



**ARCHITECTURAL REVIEW DECISION**  
**WIMSCO Office Building (AR 21-0007)**  
 January 20, 2022

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|------------|--|
| Case #:    | AR 21-0007   |
| Project:   | WIMSCO Office Building                                 |
| Location:  | 20865 SW 105 <sup>th</sup> Avenue; Tax Lot: 2S127A 501 |
| Applicant: | Terry Novak, Novak Architecture, Inc.                  |
| Owner:     | Piazza Living Trust                                    |

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**TABLE OF CONTENTS**

I. INTRODUCTION ..... 2

    A. Applicable Criteria ..... 2

    B. Site Description..... 2

    C. Proposed Project ..... 2

    D. Previous Land Use Actions..... 2

    E. Surrounding Uses..... 3

    F. Exhibit List..... 3

II. CONDITIONS OF APPROVAL ..... 4

III. FINDINGS ..... 9

    Chapter 32: Procedures ..... 9

    Chapter 33: Applications and Approval Criteria ..... 16

    Chapter 60: Light Manufacturing (ML) Zone ..... 19

    Chapter 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations..... 21

    Chapter 73A: Site Design ..... 21

    Chapter 73B: Landscaping Standards ..... 23

    Chapter 73C: Parking Standards ..... 26

    Chapter 73D: Waste and Recyclables Management Standards ..... 32

    Chapter 74: Public Improvement Requirements ..... 35

IV. APPEAL ..... 47

*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 33.110 Tree Removal
- TDC 60: Light Manufacturing (ML)
- TDC 63: Manufacturing Zones – Environmental Regulations
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 74: Public Improvement Requirements

### B. Site Description

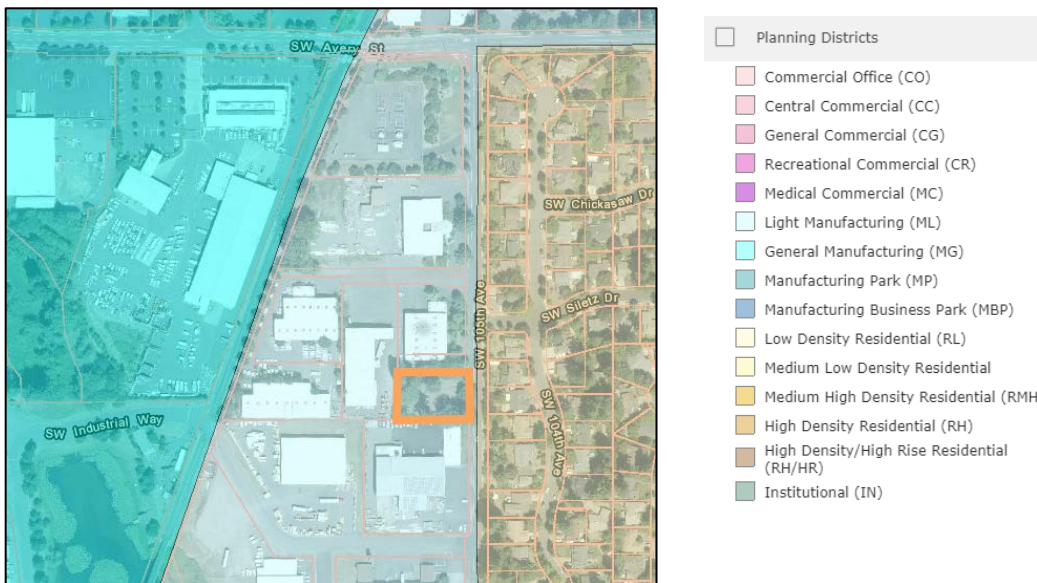


Figure 1 Aerial view of site with zoning (TualGIS)

The 0.55 acre site is comprised of one tax lot zoned Light Manufacturing (ML). This property is located south of SW Avery Street and west of SW 105<sup>th</sup> Avenue. Public access is taken from SW 105<sup>th</sup> Avenue along the eastern site frontage.

The site is currently unimproved and includes a gravel field, chain link fencing, and existing trees.

### C. Proposed Project

The applicant, Novak Architecture, on behalf of Piazza Living Trust is proposing to construct an approximately 4,019 square foot office building for two tenants. Additional improvements include parking, trash enclosure, landscaping, and a stormwater facility.

### D. Previous Land Use Actions

- None

**E. Surrounding Uses**

Surrounding uses indicate a transitional area that include:

- North: Light Manufacturing (ML)
- Continental Coating Corporation
  - Western Wood Structures Wholesale Distributor
- South: Light Manufacturing (ML)
- Tri-County Industrial Park
- West: Light Manufacturing (ML)
- Carco Industries Truck Manufacturer
- East: Low-Density Residential (RL)
- SW 105<sup>th</sup> Avenue
  - Redfern Subdivision

**F. Exhibit List**

- A: Application Materials
- A1. Applicant's Narrative
  - A2. Plan Set and Elevations
  - A3. Arborist Report
  - A4. Stormwater Report
  - A5. Supporting Documents
- B: Clean Water Services Memorandum

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 21-0007 is **approved** subject to the following conditions:

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### GENERAL:

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- 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.

