



**Analysis and Findings for
Lucky Foods Addition (AR 20-0003)
October 30, 2020**

Case #:	AR 20-0003
Project:	Lucky Foods Addition
Location:	11847 SW Itel Street; Tax ID 2S127BD01800
Applicant:	Gavin Russell, CIDA
Owner:	Thrive Investment, LLC

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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:

- TDC 33.020: Architectural Review
- TDC 61: General Manufacturing Zone (MG)
- TDC 73A: Site Design Standards
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvement Requirements
- TMC Title 03: Utilities and Water Quality

B. Site Description

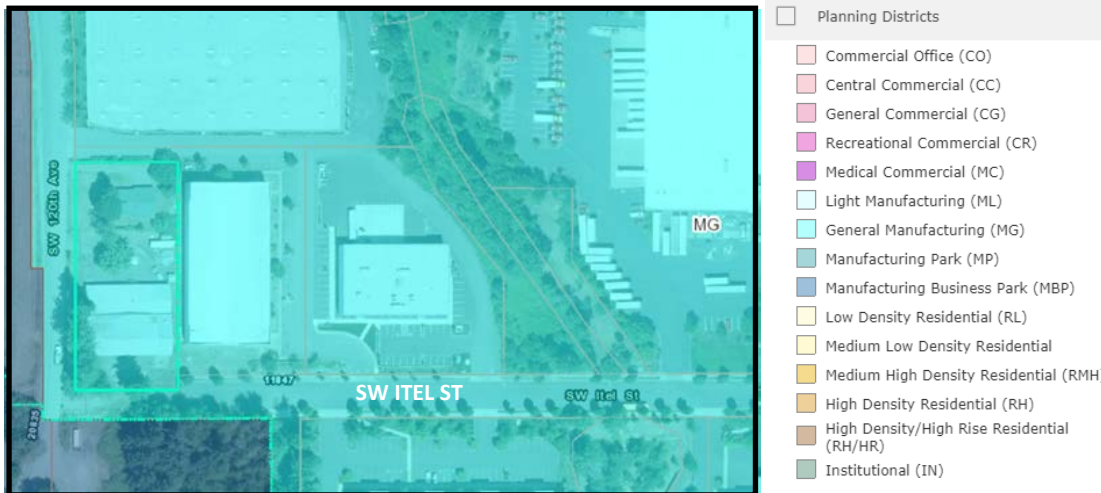


Figure 1 Aerial view of site with zoning (TualGIS)

The subject site is a 1.66 acre property located on the north side of SW ITEL Street, east of SW 119th Avenue, and is zoned General Manufacturing (MG). The site shares access with adjacent industrial properties to the west and north. A natural area with wetland features borders the site to the east.

The site is presently developed with an existing food production facility, Lucky Foods. The existing structure and site improvements were approved in 2016 as a flex industrial building (AR 16-0012).

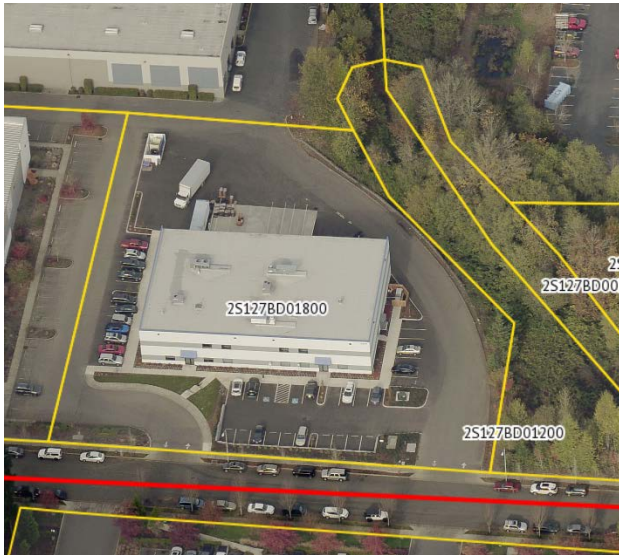


Figure 2 Aerial view of developed site (Pictometry)

C. Proposed Project

The applicant proposes a 5,160 square foot addition to the north side of the existing structure consisting of cold food storage. Three new parking spaces and associated landscaping area are also proposed.

