



CITY OF TUALATIN
Community Development Department-Planning Division
Land Use Application—Type IV

PROPOSAL NAME MUTUAL MATERIALS TUALATIN

PROPOSAL SUMMARY (Brief description)
NEW WHOLESALE SALES FACILITY & DISTRIBUTION YARD FOR MASONRY, PAVERS, AND SIMILAR BUILDING MATERIALS

PROPERTY INFORMATION

Location (address if available): 10700 SW TUALATIN SHERWOOD ROAD
 Tax Map & Lot #(s): 2S127AA02100 Planning District: _____
 Total site size: 5 ACRES (APPROX.) Developed Undeveloped

APPLICANT/CONTACT INFORMATION

Applicant or Primary Contact Name: MACKENZIE - ATTN: DANIEL REID
 Mailing Address: 1515 SE WATER AVE. #100
 City/State: PORTLAND, OR Zip: 97214
 Phone: 503-224-9560 Email: dreid@mcknze.com

Applicant's Signature: [Signature] Date: 3/5/19

I hereby acknowledge that I have read this application and understand the requirements for approving and denying the application, that the information provided is correct, that I am the owner or authorized agent of the owner, and that plans submitted are in compliance with the City of Tualatin Development (TDC) and Municipal (TMC) Codes.

PROPERTY OWNER/DEED HOLDER INFORMATION (Attach list if more than one)

Name: MUTUAL MATERIALS - ATTN: KIMBERLY EIRING
 Mailing Address: 605 NE 119TH AVENUE
 City/State: BELLEVUE, WA Zip: 98005
 Phone: 888-688-8250 Email: keiring@mutualmaterials.com

Property Owner Signature: [Signature] Date: 4/11/19

Power of attorney or letter of authorization required if application not signed by the property owner/deed holder.

LAND USE APPLICATION TYPE

- Annexation (ANN) Plan Map Amendment (PMA)
- Conditional Use Permit (CUP) Plan Text Amendment (PTA)
- Central Urban Renewal Master Other _____
- Historic Landmark Designation or Removal of Designation (HIST)

FOR STAFF USE ONLY	
Case No.:	_____
Date Received:	_____
By:	_____
Fee Amount \$:	_____
Received by:	_____

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

MUTUAL MATERIALS CONDITIONAL USE PERMIT

To
City of Tualatin

For
Mutual Materials – Tualatin

Dated
April 11, 2019

Project Number
2190107.00



MACKENZIE
Since 1960

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EXHIBITS

- A. Application Form
- B. Certification of Sign Posting for Conditional Use Permit and Mailing List
- C. Pre-Application Meeting Notes
- D. Clean Water Services (CWS) Service Provider Letter (SPL) – Pre-Screen
- E. Neighborhood/Developer Meeting Materials
- F. Title Report (including legal description)
- G. Tax Map
- H. Vicinity Map
- I. Plans (11" x 17")

ATTACHED SEPARATELY

- (3) 8.5" x 11" Plans
- (3) 24" x 36" Plans – folded

I. PROJECT SUMMARY

Applicant: Mutual Materials
605 NE 119th Avenue
Bellevue, WA 98005

Applicant's Representative: Mackenzie
Suzannah Stanley, Land Use Planner
1515 SE Water Avenue, Suite 100
Portland, OR 97214
(503) 224-9560
sstanley@mcknze.com

Project Contact: Same as Applicant's Representative

Owner: Mutual Materials
605 NE 119th Avenue
Bellevue, WA 98005

Site Address: 10700 SW Tualatin-Sherwood Road
Tualatin, Oregon 97062

Tax Lot ID: 2S127AA02100

Site Size: 5 acres (217,628 SF)

Comprehensive Plan: MG General Manufacturing

Zoning: MG General Manufacturing

Existing Structures: None

Request: Conditional Use Permit Approval

Proposed Development: Construct an approximately 4,200 SF wholesale sales building for Mutual Materials, including an 11,700 SF auxiliary storage building and associated parking and landscaping

II. INTRODUCTION

This application requests Conditional Use Permit approval for wholesale sales of bricks and pavers primarily to contractors and industry professionals, at a site located at 10700 SW Tualatin-Sherwood Road. Proposed site development includes a large materials storage area, a 4,200 SF office/showroom building and 11,700 SF storage building, associated parking, landscaping/screening, and on-site surface water management facilities.