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### PRIOR TO EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE:

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***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 lateral serving the lot.
    - iii. A cleanout at the right-of-way for the lateral.
  - 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. The existing water well to be abandoned.
  - b. A gate valve at the main for the lateral.
  - c. Adjacent to right-of-way within the public utility easement:
    - i. Reduced pressure backflow prevention and water meter for the domestic lateral.
    - ii. Irrigation after a domestic meter and reduced pressure backflow device, routed to the planter strip
      1. If a fee-in-lieu of right-of-way construction is approved, then this would terminate at the back of the future sidewalk to be prepared to connect to planter strip irrigation sleeved beneath sidewalk to serve the SW 105<sup>th</sup> Avenue frontage after future construction.
- 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.
- 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. Show the private stormwater lateral
      1. From the private manhole on the lot to the north perpendicular to the public stormwater system within SW 105<sup>th</sup> Avenue right-of-way.
      2. Including a cleanout at right-of-way

3. From this development directly connected to the public stormwater main
    - a. Or as an alternative as shown on the proposed plans crossing the lots to the north within a private stormwater easement to a private manhole prior to a lateral to the main.
    - b. If the proposed alternative stormwater line and lateral route is over the lots to the north, submit a copy of an associated recorded private stormwater easement.
  - ii. Address runoff from all new and modified private and public impervious areas.
  - iii. 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.
  - iv. 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.
  - v. Show onsite facilities to accommodate hydromodification including release rates for ½ the 2-year or 5-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5.
  - vi. 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.
  - vii. Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter CWS File Number 19-000409 conditions to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).
  - viii. Comply with all requirements stated within the Service Provider Letter and CWS Memo dated September 22, 2021.
  - 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 code sections TDC 74.120, 74.130, 74.210, 74.330, 74.420, 74.470, 74.485, 74.660, 74.765, 75.020, and 75.040 the applicant must:
- a. Submit final plans that show SW 105<sup>th</sup> Avenue with interim and full construction:
    - i. Interim private onsite construction must show the private driveway's paving, width, and grades sufficient to allow future construction of SW 105<sup>th</sup> Avenue project approach, sidewalk, and planter construction:
      1. Between 36 and 40 feet wide measured at the right-of-way.
      2. Adjacent to right-of-way allowing seamless future construction within SW 105<sup>th</sup> Avenue.
    - ii. Future full construction of SW 105<sup>th</sup> Avenue must show:
      1. An 8-foot wide public utility easement adjacent to right-of-way
      2. A total of 37 feet of right-of-way from the centerline plus any additional to accommodate final accepted future public stormwater LIDA management
      3. A 6-foot wide sidewalk
      4. A 6-foot wide planter or wider on the west side to accommodate a LIDA swale (6 feet plus 1 foot shy adjacent to the sidewalk)
      5. Street lights

6. Approvable street trees and planting locations with irrigation
7. A 2-foot wide curb and gutter
8. A 6-foot wide bike lane
9. A 12-foot wide travel lane
10. Half of a 12-foot wide turn lane

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**PRIOR TO BUILDING PERMIT ISSUANCE:**

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***Submit to the Planning Division (Erin Engman, 503.691.3029 or [kleonard@tualatin.gov](mailto:kleonard@tualatin.gov)) for review and approval:***

- A7. 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 detailed landscaping schedule demonstrating that deciduous trees are a minimum of 1.5 inch caliper measured six-inches above ground and that coniferous trees are a minimum of five-feet in height above ground.
  - b. The applicant must submit information that illustrates that the required bicycle parking is compliance with TDC section 73C.050(1) and (2).
  - c. A minimum six-foot-wide walkway provided between the main building entrance and the sidewalk along the public right-of-way, pursuant to TDC 73A.300(1).
  - d. 2 vanpool/car pool off-street parking zones based on the building's gross floor area being 4,019 square feet.

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

- A8. The applicant must obtain Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.
- A9. Obtain permits allowing construction of the half street and associated stormwater system from centerline to the west side of SW 105<sup>th</sup> Avenue or pay a fee-in-lieu of construction as approved by the City Engineer:
- a. If a fee-in-lieu is paid, it should include 13.5% additional for engineering matching the Washington County Transportation Development Tax Manual.
- A10. In accordance with code sections TDC 74.120, 74.420, 74.470, 74.485, and 74.765 the applicant must: Submit a copy of recorded dedication of sufficient right-of-way for SW 105<sup>th</sup> Avenue including a total of 37 feet of right-of-way from the centerline plus any additional to accommodate final accepted future public stormwater LIDA management.
- A11. In accordance with TDC 74.330, the applicant must submit a copy of the recorded 8-foot wide public utility easement for SW 105<sup>th</sup> Avenue.

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**DURING CONSTRUCTION ACTIVITY:**

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- A12. Trees identified for preservation on the Erosion Control, Sheet C2 must be protected by chain link or other sturdy fencing placed around the tree at the drip line, pursuant to TDC 73B.080(3). Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice. Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

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**PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLETENESS:**

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***The applicant must contact the Planning Division (Erin Engman, 503.691.3029 or [kleonard@tualatin.gov](mailto:kleonard@tualatin.gov)) for a site inspection at least 72 hours prior to requesting a certificate of completeness.***

***This inspection is separate from inspection(s) done by the Building Division. The following conditions must be satisfied:***

- A13. Provide an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to TDC 73A.500(4)(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.
- A14. All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.040(1)(a).
- A15. Areas impacted by grading must be revegetated pursuant to TDC 73B.070(4).
- A16. 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).
- A17. 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:***

- A18. 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.
- A19. 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.

