



ANALYSIS AND FINDINGS
LAM RESEARCH CAMPUS

ARB Hearing Continued to: January 25, 2023

Original Date: November 30, 2022

Case #:	AR 22-0006
Project:	Lam Research Corporation Campus
Location:	11155-11361 SW Leveton Drive; Tax Lots: 2S122AA 500 and 800; 2S122AB 100
Representative:	Suzannah Stanley, Mackenzie
Owner:	Lam Research Corporation

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

I. INTRODUCTION

A. Applicable Criteria

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

- TDC 33.020: Architectural Review
- TDC 33.050: Industrial Master Plan
- TDC 33.110: Tree Removal Permit/Review
- TDC 62: Manufacturing Park (MP) Zone
- TDC 73A: Site Design Standards
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvements
- TDC 75: Access

B. Site Description

The subject site is a 58 acre campus located at 11155 SW Leveton Drive (Washington County Tax Lots: 2S122AA 500 and 800; 2S122AB 100), and is zoned Manufacturing Park (MP).

The site currently consists of three lots, five buildings, and associated parking. This property is located in the former Leveton Taxing District; north of SW Leveton Drive, west of SW 108th Avenue, and south of SW Tualatin Road. The land reaches a high point of 188 feet in elevation in the northwest corner and slopes down to a low point of 146 feet near the southern end of the property.

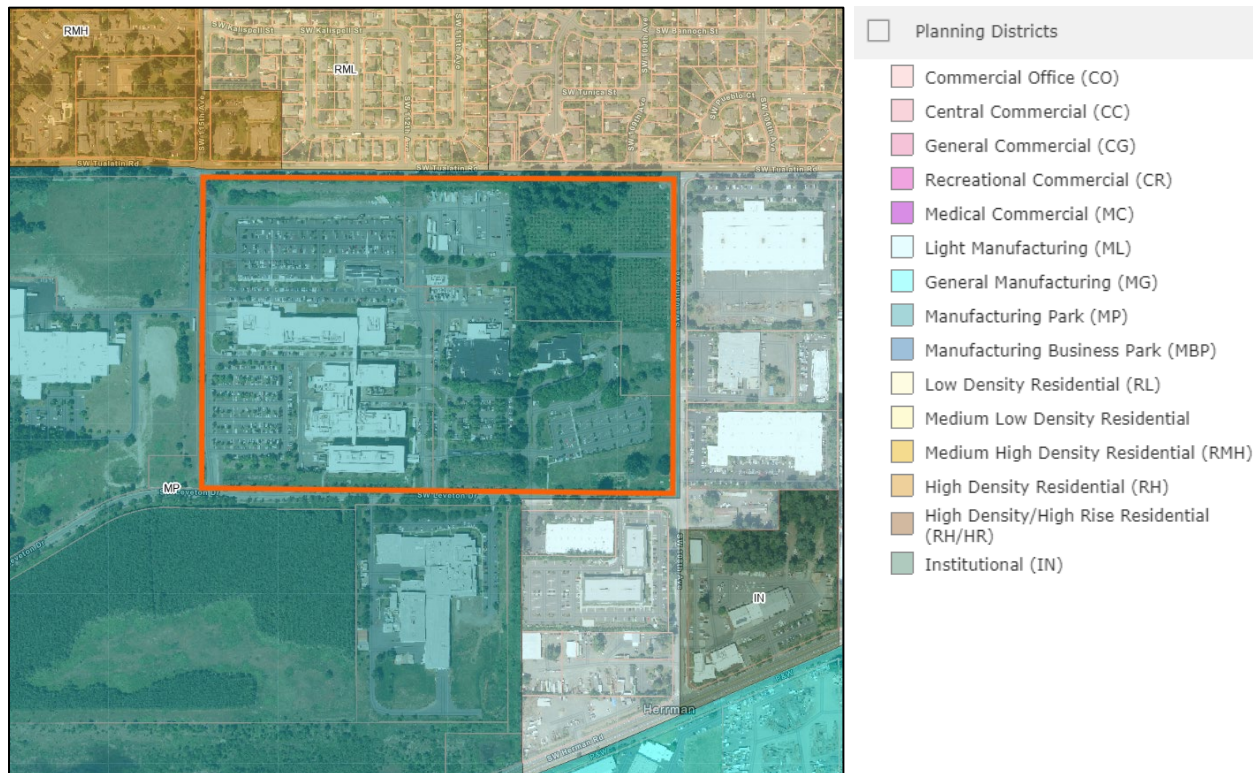
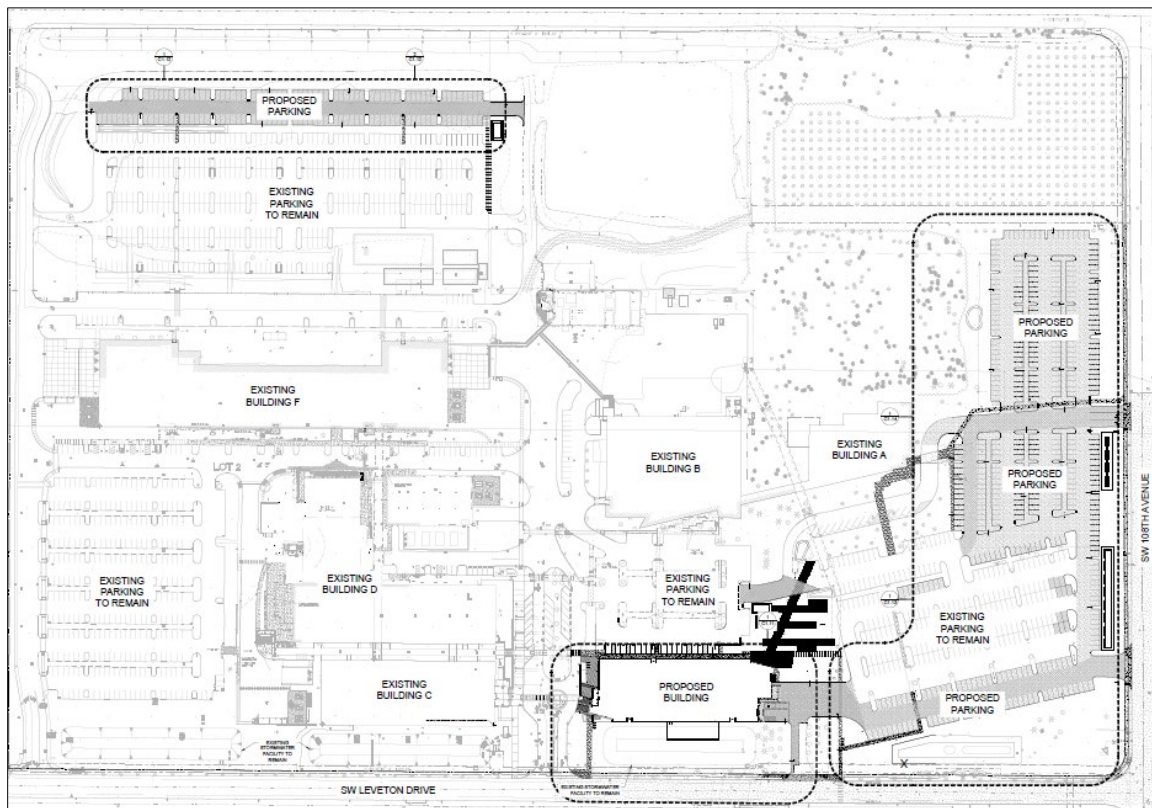