Mutual Materials (“Applicant”) was founded in 1900 and has several locations in the western United States. It distributes products to wholesale customers, including masons and landscape contractors, builders, lumberyards, and other distributor customers. The primary wholesale and distribution use of the site is supported by the small building, with office functions and a showroom area that provides a place for contractors to view product samples and place materials orders. For some smaller orders, contractors may pick up Will Call orders at the site, but most order fulfillment occurs as shipments for off-premises product delivery to wholesale customers or contractors’ jobsites.

Notably, this business model is distinctly different from that of a commercial retail operation, in which sales of merchandise direct to retail customers predominates. Occasionally, contractors suggest that their customers visit the showroom to make material selections for use in fulfilling product orders for projects; however, these consultative visits are infrequent, represent a small share of site traffic, and do not typically result in immediate sales and product delivery.

The Applicant previously obtained Conditional Use Permit and Architectural Review approvals for the site for a similar proposal, though no action was taken for site development and both approvals have now expired. This application package includes a narrative, plans, drawings, and additional documentation in support of the proposed Conditional Use Permit.

Site Description & Surrounding Land Uses

The site consists of one (1) parcel approximately 5 acres (217,628 SF) in area, located south of SW Tualatin-Sherwood Road. The subject site is a flag lot with a shared flagpole driveway extending north to SW Tualatin-Sherwood Road; the driveway provides shared access with two (2) adjacent parcels to its east and west that were created through a partition by Specht Development in 2002 (PAR-02-03). The subject site is vacant and described as Parcel #3 of the 2002 partition. Parcel #1 was developed as Arlington Commons, an industrial condominium development that contains two (2) buildings. Parcel #2 was developed as a Lakeside Lumber facility, which processes and warehouses siding products.

TABLE II.1. SURROUNDING ZONING AND LAND USES		
	Zone	Land Use
Site:	MG General Manufacturing	Vacant
North:	MG General Manufacturing	Warehousing, manufacturing, and office
South:	ML Light Manufacturing	Manufacturing, wholesale, and office
East:	MG General Manufacturing	Vacant
West:	MG General Manufacturing	Manufacturing, wholesale, and office

There are no known wetlands, greenways, or riverbanks located on-site, nor is the site located within any Natural Resources Protection Overlay District (NRPO) or floodplain.

