



**ANALYSIS AND FINDINGS**  
**for Tualatin Logistics Park**  
 March 9, 2022

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|------------|---|
| Case #:    | AR 21-0011                                  |
| Project:   | Tualatin Logistics Park                     |
| Location:  | 20400 SW Cipole Road; Tax Lot: 2S128A000100 |
| Applicant: | Amy Tallent, VLMK Engineering + Design      |
| Owner:     | Fore-Sight Balboa, LLC                      |

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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.*



### C. Proposed Project

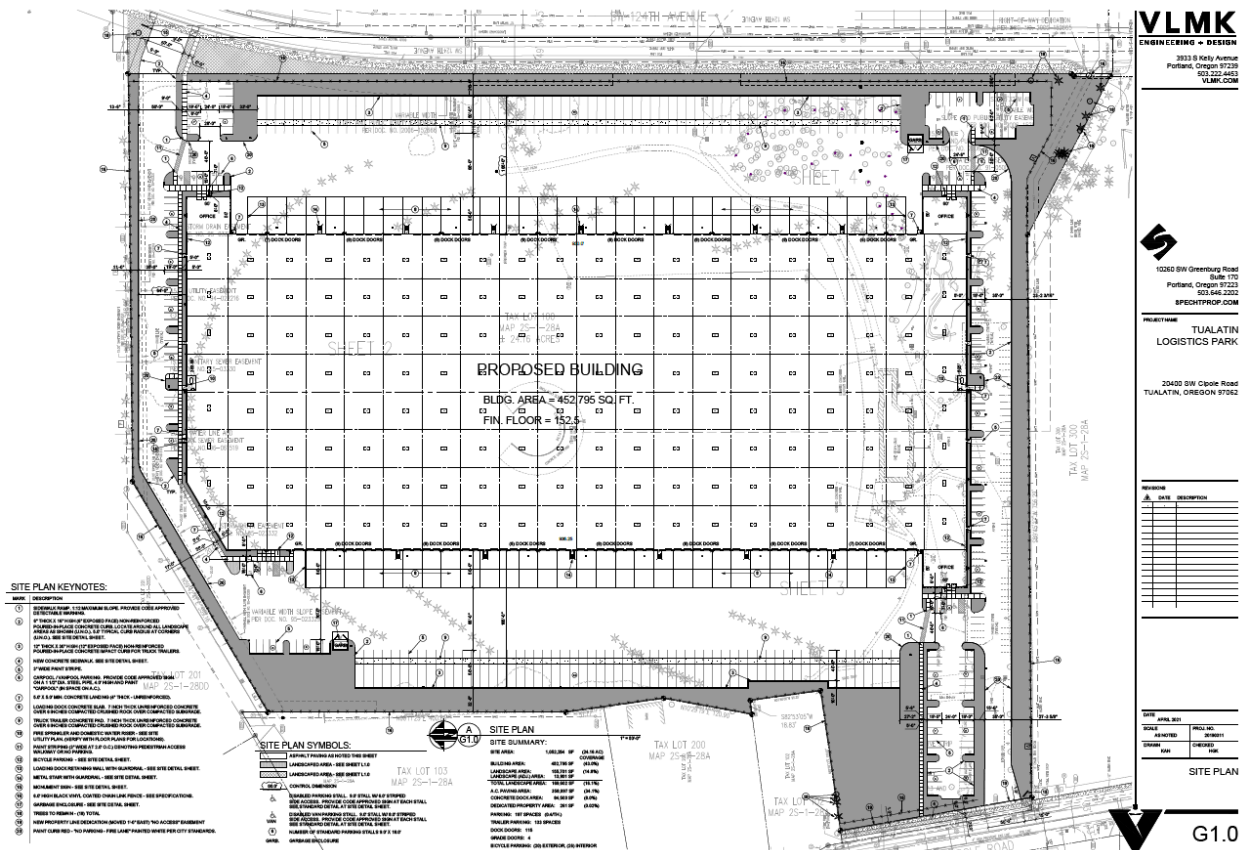
As described in the applicant’s narrative (Exhibit A1), Specht Development proposes to construct an approximately 452,800 square foot (10.4 acre) industrial building shell intended for warehouse/distribution space to accommodate up to four tenants.

As shown on the applicant’s architectural elevations (Exhibit A2), the proposed concrete tilt-up building would stand approximately 42.17-feet in height. Design elements include horizontal color blocking in shades of grey with glazed storefront entries on the corners. Loading docks line the eastern elevation that faces 124<sup>th</sup> Avenue, as well as the western elevation for a total of four loading berths and 115 loading docks.

The surrounding vicinity is dominated by concrete tilt-up structures of varying heights. There aren’t many examples of similarly sized and massed buildings with a comparable volume of loading docks in Tualatin. As comparison, the building located directly south of the project is approximately 366,288 square feet and includes six loading berths and 28 loading docks.

The remainder of the site that is not dedicated to building and loading, is allocated to vehicle maneuvering and parking. The site plan proposes vehicle access off the northeast corner at SW 124<sup>th</sup> street and southwest corner at SW Cipole Road with a total of 197 parking stalls.

Figure 2: Site Plan (overview)



**D. Previous Land Use Actions**

- ANN 82-08 Property Annexed into Tualatin
- CUP 93-08 Conditional Use Permit for Driving Range
- AR 94-12 Tualatin Island Greens

**E. Surrounding Uses**

Surrounding areas indicate industrial uses. Adjacent land uses include:

North: General Manufacturing (MG)

- Nortek HVAC Manufacturer
- SW Herman Road

East: General Manufacturing (MG)

- Vacant Land
- SW 124<sup>th</sup> Avenue

West: General Manufacturing (MG)

- Sherwood School District Fleet Maintenance Facility
- Residential Property (Washington County)
- SW Cipole Road

South: General Manufacturing (MG)

- Columbia Corrugated Box Packaging Manufacturer

**F. Exhibit List**

- Exhibit A1 - Applicant's Narrative
- Exhibit A2 – Plan Set and Elevations
- Exhibit A3 – Tree Assessment Report
- Exhibit A4 – Transportation Impact Analysis
- Exhibit A5 – Stormwater Report
- Exhibit A6 – Supporting Documents
- Exhibit B – Public Noticing Requirements
- Exhibit C – Tualatin Valley Fire & Rescue Conditions
- Exhibit D – Clean Water Services Memorandum
- Exhibit E – Washington County Conditions
- Exhibit F – Map 8-1 Functional Classification Plan
- Exhibit G – Map 8-5 Transit Plan
- Exhibit H – Map 10-5 Commercial Setback
- Exhibit I – Water System Capacity Analysis
- Exhibit J – Public Comment

## II. PLANNING FINDINGS

These findings reference the Tualatin Development Code (TDC), 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).

[...]

(c) **Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.

[...]

(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  | Type | Decision Body* | Appeal Body* | Pre-Application Conference Required | Neighborhood /Developer Mtg Required | Applicable Code Chapter |
|---|------|----------------|--------------|-------------------------------------|--------------------------------------|-------------------------|
| <b>Architectural Review</b>   |      |                |              |                                     |                                      |                         |
| Industrial Buildings<br>150,000 square feet +<br>[...]<br>as requested by the CM  | III  | ARB            | CC           | Yes                                 | Yes                                  | TDC<br>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 project includes over 452,800 square feet of industrial square footage and is therefore classified as a Type III Procedure Types according to Table 32-1. The application has been processed according to the applicable code for Type III 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 forced complete by the applicant on September 24, 2021. The applicant has also elected to grant a 21-day extension to the 120 day rule on November 11, 2021 and a second 30-day extension on February 4, 2022. The hearing for AR 21-0011 is scheduled for March 9, 2022. The final action will take place by March 14, 2022 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:**

*The subject land use action is identified as requiring a pre-application conference in Table 32-1. The applicant participated in a pre-application meeting on May 5, 2021, 86 days prior to submittal. 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 within Exhibit A6 that they held a Neighborhood/Developer meeting on June 10, 2021, 50 days prior to application submittal. The applicant has provided documentation of sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from 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 application has been signed by a representative of Fore-Sight Balboa, LLC. This standard is met.*

**Section 32.140 – Application Submittal.**

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

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



**(g) For those applications requiring a neighborhood/developer meeting:**

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

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

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

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

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

**Finding:**

*The applicant submitted the subject application on July 30, 2021. The applicant submitted additional information on September 24, 2021 and asked that the application be deemed complete. 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 A6 that signs in conformance with this section were placed on site in accordance with this section. This standard is 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 subject application was submitted on July 30, 2021. The applicant forced the application complete September 24, 2021. These standards are met.*

**Section 32.230 – Type III Procedure (Quasi-Judicial Review – Public Hearing).**

Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.

