



**ARCHITECTURAL REVIEW DECISION
 PRAXAIR SITE IMPROVEMENTS (AR 21-0006)**

June 29, 2021

Case #:	AR 21-0006
Project:	Praxair Site Improvements
Location:	10450 SW Tualatin Sherwood Road; Tax ID: 2S123CC 1500
Applicant:	Chris Goodell, AKS Engineering LLC
Owner:	Praxair Distribution, Inc.

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

I. INTRODUCTION

A. Applicable Criteria

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

- TMC 3: Utilities and Water Quality
- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 33.110 Tree Removal
- TDC 61: General Manufacturing (MG)
- TDC 63: Manufacturing Zones – Environmental Regulations
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 74: Public Improvement Requirements

B. Site Description

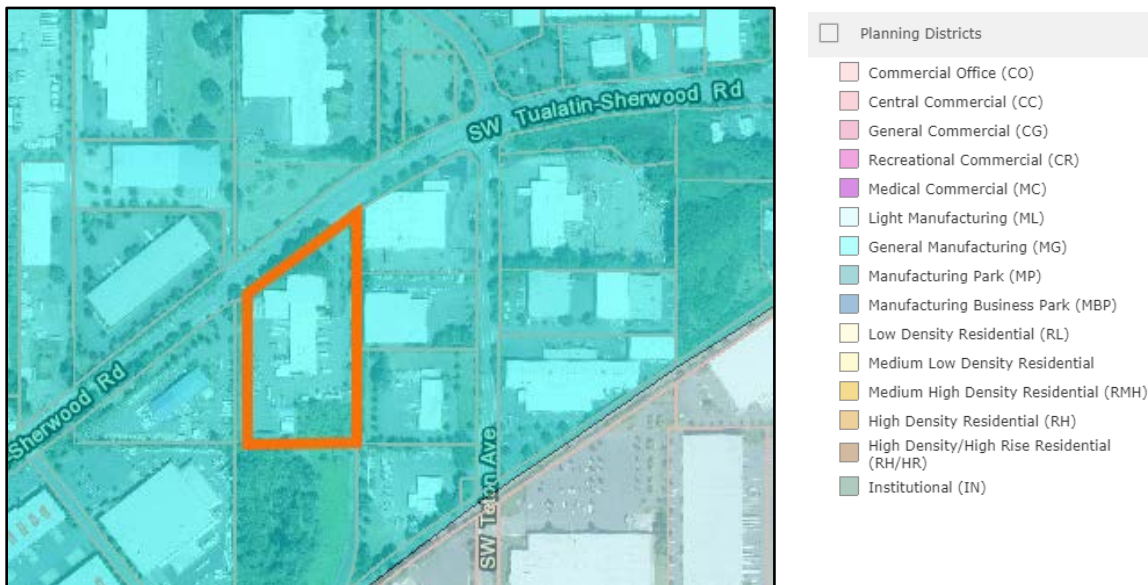


Figure 1 Aerial view of site with zoning (TualGIS)

The 4.43 acre site is comprised of one tax lot zoned General Manufacturing (MG). This property is located south of SW Tualatin-Sherwood Road and west of SW Teton Road. Public access is taken from SW Tualatin Sherwood Road along the eastern site frontage, as well as through a shared access easement west of the site.

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. The Praxair site is used for filling and chemical storage of gases.

C. Proposed Project

The applicant, AKS Engineering & Forestry, on behalf of Praxair Distribution is proposing to expand an outdoor equipment yard and vehicular circulation area for the chemical warehouse and distribution facility. The improvements are located in the southeast corner of the site and will not be visible from the

public entrance to the existing warehouse building or the right-of-way or. An existing shed, portions of a chain link fence, and four trees will be removed to allow the site expansion.

D. Previous Land Use Actions

- AR 97-13 – Air Liquide
- AR 95-16 – Halton Company (Shared Access)
- AR 93-43 – Air Liquide Office Trailer
- AR 90-43 – Alphagaz
- AR 88-11 – Air Liquide Engineering Building
- AR 82-09 – Air Liquide Corporation (Signage)
- ANN 68-07 – Annexation

E. Surrounding Uses

Surrounding uses indicate industrial areas that include:

- North: General Manufacturing (MG)
- SW Tualatin Sherwood Road
 - Vacant land / Anthro Technology furniture warehouse
- South: General Manufacturing (MG)
- Vacant land
- West: General Manufacturing (MG)
- Matheson Gas Storage Facility
- East: General Manufacturing (MG)
- Tualatin Auto Body Shop
 - Ele Mar Oregon- Stone countertop warehouse

