



**ARCHITECTURAL REVIEW DECISION  
 HERMAN ROAD INDUSTRIAL (AR 20-0002)**

January 21, 2021

---

Case #:	AR 20-0002
Project:	Herman Road Industrial
Location:	No situs; Tax ID: 2S123BA Lots: 2900 & 3100; Tax ID: 2S123B Lot: 0900
Applicant:	Beth Zauner, AAI Engineering
Owner:	Lu Pacific Properties, LLC

---

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 2

    A. Applicable Criteria ..... 2

    B. Site Description..... 2

    C. Proposed Project ..... 2

    D. Previous Land Use Actions..... 3

    E. Surrounding Uses..... 3

    F. Exhibit List..... 3

II. CONDITIONS OF APPROVAL ..... 4

III. FINDINGS ..... 11

    Chapter 32: Procedures ..... 11

    Chapter 33: Applications and Approval Criteria ..... 18

    Chapter 60: Light Manufacturing (ML) Zone ..... 20

    Chapter 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations..... 22

    Chapter 70: Floodplain (FP) District..... 23

    Chapter 73A: Site Design ..... 25

    Chapter 73B: Landscaping Standards ..... 26

    Chapter 73C: Parking Standards ..... 30

    Chapter 73D: Waste and Recyclables Management Standards ..... 36

    Chapter 74: Public Improvement Requirements ..... 38

    Chapter 75: Access Management ..... 49

IV. APPEAL ..... 55

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

## I. INTRODUCTION

### A. Applicable Criteria

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

- TMC 3: Utilities and Water Quality
- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 60: Light Manufacturing (ML)
- TDC 63: Manufacturing Zones – Environmental Regulations
- TDC 70: Floodplain (FP)
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

### B. Site Description

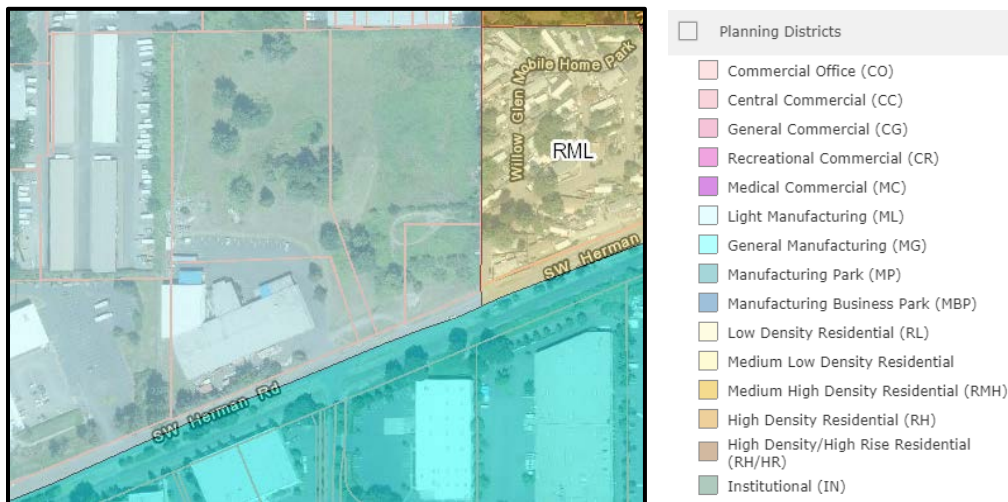


Figure 1 Aerial view of site with zoning (TualGIS)

The 8.41 acre site is comprised of three tax lots zoned Light Manufacturing (ML). This property is located north of SW Herman Road and east of SW Teton Road, with public access from SW Herman Road shared with an adjacent lot under common ownership (Tax Lot: 2S123B000901). The adjacent lot was developed under AR 79-05 and 81-04.

The property is currently vacant with minimal slopes and vegetation. A small portion of the property is located in the 100-year floodplain along the southern property line.

### C. Proposed Project

The applicant, AAI Engineering, on behalf of Lu Pacific Properties, proposes an Industrial Park facility including two buildings (Building 1 - 104,254 square feet; Building 2 – 27,325 square feet). The site improvements include associated parking, loading, utilities, and landscaping. Access is proposed via a single driveway on Herman Road.

**D. Previous Land Use Actions**

- PLA 20-0002 – Property Line Adjustment
- AR 81-04 – Westway Manufacturing Company (Adjacent lot under common ownership)
- AR 79-05 – Westway Gear (Adjacent lot under common ownership)
- ANN 77-07 – Annexation

**E. Surrounding Uses**

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

North: Light Manufacturing (ML)

- Frito Lay Warehouse
- Multi-tenant Industrial Building

South: General Manufacturing (MG)

- SW Herman Road
- Spacesaver Specialist Warehouse
- Multi-tenant Industrial Building

West: Light Manufacturing (ML)

- Q Pacific Manufacturing
- Tote and Stow (RV Storage)

East: Medium-Low Density Residential (RML)

- Willow Glen Mobile Home Park

**F. Exhibit List**

A: Application Materials

- A1. Applicant's Narrative
- A2. Plan Set and Elevations
- A3. Traffic Impact Analysis
- A4. Tree Assessment
- A5. Supporting Documents

B: Clean Water Services Memorandum

C: Tualatin Valley Fire & Rescue Memorandum

D: MurraySmith Memorandum

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 20-0002 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, FLOOD HAZARD AREA DEVELOPMENT, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE:

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

- A2. In accordance with code section TMC 3-2, TDC 70.170, and the Public Works Construction Code the applicant must
- a. Submit sanitary sewer system plans that show:
    - i. Location of the sanitary sewer lines, grade, materials, and other details;
    - ii. A separate lateral serving each lot;
    - iii. Cleanouts at the right-of-way for all laterals. Any cleanout within the floodplain must be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
    - iv. The applicant must extend the 8-inch public sanitary sewer main within SW Herman Road west to provide a direct sanitary sewer service to 10005 SW Herman Road without crossing any adjacent lot.
  - b. Comply with the contractor insurance and bond requirements of the City of Tualatin.
- A3. In accordance with code section TMC 3-3, TDC 74.610, and the Public Works Construction Code the applicant must submit final water plans that show:
- a. Compliance with MurraySmith's Water System Capacity Analysis Technical Memorandum dated December 23, 2020 for each lot's lateral to the main within SW Herman Road to be 12 inches in diameter to meet fire flow velocity requirements;
  - b. All water meters, reduced pressure backflow prevention, double check vault assemblies, fire service vaults, and public fire hydrants within the floodplain must be designed to minimize or eliminate infiltration of flood waters into the system;
  - c. A separate lateral for each domestic and fire service for each lot and the public fire hydrant to the public distribution main. All portions of all private water lines must remain on the lot it serves and not connect to another lot;
  - d. Gate valves at the main for all laterals;
  - e. Adjacent to right-of-way within the public utility easement:
    - i. Reduced pressure backflow prevention and water meter for each domestic laterals
    - ii. A double check vault assembly for each fire service
    - iii. Each lot with irrigation after a domestic meter and reduced pressure backflow device, routed to the back of sidewalk, and prepared to connect to planter strip irrigation sleeved beneath sidewalks to serve the SW Herman Road frontage of each lot after City construction.

