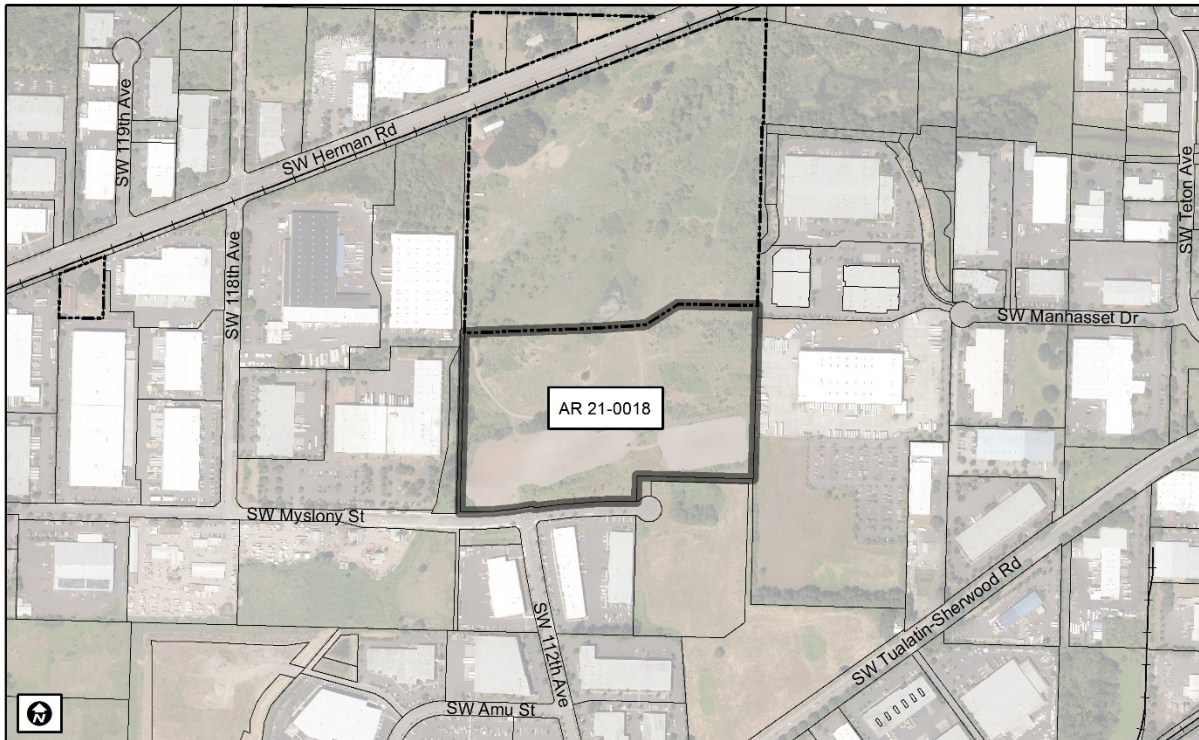


NOTICE OF DECISION



On June 29, 2022 the City of Tualatin approved with conditions AR 21-0018 for Walgraeve Industrial Park (Hedges Creek), located 11345 SW Herman Road; Tax Lot: 2S122D000550.

A copy of the application record can be found at: <https://www.tualatinoregon.gov/planning/ar21-0018-walgraeve-industrial-park-hedges-creek-11345-sw-herman-road>, and a printed copy may be available for a reasonable cost through a public records request: <https://www.tualatinoregon.gov/administration/public-records-request-0>

This staff level decision will be final after 14 calendar days from the date of this mailing unless a Notice of Appeal is filed with the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, OR 97062 before 5:00 p.m. on July 25, 2022**. The appeal must be submitted on the City Notice of Appeal form with all the information requested, as required by TDC 32.310, and signed by the appellant. Only those persons who submitted comments during the notice period may submit a request for review. The plans and appeal forms are available at: https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5095/appeal_form.pdf.

The appeal forms must include reasons, the appeal fee and meet the requirements of Section 32.310 of the Tualatin Development Code.