Figure 1: Aerial view of subject site (highlighted)

C. Proposed Project

As described in the applicant’s narrative (Exhibit A1), Lam Research Corporation proposes to construct a four-story, 120,000 square foot office building sited on the south end of the campus and east of the main entrance. The new building will be connected to existing Building C by a skybridge. The scope also includes an expansion of parking areas located on the northwest and eastern portions of the overall site. The new eastern parking area is proposed to be served by two access drives located off of SW 108th Avenue. The applicant also proposes to convert the east access on SW Leveton Drive to a truck-only access with appropriate signage. The campus development was granted modified development standards for building setbacks and parking and circulation setbacks through IMP 22-0001 (Exhibit D).

Figure 2: Site Plan (overview)



D. Previous Land Use Actions

- IMP 22-0001 – Modifications to Setback Standards
- AR 20-0001 – Lam Building D Addition
- AR 16-0010 – Lam Campus Parking Master Plan
- PLA 16-006 – Property Line Adjustment
- AR 15-0029 – Building D Expansion
- PAR 00-04 – Partition
- AR 00-03 – Novellus Phase 1
- IMP 00-01 – Novellus
- AR 89-24 – Oki Semiconductor

E. Surrounding Uses

Surrounding areas indicate a transitional area including industrial and residential use. Adjacent land uses include:

North: Residential Medium-Low Density (RML)

- SW Tualatin Road
- Fox Run Subdivision

South: Manufacturing Park (MP)

- SW Leveton Drive
- Fujimi Corporation

West: Manufacturing Park (MP)

- JAE Corporation
- Vacant land (Phight LLC)

East: Light Manufacturing (ML)

- SW 108th Avenue
- Ascentec Engineering LLC
- Olympus Controls

F. Exhibit List

Exhibit A1 - Narrative

Exhibit A2 – Plan Set and Elevations

Exhibit A3 – Tree Assessment Report

Exhibit A4 – Transportation Impact Analysis

Exhibit A5 – Preliminary Stormwater Report

Exhibit A6 – Supporting Documents

Exhibit B – Public Noticing Requirements

Exhibit C – Clean Water Services Memorandum

Exhibit D – IMP 22-0001 Written Order

Exhibit E – Water System Capacity Analysis

Exhibit F – Public Comment

Exhibit G – Map 8-5 Transit Plan

Exhibit H – TDC Figure 73-1

Exhibit I – TDC Figure 73-2

Exhibit J – Map 8-1

Exhibit K – Figure 74-2b

Exhibit L - Figure 74-2d

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
Architectural Review						
Commercial Buildings 50,000 square feet and larger	III	ARB	CC	Yes	Yes	TDC 33.020
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Finding:

The proposal is for a 120,000 square foot office building, 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 on September 15, 2022, and the hearing for AR 22-0006 scheduled for November 30, 2022 and was continued at the applicant's request to January 25, 2023. The applicant also granted a 60 day extension in compliance with ORS 227.178 (included in Exhibit B) and therefore final action will take place by March 14, 2023. 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 July 22, 2022, less than one month 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 A3 that they held a Neighborhood/Developer meeting on August 16, 2022, one day 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 Lam Research Corporation, who is the owner of the subject property. 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 March 4 2022. The applicant submitted additional information on March 30, 2022 and the application was deemed complete on April 12, 2022. 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 August 17, 2022. The application was forced complete on September 15, 2022. 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 22-0006 was mailed by city staff on October 28, 2022 as Exhibit B, which contained the information required by this section. At the hearing scheduled on November 30, the applicant asked for a continuance to January 25, 2023. The continued hearing date was re-noticed by city staff on January 5, 2023 as included in Exhibit B. Three public comments were received and have been included as Exhibit F. 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 a large commercial 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 for tree removal in conjunction with the Architectural Review application. The criteria in TDC 33.110, addressed below, are the basis for 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.

[...]

Finding:

The applicant's arborist surveyed trees on-site and adjacent to the site. The report, submitted as Exhibit A3, recommends the preservation of 175 trees, as well as removal of 80 trees that are over 8" dbh. Of the on-site trees proposed for removal, the majority are to be removed to construct the proposed improvements in accordance with criterion 33.110(5)(a)(iii). The report also noted that some trees that are either dead or in poor condition are proposed for retention, as an example: Trees 23419 and 23479.

Tree protection measures for are identified in Attachment 1 and 4 of the submitted tree assessment. With recommended Conditions of Approval A11.a. and A12 related to tree removal as well as tree protection, these standards are met.

Section 33.050. - Industrial Master Plans.

