

Praxair Site Improvements Architectural Review

Date: April 2021

Submitted to: City of Tualatin
Planning Division
1880 SW Martinazzi Avenue
Tualatin, OR 97062

Applicant: Praxair Distribution Inc.
10 Riverview Drive
Danbury, CT 06810

AKS Job Number: 7784



AKS
ENGINEERING & FORESTRY

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Exhibits

- Exhibit A:** Preliminary Plans
 - Exhibit B:** Application Form and Checklist
 - Exhibit C:** Property Ownership Information
 - Exhibit D:** Washington County Assessor’s Map
 - Exhibit E:** Clean Water Services Service Provider Letter
 - Exhibit F:** Neighborhood Meeting Documentation
 - Exhibit G:** Preliminary Stormwater Report
 - Exhibit H:** Franchise Garbage and Recycling Hauler Correspondence
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Applicant/Owner:	Praxair Distribution Inc. 10 Riverview Drive Danbury, CT 06810
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Chris Goodell, AICP, LEED ^{AP} Email: chrisg@aks-eng.com Phone: (503) 563-6151
Site Location:	10450 SW Tualatin Sherwood Road
Washington County Assessor's Map:	2S 1 23CC Tax Lot 1500
Site Size:	Total site = ±4.51 acres
Land Use District:	General Manufacturing (MG)



I. Executive Summary

On behalf of Praxair Distribution Inc. (Owner and Applicant), AKS Engineering and Forestry, LLC is submitting this application for Architectural Review of an expansion of the existing outdoor equipment yard and vehicular circulation area at the chemical warehouse and distribution facility at 10450 SW Tualatin-Sherwood Road. The Praxair site is used for filling and chemical storage of gases. The goal of the site improvements included in this application is to provide a vehicular circulation area for trucks and trailers to use before and after loading.

The improvements are located in the southeast corner of the site and will not be visible from the Tualatin-Sherwood right-of-way or the public entrance to the existing warehouse building. An existing shed, portions of a chain link fence, and four trees will be removed to allow the site expansion. Approximately 21,000 square feet will be graded and covered with a gravel surface. A below-ground stormwater facility is included in the improvements and will connect to the existing stormwater system on the site.

The previous owner of the site obtained Architectural Review approval in 1997 for building and site improvements. Since that time, the parking area and associated landscaping on the southwest portion of the site was removed to allow for improved truck circulation. This application includes an analysis of the existing parking and landscaping standards to ensure the site improvements meet current City requirements.

II. Site Description/Setting

The subject Praxair Distribution Inc. site is ±4.51 acres and located west of SW Teton Avenue on the south side of SW Tualatin-Sherwood Road. The property is within the General Manufacturing (MG) zone and consists of Washington County Tax Lot 1500 of Assessor's Map 2S 1 23CC. Existing site improvements include a warehousing and office building in the north, employee and visitor parking in the northeast, and vehicular circulation and storage areas in the south. There is vehicular access from SW Tualatin Sherwood Road on the east side of the site frontage as well as through a shared access easement west of the site. Neighboring industrial properties are located to the north, south, east, and west.

III. Applicable Review Criteria

Tualatin Development Code

CHAPTER 32 PROCEDURES

TDC 32.010. Purpose and Applicability.

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(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).

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(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.

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

Table 32-1—Applications Types and Review Procedures						
Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
Architectural Review						
• Architectural Review (except as specified below) (limited land use)	II	CM	ARB/CC	Yes	Yes	TDC 33.020
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Response: As described above, the subject Architectural Review application will be processed through the Type II procedure with a staff decision and is appealable to the Architectural Review Board.

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TDC 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;

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- (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 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.

Response: A pre-application conference was held with City staff on October 7, 2020. The pre-application conference followed the above procedures and is valid for six months, or until April 7, 2021.

TDC 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.

Response: A neighborhood/developer meeting was held on February 24, 2021. While no one attended the meeting, as demonstrated in the information included in Exhibit F, the meeting time, location, noticing, posting, and content of the meeting followed the applicable standards above, as well as the City document "COVID-19 Public Health Response Temporary Guidance for Neighborhood/ Developer Meetings."

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TDC 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;

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- (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;

Response: This application submittal includes the applicable information required above, including the application form, fee, narrative, property ownership information, and neighborhood/developer meeting documentation. City staff notified the City-recognized Citizen Involvement Organizations (CIOs) of the neighborhood/developer meeting by email. The neighborhood/developer meeting documentation is provided in Exhibit F.

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CHAPTER 33 APPLICATIONS AND APPROVAL CRITERIA

TDC 33.020. Architectural Review.

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- (2) **Applicability.**
- (a) The following types of development are subject to Architectural Review:
 - (i) Any exterior modifications to improved or unimproved real property;
 - (ii) Any remodeling that changes the exterior appearance of a building;
 - (iii) Any site alteration which alters the topography, appearance or function of the site; and
 - (iv) Any change in occupancy from single family use to commercial or industrial use.
 - (b) Examples of development subject to Architectural Review, include but are not limited to the following:
 - (i) New buildings, condominiums, townhouse, single family dwellings, or manufactured dwelling park;
 - (ii) Construction, installation, or alteration of a building or other structure;
 - (iii) Landscape improvements;
 - (iv) New, improved, or expanded parking lots;
 - (v) New, or alterations to, above ground public utility facilities, pump stations, pressure reading stations, water reservoirs, electrical substations, and natural gas pumping stations;
 - (vi) New wireless communication facilities, and new attached wireless communication;
 - (vii) Installation of decorative lighting; and
 - (viii) Exterior painting, awnings, or murals.
 - (c) Exceptions to Architectural Review. The following applications for development do not require Architectural Review:
 - (i) The addition or alteration of an existing single-family dwelling if it involves:
 - (A) Less than 35% of the structure's existing footprint;
 - (B) No new story;
 - (C) Less than 35% of an existing front or rear wall plane; or
 - (D) A side wall plane that abuts the side yard of an adjacent dwelling.
 - (ii) The modification by the City of greenways, parks, other Parks and Recreation Department improvements, and right-of-way landscaping improvements.