F. Exhibit List

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

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 21-0006 is **approved** subject to the following conditions:

GENERAL:

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

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

- A2. Trees identified for preservation on the Erosion Control, Sheet C3 must be protected by chain link or other sturdy fencing placed around the tree at the drip line, pursuant to TDC 73B.080(3). Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

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

- A3. In accordance with TMC 3-5-050 and 3-5-060, TDC 74.640, PWCC 102.1.4, and CWS D&CS Chapters 2 and 6 the applicant must submit final erosion control plans that minimize the impact of stormwater from the development to adjacent properties
- A4. In accordance with TMC 3-5-200 through 3-5-430, TDC 74.630 and 74.650, PWCC 102.1.2, and CWS D&CS Chapter 4 the applicant must submit:
- a. Final stormwater plans and calculations certified by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) proving proposed systems:
 - i. Address runoff from all new and modified private impervious areas in accordance with CWS D&CS 4.08.1(d)(1).
 - ii. Final plans must include treatment, hydromodification, and detention equivalent for all required impervious areas with no fee-in-lieu approved to allow any excepted areas or volumes.
 - iii. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2.
 - iv. Design detention to pre-development rates for the 2-, 10-, and 25-year storm events in accordance with TMC 3-5-220(4), TMC 3-5-230, and CWS D&CS 4.08.2 and CWS D&CS 4.08.6 Table 4-6.
 - v. Design post-development runoff rates for hydromodification for the 2-, 5-, and 10-year storm events to have release matching the pre-development rates for ½ the 2-, 5-, and 10-year storm events, respectively, for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5 and CWS D&CS 4.08.6 Table 4-7.
 - vi. Submit conveyance calculations for the 25-year storm event with 100-year event overland flow to the public stormwater system in accordance with TDC 74.640 and CWS D&CS 5.05.2.
 - vii. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d):

1. Demonstrate compliance with the submitted CWS' Service Provider Letter, CWS File Number 20-002439, conditions to obtain a Stormwater Connection Permit Authorization Letter.
 2. Comply with all requirements stated within the CWS' Service Provider Letter and the CWS Memo dated May 19, 2021.
- viii. Submit technical documents from the manufacturer of the proposed proprietary stormwater system sized in accordance with the manufacturer's recommendations using the minimum treatment flow as the water quality flow and quantity control for conveyance capacity or hydromodification in accordance with CWS D&CS 4.07.1(1)(b)(2&3), 4.07.8(b)(2), 4.07.9(a)&(b)(2) 4.08.1. Include:
1. Stormtech Water Quantity Sizing Calculations for the Stormtech chamber system
 2. Contech Contract filter Drawing
 3. A long-term maintenance plan identifying maintenance techniques, schedule, and responsible parties
- b. Submit financial assurance for construction performance in accordance with TMC 3-390(c), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1.
- c. A copy of a recorded private stormwater maintenance agreement in accordance with TMC 3-5-390 (4). This agreement must:
- i. Assure the owner as responsible for maintenance of the private stormwater systems.
 - ii. Include all facilities on the lot.
 - iii. Include all conveyance, detention, hydromodification, and treatment.

PRIOR TO BUILDING PERMIT ISSUANCE:

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

- A5. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. A minimum five-foot-wide walkway provided between the main building and the bunker/canopy buildings, pursuant to TDC 73A.500(1). Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas;
 - b. A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock, or stone (including gravel), pursuant to TDC 73B.080(1); and
 - c. Onsite vehicle circulation areas be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete and maintained for all-weather use, pursuant to TDC 73C.020. Curbing must be provided to prevent vehicle encroachment onto landscaped areas.

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

- A6. The applicant must obtain Erosion Control and Water Quality Permits from the City of Tualatin in accordance with TDC 74.120, CWS D&C 2.03, and TDC 70.110.

PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLETENESS:

The applicant must contact the Planning Division (Erin Engman, 503.691.3024 or eengman@tualatin.gov) for a site inspection at least 72 hours prior to requesting a certificate of completeness.

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

- A7. Outdoor storage must be screened with a sight obscuring fence or dense evergreen landscaping, pursuant to TDC 73A.500(5). Slats must be added to the existing fencing where the storage area is visible from the right of way.
- A8. All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.060(1)(a).
- A9. Areas impacted by grading must be revegetated pursuant to TDC 73B.080(4).
- A10. The applicant must construct proposed all site improvements including landscaping as illustrated on the approved Final Site Plan Set.