(1) Purpose. The Industrial Master Plan sets particular standards for development within the Industrial Master Plan Area (defined by such plan), in accordance with the Tualatin Comprehensive Plan, the Southwest Tualatin Concept Plan (SWCP) and the Leveton Tax Increment Plan. Such approved plans

are intended to achieve a campus-like setting within an Industrial Master Plan Area, while allowing development to occur independently on a number of smaller parcels within that area. It is the intent of this chapter to provide procedures and criteria for the submission and review of such Industrial Master Plan applications. Development standards approved through a Master Plan process establishes alternative development standards that supersede conflicting provisions in the Tualatin Development Code.

(2)Applicability.

[...]

(b)An Industrial Master Plan is optional for any development in the Manufacturing Park (MP) Zone or Manufacturing Business Park (MBP) Zone. An Industrial Master Plan is required to do any of the following:

(i)Modify the requirements for internal circulation, building location and orientation, street frontage, parking, setbacks, building height, or lot size as provided in TDC Chapter 62 for the Manufacturing Park (MP) Zone and TDC Chapter 64 for the Manufacturing Business Park (MBP) Zone; and

(ii)Provide for individual parcels of less than 40 acres in the Manufacturing Park Zone.

However, the parcels must not be less than 15 acres north of SW Leveton Drive and five acres south of SW Leveton Drive, unless otherwise provided under TDC 62.050(1).

(c)An Industrial Master Plan must be submitted for the entire Industrial Master Plan Area and include all owners of property within the area.

Finding:

The campus development was granted modified standards for building and parking and circulation setbacks, as well as the allowance of 15 acre parcels through IMP 22-0001, included as Exhibit D. This Architectural Review submittal will be subject to the modified standards memorialized under IMP 22-0001 in Exhibit D.

Chapter 62: Manufacturing Park Zone (MP)

[...]

TDC 62.200. - Use Categories.

(1)Use Categories. Table 62-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MP zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 62-1 and restrictions identified in TDC 62.210. 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)Overlay Zones. Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Table 62-1
 Use Categories in the MP Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
Commercial USE CATEGORIES		
Office	P (L)	Permitted uses limited, see TDC 62.210(2).
INDUSTRIAL USE CATEGORIES		
Light Industrial	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Manufacture or assembly of electronic or optical instruments, equipment, devices [...] • Research and development laboratories.

[...]

Finding:

The project area is within the Manufacturing Park (MP) Planning District. Lam designs and manufactures equipment used in the fabrication of semiconductor products. The proposed office building is an accessory use to permitted light manufacturing uses, subject to limitations found in TDC 62.210(2). While the proposed office building will include a fitness facility and cafeteria/café on the main level, these uses are not open the public and are considered accessory to the primary use. As a result, the use limitations found in TDC 62.210(4) do not apply to the accessory amenities. This standard is met.

TDC 62.210. - Additional Limitations on Uses.

[...]

(2)Offices. Office uses are a permitted as specified below.

[...]

(b)Accessory Uses to an Industrial Use. Office uses accessory to a permitted industrial use are permitted.

Finding:

As mentioned previously, Lam designs and manufactures equipment used in the fabrication of semiconductor products. The proposed office building is accessory to permitted light industrial uses, including the manufacturing of electronic instruments or equipment and research and development laboratories. Therefore the proposed office use meets the standard.

TDC 62.300. - Development Standards.

Development standards in the MP zone are listed in Table 62-2. Additional standards may apply to some uses and situations, see TDC 62.310.

STANDARD	IMP 22-0001 DEVELOPMENT STANDARDS	PROPOSED
MINIMUM SETBACKS		
Minimum Building Setback for Yards Adjacent to SW Leveton Drive	68 feet	89 feet

STANDARD	IMP 22-0001 DEVELOPMENT STANDARDS	PROPOSED
Minimum Building Setback for Yards Adjacent to SW 108th Drive	98 feet	600 feet
Minimum Building Setback for Yards Adjacent to SW Tualatin Road	Subject to Table 62-2 Development Standards in the MP Zone (100 feet)	1,105 feet
Minimum Setback for Side and Rear Yards not Adjacent to Streets or Alleys	0 feet from side and rear yards under common ownership From Lot 2S122BA00100 (currently owned by JAE Oregon Inc.): Subject to Table 62-2 Development Standards in the MP Zone (50 feet)	56 feet from internal property line 1,015 feet from Lot 2S122BA00100
Parking and Circulation Areas Adjacent to SW Leveton Drive	50 feet	58 feet
Parking and Circulation Areas Adjacent to SW 108 th Avenue	43 feet	43 feet
Parking and Circulation Areas Adjacent to SW Tualatin Road	35 feet	107 feet
Parking and Circulation Areas Adjacent to Private Property Line	0 feet from property lines under common ownership 9.5 feet from Lot 2S122BA00100 (currently owned by JAE Oregon Inc.)	No proposed changes
Fences	Subject to Table 62-2 Development Standards in the MP Zone (50 feet from public right-of-way)	None proposed outside of safety fence around Stormwater facility
STRUCTURE HEIGHT		
Maximum Height	Subject to Table 62-2 Development Standards in the MP Zone (70 feet) May be increased to 85 feet if yards adjacent to structure are not less than a distance equal to one and one-half times the height of the structure)	67 feet

[...]

Finding:

The Lam campus has an approved Industrial Master Plan IMP 22-0001, included as Exhibit D, that modified setbacks as reflected in the table above. And as shown in the table above, the development standards are met.

TDC 62.210. - Additional Limitations on Uses.

(5)Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except as provided by this section.

(a)Permitted Uses. Off-street parking and loading, utility facilities, wireless communication facilities, and outdoor storage occupying less than ten (10) percent of the total site area, are permitted outright as outdoor uses.

Finding:

The applicant has not proposed outdoor uses outside of parking, loading, and utilities. With recommended Condition of Approval A19, this standard is met.

TDC 62.310. - Additional Development Standards.

(1)Industrial Master Plan. Minimum lot size, setbacks, maximum height, and other development standards may be modified by submittal of an Industrial Master Plan application. See TDC 33.050.

[...]

Finding:

As mentioned in the previous finding, standards modified by IMP 22-0001 have been addressed. 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 Manufacturing Park 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 A20, these standards are met.

Chapter 73A: Site Design

TDC 73A.300. - Commercial Design Standards.