**(1) Submittal Requirements.** Type III 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 will for completeness in accordance with TDC 32.160.

**(3) Written Notice of Public Hearing – Type III.** Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.

**(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 recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;**

**(v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**

**(vi) Any person who submits a written request to receive a notice;**

**(vii) 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; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and 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;**

**(viii) Utility companies (as applicable); and,**

**(ix) Members of the decision body identified in Table 32-1.**

**(b) The Notice of a Public Hearing, 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 type of application and a concise description of the nature of the land use action;**

**(iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**

**(v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;**

**(vi) The date, time and location of the hearing;**

**(vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;**

**(viii) The name of a City representative to contact and the telephone number where additional information may be obtained; and**

**(ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and**

**(x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.**

**(c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.**

**Finding:**

*After submittal and completeness review as required by this section, notice for the Type III hearing concerning AR 21-0011 was mailed by city staff on February 9, 2022 and contained the information required by this section. One public comment was received from the adjacent property owner to the south, and is attached as Exhibit J. The comment was in support of granting their site full access off of SW 124<sup>th</sup> Avenue and adjacent to SW Cimino Street in accordance with TDC 75.140(6)(c)(iv)(B). These standards are met.*

**(4) Conduct of the Hearing - Type III.**

The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:

**(a) At the commencement of the hearing, the person chairing the hearing must state to those in attendance all of the following information and instructions:**

**(i) The applicable substantive criteria;**

**(ii) That testimony, arguments and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;**

**(iii) That failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue;**

**(iv) At the conclusion of the initial evidentiary hearing, the decision body must deliberate and make a decision based on the facts and arguments in the public record; and**

**(v) Any participant may ask the decision body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the decision body grants the request, it will schedule a date to continue the hearing as provided in TDC 32.230(4)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.230(4)(f).**

**(b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the decision body must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of**

interest arises, that member or members of the decision body must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the decision body must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.

**(c) Presenting and receiving evidence.**

- (i) The decision body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;**
- (ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and**
- (iii) Members of the decision body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.**

**(d) The decision body, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.**

**(e) If the decision body decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.**

**(f) If the decision body leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:**

- (i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;**
- (ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030, unless the applicant waives his or her right to a final decision being made within the required timeframe; and**
- (iii) If requested by the applicant, the decision body must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.**

**Finding:**

*The Architectural Review Board will follow the hearing requirements set forth by this section. These standards will be met.*

**(5) Notice of Adoption of a Type III Decision.**

Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption 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 that a copy of the decision and 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 a request for appeal is submitted; and
- (e) The notice must include an explanation of rights to appeal the decision to the City Council in accordance with TDC 32.310.

**(6) Appeal of a Type III Decision.** Appeal of an Architectural Review Board or Planning Commission Type III Decision to the City Council may be made in accordance with TDC 32.310.

**(7) Effective Date of a Type III Decision.**

- (a) The written order is the final decision on the application.
- (b) The mailing date is the date of the order certifying its approval by the decision body.
- (c) A decision of the Architectural Review Board or Planning Commission is final unless:
  - (i) a written appeal is received at the City offices within 14 calendar days of the date notice of the final decision is mailed; or
  - (ii) The City Manager or a member of the City Council requests a review of the decision within 14 calendar days of the date notice of the final decision is mailed.

**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.**

**(c) Large Commercial, Industrial, and Multifamily Development.** Applications for Large Commercial, Industrial, and Multifamily Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

**Finding:**

*The subject application, which is for large industrial development, which must comply with the standards and objectives in TDC 73A through 73G. These standards are met by findings and conditions of approval for 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.**

[...]

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

**Section 33.110 Tree Removal Permit/Review**

**(1) Purpose. To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.**

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

[...]

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

**Finding:**

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

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

**(5) Approval Criteria.**

**(a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:**

**(i) The tree is diseased and:**

**(A) The disease threatens the structural integrity of the tree; or**

**(B) The disease permanently and severely diminishes the esthetic value of the tree; or**

**(C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.**

**(ii) The tree represents a hazard which may include but not be limited to:**

**(A) The tree is in danger of falling; or**

**(B) Substantial portions of the tree are in danger of falling.**

**(iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.**

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

**(i) Evergreen Trees. An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:**

**(A) Trunk Condition - extensive decay and hollow; or**

**(B) Crown Development - unbalanced and lacking a full crown;**

**(ii) Deciduous Trees. A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:**

**(A) Trunk Condition - extensive decay and hollow;**

**(B) Crown Development - unbalanced and lacking a full crown; or**

**(C) Structure - Two or more dead limbs.**

**Finding:**

*The applicant's arborist surveyed 447 trees over 8" dbh on site. In report recommends removal of 415 trees, 26 of which are located off-site and would require property owner authorization. Of the on-site trees proposed for removal, all are proposed to be removed to construct the proposed improvements in accordance with criterion 33.110(5)(a)(iii).*

*The tree survey also identified tree protection measures for neighboring off-site to protect them from grading impacts. The arborist identified 30 off-site trees likely to be impacted by proposed development on site. With recommended Condition of Approval A12 related to requirements for tree removal on neighboring properties, and recommended Condition of Approval A15 related to tree protection, these standards are met.*

## **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.

(2) Use Categories in the Limited Commercial Setback. Commercial uses may be further restricted within the Limited Commercial Setback, see TDC 60.210(4).

(3) Overlay Zones. Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 61-1  
 Use Categories in the MG Zone**

| USE CATEGORY                     | STATUS | LIMITATIONS AND CODE REFERENCES  |
|----------------------------------|--------|--|
| [...]                            |        |  |
| <b>INDUSTRIAL USE CATEGORIES</b> |        |  |
| [...]                            |        |  |
| Warehouse and Freight Movement   | P/C    | Conditional use required for warehousing of building materials and supplies.<br>All other uses permitted outright. |

[...]

**Finding:**

*The project identifies warehouse and distribution uses for the site. Warehouse and freight movement are characterized by the storage, repackaging, delivery and movement of products in TDC 39.440. A conditional use permit is required for warehousing of building materials and supplies, while other warehouse and freight uses are permitted in the subject zone. Additional review may be necessary at the time of tenant improvements. With recommended Condition of Approval A24, this standard is met.*

**Section 61.210. - Additional Limitations on Uses.**

(4)Limited Commercial Setback. The purpose of the Limited Commercial Setback is to restrict commercial uses from locating within 300 feet from the centerline of SW Tualatin-Sherwood Road and SW 124th Avenue and 350 feet from the centerline of SW Pacific Highway (99W) west of Cipole Road, as depicted in Comprehensive Plan Map 10-5.

(a)Restriction on Commercial Uses. No commercial uses, including parking or outdoor storage and display areas, are permitted outright in the Limited Commercial Setback.

**Finding:**

*A portion of the subject site is located within 300 feet of the centerline of SW 124<sup>th</sup> Avenue and the Limited Commercial setback, as shown in Exhibit E. With recommended Condition of Approval A26, 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 |
|-------------------------------------|---|------------------|
| <b>MINIMUM SETBACKS</b>             |   |                  |
| Front (SW 124 <sup>th</sup> Avenue) | 30  | 166              |
| Front (SW Cipole Road)              | 30  | 299              |
| Side (South)                        | 0-50 feet   | 83               |
| Rear (Northwest)                    | 0-50 feet   | 62               |
| Parking and Circulation Areas       | 5 feet<br>No minimum setback required adjacent to joint access approach in accordance with TDC 73C. | 9                |
| <b>STRUCTURE HEIGHT</b>             |   |                  |
| Maximum Height                      | 60 feet   | 42.17 feet       |

[...]

**Finding:**

*As shown in the table above, the development 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 applicant has not proposed outdoor uses. With recommended Condition of Approval A27, 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 the proposal includes industrial uses. Therefore the noise, vibration, air quality, odor, heat and glare, materials storage, waste disposal, and dangerous substances regulations of this Chapter apply. With recommended Condition of Approval A28, these standards are met.*

## **Chapter 73A: Site Design**

### **Section 73A.400 – Industrial Design Standards.**

The following standards are minimum requirements for commercial development in all zones:

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

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

**Finding:**

*Main entrances are proposed at the four building corners as shown in Exhibit A2. A sidewalk that varies in width from 5-7 feet connects the SW building entrance to the public sidewalk located along SW Cipole Road to the west. A sidewalk connection that is 5 feet in width is proposed between the NW and NE building entrances and extends to join the public sidewalk located along SW 124<sup>th</sup> Avenue to the east. A seven foot wide sidewalk is proposed along the SE building entrance with a five foot wide connection to the parking area to the east; however there is no connection proposed to the public sidewalk at SW 124<sup>th</sup> Avenue due to a 13% slope. Sidewalks are proposed as concrete or paved markings through vehicular areas. Further compliance with ADA standards will be evaluated at the time of building permit.*

*With recommended Conditionals of Approval A11.a for connectivity and A16 for appearance, these standards will be met.*

[...]