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

- A11. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with TDC 74.120.
- A12. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees or deposits for public and water quality improvements in accordance with PWCC 107.9.1.

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

- A13. The proposed development must comply with the Environmental Regulations of TDC 63.
- A14. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A15. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.
- A16. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 75-1.

III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

Chapter 32: Procedures

[...]

Section 32.010 – Purpose and Applicability.

[...]

(2) Applicability of Review Procedures. All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City’s land use and development applications and corresponding review procedure(s).

[...]

(b) Type II Procedure (Administrative/Staff Review with Notice). A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are “limited land use decisions” as defined in ORS 197.015 are so noted in Table 32-1.

[...]

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

Table 32-1 – Applications Types and Review Procedures

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

Finding:

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

[...]

Section 32.030 – Time to Process Applications.

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

[...]

Finding:

The application was deemed complete on May 4, 2021. The 120th day will be September 1, 2021. The final action will take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.

Section 32.110 – Pre-Application Conference.

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

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

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

(4) Application Requirements for Pre-Application Conference.

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

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

(i) A completed application form;

(ii) Payment of the application fee;

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

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

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

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

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

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

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

Finding:

A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on October 7, 2020 and submitted their application six months later on April 7, 2021. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

(1) Purpose. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

(3) Timing. A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

(4) Time and Location. Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:

(a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.

(b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

(5) Notice Requirements.

(a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:

(i) All property owners within 1,000 feet measured from the boundaries of the subject property;

(ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and

(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

(c) The City will provide the applicant with labels for mailing for a fee.

(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

(6) Neighborhood/Developer Sign Posting Requirements. The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

(7) Neighborhood/Developer Meeting Requirements. The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Finding:

The applicant has provided evidence that a virtual Neighborhood/Developer meeting was held on February 24, 2021 to accommodate the social distancing efforts in response to COVID-19 and declared State of Emergency (Resolution No. 5488-20). The applicant has provided documentation of sign posting and notification in compliance with this section. There was no public attendance at the meeting. These standards are met.

Section 32.130 – Initiation of Applications.

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

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

[...]

Finding:

The applicant has provided a title report within Exhibit A4 showing Praxair Distribution Inc. to be the current owner of the subject site. The application has been signed by an agent of Praxair Distribution Inc. Corporate Real Estate. This standard is met.

Section 32.140 – Application Submittal.

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

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

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

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

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

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

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

Finding:

The applicant submitted an application for AR 21-0006 on April 7, 2021. The application was deemed complete on May 4, 2021. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

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

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

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

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

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

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

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

Finding:

The applicant provided certification within Exhibit A4 that signs in conformance with this section were placed on site in accordance with this section. These standards are met.

Section 32.160 – Completeness Review.

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

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

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

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

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

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

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

[...]

Finding:

The applicant submitted an application for AR 21-0006 on April 7, 2021. The application was then deemed complete on May 4, 2021. These standards are met.

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

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

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

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

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

(a) Recipients:

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

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

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

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

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

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

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

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

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

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

Finding:

After submittal and completeness review as required by this section, notice for the Type II application for AR 21-0006 was mailed by city staff on May 5, 2021 and contained the information required by this section. No public comment have been received. These standards are met.

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

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

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

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

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

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

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

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

Finding:

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

Chapter 33: Applications and Approval Criteria

[...]

Section 33.020 Architectural Review

[...]

(5) Approval Criteria.

(b) General Development.

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

Finding:

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

[...]

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

(10) Extension of Permit Expiration.

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

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

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

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

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

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

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

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

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

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

(iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.

(f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.

(g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

Finding:

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

Section 33.110 Tree Removal Permit/Review

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

[...]

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

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

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

Finding:

The Existing Conditions sheet included as Exhibit A2 identifies 4 trees proposed for removal on the development site. The trees are not located in the identified NRPO, WPA, or WPD, are not heritage trees, and were not previously required to be retained or planted with an approved Architectural Review decision. The applicant has elected to use this general exemption to remove four trees located southeast of the existing building to construct the vehicular circulation area.

Chapter 61: General Manufacturing (MG) Zone

[...]

Section 61.200 Use Categories

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

[...]

Table 61-1: Use Categories in the MG Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INDUSTRIAL USE CATEGORIES		
Warehouse and Freight Movement	P/C	Conditional use required for warehousing of building materials and supplies. All other uses permitted outright.

[...]