D. Previous Land Use Actions

- 2003: Creation of subject parcel and access easements (PAR 03-06)
- 2016: Approval of existing primary structure and site improvements (AR 16-0012)

E. Surrounding Uses

Surrounding uses are primary industrial in nature. The area near SW IteI Street and SW 119th Avenue is a growing edge of the city, with new roadway improvements to SW 119th Avenue, south of the site, a new Amazon warehouse/distribution facility, and PGE Integrated Operations Center all being developed within 1000 feet of the site at the time of this application.

North: General Manufacturing (MG)

- La-Z Boy Furniture

West: General Manufacturing (MG)

- Tualatin Indoor Soccer

East: General Manufacturing (MG)

- Natural area

- Milgard Windows & Doors

South: General Manufacturing (MG)

- Western Precision Products

Unincorporated Washington County

- Ashwood Construction
- Tigard Sand and Gravel

F. Exhibit List

Exhibit A1 - Applicant's Application, Narrative, and Supporting Materials

Exhibit A2 – Elevations and Plan Set

Exhibit A3– CWS Service Provider Letter

Exhibit B - Tualatin Valley Fire & Rescue Memorandum

Exhibit C – Clean Water Services Comments

Exhibit D – Traffic Impact Analysis

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 20-0003 is **approved** subject to the following conditions:

GENERAL:

- A1. This Architectural Review approval expires after two years from the date of issuance unless a building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division, or an extension is granted under the terms of Section 33.020(10) or most current revision of the TDC.

PRIOR TO EROSION CONTROL, WATER QUALITY, 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 TMC 3-5-050 and 3-5-060, TDC 74.640, Public Works Construction Code, and Clean Water Services' Design and Construction Standards Chapters 2 and 6 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, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design and Construction Standards (D&CS) Chapter 4 the applicant must submit:
- a. Final stormwater plans and calculations certified by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) proving proposed systems:
 - i. Address runoff from all new and modified public and private impervious areas.
 - ii. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2.
 - iii. Detain up to the 25 year storm event in accordance with TMC 3-5-220(4), TMC 3-5-230, and CWS D&CS 4.08.
 - iv. In accordance with CWS D&CS 4.03.5 show construction of new or modify onsite facilities to accommodate hydromodification or conform to an alternative otherwise approved by the City Engineer for proposed new and modified impervious areas.
 1. The City does not have a fee-in-lieu process available, therefore the requested fee-in-lieu for this site and project is not allowed.
 2. Prove the proposed 6% LIDA facility plus detention pipe adequately addresses hydromodification in accordance with CWS D&CS 4.08.4.d utilizing infiltration or provide an approvable alternative.
 3. Per CWS D&CS 4.03.1.a, 4.03.2.a, and 4.08.4.c and Table 4-7, a hydromodification assessment is not required if the project results in the addition and/or modification of less than 12,000 square feet of impervious surface. In this scenario, a 12% sizing factor may be used to accommodate hydromodification for the Pre-Development Peak Runoff

Rate Targets: 50% of 2-year, 24-hour; 5-year, 24 hour; and 10-year, 24-hour.

4. The existing shared private stormwater facility may be proven to include capacity, enhanced to accommodate deficiencies, or onsite facilities constructed for inadequate capacities of required treatment, detention, hydromodification, and conveyance for the proposed project with re-evaluation by an Oregon licensed, professional engineer.
- v. Submit conveyance calculations for onsite runoff to the public stormwater system that accommodates up to a 25-year storm event with 100-year overland flow to the public stormwater system not inundating existing buildings in accordance with TDC 74.640 and CWS D&CS 5.05.2.d
- vi. Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter CWS File Number 20-001262 conditions to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).
 1. Submit plans showing enhancement of 870 square feet of Vegetated Corridor
 2. Comply with all requirements stated within the Service Provider Letter and CWS Memo dated October, 13 2020.
- b. If construction or reconstruction of a private stormwater facility is needed, submit financial assurance for construction performance in accordance with TMC 3-390(c), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1.