Response: As described above, the planned site improvements are subject to the Architectural Review process.

- (3) **Types of Architectural Review Applications—Procedure Type.**
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- (c) **General Development.** All development applications, (except Single Family Dwelling, Clear and Objective and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.

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- (d) Large Commercial, Industrial, and Multifamily Development. Development applications that propose any of the following are subject to Type III Review by the Architectural Review Board as the hearing body:
 - (i) New Commercial Buildings 50,000 square feet and larger;
 - (ii) New Industrial Buildings 150,000 square feet and larger; and
 - (iii) New Multifamily Housing Projects with 100 units or more units (or any number of units abutting a single family district).

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Response: As described above, the planned site improvements are subject to the Type II Architectural Review process.

- (4) Application Materials. The application must be on forms provided by the City. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:
 - (a) The project name and the names, addresses, and telephone numbers of the architect, landscape architect, and engineer on the project;
 - (b) Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;
 - (c) A materials board that includes example building materials and textures;
 - (d) Title report; and
 - (e) A Service Provider Letter from Clean Water Services.

Response: Application materials, including preliminary plans, property ownership information, and a Clean Water Services (CWS) Service Provider Letter, are provided in this submittal package along with other materials described in Section 32.140. The application materials requirements are met.

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

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Response: As described above in Subsection 33.020.3.C, this project is considered “General Development” and therefore the standards and objectives in TDC Chapter 73A through 73G apply. See the responses to the applicable sections below.

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TDC 33.110. Tree Removal Permit/Review.

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- (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.

Response: There are existing trees on the site that are planned to be removed as part of this application; therefore, the tree removal permit standards in this section apply. Subsection 33.110(4)(a)(i) states that trees eight inches or more in diameter are required to be identified. Please see the Existing Conditions Plan in Exhibit A for the location and size of on-site and adjacent off-site trees.

- (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.
 - (b) *Forest Harvesting Exemption.* Forest Harvesting Uses, as provided by Agricultural Uses in TDC 39.300 are exempt.
 - (c) *Orchard Exemption.* Orchards Uses, as provided by Agricultural Uses in TDC 39.300, are exempt.
 - (d) *Public Property Exemption.* Tree removal on federal, state, county, or City property is exempt from the requirements of a tree removal permit. This exemption includes, but is not limited to road, improvements and maintenance to City parks, rights-of-way, water, sanitary sewer, and stormwater facilities. (Removal of trees from public right-of-way are governed by TDC Chapter 74.)

Response: There are four existing trees that have trunks eight inches or more in diameter and are planned to be removed with the site improvements. The trees are not located in natural resource areas, are not heritage trees, and were not previously required to be retained or planted with an approved Architectural Review decision. Therefore, the general exemption, as described above, applies and a tree removal permit is not required. The remaining standards of this section do not apply.

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CHAPTER 61 GENERAL MANUFACTURING ZONE (MG)

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TDC 61.200. Use Categories.

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

- (2) Use Categories in the Limited Commercial Setback. Commercial uses may be further restricted within the Limited Commercial Setback, see TDC 60.210(4).
- (3) Overlay Zones. Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Excerpt of Table 61-1: Use Categories in the MG Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
COMMERCIAL USE CATEGORIES		
Office	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Offices for executive, administrative, and professional uses related to the sale or service of industrial products; and • Office uses including business and commercial offices, general offices, real estate offices, but not governmental offices, and are a limited use subject to TDC 61.210(2).
INDUSTRIAL USE CATEGORIES		
Heavy Manufacturing	P (L)	Concrete batch plants are not permitted in the Leveton Tax Increment District. All other uses permitted outright.
Light Manufacturing	P	—
Vehicle Storage	P/C (L)	Conditional use required for bus maintenance and storage facility. Vehicle storage not permitted within the Limited Commercial Setback. Vehicles sales are not permitted. All other uses permitted outright in other locations.
Warehouse and Freight Movement	P/C	Conditional use required for warehousing of building materials and supplies. All other uses permitted outright.
Wholesale Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and • Sale, service and rental of construction and industrial equipment to contractors and industrial firms only. Conditional use permit required for wholesale sales of building materials and supplies.

Response: The existing chemical warehouse and distribution use and accessory office use are permitted within the MG Zone. The use category standards are met.

TDC 61.210. Additional Limitations on Uses.

- (1) Sale of Goods Produced On-Site. The retail sale of goods produced on-site is permitted, provided that the retail sale area, including the showroom area, is no greater than five percent of the gross floor area of the building and does not exceed 1,500 square feet.

Response: The use does not include the retail sale of goods on site. This standard does not apply.

- (2) Limited Commercial Uses. Commercial uses permitted as limited uses, as specified in Table 61-1, must be located on the same lot or parcel as a permitted industrial use. The lot or parcel must be used substantially for industrial purposes and the commercial use is subject to the following standards:

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- (a) **Office Uses.** Office uses must not exceed 25 percent of the total gross floor area of all buildings on the lot or parcel.
 - (b) **Retail Sales and Services, Eating and Drinking Establishments, or Other Educational and Vocational Services.** Permitted uses in these categories, as specified in Table 61-1, are subject to the following additional standards:
 - (i) **Maximum Size.** The use must not exceed 5,000 square feet for any individual use or a total of 20,000 square feet of all retail or service uses on the lot or parcel.
 - (ii) **Spacing Standard.** Uses must not be located within 80 feet of a Residential Zone. Uses must not be located within 80 feet of SW Tualatin-Sherwood Road right-of-way.
 - (iii) **Access Standard.** If located in a stand-alone building, the uses must not have direct access onto any arterial or collector street.

