Site Design

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

Finding:

As demonstrated in Exhibit A2 (Site Plan P08 and Circulation Plan P09), a five foot wide concrete sidewalk is proposed to connect the addition's entrance to the existing crosswalks and ramps at the northwest corner of the site area. Further evaluation for ADA standards will be conducted during the building permit phase. There are no outdoor recreation access routes required for this site. These standards are met.

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

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

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

(c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;

Finding:

As shown in Exhibit A2 (Elevations P10 and Photometric Plans P11), a new wall light is proposed along the northern elevation to supplement the existing lighting system to adequately light the pedestrian, parking, and loading areas. Given the use of the storage building, windows are not included in the building design. All lights selected are full cutoff to reduce light pollution. These standards are met.

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

[...]

Finding:

The proposal includes an addition to an existing campus building. A property identification system is in place. This standard is met.

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

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

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

[...]

Finding:

Roof-top mechanical and exhaust equipment is included in the plan set. However, the equipment is located interior to the site and is compatible with the scale of existing mechanical equipment. No outdoor storage is included with this proposal. These standards are met.

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

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

Finding:

The subject site abuts SW Tualatin Road, which is designated as an expansion fixed-route shuttle service in TDC Chapter 11 (Figure 11-5). As shown in Exhibit A2 (Circulation Plan P09), a sidewalk connection is proposed from the addition's entrance to the on-site pedestrian network that connects to Tualatin Road. This standard is met.

Chapter 73B: Landscaping Standards

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

Excerpted from 73B.020	
Zone	Minimum Area Requirement
[...]	
(5) IN, CN, CO/MR, MC and MP zones—All uses	25% of the total area to be developed

[...]

Finding:

Approximately 25.8 acres (44.5%) of the entire ±58-acre campus is landscaped. This application will reduce the landscaped area by approximately 11,530 square feet. Therefore, the total landscaping area after these site improvements will be ±25.5 acres, or 44% of the site. This standard is met.

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

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

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

[...]

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

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

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

(c) Five-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 eight feet.

[...]

Finding:

The north and west elevation of the addition will be viewable from parking areas; however both elevations about loading areas and are exempt from the building perimeter landscaping requirement. As shown on the Landscape Plan P08, a 2,614 square foot lawn with a small stormwater facility is located adjacent to the western elevation. With Condition of Approval A5, these standards are met.

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

The following are minimum standards for landscaping for all zones.

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

The northwest corner of the improvement area will be temporarily used as a construction staging area. After construction is complete, this area will be restored to lawn. These standards are met.

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

The subject site is not located in a habitat area. No fencing is included with the proposal. This standard is met.

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

Five parking lot trees are located adjacent to the development area. Protection measures are shown on the Tree Preservation Plan, Sheet P04. These standards are met.

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

The proposal includes some minor grading, as shown in Exhibit A2 (Sheet P05). Grading and erosion control is further addressed in Chapter 74. After construction is complete, lawn areas will be seeded. These standards are met.

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

With Condition of Approval A5, this standard is met.

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

As shown in Exhibit A2 (Landscape Plan P08) and by Condition of Approval A5, these standards are met.

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

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

Standard	
(6) Lawns	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species.

Finding:

As shown in Exhibit A2 (Landscape Plan P08), the lawn area at the northwest corner of the improvement area will be reestablished after construction is complete in accordance with the above standard. These standards are met.

Chapter 73C: Parking Standards

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

[...]

Finding:

Additional or new parking is not included in the proposal. This section does not apply.

Section 73C.020 – Parking Lot Design Standards.

[...]

Finding:

Additional or new parking is not included in the proposal. This section does not apply.

[...]

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

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

USE	MINIMUM VEHICLE PARKING	MAXIMUM VEHICLE PARKING	BICYCLE PARKING	COVERED BICYCLE PARKING
(f) Industrial				
(i) Manufacturing	1.6 spaces per 1,000 SF of GFA	None	2, or 0.1 spaces per 1,000 SF of GFA, whichever is greater	First 5 spaces or 30%, whichever is greater

Finding:

	Required	Existing	New	New Total
Building Area (square feet)		±553,140	±6,900	±560,040
Minimum Parking Required	1.6 per 1,000 square feet	885 spaces	+ 11 spaces	896 spaces
Parking Provided		1,424 spaces	- 11 spaces	1,413 spaces

AR-16-0010 approved a Parking Master Plan for the site, which included three new parking lots, adding 691 parking spaces for a total of 1,532. As of this date, 1,424 of the approved parking spaces have been installed on the site. The table above is a summary of the minimum parking required, the existing parking, and the parking after the subject improvements are complete. This standard is met.