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

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;**
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;**
- (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;**
- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and**

[...]

**Finding:**

*As seen on the elevation and photometric plans (Exhibit A2), windows and wallpak lighting have been located at the corner building entrances and office areas. Wallpak lighting has been located throughout the loading areas and pole mounted lighting has been located over the trailer parking at the east and west sides of the site. Loading area doors are shown with a single window each, providing additional*

visibility. As shown on the applicant’s photometric study (Exhibit A2), lighting will primarily be focused toward the edges of perimeter of the buildings and interior parking areas. Standards (a-c) are met.

Building identification will be reviewed at the time of building permit, and should meet all standards of Tualatin Valley Fire and Rescue as well as all applicable building code standards. With recommended Condition of Approval A19, criterion (d) is met.

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

- (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;**
- (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and**
- (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.**

**Finding:**

*Mechanical equipment is not proposed with this application, and electrical transformers are not shown on the plan set included as Exhibit A2. Additionally outdoor storage is not proposed. With recommended Condition of Approval A29 requiring equipment screening, these standards are met.*

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

- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.**

[...]

**Finding:**

*SW 124<sup>th</sup> Avenue is designated as a transit street in Comprehensive Plan Map 8-5 (Exhibit F); however there is no existing bus stop along the frontage of this property. A walkway connection is proposed between the northern building entrances to SW 124<sup>th</sup> Avenue. 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*                           | Minimum Area Requirement with dedication for a fish and wildlife habitat* |
|--|---|---|
| [...]  |   |   |
| <b>(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses</b> | <b>15 percent of the total area to be developed</b> | <b>12.5 percent of the total area to be developed</b>                     |

**Finding:**

*As shown in the site plan (Exhibit A2), 169,602 square feet of landscaping is provided. The landscape area represents 16.1% of the total site area. This standard is met.*

**Section 73B.060 – Additional Minimum Landscaping Requirements for Industrial Uses.**

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

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

**(i)This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.**

**Finding:**

*Landscaping is provided in all areas not otherwise occupied by buildings, vehicle area, or pedestrian area. The site is not located adjacent to the Hedges Creek Wetland. With recommended Condition of Approval A21, this standard is met.*

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

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

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

**(c) 5-foot-wide landscaped area requirement does not apply to:**

**(i) loading areas,**

**(ii) bicycle parking areas,**

**(iii) pedestrian egress/ingress locations, and**

**(iv) where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than 8 feet.**

**Finding:**

*The buildings are buffered with at least five feet of landscaping, with the exception of loading and pedestrian areas, as seen on the Landscape Plans (Exhibit A2). This standard is met.*

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

The following are minimum standards for landscaping for all zones.

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

**Finding:**

*The density of plantings as shown on Landscape Plans (Exhibit A2) is sufficient to provide full coverage of landscaping within three years. These standards are met.*

|                   |   |
|-------------------|---|
| <b>(2) Fences</b> | 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. |
|-------------------|---|

**Finding:**

*A six-foot high fence is proposed around the perimeter of the property as shown on the Site Plan included in Exhibit A2. There are no established wildlife crossings in the vicinity; however a designated wetland conversation district is located east of the property and adjacent to 124<sup>th</sup> Avenue. This standard is met.*

|                              |   |
|------------------------------|---|
| <b>(3) Tree Preservation</b> | <ul style="list-style-type: none"> <li>• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</li> </ul> <p>During construction:</p> <ul style="list-style-type: none"> <li>• Must provide above and below ground protection for existing trees and plant materials identified to remain;</li> <li>• Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line;</li> <li>• If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</li> <li>• Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</li> <li>• Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and</li> <li>• Tree root ends must not remain exposed.</li> <li>• Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</li> <li>• When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged</li> <li>• 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development</li> </ul> |
|------------------------------|---|

**Finding:**

*The Arborist Report (Exhibit A3) calls for preserving one on-site tree and including protection measures for neighboring off-site trees. Protection for off-site trees been has not been identified on Grading Plan (Exhibit A2). With recommended Condition of Approval A11.b. and A15, these standards are met.*

|                    |  |
|--------------------|--|
| <b>(4) Grading</b> | <ul style="list-style-type: none"> <li>• After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.</li> <li>• All planting areas must be graded to provide positive drainage.</li> </ul> |
|--------------------|--|

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>• Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.</li> </ul> |
|--|--|

**Finding:**

*The applicant proposes to develop or landscape all exposed areas remaining after grading. With recommended Condition of Approval A21, this standard is met.*

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

**Finding:**

*Irrigation is proposed in new landscaping areas as detailed in the General Notes on the Landscape Plan (Exhibit A2). This standard is met.*

|  |  |
|--|--|
| (6) Re-vegetation in Un-landscaped Areas | <ul style="list-style-type: none"> <li>• Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements,.</li> <li>• Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>• The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>• Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul> |
|--|--|

**Finding:**

*The applicant proposes to landscape all areas not otherwise proposed for development. With recommended Condition of Approval A21, this standard is met.*

**Section 73B.080 – Minimum Standards Trees and Plants.**

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

|                           |  |
|---------------------------|--|
| (1) Deciduous Shade Trees | <ul style="list-style-type: none"> <li>• One and on-half inch caliper measured six inches above ground;</li> <li>• Balled and burlapped; bare root trees will be acceptable to plant during their dormant season;</li> <li>• Reach a mature height of 30 feet or more;</li> <li>• Cast moderate to dense shade in summer;</li> <li>• Live over 60 years;</li> <li>• Do well in urban environments, tolerant of pollution and heat, and resistant to drought;</li> <li>• Require little maintenance and mechanically strong;</li> <li>• Insect- and disease-resistant;</li> <li>• Require little pruning; and</li> <li>• Barren of fruit production.</li> </ul> |
|---------------------------|--|

|   |  |
|---|--|
| <b>(2) Deciduous Ornamental Trees</b>     | <ul style="list-style-type: none"> <li>• One and on-half inch caliper measured six inches above ground;</li> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species</li> </ul> |
| <b>(3) Coniferous Trees</b>               | <ul style="list-style-type: none"> <li>• 5 feet in height above ground;</li> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.</li> </ul>                                |
| <b>(4) Evergreen and Deciduous Shrubs</b> | <ul style="list-style-type: none"> <li>• One to five gallon size;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• Side of shrub with best foliage must be oriented to public view.</li> </ul>  |
| <b>(5) Groundcovers</b>                   | <ul style="list-style-type: none"> <li>• Fully rooted;</li> <li>• Well branched or leafed;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• English ivy (<i>Hedera helix</i>) is prohibited.</li> </ul>   |
| <b>(6) Lawns</b>                          | <ul style="list-style-type: none"> <li>• Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</li> <li>• 100 percent coverage and weed free; and</li> <li>• Healthy, disease-free, damage-free, characteristic of the species.</li> </ul>  |

**Finding:**

*Per the Plant Schedule provided on the Landscape Plan included in Exhibit A2, the standards for groundcover, shrubs, and trees to be planted are met.*

**Chapter 73C: Parking Standards**

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

[...]

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

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

**(i)The requirements apply to both the existing structure and use, and enlarging a structure or use;**

**(ii)The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;**

[...]

**(v)If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;**

**(vi)Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;**



**(vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;**

**[...]**

**(ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;**

**(x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones; and**

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

**Finding:**

*While tenants have not been named for this development, the applicant has identified warehousing and freight movement uses for the site. Parking requirements have been evaluated based on this use category in TDC 73C.100. Drive aisles and stalls are proposed to be comprised of asphalt. Concrete curbs are also proposed. With recommended Condition of Approval A24 and A22 to show compliance with standards (v) and (xi), these standards are met.*

**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), stalls are proposed to be 19 feet long and 9 feet wide and drive aisles are a minimum of 24-feet wide. Drive aisles and stalls are proposed to be comprised of asphalt. Concrete curbs are also proposed. These standards are met.*

**(6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;**

**(7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;**

**Finding:**

*The Site Plan (Exhibit A2) shows a total of eight ADA compliant parking spaces planned near the four building entrances. There are no subcompact stalls proposed. ADA standards will be reviewed in greater detail during the building permit phase. These standards are met.*

**(8) Groups of more than 4 parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;**

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

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

**Finding:**

*The design of the parking lot will not require movement on the public street. Drive aisles with parking are at least 24 feet wide as proposed. 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;**

**(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:**

*As shown on the Site Lighting Plan (Exhibit A2), lighting will primarily be focused toward the building entrances, loading, and interior parking areas. These standards are met.*

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

**(1) Requirements. Bicycle parking facilities must include:**

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

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

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

**(2) Standards. Bicycle parking must comply with the following:**

**(a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;**

**(b) A five (5) foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;**

- (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;
- (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;
- (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;
- (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;
- [...]
- (h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.