Response: An existing office use supports the primary industrial use. The office use does not exceed 25 percent of the total gross floor area of all buildings on the lot or parcel. Retail sales are not located on the site. The applicable standards are met.

- (3) **Size Limitation for Commercial Uses.** Commercial uses permitted outright or as a conditional use, as specified in Table 61-1, are subject to the following size limitations:
 - (a) **Employment Areas or Corridors.** Commercial uses must not exceed 60,000 square feet of gross floor area per building or business on land designated Employment Area (EA) or Corridor (CO) Design Type on Map 9-4.
 - (b) **Industrial Areas.** Commercial uses on land designated Industrial Area Design Type on Comprehensive Plan Map 10-4 must not exceed 5,000 square feet for any individual use or a total of 20,000 square feet of all commercial uses on the site. Commercial uses permitted in the Limited Commercial Setback are exempt from this requirement.

Response: The existing office use supports the primary industrial use. A portion of the site is located within the Limited Commercial Setback, as discussed below. The applicable standards are met.

- (4) **Limited Commercial Setback.** The purpose of the Limited Commercial Setback is to restrict commercial uses from locating within 300 feet from the centerline of SW Tualatin-Sherwood Road and SW 124th Avenue and 350 feet from the centerline of SW Pacific Highway (99W) west of Cipole Road, as depicted in Comprehensive Plan Map 10-5.
 - (a) **Restriction on Commercial Uses.** No commercial uses, including parking or outdoor storage and display areas, are permitted outright in the Limited Commercial Setback.
 - (b) **Conditional Uses.** Automobile Service Stations uses and the sale and service of manufactured dwellings are permitted as Conditional Uses in the Limited Commercial Setback.

Response: The site is located on SW Tualatin-Sherwood Road; therefore, the Limited Commercial Setback applies to the portion of the site that is within 300 feet from the centerline of SW Tualatin-Sherwood Road. As discussed above, the existing office use is not a stand-alone commercial use; rather, it is incidental to the primary industrial use. In addition, the existing outdoor storage areas are associated with an industrial use not the commercial office use; therefore, the outdoor storage limitations as described above do not apply.

Changes to the approved uses are not included in this application and therefore, the Limited Commercial Setback standards do not apply to this application.

- (5) **Commercial Services Overlay.** The purpose of the Commercial Services Overlay is to provide for specific commercial services for area businesses and employees. The area of the overlay is depicted in Comprehensive Plan Map 10-5. Permitted uses are specified in Table 61-1. If a property is within the Commercial Services Overlay and the Limited Commercial Setback, the regulations of the Commercial Services Overlay apply.
 - (a) **Permitted Uses.** The following additional uses are permitted in the Commercial Services Overlay on properties shown in the specific areas illustrated on Comprehensive Plan Map 10-5 and only when conducted within an enclosed building:
 - (i) Vehicle Repair;
 - (ii) Retail Sales and Service are permitted uses limited to automobile accessory sales and auto parts retailing and wholesaling; tool and equipment rental; and
 - (iii) Durable Goods Sales are permitted uses are limited to truck-mounted camper sales with all sales and storage conducted entirely within an enclosed building and not to exceed 10,000 square feet of building floor area.

Response: The site is not located in the Commercial Services Overlay. The above standards do not apply.

- (6) **Automobile Service Stations.** Automobile Service Stations are subject to the following additional standards:
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Response: This application does not involve an automotive service station. The above subsection does not apply.

TDC 61.300. Development Standards.

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

Excerpt of Table 61-2: Use Categories in the MG Zone		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
LOT SIZE		
Minimum Lot Size	20,000 square feet	—
LOT DIMENSIONS		
Minimum Lot Width	100 feet	When lot has frontage on public street, minimum lot width at the street is 100 feet. When lot has frontage on cul-de-sac street, minimum lot width at the street is 50 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front	30 feet	

Excerpt of Table 61-2: Use Categories in the MG Zone		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
Front Setback Adjacent to Residential or Manufacturing Park Zone	50 feet	
Side	0-50 feet	Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Side Setback Adjacent to Residential or Manufacturing Park Zone	50 feet	
Rear	0-50 feet	Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Rear setback adjacent to Residential or Manufacturing Park Zone	50 feet	
Parking and Circulation Areas	5 feet	No minimum setback required adjacent to joint access approach in accordance with TDC <u>73C</u> .
Parking and Circulation Areas Adjacent to Residential or Manufacturing Park Zone	10 feet	
Fences	10 feet	From public right-of-way.
STRUCTURE HEIGHT		
Maximum Height	60 feet	May be increased to 100 feet if yards adjacent to structure are not less than a distance equal to the height of the structure. Measured at the 50-foot setback line, includes flagpoles. 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. Flagpoles may extend to 100 feet.
Maximum Height Adjacent to Residential Zone	28 feet	

Response: The existing ±4.51-acre lot meets the lot size and dimensional standards. The planned improvements are located on the south side of the site near the rear and side lots lines. A 5-foot minimum setback applies to the planned vehicular circulation area. There is a railroad spur track along the eastern property line; therefore, there is no minimum side setback along the eastern property line. This application does not include new structures or fences adjacent to the right-of-way; therefore, the remaining standards above do not apply. The applicable standards are met.

TDC 61.310. 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.