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

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

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
[...]				
Industrial	60,000 and over	3	12 feet × 60 feet	14 feet

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

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

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

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

[...]

Finding:

The total building area of all structures, including the 6,900 square foot addition is approximately 560,040 square feet. Eight loading facilities were approved through AR 00-30. This proposal includes an additional loading berth that meets the above dimensional and location standards. This loading area is not visible from public streets or adjacent properties.

PARKING LOT LANDSCAPING

Section 73C.230 – Industrial Parking Lot Landscaping Requirements.

[...]

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

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

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

(c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;

(d) Native trees and shrubs are encouraged; and

[...]

Finding:

A new loading area is included with this proposal. While a stormwater facility lies west of the loading area, a form of perimeter landscaping may be provided. With Condition of Approval A5, these standards are met.

Chapter 73D: Waste and Recyclables Management Standards

Section 73D.020 - Design Methods.

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

(1) The minimum standards method in TDSC 73D.030;

(2) The waste assessment method in TDC 73D.040;

(3) The comprehensive recycling plan method in TDC 73D.050; or

(4) The franchised hauler review method in TDC 73D.060.

Finding:

The applicant is opting to conform to the franchised hauler review method, as outlined in TDC 73D.060. Findings addressing compliance with the applicable standards are included below.

Section 73D.060 – Franchised Hauler Review Method.

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**
 - [...]****

(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.

Finding:

The applicant has included a letter from the franchised hauler describing levels of service with corresponding site plan in Exhibit A3. The franchise letter confirms that any waste generated in the area of this expansion will be transported to the existing trash and recycle receptacles on campus and managed through increased service levels, if needed. The existing waste and recycling storage area is 1,782 square feet and was approved through AR 00-30. The applicant contends that meeting the minimum storage area of 3,370 square feet, involves additional site area be set aside for increased storage area, new area or reconfigured areas for compactors, cardboard balers, etc. which unnecessarily reduces the availability of existing or potential future productive space on the property. Based on this evidence, this standard is met.

Chapter 74: Public Improvement Requirements
TMC Title 3: Utilities and Water Quality

Finding:

The applicant's plans show connection to the public utilities, in compliance with TMC Title 03.

Section 74.620 Sanitary Sewer Service.

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

Finding:

LAM's site is served by a 15-inch sanitary sewer lateral connecting to a public manhole north of SW Leveton Drive. The proposed addition will connect to the existing private sanitary sewer system. The

applicant is not proposing any changes to the public system. No final public sanitary sewer plans or permitting is needed.

TMC Chapter 03-03 – Water Service.

3-3-040 Separate Services Required.

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

3-3-110 Construction Standards.

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

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

(1) Except where this ordinance provides more stringent requirements, the definitions, standards, requirements and regulations set forth in the Oregon Administrative Rules pertaining to public water supply systems and specifically OAR 333 Division 61 in effect on the date this ordinance becomes effective are hereby adopted and incorporated by reference.

(2) The owner of property to which City water is furnished for human consumption shall install in accordance with City standards an appropriate backflow prevention device on the premises where any of the following circumstances exist:

- (a) Those circumstances identified in regulations adopted under subsection (1) of this section;**
- (b) Where there is a fire protection service, an irrigation service or a nonresidential service connection which is two inches (2") or larger in size;**
- (c) Where the potable water supply provided inside a structure is 32 feet or more, higher than the elevation of the water main at the point of service connection;**

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

3-3-130 Control Valves.

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

Section 74.610 Water Service.

- (1) Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.**
- (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 is TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.**

Finding:

LAM's site is served by 8-inch domestic and 10-inch fire service laterals connecting to an 18-inch public water main line north of SW Leveton Drive. The proposed addition will connect to the existing private water system. The applicant is not proposing any changes to the public system. No final public water plans or permitting is needed.