**Finding:**

*As shown on the Site Plan (Exhibit A2), the applicant proposes to provide outdoor bike parking at the building corners, near proposed tenant entrances. Dimensioned details of the bike parking furnishings were not included in the application materials.*

*With recommended Condition of Approval A11.c. and A22 to show compliance with standards (a), (b), (c), and (d), these standards are met.*

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

| USE              | MINIMUM MOTOR VEHICLE PARKING                         | MAXIMUM MOTOR VEHICLE PARKING  | BICYCLE PARKING   | PERCENTAGE OF BICYCLE PARKING TO BE COVERED           |
|------------------|---|--|---|---|
| [...]            |   |  |   |   |
| (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<br>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:**

*While tenants have not been named for this development, the applicant has identified warehousing and freight movement uses.*

Table 1: Minimum and Proposed Parking by Use

| Use | Square Footage | Vehicle Parking Min. | Proposed | Bike Parking Min. | Proposed |
|-----|----------------|----------------------|----------|-------------------|----------|
|-----|----------------|----------------------|----------|-------------------|----------|

|             |         |     |     |    |    |
|-------------|---------|-----|-----|----|----|
| Warehousing | 452,800 | 136 | 197 | 45 | 46 |
|-------------|---------|-----|-----|----|----|

A minimum of 136 parking spaces are required, and 197 vehicle parking spaces and 133 trailer parking spaces are proposed. Additionally, 45 bike parking spaces are required by code based on the building area, 14 of which must be covered. The site plan notes that bike parking is proposed at all four building entrances but does not provide details (Exhibit A2). With recommended Condition of Approval A11.c. requiring additional bike parking details, these standards are met.

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

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

[...]

**Finding:**

Since 136 parking spaces are required, five are required to be carpool/vanpool spaces. There are eight carpool/vanpool spaces are designated on the Site Plan (Exhibit A2). With recommended Condition of Approval A22, 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      |                           |                   |                     |                                 |
| 60,000 and over | 3                         | 12 feet x 35 feet | 14 feet             | 60,000 and over                 |

**(2) Loading berths must not use the public right-of-way as part of the required off-street loading area.**  
**(3) Required loading areas must be screened from public view, public streets, and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.**

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

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

[...]

**Finding:**

Given the nature of the proposed site, the proposal includes a number of loading facilities including four berths and 115 docks oriented along the eastern and western elevations as shown on the Elevation Sheets (Exhibit A2) and are accessible from a private loading area. The loading area on the eastern elevation will be screened from adjacent 124<sup>th</sup> Avenue with Norway spruce and Hogan Cedar trees. 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    |
| Over 250                | As required by City Manager | As required by City Manager                        | As required by City Manager     |

**Finding:**

*The site proposes two points of ingress and egress, one at the north end of the property along SW 124<sup>th</sup> Avenue and one at the south end of the property along SW Cipole Road. The proposal includes a combination of vehicle and trailer parking for a total of 330 spaces. The access along SW 124<sup>th</sup> Avenue is proposed at a width of 50 feet for the first 50 feet. And the access along SW Cipole Road is proposed at a width of 50 feet that gradually narrows down to 36 feet within the first 50 feet. Condition of Approval A11.d. is recommended to ensure this standard is met.*

**(6) Maximum Driveway Widths and Other Requirements.**

- (a) Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.
- (b) Driveways must not be constructed within 5 feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.
- (c) The provisions of subsection (b) do not apply to townhouses and duplexes, which are allowed to construct driveways within 5 feet of adjacent property lines.
- (d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.
- (e) Must comply with the distance requirements for access as provided in TDC 75.
- (f) Must comply with vision clearance requirements in TDC 75.

**Finding:**

*Proposed driveway widths are illustrated at 50 feet and exceed the maximum width, as shown on the Site Plan in Exhibit A2. Access findings are further addressed in Chapter 75. With recommended Condition of Approval A11.d., these standards are met.*

**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:**

*The parking lot contains landscaping in areas not used for vehicle 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 in the Landscape Plans (Exhibit A2), the proposed plantings will provide for visual clearance at the end of drive aisles and drive entrances. With recommended Condition of Approval A33 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**
- (e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.**

**Finding:**

*As shown in the Landscape Plans (Exhibit A2), at least five feet of landscape buffer is proposed for all parking and vehicle drive areas.*

*These areas are not all proposed with deciduous trees as specified under standard (a). Coniferous trees are proposed along the vehicular circulation area facing SW 124<sup>th</sup> Avenue. With recommended Condition of Approval A11.e. to provide deciduous as specified in standard (a) or as recommended by the Architectural Review Board, 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.**

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater runoff and function as water quality facilities as well as parking lot landscaping;**
  - (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;**
  - (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;**
  - (d) Landscape separation required for every eight continuous spaces in a row;**
  - (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;**
  - (f) Must be planted with groundcover or shrubs;**
  - (g) Native plant materials are encouraged;**
  - (h) Landscape island areas with trees must be a minimum of 5 feet in width (from inside of curb to curb);**
  - (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and**
- [...]**

**Finding:**

*Given that a minimum of 136 parking spaces are required based on the proposed use, 3,400 square feet of parking lot landscape island area is required. It's unclear on the Site Plan or Landscape Plan (Exhibit A2) if the required parking lot landscaping area is met. Given 136 parking spaces, 34 trees are required and 57 are proposed. Curbs are included in the design and islands are provided at aisle ends. The*

*landscape islands meet the spacing and size criteria as well. With recommended Condition of Approval A11.f., these standards are met.*

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

### **Section 73D.010 – Applicability and Objectives.**

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

- (a) Common wall residential developments containing five or more units;
- (b) Commercial developments;
- (c) Industrial developments; and
- (d) Institutional developments.

**(2) Objectives.** Mixed solid waste and source separated recyclable storage areas should be designed to the maximum extent practicable to:

- (a) Screen elements such as garbage and recycling containers from view;
- (b) Ensure storage areas are centrally located and easy to use;
- (c) Meet dimensional and access requirements for haulers;
- (d) Designed to mitigate the visual impacts of storage areas;
- (e) Provide adequate storage for mixed solid waste and source separated recyclables; and
- (f) Improve the efficiency of collection of mixed solid waste and source separated recyclables.

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

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

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

#### **Finding:**

*The applicant proposes to use the Minimum Standards Method (TDC 73D.030) and has verified that the location and configuration of the proposed waste facility and access will satisfy Republic Services. As discussed below, these standards are met.*

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

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

- (1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.
- (2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area

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

[...]

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

[...]

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

[...]

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

**Finding:**

*While tenants have not yet been identified, warehousing uses have been identified to fulfill the requirement. A minimum of 2,727 square feet of trash enclosure area is required to meet the minimum standards method  $(452,800/100 * 6 + 10)$ . Two trash enclosures are proposed to serve the overall development as shown on the Site Plan (Exhibit A2) and include an approximately 280-square-foot enclosure located at the southeast corner and an approximately 275-square-foot enclosure at the northwest corner. With recommended Condition of Approval A14, demonstrating that the development includes an acceptable waste and recyclables management solution, these standards are met.*

**Section 73D.070 – Location, Design and Access Standards.**

The following location, design, and access standards are applicable to all storage areas:

**(1) Location Standards.**

(a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste.

(b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.

(c) Exterior storage areas must:

(i) Be located in central and visible locations on the site to enhance security for users;

(ii) Be located in a parking area; and

(iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

**(2) Design Standards.**

(a) The dimensions of the storage area must accommodate containers consistent with current methods of local collection at time of construction or alteration.

(b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.

(c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height.

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

(e) Gate openings for haulers must be a minimum of 10 feet wide and must be capable of being secured in a closed and open position.

(f) Horizontal clearance must be a minimum of 10 feet and a vertical clearance of 8 feet is required if the storage area is covered.

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

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



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

**Finding:**

*The applicant has proposed two waste areas that are in visible areas convenient to tenant entries, parking and loading areas, and are outside of the applicable setbacks, as shown in the applicant's submittal (Exhibit A2). Further compliance with Building and Fire Code standards will be reviewed at the time of building permit. While location standards are met on the plan set; the applicant has not provided sufficient details addressing design standards. With recommended Condition of Approval A11.g., design method standards (c),(e), and (f) are met.*

**(3) Access Standards.**

- (a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.**
- (b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.**
- (c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.**
- (d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.**
- (e) The following is an exception to the access standard:**
  - (i) Access may be limited for security reasons.**

**Finding:**

*As shown in the applicant's submittal, Republic Services, the applicable waste hauler, has indicated that the dimensions and accessibility of the enclosures meet their service needs (Exhibit A6). These standards are met.*

## **Chapter 74: Public Improvement Requirements**

[...]