PRIOR TO BUILDING PERMIT ISSUANCE:

Submit to the Planning Division (Tabitha Boschetti, 503-691-3029 or tboschetti@tualatin.gov) for review and approval:

- A4. The applicant must submit a Final Site Plan Set (in PDF format) to the Planning Division that is in substantial conformance to the submitted site plans and includes:
- a. Revised landscape plan showing a deciduous tree species to be planted in the new parking lot landscape island in compliance with TDC 73C.230(4)(e). New plantings must also meet the requirements of TDC 73B.070. The new landscaping area must be irrigated in accordance with TDC 73B.070.

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

- A5. The applicant must obtain Erosion Control and Water Quality Permits from the City of Tualatin.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR CERTIFICATE OF COMPLETION:

The applicant must contact the Planning Division (Tabitha Boschetti, 503-691-3029 or tboschetti@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. The following conditions must be satisfied:

- A6. Areas impacted by grading and structure demolition must be revegetated pursuant to TDC 73B.040(1).
- A7. The applicant must construct proposed buildings and all site improvements as illustrated on the approved Final Site Plan and Final Color Architectural Elevations. The applicant must contact the Planning Division 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.

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

- A8. The applicant must complete all the private stormwater improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with TDC 74.120.
- A9. 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:

- A10. Standards for this site have been reviewed for a speculative mix of proposed uses. Additional review is necessary upon application for tenant improvements, including the status of permitted uses, and adequate supporting site development. Additionally, the site has been reviewed for both parcels as a whole; changes to any individual parcel must demonstrate continued compliance with all applicable standards for the site as a whole.
- A11. All mechanical equipment must be screened in accordance with TDC 73A.300(5). Prior to approval of a mechanical permit, the applicant or property owner must submit scaled elevations that illustrate screening by a parapet or other method.
- A12. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A13. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) (*Modifications to Previously Approved Final Architectural Review Decisions*).
- A14. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1.
- A15. Site landscaping and street trees shall be maintained to meet the vision clearance requirements of TDC Figure 75-1.
- A16. The proposed development must comply with the noise standards of TDC 63.051.

III. FINDINGS

These findings reference the Tualatin Development Code (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 development is a 5,160 square-foot industrial addition. The development is therefore classified as a Type II Procedure Types according to Table 32-1. The application has been processed according to the applicable code for Type II procedures. These standards are 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 September 24, 2020. The 120th day will be January 22, 2021. 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:

The subject land use action is identified as requiring a pre-application conference in Table 32-1. The applicant participated in a pre-application conference and then a follow-up conference on April 1, 2020, less than six months prior to submittal of the subject application. 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 within Exhibit A1 that they held a Neighborhood/Developer meeting on May 4, 2020. The applicant has provided documentation of sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from the meeting. These standards are met.

Section 32.130 – Initiation of Applications.

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

(a) The owner of the subject property;

(b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;

(c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or

(d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[...]

Finding:

The application has been signed by a representative of Thrive Investments, LLC, which is the owner of the subject property. 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 the subject application on May 7, 2020. The application was deemed complete on September 24, 2020. The general land use submittal requirements were addressed with the application submittal. 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 A1 that signs in conformance with this section were placed on site. 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 the subject application on May 7, 2020. The application was deemed complete on September 24, 2020. These standards are met.

TDC 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.

(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:

After submittal and completeness review as required by this section, notice for the Type II application concerning AR 20-0003 was mailed by city staff on September 30, 2020, and contained the information required by this section. A final decision and any appeal will follow the requirements of this section. These standards will be met.

Chapter 33: Applications and Approval Criteria

[...]

Section 33.020 Architectural Review

[...]