Date notice mailed: July 11, 2022

File: AR 21-0018



ARCHITECTURAL REVIEW BOARD DECISION

June 29, 2022

Case #:	AR 21-0018
Project:	Walgraeve Industrial Park (Hedges Creek)
Location:	11345 SW Herman Road; Tax Lot: 2S122D000550
Applicant:	Beth Zauner, AAI Engineering
Owner:	Ricky and Gary Walgraeve

I. FINDINGS

- A. An application for Architectural Review (AR 21-0018) was filed by AAI Engineering requesting approval to construct three buildings. Building A will be 148,600 square feet, Building B will be 142,550 square feet and Building C will be 151,425 square feet for a total of 442,575 square feet.
- B. The Architectural Review Board (ARB) conducted a noticed quasi-judicial public hearing on June 29, 2022 in conformance with the laws of the State of Oregon and the City of Tualatin.
- C. At the June 29, 2022 public hearing, the ARB found that additions to Conditions of Approval A12 and A17, as authorized by TDC 33.020(6), were needed to further the implementation of the requirements of the Tualatin Development Code, in order to meet the Site and Building Design Standards Purpose and Objectives of TDC 73A.010, the Landscape Standards Purpose and Objectives of TDC 73B.010, and Purpose of TDC 74.010.

II. ACTION

The Architectural Review Board Decision approves AR 21-0018 and adopted the staff analysis and findings, dated June 29, 2022, with the following Conditions of Approval (**bold underline** conditions were added by the Architectural Review Board at the hearing and are supported by the staff findings and discussion on the record):

GENERAL:

- 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).

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

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

- A2. The applicant must follow the requirements of TDC 33.110 and recommendations within the arborists report dated December 21, 2021.

- A3. In accordance with TDC 70.120, submit a completed and owner signed Flood Hazard Area Development Permit application based on Base Flood Elevations ranging from 136.1 to 142.1 feet, NAVD 1988 from east to west including:
- a. Plans certified by a professional civil engineer registered in Oregon showing:
 - i. Floodplain fill balanced by cut in accordance with TMC 3-5-250, and
 - ii. Proposed construction in accordance with TDC 70.170 and 70.180.
 - b. A floodplain elevation certificate for the proposed building indicating Construction Drawing, and
 - c. Operations and maintenance procedures.
- A4. In accordance with code section Tualatin Municipal Code (TMC) 3-2, TDC 74.330, 74.350, and 74.620, and the Public Works Construction Code (PWCC) the applicant must:
- a. Submit sanitary sewer system conveyance calculations and plans that show:
 - i. A minimum of 2 feet per second design flow in the proposed public mains in accordance with PWCC 205.2.07C.
 - ii. Location of the lines, grade, materials, and other details.
 - iii. Relocation of the existing public sanitary sewer line onsite
 1. Within SW Myslony Street to the east property line, then
 2. Adjacent to the east property line centered within a 15-foot wide public sanitary sewer easement, and then
 3. Reconnecting to the existing line near the northeast corner of this development.
 4. The line and easement may be in the same location as the easement for the Ice Age Tonquin Trail.
 - iv. A 12-foot wide paved surface:
 1. Meeting PWCC construction specifications for maintenance vehicles,
 2. Within the 15-foot wide access easement from SW Myslony Street to and surrounding the proposed manhole near the northeast corner of this development, and
 3. This surface may be designed and utilized for the Ice Age Tonquin Trail.
- A5. In accordance with code section TMC 3-3, TDC 74.610, and the Public Works Construction Code the applicant must submit final water plans that show:
- a. A gate valve at the main for domestic and fire service laterals.
 - b. Adjacent to SW Myslony Street right-of-way:
 - i. Reduced pressure backflow prevention and water meter for the domestic lateral,
 - ii. The water meter within the planter strip,
 - iii. Irrigation after a domestic meter and reduced pressure backflow device, and
 - iv. Fire vaults surrounded by a five foot public utility easement.
- A6. The applicant must submit an approved JPA for evaluation prior to erosion control, public works, and water quality permit issuance and provide documentation that demonstrates compliance with TDC 72.040(c)(i), (ii), (iii) and (iv).
- A7. The applicant shall provide all information meeting the requirements of TDC 72.040(3)(a, b and c) for all permit submittals.
- A8. The applicant must provide a site plan and written responses that demonstrates compliance with TDC 73A.500(1).
- A9. The applicant must follow the requirements of TDC 33.110 and recommendations within the arborists report dated December 21, 2021.
- A10. 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 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) proving proposed systems:
 - i. Engineer to provide a downstream analysis, including but not limited to erosion, and include solutions within final plans for ¼ mile downstream from the release from the private development through the public stormwater system, in accordance with TMC 3-5-210(4).
 - ii. With gravity flow five feet from the outside of the established line of the building to the public stormwater system or as otherwise approved by the City Engineer, in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4).
 - iii. Discharge must be to an approved public system.
 - iv. Address runoff from all new and modified private and public impervious areas.
 - v. 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, and
 2. Additional dedication of right-of-way may be required to accommodate public stormwater facilities.
 - vi. Detain up to the 25-year storm event in accordance with TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08.
 - vii. Show onsite facilities accommodating hydromodification including post-development runoff rates not exceeding pre-development runoff rates for ½ the 2-year storm event and the 5-year and 10-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5.
 - viii. Submit conveyance calculations that accommodates up to a 25-year storm event within the public stormwater system in accordance with TDC 74.640 and CWS D&CS 5.05.2.d.
 - ix. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
 1. The submitted Clean Water Services' Service Provider Letter CWS File Number 22-000820 dated March 29, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter.
 2. Any new or updated Service Provider Letter required due to final approved plans.
 3. Requirements stated within the Clean Water Services' Memorandum dated June 9, 2022.
 - b. Submit financial assurance for construction performance in accordance with TMC 3-390(3), 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 in accordance with TMD 3-5-390(4). 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.
- A11. 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 final erosion control plans:
- a. Minimizing the impact of stormwater from the development to adjacent properties, and
 - b. Including a copy of the National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.
- A12. In accordance with code sections TDC 74.120, 74.130, 74.210, 74.330, 74.420, 74.425, 74.430, 74.440, 74.470, 74.485, 74.660, 74.765, 75.020, 75.030, 75.040, and 75.120:

