

# MACKENZIE.

## **ARCHITECTURAL REVIEW – TYPE III**

**To**  
City of Tualatin

**For**  
Lam Research Building G

**Dated**  
August 17, 2022

**Project Number**  
2220087.00



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2. Plans
3. Title Report
4. Hydraulic Modeling Worksheet
5. Service Provider Letter (CWS)
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7. Documentation of Neighborhood Meeting
8. Certification of Sign Posting
9. Transportation Impact Analysis
10. Stormwater Management Report



## I. PROJECT SUMMARY

**Applicant:** Lam Research Corporation

**Owner:** Lam Research Corporation  
11155 SW Leveton Drive  
Tualatin, OR 97062

**Site Address:** 11155-11361 SW Leveton Drive  
(West of SW 108th Avenue between SW Tualatin Road and SW Leveton Drive)

**Assessor Site Acreage:** 2S122AA00500 – 15.75 acres  
2S122AA00800 – 15.03 acres  
2S122AB00100 – 27.23 acres  
Total: 58.0 acres

**Zoning:** Industrial, Manufacturing Park (MP)

**Comprehensive Plan:** Manufacturing Park (MP)

**Adjacent Zoning:** Industrial, Manufacturing Park (MP)  
Industrial, Light Manufacturing (ML)  
Low Density Residential (RL)

**Request:** Approval of Type III Architectural Review for new office building (Building G) and associated parking lots and driveways

**Project Contact:** Suzannah Stanley  
Mackenzie  
1515 SE Water Avenue, Suite 100  
Portland, OR 97214  
971-346-3808  
sstanley@mcknze.com

## **II. INTRODUCTION**

### **Description of Request**

The applicant is requesting approval of a Type III Architectural Review for a new building and additional parking on this previously developed site, located in the Leveton Industrial District and the Manufacturing Park (MP) Planning District.

### **Site and Surrounding Land Use**

The existing site consists of three lots containing several buildings and associated facilities, parking areas, and landscaping. There are three main driveways into the campus from SW Leveton Drive, and one additional driveway entrance from Tualatin Road. To the west and south are additional MP-designated lots. On the southeast corner and to the east are Light Manufacturing (ML)-designated lots. To the north, across SW Leveton Drive, there is residential development in the is Low Density Residential (RL) Planning District, and in the Medium High Density Residential (RMH) District to the northwest.

### **Description of Proposed Development**

The proposal is for a new four-story building containing 120,000 SF of floor area in the southern part of the existing site, to the east and south of existing buildings. The new office building will be connected to the existing officing building to the west (Building C) via a skybridge). The proposed parking expansion of approximately 578 stalls will be east and northeast of the proposed building, as well as to the north of Building F. The new building and parking addition will allow Lam to increase employment at this location by approximately 600 employees. Two new access points will be provided on SW 108th Avenue, to provide direct access to the new parking area. The existing east access on SW Leveton Drive is proposed to be converted to a truck-only access with appropriate signage.

Aerial Image – Project Site



### III. ARCHITECTURAL REVIEW APPROVAL CRITERIA

This application addresses the necessary approval standards of the Tualatin Development Code relevant to Architectural Review for industrial development. As described in the following narrative, the proposal meets the standards of TDC *Chapter 62: Manufacturing Park Planning District (MP)*, *Chapter 73: Community Design Standards*, *Chapter 74: Public Improvement Requirements*, *Chapter 75: Access Management*, and specific standards applicable to the subject property under the approved Industrial Master Plan, IMP 00-001.

#### **Chapter 33 - Applications and Approval Criteria**

##### **Section 33.020. - Architectural Review.**

(2) *Applicability.*

- (a) *The following types of development are subject to Architectural Review:*
  - (i) *Any exterior modifications to improved or unimproved real property;*
  - (ii) *Any remodeling that changes the exterior appearance of a building;*
  - (iii) *Any site alteration which alters the topography, appearance or function of the site; and*
  - (iv) *Any change in occupancy from single family use to commercial or industrial use.*
- (b) *Examples of development subject to Architectural Review, include but are not limited to the following:*
  - (i) *New buildings, condominiums, townhouse, single family dwellings, or manufactured dwelling park;*
  - (ii) *Construction, installation, or alteration of a building or other structure;*
  - (iii) *Landscape improvements;*
  - (iv) *New, improved, or expanded parking lots;*
  - (v) *New, or alterations to, above ground public utility facilities, pump stations, pressure reading stations, water reservoirs, electrical substations, and natural gas pumping stations;*
  - (vi) *New wireless communication facilities, and new attached wireless communication;*
  - (vii) *Installation of decorative lighting; and*
  - (viii) *Exterior painting, awnings, or murals.*

**Response:** The proposal will include improving real property, altering the site, and adding a new building, landscape improvements, and new parking. See project description for detail. Therefore, the proposal is subject to Architectural Review.