(5) Approval Criteria.

(b) General Development.

(i) Applications for General Single Family Dwellings (not clear and objective), must comply with TDC 73A.140.

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

Finding:

The subject application, which is for “general development,” must comply with the standards and objectives in TDC 73A through 73G. These standards are met by submittal of the subject application.

(9) Permit Expiration.

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

(10) Extension of Permit Expiration.

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

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

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

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

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

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

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

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

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

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

- (iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.
- (f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.
- (g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

Finding:

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

Chapter 61: General Manufacturing (MG) Zone

[...]

TDC 61.200. - Use Categories.

- (1) Use Categories. Table 61-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 61-1 and restrictions identified in TDC 61.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) Use Categories in the Limited Commercial Setback. Commercial uses may be further restricted within the Limited Commercial Setback, see TDC 60.210(4).
- (3) Overlay Zones. Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 61-1
 Use Categories in the MG Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
[...]		
INDUSTRIAL USE CATEGORIES		
[...]		
Light Manufacturing	P	—
Warehouse and Freight Movement	P	Conditional use required for warehousing of building materials and supplies.

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
		All other uses permitted outright.
Office	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Offices for executive, administrative, and professional uses related to the sale or service of industrial products; and • Office uses including business and commercial offices, general offices, real estate offices, but not governmental offices, and are a limited use subject to TDC 61.210(2).

[...]

Finding:

The site is developed with a combination of manufacturing, warehouse, and office uses, which are all listed as “Permitted” in the subject zone. The proposed addition is an expansion of these uses. To the extent that additional uses within the existing or proposed structures are proposed in the future, additional review or modification of this approval may be needed. This standard is met.

Section 61.300 – Development Standards.

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

**Table 61-2
 Development Standards in the MG Zone**

	Standard	Min. Proposed
MINIMUM SETBACKS		
Front	30	No change
Side	0-50 feet	20 ft
Rear	0-50 feet	>50 ft
Parking and Circulation Areas	5 feet No minimum setback required adjacent to joint access approach in accordance with TDC 73C.	0 feet
STRUCTURE HEIGHT		
Maximum Height	60 feet	31 feet

[...]

Finding:

The applicant has demonstrated compliance with these standards in their application materials. These standards 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 shown on elevation A2.1 and Site Plan A0.1, no new entrances are proposed. The three new parking spaces are adjacent to the existing parking area and can utilize the existing walkway system. No other changes to the previously proposed walkway system are proposed. These standards are met.

- (4) **Safety and Security.** Industrial development must provide safety and security features as follows:
- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;
 - (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;
 - (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;
 - (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and
- [...]

Finding:

The applicant proposes to replace an existing loading area with the subject building addition. Given the nature of the refrigerated storage space, no new windows are proposed, but this does not significantly reduce the overall safety and security of the project site. New lighting is proposed at the north and west

areas of the site as seen on Site Plan A0.3, providing adequate lighting of the parking and north vehicle area. The lighting is shown not to glare off site or into natural areas as seen on Site Plan A0.3. Building identification is already in place and is not proposed to change. These standards are met.

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

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

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

(c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

[...]

Finding:

New mechanical equipment is not yet proposed with this application, though likely to be installed at the time of building permit. Likewise, new outdoor storage has not been proposed. With recommended Condition of Approval A11, these standards are 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*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
[...]		
(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed

Finding:

As shown on “Landscape Plan” A0.1, the proposed site changes achieve a 17% landscaped area, with new landscaping proposed at the west side of the new addition, adjacent to the expanded parking area. This standard is met.

Section 73B.040 – Additional Minimum Landscaping Requirements for Industrial Uses.

(1) General. In addition to requirements in TDC 73B.020, commercial 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.

[...]

Finding:

As shown on “Landscape Plan” A0.1, landscaping is provided in all areas not otherwise occupied by buildings, vehicle area, or pedestrian area. This standard is met.