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

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

- (a)Walkways** must be a minimum of six feet in width;

- (b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable;**
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;**
- (d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;**
- (e) Walkways through parking areas, drive aisles, and loading areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;**
- (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and**
- (g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.**

Finding:

As shown in Exhibit A2, walkways throughout the site are a minimum of 6-feet wide and concrete. A walkway is provided between the main entrances of the proposed building and other on-site buildings, accessways, and sidewalks. Bicycle facilities have been provided near entrances of the proposed. Further evaluation for ADA standards will be conducted during the building permit phase. There are no outdoor recreation access routes required for this site. With recommended Condition of Approval A11.b., these standards are met.

(2) Accessways.

- (a) When Required. Accessways are required to be constructed when a multi-family development is adjacent to any of the following:**
[...]

Finding:

The proposal is not adjacent to multi-family development. This standard does not apply.

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

[...]

Finding:

The proposal does not include a drive-up use. This standard does not apply.

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

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;**
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;**
- (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;**
- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and**
- (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall..**

Finding:

As shown in Exhibit A2, the proposed building has windows along all sides and all floors. A photometric plan demonstrates full cutoff light fixtures have been selected to reduce light pollution from shining into public rights-of-way. No new above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, or above ground natural gas pumping stations are proposed. With recommended Condition of Approval A13 to address (d), these standards are met.

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

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

As shown in Exhibit A2, the rooftop mechanical equipment will be located behind a screen wall. The narrative included as Exhibit A1 states: the transformer will be in a below grade vault near the trash enclosure. No new outdoor storage is proposed. With recommended Condition of Approval A21, 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:

As shown on Comprehensive Plan Map 8-5 (Exhibit G), the subject site is located along the Blue Line shuttle route with a stop located near the main driveway entrance on SW Leveton Drive. Public sidewalks along SW Leveton Drive and SW 108th Avenue connect the campus to this stop. There is no other plan in place for additional transit along either frontage. This standard is met.

Chapter 73B: Landscaping Standards

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

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
(5) IN, CN, CO/MR, MC and MP zones—All uses	25% of the total area to be developed	22.5% of the total area to be developed

** For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement," the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.*

Finding:

As shown in Exhibit A2 states the proposal will include 26.4% landscape area. This standard is met.

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

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

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

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

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

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

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

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

(i>Loading areas;

(ii)Bicycle parking areas;

(iii)Pedestrian egress/ingress locations; and

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

(d)Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.

Finding:

Landscaping is provided in all areas not otherwise occupied by buildings, vehicle areas, or pedestrian amenity areas. The site is not located adjacent to the Hedges Creek Wetland. All building elevations will be viewable from either parking areas or the public right of way. As shown in Exhibit A2, a combination of existing lawn and patio is proposed on the south elevation. The east elevation serves as the main entrance with pedestrian arcade and bike parking and the west elevation includes loading areas and bike parking. And while the north elevation directly abuts a walkway to a parking area, a landscaped plaza with seating is proposed at the northwest corner of the building instead of the traditional perimeter landscape treatment. With recommended Conditions of Approval A11.c. and A14, this standard is met.

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

The following are minimum standards for landscaping for all zones.

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

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.

(2) Fences	Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
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Finding:

No fencing is proposed, and there are no established wildlife crossings in the vicinity. This standard is met.

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

The Arborist Report (Exhibit A3) calls for preserving 175 on-site trees. With recommended Conditions of Approval A11.a. and A12, these standards are met.

(4) Grading	<ul style="list-style-type: none"> • After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.
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	<ul style="list-style-type: none"> • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.
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Finding:

The applicant is required to obtain an erosion control and grading permit with the City. With recommended Conditions of Approval A2 and A7, this standard is met.

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

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

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

The applicant proposes to landscape all areas not otherwise proposed for development. Drought tolerant plants, as well as some natives, have been selected to reduce irrigation and maintenance needs. With recommended Condition of Approval A14, 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"> • One and on-half inch caliper measured six inches above ground; • Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; • Reach a mature height of 30 feet or more; • Cast moderate to dense shade in summer; • Live over 60 years; • Do well in urban environments, tolerant of pollution and heat, and resistant to drought; • Require little maintenance and mechanically strong; • Insect- and disease-resistant; • Require little pruning; and
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	<ul style="list-style-type: none"> • Barren of fruit production.
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> • One and on-half inch caliper measured six inches above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species
(3) Coniferous Trees	<ul style="list-style-type: none"> • 5 feet in height above ground; • balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> • One to five gallon size; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • Side of shrub with best foliage must be oriented to public view.
(5) Groundcovers	<ul style="list-style-type: none"> • Fully rooted; • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited.
(6) Lawns	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species.

Finding:

Per the Plant Schedule 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;

[...]

(iv)Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;

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

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

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

[...]

(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;

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

[...]

(xiii)If the applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.

Finding:

While the campus has an industrial master plan, no modified parking standard has been requested or approved. That said, case files IMP 00-01 and AR16-0010 made findings that the manufacturing parking rate is acceptable for determining minimum parking requirements for the campus development. Under (vi), staff finds that a rate of 1.6 spaces per 1,000 square feet of gross floor area is acceptable for determining parking requirements for the proposed office that supports a research and development campus that is primarily dedicated to specialized manufacturing. No on-street parking is proposed. Additionally the applicant has not requested a parking variance. With recommended Conditions of Approval A11.d, standard (vi) is met and A15, standard (xi) is 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), most stalls are proposed at 9 feet wide and are either 16 feet long with landscape overhang or 18.5 feet long. Drive aisles are proposed between 24 to 30 feet. Both aisles and stalls are proposed to be comprised of asphalt. Concrete curbs are also proposed. Wheel stops are proposed for parking stalls adjacent to pedestrian walkways to prevent encroachment. With recommended Condition of Approval A24, 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 building entrances. ADA standards will be reviewed in greater detail during the building permit phase. No compact stalls are included in the proposal. 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 between 24 to 30 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:

All exterior site lighting fixtures that have been selected are compliant with The Dark Sky Society lighting standards. 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 in Exhibit A2, the applicant proposes a combination of short-term and long-term bike parking areas; however dimensioned details of the bike parking furnishings were not included in the application materials. With recommended Conditions of Approval A11.e. and A15 which will 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				
(i) Manufacturing	1.60 spaces per 1,000 square feet of gross floor area	None	2 spaces, or 0.10 spaces per 1,000 gross square feet,	First five spaces or 30 percent, whichever is greater

			whichever is greater	
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Finding:

While the campus has an industrial master plan, no modified parking standard has been requested or approved. As previously mentioned under TDC 73C.010, staff finds that the manufacturing rate of 1.6 spaces per 1,000 square feet of gross floor area is acceptable for determining parking requirements for the proposed office that supports a research and development campus that is primarily dedicated to specialized manufacturing. As shown in Exhibit A2, the site currently has 1,377 stalls and the proposal includes 549 additional stalls for a total of 1,926 stalls. An analysis of required parking for the proposed use is provided in the table below.