- f. Locate private fire hydrants outside of the public drainage easement and storm water facility dedication, recorded Washington County documents No. 82-003780 and 2005-029726, adjacent to the west and northwest property lines of the site;
  - g. Recorded private water line easements for any portions of private water lines crossing another lot; and
  - h. Final plans must show private fire systems that may loop around each building, but are not shared between lots.
- A4. 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:
- a. Final erosion control plans that minimize the impact of stormwater from the development to adjacent properties; and
  - b. A copy of the National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.
- A5. In accordance with TMC 3-5-200 through 3-5-430, TDC 70.170, 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 private and public 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. Show onsite facilities to accommodate hydromodification including release rates for  $\frac{1}{2}$  the 2-year or 5-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5;
    - v. Submit conveyance calculations that accommodates up to a 25-year storm event with 100-year overland flow to the public stormwater system in accordance with TDC 74.640 and CWS D&CS 5.05.2.d;
    - vi. Show catch basins within the driveway as adjacent as possible to SW Herman Road: to capture the most possible private stormwater from flowing into right-of-way due to elevations of the private stormwater system. Prove that:
      - 1. Catch basin locations capture the most possible area that can be treated and detained with the private stormwater system as flat as possible meeting code from the public connection to the main to the vicinity that should be treated and detained;
      - 2. Areas that are unable to be treated due to elevation are detained; and
      - 3. Equivalent volumes of areas unable to be treated and/or detained are equivalently treated and/or detained, respectively, within the private stormwater system.
    - vii. The stormwater lateral from the flow control manhole must be perpendicular to the public stormwater system within right-of-way, include a cleanout at right-of-way, and riprap armored ditch outfall;
    - viii. Private construction must be coordinated with the City's SW Herman Road capital project, which may result in a direct connection to the future piped public stormwater system instead of constructing the riprap armored ditch outfall;

- ix. Within the existing public drainage easement and storm water facility dedication, recorded Washington County documents No. 82-003780 and 2005-029726, adjacent to the west and northwest property lines of the site show:
    - 1. No private fire hydrants or other potentially obstructive private infrastructure; and
    - 2. City approvable vegetation excluding trees.
  - x. Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter CWS File Number 20-002355 conditions to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d); and
  - xi. Comply with all requirements stated within the Service Provider Letter and CWS Memo dated November 13, 2020.
- b. 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.
- c. Submit copies of recorded private stormwater maintenance agreements for each lot. The agreements must assure each owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, and treatment.
- A6. In accordance with TDC 70.120, submit a completed and owner signed Flood Hazard Area Development Permit application based on a Base Flood Elevation of 128.9 NAVD 1988 including:
- a. Plans certified by a professional civil engineer registered in Oregon showing:
    - i. Floodplain fill balanced by cut in accordance with TMC 3-5-250; and
    - ii. Proposed construction in accordance with TDC 70.170 and 70.180.
  - b. Construction drawing elevation certificates for proposed buildings.
- A7. In accordance with code section TDC 74.120, 74.320, 74.330, 74.420, 74.470, 74.485, and 74.765, for SW Herman Road the applicant must:
- a. Submit final plans that show SW Herman Road with interim and full construction:
    - i. Adjacent to Legal Lots:
      - 1. Warrantee deed, #15883 Book 892 Page 410, 1972;
      - 2. Bargain and sale deed, #2393 Book 946 Page 630, 1973;
      - 3. Book 963 Page 379, 1973; and
      - 4. Bargain and sale deed, Book 906 Page 790, 1973.
      - 5. This area is also identified as Tax Map No.:2S123BA TL#2900 and TL#3100 and Tax Map No.: 2S123B TL#0900 and TL#0901.
    - ii. Interim private construction must show private paving location, width, and grades sufficient to allow future City project approach, sidewalk, and planter construction:
      - 1. Between 36 and 40 feet wide at right-of-way and aligned with the existing access south of the railroad.
      - 2. Adjacent to right-of-way allowing seamless future City access construction within SW Herman Road.
    - iii. Full construction must show:
      - 1. A total of 63.5 feet of right-of-way from the railroad property to the north;
      - 2. One 6-foot wide sidewalk on the north side;
      - 3. One 7-foot wide planter to accommodate a LIDA swale (6 feet plus 1 foot shy adjacent to the sidewalk);
      - 4. Two-foot wide curbs and gutters on the north and south sides;
      - 5. Two 6-foot wide bike lanes;
      - 6. Two 12-foot wide travel lanes;

7. One 12-foot wide turn lane;
  8. Two-feet of buffer adjacent to the railroad right-of-way;
  9. Street lights;
  10. Approvable street trees and planting locations with irrigation;
  11. An 8-foot wide public utility easement adjacent to right-of-way;
  12. Width of slope easement if needed for SW Herman Road's full construction; and
  13. A shared driveway approach between 36 and 40 feet wide at right-of-way, aligned with the existing access south of the railroad, and adjacent to right-of-way allowing seamless future City access construction within SW Herman Road.
- A8. In accordance with TDC 74.350, the applicant must submit plans that show:
- a. A 15-foot wide public maintenance access easement. The easement must extend from SW Herman Road right-of-way to the public stormwater manholes within the public drainage easement and storm water facility dedication, recorded Washington County documents No. 82-003780 and 2005-029726; and
  - b. Construction with the easement of an all-weather driving surface capable of carrying a 50,000-pound vehicle from SW Herman Road to and surrounding manholes by five feet.

---

**PRIOR TO BUILDING PERMIT ISSUANCE:**

---

***Submit to the Planning Division (Erin Engman, 503.691.3024 or [engman@tualatin.gov](mailto:engman@tualatin.gov)) for review and approval:***

- A9. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. A minimum five-foot-wide landscaped area or pedestrian plaza or arcade along the east elevation of Building 2, pursuant to TDC 73B.060(1);
  - b. Landscaped areas irrigated with an automatic underground or drip irrigation system in accordance with TDC 73B.070(5);
  - c. Private site ingress and egress from SW Herman Road compliant with the dimensional standards found in TDC 73C.130(6).
  - d. Deciduous trees (or as approved by City Arborist) planted along the perimeter of vehicle areas, located not more than 30 feet apart on center, pursuant to TDC 73C.230(3)(a). Native plant material is encouraged;
  - e. A landscape island separation for every eight continuous parking spaces that meets the standards found in TDC 73C.230(4). Islands must be a minimum of five feet in width and planted with a deciduous shade tree, as well as shrubs or groundcover.
- A10. The applicant must submit Final Color Architectural Elevations (in .pdf format) to the Planning Division that is in substantial conformance to the submitted elevations and shows:
- a. A sound barrier wing wall to reflect sound away from noise sensitive residential properties located within a straight-line lateral path of 450 feet of any overhead doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three. Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.