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

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- A20. The site has been permitted as offices for executive, administrative, and professional uses related to the sale or service of industrial products. Future proposals that change the use of the property will be subject to review and limited to uses permitted in the Light Manufacturing (ML) District, as identified in Table 60-1. If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use, in accordance with TDC 73C.010(2)(a)(v). A traffic study may be required if the use of the property changes, in accordance with TDC 74.440.
- A21. 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).
- A22. 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 any building mechanical device(s) at a minimum height equal to the height of the

mechanical object(s) to be screened. Sound barriers must consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties.

- A23. The proposed development must comply with the Environmental Regulations of TDC 63.
- A24. All above-grade and on-grade electrical and mechanical equipment must be screened in accordance with TDC 73A.500(5). Prior to approval of a 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.
- A25. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A26. 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*.
- A27. Site landscaping 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 September 9, 2021. The 120<sup>th</sup> day will be January 7, 2022. However, the applicant requested an extension of the 120-day decision deadline to XX. The final action will take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.*

**Section 32.110 – Pre-Application Conference.**

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

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

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

**(4) Application Requirements for Pre-Application Conference.**

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

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

**(i) A completed application form;**

**(ii) Payment of the application fee;**

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

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

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

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

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

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

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

**Finding:**

*A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on January 1, 2019 and has subsequently discussed this project with the planning division. 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 October 20, 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. There was no public attendance at 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 Stephen P. Piazza and Candice S. Piazza, to be the current owner of the subject site. The application has been signed Stephen P. Piazza of the Piazza Living Trust. 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 21-0007 on April 8, 2021. The application was deemed complete on September 9, 2021. 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:**

*Within Exhibit A5, the applicant provided certification of the sign being posted. One sign was posted onsite in conformance with the requirements of this section of the TDC. 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 21-0007 on April 8, 2021 and was deemed incomplete on May 8, 2021. Additional items were submitted on August 16 and 23, 2021, and the application was then deemed complete on September 9, 2021. 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 21-0007 was mailed by city staff on September 9, 2021 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.

**(6) Conditions of Approval.**

(a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:

(i) Protect the public from the potentially deleterious effects of the proposal;

(ii) Fulfill the need for public facilities and services created by the proposal, or increased or in part attributable to the proposal; and

(iii) Further the implementation of the requirements of the Tualatin Development Code.

**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) Exemptions.** The following actions are exempt from the requirements of a tree removal permit.

**(a) General Exemption.** Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:

- (i) Not located in the Natural Resource Protection Overlay District (NRPO);**
- (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);**
- (iii) Not a Heritage Tree; and**
- (iv) Not previously required to be retained or planted under an approved Architectural Review decision.**

**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.**

**(b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.**

- (i) Evergreen Trees.** An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
  - (A) Trunk Condition - extensive decay and hollow; or**
  - (B) Crown Development - unbalanced and lacking a full crown;**
- (ii) Deciduous Trees.** A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
  - (A) Trunk Condition - extensive decay and hollow;**
  - (B) Crown Development - unbalanced and lacking a full crown; or**
  - (C) Structure - Two or more dead limbs.**

**Finding:**

The arborist report, submitted as Exhibit A3, surveyed 35 trees over 8” dbh on site, 23 of which are proposed for removal. Of the on-site trees proposed for removal, all but one are proposed to be removed to accommodate the right of way dedication, site excavation, and development footprint on the property. This tree removal meets the standards of criterion 33.110(5)(a)(iii), which permits tree removal where needed for development. Tree 3733 is proposed to be removed due to very poor condition due to shared root space; removal of this tree is consistent with TDC 33.110(5)(a)(ii).

The tree survey also identified 8 off-site trees which need to be protected, primarily due to trenching for the storm sewer utilities. The applicant proposes to remove three of these neighboring trees: Tree T1, T2, and T4 on Tax ID 2S127A000503. The off-site property is under common ownership with the Piazza Living Trust. With recommended Condition of Approval A12 related to tree protection, these standards are met.

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

[...]

**Section 60.200 Use Categories**

**(1) 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>Commercial USE CATEGORIES</b>          |        |   |
| Office                                    | P(L)   | <b>Permitted uses limited to:</b> <ul style="list-style-type: none"> <li>• Offices for executive, administrative, and professional uses related to the sale or service of industrial products;</li> <li>• Office uses if within 60 feet of the CO zone and subject to TDC 60.210(5)</li> <li>• Office uses including business and commercial offices, general offices, and real estate offices, but not governmental offices, are a limited use in all other locations, subject to TDC 60.210(2)</li> </ul> |

[...]

**Finding:**

The project area is within the Light Manufacturing (ML) Planning District. The project narrative, included as Exhibit A1, identifies Willamette Manufacturing & Supply Company (WIMSCO) as the proposed tenant. Willamette provides professional services related to industrial products including fabricated steel/metal, CAD drafting services, and intends to use the building as office space. With Condition of Approval A20, 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 (East)</b>   | <b>30</b>                                | 65.67 feet       |
| <b>Side (North)</b>   | <b>0-50 feet</b>                         | 60 feet          |
| <b>Side (South)</b>   | <b>0-50 feet</b>                         | 12 feet          |
| <b>Side Setback Adjacent to Residential [...] District (East)</b>   | 50 feet                                  | 60 feet          |
| <b>Rear (West)</b>  | <b>0-50 feet</b>                         | 14.17 feet       |
| <b>Parking and Circulation Areas</b><br><i>No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>                                      | <b>5 feet</b>                            | 5.5 feet         |
| <b>Parking and Circulation Areas Adjacent to Residential [...] District (East)</b>  | <b>10 feet</b>                           | 13 feet          |
| <b>STRUCTURE HEIGHT</b>   |  |                  |
| <b>Maximum Height Adjacent to Residential District* (East)</b>  | <b>28 feet (43 feet with allowance*)</b> | 28.42 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. This standard is not applicable.*

[...]