Table 1: Minimum and Proposed Parking by Use

Use	GFA	Minimum Required Parking	Proposed Parking	Required Bike Parking	Required Covered Bike Parking
Office to support specialized manufacturing	120,000	192	549	12	5

With recommended Conditions of Approval A 11.d-e, 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
26 and greater	1 for each 25 spaces

Finding:

The proposal is for a commercial uses which will require a minimum of eight vanpool and carpool spaces, and as shown in Exhibit A2, 12 spaces are proposed. With recommend Condition of Approval A11.f., 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
Commercial	60,000 and over	3	12 feet × 35 feet	14 feet

(2) Loading berths must not use the public right-of-way as part of the required off-street loading area.

(3) Required loading areas must be screened from public view, public streets, and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.

- (4) Required loading facilities must be installed prior to final building inspection and must be permanently maintained as a condition of use.**
- (5) The off-street loading facilities must in all cases be on the same lot or parcel as the structure they are intended to serve. In no case must the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.**
- (6) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children must be located on the site of a school or child day care center having a capacity greater than 25 students.**

Finding:

The campus site includes a number of existing buildings and loading dock facilities. As shown in Exhibit A2, the proposed office building is 120,000 square feet and includes two loading docks. The proposed loading docks are approximately 13 feet x 43 feet and 10 feet x 43 feet. The loading area is located on the east elevation of the proposed building and will be screened from public view by landscaping and parking areas. While the overall site will include a total of 13 loading docks, the applicant has not provided sufficient evidence to satisfy the requirement that adequate loading facilities will be located on the same lot as the proposed office building. With recommended Conditions of Approval A11.g., 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:

[...]

(2) Commercial Uses. Ingress and egress for commercial and institutional uses must not be less than the following:

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

[...]

Finding:

As shown in Exhibit A2, the proposal includes two new access driveways located off of SW 108th Avenue to serve the expanded parking lots on the eastern side of the campus. The driveways are 36' wide for the first 50' from right of way and more than 24' wide thereafter. A sidewalk is provided near the northern access. Additional findings are provided in Chapter 75.

(6) Maximum Driveway Widths and Other Requirements.

[...]

- (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 are located approximately 395 feet apart. With recommended Condition of Approval A3 standard (e) is met and Condition of Approval A25 standard (f) is met.

TDC 73C.220. - Commercial Parking Lot Landscaping Requirements.

Commercial uses must comply with the following landscaping requirements for parking lots in all zones:

(1)General. Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.

Finding:

The parking lot contains landscaping in areas not used for vehicle and pedestrian movement. This standard is met.

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

[...]

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 A25 related to maintenance, this standard is met.

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

- (a)Deciduous trees located not more than 30 feet apart on average as measured on center;**
- (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), perimeter landscaping is proposed around all parking, circulation, and loading areas. Trees are located less than 30 feet on center. This standard is 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 run-off and function as water quality facilities as well as parking lot landscaping;**
- (b)Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;**
- (c)Landscape separation required for every eight continuous spaces in a row;**
- (d)Must be planted with one deciduous shade trees for every four parking spaces. Required trees must be evenly dispersed throughout the parking lot;**
- (e)Must be planted with groundcover or shrubs;**

- (f) Native plant materials are encouraged;**
- (g) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);**
- (h) Required plant material in landscape islands must achieve 90 percent coverage within three years; and**
- (i) Exceptions: [...]**

Finding:

The campus has an approved Industrial Master Plan IMP 22-0001 that established modified parking lot landscaping standards for the south half of the site to accommodate the natural grade under Condition of Approval A3.e. Given that a minimum of 192 parking spaces are required for the proposed use, 4,800 square feet of parking lot landscape island area and 48 trees are required. While the application materials are silent on the square footage of parking lot landscaping included in the proposal, there are 83 trees proposed throughout the parking areas. Staff did note that the southwestern bank of parking illustrated on Sheet C1.14 proposed a landscape separation every 13 stalls as opposed to the 12 stalls approved under the modified standards of IMP 22-0001. With recommended Condition of Approval A11.h., these standards are met.

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

- (a) Landscape area at least five feet in width on each side of the site access;**
- (b) Landscape area must extend 25 feet from the right-of-way line; and**
- (c) Exceptions: [...]**

Finding:

As shown in Exhibit A2, the proposed driveways are flanked by a five foot wide landscape area that extends more than 25 feet from the right-of-way line. This standard is 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;**
- [...]**

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 in Exhibit A6. 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 ten square feet plus:

(i) Office—Four square feet/1,000 square feet gross leasable area (GLA);

[...]

Finding:

The proposal is for a 120,000 square foot office building, which requires 490 square feet. As shown on the site plan included in Exhibit A2, both a trash enclosure and trash compactor is proposed. A 203 square foot trash enclosure is located along the eastern elevation of the proposed. With recommended Condition of Approval A11.i. 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:

As shown in Exhibit A2, trash areas will be located near the loading dock on the east side of the building and will not be located in the setback area. The trash enclosure is approximately 25 feet wide by 10 feet deep and is not covered. The trash compactor is a 265XP-30, self-contained 30 cubic yard compactor. The trash enclosure will be enclosed by an eight foot high concrete wall panel and chain link gate. Each gate door is 10 feet wide and can be secured in an open position. The trash enclosure is located near the loading area and is screened by sight obscuring walls as permitted under TDC 73C.120(3). Access to the trash compactor and trash enclosure is through the loading dock and there are dedicated personnel doors from both the commercial kitchen and circulation spaces to avoid needing to pass through the main building entrance. Trash enclosure area will be concrete floor surface and bins will be labeled by the hauler service. With recommended Condition of Approval A11.i., these standards 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 after approval of plans and issued Erosion Control, Water Quality, and Public Works Permits. With recommended Conditions of Approval A2 and A8, this standard 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 A17 and A23, this standard 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 will be completed and accepted by the City prior to receiving a Certificate of Occupancy. With recommended Conditions of Approval A16 and A17, this standard is met.