Finding:

The project area is within the General Manufacturing (MG) Planning District. The existing chemical warehouse and distribution use, as well as accessory office use are permitted within the MG Zone. This standard is met.

Section 61.300 – Development Standards.

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

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

	Standard	Minimum Proposed
MINIMUM SETBACKS		
Front	30	No change proposed

Side*	0-50 feet	No change proposed
Rear*	0-50 feet	No change proposed
Parking and Circulation Areas <i>No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>	5 feet	5 feet – Rear yard (South) 18.5 feet – Side yard (East)
Fence	10 feet	From public right-of-way.
* Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.		

[...]

Finding:

The existing ±4.43-acre lot meets the lot size and dimensional standards. The planned improvements are located on the southeast side of the site near the rear and side lots lines, and are subject to the 5-foot minimum setback for vehicular circulation areas. There is a railroad spur track along the eastern property line that includes a 25 foot wide easement, as shown on the Existing Conditions Sheet, submitted as part of Exhibit A2. However no improvements are proposed within the railroad easement, as shown on the Site Plan. New fencing is proposed around the improvements, but will not be located adjacent to the public right-of-way. This application does not include new structures. These standards are met.

Section 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.

Finding:

The site has existing outdoor storage; however the proposal does not include an expansion of outdoor uses. With Condition of Approval A7 requiring screening for the outdoor storage area, this standard is met.

[...]

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

[...]

Section 63.020 – Applicability.

The regulations of this Chapter apply to:

- (1) All industrial uses and utilities, regardless of the Planning District in which they are located, and**
- (2) All Manufacturing Planning Districts, regardless of the use category**

[...]

Finding:

The site is located in the General Manufacturing District and used for the storage and transfer of gases, which are hazardous substances. Therefore the noise, vibration, air quality, odor, heat and glare, materials storage, waste disposal, and dangerous substances regulations of this Chapter apply, including compliance with the Oregon Department of Environmental Quality standards for chemical storage and disposal. With Condition of Approval A13, these standards are met.

Chapter 73A: Site Design

Section 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.

Finding:

There are existing walkways connecting the main building entrances to the parking areas and public sidewalk as shown on Exhibit A2 (Site Plan C4); however no walkways are existing or proposed to the bunker or canopy located on the southern end of the property. With Condition of Approval A5.a., these standards are met.

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

[...]

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

Finding:

No modifications are proposed to the existing building. As illustrated on Exhibit A2 (Site Plan C4), there is existing lighting at the northeast corner of the new vehicular circulation area and at the southwest corner of the site. The applicant narrative, submitted as Exhibit A1, states that additional lighting will be added, as needed, in the new circulation area; however photometric plans have not been submitted as part of the application. As the new circulation area is located on the southern portion of the property, behind the existing building, any new lighting will not shine into public rights-of-way. Additionally there are no mapped fish or wildlife habitats on site. These standards are met.

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

[...]

Finding:

No modifications are proposed to the existing building identification. This standard does not apply.

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

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

[...]

Finding:

No above or on-grade electrical or mechanical equipment is proposed as part of this application. No outdoor storage is included with this proposal. 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 Exhibit A2, Site Plan C4). With Condition of Approval A7, this standard is met.

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

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

Finding:

The subject site abuts SW Tualatin-Sherwood, which is designated an existing fixed-route bus transit service and a partial fixed-route shuttle service street on Comprehensive Plan Map 8-5. Additionally Trimet Stop ID 13844 is located approximately 568 feet from the site, near SW Tualatin-Sherwood Road and Teton Avenue. As shown in Exhibit A2 (Site Plan), a sidewalk connection exists from the main building entrance to SW Tualatin-Sherwood Road. This standard is met.

Chapter 73B: Landscaping Standards

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

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

[...]

Finding:

Approximately 32,618 square feet (16.9%) of the entire 192,971 square foot site will be landscaped, as shown on the Landscape Plan, Sheet L1 submitted in Exhibit A2. 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.**
[...]
- (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:**
[...]

Finding:

As shown on the Landscape Plan in Exhibit A2, proposed improvements in support of the vehicular circulation area include gravel and buffer landscaping. Building perimeter landscaping is existing and was reviewed and approved through previous land use applications. Gravel areas for vehicular circulation are not supported by code, as described in subsequent findings. With Condition of Approval A8, these standards are met.

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

The following are minimum standards for landscaping for all zones.

<p>(1) Required Landscape Areas</p>	<ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot be used to meet this requirement. • A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
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Finding:

As shown on the Landscape Plan included in Exhibit A2 substantial gravel areas are proposed. With Condition of Approval A5.b., these standards are met.