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- (2) **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 lateral (direct line between two points) paths of 450 feet or less between a residential property within a residential planning district and:
 - (i) Any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway; or
 - (ii) Any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.
 - (c) **Exemption for Existing Structures.** Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound barrier construction is not required, except that at the time such structures are removed, sound barrier construction is required.
 - (d) **Design.** Sound barriers must consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three. Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.
 - (i) "Wing wall" means a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section."
- (3) **Setback Reduction for Developments Adjacent to Greenways and Natural Areas.** To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front, side, or rear yard setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards.
- (a) **Setback Reduction.** All permitted uses may be allowed a reduction of up to 35 percent of the front, side, or rear yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.
 - (b) **Location of Greenway or Natural Area Lot.** A portion of the parcel must be located in one of the following conservation or protection areas:
 - (i) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or

- (ii) Clean Water Services Vegetated Corridor.
- (c) Ownership of Greenway or Natural Area Lot. The ownership of each Greenway or Natural Area Lot must be one of the following:
 - (i) Dedicated to the City at the City's option;
 - (ii) Dedicated in a manner approved by the City to a non-profit conservation organization; or
 - (iii) Retained in private ownership.
- (d) Ownership Considerations. The decision-making authority must consider, but is not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
 - (i) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
 - (ii) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
 - (iii) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
 - (iv) Does the lot connect publicly owned or publicly accessible properties;
 - (v) Does the lot abut an existing park, greenway, natural area or other public facility;
 - (vi) Does the lot provide a public benefit or serve a public need;
 - (vii) Does the lot contain environmental hazards;
 - (viii) Geologic stability of the lot; and
 - (ix) Future maintenance costs for the lot.

Response: This application does not involve an outdoor use, sound barriers, greenways, or natural areas. Therefore, the above additional development standards do not apply.

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CHAPTER 63 INDUSTRIAL USES AND UTILITIES AND MANUFACTURING ZONES — ENVIRONMENTAL REGULATIONS

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TDC 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.

Response: The subject site involves an industrial use; therefore, the following environmental regulations apply.

TDC 63.051. Noise.

All uses and development must comply with the Oregon State Department of Environmental Quality standards relating to noise and the City of Tualatin noise ordinance in, TMC 6-14.

Response: The expansion of the vehicular circulation area is not expected to produce loud noises. The site will continue to comply with the City of Tualatin noise ordinance and Oregon Department of Environmental Quality (DEQ) standards, as applicable.

TDC 63.052. Vibration.

- (1) **Restrictions.** All uses and development must not cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section.
 - (a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district must not exceed 0.01 inches per second (0.0025 meters per second) RMS velocity.
 - (b) Ground vibration as measured at a common property boundary of any two properties within any industrial planning district must not exceed 0.1 inches per second (0.0025 meters per second) RMS velocity.
- (2) **Method of Measurement.** Vibration measurement procedures must conform to the methods described in this section and to procedures approved by the Oregon Department of Environmental Quality.
 - (a) Instrumentation must be capable of measuring RMS value of the vibration velocity over the frequency range of ten to 1,000 hertz.
 - (b) Measurement values must be recorded for a sufficient period of observation to provide a representative sample.
 - (c) Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of nine inches (22.9 cm.) in length, driven flush with the ground surface.
- (3) **Exemptions.** The requirements of TDC 63.052(1) do not apply to:
 - (a) Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad;
 - (b) Vibration resulting from the operation of any road vehicle;
 - (c) Vibration resulting from construction activities and use of construction equipment; and
 - (d) Vibration resulting from roadway maintenance and repair equipment.

Response: Vibrations produced by the expansion of the vehicular circulation area, if any, will be from construction activities and road vehicles and are therefore exempt. The site will continue to comply with the above applicable standards for vibration.

TDC 63.053 Air Quality.

- (1) **Restrictions.** All uses and development must comply with the most recent air quality standards adopted by the Oregon Department of Environmental Quality. Plans of construction and operations must comply with the recommendations and regulations of the State Department of Environmental Quality.
- (2) **Method of Measurement.** All measurements of air pollution must be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods or measurement approved by the City. Upon request of the City, persons responsible for a suspected source of air pollution must provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

Response: The expansion of the vehicular circulation area is not expected to negatively impact air quality standards. Construction activity and site operations will continue to comply with applicable Oregon DEQ standards.

TDC 63.054. Odors.

All uses and development must not emit odors in such quantities as to create a nuisance condition at any point beyond the subject property line of the emitting use.

Response: The expansion of the vehicular circulation area is not expected to produce odor. The site will continue to comply with the above odor standard.

TDC 63.055. Heat and Glare.

- (1) All uses and development must conduct all operations producing heat or glare entirely within an enclosed building.
- (2) All uses and development may utilize exterior lighting, but the exterior lighting must be screened, baffled or directed away from residential planning districts.

Response: The expansion of the vehicular circulation area is not expected to produce heat or glare. Additional exterior site lighting is located at the rear of the site and is not adjacent to a residential planning district. The site will continue to comply with the above heat and glare standard.

TDC 63.056. Storage and Stored Materials.

- (1) All uses and development must store all materials, including wastes, in a manner that will not attract or aid the propagation of insects or rodents, or in any other way create a health or safety hazard.
- (2) All uses and development that utilize open storage that would otherwise be visible at the property line must conceal it from view at the abutting property line by a sight obscuring fence not less than six feet high and not accessible to the general public to protect public safety.

Response: The existing storage areas on the site are adequately screened and not accessible to the general public. This architectural review application involves the expansion of the circulation area for truck and trailer use and not the storage of material. Therefore, to the extent the above standards apply to this application, they are met.

TDC 63.057. Liquid or Solid Waste Materials.