[...]

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 majority of development impacts are located adjacent to SW 108th Avenue and SW Leveton Drive. Final plans will include a minimum of half-street right-of-way dedications to preferred cross-sections along with improvements within SW 108th Avenue and SW Leveton Drive meeting the requirements of the City of Tualatin. To the extent dedications conflict with Conditions of Approval of IMP 22-0001, easements may be provided such that the combination of dedication and easement are sufficient to accommodate the City's Preferred Cross-Section. With recommended Conditions of Approval A3 and A8, this standard is 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 along SW 108th Avenue and SW Leveton Drive will be provided and completed prior to Building Permit issuance. With recommended Conditions of Approval A3 and A8, this standard 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 Conditions of Approval A3 and A8, these standards are 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.
- (5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.
- (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.
[...]
- (10) Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.
- (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).
[...]
- (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.

[...]

(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 Mackenzie was submitted as Exhibit A4. Plans show two new driveways off of SW 108th Avenue, as well as a modification to the existing eastern driveway off of SW Leveton Drive. The sidewalk on the west side of SW 108th Avenue and select locations on SW Leveton Drive are shown to be improved to bring into compliance with ADA specifications. Additionally the City Engineer has reviewed the proposal against the above requirements. Required dedication of right-of-way and construction of public street surface infrastructure will benefit this development's expected addition of bicycle, pedestrian, and vehicular trips utilizing streets and sidewalks. With recommended Conditions of Approval A3, A8, A9 and A10, these standards 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 108th Avenue, SW Leveton Drive, and SW Tualatin Road which are designated a Minor Collector, Minor Arterial, and Major Collector, respectively on the Tualatin Comprehensive Plan Map 8-1 (Exhibit J). Under (4), the City Manager finds that the existing right of way

of 32 feet from centerline for SW Tualatin Road exceeds the minimum cross section standard for a Major Collector and is acceptable for the proposed development at this time, but may be reassessed at the time of additional development. A Traffic Study conducted submitted as Exhibit A4 did not recommend additional improvements greater than the planned cross-sections. With recommended Condition of Approval A3, these standards 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 Mackenzie was submitted as Exhibit A4 and did not recommend any improvements. The study recommendations and mitigation stated:

All study area intersections currently operate within City of Tualatin mobility standards except the SW Tualatin Road/SW Teton Avenue intersection. The northbound left-turn movement at this location currently has a delay greater than 90 seconds which exceeds the City's LOS E standard for an unsignalized intersection, as reported by Synchro software; however, video observations

of existing conditions show delays for this movement are closer to 14 seconds. Similarly, the delay reported by SimTraffic for existing conditions is approximately 27 seconds. Therefore, we estimate the delay under 2024 post-development conditions will be approximately 40 seconds as reported by SimTraffic software, and corresponding with an LOS E.

All other study area intersections are projected to operate at acceptable levels, as reported by Synchro software. While queues during the peak 15-minute periods of the morning and afternoon show some queuing that exceeds available storage, queues for the remainder of the AM and PM peak hours are expected to be accommodated within existing queue storage areas. Therefore, no other improvements are recommended at this time.

City staff has reviewed the subject analysis and has determined that it meets the above requirements. This standard is 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 108th Avenue, SW Leveton Drive, and SW Tualatin Road. All roadways require a sidewalk and bike lane on Tualatin Comprehensive Plan Map 8-4. The City Engineer has reviewed the proposal and found required bikeways are existing. These standards are met.

[...]

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 abuts SW 108th Avenue, SW Leveton Drive, and SW Tualatin Road which requires street lights. With recommended Conditions of Approval A3 and A17, these standards are met.

[...]

TDC 74.485. - Street Trees.

[...]

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

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

Finding:

The Landscape Plan submitted as Exhibit A2, illustrates selected street tree species and spacing. With recommended Condition of Approval A3, these standards are 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.

[...]

(3) As set forth is 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 the proposed office building will be served by a 3-inch diameter domestic and an 8-inch diameter fire service lateral with associated meter and fire vault to the public main north of SW Leveton Drive.

A gate valve will be located near the main for each water lateral. A public utility easement will surround the water meter and fire vault by five feet.

The City's consultant Consor provided a Water System Capacity Analysis (Exhibit E) which did not recommend additional public water infrastructure improvements were required to serve this development. With recommended Condition of Approval A4 these standards are 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 the proposed office building will be served by a six-inch sanitary sewer lateral connected to an existing stub off a manhole to serve the proposed building. With recommended Condition of Approval A5, this standard 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.

[...]

Finding:

As shown on the Utility Plans, submitted as Exhibit A2, the proposal includes a connection to stormwater lines within SW 108th Avenue right-of-way that flow south towards a public drywell at the intersection of SW 108th Avenue and SW Leveton Drive. Final plans and stormwater calculations will demonstrate that the development has direct access by gravity to the public stormwater system with adequate infiltration and/or downstream capacity in accordance with City of Tualatin and Clean Water Service standards.

A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance the applicant will 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 A6 these standards are 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 4.27 acres. Final plans may include over 5 acres of disturbance based on conditions of approval. 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.

With recommended Conditions of Approval A6 and A7, these standards are met.

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

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

[...]

(2) On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.

(3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

Finding:

A Stormwater Report has been submitted as Exhibit A5 which proposes both modifying existing stormwater facilities and constructing new stormwater facilities to provide treatment, hydromodification, and detention for all private impervious areas.