<p>(2) Fences</p>	<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.
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Finding:

The subject site is not located in a habitat area; however fencing is included with the proposal and may serve to guide animals to natural land south of the property. This standard is met.

<p>(3) Tree Preservation</p>	<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: • 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.
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	<ul style="list-style-type: none"> • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
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Finding:

Tree protection measures are identified on the Erosion Control, Sheet C3 in Exhibit A2. With Condition of Approval A2, these standards are met.

(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.
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Finding:

The proposal includes grading, as shown in Exhibit A2. Grading and erosion control is further addressed in Chapter 74. With Condition of Approval A9, these standards are met.

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

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

(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.
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Finding:

The applicant proposes to landscape all areas not otherwise proposed for development within the development area. These standards are met.

Section 73B.090 – Minimum Standards Trees and Plants.

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

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

Finding:

Per the plant schedule and details provided in Exhibit A2, the proposed Trident Maple and Emerald Green Arborvitae meet the standards for deciduous trees and shrubs. These standards are met.

Chapter 73C: Parking Standards

Section 73C.020 – Parking Lot Design Standards.

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

- (1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;**
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;**
- (3) Parking stalls must be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking**

stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;

(4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;

(5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.

[...]

Finding:

As shown on the Site Plan (Exhibit A2), the expanded vehicular circulation area is proposed to be constructed of gravel, however the Tualatin Development Code requires that onsite vehicle circulation areas be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete. Additional parking stalls are not included as part of the proposal. With Condition of Approval A5.c., these standards are met.

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

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

Finding:

As shown on Site Plan, the design of the vehicular circulation area will facilitate the flow of truck traffic. On-site drive aisles that provide access to the proposed vehicular circulation area are located east of the existing CO2 tank (26 feet in width) and south of the existing canopy (28 feet in width). These standards are met.

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

Finding:

As shown on the Site Plan, proposed lighting will not shine into the street right-of-way. The site is not adjacent to a residential zone or natural area. This standard is met.

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

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

Finding:

Parking lot landscaping is discussed below in TDC 73C.200. The site is not adjacent to a residential zone. These standards are met.

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

(1) Requirements. Bicycle parking facilities must include:

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

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

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

Finding:

Four indoor bike parking stalls are provided inside of the existing building, as approved through AR 97-13. As there is no change or expansion of use included under this application, additional bike parking is not required. These standards are met.

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

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

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

Finding:

There is no change or expansion of use included under this application; however AR 97-13 required a minimum of 38 parking stalls and 45 parking stalls were provided. Through time, parking stalls were removed from the site without application or review. Currently there are 26 stalls on site. The applicant narrative provided as Exhibit A1, states that approximately 3,000 square feet of the building area is office use while the remaining building area of 31,526 square feet is warehousing.

Table 1: Minimum and Proposed Parking by Use

Use	Square Footage	Vehicle Parking Min.	Existing
Office	3,000	8	
Warehousing	31,526	10	
Total	34,526	18	26

For the mix of uses, minimum parking requirements are exceeded. With Condition of Approval A15, this standard is met.

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

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

[...]

Finding:

Of the required 18 parking spaces, 2 must be designated carpool/vanpool spaces. As shown on the Site Plan (Exhibit A2), this standard is met.

Section 73C.120 – Off-Street Loading Facilities Minimum Requirements.

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

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
[...]				
Industrial	25,000—60,000	2	12 feet x 60 feet	14 feet

[...]

Finding:

There is no change or expansion of use included under this application. Existing loading areas were reviewed under AR 97-13 and are not being modified with this application. These standards are met.

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

[...]

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

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

Finding:

Public access is taken from SW Tualatin Sherwood Road along the eastern site frontage, as well as through a shared access easement west of the site. No modifications to the existing driveways are proposed under this application. Under AR 97-13, this standard is met.

PARKING LOT LANDSCAPING

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

(1) Purpose. The goals of the off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize

circulation patterns, reduce the total number of spaces, reduce the impervious surface area and stormwater runoff, and enhance the visual environment. The design of the off-street parking area must be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics.

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

Finding:

The proposal includes an expansion of the vehicular circulation area. This Section applies.

Section 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

Finding:

As shown on the Landscape Plan (Exhibit A2), landscaping is proposed in areas not used for vehicles and pedestrian movement. This standard is met.

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

Finding:

As shown on the Landscape Plan (Exhibit A2), the proposed plantings will not impact visual clearance at the end of drive aisles and drive entrances. With Condition of Approval A16 related to maintenance, this standard is met.