### **TDC 74.120 Public Improvements.**

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

**Finding:**

*All public improvements will be installed by the applicant at their expense and will require prior approval of plans and a Public Works Permit. With recommended Conditions of Approval, this criterion is met.*

**TDC 74.130 Private Improvements.**

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

**Finding:**

*All private improvements will be installed by the applicant at their expense and will require prior approval of plans and building permits. With recommended Conditions of Approval, this criterion is met.*

**TDC 74.140 Construction Timing.**

**(1) All the public improvements required under this chapter must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.**

**(2) All private improvements required under this Chapter must be approved by the City prior to the issuance of a Certificate of Occupancy.**

**Finding:**

*All public and private improvements proposed and modified by conditions of approval must be completed prior to receiving a Certificate of Occupancy. These criteria are met with recommended Conditions of Approval.*

[...]

**TDC 74.210 Minimum Street Right-of-Way Widths.**

**The width of streets in feet shall not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is required to be improved according to the standards of the TDC, the width of the right-of-way shall not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.**

**(2) For development applications other than subdivisions and partitions, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width, the additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G of the Tualatin Community Plan must be dedicated to the City for use by the public prior to issuance of any building permit for the proposed development. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.**

**Finding:**

*The proposal is adjacent to SW Cipole Road and SW 124<sup>th</sup> Avenue.*

*SW Cipole is within Washington County's jurisdiction. Washington County has provided comments on the proposal as Exhibit E and include a condition requiring 38 feet of right-of-way dedication from the centerline of SW Cipole Road. The street will be improved to meet the City of Tualatin requirements for a Major Collector.*

*SW 124<sup>th</sup> is under Tualatin's jurisdiction. Figure 74-2 of the Tualatin Development Code identifies an Arterial with Multi-Use Path preferred right-of-way width of 74 feet. This would require a right-of-way dedication of 55 feet from the centerline of SW 124<sup>th</sup> Avenue.*

*With recommended Condition of Approval A6 and A8, these criteria are met.*

**TDC 74.320. - Slope Easements.**

**(1)The applicant must obtain and convey to the City any slope easements determined by the City Manager to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or accessway or utility improvements required to be constructed by the applicant.**

**[...]**

**(3)For all other development applications, a slope easement dedication must be submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.**

**Finding:**

*Any required slope easements will be provided and completed prior to Building Permit issuance. With recommended Condition of Approval A6 and A10, this criteria is met.*

**TDC 74.330. - Utility Easements.**

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

**[...]**

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

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

**Finding:**

*Any required utility easements will be granted to the City, with required widths to meet the Public Works Construction Code. With recommended Condition of Approval A9, this criteria is met.*

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

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

**Finding:**

*Utility easements are included in the proposal. With recommended Conditions of Approval, this criteria is met.*

**TDC 74.420 Street Improvements.**

When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, subject to the following provisions:

(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.

(2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.

(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.

(4) Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.

[...]

(6) All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.

(8) For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.

[...]

(11) Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).

(12) Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.

(13) The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.

(14) The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.

(15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are

**S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue.** In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.

**(16)** The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.

**(17)** Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.

[...]

**Finding:**

*A Traffic Study conducted by Lancaster Mobley was submitted as Exhibit A4. Washington County has also reviewed the proposed development, and have recommended applicable conditions of approval within Exhibit E. Additionally the City Engineer has reviewed the proposal against the above requirements, and with recommended Condition of Approval A6 and A8, these criteria are met.*

**TDC 74.425 Street Design Standards.**

**(1)** Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.

**(2)** The proposed street design standards are shown in Figures 72A through 72G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets.

[...]

**(4)** All streets must be designed and constructed according to the preferred standard. The City Manager may reduce the requirements of the preferred standard based on specific site conditions, but in no event will the requirement be less than the minimum standard. The City Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:

**(a) Arterials:**

- (i)** Whether adequate right-of-way exists;
- (ii)** Impacts to properties adjacent to right-of-way;
- (iii)** Current and future vehicle traffic at the location; and
- (iv)** Amount of heavy vehicles (buses and trucks).

**(b) Collectors:**

- (i)** Whether adequate right-of-way exists;
- (ii)** Impacts to properties adjacent to right-of-way;
- (iii)** Amount of heavy vehicles (buses and trucks); and
- (iv)** Proximity to property zoned manufacturing or industrial.

[...]

**Finding:**

*The proposal is adjacent to SW Cipole Road and SW 124th Avenue. SW Cipole Road is designated a Major Collector and SW 124<sup>th</sup> Avenue is designated a Major Arterial on Tualatin Comprehensive Plan Map 8-1 (Exhibit F). A Traffic Study conducted by Lancaster Mobley was submitted as Exhibit A4. With recommended Condition of Approval A6 and A8, these criteria are met.*

**TDC 74.430. - Streets, Modifications of Requirements in Cases of Unusual Conditions.**

**Finding:**

*The City Engineer has found that no modifications are required. This section does not apply.*

**TDC 74.440 Streets, Traffic Study Required.**

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

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

**(b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.**

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

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

**(a) an analysis of the existing situation, including the level of service on adjacent and impacted facilities.**

**(b) an analysis of any existing safety deficiencies.**

**(c) proposed trip generation and distribution for the proposed development.**

**(d) projected levels of service on adjacent and impacted facilities.**

**(e) recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.**

**(f) The City Manager will determine which facilities are impacted and need to be included in the study.**

**(g) The study must be conducted by a registered engineer.**

**(4) The applicant must implement all or a portion of the improvements called for in the traffic study as determined by the City Manager.**

**Finding:**

*A Traffic Study conducted by Lancaster Mobley was submitted as Exhibit A4. City staff has reviewed the subject analysis and has determined that it meets the above requirements. These criteria are met.*

**TDC 74.450. - Bikeways and Pedestrian Paths.**

**(1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path, as set forth in TDC Chapter 11, Transportation Figure 11-4, the City may require that**

**a bikeway, pedestrian path, or multi-use path be constructed, and an easement or dedication provided to the City.**

**(2) Where required, bikeways and pedestrian paths must be provided as follows:**

**(a) Bike and pedestrian paths must be constructed and surfaced in accordance with the Public Works Construction Code.**

**(b) The applicant must install the striping and signing of the bike lanes and shared roadway facilities, where designated.**

**Finding:**

*The proposal is adjacent to SW Cipole Road and SW 124th Avenue. Both roadways require a sidewalk and bike lane on Tualatin Comprehensive Plan Map 8-4. The City Engineer has reviewed the proposal against the above requirements and has required a 12-foot wide multi-use path along the applicant's 124th Avenue frontage. The City Engineer has also required the 12-foot multi-use path to be constructed along the 124th Avenue frontage south of this project to the intersection with Tualatin-Sherwood Road. If the off-site multi-use path cannot be constructed by the applicant, they will need to submit information to the City Engineer for consideration.*

[...]

**TDC 74.470 Street Lights.**

**(1) Street light poles and luminaries must be installed in accordance with the Public Works Construction Code.**

**(2) The applicant must submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.**

**Finding:**

*The proposal is adjacent to SW Cipole Road and SW 124th Avenue. Both roadways require street lights. With recommended Condition of Approval A6, this criteria is met.*

[...]