Proposal

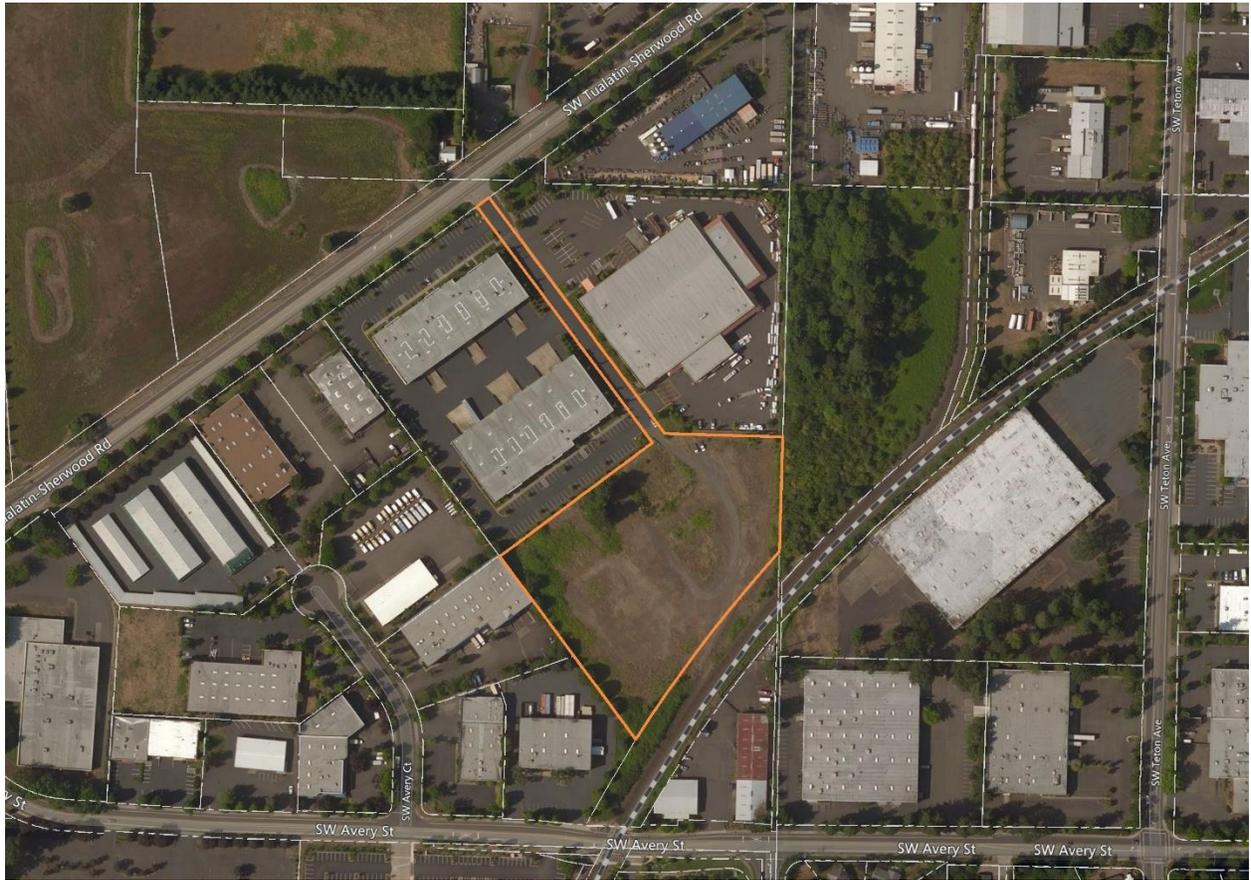
This application requests approval of a Conditional Use Permit for the wholesale sales of “building materials and supplies,” specifically for the sale of bricks, pavers and other stone and masonry materials. Chapter 39 of the Tualatin Development Code (TDC) identifies Wholesale Sales as the sale, lease, or rental of products predominantly to businesses. Specifically, Section 39.450 – Wholesale Sales identifies the wholesale sales of “masonry supplies” and “ceramic & stone tile and pavers” as examples of uses. Mutual Materials sells bricks and pavers in large quantities to other industries or industry professionals; these are then distributed to the ultimate consumer, thus meeting the definition of “Wholesale Sales” per TDC Chapter 39. Per Section 61.200 of TDC, Wholesale Sales of building materials and supplies is a conditional use in the General Manufacturing zone, requiring that the Conditional Use Permit approval criteria in Section 33.040 be met.

Though this application is for Conditional Use approval only, a preliminary site plan has been submitted for context (Exhibit I). An associated Architectural Review application with the same site plan has also been submitted separately, the decision for which is contingent on Conditional Use approval. If approval of the requested Conditional Use is granted, and the Architectural Review approval is subsequently granted, it is Mutual Materials’ intent to pursue construction of an approximately 4,200 SF Wholesale Sales showroom and 11,700 SF storage building. The remainder of the site will be designated for yard area, parking, and landscaping.

As described above and subsequently analyzed in **Section III. Compliance with Conditional Use Permit Approval Criteria** of this narrative, the proposal meets the development standards applicable to the project.

A pre-application meeting for the project was held with the City of Tualatin on March 20, 2019, followed by a neighborhood/developer meeting on April 1, 2019; mailing labels, invitation letter, affidavit of mailing, certification of posting, and meeting sign-in sheet are attached to this application as Exhibit E.