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

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

[...]

Finding:

As shown on the Landscape Plan (Exhibit A2), at least five feet of landscape buffer is proposed along the expanded circulation areas. Deciduous trees are proposed along the southern perimeter of the expanded circulation area, but not along the eastern perimeter adjacent to the railroad spur easement to avoid conflicts with the easement. Shrubs are proposed along both perimeters. These standards are met.

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

[...]

Finding:

The proposal does not include additional parking stalls. Existing stalls were reviewed under AR 97-13. These standards do not apply.

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

Finding:

The proposal does not include modifications to the driveway access. Landscaping along the driveway access was reviewed under AR 97-13. These standards do not apply.

Chapter 73D: Waste and Recyclables Management Standards

TDC 73D.010. - Applicability and Objectives.

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

(c) Industrial developments; and [...]

Finding:

The proposal does not include new uses or an expansion of industrial development. The existing waste and recyclables management program was reviewed under AR 97-13. These standards do not apply.

Chapter 74: Public Improvement Requirements

TMC Title 3: Utilities and Water Quality

Finding:

The applicant's plans show connection to the public utilities, in compliance with TMC Title 03. These standards are met.

TMC Chapter 03-05 – Erosion Control, Surface Water Management, Water Quality Facilities, and Building and Sewers.

3-5-050 Erosion Control Permits.

(1) Except as noted in subsection (3) of this section, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.

(2) No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the City has issued an Erosion Control Permit covering such work, or the City has determined that no such permit is required. No public agency or body shall undertake any public works project without first obtaining from the City an Erosion Control Permit covering such work, or receiving a determination from the City that none is required.

Section 74.640 Grading.

(1) Development sites must be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.

(2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.

Finding:

The submitted Preliminary Grading and Stormwater Drainage Runoff plan shows planned improvements designed to direct stormwater runoff away from adjacent properties.

Adjacent parcels are shown to not be negatively impacted from stormwater from this development. Prior to issuance of permits for construction activities, the applicant must submit final plans:

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

Sheet C3 indicates disturbance of approximately 0.6 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality must be provided with the construction permit submittal documents. The applicant must obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet.

These standards are met.

TMC Additional Surface Water Management Standards.

3-5-200 Downstream Protection Requirement.

Each new development is responsible for mitigating the impacts of that development upon the public storm water quantity system. The development may satisfy this requirement through the use of any of the following techniques, subject to the limitations and requirements in TMC 3-5-210:

- (1) Construction of permanent on-site stormwater quantity detention facilities designed in accordance with this title;**
- (2) Enlargement of the downstream conveyance system in accordance with this title and the Public Works Construction Code;**
- (3) The payment of a Storm and Surface Water Management System Development Charge, which includes a water quantity component designated to meet these requirements.**

3-5-210 Review of Downstream System.

For new development other than the construction of a single family house or duplex, plans shall document review by the design engineer of the downstream capacity of any existing storm drainage facilities impacted by the proposed development. That review shall extend downstream to a point where the impacts to the water surface elevation from the development will be insignificant, or to a point where the conveyance system has adequate capacity, as determined by the City Engineer. To determine the point at which the downstream impacts are insignificant or the drainage system has adequate capacity, the design engineer shall submit an analysis using the following guidelines:

- (1) evaluate the downstream drainage system for at least ¼ mile;**
- (2) evaluate the downstream drainage system to a point at which the runoff from the development in a build out condition is less than 10 percent of the total runoff of the basin in its current development status. Developments in the basin that have been approved may be considered in place and their conditions of approval to exist if the work has started on those projects;**
- (3) evaluate the downstream drainage system throughout the following range of storms: 2, 5, 10, 25 year;**
- (4) The City Engineer may modify items 1, 2, 3 to require additional information to determine the impacts of the development or to delete the provision of unnecessary information.**

3-5-220 Criteria for Requiring On-Site Detention to be Constructed.

The City shall determine whether the onsite facility shall be constructed. If the onsite facility is constructed, the development shall be eligible for a credit against Storm and Surface Water System Development Charges, as provided in City ordinance.