**TDC 74.610 Water Service.**

**(1) Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.**

**(2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.**

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

**Finding:**

*Utility Plans, submitted as Exhibit A2, illustrate a 4-inch water meter and backflow device for a domestic service connecting to the public water main within SW Cipole Road. Two fire DCVA vaults are shown*

*adjacent to a 12-inch main near an existing public water easement adjacent to the south property line and through the southwest corner of the lot. The vaults connect ends of a private looped fire service line to the public system.*

*A gate valve must be located near the main for each water lateral. Public utility easements must surround fire vaults by five feet. Public water easements must extend from the existing public water easement 10-feet wide centered on the lateral and surrounding the vaults by 5 feet.*

*Additionally, an analysis of water system capacity was conducted by Murraysmith and included as Exhibit I. The conclusions did not require public system upgrades.*

*With recommended Condition of Approval A2, this criteria is met.*

#### **TDC 74.620 Sanitary Sewer Service.**

**(1) Sanitary sewer lines must be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.**

**(2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.**

#### **Finding:**

*Utility Plans, submitted as Exhibit A2, illustrate three 6-inch gravity sanitary sewer laterals connecting to existing public sanitary sewer lines within public easements. The laterals connect to a proposed manhole at the main to the northwest, an existing manhole to the west, and an existing lateral to the east. The proposed manhole to the northwest is near an existing private stormwater facility on Tax Lot: 2S128A000103. Construction activities must not affect the private stormwater facility.*

*Surrounding parcels are developed and there is no need for a sanitary sewer main to be extended through the property. Final sanitary sewer permit plans must be submitted that show cleanouts at the edge of public easements.*

*With recommended Condition of Approval A3, this criteria is met.*

#### **TDC 74.630 Storm Drainage System.**

**(1) Storm drainage lines must be installed to serve each property in accordance with City standards and Clean Water Services 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 and Clean Water Services standards.**

**(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 adopted Stormwater Master Plan.**

**Finding:**

*A Stormwater Report has been submitted as Exhibit A5 and proposes an underground detention chamber facility. The proposed facility must be sized to meet the current City of Tualatin and Clean Water Service requirements for stormwater quality and quantity. Final plans and stormwater calculation must demonstrate that the development has direct access by gravity to public storm and sanitary sewer from within 5 feet of the building the public main in accordance with Clean Water Service standards.*

*Utility Plans, submitted as Exhibit A2, illustrate stormwater laterals at right-of-way. Final plans must show the stormwater lateral from the flow control manhole perpendicular to the public stormwater system within right-of-way and include a cleanout at right-of-way.*

*There are no undeveloped parcels adjacent to the site that would be served by extension of the public stormwater system. With recommended Condition of Approval A4, this criteria is met.*

**TDC 74.640 Grading.**

- (1) Development sites must be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.**
- (2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.**

**Finding:**

*The plans indicate disturbance of approximately 24.16 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality must be provided with the construction permit submittal documents. The applicant must obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet and a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres.*

*The development site must be graded to minimize the impact of stormwater runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development. A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. There will be no crawl spaces under the proposed building. The proposed grading plan is shown to minimize the impact of stormwater runoff to adjacent properties and allows adjacent properties to drain as they did before the development. With recommended Condition of Approval A4 and A5, this criteria is met.*

**TDC 74.650 Water Quality, Storm Water Detention and Erosion Control.**

- (1) All Applications. The applicant must comply with the water quality, stormwater detention, and erosion control requirements in Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers) and Clean Water Services standards.**

[...]

**(3) All Development, Except Subdivisions and Partitions.** Prior to issuance of any building permit, an applicant for any development, except Subdivisions and Partitions, must:

**(a) Submit a stormwater facilities design with calculations to satisfy the requirements of the Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building And Sewers);**

**(b) Obtain a Stormwater Connection Permit from Clean Water Services; and**

**(c) Either construct a permanent on-site water quality facility and stormwater detention facility; or enter into an agreement with the City, as provided in TMC 3-5-390, recorded against the property, to guarantee construction of a permanent on-site water quality facility and stormwater detention facility.**

**(4) On-Site Private and Regional Non-Residential Facilities.** For on-site private and regional non-residential public facilities, the applicant must:

**(a) Enter into a stormwater facility agreement, as provided in TMC 3-5-390, recorded against the property. The stormwater facility agreement will include an operation and maintenance plan, provided by the City and consistent with Clean Water Services requirements, for the water quality facility.**

**(b) Submit an erosion control plan prior to issuance of a Public Works Permit consistent with TMC 3-5 and Clean Water Services standards. 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:**

*As shown on the Utility Plans, submitted as Exhibit A2, an underground detention facility is proposed.*

*A Clean Water Services Service Memorandum was received and included as Exhibit D. After land use decision issuance, 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). With recommended Condition of Approval A4, this criteria is met.*

**TDC 74.660 Underground.**

**(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.**

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

**Findings:**

*New utility lines associated with the project are correctly indicated to be placed underground. There are existing overhead utility lines along the frontage of SW Cipole Road. These criteria are met.*

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

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

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

|                   |   |   |   |   |    |
|-------------------|---|---|---|---|----|
| Tri-Color Beech   |   |   | • |   | 60 |
| Trident Maple     | • | • | • | • | 30 |
| Urbanite Ash      |   | • | • |   | 30 |
| Yellowwood        | • | • | • |   | 30 |
| Zelkova Musashino | • | • | • |   | 30 |

**Finding:**

*The Landscape Plan submitted as Exhibit A2, illustrates street trees along SW Cipole Road. With recommended Condition of Approval A6, this criteria is met.*

**Chapter 75 Access Management**

[...]

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

- (1) **Applicability.** A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.
- (3) **Procedure Type.** A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).
- (4) **Submittal Requirements.** In addition to the application materials required by TDC 32.140, the following application materials are also required:
  - (a) A site plan, of a size and form and in the number of copies meeting the standards established by the City Manager, containing the following information:
    - (i) The location and dimensions of the proposed driveway approach;
    - (ii) The relationship to nearest street intersection and adjacent driveway approaches;
    - (iii) Topographic conditions;
    - (iv) The location of all utilities;
    - (v) The location of any existing or proposed buildings, structures, or vehicular use areas;
    - (vi) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to TDC Chapter 73B or 73C; and
    - (vii) The location of any street trees adjacent to the location of the proposed driveway approach.
  - (b) Identification of the uses or activities served, or proposed to be served, by the driveway approach; and
  - (c) Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (5) **Criteria.** A Driveway Approach Permit must be granted if:
  - (a) The proposed driveway approach meets the standards of this Chapter and the Public Works Construction Code;
  - (b) No site conditions prevent placing the driveway approach in the required location;
  - (c) The number of driveway approaches onto an arterial are minimized;
  - (d) The proposed driveway approach, where possible:
    - (i) Is shared with an adjacent property; or
    - (ii) Takes access from the lowest classification of street abutting the property;
  - (e) The proposed driveway approach meets vision clearance standards;
  - (f) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;

- (g) The proposed driveway approach does not result in significant adverse impacts to the vicinity;**
- (g) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and**
- (i)The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.**

[...]

**Finding:**

*There are two driveway approaches proposed for this project, as shown on the Site Plan included as Exhibit A2. The applicant is proposing a new driveway on the northeast portion of the site with access from SW 124<sup>th</sup> Avenue. Access for this driveway is limited to right-in, right-out movements to minimize impacts to the Major Arterial. The applicant will construct a raised median at the proposed driveway location to limit the turning movements. The applicant has proposed a 50-foot wide driveway, which does not meet the City’s design standards. The applicant shall submit turning templates to show the wider driveway provides safe turning movements.*

*The applicant has also proposed widening of the existing driveway located on the southwest portion of the site with access taken off of SW Cipole Road. The County has requested turning templates for the proposed driveway width for the proposed truck use.*

*As described in the Traffic Report included in Exhibit A4, the proposed driveways will not create traffic hazards and will not result in significant adverse impacts to the vicinity. No residentially zoned properties are located adjacent to the development. With recommended Condition of Approval A11.d., these standards are met.*

**TDC 75.040. - Driveway Approach Requirements**

- (1)The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.**
- (2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.**
- (3) Joint and Cross Access.**
  - (a)Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.**
  - (b)A system of joint use driveways and cross access easements may be required and may incorporate the following:**
    - (i)A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;**

- (ii) A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  - (iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and
  - (iv) An unified access and circulation system plan for coordinated or shared parking areas.
- (c) Pursuant to this section, property owners may be required to:
- (i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
  - (ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
  - (iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and
  - (iv) If subsection (i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection (i) through (iii) above prior to any changes.

[...]

- (5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Manager.
- (6) Except as provided in TDC 53.100, all driveway approach must connect directly with public streets.
- (7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section must be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.
- (8) The standards set forth in this Code are minimum standards for driveway approaches, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.
- (9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width):

| <b>TABLE 75-1<br/>Driveway Approach Width</b> |  |  |
|---|--|--|
| <b>Use</b>                                    | <b>Minimum Driveway Approach Width</b> | <b>Maximum Driveway Approach Width</b>   |
| <b>Industrial</b>                             | 36 feet                                | Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet |

**(10) Driveway Approach Separation.** There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.

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

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

[...]

**(12) Vision Clearance Area.**

[...]

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

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

**Finding:**

*As shown on the Site Plan (Exhibit A2), the applicant has proposed two driveway approaches. One is located on the northeast portion of the site off of SW 124th and the second includes widening of the existing driveway at SW Cipole Road.*

*Staff recommends Condition of Approval A10 to grant the adjacent southern property a cross access easement in support of TDC 75.140(6)(c)(iv)(B). Staff recommends Condition of Approval A6 for the construction of sidewalks along both street frontages. The proposal includes a combination of vehicle and trailer parking for a total of 330 spaces. The access along SW 124th Avenue is proposed at a width of 50 feet for the first 50 feet. And the access along SW Cipole Road is proposed at a width of 50 feet that gradually narrows down to 36 feet within the first 50 feet. Staff recommends Condition of Approval A11.d. for City Manager acceptance of the proposed driveway width. With recommended Condition of Approval A33, the vision clearance requirements are met.*

**TDC 75.050. - Access Limited Roadways**

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

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

[...]