Figure II.1 Aerial Map of Subject Site



III. COMPLIANCE WITH CONDITIONAL USE PERMIT APPROVAL CRITERIA

The project is subject to a Conditional Use Permit per TDC 61.200. This narrative addresses all standards of the TDC relevant to Conditional Use Permit review, specifically those under Chapter 33, Section 33.040 TDC – Conditional Use Permit. Standards applicable to Architectural Review are not included with this application, as they are being applied and reviewed in a separate Architectural Review application. All applicable criteria and analysis of consistency with each criterion is set forth below.

Chapter 33 TDC: Applications and Approval Criteria

TDC Section 33.040 Conditional Use Permit

- (1) *Purpose. It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics relative to locational features, design, size, operation, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:*
- (a) *Allow practical latitude for utilization of land and structures, while maintaining adequate provision for the protection of the health, safety, convenience and general welfare of the community and adjacent properties; and*
 - (b) *Provide machinery for periodic review of conditional use permits to provide for further conditions to more adequately assure conformity of such uses to the public welfare.*
 - (c) *Provide siting criteria for the conditional uses specified herein and guidelines for the imposition of conditions to the end that such uses will:*
 - (i) *Be consistent with the intent and purpose of the zone in which it is proposed to locate such use, meet the requirements of the Tualatin Community Plan with regard to providing benefit to the general welfare of the public, and fill a probable need of the public which can best be met by a conditional use at this time and in this place; and*
 - (ii) *Comply with the requirements of the zone within which the conditional use is proposed and in accordance with conditions attached to such use under the authority of this chapter.*

Response: The applicant proposes an Industrial use on the subject site, which is zoned General Manufacturing (MG). As noted in Table 61-1 of TDC, Use Categories in the MG Zone, the Wholesale Sales of building materials is an Industrial use requiring Conditional Use Permit approval. Due to the nature of Mutual Materials' business operations, which involves the wholesale distribution of bulk product materials (bricks, pavers, etc.) to contractors and other industry professionals, the use is most practical and feasible in an industrial zone. The proposed subject site is bordered on all sides by industrial zoning and uses, thereby providing adequate buffering – by distance as well as intervening structures and uses – from less intense uses that may be sensitive to industrial operations. The closest residential development is at least 400' from the southwest corner of the site and is separated by three (3) streets right-of-way. Because the residences are a considerable distance from the proposed Mutual Materials use, and the surrounding uses are all industrial in nature, the proposed use will not alter the character of the surrounding area. The intent of the Conditional Use Permit Purpose is met.

- (2) *Applicability. A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit may be initiated by a property owner or the owner's authorized agent.*

Response: Mutual Materials, the property owner, is also the applicant initiating this Conditional Use Permit application. This standard is met.

- (3) *Procedure Type. Conditional use permits are processed in accordance with the Type III review procedures in Chapter 32.*

Response: As required per this Subsection, the subject application is being processed as a Type III review procedure, to be reviewed by the Planning Commission. This standard is met.

- (4) *Specific Submittal Requirements. In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the following additional information and materials:*

- (a) *Project title;*

Response: The title of the proposed development is Mutual Materials – Tualatin. This standard is met.

- (b) *The architect, landscape architect and engineer;*

Response: The project team firms, including the architect, landscape architect, and engineer, are identified in the submitted plan set (Exhibit I). This standard is met.

- (c) *A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development;*

Response: A site plan illustrating the dimensions and site layout of the proposed development is included on sheet C1.10 of the submitted plan set (Exhibit I), set to a scale of 1" = 30'. This standard is met.

- (d) *A Service Provider Letter from Clean Water Services (CWS) indicating that a "Stormwater Connection Permit Authorization Letter" will likely be issued; and*

Response: A pre-screening form from Clean Water Services (CWS) regarding service to the site is included with this application submittal as Exhibit D. This standard is met.

- (e) *If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application and the City must notify the ODOT Rail Division and the railroad company that the application has been received.*

Response: Access to the site does not involve a railroad-highway grade crossing. This standard is therefore not applicable.

- (5) *The applicant must provide evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:*

- (a) *The use is listed as a conditional use in the underlying zone;*

Response: This application requests approval of a Conditional Use Permit for the Wholesale Sales of building materials and supplies, specifically for the sale of bricks and pavers as home improvement materials and supplies. Per TDC Section 61.20, the wholesale sales of building materials and supplies is a conditional use in the General Manufacturing zone. This approval criterion is met.