On-site facilities shall be constructed when any of the following conditions exist:

- (1) There is an identified downstream deficiency, as defined in TMC 3-5-210, and detention rather than conveyance system enlargement is determined to be the more effective solution.
- (2) There is an identified regional detention site within the boundary of the development.
- (3) There is a site within the boundary of the development which would qualify as a regional detention site under criteria or capital plan adopted by the Unified Sewerage Agency.
- (4) The site is located in the Hedges Creek Subbasin as identified in the Tualatin Drainage Plan and surface water runoff from the site flows directly or indirectly into the Wetland Protected Area (WPA) as defined in TDC 71.020. Properties located within the Wetland Protection District as described in TDC 71.010, or within the portion of the subbasin east of SW Tualatin Road are excepted from the on-site detention facility requirement.

3-5-230 On-Site Detention Design Criteria.

- (1) Unless designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity onsite detention facilities shall be designed to capture run-off so the run-off rates from the site after development do not exceed predevelopment conditions, based upon a 25-year, 24-hour return storm.
- (2) When designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed predevelopment rates for the 2 through 100 year storms, as required by the determined downstream deficiency.
- (3) Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or subbasin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.

3-5-240 On-Site Detention Design Method.

- (1) The procedure for determining the detention quantities is set forth in Section 4.4 Retention/Detention Facility Analysis and Design, King County, Washington, Surface Water Design Manual, January, 1990, except subchapters 4.4.5 Tanks, 4.4.6 Vaults and Figure 4.4.4G Permanent Surface Water Control Pond Sign. This reference shall be used for procedure only. The design criteria shall be as noted herein. Engineers desiring to utilize a procedure other than that set forth herein shall obtain City approval prior to submitting calculations utilizing the proposed procedure.
- (3) All developments other than single family and duplex, whether residential, multi-family, commercial, industrial, or other uses, the sizing of stormwater quantity detention facilities shall be based on the impervious area to be created by the development, including structures and all roads and impervious areas which are assessed a surface water management monthly fee under Unified Sewerage Agency rules. Impervious surfaces shall be determined based upon building permits, construction plans, site visits or other appropriate methods deemed reliable by City.

3-5-280 Placement of Water Quality Facilities.

Title III specifies that certain properties shall install water quality facilities for the purpose of removing phosphorous. No such water quality facilities shall be constructed within the defined area of existing or created wetlands unless a mitigation action, approved by the City, is constructed to replace the area used for the water quality facility.

3-5-330 Permit Required.

Except as provided in TMC 3-5-310, no person shall cause any change to improved or unimproved real property that will, or is likely to, increase the rate or quantity of run-off or pollution from the site without first obtaining a permit from the City and following the conditions of the permit.

3-5-350 Phosphorous Removal Standard.

The stormwater quality control facilities shall be designed to remove 65 percent of the phosphorous from the runoff from 100 percent of the newly constructed impervious surfaces. Impervious surfaces shall include pavement, buildings, public and private roadways, and all other surfaces with similar runoff characteristics.

3-5-360 Design Storm.

The stormwater quality control facilities shall be designed to meet the removal efficiency of TMC 3-5-350 for a mean summertime storm event totaling 0.36 inches of precipitation falling in four hours with an average return period of 96 hours.

3-5-390 Facility Permit Approval.

A stormwater quality control facility permit shall be approved only if the following are met:

- (1) The plat, site plan, or permit application includes plans and a certification prepared by an Oregon registered, professional engineer that the proposed stormwater quality control facilities have been designed in accordance with criteria expected to achieve removal efficiencies for total phosphorous required by this Title III. Clean Water Services Design and Construction Standards shall be used in preparing the plan for the water quality facility; and
- (2) The plat, site plan, or permit application shall be consistent with the areas used to determine the removal required in TMC 3-5-350; and
- (3) A financial assurance, or equivalent security acceptable to the City, is provided by the applicant which assures that the stormwater quality control facilities are constructed according to the plans established in the plat, site plan, or permit approval. The financial assurance may be combined with our financial assurance requirements imposed by the City; and
- (4) A stormwater facility agreement identifies who will be responsible for assuring the long term compliance with the operation and maintenance plan.

Section 74.630 Storm Drainage System.

- (1) Storm drainage lines must be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.
- (2) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City's Storm and Surface Water Regulations.
- (3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the Tualatin Drainage Plan in TDC Chapter 14.

Section 74.650 Water Quality, Storm Water Detention and Erosion Control.

The applicant must comply with the water quality, storm water detention and erosion control requirements in the Surface Water Management Ordinance. If required:

- (2) On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.
- (3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant must submit an

erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

Finding:

The entire site is within and drains into the Hedges Creek Subbasin. An existing connection to the public stormwater system in SW Tualatin-Sherwood Road conveys stormwater until eventually releasing to Hedges Creek.