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

- A11. The applicant must obtain Erosion Control, Flood Hazard Area Development, Public Works, and Water Quality Permits from the City of Tualatin.
- A12. Pay a fee-in-lieu of construction or obtain permits allowing construction of the half street and associated stormwater system from centerline to the north side of full construction of SW Herman Road:
- a. Adjacent to Legal Lots:
    - i. Warrantee deed, #15883 Book 892 Page 410, 1972;
    - ii. Bargain and sale deed, #2393 Book 946 Page 630, 1973;
    - iii. Book 963 Page 379, 1973; and
    - iv. Bargain and sale deed, Book 906 Page 790, 1973.
    - v. This area is also identified as Tax Map No.: 2S123BA TL#2900 and TL#3100 and Tax Map No: 2S123B TL#0900 and TL#0901.
  - b. Which includes:
    - i. Upgrading the public stormwater system to meet current code including conveyance, detention, hydromodification, and treatment;
    - ii. A total of 63.5 feet of right-of-way from the railroad property to the north;
    - iii. One 6-foot wide sidewalk on the north side;
    - iv. One 7-foot wide planter to accommodate a LIDA swale (6 feet plus 1 foot shy adjacent to the sidewalk);
    - v. Two-foot wide curb and gutter on the north side;
    - vi. One 6-foot bike lane;
    - vii. One 12-foot travel lane;
    - viii. Half (six feet) of one 12-foot wide center turn lane;
    - ix. Street lights; and
    - x. Approvable street trees and planting locations with irrigation.
  - c. If a fee-in-lieu is paid, it should include 13.5% additional for engineering matching the Washington County Transportation Development Tax Manual.
- A13. In accordance with code section TDC 74.120, 74.420, 74.470, 74.485, and 74.765, for SW Herman Road the applicant must submit a copy of recorded dedication of sufficient right-of-way for SW Herman Road including a total of 63.5 feet of right-of-way from the railroad property to the north including Legal Lots:
- a. Warrantee deed, #15883 Book 892 Page 410, 1972;
  - b. Bargain and sale deed, #2393 Book 946 Page 630, 1973;
  - c. Book 963 Page 379, 1973; and
  - d. Bargain and sale deed, Book 906 Page 790, 1973
  - e. This area is also identified as Tax Map No.:2S123BA TL#2900 and TL#3100 and Tax Map No.: 2S123B TL#0900 and TL#0901.
- A14. In accordance with TDC 74.320, if needed for full construction, the applicant must submit a copy of the recorded slope easement for SW Herman Road.
- A15. In accordance with TDC 74.330, the applicant must submit a copy of the recorded 8-foot wide public utility easement for SW Herman Road.
- A16. In accordance with TDC 74.350, the applicant must submit a copy of recorded 15-foot wide public maintenance access easement from SW Herman Road to the public stormwater manholes



within the public drainage easement and storm water facility dedication; recorded Washington County documents No. 82-003780 and 2005-029726.

- A17. In accordance with TDC 75.040, the applicant must submit a copy of the recorded private access easement at least 36-feet wide from the right-of way for a distance of at least 50 feet enabling all lots to share the access to SW Herman Road in the location to be constructed by the City.

---

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

---

***The applicant must contact the Planning Division (Erin Engman, 503.691.3024 or [engman@tualatin.gov](mailto:engman@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:***

- A18. Areas impacted by grading must be revegetated pursuant to TDC 73B.070(4).
- A19. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.500(3)(d). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, must be a minimum of 4 inches high, and must have a minimum stroke width of 1/2 inch. It is recommended to double this size on large buildings.
- A20. The applicant must install bicycle parking signage and vanpool/carpool parking signage per MUTCD standards, pursuant to TDC 73C.010(2)(xi) and TDC 73C.050(2)(d).
- A21. The applicant must construct proposed buildings and all site improvements including landscaping as illustrated on the approved Final Site Plan and Final Color Architectural Elevations.

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

- A22. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with TDC 74.120.
- A23. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.
- A24. The applicant must submit a floodplain elevation certificate for all structures indicating Finished Construction.

---

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

---

- A25. Standards for this site have been reviewed as a speculative mix, limited to the Light Manufacturing use category and excluding uses identified as Conditional Uses in Table 60-1. 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.

- A26. All uses must be conducted within a completely enclosed building, except off-street parking and loading, basic utilities, wireless communication facilities and outdoor play areas of child day care centers as required by state day care certification standards pursuant to TDC 60.310(1).
- A27. The proposed development must comply with the Environmental Regulations of TDC 63.
- A28. All above-grade and on-grade electrical and mechanical equipment must be screened in accordance with TDC 73A.400(5). Prior to approval of an electrical and/or mechanical permit, the applicant or property owner must submit scaled elevations illustrating that above-grade or on-grade equipment will be screened by sight-obscuring fence, landscaping, or other method.
- A29. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A30. 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*.
- A31. All parking spaces must be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1.
- A32. Site landscaping and street trees must be maintained to meet the vision clearance requirements of TDC Figure 75-1.

### III. FINDINGS

Findings reference the Tualatin Development Code, 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
<b>Architectural Review</b>						
Architectural Review (except as specified below) (limited land use)	II	CM	ARB / CC	Yes	Yes	TDC 33.020
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

#### **Finding:**

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

[...]

**Section 32.030 – Time to Process Applications.**

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

[...]

**Finding:**

*The application was deemed complete on October 28, 2020. The 120<sup>th</sup> day will be February 25, 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:**

*A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on June 5, 2019 and a follow-up discussion was held on February 25, 2020. These standards are met.*

**Section 32.120 – Neighborhood/Developer Meetings.**

- (1) Purpose.** The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) When Mandatory.** Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) Timing.** A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
- (4) Time and Location.** Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
  - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.
  - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.
- (5) Notice Requirements.**
  - (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.
  - (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:
    - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;
    - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and
    - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.
  - (c) The City will provide the applicant with labels for mailing for a fee.
  - (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.
- (6) Neighborhood/Developer Sign Posting Requirements.** The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.
- (7) Neighborhood/Developer Meeting Requirements.** The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

**Finding:**

*The applicant has provided evidence that a virtual Neighborhood/Developer meeting was held on June 15, 2020 to accommodate the social distancing efforts in response to COVID-19 and declared State of Emergency (Resolution No. 5488-20). The applicant has provided documentation of sign posting and notification in compliance with this section. Two members of the public attended the meeting. These standards are met.*

**Section 32.130 – Initiation of Applications.**

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

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

[...]

**Finding:**

*The applicant has provided a title report within Exhibit A5 showing Lu QBF, LLC which acquired title as Powin QBF, LLC to be the current owner of the subject site. The application has been signed by an agent of the Lu Pacific Properties LLC. This standard is met.*

**Section 32.140 – Application Submittal.**

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

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

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

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

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

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

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

**Finding:**

*The applicant submitted an application for AR 20-0002 on May 4, 2020. The application was deemed complete on October 28, 2020. The general land use submittal requirements were included with this application. These standards are met.*

**Section 32.150 - Sign Posting.**

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

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

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

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

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

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

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

**Finding:**

*The applicant provided certification within Exhibit A5 that signs in conformance with this section were placed on site in accordance with this section. These standards are met.*

**Section 32.160 – Completeness Review.**

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

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

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

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

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

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

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

[...]

**Finding:**

*The applicant submitted an application for AR 20-0002 on May 4, 2020. Incompleteness notifications were provided on May 29 and July 10, 2020. The application was then deemed complete on October 28, 2020. These standards are met.*

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

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

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

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

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



**(a) Recipients:**

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

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

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

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

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

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

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

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

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

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

**Finding:**

*After submittal and completeness review as required by this section, notice for the Type II application for AR 20-0002 was mailed by city staff on October 28, 2020 and contained the information required by this section. No public comment have been received. These standards are met.*

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

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

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

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

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

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

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

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

**Finding:**

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

**Chapter 33: Applications and Approval Criteria**

[...]

**Section 33.020 Architectural Review**

[...]

(5) Approval Criteria.

(b) General Development.

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

**Finding:**

*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 Condition of Approval A1, these standards are met.*

**Section 33.110 Tree Removal Permit/Review**

**(2) Applicability.** No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.

[...]