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

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

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

- (i) loading areas,
- (ii) bicycle parking areas,
- (iii) pedestrian egress/ingress locations, and

(iv) where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than 8 feet.

Finding:

The existing building has been constructed with the applicable landscape buffers. The proposed development does not impact these standards. These standards are met.

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

The following are minimum standards for landscaping for all zones.

Standards	
(1) Required Landscape Areas	<ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot be used to meet this requirement. • A maximum of 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.

Finding:

The density of plantings as shown on Landscape Plan L1.0 (Exhibit A2) is sufficient to provide full coverage of landscaping within three years. The proposed strip at the immediate building edge will still allow at least 90% of the minimum landscape area to be vegetated. These standards are met.

(2) Fences	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:

No fences are proposed. This standard is not applicable.

(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. <p>During construction:</p> <ul style="list-style-type: none"> • Must provide above and below ground protection for existing trees and plant materials identified to remain; • Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; • If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; • Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; • Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-
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	<p>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</p> <ul style="list-style-type: none"> • 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:

The limited development area for this project does not contain trees; no trees are proposed for removal as part of the scope of this project. These standards are not applicable.

<p>(4) Grading</p>	<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:

With Condition of Approval A6, these standards are met.

<p>(5) Irrigation</p>	<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 A4, this standard is met.

<p>(6) Re-vegetation in Un-landscaped Areas</p>	<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,.
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	<ul style="list-style-type: none"> • 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.
--	--

Finding:

The applicant proposes to landscape all areas not otherwise proposed for development within the development area. 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		
(1) Deciduous Shade Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; • Reach a mature height of 30 feet or more; • Cast moderate to dense shade in summer; • Live over 60 years; • Do well in urban environments, tolerant of pollution and heat, and resistant to drought; • Require little maintenance and mechanically strong; • Insect- and disease-resistant; • Require little pruning; and • Barren of fruit production. 	
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species 	
(3) Coniferous Trees	<ul style="list-style-type: none"> • 5 feet in height above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species. 	
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> • One to five gallon size; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • Side of shrub with best foliage must be oriented to public view. 	
(5) Groundcovers	<ul style="list-style-type: none"> • Fully rooted; 	

	<ul style="list-style-type: none"> • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited. 	
(6) Lawns	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species. 	

Finding:

Per the plant schedule and details provided on Landscape Plan L1.0, the standards for groundcover, shrubs, and trees to be planted are met. Condition of Approval A4 will require that any additional required plants also meet these standards. These standards are met.

Chapter 73C: Parking Standards

Section 73C.020 – Parking Lot Design Standards.

A parking lot, whether an accessory or principal use, intended for the parking of automobiles or trucks, must comply with the following:

- (1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;
- (3) Parking stalls must be constructed of asphalt, concrete, previous concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;
- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;
- (5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.
- (6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;
- (7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;

Finding:

Most of the existing parking lot will be retained as approved by AR 16-0012; the north three parking spaces will be reconfigured. They will be replaced, and three additional parking spaces added. Drive aisles and new parking spaces will be comprised of impervious paving. The aforementioned six parking spaces are proposed to be 15.5 feet long and 9 feet wide. With only a five foot landscape buffer, no landscape overhang is available to count toward the parking stall length. These six spaces can meet the dimensional standards for compact spaces as described in Figure 73-1. With 42 total parking spaces, this will mean that 14% will be compact spaces, under the maximum standard of 35%. These standards are met.

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

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

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

Finding:

As shown on Site Plan A0.1, the design of the parking lot will not require movement onto any public street. The new parking spaces will be accessed via the existing joint drive aisle shared with the property to the west. These standards are met.

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

Finding:

As shown on Site Lighting Plan A0.3, new lighting will not shine into residential zones, ROW, or any natural area. This standard is met.

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

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

Parking lot landscaping is discussed below in TDC 73C.200. will ensure that the required landscaping will be provided. These standards are met.

Section 73C.050 – Bicycle Parking Requirements and Standards.