(3) *Types of Architectural Review Applications—Procedure Type.*

- (f) *General Development. All development applications, (except Single Family Dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster, Clear and Objective and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.*
- (g) *Large Commercial, Industrial, and Multifamily Development. Development applications that propose any of the following are subject to Type III Review by the Architectural Review Board as the hearing body:*
  - (i) *New Commercial Buildings 50,000 square feet and larger;*
  - (ii) *New Industrial Buildings 150,000 square feet and larger; and*

- (iii) *New Multifamily Housing Projects with 100 units or more units (or any number of units abutting a single family district).*

**Response:** The proposed development includes a new 120,000 SF commercial office building which falls into the category of Large Commercial Buildings, requiring a Type III Review.

- (4) *Application Materials. The application must be on forms provided by the City. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:*

- (a) *The project name and the names, addresses, and telephone numbers of the architect, landscape architect, and engineer on the project;*
- (b) *Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;*
- (c) *A building materials plan that includes a written description and image representation of facade, windows, trim, and roofing materials, colors, and textures;*
- (d) *Title report; and*
- (e) *A Service Provider Letter from Clean Water Services.*

**Response:** All required forms, information, plans, reports, and service provider letters as described above are attached and submitted with this narrative. This standard is met.

- (5) *Approval Criteria.*

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

**Response:** As shown in this narrative, the proposed new development complies with the applicable standards of TDC Chapter 73A through 73G. The approval criteria is met.

- (6) *Conditions of Approval.*

- (a) *Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:*
  - (i) *Implement identified public facilities and services needed to serve the proposed development;*
  - (ii) *Implement identified public facilities and services needed to be altered or increased attributable to the impacts of the proposed development; and*
  - (iii) *Implement the requirements of the Tualatin Development Code.*
- (b) *Types of conditions of approval that may be imposed include, but are not limited to:*
  - (i) *Development Schedule. A reasonable time schedule placed on construction activities associated with the proposed development, or portion of the development.*
  - (ii) *Dedications, Reservation. Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title or easements to the City or a non-profit conservation organization, or a homeowners' association.*
  - (iii) *Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.*
  - (iv) *Plan Modifications. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this chapter.*

- (v) *Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities, or consultants, may be required for all or any part of the proposed development.*
- (vi) *Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.*

**Response:** These provisions authorize the City to impose conditions of approval on Architectural Review approvals, and require no evidence submittal or response from the applicant.

- (7) *Modifications to Previously Approved Final Architectural Review Decisions. An applicant who wishes to modify a previously approved final Architectural Review decision may utilize one of the following procedures: ...*

**Response:** The subject property is the site of multiple AR approvals under which all the existing buildings and other improvements have been constructed; however, the proposed building and parking improvements are in a site sub-area that is vacant but was previously identified for future development. Because the sub-area was not the subject of any specific requirements in previous AR approvals, it is not necessary or appropriate to process this application as a modification of any existing AR decision. It is preferable to process this application as a new AR for the previously undeveloped sub-area, while ensuring that the review and approval are informed by and consistent with existing AR approvals for the property as a whole. As noted above, the scale of the proposed development requires Type III review.

- (8) *Effective Date. The effective date of an Architectural Review decision or Minor Architectural Review decision is the date the notice of decision is mailed.*
- (9) *Permit Expiration. Architectural Review decisions (including Minor Architectural Review decisions) expire two 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.*

**Response:** These provisions govern the validity period of an AR approval, and require no evidence or response from the applicant.

- (10) *Extension of Permit Expiration...*

**Response:** This request is not an application for an extension. These provisions may become applicable if the applicant needs to request an extension following approval.