All uses and development are prohibited from disposing waste onto the site or into adjacent drainage ditches, creeks or other natural waterways in violation of State of Oregon DEQ standards, Clean Water Services Standards, City Standards, or in a manner that causes harm to wildlife.

Response: The existing site use and planned expansion of the vehicular circulation area do not involve the disposal of waste onto the site or into adjacent drainage areas. The applicable Oregon DEQ, CWS, and City environmental regulations will continue to be met.

TDC 63.058. Dangerous Substances.

All uses and development are prohibited from the storage, transfer, or processing of hazardous, toxic, or radioactive waste.

Response: The existing site is used for storage and transfer of gases, which are hazardous substances. The planned use will continue to comply with the applicable DEQ standards for chemical storage and disposal.

CHAPTER 73A SITE DESIGN STANDARDS

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TDC 73A.500. Industrial Design Standards.

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

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

Response: New walkways are not included in this application. There are existing walkways to the main building entrances from the parking areas in accordance with the above standards. The above walkway standards do not apply to this application for the additional circulation area.

- (2) **Accessways.**
 - (a) **When Required.** Accessways are required to be constructed when a common wall development is adjacent to any of the following:

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- (3) **Drive-up Uses.** Drive-up uses must comply with the following:

...

Response: This application does not include common wall development or drive-up uses. Therefore, the above subsections do not apply.

- (4) **Safety and Security.** Industrial development must provide safety and security features as follows:
 - (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;
 - (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;
 - (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;

- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and
- (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.

Response: As illustrated on the Preliminary Plans, there is existing lighting at the northeast corner of the new vehicular circulation area and at the southwest corner of the site. Additional lighting will be added as needed in the new circulation area to facilitate surveillance of the site. New lighting will not shine into public rights-of-way or fish and wildlife habitat areas. The above standards are met as applicable.

- (5) Service, Delivery, and Screening. Industrial development must provide service, delivery, and screening features as follows:
 - (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;
 - (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and
 - (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

Response: The outdoor storage area of the site, including the planned vehicular circulation area, is screened from the public view with existing slatted chain link fencing and landscaping. Where slats are not consistently provided and the storage area is visible from the right of way, additional slats are planned to be added to the existing fencing. (See the Preliminary Site Plan in Exhibit A for details.) This application does not include new electrical or mechanical equipment or other site features that require screening as described above. The applicable standards are met.

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CHAPTER 73B LANDSCAPING STANDARDS

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

The following are the minimum areas required to be landscaped for each use and zone:

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed

Response: Due to the previous removal of parking and landscaping in the southwest corner of the site, this application includes an analysis of the overall site landscaping. As illustrated on the Preliminary Landscape Plan in Exhibit A, ±16.6 percent of the site is now planned to be landscaped with existing or new planting areas. This standard is met.

TDC 73B.060. Additional Minimum Landscaping Requirements for Industrial Uses.

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



- (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
 - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.
- (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:
 - (i) Pedestrian amenities such as landscaped plazas and arcades; and
 - (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.
- (c) Five-foot-wide landscaped area requirement does not apply to:
 - (i) Loading areas,
 - (ii) Bicycle parking areas,
 - (iii) Pedestrian egress/ingress locations, and
 - (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.
- (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.

Response: As illustrated on the Preliminary Landscape Plan in Exhibit A, all areas of the site that are not occupied by buildings or other site improvements are landscaped. The landscaping adjacent to the existing buildings was reviewed and approved through previous land use applications. The applicable requirements are met.

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TDC 73B.080. Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

(1) Required Landscape Areas	<ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot be used to meet this requirement. • A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
(2) Fences	<ul style="list-style-type: none"> • Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
(3) Tree Preservation	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction:

	<ul style="list-style-type: none"> ○ Must provide above and below ground protection for existing trees and plant materials identified to remain; ○ Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; ○ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; ○ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; ○ Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and ○ Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100 percent 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
(4) Grading	<ul style="list-style-type: none"> • After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.
(5) Irrigation	<ul style="list-style-type: none"> • Landscaped areas must be irrigated with an automatic underground or drip irrigation system • Exceptions: <ul style="list-style-type: none"> ○ Irrigation requirement does not apply to duplexes and townhouses.
(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> • Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

Response: Please see the Preliminary Landscape Plan in Exhibit A for details on how the above standards are met. As stated under the Landscaping Notes on the Preliminary Landscape Plan, irrigation will be provided to the new landscaped areas and existing vegetation will be replanted in existing landscape areas where vegetation has been removed or damaged. The above standards are met as applicable.

TDC 73B.090. Minimum Standards Trees and Plants.

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

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(1) Deciduous Shade Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; • Reach a mature height of 30 feet or more; • Cast moderate to dense shade in summer; • Live over 60 years; • Do well in urban environments, tolerant of pollution and heat, and resistant to drought; • Require little maintenance and mechanically strong; • Insect- and disease-resistant; • Require little pruning; and • Barren of fruit production.
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species
(3) Coniferous Trees	<ul style="list-style-type: none"> • Five feet in height above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> • One to five gallon size; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • Side of shrub with best foliage must be oriented to public view.
(5) Groundcovers	<ul style="list-style-type: none"> • Fully rooted; • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited.
(6) Lawns	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species.

Response: As illustrated on the Preliminary Landscape Plan in Exhibit A, the planned landscaping material meets the above applicable standards.

CHAPTER 73C PARKING STANDARDS

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

- (1) **Applicability.** Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:
 - (a) Establishment of a new structure or use;
 - (b) Change in use; or

(c) Change in use of an existing structure.

Response: This application does not establish a new structure or use and does not change the use of the site or existing structures. However, previously approved parking spaces have been removed. Therefore, the parking standards are addressed in this narrative to demonstrate that the existing parking is adequate for the use and meets the applicable City standards.