The submitted Preliminary Grading and Stormwater Drainage Plan and Stormwater Report indicates runoff from the planned improvements will flow to a water quality catch basin with storm filters 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 Preliminary Stormwater Report includes a review of the existing downstream system as required by TMC, PWCC, and CWS' D&CS. This report states on page 3 that "Any area that will not be able to be treated due to existing site topography will be treated by paying a fee-in-lieu." Instead of allowing a fee-in-lieu, Tualatin requires private development to construct facilities meeting complete code requirements, but facilities may be located elsewhere on site when topography restricts practical functionality. The equivalent area and volume may be approved to treat alternate existing impervious areas when the new areas are proven to be otherwise unconstructable. Final plans must include treatment, hydromodification, and detention equivalent for all required impervious areas with no fee-in-lieu approved to allow any excepted areas or volumes.

This site is within Hedges Creek Subbasin as shown Tualatin Development Code Map 14-1: Recommended Capital Improvements Hedges Creek Subbasin. Tualatin Municipal Code (TMC) section 3-5-220(4) states that sites within Hedges Creek require on-site detention facilities. TMC 3-5-230(1) states that sites that are required to have such a detention facility to restrict run-off rates from the site after development do not exceed predevelopment conditions, based upon a 25-year, 24-hour return storm.

Stormwater detention to pre-development must be provided up to the 25-year storm event and hydromodification up to the 10-year storm event, therefore, there will be no increase in stormwater to the downstream system for the required storm events. A 100-year storm event would flow to SW Tualatin-Sherwood Road.

The proposed treatment, hydromodification, and detention system identified on plan sheet C5 indicates a Contech stormfilter catch basin with two (2) filters plus Stormtech SC-740 chamber system with isolator row and inspection port. Contech provides developers confirmation of appropriate stormwater system sizing. Submit technical documents from the manufacturer of the proposed proprietary stormwater system sized in accordance with the manufacturer's recommendations using the minimum treatment flow as the water quality flow and quantity control for conveyance capacity or hydromodification. Include Stormtech Water Quantity Sizing Calculations for the Stormtech chamber system, Contech contract filter drawing, and a long-term maintenance plan identifying maintenance techniques, schedule, and responsible parties.

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

The applicant's plans show no water quality facilities in existing or created wetlands. There are no undeveloped parcels adjacent to the site that would be served by extension of the public stormwater system.

The applicant has submitted a Clean Water Services Service Provider Letter CWS File Number 20-002439 indicating that Sensitive Areas do not exist on the site. A CWS Memorandum was received dated May 19, 2021 for development on this site. After land use decision issuance, final plans are provided by the City to Clean Water Services for final review. Upon approval by Clean Water Services they will provide the City authorization to issue construction permits. The applicant must submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).

These standards are met.

Section 74.120 Public Improvements.

(1) Except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. Work must not be undertaken on any public improvement until after the construction plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.

Section 74.130 Private Improvements.

All private improvements must be installed at the expense of the applicant. The property owner must retain maintenance responsibilities over all private improvements.

Section 74.140 Construction Timing.

(1) All the public improvements required under this chapter must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy; or, for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

(2) All private improvements required under this Chapter must be approved by the City prior to the issuance of a Certificate of Occupancy; or for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

Finding:

Private improvements must be installed and maintained at the expense of the applicant. All public and private improvements proposed and modified by conditions of approval must be completed prior to receiving a Certificate of Completion. These standards are met.

Section 74.440 Streets, Traffic Study Required.

(1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:

(a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or [...]

(2) The required traffic study must be completed prior to the approval of the development application.

(3) The traffic study must include, at a minimum:

- (a) an analysis of the existing situation, including the level of service on adjacent and impacted facilities.
- (b) an analysis of any existing safety deficiencies.
- (c) proposed trip generation and distribution for the proposed development.
- (d) projected levels of service on adjacent and impacted facilities.
- (e) recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.
- (f) The City Manager will determine which facilities are impacted and need to be included in the study.
- (g) The study must be conducted by a registered engineer.

Findings:

The property's street frontage has been previously improved to meet City and County standards. A Washington County capital project will acquire appropriate dedications and easements to allow widening of SW Tualatin-Sherwood Road to five lanes adjacent to this site and its shared access.

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. The City traffic engineer confirmed that a more detailed traffic analysis is not required. No frontage dedication or improvements are proposed or required.

These standards are met.

IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days unless a written appeal is received by the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 before 5:00 p.m., July 13, 2021. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

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

Submitted by:



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Associate Planner