***Section 33.030. - Permit for New Driveway Approach and Closure Decisions.***

*All requests for driveway approaches and closures are as provided in TDC 75.020 and TDC 75.030.*

**Response:** See the responses to Chapter 75 below.

***Section 33.050. - Industrial Master Plans.***

**Response:** The project is part of Phase 1 of IMP 00-01, approved in 2001. A new IMP is proposed to modify the minimum parking area setback from SW Leveton Drive in condition of approval 1.b. of that IMP; see the IMP narrative submitted concurrently.



**Section 33.080. – Signs—Permits, Design Review, and Variances.**

- (1) *Purpose.* To implement the standards of TDC Chapter 38. Sign Variance review provides a public hearing process to review special situations that are not anticipated by the Sign Regulations in TDC Chapter 38, including TDC 38.100, 38.110, 38.120 and 38.140-38.240.
- (2) *Applicability.* The requirements of this section apply to sign permits, sign design review and sign variances as required in accordance with TDC Chapter 38.
- (3) *Procedure Type.* Sign permits, sign design review and variances are processed in accordance with the procedures in TDC Chapter 32 as follows:
  - (a) Sign Permits are subject to Type I review.
  - (b) Sign Design Reviews are subject to Type I review.
  - (c) Sign Variances are subject to Type III review.
- (4) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the information required by TDC 38.070 (Sign Permit Process).
- (5) *Approval Criteria.*
  - (a) A Sign Permit may be granted if the City Manager finds that the proposed sign is in compliance with the regulations in TDC Chapter 38.
  - (b) Sign Design Review may be approved if the City Manager finds that the proposed sign is in compliance with the regulations in TDC Chapter 38 and the clear and objective standards in TDC 38.075.
  - (c) *Sign Variances.* All six of the following criteria must be met before a variance can be granted:
    - (i) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone, and such conditions are a result of lot size or shape or topography over which the applicant or owner has no control;
    - (ii) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner or the company, or from regional economic conditions;
    - (iii) The variance is the minimum remedy necessary to eliminate the hardship;
    - (iv) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same zone however, nonconforming or illegal signs on the subject property or on nearby properties does not constitute justification to support a variance request;
    - (v) The variance must not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity; and
    - (vi) The variance must not be detrimental to any applicable Comprehensive Plan goals and policies.

**Response:** Building signage will be limited to address “B” signage, which will match what is currently on Building C. Two new monument signs will be added to the new entrances located off 108th which will match what is currently in use at all other driveway entrances. The monument sign on the far eastern drive from Leveton will be modified to indicate “deliveries only” from the current “Building A & B.”

**Section 33.110. - Tree Removal Permit/Review.**

- (2) *Applicability.* No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.
- (3) *Exemptions.* The following actions are exempt from the requirements of a tree removal permit.
  - (a) *General Exemption.* Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:
    - (i) Not located in the Natural Resource Protection Overlay District (NRPO);

- (ii) *Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);*
- (iii) *Not a Heritage Tree; and*
- (iv) *Not previously required to be retained or planted under an approved Architectural Review decision.*
- (b) *Forest Harvesting Exemption. Forest Harvesting Uses, as provided by Agricultural Uses in TDC 39.300 are exempt.*
- (c) *Orchard Exemption. Orchards Uses, as provided by Agricultural Uses in TDC 39.300, are exempt.*
- (d) *Public Property Exemption. Tree removal on federal, state, county, or City property is exempt from the requirements of a tree removal permit. This exemption includes, but is not limited to road, improvements and maintenance to City parks, rights-of-way, water, sanitary sewer, and stormwater facilities. (Removal of trees from public right-of-way are governed by TDC Chapter 74.)*

**Response:** The proposal does not fall under a subparagraph (2) exemption. This section applies.

- (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.*
- (4) *Specific Submittal Requirements. In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following:*
  - (a) *Tree Preservation Plan. A tree preservation plan drawn to scale must include:*
    - (i) *The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;*
    - (ii) *All trees proposed for removal and all trees proposed to be preserved;*
    - (iii) *All existing and proposed structures;*
    - (iv) *All existing and proposed public and private improvements; and*
    - (v) *All existing public and private easements.*

**Response:** A Tree Preservation Plan is being submitted with this Architectural Review; see sheets C1.01 and C1.02 of Attachment 2. This standard is met.