(2) **General Requirements.** Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.

(a) The following apply to property and/or use with respect to the provisions of TDC 73C.100:

- (i) The requirements apply to both the existing structure and use, and enlarging a structure or use;
- (ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;
- (iii) Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;
- (iv) Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;
- (v) 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;
- (vi) Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;
- (vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;
- (viii) Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;
- (ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;
- (x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones; and

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- (xi) Required vanpool and carpool parking must meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

Response: The above parking requirements are understood and are met as applicable.

TDC 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;
 - (a) Exception: Parking structures and underground parking where stall length and width requirements for a standard size stall must be reduced by .5 feet and vehicular access at the entrance if gated must be a minimum of 18 feet in width.
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;
- (3) Parking stalls must be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;
- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;
- (5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.
- (6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;
- (7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;
- (8) Groups of more than four parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;
- (9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;
- (10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;
- (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;
- (12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and

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- (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.

Response: The existing parking stalls and access aisles meet the above standards, as applicable. The new vehicular circulation area will be used for trucks to freely circulate through the area and marked parking areas are not needed. The new circulation area is designed to facilitate the flow of trucks through the area and will not impact the safety of pedestrian and vehicular traffic on the remaining areas of the site. Landscaping is provided in accordance with the requirements of TDC 73C.200 below.

TDC 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.

Response: Indoor bicycle parking was previously approved indoors at the site and changes are not included in this application. The above standards do not apply.

TDC 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, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC 73C.110.

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 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
(f) Industrial				
(i) Manufacturing	1.60 spaces per 1,000 square feet of gross floor area	None	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(ii) Warehousing	0.30 spaces per 1,000 square feet of gross floor area	Zone A: 0.4 spaces per 1,000 square feet of gross floor area Zone B: 0.5 spaces per 1,000 square feet of gross floor area	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(iii) Wholesale establishment	3.00 spaces per 1,000 square feet of gross floor area	None	2, or 0.50 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater

- (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

Response: The existing warehousing building equals ±34,526 square feet in gross area. The previous Architectural Review approval from 1997 stated that the minimum parking required for a warehousing use was 1.1 parking spaces per 1,000 square feet, which equaled 38 spaces. A total of 45 spaces were built. Since that time, some of the parking spaces have been removed. In addition, the current parking standards for industrial uses have changed, as shown in the minimum/maximum parking table above.

The following is a summary of the minimum parking required and the existing parking provided.

Table 1: Parking Analysis

	Minimum	Maximum	Minimum Required	Maximum Allowed	Parking Provided
General Office Use: ±3,000 square feet gross floor area	2.7 spaces per 1,000 square feet of gross floor area	4.1 spaces per 1,000 square feet of gross floor area	8.1 spaces	12.3 spaces	
Warehousing Use: ±31,526 square feet gross floor area	0.30 spaces per 1,000 square feet of gross floor area	0.50 spaces per 1,000 square feet of gross floor area	9.5 spaces	15.8 spaces	
Total			17.6 spaces	28.1 spaces	26 spaces

As illustrated on the above table, approximately 3,000 square feet of the building area is office use while the remaining building area is warehousing. The existing parking meets the applicable minimum and maximum parking standards. In addition, two vanpool or carpool spaces are required and two are provided. See the Preliminary Site Plan (in Exhibit A) for parking details. The applicable standards are met.

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TDC 73C.120. Off-Street Loading Facilities Minimum Requirements.

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

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
Industrial	Less than 5,000	0	0	0
	5,000—25,000	1	12 feet × 60 feet	14 feet
	25,000—60,000	2	12 feet × 60 feet	14 feet
	60,000 and over	3	12 feet × 60 feet	14 feet

- (2) Loading berths must not use the public right-of-way as part of the required off-street loading area.
- (3) Required loading areas must be screened from public view, public streets, and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.
- (4) Required loading facilities must be installed prior to final building inspection and must be permanently maintained as a condition of use.
- (5) The off-street loading facilities must in all cases be on the same lot or parcel as the structure they are intended to serve. In no case must the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.

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Response: Given the size of the industrial building, a minimum of two loading berths are required. As illustrated on the Preliminary Plans, more than 20 are provided. The loading areas are not being modified with this application and the screening was addressed in previous land use approvals. The applicable standards are met.

TDC 73C.130. Parking Lot Driveway and Walkway Minimum Requirements.

Parking lot driveways and walkways must comply with the following requirements:

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

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

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- (5) One-way Ingress or Egress. When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements. However, the hard surfaced pavement of one-way drives must not be less than 16 feet for multi-family residential, commercial, or industrial uses.
- (6) Maximum Driveway Widths and Other Requirements.
- (a) Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.
 - (b) Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.
 - (c) The provisions of subsection (b) do not apply to townhouses and duplexes, which are allowed to construct driveways within five feet of adjacent property lines.
 - (d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.
 - (e) Must comply with the distance requirements for access as provided in TDC 75.
 - (f) Must comply with vision clearance requirements in TDC 75.

Response: This application does not alter the approved driveways and walkways for the site and use. The above standards do not apply.

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TDC 73C.240. Industrial Parking Lot Landscaping Requirements.

Industrial uses must comply with the following landscaping requirements for parking lots in all zones.