- (b) *The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features;*

Response: The site is located on a flag lot that was created through a 2002 partition and has access from a shared driveway off SW Tualatin-Sherwood Road, which is a Major Arterial under Washington County's jurisdiction. Though Washington County's Transportation System Plan identifies plans to widen the segment of SW Tualatin-Sherwood Road adjacent to the site to a five-lane configuration, the existing right-of-way provides adequate improvements for the site's

access. Topographically, the site has a minor downhill slope from southeast to northwest, which does not interfere with the proposed development of the site. No notable natural resources exist on site, and vegetation is limited to eight (8) trees, small- to mid-sized shrubbery, and groundcover.

The minimum lot size in the MG zone is 20,000 SF, approximately 0.46 acres. The subject site is a flag lot at approximately 5 acres, exceeding the minimum lot size requirement. The applicant proposes one office/showroom building at approximately 4,200 SF and a storage building at approximately 11,700 SF, totaling 15,900 SF of building area (approximately 7% lot coverage). Though there is no applicable maximum lot coverage per Chapter 61, the relatively low percentage proposed indicates the site is of sufficient size and shape to accommodate the proposed buildings and associated site improvements such as parking, required landscaping, and stormwater facility.

For the reasons cited above, this approval criterion is met.

(c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;

Response: The site has frontage and access on SW Tualatin-Sherwood Road, which is under Washington County's jurisdiction and designated as an Arterial by Washington County and a Major Arterial by the City of Tualatin. The Applicant has been advised that the segment of SW Tualatin-Sherwood Road adjacent to the site will ultimately be expanded to accommodate five (5) travel lanes and buffered bike lane, likely through a capital improvement project initiated by Washington County. However, the subject site's right-of-way frontage is limited to the shared driveway approach, which was designed to accommodate commercial driveway access for the three (3) industrially zoned lots involved in the 2002 partition. The traffic study completed for CUP-08-02, the 2008 Conditional Use Permit approval for Mutual Materials on the subject site, determined the intersection of SW 112th Avenue/SW Avery Street/SW Tualatin-Sherwood Road maintained adequate capacity in post-development situations. The applicant is currently determining the need for and scope of a traffic analysis with City of Tualatin staff.

The proposed site plan reflects a connection to an existing private 8" water line, private 4" sanitary sewer line, and private 12" stormwater line within a private utility easement stubbed to the edge of the subject site, constructed pursuant to the 2002 partition approval. City staff confirmed at the March 20, 2019 Pre-Application Conference (Exhibit C) that these connections are acceptable. Therefore, the proposed development is timely in regard to both transportation systems and existing or planned facilities for the area. This approval criterion is met.

(d) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone; and

Response: Surrounding zoning designations include MG to the north, east, and west, and ML to the south. Neighboring uses predominantly include warehousing, manufacturing, and industrial offices. A portion of the Miller Forest residential subdivision is located approximately 400' southeast of the site, across SW Avery Street and further separated by both the rail line and multi-tenant industrial building to the south of the property; this can be seen in the attached vicinity map (Exhibit H).

As the surrounding uses are industrial in nature, and the residences are separated by three (3) rights of way and a development with a less intense industrial use (light manufacturing and

wholesale sales: Advantage Business Products and Commercial Drapery & Blinds), the proposed use will not alter the character of the surrounding area in any manner that limits, impairs, or prevents the use of surrounding properties from the primary uses listed in the underlying planning district. This approval criterion is met.

(e) *The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.*

Response: The applicable Tualatin Community Plan policies are noted in TDC Section 7.040(3) Manufacturing Planning District Objectives – General Manufacturing. Section 7.040(3) states that the MG zone is suitable for light manufacturing uses and also for a wide range of heavier manufacturing and processing uses, including screened open storage. TDC 7.040(3) also notes retail sales of home implement materials is appropriate in the MG zone, subject to certain size limitations. However, Mutual Material’s business operations are wholesale in nature. Therefore, the proposed wholesale, storage, and distribution activities align best with light industrial/processing as noted per this Section. Thus, the proposed development satisfies the objectives of the Tualatin Community Plan applicable to the use. This approval criterion is met.