(1) Requirements. Bicycle parking facilities must include:

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

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

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

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

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

- (b) A five (5) foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;
- (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;
- (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;
- (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;
- (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;
- (g) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking; and
- (h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.

Finding:

The proposed addition will create 5,106 additional square feet of storage space; per 73C.100, warehousing requires 0.1 bike parking spaces per 1,000 square feet. This addition does not trigger the need for additional bike parking space over what was provided with AR 16-0012. These standards are met.

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

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
[...]				
(f) Industrial				
(ii) Warehousing	0.30 spaces per 1,000 square feet of gross floor area	Zone A: 0.4 spaces per 1,000 square feet of gross floor area Zone B: 0.5 spaces per 1,000 square feet of gross floor area	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater

Finding:

The applicant proposes 5,160 square feet of new warehouse area. The existing site development comprises a mix of office, manufacturing, and warehouse uses, which together require 17 parking spaces; 39 parking spaces exist on site. The new warehouse space would increase the minimum parking required to 19 spaces. The parking provided exceeds this standard. The applicant proposes to create three new spaces as seen on Site Plan A0.1 (Exhibit A2). No additional bike parking spaces are required by the addition. These standards are met.

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

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

[...]

Finding:

Nineteen parking spaces are required; two are required to be carpool/vanpool spaces. There are two existing carpool/vanpool spaces. These standards are 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	5,000- 25,000	1	12 feet x 60 feet	14 feet

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

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

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

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

[...]

Finding:

The area of the building with addition requires one loading berth. Three loading berths meeting the minimum dimension standards are being provided. The addition would enhance screening from the west and no other modification to screening is proposed. These standards are met.

Section 73C.130 – Parking Lot Driveway and Walkway Minimum Requirements. Parking lot driveways and walkways must comply with the following requirements:

[...]

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

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

Finding:

No changes to the ingress/egress layout is proposed, which is in compliance. This standard is met.

(6) Maximum Driveway Widths and Other Requirements.

- (a) Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.
- (b) Driveways must not be constructed within 5 feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.
- (c) The provisions of subsection (b) do not apply to townhouses and duplexes, which are allowed to construct driveways within 5 feet of adjacent property lines.
- (d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.
- (e) Must comply with the distance requirements for access as provided in TDC 75.
- (f) Must comply with vision clearance requirements in TDC 75.

Finding:

No changes to the ingress/egress layout is proposed, which is in compliance. These standard are met.

PARKING LOT LANDSCAPING

Section 73C.200 – Parking Lot Landscaping Standards Purpose and Applicability.

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

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

Section 73C.230 – Industrial Parking Lot Landscaping Requirements. Industrial uses must comply with the following landscaping requirements for parking lots in all zones.

(1) General. Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering

Finding:

As shown in the landscape plan L1.0 (Exhibit A2), the parking lot contains landscaping in areas not used for vehicles and pedestrian movement. This standard is met.

(2) Clear Zone. Clear zone required for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level.

Finding:

As shown in the landscape plan L1.0 (Exhibit A2), the proposed plantings will provide for visual clearance at the end of drive aisles and drive entrances. Condition of Approval A15 will require ongoing maintenance of landscaping, including that needed for a clear zone. This standard is met.

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

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

Finding:

As shown in the landscape plan L1.0 (Exhibit A2), the west and north area of the site where the addition is proposed is connected by vehicular access to adjacent lots. No other changes to existing perimeter landscaping meeting this section is proposed. These standards are met.

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

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;**
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;**
- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;**
- (d) Landscape separation required for every eight continuous spaces in a row;**
- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;**
- (f) Must be planted with groundcover or shrubs;**
- (g) Native plant materials are encouraged;**

- (h) Landscape island areas with trees must be a minimum of 5 feet in width (from inside of curb to curb);
- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and
- [...]

Finding:

As shown in the landscape plan L1.0 (Exhibit A2), a landscape island is provided at least at every eight contiguous parking spaces and at aisle ends. Ten trees will remain in the parking lot for 39 spaces, retaining the ratio of one tree for every four spaces. Deciduous shade trees are required. Condition of Approval A4 will require a different tree species selection in place of the proposed Shore pine. These standards are met.