- (1) General. Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.
- (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 eight feet as measured from the ground level.
 - (a) Exception: does not apply to parking structures and underground parking.
- (3) Perimeter. Minimum five 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;

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- (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;
 - (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;
 - (d) Native trees and shrubs are encouraged; and
 - (e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.
- (4) Landscape Island. Minimum 25 square feet per parking stall must be improved with landscape island areas and must comply with the following.
- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;
 - (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
 - (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;
 - (d) Landscape separation required for every eight continuous spaces in a row;
 - (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;
 - (f) Must be planted with groundcover or shrubs;
 - (g) Native plant materials are encouraged;
 - (h) Landscape island areas with trees must be a minimum of 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
 - (j) Exception: Landscape square footage requirements do not apply to parking structures and underground parking.
- (5) Landscaping Along Driveway Access. For lots with 12 or more parking spaces:
- (a) Landscape area at least five (5) feet in width on each side of an accessway;
 - (b) Landscape area must extend 30 feet back from the property line; and
 - (c) Exceptions: does not apply to parking structures and underground parking which must be determined through the Architectural Review process.

Response: While the new gravel circulation area is not a parking area, perimeter landscaping is provided. As illustrated on the Preliminary Landscape Plan (in Exhibit A), the perimeter landscaping standards are met, except in an area adjacent to the railroad spur easement. Because trees may conflict with the railroad use, the landscape area adjacent to the railroad spur easement does not include trees. The remaining standards above do not apply.

CHAPTER 73D WASTE AND RECYCLABLES

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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:

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

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.

Response:

This application will not alter the amount of waste and recycling generated on the site. There are two waste and recycling storage areas, as noted on the Preliminary Site Plan in Exhibit A. Given the size of the existing warehousing industrial building, a minimum of ±208 square feet of storage area are required. As illustrated on the Preliminary Site Plan, more than 300 square feet are provided. The applicable standards are met.

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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.

Response:

As illustrated on the Preliminary Site Plan in Exhibit A, recycling and solid waste are collocated in the storage areas, the containers are central and visible within paved circulation areas, and they are not located within a required front yard setback or yard adjacent to a street. The applicable standards are met.

(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.

Response:

The storage containers are located behind fencing with slats and screening landscaping at the front of the site. Haulers have access to the paved circulation area through gates that are over 10 feet wide. The containers clearly indicate the type of material being collected. The applicable standards are met.

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- (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.

Response: As illustrated on the Preliminary Site Plan in Exhibit A, the storage areas are easily accessible to users of the site as well as to hauler trucks and equipment. Currently the site has scheduled service once a week. Backing onto public streets is not necessary and on and off-site pedestrian and vehicular traffic is not impacted. The applicable standards are met.

CHAPTER 74 PUBLIC IMPROVEMENT REQUIREMENTS

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TDC 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.
- (2) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.

TDC 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.

TDC 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.

Response: Public improvements are not included in this application. The above private improvement standards can be met as applicable.

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TDC 74.440. Streets, Traffic Study Required.

- (1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:
 - (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development; and/or
 - (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.
- (2) The required traffic study must be completed prior to the approval of the development application.
- (3) The traffic study must include, at a minimum:
 - (a) An analysis of the existing situation, including the level of service on adjacent and impacted facilities.
 - (b) An analysis of any existing safety deficiencies.
 - (c) Proposed trip generation and distribution for the proposed development.
 - (d) Projected levels of service on adjacent and impacted facilities.
 - (e) Recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.
 - (f) The City Manager will determine which facilities are impacted and need to be included in the study.
 - (g) The study must be conducted by a registered engineer.
- (4) The applicant must implement all or a portion of the improvements called for in the traffic study as determined by the City Manager.

Response: The property's street frontages have previously been improved to meet City standards and changes to the site access points are not included in this application. The planned site improvements will improve circulation but will not generate additional trips. Therefore, this section does not apply.

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TDC 74.610. Water Service.

- (1) Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.
- (2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.

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- (3) As set forth in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

Response: The planned site improvements will not alter the existing water service on the site. These standards do not apply.

TDC 74.620. Sanitary Sewer Service.

- (1) Sanitary sewer lines must be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.
- (2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.

Response: The planned site improvements will not alter the existing sanitary sewer service on the site. These standards do not apply.

TDC 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.

Response: As illustrated on the Preliminary Grading and Stormwater Drainage Plan (in Exhibit A), runoff from the planned improvements will be captured, treated, and detained in a below ground stormwater facility before connecting to the existing storm drainage system on the site. See the Preliminary Stormwater Report (Exhibit G) for details. The standards are met as applicable.

TDC 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.

Response: Runoff from the planned improvements is designed to be directed away from the adjacent property lines. The Preliminary Grading and Stormwater Drainage Plan in Exhibit A includes the above applicable information. The applicable standards are met.

TDC 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:

- (1) On subdivision and partition development applications, prior to approval of the final plat, 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 satisfied and obtain a Stormwater Connection Permit from Clean Water Services; or
- (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.

Response: As illustrated on the Preliminary Grading and Stormwater Drainage Plan (in Exhibit A), runoff from the planned improvements will be captured, treated, and detained in a below ground stormwater facility before connecting to the existing storm drainage system on the site. See the Preliminary Stormwater Report (Exhibit G) for details. The Applicant will obtain the necessary City erosion control permit approvals prior to site improvements. The applicable standards are met.

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.
- (2) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.

Response: Other than the storm drainage system described above, new utility lines are not included with this application. The above standards do not apply.

TDC 74.670. Existing Structures.

- (1) Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.
- (2) The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.
- (3) The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.

Response: The existing site improvements including structures, utility lines, and street frontage improvements meeting the above standards. The standards are met.

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Tualatin Municipal Code

TITLE 3 UTILITIES AND WATER QUALITY

CHAPTER 3-05 SOIL EROSION, SURFACE WATER MANAGEMENT, WATER QUALITY FACILITIES, AND BUILDING AND SEWERS

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TMC 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.
- (3) No Erosion Control Permit from City is required for the following:
 - (a) For work of a minor nature provided all the following criteria are met:
 - (A) The development does not require a development permit or approval from the City;
 - (B) No development activity or disturbance of land surface occurs within 100 feet of a sensitive area defined in TMC 3-5.270;
 - (C) The slope of the site is less than 20 percent;
 - (D) The work on the site involves the disturbance of less than 500 square feet of land surface; and
 - (E) The excavation, fill or combination thereof involves less than 20 cubic yards of material.