Chapter 61 TDC: General Manufacturing Planning District

TDC Section 61.200 Use Categories

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

Response: This application is for use of a specific MG-zoned property for Wholesale Sales of building materials and supplies, which is listed as a conditional use within the Industrial use category per Table 61-1. The applicant is seeking approval of a Conditional Use Permit prior to developing the site, in accordance with TDC requirements.

TDC Chapter 39 – Use Categories identifies Wholesale Sales as the sale, lease, or rental of products predominantly to businesses. Specifically, Section 39.450 – Wholesale Sales identifies the wholesale sales of “masonry supplies” and “ceramic & stone tile and pavers” as examples of uses. Mutual Materials primarily sells bricks and pavers in large quantities to other industries or industry professions, which are then delivered to or installed for the ultimate consumer, thus meeting the definition of “Wholesale Sales” per TDC Chapter 39. (Notably, in contrast, the characteristics of Retail Sales and Service include the sale, lease, rental, or repair of new or used products or personal services. These products and services are provided “directly to consumers, as opposed to wholesale products and services provided to industrial, institutional, or commercial customers.” On the basis of those definitions, the proposed use is not Retail Sales and Service.)

This standard is met.

TDC Section 61.210 Additional Limitations on Uses

(2) *Limited Commercial Uses. Commercial uses permitted as limited uses, as specified in Table 61-1, must be located on the same lot or parcel as a permitted industrial use. The lot or parcel must be*

used substantially for industrial purposes and the commercial use is subject to the following standards:

Response: The proposed development is for wholesale sales, storage and distribution of materials supplied by Mutual Materials, which falls within the definition of “wholesale sales of building materials and supplies,” a Conditional Use in the MG District. This standard does not apply because this application is not for a listed limited commercial use.

(3) *Size Limitation for Commercial Uses. Commercial uses permitted outright or as a conditional use, as specified in Table 61-1, are subject to the following size limitations:...*

Response: The proposed use is Wholesale Sales of building materials and supplies, which is a Conditional Use in the MG zone per Table 61-1. No commercial uses are proposed. This standard does not apply.

(4) *Limited Commercial Setback. The purpose of the Limited Commercial Setback is to restrict commercial uses from locating within 300 feet from the centerline of SW Tualatin-Sherwood Road and SW 124th Avenue and 350 feet from the centerline of SW Pacific Highway (99W) west of Cipole Road, as depicted in Map 9-5...*

Response: This standard is not applicable because the proposed use is not a listed commercial use in Table 61-1.

(5) *Commercial Services Overlay. The purpose of the Commercial Services Overlay is to provide for specific commercial services for area businesses and employees. The area of the overlay is depicted in Map 9-5. Permitted uses are specified in Table 61-1. If a property is within the Commercial Services Overlay and the Limited Commercial Setback, the regulations of the Commercial Services Overlay apply...*

Response: This standard is not applicable because the subject property is not located within the Commercial Services Overlay depicted in Map 9-5.

IV. SUMMARY

Mutual Materials is a wholesale supplier of brick, concrete masonry, and hardscape products that sells primarily to contractors and other industry professionals. The warehousing and sale of masonry supplies is classified under the sale of building materials and supplies per TDC 39.450 – Wholesale Sales. Wholesale Sales of building materials and supplies is a conditional use in the General Manufacturing zone per TDC 61.200 – General Manufacturing Zone Use Categories, including Table 61-1; therefore, this application requests Conditional Use Permit approval for the Mutual Materials operation.

This application demonstrates that the proposed use meets all applicable Conditional Use standards and approval criteria, as well as the objectives and policies of the Tualatin Community Plan, as described in this narrative. The development will be compatible with current and existing surrounding uses and is designed to comply with the zoning requirements of the General Manufacturing Planning District; the actual site development plan is detailed in a separate Architectural Review application. This application complies with City requirements, will result in economic growth for the area, and merits approval as requested.