Chapter 73D: Waste and Recyclables Management Standards

Section 73D.010 – Applicability and Objectives.

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

- (a) Common wall residential developments containing five or more units;
- (b) Commercial developments;
- (c) Industrial developments; and
- (d) Institutional developments.

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

- (a) Screen elements such as garbage and recycling containers from view;
- (b) Ensure storage areas are centrally located and easy to use;
- (c) Meet dimensional and access requirements for haulers;
- (d) Designed to mitigate the visual impacts of storage areas;
- (e) Provide adequate storage for mixed solid waste and source separated recyclables; and
- (f) Improve the efficiency of collection of mixed solid waste and source separated recyclables.

Section 73D.020 - Design Methods.

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

- (1) The minimum standards method in TDC 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 existing on-site waste and recyclables facilities are in compliance with the standards of Chapter 73D. The extent of the proposed addition does not necessitate changes to these facilities, as discussed further below. These standards are met.

Section 73D.030 – Minimum Standards Method.

This method specifies a minimum storage area requirement based on the size and general use category of the new or expanded development. This method is most appropriate when specific use of a new or expanded development is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

(1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.

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

- (a) Common wall residential 5-10 units must provide 50 square feet.
- (b) Common wall residential greater than 10 units must provide 50 square feet plus an additional 5 square feet per unit above 10.
- (c) Commercial, industrial, and institutional developments must provide a minimum storage area of 10 square feet plus:
 - (i) Office - 4 square feet/1000 square feet gross leasable area (GLA);
 - (ii) Retail - 10 square feet/1000 square feet GLA;
 - (iii) Wholesale/ Warehouse/ Manufacturing - 6 square feet/1000 square feet GLA;
 - (iv) Educational and Institutional - 4 square feet/1000 square feet GLA; and
 - (v) All other uses- 4 square feet/1000 square feet GLA.

(3) Mixed solid waste and source separated recyclables storage areas for multiple tenants on a single site may be combined and shared.

Finding:

The exterior trash enclosure was approved with AR 16-0012. AR 16-0012 approved a trash enclosure 100 square feet larger than the minimum required. The addition of approximately 5,100 square feet of warehouse/storage space would only require 30 additional square feet; as such, the existing enclosure remains more than sufficient to meet the minimum storage area. These standards are met.

Section 73D.070 – Location, Design and Access Standards.

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

(1) Location Standards.

- (a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste.
- (b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
- (c) Exterior storage areas must:

- (i) Be located in central and visible locations on the site to enhance security for users;
- (ii) Be located in a parking area; and
- (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

(2) Design Standards.

- (a) The dimensions of the storage area must accommodate containers consistent with current methods of local collection at time of construction or alteration.
- (b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.
- (c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height.
- (d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.
- (e) Gate openings for haulers must be a minimum of 10 feet wide and must be capable of being secured in a closed and open position.
- (f) Horizontal clearance must be a minimum of 10 feet and a vertical clearance of 8 feet is required if the storage area is covered.
- (g) A separate pedestrian access must also be provided in common wall, commercial, and institutional developments.
- (h) Exterior storage areas must have either a concrete or asphalt floor surface.
- (i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.

Finding:

The proposed waste areas are in visible parking areas convenient to tenant entries and loading areas, and are outside of the applicable setbacks. The existing waste storage area was approved with AR 16-0012. Changes to the site area layout will preserve the vehicle drive path connecting the subject site to its neighbor to the north. The location and design standards are met.

(3) Access Standards.

- (a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.
- (b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.
- (c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.
- (d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.
- (e) The following is an exception to the access standard:
 - (i) Access may be limited for security reasons.