**(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.

[...]

**Finding:**

*Residential uses are located on the adjacent property to the east. Elevations included in Exhibit A2 note that no doors over 64 square feet are proposed on the eastern elevation adjacent to the residential district. With Condition of Approval A22, 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 and the proposal includes offices for executive, administrative, and professional uses related to the sale or service of industrial products. Therefore the noise, vibration, air quality, odor, heat and glare, materials storage, waste disposal, and dangerous substances regulations of this Chapter apply. With Condition of Approval A23, these standards are met.*

**Chapter 73A: Site Design**

**TDC 73A.300. - Commercial Design Standards.**

The following standards are minimum requirements for commercial development in all zones, except the Mixed-Use Commercial (MCU) zone, which has its own standards:

(1) Walkways. Commercial development must provide walkways as follows:

- (a) Walkways must be a minimum of six 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;
- (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;
- (e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;
- (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; 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:**

*A five-foot wide walkway is proposed that would connect the main building entrance to the parking area and public sidewalk as shown on Exhibit A2 (Site Plan A101). However, a 6-foot wide walkway is required*

*given the use of the property is for an office and not an industrial use. No walkway is proposed through vehicular areas. With Condition of Approval A7.a., these standards are met.*

[...]

**(4) Safety and Security.** Commercial 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 illustrated on Exhibit A2 (Lighting Plan LP1.0 and Colored Elevations A302-303), every side of the proposed building has been provided with windows and exterior lighting. A combination of lighting bollards and posts are located throughout the parking area. Lighting will be oriented so that it will not cast a glare into the right-of-way. Additionally there are no mapped fish or wildlife habitats on site. These standards are met.*

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

[...]

**Finding:**

*With the adherence to Condition of Approval A13, these standards will be met.*

**(5) Service, Delivery, and Screening.** Commercial 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:**

*No above or on-grade electrical or mechanical equipment is proposed as part of this application. No outdoor storage is included with this proposal. At this time the applicant has not submitted detailed construction plans so the need and/or final location of on-grade or above-grade electrical or mechanical equipment has not been determined. With Condition of Approval A24, which requires screening of on-grade and above-grade electrical and mechanical equipment, this standard is met.*

**(6) Adjacent to Transit.** Commercial 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**

[...]

**Finding:**

*The subject site is not located on a transit street identified on Comprehensive Plan Map 8-5. The nearest transit street, is a partial fixed-route shuttle service located on Avery Street approximately 0.2 miles south of the site. This standard does not apply.*

**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 10,110 square feet (45%) of the entire 22,500 square foot site will be landscaped, as shown on the Landscape Plan, Sheet L1.0 submitted in Exhibit A2. This standard is met.*

**TDC 73B.040. - Additional Minimum Landscaping Requirements for Commercial Uses.**

**(1) General.** In addition to requirements in TDC 73B.020 commercial uses, except those located in the Mixed-Use Commercial (MUC) zone, 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

[...]

**Finding:**

*As shown on the Landscape Plan in Exhibit A2, a five-foot wide landscape area is proposed around all building perimeters with the exception of pedestrian egress/ingress locations, bike parking areas, and covered patio areas. With Condition of Approval A7, these standards are met.*

**Section 73B.080 – Minimum Landscaping Standards for All Zones.**

The following are minimum standards for landscaping for all zones.

|  |   |
|--|---|
| <p><b>(1) Required Landscape Areas</b></p> | <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> <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 Plan included in Exhibit A2, these standards are met.*

|                          |   |
|--------------------------|---|
| <p><b>(2) Fences</b></p> | <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. Fencing is proposed around the stormwater pond which should not have an impact on animal crossings. This standard is met.*

|                                     |  |
|-------------------------------------|--|
| <p><b>(3) Tree Preservation</b></p> | <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:**

*Tree protection measures are identified on the Erosion Control, Sheet C5 in Exhibit A2. With Condition of Approval A12, these standards are met.*

|                    |  |
|--------------------|--|
| <p>(4) Grading</p> | <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> <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 A8, these standards are met.*

|                       |   |
|-----------------------|---|
| <p>(5) Irrigation</p> | <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:**

*Irrigation will be provided in new landscaped areas, as described on the Landscape Plan, Sheet L1.0 in Exhibit A2. This standard is met.*

|   |   |
|---|---|
| <p>(6) Re-vegetation in Un-landscaped Areas</p> | <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.090 – Minimum Standards Trees and Plants.**

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

| Standard                         |   |  |
|----------------------------------|---|--|
| <p>(1) Deciduous Shade Trees</p> | <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> </ul> |  |

|                                    |   |  |
|------------------------------------|---|--|
|                                    | <ul style="list-style-type: none"> <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> <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:**

*A plant schedule has been provided in Exhibit A2 that lists standards for groundcover, shrubs, and trees to be planted. With Condition of Approval A7, 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;**

[...]