**(6) 124TH AVENUE.**

[...]

(c) Herman Road to Tualatin-Sherwood Road.

[...]

**(iv) On the west side of 124th Avenue between Herman Road and Tualatin-Sherwood Road the area will be served by the following streets or driveways:**

**(A) A driveway across from Myslony Street.**

**(B) A street or driveway intersection approximately 800 feet north of the intersection of Tualatin-Sherwood Road and 124th Avenue. The exact location and configuration of the streets or driveways shall be determined by the City Manager.**

**Finding:**

*The proposed development has frontage on SW 124th and the southern portion of the property is approximately 800 feet north of the intersection of Tualatin-Sherwood Road and 124th Avenue. The applicant has requested site access at the northeast corner; however, staff recommends Condition of Approval A6 and A10 to provide and construct an access easement across the subject property for the benefit of the adjacent southern property in the location of this identified driveway location.*

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

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

**(2)The City Manager may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means.**

**Finding:**

*The site takes existing access off of SW Cipole Road, which is designated a Major Collector. The proposal will continue to utilize this access.*

[...]

**TDC 75.120. - Collector Streets Access Standards.**

**(1)Major Collectors. Direct access from newly constructed single family homes, duplexes or triplexes are not permitted. As major collectors in residential areas are fully improved, or adjacent land redevelops, direct access should be relocated to the nearest local street where feasible.**

**(2)Minor Collectors. Residential, commercial and industrial driveways where the frontage is greater or equal to 70 feet are permitted. Minimum spacing at 100 feet. Uses with less than 50 feet of frontage shall use a common (joint) access where available.**

**(3)If access is not able to be relocated to the nearest local street, the City Manager may allow interim access in accordance with 75.060 of this chapter to provide for the eventual implementation of the overall access plan.**

**Finding:**

*The site takes existing access off of SW Cipole Road, which is designated a Major Collector. The length of frontage is approximately 261 feet. Access is also provided off SW 124<sup>th</sup> Avenue, which is designated a Major Arterial. The length of frontage is approximately 1,322 feet. These standards are met.*



**TDC 75.140. - Existing Streets Access Standards.**

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

**(6)124TH AVENUE.**

**(c)Herman Road to Tualatin-Sherwood Road. On the east side of 124th Avenue between Herman Road and Tualatin-Sherwood Road the area will be served by the following streets or driveways:  
[...]**

**(iv)On the west side of 124th Avenue between Herman Road and Tualatin-Sherwood Road the area will be served by the following streets or driveways.**

**(B)A street or driveway intersection approximately 800 feet north of the intersection of Tualatin-Sherwood Road and 124th Avenue. The exact location and configuration of the streets or driveways shall be determined by the City Manager.**

**Finding:**

*The proposed development has frontage on SW 124th and the southern portion of the property is approximately 800 feet north of the intersection of Tualatin-Sherwood Road and 124th Avenue. The applicant has requested site access at the northeast corner; however, staff recommends Condition of Approval A6 and A10 to provide and construct an access easement across the subject property for the benefit of the adjacent southern property in the location of this identified driveway location.*

### III. RECOMMENDATION

Based on the application materials and analysis and findings presented above, staff finds that the applicable criteria have been met relative to AR 21-0011, and therefore recommends approval of this application with the following conditions of approval:

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**GENERAL:**

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- A1. This Architectural Review approval shall expire after two years 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).

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

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*Submit to [eTrakit](#) for review and approval:*

- A2. In accordance with code section TMC 3-3, TDC 74.330 and 74.610, and the Public Works Construction Code the applicant must submit final water plans that show:
- a. A gate valve at the main for each lateral.
  - b. Adjacent to rights-of-way within a public utility easement or adjacent to the existing public water easement near the south property line:
    - i. Reduced pressure backflow prevention and water meter for the domestic lateral.
    - ii. Irrigation after a domestic meter and reduced pressure backflow device, routed to the planter strips for SW 124<sup>th</sup> Avenue and SW Cipole Road.
    - iii. The fire vault surrounded by five feet of public utility easement.
    - iv. As needed to maintain a public easement from the main to the vault, a 10-foot wide easement centered on the lateral.
    - v. If a vault is located in a drive aisle, then the cover/hatch must be rated for truck traffic as approved by the City Engineer.
- A3. In accordance with code section TMC 3-2, TDC 74.330, 74.620, and the Public Works Construction Code the applicant must:
- a. Submit sanitary sewer system plans that show:
    - i. Location of the sanitary sewer lines, grade, materials, and other details.
    - ii. Laterals serving the lot.
    - iii. A cleanout at the right-of-way and public easements the laterals.
    - iv. Construction of laterals to the existing and proposed manholes on TLID 2S128A000103 to the northwest of this development that does not affect the private stormwater systems.
  - b. Comply with the contractor insurance and bond requirements of the City of Tualatin.
- A4. In accordance with TMC 3-5-200 through 3-5-430, TDC 74.630 and 74.650, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design and Construction Standards (D&CS) Chapter 4 the applicant must submit:
- a. Final stormwater plans and calculations certified by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) proving proposed systems:
    - i. In accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4) with gravity flow from five feet from the outside the established line of the building to the public stormwater system or as otherwise approved by the City Engineer.

- ii. All private catch basins located outside of public sanitary sewer, stormwater, and water easements.
  - iii. Address runoff from all new and modified private and public impervious areas.
  - iv. 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.
    - 1. Public water quality facilities may be LIDA street swales within appropriately sized planter strips.
    - 2. Additional dedication of right-of-way may be required to accommodate public stormwater facilities.
  - v. Detain up to the 25 year storm event in accordance with TMC 3-5-220(4), TMC 3-5-230, and CWS D&CS 4.08.
  - vi. Show onsite facilities to accommodate hydromodification including release rates for ½ the 2-year or 5-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5.
  - vii. Submit conveyance calculations that accommodates up to a 25-year storm event with 100-year overland flow to the public stormwater system in accordance with TDC 74.640 and CWS D&CS 5.05.2.d.
  - viii. Demonstrate compliance with the submitted Clean Water Services' Service Provider Letter CWS File Number 21-002052 conditions to obtain a Stormwater Connection Permit Authorization Letter in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d) including mitigation of Vegetated Corridor impacts must be met through purchase of Wetland Mitigation Bank Credit.
  - ix. Comply with all requirements stated within the Service Provider Letter and CWS Memo dated February 24, 2022 and included as Exhibit D.
  - b. Submit financial assurance for construction performance in accordance with TMC 3-390(c), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1.
  - c. Submit a copy of the recorded private stormwater maintenance agreement. The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, and treatment.
- A5. In accordance with TMC 3-5-050 and 3-5-060, TDC 74.640, Public Works Construction Code, and Clean Water Services' Design and Construction Standards Chapters 2 and 6 the applicant must submit:
- a. Grading within public easements as approved by the City Engineer.
  - b. Final erosion control plans that minimize the impact of stormwater from the development to adjacent properties.
  - c. A copy of the National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.
- A6. In accordance with code sections TDC 74.120, 74.130, 74.210, 74.320, 74.330, 74.420, 74.425, 74.450, 74.470, 74.485, 74.765, 75.020, 75.040, and 75.140(6)(c)(iv)(B).
- a. For 124<sup>th</sup> Avenue, the applicant shall construct a full site access at SW Cimino Street or a limited site access (right-in-right-out) at the northeast corner of the site with the following mitigations:
    - 1. Dedication of right-of-way adequate to construct a minimum 12-foot wide sidewalk behind the existing curb and planter strip. At the discretion

of the City Engineer, the sidewalk may be placed within a public access easement.