- a. A signal at the intersection of SW 124th Avenue and SW Myslony Street. **The City will provide TDT credits for 100% of the cost of design and construction.**
- b. For SW Myslony Street the applicant must submit final construction plans that include:
 - i. From the west side of SW 112th Avenue to the east property line:
 1. Half-street improvements north of centerline,
 2. Striping of the entire street section to a standard two travel and one center turn lane,
 3. Curbs and gutters,
 4. One 6-foot wide planter strip on the north side starting east of SW 112th Avenue,
 5. Street lights, Option A, as needed,
 6. Approvable street trees and planting locations with permanent irrigation,
 7. A 12-foot wide multi-use path on the north side, tapering at the existing sidewalk west of SW 112th Avenue,
 8. An 8-foot wide public utility easement adjacent to right-of-way with additional as required to support water meters and vaults, and
 9. The eastern access with a minimum 36-foot width:
 - a. Align with existing recorded 40-foot wide access easement Washington County document #2022-008774, or
 - b. Align with a new or modified access easement to serve the lot to the north.
 - ii. Reconstruction of exiting sidewalk, ramps, and closure of the existing driveway approach at SW 112th Avenue as needed for the proposed frontage on the north side of Myslony,
 - iii. Dedication of adequate right-of-way to accommodate the construction of the public improvements.

PRIOR TO BUILDING OR ENGINEERING PERMIT ISSUANCE:

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

- A13. The applicant must obtain:
 - a. A National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ, and
 - b. Erosion Control, Flood Hazard Area Development Permit, Public Works, and Water Quality Permits from the City of Tualatin.
- A14. The applicant must provide plans and written description that demonstrates compliance with TDC 73A.500(5)(a, b and c).
- A15. The applicant must provide a site plan and written responses that demonstrates compliance with TDC 73A.500(1).
- A16. The applicant shall submit a final landscaping plan that clearly demonstrates compliance with TDC Section 73B.020(3).
- A17. 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). Tree protection fencing and other preservation measures recommended by the Arborist should also be specified on the grading plan.

- c. 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.
 - d. A minimum of 8,375 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).
 - e. 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.
 - f. 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).
 - g. **To meet the Site and Building Design Standards Purpose and Objectives TDC 73A.010, additional elements to add diversity of building form, scale, articulation of walls, roof design, materials, and placement of elements such as clerestory windows on the east side of Building C, and the north side of Buildings A and B, doors, paint and identification features.**
 - h. **To meet the Landscape Standards Purpose and Objectives of TDC 73B.010, landscaping and planting materials must:**
 - i. **Be selected to increase diversity of type or species and maximize screening at time of planting, to the extent practicable.**
 - ii. **Include additional conifer or evergreen trees are required to be used for screening the loading docks and dispersed throughout the site to increase diversity of trees.**
 - iii. **Include street tree species from Table 74-1 Street Tree List that are appropriate for the width of a given planter strip.**
- A18. 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.
- A19. 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.
- A20. In accordance with code sections TDC 74.120, 74.420, 74.470, 74.485, and 74.765 the applicant must submit a copy of recorded dedication of sufficient right-of-way for SW Myslony Street from the centerline plus any additional to accommodate required public street and stormwater improvements.
- A21. In accordance with TDC 74.330, the applicant must submit a copy of recorded easements:
- a. A public utility easement, as approved by City Engineer, adjacent to SW Myslony Street including five feet of public water easement surrounding water meter, backflow protection, and/or fire vaults, and
 - b. A 15-foot wide public sanitary sewer line and access easement centered on the relocated public line adjacent to the east property line. This easement may include the Ice Age Tonquin Trail.
 - c. If modified as a result of final approved plans, the modified existing private access easement near the east property line from SW Myslony Street to the property to the north.