**Finding:**

*As shown on the Site Plan (Exhibit A2), drive aisles and parking stalls are proposed to be constructed of asphalt. Wheel stops and curbing are also reflected on the site plan. ADA standards will be reviewed in greater detail prior to issuance of a building permit. These standards are met.*

**(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 (Exhibit A2), the design of the vehicular circulation area will facilitate the flow of traffic. Parking stalls are accessed by a 24-foot wide drive aisle. 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 (Exhibit A2), 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-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 the Site Plan (Exhibit A2), eight covered, stationary bicycle parking spaces are proposed at the rear of the building. The applicant proposes that two additional bicycle parking stalls be provided inside the building. Due to the preliminary plans not providing enough detail, compliance with these standards cannot be determined. With adherence to Condition of Approval A7, these standards are met or can be 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          |
|---------------------|---|--|---|--|
| (e) Commercial      |   |  |   |  |
| (vi) General office | 2.70 spaces per 1,000 square feet of gross floor area | Zone A: 3.4 spaces per 1,000 square feet of gross floor area<br>Zone B: 4.1 spaces per 1,000 square feet of gross floor area | 2, or 0.50 spaces per 1,000 gross square feet, whichever is greater | First ten spaces or 40 percent, whichever is greater |

**Finding:**

The applicant's narrative (Exhibit A1) states and site plan (Exhibit A2) illustrates that the gross floor area for the building will be 4,019 square feet. The TDC requires a total of 11 off-street parking spaces and the applicant is proposing 14 off-street parking spaces. The subject property is located within Zone B for determining maximum number of parking spaces, which equates to a maximum of 16 off-street parking spaces. The applicant is proposing office only use. This criterion is met.

Table 1: Minimum and Proposed Parking by Use

| Use    | Square Footage | Vehicle Parking Min. | Vehicle Parking Max. |
|--------|----------------|----------------------|----------------------|
| Office | 4,019          | 11                   | 16                   |

The proposed office building requires a minimum of 11 off-street parking spaces and allows a maximum of 16 off-street parking spaces based on gross building square footage is 4,019 square feet. 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 11 off-street parking spaces, 2 off-street parking space must be designated carpool/vanpool spaces based on a building with the gross square footage of 4,019 square feet. With adherence to Condition of Approval A7, this standard will be 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 |
|------------|---------------------------|------------------|---------------------|---------------------------------|
| [...]      |                           |                  |                     |                                 |
| Commercial | Less than 5,000           | 0                | 0                   | 0                               |

[...]

**Finding:**

The applicant is proposing a building of 4,019 square feet which is below the 5,000 square foot threshold that would require an off-street loading facility. The applicant is not proposing any loading facilities. 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) Commercial Uses. Ingress and egress for commercial and institution uses must not be less than the following:

| Required Parking Spaces | Minimum Number Required | Minimum Pavement Width                                 | Minimum Pavement Walkways, Etc.     |
|-------------------------|-------------------------|--|-------------------------------------|
| 1-99                    | 1                       | 32 feet for first 50 feet from ROW, 24 feet thereafter | Curbs required; walkway 1 side only |

**Finding:**

*As depicted on the Site Plan (Exhibit A2) Public access will be from a single driveway SW 105<sup>th</sup> Avenue with a minimum driveway width of 36 feet. This standard is 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.

**Finding:**

*The proposal includes a parking and vehicle circulation area. This Section of the TDC applies.*

**Section 73C.220 – Commercial Parking Lot Landscaping Requirements.**

**Commercial 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), landscaping is proposed 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 not impact visual clearance at the end of drive aisles and drive entrances. With Condition of Approval A26 related to maintenance, this standard is met.*

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

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

[...]

**Finding:**

*As illustrated on the Landscape Plan (Exhibit A2), landscaping setback and other relevant requirements in (3) above are met and at least five feet of landscape buffer is proposed along the perimeter of the off-street parking area. The applicant is proposing to plant a mixture of deciduous and conifer trees, shrubs and ground cover area proposed throughout the development site. The applicant's landscape plan illustrates and narrative states "The site has been designed to retain several of the existing trees and plant several new trees which will provide large, shaded areas on site throughout the year. 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." City staff concur with the applicant's perimeter landscaping finding. These criteria 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 five feet in width (from inside of curb to curb);**
  - (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and**
- [...]

**Finding:**

*The applicant is proposing perimeter parking lot landscaping with curbs throughout the parking lot and drive aisle area (Exhibit A2). The perimeter landscaping will contain a mixture of deciduous and conifer trees, shrubs and ground cover in compliance with the TDC landscaping requirements. The applicant's landscape plan and narrative illustrate that native landscaping species are being used where possible. The applicant's site plan illustrates landscape islands at the end of parking lot aisles. The applicant is not proposing 8 or more contiguous parking spaces, therefore landscape islands to break up contiguous parking spaces are not required. The landscape islands illustrated in the parking lot at the ends of the blocks of off-street parking are at least five feet in width. The applicant is put on notice that the landscaping must achieve 90 percent coverage within three years. The applicable requirements of this section of the TDC are met or can be met.*

**(5) Driveway Access. For lots with 12 or more parking spaces, site access from the public street must be defined by:**

- (a) Landscape area at least five feet in width on each side of the site access;**
- (b) Landscape area must extend 25 feet from the right-of-way line; and**
- (c) Exceptions: Does not apply to parking structures and underground parking which must be determined through the Architectural Review process.**

**Finding:**

*The applicant is proposing 14 off-street parking spaces. As depicted on the landscape plan (Exhibit A2), the applicant is proposing landscaping on each side of the driveway access that extends at least 25 feet into the site on the north side of the driveway. Additionally, the perimeter site landscaping located on the south side of the driveway meets this requirement. No parking structure or underground parking is proposed for the development site. These criteria are met.*

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

**TDC 73D.010. - Applicability and Objectives.**

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

[...]