TMC Chapter 03-05 – Erosion Control, Surface Water Management, Water Quality Facilities, and Building and Sewers.

3-5-050 Erosion Control Permits.

- (1) Except as noted in subsection (3) of this section, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.**
- (2) No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the City has issued an Erosion Control Permit covering such work, or the City has determined that no such permit is required. No public agency or body shall undertake any public works project without first obtaining from the City an Erosion Control Permit covering such work, or receiving a determination from the City that none is required.**

Section 74.640 Grading.

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

Finding:

The application materials indicate disturbance of approximately 0.33 acres on sheet P01. This site has an active National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ. The applicant must obtain an erosion control permit from the City of Tualatin prior to issuance of permits allowing construction activities.

Currently the entire site drains into Hedges Creek. The proposed development captures stormwater from all paved areas, detains in vegetated water quality facilities, and then releases to the public stormwater system in SW Leveton Drive draining to Hedges Creek. Adjacent parcels are not negatively impacted from stormwater from this development. The applicant must submit final plans minimizing impact to adjacent properties, allowing drainage prior to development, and gravity drainage from development.

TMC Additional Surface Water Management Standards.

3-5-200 Downstream Protection Requirement.

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

- (1) Construction of permanent on-site stormwater quantity detention facilities designed in accordance with this title;**
- (2) Enlargement of the downstream conveyance system in accordance with this title and the Public Works Construction Code;**
- (3) The payment of a Storm and Surface Water Management System Development Charge, which includes a water quantity component designated to meet these requirements.**

3-5-210 Review of Downstream System.

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

- (1) evaluate the downstream drainage system for at least ¼ mile;**
- (2) evaluate the downstream drainage system to a point at which the runoff from the development in a build out condition is less than 10 percent of the total runoff of the basin in its current development status. Developments in the basin that have been approved may be considered in place and their conditions of approval to exist if the work has started on those projects;**
- (3) evaluate the downstream drainage system throughout the following range of storms: 2, 5, 10, 25 year;**
- (4) The City Engineer may modify items 1, 2, 3 to require additional information to determine the impacts of the development or to delete the provision of unnecessary information.**

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

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

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

- (1) There is an identified downstream deficiency, as defined in TMC 3-5-210, and detention rather than conveyance system enlargement is determined to be the more effective solution.**
- (2) There is an identified regional detention site within the boundary of the development.**
- (3) There is a site within the boundary of the development which would qualify as a regional detention site under criteria or capital plan adopted by the Unified Sewerage Agency.**
- (4) The site is located in the Hedges Creek Subbasin as identified in the Tualatin Drainage Plan and surface water runoff from the site flows directly or indirectly into the Wetland Protected Area (WPA) as defined in TDC 71.020. Properties located within the Wetland Protection District as described in**

TDC 71.010, or within the portion of the subbasin east of SW Tualatin Road are excepted from the on-site detention facility requirement.

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

(1) Unless designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity onsite detention facilities shall be designed to capture run-off so the run-off rates from the site after development do not exceed predevelopment conditions, based upon a 25-year, 24-hour return storm.

(2) When designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed predevelopment rates for the 2 through 100 year storms, as required by the determined downstream deficiency.

(3) Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or subbasin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.

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

(1) The procedure for determining the detention quantities is set forth in Section 4.4 Retention/Detention Facility Analysis and Design, King County, Washington, Surface Water Design Manual, January, 1990, except subchapters 4.4.5 Tanks, 4.4.6 Vaults and Figure 4.4.4G Permanent Surface Water Control Pond Sign. This reference shall be used for procedure only. The design criteria shall be as noted herein. Engineers desiring to utilize a procedure other than that set forth herein shall obtain City approval prior to submitting calculations utilizing the proposed procedure.

(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.

3-5-280 Placement of Water Quality Facilities.

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

3-5-330 Permit Required.

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

3-5-350 Phosphorous Removal Standard.

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

3-5-360 Design Storm.

The stormwater quality control facilities shall be designed to meet the removal efficiency of TMC 3-5-350 for a mean summertime storm event totaling 0.36 inches of precipitation falling in four hours with an average return period of 96 hours.

3-5-390 Facility Permit Approval.