**(3) Procedure Type.** Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.

**Finding:**

*The applicant has submitted a tree assessment report and tree preservation plan in conjunction with the Architectural Review application. The criteria in TDC 33.110 are the basis on approval or denial for tree removal as part of this Architectural Review. These standards are met.*

**Section 33.110 Tree Removal Permit/Review Approval Criteria**

**(5) Approval Criteria.**

- (a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:
  - (i) The tree is diseased and:
    - (A) The disease threatens the structural integrity of the tree; or
    - (B) The disease permanently and severely diminishes the esthetic value of the tree; or
    - (C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.
  - (ii) The tree represents a hazard which may include but not be limited to:
    - (A) The tree is in danger of falling; or
    - (B) Substantial portions of the tree are in danger of falling.
  - (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.

**Finding:**

*The tree assessment report included as Exhibit A4 identifies 44 trees proposed for removal on the development site. The removal of Trees #7 and 8 are due to (i) disease and the removal of the remaining 42 trees is due to (iii) development. These standards are met.*

**Chapter 60: Light Manufacturing (ML) Zone**

[...]

**Section 60.200 Use Categories**

Use Categories. Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the ML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 60-1 and restrictions identified in TDC 60.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

[...]

Table 60-1: Use Categories in the ML Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>INDUSTRIAL USE CATEGORIES</b>		
Light Manufacturing	P/C (L)	Conditional uses limited to: <ul style="list-style-type: none"> <li>• Machine shop over 7,500 square feet;</li> <li>• Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials;</li> <li>• Casting or fabrication of metals.</li> </ul> All other uses permitted outright.

[...]

**Finding:**

*The project area is within the Light Manufacturing (ML) Planning District. Light manufacturing uses proposed are speculative. As noted in the Table 60-1 above, certain uses in this category are permitted as a conditional use. With Condition of Approval A25, this standard is met.*

**Section 60.300 – Development Standards.**

Development standards in the ML zone are listed in Table 60-2. Additional standards may apply to some uses and situations, see TDC 60.310.

**Table 60-2  
Development Standards in the ML Zone**

	Standard	Minimum Proposed
<b>MINIMUM SETBACKS</b>		
<b>Front (South)</b>	<b>30</b>	65 feet
<b>Side (West)</b>	<b>0-50 feet</b>	20 feet
<b>Side Setback Adjacent to Residential [...] District (East)</b>	<b>50 feet</b>	60 feet
<b>Rear (North)</b>	<b>0-50 feet</b>	60 feet
<b>Parking and Circulation Areas</b> <i>No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>	<b>5 feet</b>	0-12 feet
<b>Parking and Circulation Areas Adjacent to Residential [...] District (East)</b>	<b>10 feet</b>	10 feet
<b>STRUCTURE HEIGHT</b>		
<b>Maximum Height</b>	<b>50 feet</b>	38.6 feet
<b>Maximum Height Adjacent to Residential District* (East)</b>	<b>28 feet (39.6 feet with allowance*)</b>	38.6 feet
<i>* The building height may extend above 28 feet on a plane beginning at the 50-foot setback line at a slope of 45 degrees extending away from the 50-foot setback line.</i>		

[...]

**Finding:**

*These standards are met.*

**Section 60.310. - Additional Development Standards.**

**(1) Outdoor Uses.** All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities and outdoor play areas of child day care centers as required by state day care certification standards.

**Finding:**

*The applicant has not proposed outdoor uses. With Condition of Approval A26, this standard is met.*

[...]

**(3) Sound Barrier Construction.** Sound barrier construction is required to mitigate the impact of noise associated with overhead doors and building mechanical equipment, including but not limited to heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical

transformers, and other motorized or powered machinery located on the exterior of a building. Sound barrier construction must conform to the following standards:

(a) **Applicability.** New construction, including additions or changes to existing facilities, must comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with the provisions of this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section.

(b) **Distance from Residential Use.** Sound barriers must be used to intercept all straight-line (a direct line between two points) lateral paths of 450 feet or less between a residential property within a residential planning district and:

(i) Any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway; or

(ii) Any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.

(c) **Exemption for Existing Structures.** Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound barrier construction is not required, except that at the time such structures are removed, sound barrier construction is required.

(d) **Design.** Sound barriers must consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three. Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.

(e) **Definitions.** "Wing wall" mean a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section.

**Finding:**

*Residential uses are located on the adjacent property to the east. Both Buildings 1 and 2 propose overhead doors within 450 feet of residential uses (Building 1 - 153 feet from common property line and Building 2 – 78 feet from common property line). Elevations included in Exhibit A illustrate five-foot tall retaining walls attached to the building to provide a barrier to overhead doors. With Condition of Approval A10.a., these standards are met.*

[...]

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

[...]

**Section 63.020 – Applicability.**

The regulations of this Chapter apply to:

(1) All industrial uses and utilities, regardless of the Planning District in which they are located, and

(2) All Manufacturing Planning Districts, regardless of the use category

[...]

**Finding:**

*The site is located in the Light Manufacturing District; therefore the noise, vibration, air quality, odor, heat and glare, materials storage, waste disposal, and dangerous substances regulations of this Chapter apply to the use and site. With Condition of Approval A27, these standards are met.*

**Chapter 70: Floodplain (FP) District**

**Section 70.040 - Lands to Which This Chapter Applies.**

**This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Tualatin.**

**Finding:**

*Northern portions of the site are designated Special Flood Hazard Area Zone X and central and southern portions of the site are designated Zone AE; therefore this Chapter applies.*

**Section 70.170. - General Standards.**

**In all areas of special flood hazards, the following standards are required:**

**(1) Anchoring.**

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.**
- (b) All manufactured dwellings shall be anchored according to TDC 70. 180(3)(Specific Standards for Manufactured Dwellings).**

**(2) Construction Materials and Methods.**

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.**
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.**
- (c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.**

**(3) Utilities.**

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;**
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and**
- (c) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.**

[...]

**(5) AH and AO Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.**

**Section 70.180 - Specific Standards.**

**In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard) or TDC 70.140(2) (Use of Other Base Flood Data (In A and V Zones)), the following provisions are required:**

[...]

**(2) *Nonresidential Construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum according to ASCE 24; or, together with attendant utility and sanitary facilities, shall:**

- (a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;**
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;**
- (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in TDC 70.140(3)(b) (Duties and Responsibilities of the Local Floodplain Administrator);**
- (d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in TDC 70. 180(1)(d)(Specific Standards for Residential Construction).**
- (e) Applicants shall supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.**

[...]