**(b)Commercial developments; and**

[...]

**Finding:**

*The applicant is proposing a new office or commercial development, therefore Chapter 73D is applicable.*

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

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

[...]

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

**Finding:**

*The applicant has selected option "4" and provided a letter from Republic Services dated April 5, 2021. The letter provides feedback on the waste/recycling enclosure proposed design and parking lot circulation plans dated March 2021 (Exhibit B). The Republic Services letter states "we will require adequate clearance for our trucks onto the site and dedicated turn-around space as specified in the Traffic Flow Pattern diagram (sent November 25, 2020) for safe entry and exiting of the property. Minimum overhead clearance of 25'...is required...The front-load trash and recycle container storage dimension of 10' x 12' ID is adequate for our equipment. The two primary service gate width dimension of 5'-10" each, and a swing radius of 180 degrees is adequate. Both gates will require stop pins that function in the open and closed position." This criterion is met.*

**TDC 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 seven feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.**

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



requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:

- (a) Common wall residential five to ten units must provide 50 square feet.
- (b) Common wall residential greater than ten units must provide 50 square feet plus an additional five square feet per unit above ten.
- (c) Commercial, industrial, and institutional developments must provide a minimum storage area of ten square feet plus:
  - (i) Office—Four square feet/1,000 square feet gross leasable area (GLA);
  - (ii) Retail—Ten square feet/1,000 square feet GLA;
  - (iii) Wholesale/Warehouse/Manufacturing—Six square feet/1,000 square feet GLA;
  - (iv) Educational and Institutional—Four square feet/1,000 square feet GLA; and
  - (v) All other uses—Four square feet/1,000 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:**

*Sheet A101 of Exhibit A2 illustrates that the waste and recyclables will be located in an enclosure centrally located on northern portion of the development site. The size of the enclosure and setback from the property lines were not provided within the narrative or illustrated on the site plan (Exhibit B). The most up-to-date information for review is associated with the material reviewed by Republic Services. The elevation drawing provided to Republic Services illustrates an enclosure that will be 6 foot 1.8 inches in height. The applicant's site plan, sheet A101, located in Exhibit A2 illustrates two leasable tenant units of 3,780 square feet of the total building square footage of 4,019 square feet. Based on the buildings gross leasable area of 3,780 square feet, the applicant is required to provide a minimum 15 square foot waste enclosure. The applicant is proposing a waste enclosure of 120 square feet, which exceeds the minimum square footage required. The applicant's narrative states that "Waste and recyclable storage areas of this project will be designed to screen garbage and recycling bins from view to mitigate the visual impact, ensure storage areas are centrally located and easy to use, meet dimensional and access requirements for haulers, provide adequate storage for mixed solid waste and source separated recyclables, and improve. See attached trash enclosure details and location as approved by Republic Services." These criteria are met.*

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

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

(1) The applicant must coordinate with the franchised hauler to develop a plan for storage and collection of mixed solid waste and source separated recyclables to be generated. The plan must include:

- (a) Site plan and architectural drawings showing the size and location of storage area(s) required to accommodate anticipated volumes;
- (b) A letter from the franchised hauler that describes the level of service to be provided by the hauler, including any special equipment and collection frequency, which will keep the storage area from exceeding its capacity; and
- (c) A narrative describing how the proposed site meets one or more unique conditions:
  - (i) Use of either of the three other methods of compliance would interfere with the use of the proposed development by reducing the productive space of the proposed development,

or make it impossible to comply with the minimum off-street parking requirements of the underlying zone, or

(ii) The site is of an irregular shape or possesses steep slopes that do not allow for access by collection vehicles typically used by the franchised hauler to serve uses similar in size and scope to the proposed use, or

(iii) The proposed use will generate unique wastes that can be stacked, folded, or easily consolidated without the need for specialized equipment, such as a compactor.

(2) The application must demonstrate that the mixed solid waste and source separated recyclable volumes expected to be generated can be stored in less space than required by the Minimum Standards Method. If the application does not demonstrate that the waste assessment method requires less space, the minimum standards method will be required.

**Finding:**

As discussed in the letter dated April 5, 2021, Anna Wantz of Willamette Manufacturing Supply Company, met with Republic Services to discuss waste and recycling services, site circulation, minimum overhead clearance, a dedicated turn-around space and the design of the screened storage area (Exhibit A5). The applicant's narrative states that during this meeting the Minimum Standards (*TDC 73D.030*) were determined to be enough to meet the need of Republic Services to collect the waste and recycled material. These criteria are met.

**TDC 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 six feet in height.

(d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.

(e) Gate openings for haulers must be a minimum of ten feet wide and must be capable of being secured in a closed and open position.

(f) Horizontal clearance must be a minimum of ten feet and a vertical clearance of eight feet is required if the storage area is covered.

(g) A separate pedestrian access must also be provided in common wall, commercial, and institutional developments.

(h) Exterior storage areas must have either a concrete or asphalt floor surface.

(i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.

**FINDING:**

The storage area or enclosure will contain receptacles for both recyclable and waste collection. The applicant is proposing a single location for waste and recyclables that is clearly visible to the public and centrally located on the northern portion of the subject property. The enclosure will be located over 70 feet from the front property line, which will be well outside of the required 30 foot front yard setback (TDC Table 60-2).