- (b) *Tree Assessment Report. A tree assessment prepared by a certified arborist must include:*
  - (i) *An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;*
  - (ii) *An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree;*
  - (iii) *a statement addressing the approval criteria set forth in TDC 33.110(5);*
  - (iv) *the name, contact information, and signature of the arborist preparing the report; and*
  - (v) *The tree assessment report must have been prepared and dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City.*

**Response:** As provided in subsection (5)(b) below, an arborist's evaluation is necessary "if none of the conditions in TDC 33.110(5)(a) are met." Construction of the proposed improvements requires removing identified certain trees whose locations within the site conflict with the proposed location of the building, the parking configuration, and the required site grading for those features. The Approval Criterion in Subsection (5)(a)(iii) allows a tree to be removed when

“[i]t is necessary to remove the tree to construct proposed improvements based on Architectural Review approval,” and Approval Criterion (5)(b) requires an arborist evaluation “if none of the conditions in TDC 33.110(5)(a) are met.” Because the condition in TDC 33.110(5)(a)(iii) is met, an arborist’s assessment is not required in this case.

- (c) *Tree Tags. All trees on-site must be physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.*

**Response:** All trees near the area of work will be identified and numbered per this method.

(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.*

**Response:** Tree removal is necessary to construct proposed improvements to the site, consistent with the anticipated development pattern previously approved in the IMP. The removal is necessary for the efficient use of the site. Criterion (a)(iii) is satisfied.

- (b) *If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.*
  - (i) *Evergreen Trees. An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:*
    - (A) *Trunk Condition—extensive decay and hollow; or*
    - (B) *Crown Development—unbalanced and lacking a full crown;*
  - (ii) *Deciduous Trees. A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:*
    - (A) *Trunk Condition—extensive decay and hollow;*
    - (B) *Crown Development—unbalanced and lacking a full crown; or*
    - (C) *Structure—Two or more dead limbs.*

**Response:** Condition TDC 33.110(5)(a)(iii) is met as noted above. This standard does not apply.

- (6) *Emergencies. If emergency conditions occur requiring the immediate cutting or removal of trees to avoid danger or hazard to persons or property, an emergency permit must be issued by the City Manager without payment of a fee and without formal application, provided the owner provides enough information to the City Manager to document that an emergency exists. If an emergency exists and the City Offices are closed, the emergency condition may be abated provided the person files information documenting the emergency and necessity of immediate removal of the tree as soon as practical after the City Offices reopen. An "emergency condition" for purposes of this*

section is when a tree presents an immediate danger of collapse, and represents a clear and present hazard to persons or property. For the purposes of this section, "immediate danger of collapse" means that the tree is already leaning, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree cutting permit could be obtained through the nonemergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment. Examples of emergency conditions include:

- (a) A tree leaning on a structure;
- (b) A tree leaning on another tree and there is a significant likelihood that the tree will topple or otherwise fail; or
- (c) If a utility service has been interrupted and repairs cannot be completed without the removal of a tree.

**Response:** No emergency tree conditions exist. This standard does not apply.

- (7) *Conditions of Approval. Any tree required to be retained must be protected in accordance with the TDC 73B and 73C.*

**Response:** All trees required to be retained will be protected in accordance with TDC 73B and C. This standard is met.

- (8) *Permit Expiration. A Tree Removal Permit is valid for one year from the date of issue. A Tree Removal Permit approved in conjunction with an Architectural Review, Subdivision, or Partition decision is valid as provided in the terms of the Architectural Review, Subdivision, or Partition decision.*

**Response:** Any tree removal will be completed within a year of the Tree Removal Permit issuance. This standard is met.

- (9) *Tree removal in violation of Zone Standards.*
  - (a) *In addition to any applicable civil violation penalties, any property owner who removes, or causes to be removed, one or more trees in violation of applicable TDC provisions must pay an Enforcement Fee and a Restoration Fee to the City of Tualatin, as follows:*
    - (i) *Enforcement Fee of \$837.00 per incident, plus \$10.00 for each tree removed; and*
    - (ii) *Restoration Fee of \$2,000.00 per tree removed.*
  - (b) *The City Manager may administratively reduce or waive these fees based upon a demonstration of hardship, adequate mitigation, or other good cause shown.*

**Response:** This Section provides guidance and penalties for enforcement actions and requires no response from the applicant. No tree removal in violation of Zone Standards is proposed.