**(6) Below-Grade Crawl Spaces.** Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspac Construction for Buildings Located in Special Flood Hazard Areas:

- (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section TDC 70.180(1)(Specific Standards for Residential Structures) above. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.**
- (b) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one-foot above the lowest adjacent exterior grade.**
- (c) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.**
- (d) Any building utility systems within the crawlspace must be elevated above B components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.**
- (e) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.**
- (f) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.**
- (g) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood**



**event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.**

**(h) The velocity of floodwaters at the site shall not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.**

**For more detailed information refer to FEMA Technical Bulletin 11-01**

**Finding:**

*Grading plan sheets C2.1 and C2.2 (Exhibit A2) show floodplain balanced cut and fill for the site with proposed buildings above the floodplain.*

*Any cleanout within the floodplain must be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. Utilities are shown outside the floodplain. A flood hazard area development permit must be obtained prior to and post construction. This permit must include final approved grading plans identifying balanced cut and fill. Elevation certificates must show proposed construction in accordance with TDC 70.170 and 70.180. With Condition of Approval A6, 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 demonstrated in Exhibit A2 (Site Plan A1.1), 6-7 foot wide concrete walkways are proposed along the frontage of Buildings 1 and 2. Walkway connections through vehicular areas are proposed to be striped asphalt. A five-foot wide concrete walkway is also provided to connect private pedestrian ways to the public sidewalk located south of the site area. Further evaluation for ADA standards will be conducted during the building permit phase. There are no outdoor recreation access routes required for this site. These standards are met.*

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

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;**
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;**

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

**Finding:**

*As shown in Exhibit A2 (Elevations and Photometric Plans), windows are proposed along the southern elevation of Buildings 1 and 2 to enable tenants to watch over pedestrian and parking areas. A combination of pole and wall lighting are proposed to adequately light the pedestrian, parking, and loading areas. All lights selected are full cutoff to reduce light pollution. These standards are met.*

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

**Finding:**

*Building identification will be reviewed and approved prior to issuance of a building permit, and will be required to meet all standards of Tualatin Valley Fire and Rescue as well as all applicable building code standards. With Condition of Approval A19, this standard is met.*

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

- (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;**
- (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and  
[...]**

**Finding:**

*It is unclear if above or on-grade electrical or mechanical equipment is proposed as part of this application. No outdoor storage is included with this proposal. With Condition of Approval A28, this standard is met.*

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

- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street; and**
- (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:**
  - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;**

**Finding:**

*The subject site abuts SW Herman Road, which is designated a partial fixed-route shuttle service street in TDC Chapter 11 (Figure 11-5). As shown in Exhibit A2 (Site Plan), a sidewalk connection is proposed from the main entrance of Buildings 1 and 2 to Herman Road. This standard is met.*

**Chapter 73B: Landscaping Standards**

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

Excerpted from 73B.020	
Zone	Minimum Area Requirement
[...]	
(3) [...] ML zones except within the Core Area Parking District	15% of the total area to be developed

[...]

**Finding:**

*Approximately 59,393 square feet (16.02%) of the entire 370,726 square feet site will be landscaped, as shown on the Cover Sheet submitted in Exhibit A2. This standard is met.*

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

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

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

[...]

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

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

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

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

(i) Loading areas,

(ii) Bicycle parking areas,

(iii) Pedestrian egress/ingress locations, and

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

[...]

**Finding:**

*As shown on the Landscape Plans in Exhibit A2, the east, west, north, and portions of the south elevation of Building 1 are viewable from the parking lots and meet this standard. The south elevation of Building 2 is viewable from the public right-of-way and meets the standard. However, the east elevation of Building 2 is viewable from the parking lot and requires a landscape area or pedestrian amenity. With Condition of Approval A9.a, these standards are met.*

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

The following are minimum standards for landscaping for all zones.

(1) Required Landscape Areas	<ul style="list-style-type: none"> <li>• Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.</li> <li>• The foliage crown of trees cannot be used to meet this requirement.</li> <li>• A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.</li> </ul>
------------------------------	---

	<ul style="list-style-type: none"> <li>• Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).</li> <li>• Must be controlled by pruning, trimming, or otherwise so that:</li> <li>• It will not interfere with designated pedestrian or vehicular access; and</li> <li>• It will not constitute a traffic hazard because of reduced visibility.</li> </ul>
--	--

**Finding:**

*As shown on the Landscape Plans included in Exhibit A2, these standards are met.*

(2) Fences	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
------------	---

**Finding:**

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

(3) Tree Preservation	<ul style="list-style-type: none"> <li>• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</li> <li>• During construction:</li> <li>• Must provide above and below ground protection for existing trees and plant materials identified to remain;</li> <li>• 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;</li> <li>• If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</li> <li>• Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</li> <li>• Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and</li> <li>• Tree root ends must not remain exposed.</li> <li>• Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</li> <li>• 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</li> <li>• 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</li> </ul>
-----------------------	--

**Finding:**

*All existing trees are proposed for removal. These standards are not applicable.*

(4) Grading	<ul style="list-style-type: none"> <li>• 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.</li> <li>• All planting areas must be graded to provide positive drainage.</li> </ul>
-------------	--

	<ul style="list-style-type: none"> <li>• Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>• 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.</li> </ul>
--	--

**Finding:**

*The proposal includes grading, as shown in Exhibit A2. Grading and erosion control is further addressed in Chapter 74. With Condition of Approval A18, these standards are met.*

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

**Finding:**

*With Condition of Approval A9.b., this standard is met.*

(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>• The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>• Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul>
--	---

**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"> <li>• One and on-half inch caliper measured six inches above ground;</li> <li>• Balled and burlapped; bare root trees will be acceptable to plant during their dormant season;</li> <li>• Reach a mature height of 30 feet or more;</li> <li>• Cast moderate to dense shade in summer;</li> <li>• Live over 60 years;</li> <li>• Do well in urban environments, tolerant of pollution and heat, and resistant to drought;</li> <li>• Require little maintenance and mechanically strong;</li> <li>• Insect- and disease-resistant;</li> <li>• Require little pruning; and</li> <li>• Barren of fruit production.</li> </ul>	
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> <li>• One and on-half inch caliper measured six inches above ground;</li> </ul>	

	<ul style="list-style-type: none"> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species</li> </ul>	
(3) Coniferous Trees	<ul style="list-style-type: none"> <li>• 5 feet in height above ground;</li> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.</li> </ul>	
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> <li>• One to five gallon size;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• Side of shrub with best foliage must be oriented to public view.</li> </ul>	
(5) Groundcovers	<ul style="list-style-type: none"> <li>• Fully rooted;</li> <li>• Well branched or leafed;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• English ivy (<i>Hedera helix</i>) is prohibited.</li> </ul>	
(6) Lawns	<ul style="list-style-type: none"> <li>• Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</li> <li>• 100 percent coverage and weed free; and</li> <li>• Healthy, disease-free, damage-free, characteristic of the species.</li> </ul>	

**Finding:**

*Per the plant schedule and details provided in Exhibit A2, the standards for groundcover, shrubs, and trees to be planted are met. 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, pervious concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;
- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;
- (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:**

*As shown on the Cover Sheet and Site Plan (Exhibit A2), a total of 202 parking spaces are proposed. There are 19 compact stalls proposed along the western elevation of Building 1 and 15 compact stalls along the*

*western elevation of Building 2. Compact stalls comprise 17% of the total parking. Proposed drive aisles and stalls are asphalt with concrete curbing. Seven ADA compliant parking spaces are planned near entrances. ADA standards will be reviewed in greater detail prior to issuance of a building permit. 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, the design of the parking lot will not require movement onto any public street. Parking spaces will be accessed by a joint drive aisle shared with properties under common ownership. On-site drive aisles vary between 28-26 feet in width. 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, new lighting will not shine into the adjacent residential zone or street right-of-way. 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.**

**Finding:**

*Parking lot landscaping is discussed below in TDC 73C.200. Adequate screening is provided to buffer parking areas for adjacent residential uses to the east. 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:**

*As shown on Site Plan, 14 outdoor bicycle parking spaces are proposed at the entrances of Buildings 1 and 2, whereas 18 spaces are required in relationship to the proposed mix of uses as specified by TDC 73C.100. The applicant proposes that the remainder of bicycle parking be provided inside the buildings. With Condition of Approval A20, these standards are met.*

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

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

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
[...]				
(f) Industrial				
(i) Manufacturing	1.60 spaces per 1,000 square feet of gross floor area	None	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(ii) Warehousing	0.30 spaces per 1,000 square feet of gross floor area	Zone A: 0.4 spaces per 1,000 square feet of gross floor area Zone B: 0.5 spaces per 1,000	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater



		square feet of gross floor area		
--	--	---------------------------------	--	--

**Finding:**

The applicant proposes to construct parking appropriate for a speculative mix of 40% manufacturing and 60% warehousing, based off the applicant’s narrative in Exhibit A2. With Condition of Approval A25, this standard is met.