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- (b) Permits and approvals of land division, interior improvements to an existing structure, and other activities for which there is no physical disturbance to the surface of the land.
 - (c) A permit shall not be required for activities within the City which constitute accepted farming practices as defined in ORS 215.203, provided any erosion does not cause sedimentation in waters of the Tualatin River basin.
 - (4) An exception from the permit requirement shall not relieve the property or its owner from the prohibition of TMC 3-5.040.

Response: The Applicant will obtain the necessary City erosion control permit approvals prior to site improvements. The standards are met as applicable.

TMC 3-5-060 Permit Process.

- (1) Applications for an Erosion Control Permit. Application for an Erosion Control Permit shall include an Erosion Control Plan which contains methods and interim facilities to be constructed or used concurrently and to be operated during construction to control erosion. The plan shall include either:
 - (a) A site specific plan outlining the protection techniques to control soil erosion and sediment transport from the site to less than one ton per acre per year as calculated using the Soil Conservation Service Universal Soil Loss Equation or other equivalent method approved by the City Engineer, or
 - (b) Techniques and methods contained and prescribed in the Soil Erosion Control Matrix and Methods, outlined in TMC 3-5.190 or the Erosion Control Plans - Technical Guidance Handbook, City of Portland and Unified Sewerage Agency, January, 1991.
- (2) Site Plan. A site specific plan, prepared by an Oregon registered professional engineer, shall be required when the site meets any of the following criteria:
 - (a) Greater than five acres;
 - (b) Greater than one acre and has slopes greater than 20 percent;
 - (c) Contains or is within 100 feet of a City-identified wetland or a waterway identified on FEMA floodplain maps; or
 - (d) Greater than one acre and contains highly erodible soils.

Response: The above erosion control permit requirements can be submitted as applicable. The applicable standards can be met.

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TMC 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.

Response: The project includes new stormwater management facilities to treat and detain stormwater to meet CWS and City of Tualatin standards. (See the Preliminary Stormwater Report in Exhibit G for details.) Runoff from the planned improvements will flow to a water quality catch basin with storm filters, as illustrated on the Preliminary Plans (Exhibit A), and will connect to a new underground detention system located in the southern area of the site. The treated and detained stormwater will then flow into the existing stormwater system on site, ultimately exiting into the public system through existing infrastructure. The standards are met as applicable.

TMC 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 ten 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: Two-, five-, ten-, 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.

If the increase in surface waters leaving a development will cause or contribute to damage from flooding, then the identified capacity deficiency shall be corrected prior to development or the development must construct onsite detention. To determine if the runoff from the development will cause or contribute to damage from flooding the City Engineer will consider the following factors:

- (1) The potential for or extent of flooding or other adverse impacts from the run-off of the development on downstream properties;
- (2) The potential for or extent of possibility of inverse condemnation claims;
- (3) Incremental impacts of runoff from the subject and other developments in the basin; and
- (4) Other factors that may be relevant to the particular situation.

The purpose of the City Engineer's review is to protect the City and its inhabitants from the impacts or damage caused by runoff from development while recognizing all appropriate limitations on exactions from the development.

Response: The Preliminary Stormwater Report, included as Exhibit G, includes a review of the existing downstream system as required by the code above and CWS requirements. Stormwater detention will be provided and therefore there will be no increase in

stormwater to the downstream system. Please see the Preliminary Stormwater Report for details. The standards are met as applicable.

TMC 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.

Response: As described in the Preliminary Stormwater Report (Exhibit G), a new underground detention facility is planned to detain stormwater to meet CWS standards. Although downstream deficiencies are not anticipated, detention is required to meet hydromodification standards and is therefore provided. Furthermore, the construction of this detention facility will match or reduce the predevelopment flows and will have no adverse impacts on the downstream system. The criteria are met as applicable.

...

TMC 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 two 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.

TMC 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.

- (2) For single family and duplex residential subdivisions, stormwater quantity detention facilities shall be sized for the impervious areas to be created by the subdivision, including all residences on individual lots at a rate of 2,640 square feet of impervious surface area per dwelling unit, plus all roads which are assessed a surface water management monthly fee under Unified Sewerage Agency rules. Such facilities shall be constructed as a part of the subdivision public improvements. Construction of a single family or duplex residence on an existing lot of record is not required to construct stormwater quantity detention facilities.
- (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.

Response: As described in the Preliminary Stormwater Report (Exhibit G), the new underground detention facility is proposed to detain stormwater to meet CWS hydromodification standards and City of Tualatin standards. The standards are met as applicable.

TMC 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.

TMC 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.

TMC 3-5-340 Facilities Required.

For new development, subject to the exemptions of TMC 3-5-310, no permit for construction, or land development, or plat or site plan shall be approved unless the conditions of the plat, plan or permit approval require permanent stormwater quality control facilities in accordance with this Title III.

TMC 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.

TMC 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.

Response: As described in the Preliminary Stormwater Report (Exhibit G), the new water quality catch basin with storm filters is planned to treat stormwater to meet CWS and City of Tualatin standards. The above standards are met as applicable.

...

TMC 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.

Response: As described in the Preliminary Stormwater Report (Exhibit G), the new stormwater improvements will meet the applicable CWS and City of Tualatin standards.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the Tualatin Development Code and Municipal Code. The evidence in the record is substantial and supports approval of the application.