- A22. The relocation of the onsite public sanitary sewer line to within SW Myslony Street then north adjacent to the east property line must be constructed along with the maintenance access and approved by the City.
- A23. The applicant will provide an updated landscaping plan that illustrates evergreen trees meeting the requirements of TDC73B.090(4) located in areas of the site that will provide year-long screening of the loading docks.
- A24. The applicant must complete the following items noted in the Parks and Recreation Memo dated June 15, 2022 that are related to the multi-use regional Ice Age Tonquin Trail easement located on the eastside of the property as depicted on the attached site plan with required trail cross sections (Exhibit E).
 - a. Provide a north south active transportation pedestrian and bike easement on the east side of the property as shown in 3.1 A-2 Preliminary Site Plan dated April 12, 2022.
 - b. Easement is to be a minimum of 15' wide to accommodate the 12' multi use regional Ice
 - c. Age Tonquin Trail.
 - d. The easement will run from Myslony Street, along the eastside of the property, to the terminus of the property at the north boundary.
 - e. Execute and record the easement in accordance with City standards.

DURING CONSTRUCTION ACTIVITY:

- A25. All associated construction activities must comply with the requirements of TDC 72.060(2).
- A26. 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.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A27. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.
- A28. The applicant must submit a floodplain elevation certificate for all structures indicating Finished Construction in accordance with TDC 70.120.
- A29. 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).
- A30. The applicant must install bicycle parking signage and vanpool/carpool parking signage per industrial and or General Manufacturing standards, pursuant to TDC 73C.010(2)(xi) and TDC 73C.050(2)(d).
- A31. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with TDC 74.120.
- A32. 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.
- A33. The applicant must complete the following items noted in the Parks and Recreation Memo dated June 15, 2022 that are related to the multi-use regional Ice Age Tonquin Trail easement as depicted on the attached site plan with required trail cross sections (Exhibit E).
 - a. Applicable to the eastside of the property where the trail trends north-south.

- i. Applicant shall grade the trail easement to ADA compliant slope and evaluations shown in 3.1 A-2 Preliminary Site Plan dated April 12, 2022 (attached) or substantially similar as approved by the Parks & Recreation Director.
- b. Applicable to the SW Myslony Street Right of Way.
 - i. Applicant shall design and construct a 12 foot-wide multi-use pathway (regional Ice Age Tonquin Trail) on the north side of SW Myslony Street ROW from the intersection at 112th Avenue to the termination of the property to the east property line.
 - ii. Must include required mitigation, enhancement, and related improvements or facilities.
 - iii. Design and construction standards for the pathway and related facilities shall be approved by the Parks and Recreation Director in accordance with City Public Works Construction Code, Parks Multi Use Pathway Standards, and Street Design Standards for a 12' multi-use path.
 - iv. Trees and shrubs shall be planted between the pathway and the properties adjoining the Subject Property to create and maintain visual privacy. Plant selection and location shall be in accordance with City standards.

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

- A34. The site allows both Light Industrial (39.400) and Warehouse and Freight Movement uses (TDC 39.440) as permitted uses. A conditional use permit must be obtained 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).
- A35. 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).
- A36. The proposed development must comply with the Environmental Regulations of TDC 63.

III. APPEAL

The applicant or any person who submitted written comments or testified orally or in writing at the Tualatin Architectural Review Board hearing and who may be adversely affected by the Board's decision may file a request for review of the final decision of the Tualatin Architectural Review Board to the City Council.

The Tualatin Architectural Review Board's decision will be final after 14 calendar days from the mailing of this order, unless a written appeal is received by the **Tualatin Planning Division at 11345 SW Herman Road, Tualatin, Oregon, before 5:00 p.m., July 25, 2022. The appeal must be submitted on the City appeal form with all the information requested provided thereon, signed by the appellant, and include the applicable appeal fee.** The plans and appeal forms are available at the Planning Division offices. The appeal forms must include reasons, current appeal fee, and meet the requirements of Section 32.310 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 11th DAY OF JULY.

ARCHITECTURAL REVIEW BOARD
CITY OF TUALATIN

BY: *Nancy Grimes*
Nancy Grimes, Chair
Architectural Review Board