Table 1: Minimum and Proposed Parking by Use

Use	Square Footage	Vehicle Parking Min.	Proposed	Bike Parking Min.	Proposed
Manufacturing	52,631.6	84		5	
Warehousing	78,947.4	24		8	
<b>Total</b>	<b>131,579</b>	<b>108</b>	<b>202</b>	<b>13</b>	<b>18</b>

For the mix of uses, 108 parking spaces are required; 202 are proposed.

Additionally, 18 bike parking spaces are required by code based on the current total building area, 10 of which must be covered. The applicant has proposed 14 bike spaces near the covered entrances of Buildings 1 and 2, with remainder of bike parking to be provided as an interior amenity in Building 1. 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:**

Of the required 108 parking spaces, 4 must be designated carpool/vanpool spaces. Per 73C.010(b)(ix), carpool/vanpool spaces must meet the standard stall width as described in Table 73-1, which is met as shown on Site Plan. 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	25,000—60,000	2	12 feet × 60 feet	14 feet
Industrial	60,000 and over	3	12 feet × 60 feet	14 feet

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

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

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

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

[...]

**Finding:**

*Building 1 is 104,254 square feet provides three loading berths exceeding dimensional standards, as shown on the Site Plan included in Exhibit A2. Building 2 is 27,325 square feet and provides three loading berths. Additional loading areas are also proposed for both Buildings 1 and 2 that are smaller than the City dimensional standards. Loading berths meet the above location and screening standards. With Condition of Approval A30, 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:**

*The site provides one point of ingress and egress via SW Herman Road. As discussed in TDC 75.040, physical access to the site will continue to utilize the current connection location modified for site functionality and public safety within SW Herman Road. With Condition of Approval A9.c, 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:**

*The property is accessed through an existing private drive that is shared with an adjacent property to the west. The driveway is a grandfathered use that is nonconforming in width and located outside of the project area. As discussed in TDC 75.040, physical access to the site will continue to utilize the current connection location modified for site functionality and public safety within SW Herman Road. These standards 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 on the Landscape Plan (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 on the Landscape Plan (Exhibit A2), the proposed plantings will provide for visual clearance at the end of drive aisles and drive entrances. With Condition of Approval A32 related to maintenance, this standard is met.*

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

[...]

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

- (a)** Deciduous trees located not more than 30 feet apart on average as measured on center;
- (b)** Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;
- (c)** Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;
- (d)** Native trees and shrubs are encouraged; and

[...]

#### **Finding:**

*As shown on the Landscape Plan (Exhibit A2), at least five feet of landscape buffer is proposed for all parking and vehicle drive areas. Storm sewer lines exist along the landscape buffer areas located along the western and portions of the northern property line. Additionally none of the evergreen or deciduous trees proposed are native to the Pacific Northwest. As there may be conflicts with proposed deciduous trees and plant material selected, Condition of Approval A9.d., will ensure that the standards are met.*

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

- (a)** May be lower than the surrounding parking surface to allow them to receive stormwater runoff and function as water quality facilities as well as parking lot landscaping;

- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;**
  - (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;**
  - (d) Landscape separation required for every eight continuous spaces in a row;**
  - (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;**
  - (f) Must be planted with groundcover or shrubs;**
  - (g) Native plant materials are encouraged;**
  - (h) Landscape island areas with trees must be a minimum of 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 (Exhibit A2), landscape islands that meet planting and dimensional requirements are provided at aisle ends. However, a landscape island is not provided for every eight contiguous parking spaces. For 202 parking spaces, 51 parking lot shade trees are required and 67 are provided. With Condition of Approval A9.e., related to landscape islands, these standards are met.*

**(5) Landscaping Along Driveway Access. For lots with 12 or more parking spaces:**

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

**Finding:**

*As shown in the Landscape Plan (Exhibit A2), a landscape island is proposed at the eastern side of the shared accessway that meets the width and depth requirement. The western edge of the driveway is nonconforming and located outside of the project area. This standard is met.*

**Chapter 73D: Waste and Recyclables Management Standards**

**Section 73D.020 - Design Methods.**

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

- (1) The minimum standards method in TDSC 73D.030;**
- (2) The waste assessment method in TDC 73D.040;**
- (3) The comprehensive recycling plan method in TDC 73D.050; or**
- (4) The franchised hauler review method in TDC 73D.060.**

**Finding:**

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

**Section 73D.030 – Minimum Standards Method.**

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

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

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

[...]

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

[...]

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

[...]

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

**Finding:**

*A minimum 800 square feet of trash enclosure area is required for the proposed mix of uses (131,579 square feet of manufacturing and warehousing use). Two exterior trash enclosures are proposed. One enclosure is 387.5 square feet and located adjacent to the southwest corner of Building 1 and the other is 437.5 square feet and located adjacent to the northeast corner of Building 2. Both compose at least 825 square feet of waste storage. 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. As shown in the applicant's submittal, Republic Services, the applicable waste hauler, has indicated that the dimensions and accessibility of the enclosures meet their service needs (Exhibit A5). Further compliance with Building and Fire Code standards will be reviewed prior to issuance of a building permit. 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:**

*As shown in the applicant's submittal, Republic Services, the applicable waste hauler, has indicated that the dimensions and accessibility of the enclosures meet their service needs (Exhibit 5). These 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. These standards are met.*

**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:**

*Sheet C3.1 shows separate private sanitary sewer service connections with cleanouts adjacent to SW Herman Road right-of-way for both proposed buildings, which are on separate lots. General utility notes specify that connections are to conform to the requirements of the current building and plumbing codes and the requirements of the City of Tualatin and CWS. Reuse of existing building sewers for new construction is not proposed.*

*No changes are proposed to the existing building's sanitary sewer service at 10005 SW Herman Rd. The existing building is served by a sanitary sewer lateral, which crosses multiple lots prior to connecting to the 8-inch public sanitary sewer main within SW Herman Road. This service has no cleanout adjacent to right-of-way. To bring the existing service into conformance with current code the 8-inch public sanitary sewer main must extend west to provide a direct service and include a cleanout adjacent to SW Herman Road right-of-way. These standards are met.*

**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:**

*Sheet C1 shows three public water lines within SW Herman Road, which includes one 12-inch distribution main, one 18-inch transmission, and one 24-inch transmission. The existing water service to the existing building on 10005 SW Herman Road west of the driveway and a public fire hydrant east of the driveway connect to the distribution main. No changes to the existing building's water service are proposed.*