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

- (1) The plat, site plan, or permit application includes plans and a certification prepared by an Oregon registered, professional engineer that the proposed stormwater quality control facilities have been designed in accordance with criteria expected to achieve removal efficiencies for total phosphorous required by this Title III. Clean Water Services Design and Construction Standards shall be used in preparing the plan for the water quality facility; and
- (2) The plat, site plan, or permit application shall be consistent with the areas used to determine the removal required in TMC 3-5-350; and
- (3) A financial assurance, or equivalent security acceptable to the City, is provided by the applicant which assures that the stormwater quality control facilities are constructed according to the plans established in the plat, site plan, or permit approval. The financial assurance may be combined with our financial assurance requirements imposed by the City; and
- (4) A stormwater facility agreement identifies who will be responsible for assuring the long term compliance with the operation and maintenance plan.

Section 74.630 Storm Drainage System.

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

Section 74.650 Water Quality, Storm Water Detention and Erosion Control.

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

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

Finding:

Sheet P07 is prepared by an Oregon registered, professional engineer. This plan shows stormwater from all modified and proposed impervious areas captured, conveyed through existing private stormwater lines to an existing water quality pond for treatment and detention, then released into the public stormwater system in SW Leveton Drive that drains to Hedges Creek.

This site is identified to be within Hedges Creek Subbasin as shown Tualatin Development Code Map 14-1: Recommended Capital Improvements Hedges Creek Subbasin. Tualatin Municipal Code (TMC) section 3-5-220(4) states that sites within Hedges Creek require on-site detention facilities. TMC 3-5-230(1) states that sites that are required to have such a detention facility require it to be based on a 25 year storm event.

Submittals included a preliminary drainage report addressing this development dated February 21, 2020 and prepared by AKS Engineering. The site's existing stormwater management facilities were designed in 2001 with capacity to accommodate the planned building addition. Runoff from the planned improvements will connect to the existing storm drainage system as illustrated on the Preliminary Plans and will connect to an existing extended dry basin ("Pond B") located in the southern area of the site.

"Pond B" is an existing stormwater facility that will mitigate the increase in run-off and provide water quality controls for the planned site improvements. Stormwater quantity management for the project will be provided by existing Pond B.

Stormwater quality treatment for newly created impervious surfaces will be addressed by utilizing excess capacity of an existing stormwater facility that was designed and sized during the initial development to accommodate future improvements on-site. Per the impervious area summary table in the 2017 Parking Master Plan Stormwater Management Report, there are 2.07 acres of unused impervious area capacity within Pond B. The following table summarizes the newly added treatment area and remaining capacity within Pond B after completion of this project:

Table 6-1: Pond B Treatment Area Summary

<i>Sizing Parameter</i>	<i>Area</i>
<i>Design Impervious Area</i>	<i>11.66 acres</i>
<i>Constructed Impervious Area</i>	<i>9.59 acres</i>
<i>Existing Excess Capacity</i>	<i>2.07 acres</i>
<i>TUD CMS Addition Impervious Area</i>	<i>0.275 acres</i>
<i>Unutilized Capacity (after TUD CMS Addition)</i>	<i>1.79 acres</i>

The pond was originally designed to detain post-development peak runoff to levels equal to or below pre-development peak rates for the 2-year, 10-year, and 25-year design rainfall events, for a total of 3.32 acres of impervious area. The following table summarizes the newly added impervious area and remaining capacity within Pond B after completion of this project:

Table 6-2: Pond B Impervious Area Summary

<i>Sizing Parameter</i>	<i>Area</i>
<i>Design Impervious Area</i>	<i>23.32 acres</i>
<i>Constructed Impervious Area</i>	<i>18.35 acres</i>
<i>Existing Excess Capacity</i>	<i>4.97 acres</i>
<i>TUD CMS Addition Impervious Area</i>	<i>0.275 acres</i>
<i>Unused Capacity (after TUD CMS Addition)</i>	<i>4.69 acres</i>

This project will result in the addition and/or modification of 11,997 square feet of impervious surface. Therefore, per Clean Water Services' Design and Construction Standards Section 4.03.2.a, a hydromodification assessment is not required.