2. Construction of a 12-foot wide sidewalk behind the existing curb and planter strip. The existing sidewalk may be utilized as part of the construction if it meets ADA requirements.
  3. Asphalt overlay 2-inch minimum, and grind along the curb or gutter to match grade, or as directed by the City Engineer, of existing pavement from to the centerline/median to curb adjacent to the lot's frontage.
  4. A striping plan to consist of two 12-foot wide travel lanes and one 6-foot wide bike lane.
  5. Replacement of existing street light fixtures to the LED, Option A standard.
  6. Construction of a continuation of the 12-foot wide multi-use path improvement to SW Tualatin-Sherwood Road across the adjacent property to the south (Tax Lot: 2S128A000100) within the existing right-of-way. If inadequate right-of-way exists, the City Engineer may approve modifications within the existing right-of-way including, but not limited to, eliminating this requirement.
  7. Construction of an access at the southeast corner of the site, between SW Cimino Street and TLID 2S128A000300, consisting of a paved minimum 40-foot wide driveway, located within a permanent access easement dedicated to lot TLID 2S128A000300, adequate construction easements, and permanent slope easement.
  8. Construction of a northerly extension of the existing median within 124<sup>th</sup> Avenue, as determined by the City Engineer, to limit turning movements from the site access.
- b. For 124<sup>th</sup> Avenue, verification of adequate queue lengths for southbound SW 124<sup>th</sup> Avenue left-turn movement to SW Tualatin-Sherwood Road must be constructed by this developer, exist, or proof of Washington County agreement to construct with their widening of SW Tualatin-Sherwood Road
- c. For SW Cipole Road the applicant must submit final plans that show construction to include:
1. An 8-foot wide public utility easement adjacent to right-of-way
  2. A total of 38 feet of right-of-way from the centerline plus any additional to accommodate final accepted future public stormwater LIDA management
  3. A 6-foot wide sidewalk
  4. A 6-foot wide planter or wider on the west side to accommodate a LIDA swale (6 feet plus 1 foot shy adjacent to the sidewalk)
  5. Street lights
  6. Approvable street trees and planting locations with irrigation
  7. A 2-foot wide curb and gutter
  8. A 6-foot wide bike lane
  9. A 12-foot wide travel lane
  10. Half of a 12-foot wide turn lane

- d. For SW Cipole Road the applicant must provide Washington County with recorded documents for a non-access restriction for the frontage, additional right-of-way to provide 38 feet from centerline, and an 8-foot PUE along the site’s frontage.

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**PRIOR TO BUILDING OR ENGINEERING PERMIT ISSUANCE:**

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*Submit to [eTrakit](#) for review and approval:*

- A7. The applicant must obtain a Facility Permit from Washington County and Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin. Per TDC 74.120, work must not be undertaken on any public improvement until after the construction plans have been approved by the City Engineer and permits issued and the required fees paid.
- A8. In accordance with code sections TDC 74.120, 74.210, 74.420, 74.425, 74.470, 74.485, and 74.765 the applicant must submit a copy of recorded dedication of sufficient right-of-way for SW Cipole Road including 38 feet of right-of-way and SW 124<sup>th</sup> Avenue including a total of 55 feet of right-of-way from the centerline plus any additional to accommodate final accepted public stormwater LIDA management.
- A9. In accordance with TDC 74.330, the applicant must submit a copy of recorded easements:
  - a. 8-foot wide public utility easement adjacent to SW Cipole Road.
  - b. Five feet public water easement surrounding fire vaults.
  - c. As needed to maintain a public easement from the main to the fire vault, a 10-foot wide easement centered on the lateral.
- A10. Submit a copy of recorded permanent access easement, construction easement, and permanent slope easement to enable the lot to the south to construct a 40 foot-wide driveway to their site in accordance with TDC 75.140(6)(c)(iv)(B). Provide written documentation of acceptance of the easements from the CCB property owners.
- A11. The applicant must submit a Final Site Plan Set (in PDF format) to the Planning Division that is in substantial conformance to the submitted site plans and includes:
  - a. Walkways must be a minimum of five feet and provided between the main building entrances and sidewalks along the public right-of-way, consistent with TDC 73A.500(1).
  - b. Trees identified for retention in Tree Assessment Report (Exhibit A3) must be identified on the grading plan, consistent with TDC 73B.080(3). This includes on-site Tree 447 and off-site Trees 353-358, 417, 421, 431, 432, 434, 436- 439, and 442. Tree protection fencing and other preservation measures recommended by the Arborist should also be specified on the grading plan.
  - c. Details to demonstrate that proposed bicycle parking meets the standards of TDC 73C.050(2) (a), (b), and (c), and 45 spaces are provided, with 14 covered, in conformance with TDC 73C.100(1).
  - d. Site driveways must comply with a minimum pavement width of 40 feet or as approved by the City Manager, in accordance with TDC 73C.130(3) and 75.040(9).
  - e. Trees, as approved by the Architectural Review Board, must be planted no more than 30 feet apart on the perimeter of vehicle circulation areas consistent with TDC 73C.230(3). Such trees may be omitted where the perimeter area is also within a Public Utility Easement as required by the City Engineer, and where there are existing trees at or near the property line.

- f. A minimum of 3,400 square feet or 25 square feet per parking stall improved with parking lot landscape island area with one deciduous shade trees for every four parking spaces, consistent with TDC 73C.240(4).
  - g. Demonstrate that an adequate waste and recyclables management solution is provided in compliance with TDC 73D. If the minimum standards method is chosen, a minimum of 2,727 square feet of trash enclosure area must be shown on the plans. These facilities must comply with the location, design, and access standards in TDC 73D.070.
- A12. The applicant must demonstrate property owner permission for removal of the 26 off-site trees identified in the Tree Assessment Report, submitted as Exhibit A3 and located on Tax Lot: 2S128A000300. Alternatively, the applicant must provide a revised grading and landscaping plan showing all off-site trees as preserved, with adequate protection for trees at the property line from all impacts of development.
- A13. The applicant must address that the TVF&R emergency radio communication coverage requirement is met, consistent with Exhibit C. A fee in lieu is available and must be paid prior to issuance of building permits.
- A14. The applicant must submit a solid waste and recyclables storage area plan that is in substantial conformance with the Minimum Standards Method described in TDC 73D.060 or other design method listed in TDC 73.020.

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**DURING CONSTRUCTION ACTIVITY:**

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- A15. The applicant must install the tree protection fencing consistent with the Tree Assessment Report submitted as Exhibit A3 and Section 73B.080(3). Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice. Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

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

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- A16. The applicant must complete all work associated with the City's Public Works Permit and Water Quality Permit, as well as Washington County's Facility Permit.
- A17. Per TDC 74.120, 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.
- A18. Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas, pursuant to TDC 73A.500(1).
- A19. Provide an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to TDC 73A.500(4)(d). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, be a minimum of 4 inches high, and have a minimum stroke width of 1/2 inch. It is recommended to double this size on large buildings.

- A20. Fire lane curbing must be painted red in areas marked on Exhibit C. Private fire hydrants and underground must be inspected by TVFR.
- A21. Areas impacted by grading and 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).
- A22. The applicant must install bicycle parking signage and vanpool/carpool parking signage per MUTCD standards, pursuant to TDC 73C.010(2)(xi) and TDC 73C.050(2)(d).
- A23. The applicant must construct proposed buildings and all site improvements as illustrated on the approved Final Site Plan and Final Color Architectural Elevations. The applicant must contact the Planning Division for a site inspection at least 72 hours prior to requesting a certificate of occupancy. This inspection is separate from inspection(s) done by the Building Division.

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

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- A24. The site has been permitted as warehouse and freight movement uses (TDC 39.440). A conditional use permit must be required if warehousing of building materials and supplies is proposed by future tenants. Future proposals that change the use of the property will be subject to review and limited to uses permitted in the General Manufacturing (MG) District, as identified in Table 61-1. If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use, in accordance with TDC 73C.010(2)(a)(v).
- A25. Consistent with the Transportation Impact Analysis dated December 15, 2021 prepared by Lancaster Mobley (Exhibit A4), future land uses on the site are must not generate more than 246 PM Peak Hour Trips and/or 1,690 Average Daily Trips. Alterations to this limitation require submittal and approval of a new Architectural Review application with corresponding traffic study under TDC 32.020(7), and in accordance with TDC 74.440.
- A26. No commercial uses, including parking or outdoor storage and display areas, are permitted within the Limited Commercial Setback, located 300 feet from the centerline of SW 124<sup>th</sup> Avenue, and identified on Exhibit H - Map 10-5.
- A27. All uses must be conducted within a completely enclosed building, except off-street parking and loading, and basic utilities, pursuant to TDC 61.310(1).
- A28. The proposed development must comply with the Environmental Regulations of TDC 63.
- A29. All mechanical equipment must be screened in accordance with TDC 73A.300(5). Prior to approval of a mechanical permit, the applicant or property owner must submit scaled elevations illustrating that above-grade or on-grade equipment will be screened by parapet, sight-obscuring fence, landscaping, or other method.
- A30. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.

- A31. 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*).
- A32. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1.
- A33. No vehicular parking, hedge, planting, fence, wall structure, or temporary/permanent physical obstruction is permitted between 30 inches and eight feet above the established height of the curb in the vision clearance area specified in TDC Figure 73-2.