*Sheet C3 shows a single proposed water lateral connecting to the 24-inch transmission water main without a valve. This shared lateral would serve all three lots plus a relocated public fire hydrant east of the revised site access. This lateral branches to include separate private domestic water services for both proposed buildings and a single private fire service connection looping around both proposed buildings. Each public and private domestic and fire service must include a separate lateral that connects directly to the distribution main. Gate valves must be located near the main.*

*The proposed domestic water services adjacent to SW Herman Road right-of-way include 1.5-inch water meters with 2-inch backflow protection and private fire service includes an 8-inch double check vault assembly. These meters, backflow protection, and vault are shown adjacent to SW Herman Road right-of-way, but the plans do not show it within a public utility easement. Each domestic service must include reduced pressure backflow prevention. The meters, backflow protection, and fire vault must be shown within the public utility easement adjacent to SW Herman Road right-of-way.*

*The City plans to construct SW Herman Road including half-street improvements adjacent to this development. The improvements will include a planter strip with street trees between curb and sidewalk, typical of the street sections within this area. Owners are responsible to maintain street cross-sections past the curb, which include planter strips with street trees. Planter strip maintenance requires irrigation. After each lot's domestic meter and reduced pressure backflow device, sleeves beneath the sidewalk route the irrigation to the planter strip. Portions of the planter strip may be constructed to perform as a public stormwater facility maintained by the City. These portions would not need to have irrigation provided by the adjacent owner. As the City project construction plans are not final each lot must*



*construct connections to the back of future sidewalk to provide irrigation service to its frontage's planter strip. The applicant must submit plans that show each lot with irrigation after a domestic meter and reduced pressure backflow device, routed to the back of sidewalk, and prepared to connect to planter strip irrigation sleeved beneath sidewalks to serve the SW Herman Road frontage of each lot after City construction.*

*Sheet 3.3 shows private fire hydrants near the northwest middle west of the development. These hydrants are within a public drainage easement and storm water facility dedication, recorded Washington County documents No. 82-003780 and 2005-029726. Private obstructions that could affect or be affected by future public maintenance, such a fire hydrant, must not be constructed within these public easements. Final plans must locate all private fire hydrants outside of the public drainage easement and storm water facility dedication, recorded Washington County documents No. 82-003780 and 2005-029726, adjacent to the west and northwest property lines of the site.*

*Sheets C3 through C3.3 show the private fire system looped and shared surrounding both buildings on two lots. To protect the public water system, water services must be independent per lot. Final plans must show private fire systems that may loop around each building, but are not shared between lots.*

*General utility notes indicate work is to conform to the current building, plumbing, and fire codes and to the requirements of the City of Tualatin and Tualatin Valley Fire and Rescue. The applicant must submit final water plans and obtain a Public Works Permit.*

*MurraySmith submitted a Water System Capacity Analysis dated December 23, 2020. This Technical Memorandum indicates that each lot's lateral should be 12 inches in diameter to meet fire flow velocity requirements. Eight-inch diameter loops may serve each lot.*

*These standards are met.*

## **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 entire site is within and drains into the Hedges Creek Subbasin. Stormwater from all impervious areas are conveyed to private treatment and detention facilities then released to Hedges Creek. Adjacent parcels are not negatively impacted from stormwater from this development. Prior to issuance of permits for construction activities, the applicant must submit final plans:*

- 1. Minimizing impact from stormwater runoff to adjacent properties*
- 2. Allowing adjacent properties to drain as they did before the new development, and*
- 3. Providing gravity drainage from this development to an approved public system.*

*Sheet C5 indicates disturbance of approximately 8.30 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality must be provided with the construction permit submittal documents. The applicant must obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet and a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres.*

*These standards are met.*

#### **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:**

*Storm Drainage Calculations dated October 2020 were prepared by TM Rippey Consulting Engineers. The report states, and sheets C3 through C3.3, show stormwater from all impervious areas proposed and modified involve industrial development with shared parking areas. The stormwater is shown to be conveyed to shared private onsite treatment and detention facilities. These facilities consist of Proprietary Treatment Systems. The stormwater is then released into public stormwater system in SW Herman Road which flows into Hedges Creek.*

*Clean Water Services' Design and Construction Standards 4.07.08 (c) allows shared private treatment facilities within adjacent lots of industrial development sharing a parking lot provided a Proprietary Treatment System is used. Each lot with private stormwater conveyance, detention, hydromodification, and treatment must record an agreement assuring maintenance of the facilities within their lot. The owner of each lot must be the responsibility party for facilities on their lot and the City's contact. Owners may create additional private agreements related to maintenance of the private stormwater system that must not affect the City's ability to perform duties to access, coordinate inspections, hold the owner liable in order to assure the lots facilities are maintained, or any adverse or altered effect on the future recorded maintenance agreement with the City. Future redevelopment of 10005 SW Herman Road may have changed code requirements at time of development that could affect the ability to connect to the proposed private shared system with or without upgrades.*

*This site is 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 report indicates adequate consideration for detention up to the 25-year storm event, but does not include hydromodification release rates for ½ the 2-year or 5-year storm events. The final drainage report and plans must include hydromodification release rates for ½ the 2-year or 5-year storm events.*

*Sheet C3.2 shows a non-perpendicular lateral from the flow control manhole connecting to the public system without a cleanout. The stormwater lateral must be perpendicular within right-of-way and with a cleanout at right-of-way. Final plans must show the stormwater lateral from the flow control manhole perpendicular to the public stormwater system within right-of-way and include a cleanout at right-of-way.*

*Typically, a developer's land use requirements would include permitting and constructing public improvements including stormwater systems to upgrade facilities adjacent to their sites to meet current code. The City's SW Herman Road capital project will upgrade the public stormwater system adjacent to this development including conveyance, detention, hydromodification, and treatment. The timing of both private and public projects allows opportunity to grant the applicant's request to pay a fee-in-lieu of construction of upgrading the public stormwater systems. Development timing vs the capital project may require private permitting and construction within SW Herman Road including a lateral with riprap armored ditch outfall instead of a direct connection to the future piped public stormwater system. Final*

*permit plans must be submitted for the lateral and riprap armored ditch outfall as a connection to the public stormwater system. Private construction must be coordinated with the City's SW Herman Road capital project, which may result in a direct connection to the future piped public stormwater system instead of riprap armored ditch outfall. A fee-in-lieu may be paid instead of obtaining approved permit plans and constructing a public stormwater system that would include conveyance, detention, hydromodification, and treatment within SW Herman Road adjacent to this development site.*

*Trees are shown within the public drainage easement and storm water facility dedication, recorded Washington County documents No. 82-003780 and 2005-029726, adjacent to the west and northwest property lines of the site. Trees must not be planted within public easements that could obstruct maintenance or cause damage to public stormwater lines. Final plans must show City Engineer approvable vegetation, excluding trees, within the public drainage easement and storm water facility dedication, recorded Washington County documents No. 82-003780 and 2005-029726, adjacent to the west and northwest property lines of the site.*

*The applicant must provide financial assurance and obtain a Water Quality Permit for stormwater calculation evaluation and construction of new facilities prior to issuance of construction permits. The final water quality facility plans and calculations must be certified by an Oregon registered, professional engineer.*

*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 20-002355 indicating that Sensitive Areas do not exist on the site. A CWS Memorandum was received dated November 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).*

*These standards are met.*

#### **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. With Conditions of Approval A21 and A22, these standards are met.*

**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 74.330. - Utility Easements.**

**(1) Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities must be granted to the City.**

**(4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement must be granted to the City; building permits must not be issued for the development prior to acceptance of the easement by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.**

**(5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines. Other easements may be required as determined by the City Manager.**

**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.**

**Chapter 75: Access Management**

**Section 75.020. - Permit for New Driveway Approach.**

- (1) Applicability. A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.**

[...]