A Clean Water Services Service Memorandum was received and included as Exhibit C. 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 Conditions of Approval A2, A6, and A9 this standard 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:

The Utility Plan illustrates reconstruction of the west side of SW 108th Avenue to include a planter strip and ADA compliant sidewalk. The improvements will extend from SW Leveton Drive to SW Tualatin Road

including undergrounding of overhead utilities as approved by the City Engineer. With recommended Conditions of Approval A3 and A17 these standards 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.

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

Trident Maple	•	•	•	•	30
Urbanite Ash		•	•		30
Yellowwood	•	•	•		30
Zelkova Musashino	•	•	•		30

Finding:

The Landscape Plan submitted as Exhibit A2, illustrates Persian Parrotia street trees along SW 108th Avenue. With recommended Condition of Approval A3, this standard 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:

Plans submitted under Exhibit A2 indicate that two driveways are proposed to SW 108th Avenue which is designated a collector street. These driveways were also reviewed in the traffic study submitted as Exhibit A4. With recommended Condition of Approval A3 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.

[...]

(b) A system of joint use driveways and cross access easements may be required and may incorporate the following:

(i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

(ii) A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

(iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and

(iv) An unified access and circulation system plan for coordinated or shared parking areas.

(c) Pursuant to this section, property owners may be required to:

(i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

(ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

(iii) Record a joint maintenance agreement with the deed defining maintenance

responsibilities of property owners; and (iv) If subsection (i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection (i) through (iii) above prior to any changes.

[...]

(4) Requirements for Development on Less than the Entire Site.

(a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

(b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.

(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):

TABLE 75-1 Driveway Approach Width		
Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Industrial	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, duplexes, townhouses, triplexes, quadplexes, and cottage clusters, 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:

Plans (Exhibit A2) new accesses are proposed to SW 108th Avenue. Condition A3 will necessitate moving the southern proposed driveway to 108th to be opposite an existing driveway more than 300 feet (centerline to centerline) from the intersection of 108th Ave with Leveton Drive. These accesses were evaluated within the traffic report included as Exhibit A4. With recommended Conditions of Approval A3 and A25, 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.

[...]

(15) LEVETON DRIVE.

(a) 108th Avenue to 118th Avenue.

(i) On the north side of Leveton Drive, [...] Novellus (2S122AA 500 and 2S122AB 100) shall be permitted three driveways located approximately 25 feet and 950 feet from the west property line for Tax Lot 100 and 600 feet west of 108th Avenue for Tax Lot 500.

Finding:

The Site Plan illustrates multiple existing accesses: one to SW 108th Avenue, three to SW Leveton Drive, and one emergency vehicle only to SW Tualatin Road via a lot to the west. This standard is met.

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 22-0006, and therefore recommend approval of this application with the following conditions of approval:

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 TDC 33.020(10).

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

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

- A2. The applicant must apply for applicable Engineering Erosion Control, Water Quality, and Public Works permits:
- a. Apply using [eTrakit](#). With the initial Engineering permit(s) application(s) include:
 - i. One combined set of 24"x36" plans including all applicable Engineering permits attached to one Engineering permit. Include a note on other Engineering permits stating which application includes the set.
 - ii. Payment for an Erosion Control permit fee per the fee schedule.
 - iii. Engineering estimate and deposit for each Water Quality or Public Works permit per the fee schedule.
 - b. Deliver two 24"x36" hard copies of the combined Engineering permit plan sets to:
City of Tualatin
Attn: Engineering Division c/o Hayden Ausland, Principal Engineer, PE
10699 SW Herman Road
Tualatin, OR 97062
- A3. The applicant must submit Final Street Improvement Plans for SW 108th Avenue and SW Leveton Drive, in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show:
- a. Dedication of half-street right-of-ways to total 37 feet from centerline for SW Leveton Drive, in accordance with the Preferred Minor Arterial Cross-Section, Figure 74-2b (Exhibit K). To the extent that dedication would conflict with Conditions of Approval from IMP 22-0001, a public access and utility easement may be provided such that the total dedication and easement can accommodate the Preferred Minor Arterial Cross-Section.
 - b. For SW 108th Avenue from SW Leveton Drive to SW Tualatin Road:
 - i. Dedication of adequate right-of-way to construct required public improvements with a minimum of a half-street total of 38 feet from centerline for SW 108th Avenue, in accordance with the Preferred Minor Collector Cross-Section Figure 74-2d (Exhibit L). To the extent that dedication would conflict with Conditions of Approval from IMP 22-

- 0001, a public access and utility easement may be provided such that the total dedication and easement can accommodate the Preferred Collector Cross-Section;
- ii. A minimum 6-foot-wide planter strip on the west side including:
 1. Curb;
 2. Replace existing street lights with the LED, Option A standard;
 3. Street trees; and
 4. Public LIDA stormwater street swales within an adequately wide planter strip or:
 - a. Proof that the existing public drywell at the intersection of SW 108th Avenue and SW Leveton Drive has capacity to accommodate stormwater requirement due to addition and modification of public impervious area; and,
 - b. Meet any and all requirements from DEQ for continued use of said public drywell.
 - iii. A 6-foot-wide sidewalk;
 - iv. Undergrounding overhead utilities as approved by the City Engineer; and
 - v. Ramp replacement on the west side of the intersection of SW 108th Avenue and SW Leveton Drive for both north (sending) and south (receiving).
- c. An 8-foot-wide public utility easement, or existing equivalent approved by the City Engineer, and any required slope easements adjacent to SW 108th Avenue and SW Leveton Drive including five feet of public utility easement surrounding water meter, backflow protection, and fire vault;
 - d. All adjacent public sidewalks for all lots involved with this development within compliance of ADA standards or replacement of necessary driveways, ramps, and panels to bring into compliance;
 - e. All proposed driveways:
 - i. A minimum distance of 300 feet from intersections of SW 108th Avenue and SW Leveton Drive and SW 108th Avenue and SW Tualatin Road; and
 - ii. Opposing existing driveways or offset a minimum of 150 feet.
 - f. Turning movement diagrams showing all existing and proposed driveways operate without adverse impact to public rights-of-way as determined by the City Engineer:
 - i. Identify any driveways privately restricted for specific passenger vehicles or truck use, proposed private signage necessary to control movement, and a circulation plan;
 - ii. Onsite signage and maintenance plan for onsite signage as approved by the City Engineer; and
 - iii. Show existing and proposed curb radii are able to accommodate associated allowed vehicular movements.
 - g. Replacement of concrete doweled panels impacted by construction as determined by the City Engineer.
- A4. The applicant must submit Final Water System Plans in accordance with Tualatin Development Code (TDC) 74.610, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
- a. A gate valve at the main for both domestic and fire service laterals; and
 - b. Adjacent to SW Leveton Drive right-of-way:

- i. A reduced pressure backflow prevention and water meter for the domestic lateral;
 - ii. The water meter behind the curb within the planter strip;
 - iii. If within final plans, irrigation after a domestic meter and reduced pressure backflow device; and
 - iv. The fire vault surrounded by a five foot public utility easement.
- A5. The applicant must submit Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74.620, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show location of the lines, grade, materials, and other details.
- A6. The applicant must submit:
 - a. A DEQ Rule Authorization letter with associated plans indicating approval and any and all required modifications to accommodate stormwater from new and modified public impervious areas within the existing public drywell at the intersection of SW 108th Avenue and SW Leveton Drive.
 - b. Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.630 and 74.650, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:
 - i. 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. Accommodate up to a 25-year storm event within the public stormwater system with a maximum capacity of 82% in accordance with TDC 74.640 and CWS D&CS 5.05.2.d and the City Engineer;
 - iii. Address runoff from all new and modified private and public impervious areas; and,
 - iv. Prove 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);
 - v. Discharge to an approved public system;
 - vi. 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;
 - vii. 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;
 - viii. Accommodate 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; and
 - 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 dated July 12, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter; and

2. Requirements stated within the Clean Water Services' Memorandum dated November 8, 2022.
 - c. 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; and
 - d. 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.
- A7. The applicant must submit Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that:
 - a. Minimize the impact of stormwater from the development to adjacent properties; and
 - b. Plans sufficient to either:
 - i. Obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality if disturbance is between 1 and 5 acres; or,
 - ii. Obtain a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.

PRIOR TO ISSUANCE OF BUILDING PERMIT:

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

- A8. The applicant must submit a copy of recorded public utility and slope easements, as approved by the City Engineer, and deeds of right-of-way dedication in accordance with Tualatin Development Code (TDC) 74.210 and 74.330 which show:
 - a. An 8-foot-wide public utility and any necessary slope easement, adjacent to SW 108th Avenue and SW Leveton Drive including five feet of public utility easement surrounding proposed water meter, backflow protection, and fire vault; and
 - b. Half-street right-of-way dedication and/or easement, as described in Condition A3.
- A9. 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, Public Works, and Water Quality Permits from the City of Tualatin.
- A10. The applicant must pay a fee-in-lieu of construction, as determined by the City Engineer, for any new PGE Option A street lights associated with reconstruction of the west side of SW 108th Avenue, and any other street lights (associated with the development) that will be in public right-of-way and/or city responsibility.
- 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. Trees identified in Tree Assessment Report (Exhibit A3) must be identified on the landscaping and 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.

- b. Walkways that are a minimum of 6 feet in width; constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete; and meet ADA standards at time of construction, consistent with TDC 73A.300(1).
- c. As a substitute for building perimeter landscaping, plazas that are developed with pavers, bricks, or other surfaces and contain pedestrian amenities, such as: benches, tables with umbrellas, shade trees, and canopies must be provided along building perimeters viewable by the general public from parking lots or the public right-of-way, in conformance with TDC 73B.040(1). This requirement does not apply to loading areas, bicycle parking areas, and pedestrian entrances.
- d. A minimum of 192 parking spaces at an applied rate of 1.6 spaces per 1,000 square feet of gross floor area, consistent with TDC 73C.010(2)(a)(iv).
- e. Details to demonstrate that proposed bicycle parking meets the standards of TDC 73C.050(2)(a)-(c), and that a minimum of 12 short-term and 5 long-term bicycle parking spaces are provided, in conformance with TDC 73C.100(1).
- f. A minimum of 8 vanpool or carpool parking spaces, consistent with TDC 73C.100(2).
- g. A minimum of 3 loading facilities that are a no less than 12 feet wide x 35 feet long with an unobstructed height of 14 feet, or evidence that adequate loading facilities exist on the same lot as the proposed office building, consistent with TDC 73C.120.
- h. In accordance with IMP 22-0001, parking lot landscaping for the north-half of the site must follow the standard requirements of TDC Chapter 73C. To accommodate grade changes, an alternative method of parking lot landscaping is acceptable for terraced parking lots proposed for the south-half of the site. These lots must provide a minimum landscape island area of 25 square feet per parking stall and comply with the following:
 - i. Landscape separation that is a minimum of five feet in width is required for every twelve continuous spaces in a row;
 - ii. Landscaping strip that is a minimum of ten feet in width must be placed in between rows of facing vehicles;
 - iii. Must be planted with one deciduous shade trees for every four parking spaces, with required trees evenly dispersed throughout the parking lot;
 - iv. Must be planted with groundcover or shrubs; and
 - v. Native plant materials are encouraged.
- i. 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 490 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.
- j. In accordance with IMP 22-0001, building materials must consist of, or be complimentary to: masonry, sandstone, architectural metal siding, and window glazing. Color palettes must remain complimentary to earth toned shades.

DURING CONSTRUCTION ACTIVITY:

- A12. The applicant must install 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:

- A13. Provide an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to TDC 73A.300(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.
- A14. 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.040(1)(a).
- A15. The applicant must install required vanpool and carpool signage, pursuant to TDC 73C.010(2)(a)(xi) and bicycle parking signage per MUTCD standards, pursuant to TDC 73C.050(2)(d).
- A16. 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.
- A17. 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 Tualatin Development Code (TDC) 74.120.
- A18. 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.

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

- A19. All uses must be conducted within a completely enclosed building, except off-street parking and loading, and basic utilities, pursuant to TDC 62.210(5).
- A20. The proposed development must comply with the Environmental Regulations of TDC 63.
- A21. 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.
- A22. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.

- A23. 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).
- A24. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1 (Exhibit H).
- A25. 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 (Exhibit I).