The applicant met with Republic Services to discuss waste and recyclable collection including enclosure location and site circulation (Exhibit A5). The applicant's narrative states that all indoor and outdoor storage areas have been designed to comply with the Oregon Building and fire Code requirements (Exhibit A1). The enclosure will consist of sight obscuring walls of approximately 6 foot 1 inches in height and constructed of CMU block. As depicted on the landscape plan, the applicant is proposing evergreens and other landscape material that will provide year round green leaves as well as obscuring the view of the enclosure. Republic Services reviewed the proposed enclosure and determined that the gates are adequately dimensioned for removal of waste and recyclable material. The parking lot where the enclosure will be located will be constructed of asphalt. A concrete pad will be utilized for the floor of the enclosure where the containers will be stored. These criteria 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 previously noted, Republic Services has reviewed the waste/recycling enclosure. Republic Services stated that the two primary access gates with the width dimension of 5-foot 10-inches for each gate and each gate will have a swing radius of 180 degrees. Republic services is requiring stop pins that function in the open and closed position. These criteria will be met if the applicant adheres to the recommendations made in the Republic Services letter dated April 5, 2021 (Exhibit A5).

**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.*

**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:**

*Erosion Control measures must be a part of the permit plans submitted for approval. The disturbance area of the site will be less than 1 acre but more than 500 square feet which requires a City of Tualatin Erosion Control permit to assure measures will be installed to prevent sediment or erosion from leaving the site. Building sewer installation must meet the requirements of the Oregon Plumbing Specialty Code as enforced by the City of Tualatin.*

*The development site must be graded to minimize the impact of stormwater runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development. 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 proposed grading plan is shown to minimize the impact of stormwater runoff to adjacent properties and allows adjacent properties to drain as they did before the development of the subject property.*

*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, released to the public stormwater system and finally released into Hedges Creek. Adjacent parcels are not negatively impacted from stormwater from the proposed development. Prior to issuance of permits for construction activities, the applicant must submit final plans illustrating:*

- 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.*

*Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin and CWS 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.*

*These criteria are met with adherence to the Conditions of Approval.*

## **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:**

*A private extended dry detention basin, serving as a stormwater quality and detention facility, is shown on the site. A Preliminary Stormwater Analysis was prepared by Sisul Engineering dated December 20, 2019. The proposed facility must be sized to meet the current City of Tualatin and Clean Water Service requirements for stormwater quality and quantity.*

*The public main storm line in SW 105th Avenue at the site's frontage is indicated to be too low for the site's storm drainage to connect without significant filling of the site. The proposal includes a private storm drain line northerly, outside the right-of-way, across two lots owned by the owner of this site to a point where a perpendicular crossing can be installed to connect to the City's storm drain main at a lower depth. This connection point is shown at an existing manhole at SW Siletz Drive and SW 105th Avenue. Crossing private lots within private stormwater easements is acceptable due to topography is an allowed alternative.*

*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.*

*The plans show a private manhole with a lateral perpendicular to the right-of-way connecting to the public main. The stormwater lateral must include 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 Engineers accepts the applicant's request for a fee-in-lieu of construction of SW 105<sup>th</sup> Avenue frontage that must include public stormwater treatment and detention facilities for the public impervious area adjacent to this development including conveyance, detention, hydromodification, and treatment. 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 105<sup>th</sup> Avenue adjacent to this development 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 19-000409 indicating that Sensitive Areas do not exist on the site. A CWS Memorandum dated September 22, 2021 was received for the proposed development of this site. After land use decision issuance, final plans must be 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 of approval 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 criteria are met with adherence to the Conditions of Approval.*

**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.*

*These criteria are met with adherence to the Conditions of Approval.*

**TDC 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.**

**TDC 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.**

[...]

**TDC 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.**

[...]

#### **TDC 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.**

[...]

#### **TDC 74.485. - Street Trees.**

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

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

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

[...]

#### **TDC 74.660 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.

[...]

**TDC 74.765. - Street Tree Species and Planting Locations.**

All trees, plants or shrubs planted in the right-of-way of the City must conform in species and location and in accordance with the street tree plan and City standards, including Table 74-1. If the City Manager determines that none of the species in City standards, including Table 74-1 is appropriate or finds appropriate a species not listed, the City Manager may substitute an unlisted species.