Finding:

The proposed waste areas are in visible parking areas convenient to tenant entries and loading areas, and are outside of the applicable setbacks. The existing waste storage area was approved with AR 16-0012. Changes to the site area layout will preserve the vehicle drive path connecting the subject site to its neighbor to the north. The location and design standards are 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:

The development's site is served by a 6-inch sanitary sewer lateral connecting to an 18-inch public main east of the wetlands to the east. 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 in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service

level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

Finding:

The development's site is served by 8-inch domestic and 10-inch fire service laterals connecting to a 12-inch public water main line to the south within SW Itel Street. 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 6,500 square feet indicated within the Preliminary Stormwater Report & Calculations. The applicant must obtain an erosion control permit from the City of Tualatin prior to issuance of permits allowing construction activities.

The entire site is within and drains into the Hedges Creek Subbasin. The proposed development captures stormwater from all impervious areas, is conveyed to a shared private treatment facility that provides up to 25-year detention, and then releases to the public stormwater system in SW Tualatin-Sherwood Road 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 prior to issuance of permits allowing construction activities.

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:

The entire site is within and drains into the Hedges Creek Subbasin. The Preliminary Stormwater Report & Calculations were prepared by Thomas J. Sisul, an Oregon registered professional engineer of Sisul Engineering. This plan shows stormwater from all existing, modified, and proposed impervious areas captured then conveyed to a proposed onsite facility and an existing shared private water quality pond for treatment and detention, then released into the Hedges Creek wetlands to the east that flow to the public stormwater system crossing under in SW Tualatin-Sherwood Road.

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.

The existing shared private 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 with capacity to for all existing impervious area.

This project will result in redevelopment the new building area of 5,160 square feet and reconstructed pavement area to be approximately 1,300 square feet for a total of approximately 6500 SF of

reconstructed impervious area and a reduction of total impervious area of approximately 500 square feet.

The applicant proposes a 6% simplified sized LIDA facility, a filter system, and detention pipe onsite to treat and detain the modified impervious areas.

Hydromodification is required for new and modified impervious areas. Per Clean Water Services' Design and Construction Standards Section 4.03.1.a, 4.03.2.a, and 4.08.4.c and Table 4-7, a hydromodification assessment is not required if the project results in the addition and/or modification of less than 12,000 square feet of impervious surface. In this scenario, a 12% sizing factor may be used to accommodate hydromodification for the Pre-Development Peak Runoff Rate Targets: 50% of 2-year, 24-hour; 5-year, 24 hour; and 10-year, 24-hour.

With the reduction of overall impervious area the existing shared private stormwater facility might be proven to include capacity for treatment, detention, and hydromodification with re-evaluation by a Oregon licensed, professional engineer. Additionally, hydromodification capacity could be proven, the facility enhance to accommodate deficiencies, or onsite facilities constructed for the balance.

The applicant must submit final stormwater calculations that prove adequate capacity exists for the added and modified impervious areas for hydromodification that meet the simplified LIDA approach of 12% of the area by constructing new onsite facilities and/or, modifying existing shared facilities. The applicant must obtain a Water Quality Permit for stormwater calculation evaluation, construction of new, and/or modification of existing facilities 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 a copy of the recorded private stormwater facility maintenance agreement must be submitted prior to Water Quality Permit issuance for construction of new or modification of existing facilities. The private stormwater facility agreement must identify the responsible party for the long-term compliance with the operation and maintenance plan. 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 Clean Water Services Service Provider Letter CWS File Number 20-001262 indicating that Sensitive Areas exist on the site. This letter requires enhancement of 870 square feet of Vegetated Corridor. A CWS Memorandum was received dated October 13, 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 complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services. in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).

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:

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 April 23, 2020 and prepared by Scott Ferguson of Ferguson & Associates, Inc. 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.

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., November 13, 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); appeals of Public Facilities Decision elements are appealed directly to City Council as specified in TDC Table 32-1.

Submitted by:

A handwritten signature in blue ink, appearing to read 'Tabitha Boschetti', with a stylized flourish extending upwards and to the right.

Tabitha Boschetti, AICP
Assistant Planner