- (3) Procedure Type. A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).**

- (4) Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:**

- a. A site plan, of a size and form and in the number of copies meeting the standards established by the City Manager, containing the following information:**
  - (i)The location and dimensions of the proposed driveway approach;**
  - (ii)The relationship to nearest street intersection and adjacent driveway approaches;**
  - (iii)Topographic conditions;**
  - (iv)The location of all utilities;**
  - (v)The location of any existing or proposed buildings, structures, or vehicular use areas;**
  - (vi)The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to TDC Chapter 73B or 73C;**
  - and**
  - (vii)The location of any street trees adjacent to the location of the proposed driveway approach.**
- b. Identification of the uses or activities served, or proposed to be served, by the driveway approach; and**
- c. Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.**

- (5) Criteria. A Driveway Approach Permit must be granted if:**
- a. The proposed driveway approach meets the standards of this Chapter and the Public Works Construction Code;**
  - b. No site conditions prevent placing the driveway approach in the required location;**
  - c. The number of driveway approaches onto an arterial are minimized;**
  - d. The proposed driveway approach, where possible:(i)Is shared with an adjacent property; or(ii)Takes access from the lowest classification of street abutting the property;**
  - e. The proposed driveway approach meets vision clearance standards;**
  - f. The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**
  - g. The proposed driveway approach does not result in significant adverse impacts to the vicinity;**
  - h. The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and**
  - i. The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.**

**Section 75.040 Driveway Approach Requirements.**

[...]

**(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.**

**(3) Joint and Cross Access.**

**(a)Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.**

**(b)A system of joint use driveways and cross access easements may be required and may incorporate the following:**

**(i)A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;**

**(ii)A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;**

**(iii)Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and**

**(iv)An unified access and circulation system plan for coordinated or shared parking areas.**

**(c)Pursuant to this section, property owners may be required to:**

**(i)Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;**

**(ii)Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;**

**(iii)Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and(iv)If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.**

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

**(a)To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site**

must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

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

[...]

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

(7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section must be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.

[...]

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

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

[...]

(11) Distance between Driveways and Intersections. Except for single-family dwellings, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection.

(a) At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.

(b) At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.

(c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.

(d) When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.

(12) Vision Clearance Area.

(a) Local Streets. A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

**(b) Collector Streets.** A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be 10 feet (see Figure 73-2 for illustration).

**(c) Vertical Height Restriction.** Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

**Section 75.050 Access Limited Roadways.**

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

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

[...]

**(p)** Herman Road from Teton Avenue to 124th Avenue;

[...]

**Section 75.070 - Existing Driveways and Street Intersections.**

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

**Section 75.110 - Joint Access Standards.**

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

**Section 75.140 Existing Streets Access Standards.**

The following list describes in detail the freeways and arterials as defined in TDC 75.050 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below.

**(17) HERMAN ROAD.**

**(a) Teton Avenue to 108th Avenue:**

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

**Findings:**

*Lancaster Mobley prepared a Transportation Impact Study dated June 18, 2020. The study confirmed no additional improvements were required due to the proposed development.*

*Herman Road is classified as a Major Collector. A right of way dedication and half street improvements are required as part of the development. The proposed cross-section matches the fully developed areas to the west.*

*The planned City capital project will fully construct SW Herman Road from the completed portion west of this site to SW Tualatin Road. Final submitted plans must match similar full construction including:*

- *A total of 63.5 feet of right-of-way from the railroad property to the north*
- *One 6-foot wide sidewalk on the north side*
- *One 7-foot wide planter to accommodate a LIDA swale (6 feet plus 1 foot shy adjacent to the sidewalk)*
- *Two-foot wide curbs and gutters on the north and south sides*
- *Two 6-foot wide bike lanes*
- *Two 12-foot wide travel lanes*
- *One 12-foot wide turn lane*
- *Two-feet of buffer adjacent to the railroad right-of-way*
- *Street lights*
- *Approvable street trees and planting locations with irrigation*
- *An 8-foot wide public utility easement adjacent to right-of-way*
- *Width of slope easement if needed for SW Herman Road's full construction*
- *A shared driveway approach between 36 and 40 feet wide at right-of-way, aligned with the existing access south of the railroad, and adjacent to right-of-way allowing seamless future City access construction within SW Herman Road.*

*Based on discussions with City staff and due to a planned City capital improvement project at Herman Road, a fee in lieu of physical construction is acceptable. The fee-in-lieu of construction for the half-street and associated stormwater system from centerline to the north side of full construction of SW Herman Road includes:*

- *Upgrading the public stormwater system to meet current code including conveyance, detention, hydromodification, and treatment*
- *A total of 63.5 feet of right-of-way from the railroad property to the north*
- *One 6-foot wide sidewalk on the north side*
- *One 7-foot wide planter to accommodate a LIDA swale (6 feet plus 1 foot shy adjacent to the sidewalk)*
- *Two-foot wide curb and gutter on the north side*
- *One 6-foot bike lane*
- *One 12-foot travel lane*
- *Half (six feet) of one 12-foot wide center turn lane*
- *Street lights*
- *Approvable street trees and planting locations with irrigation*

*The applicant must dedicate sufficient right-of-way for SW Herman Road to total of 63.5 feet of right-of-way from the railroad property to the north and an 8-foot wide public utility easement adjacent right-of-way. The applicant must record a slope easement if one is needed for SW Herman Road's full construction.*

*Prior to construction of the City project, physical access to the site will continue to utilize the current connection location modified for site functionality and public safety within SW Herman Road. The Transportation Impact Study does not identify improvements for developed use of the existing access.*

*New site grading and paving will abut the existing edge of paving at the current location. Site grading must enable the City project to connect to the private paving.*

*The existing access is approximately 70 feet wide. The plans show all lots sharing this access within a private access easement. The applicant must record a private access easement at least 36-feet wide from the right-of-way for at least 50 feet enabling all lots to share the access to SW Herman Road in the location to be constructed by the City.*

*The existing access will remain until the City project constructs a revised access within right-of-way. A minimum private site access width must be between 36 feet to 40 feet measured at right-of-way for industrial development.*

*The future access must be aligned opposing the existing access south of the railroad. The City project must construct an access of at least 36-feet wide, but may be wider to match onsite development.*

*The City project will only modify the access within right of way. The applicant must construct any private onsite improvements to connect to the future City constructed access.*

*These standards are met.*

**Section 74.350 - Maintenance Easement or Lots.**

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

**Finding:**

*Public stormwater lines were constructed adjacent to the west and western north half of the site. The lines are within the public drainage easement and storm water facility dedication, recorded Washington County documents No. 82-003780 and 2005-029726. Access to the public stormwater manholes within this easement must be constructed and easement recorded with site development. The easement must be 15-feet wide and the surface must be capable of carrying a 50,000-pound vehicle. Five feet of surface must surround the manholes. Final plans must show the easement location and identify construction of a sufficient surface. The applicant must submit a copy of a recorded 15-foot wide public maintenance access easement from SW Herman Road to the public stormwater manholes.*

*These standards are met.*

#### **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., February 4, 2021. 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:



Erin Engman  
Associate Planner