| Table 74-1<br>Street Tree Species |                             |   |    |                       |                          |
|-----------------------------------|-----------------------------|---|----|-----------------------|--------------------------|
| Species Common Names              | Planting Strip Width (feet) |   |    | Power line compatible | Spacing on center (feet) |
|                                   | 4                           | 5 | 6+ |                       |                          |
| Amur Maackia                      | •                           | • | •  | •                     | 30                       |
| Amur Maple                        | •                           | • | •  | •                     | 30                       |
| Armstrong Maple                   | •                           | • | •  |                       | 30                       |
| Autumn Applause Ash               |                             | • | •  |                       | 30                       |
| Black Tupelo                      | •                           | • | •  |                       | 30                       |
| Capital Flowering Pear            | •                           | • | •  |                       | 30                       |
| Cascara                           | •                           | • | •  | •                     | 30                       |
| Crimson King Maple                |                             | • | •  |                       | 30                       |
| Crimson Sentry Maple              | •                           | • | •  | •                     | 30                       |
| Eastern Redbud                    | •                           | • | •  |                       | 30                       |
| European Hornbeam                 | •                           | • | •  | •                     | 30                       |
| Frontier Elm                      |                             |   | •  |                       | 60                       |
| Ginko                             |                             | • | •  |                       | 30                       |
| Globe Sugar Maple                 |                             |   | •  |                       | 60                       |
| Golden Desert Ash                 | •                           | • | •  | •                     | 30                       |
| Goldenrain                        | •                           | • | •  |                       | 30                       |
| Greenspire Linden                 |                             | • | •  |                       | 30                       |
| Ivory Japanese Lilac              | •                           | • | •  | •                     | 30                       |
| Leprechaun Ash                    | •                           | • | •  |                       | 30                       |
| Persain Parrotia                  | •                           | • | •  |                       | 30                       |
| Purple Beech                      | •                           | • | •  |                       | 30                       |
| Raywood Ash                       |                             | • | •  | •                     | 30                       |
| Katsura                           | •                           | • | •  |                       | 30                       |
| Red Oak                           |                             |   | •  |                       | 60                       |
| Red Sunset Maple                  |                             |   | •  |                       | 60                       |
| Scanlon/Bowhall Maple             | •                           | • | •  |                       | 30                       |
| Scarlet Oak                       |                             |   | •  |                       | 60                       |
| Shademaster Honey Locust          |                             | • | •  |                       | 30                       |
| Skyrocket English Oak             | •                           | • | •  |                       | 30                       |
| Japanese snowbell                 | •                           | • | •  | •                     | 30                       |
| Sourwood                          | •                           | • | •  | •                     | 30                       |
| Tall Stewartia                    | •                           | • | •  | •                     | 30                       |
| Chinese Fringetree                | •                           | • | •  | •                     | 30                       |
| Tri-Color Beech                   |                             |   | •  |                       | 60                       |
| Trident Maple                     | •                           | • | •  | •                     | 30                       |
| Urbanite Ash                      |                             | • | •  |                       | 30                       |

| Table 74-1<br>Street Tree Species |   |   |   |  |    |
|-----------------------------------|---|---|---|--|----|
| Yellowwood                        | • | • | • |  | 30 |
| Zelkova Musashino                 | • | • | • |  | 30 |

[...]

**Chapter 75 Access Management**

**TDC 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.

[...]

**TDC 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: Commercial**

**Minimum Driveway Approach Width: 1-99 Parking Spaces = 32 feet**

**Maximum Driveway Approach Width: 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 ten feet (see Figure 73-2 for illustration).

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

[...]

**Finding:**

*A street right-of-way dedication is proposed that would add 17 feet to the west side of SW 105<sup>th</sup> Avenue along this site's frontage. This would create a total of 37 foot wide right-of-way to enable half-street construction along the site's frontage. This is the minimum needed to enable future right-of-way construction for a total future width of 74 feet. This is in accordance with the City's Major Collector Street right-of-way width per the Tualatin TSP. A public stormwater facility may require additional right-of-way per final approved stormwater calculations. A total of 37 feet of right-of-way from the centerline*

*plus any needed additional right-of-way to accommodate final accepted future public stormwater LIDA management must be dedicated.*

*The applicant requested to pay a fee-in-lieu of constructing the street frontage improvements. The surrounding sections of SW 105<sup>th</sup> Avenue is not currently constructed to the same width and a small section of construction might create a safety concern. Eventually as more right-of-way dedications are gathered along SW 105<sup>th</sup> Avenue, a larger segment of the additional street width will be constructed. The applicant must obtain permits and construct the following or pay a fee-in-lieu of construction for a half street including:*

- *A 6-foot wide sidewalk*
- *A 6-foot wide planter or wider on the west side to accommodate a LIDA swale (6 feet plus 1 foot shy adjacent to the sidewalk)*
- *Street lights*
- *Approvable street trees and planting locations with irrigation*
- *A 2-foot wide curb and gutter*
- *A 6-foot wide bike lane*
- *A 12-foot wide travel lane*
- *Half of a 12-foot wide turn lane*

*The proposed driveway access to SW 105<sup>th</sup> Avenue is 36 feet wide of right-of-way complying with table 75-1 for Driveway Approach Width. No through access to other parcels are proposed for this site. A sidewalk is proposed connecting to the public right-of-way for pedestrian traffic.*

*An 8-foot wide public utility easement adjacent to right-of-way is shown for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities to be granted to the City.*

*Prior to construction of the full future SW 105<sup>th</sup> Avenue, physical access to the site will continue to utilize the proposed connection for site functionality and public safety. New site grading and paving will abut the existing edge of paving at the current location. Site grading must enable the future construction of SW 105<sup>th</sup> Avenue to connect to the private paving.*

*The existing access will remain until potential revision of access within right-of-way, which will likely be required with full street construction of SW 105<sup>th</sup> Avenue. A minimum private site access width must be between 32 feet to 40 feet measured at right-of-way for the proposed commercial office development.*

*Future construction of SW 105<sup>th</sup> Avenue is only expected to modify the access within right-of-way. The applicant must construct any private onsite improvements to connect to the existing constructed SW 105<sup>th</sup> Avenue.*

These criteria are met with adherence to the conditions of approval.

#### **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 10699 SW Herman Road, Tualatin, Oregon 97062 before 5:00 p.m., February 3, 2022. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB); appeals of Public Facilities Decision elements are appealed directly to City Council as specified in TDC Table 32-1.

Submitted by:

A handwritten signature in blue ink, appearing to read 'K Leonard', is written over a faint, illegible stamp.

Keith Leonard, AICP  
Associate Planner