The applicant proposed Hydromodification to be addressed by a payment of a Hydromodification Fee-In-Lieu with no modification to the private facility proposed. There are no existing downstream public facilities to enhance using a fee-in-lieu to detain private discharges, however existing facilities onsite planned for full build-out have been shown to have capacity for Tualatin code based requirements regarding treatment and detention and no other fee-in-lieu requests have been obtained on this development this calendar year. The applicant must submit final stormwater calculations that prove adequate capacity exists for detention of the added and modified impervious areas within the private stormwater facilities for hydromodification construct or modify facilities to accommodate hydromodification, pay a fee-in-lieu of new impervious areas not meeting hydromodification standards, or conform to an alternative otherwise approved by the City Engineer.

If improvements are needed to accommodate hydromodification, the applicant must obtain a Water Quality Permit prior to issuance of construction permits. The final water quality facility plans and calculations must be certified by an Oregon registered, professional engineer. Financial assurance and recording of a maintenance agreement is required prior to Water Quality Permit issuance. Financial assurance must be submitted and a private stormwater facility agreement identifying the responsible party for the long-term compliance with the operation and maintenance plan must be recorded prior to permit issuance.

The applicant's plans show no water quality facilities in existing or created wetlands. There are no undeveloped parcels adjacent to the site that would be served by extension of the public stormwater system.

The applicant has submitted a Service Provider Letter from Clean Water Services indicating that Sensitive Areas do not exist on the site. A CWS Memorandum was received dated April 7, 2020 for development on this site. After land use decision issuance, final plans are provided by the City to Clean Water Services for final review. Upon approval by Clean Water Services they will provide the City authorization to issue construction permits. The applicant must submit final plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions.

Section 74.120 Public Improvements.

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

Section 74.130 Private Improvements.

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

Section 74.140 Construction Timing.

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

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

Finding:

Public improvements must be installed at the expense of the applicant, and will be constructed and guaranteed consistent with TDC 74.120 (1). Private improvements must be installed and maintained at the expense of the applicant. All public and private improvements proposed and modified by conditions of approval must be completed prior to receiving a Certificate of Occupancy.

Section 74.210 Minimum Street Right-of-Way Widths.

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

[...]

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

Section 74.420 Street Improvements.

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

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

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

(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.

[...]

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

[...]

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

[...]

(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.

[...]

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

[...]

Section 74.425 Street Design Standards.

[...]

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

(a) Arterials:

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

Section 74.440 Streets, Traffic Study Required.

(1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:

- (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or [...]**

(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.

Section 74.470 Street Lights.

(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.

Section 74.660 Underground.

(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.

Finding:

The property's street frontages have previously been improved to meet City standards and changes to the site access points and circulation are not included in this application. A Trip Generation Letter dated February 21, 2020 and prepared by AKS Engineering is included in this application which describes the number of anticipated trips associated with the addition. The City traffic engineer confirmed that a more detailed traffic analysis is not required. No frontage dedication or improvements are proposed or required.

Chapter 75: Access Management

Section 75.040 Driveway Approach Requirements.

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

[...]

- (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.
- (6) Except as provided in TDC 53.100, all driveway approach must connect directly with public streets.
[...]
- (9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width).
- (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.
- (11) Distance between Driveways and Intersections. Except for single-family dwellings, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection.
- (a) At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.
 - (b) At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.
 - (c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.
 - (d) When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.
- (12) Vision Clearance Area.
- (b) Collector Streets. A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be 10 feet (see Figure 73-2 for illustration).
 - (c) Vertical Height Restriction. Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

Section 75.050 Access Limited Roadways.

- (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:
[...]
(o) 108th Avenue from Leveton Drive to Herman Road;
(p) Herman Road from Teton Avenue to 124th Avenue;
[...]

Section 75.140 Existing Streets Access Standards.

The following list describes in detail the freeways and arterials as defined in TDC 75.050 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.

(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.

Findings:

SW Leveton Drive is classified as a Minor Arterial adjacent to this development. The subject site has three existing driveways with access onto SW Leveton Drive previously improved to City standards. The driveways are generally located as described in TDC 75.140(15)(a)(i). No changes are proposed or required.

IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days unless a written appeal is received by the **Community Development Department – Planning Division at 18880 Martinazzi Avenue, Tualatin, Oregon 97062 before 5:00 p.m., May 11, 2020. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB).

Submitted by:



Erin Engman
Associate Planner