## **Chapter 62: Manufacturing Park Planning District**

### **Section 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.*

<i>Table 62-1: Use Categories in the MP Zone (Excerpt)</i>		
<i>Use Category</i>	<i>Status</i>	<i>Limitations and Code References</i>
<b>Commercial Use Categories</b>		
<i>Commercial Parking</i>	<i>P</i>	—
<i>Commercial Recreation</i>	<i>P (L)</i>	<i>Permitted uses limited to a health or fitness facility as a limited use subject to TDC 62.210(4).</i>
<i>Eating and Drinking Establishments</i>	<i>P (L)</i>	<i>Permitted uses limited to a restaurant or deli as a limited use and subject to TDC 62.210(4).</i>
<i>Marijuana Facilities</i>	<i>P (L)</i>	<i>Subject to TDC Chapter 80.</i>
<i>Office</i>	<i>P (L)</i>	<i>Permitted uses limited, see TDC 62.210(2).</i>
<i>Other Educational and Vocational Services</i>	<i>P (L)</i>	<i>Permitted uses limited to:</i> <ul style="list-style-type: none"> <li>• <i>Correspondence, trade, or vocational school as a limited use subject to TDC 62.210(4);</i></li> <li>• <i>Job training or related services as a limited use subject to TDC 62.210(4).</i></li> </ul>
<i>Retail Sales and Services</i>	<i>P (L)</i>	<i>Permitted uses limited to:</i> <ul style="list-style-type: none"> <li>• <i>Sale of goods produced on-site subject to TDC 62.210(1);</i></li> <li>• <i>Child day care center, subject to TDC 34.200;</i></li> <li>• <i>Food or convenience store, mailing operations, reproduction or photocopying services, bank, and medical services as limited uses subject to TDC 62.210(2).</i></li> </ul>
<b>Industrial Use Categories</b>		
<i>Light Manufacturing</i>	<i>P (L)</i>	<i>Permitted uses limited to:</i> <ul style="list-style-type: none"> <li>• <i>Manufacture or assembly of electronic or optical instruments, equipment, devices; musical instruments; toys; and sporting goods.</i></li> <li>• <i>Production of textiles or apparel;</i></li> <li>• <i>Printing, publishing, and lithography shops; and</i></li> <li>• <i>Research and development laboratories.</i></li> </ul> <i>Primary processing of organic materials, such as tanning of leather, is prohibited.</i>

<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
<i>Basic Utilities</i>	<i>P</i>	—
<i>Greenways and Natural Areas</i>	<i>P</i>	—
<i>Public Safety Facilities</i>	<i>C (L)</i>	<i>Conditional uses limited to a fire station.</i>
<i>Transportation Facilities</i>	<i>P</i>	—
<i>Wireless Communication Facility</i>	<i>P (L)</i>	<i>Subject to maximum height and minimum setback standards defined by TDC Chapter 73F.</i>

**Response:** The proposed office building within a large manufacturing campus site will be accessory to the primary use of the property for a permitted Light Manufacturing use, “Manufacture or assembly of electronic or optical instruments, equipment, devices.” The proposed office building is part of Phase 1 of the buildout of IMP 00-01 for the manufacturing campus. The building will also include a fitness facility and cafeteria/café on the main level, in support of the employees at the office building and manufacturing campus. See TDC 62.210 below for detailed discussion of how applicable standards are met.

**Section 62.210. - Additional Limitations on Uses**

- (2) *Offices. Office uses are a permitted as specified below.*
- (a) *Permitted Uses. The following are permitted uses:*
- (i) *Offices for chemical and physical sciences, engineering, cartography, or other research functions;*
  - (ii) *Shared service facilities (as defined by TDC 31.060); and*
  - (iii) *Corporate, regional, or district headquarter offices if:*
    - (A) *The headquarters is for a permitted use in this Code;*
    - (B) *The offices occupy at least 20,000 square feet; and*
    - (C) *Manufacturing is not conducted, unless the manufacturing is a permitted use in the MP zone.*

**Response:** As noted above, the proposed building will be used as offices for engineering activities in conjunction with a permitted use in the MP zone, “[m]anufacture or assembly of electronic or optical instruments, equipment, devices...” Therefore, the use is permitted. Additionally, some manufacturing would be allowed within the office building as a permitted use in the MP zone, per subsection (2)(a)(iii)(C).

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

**Response:** The proposed building is for an office use accessory to the manufacturing buildings. This standard is met.



(c) *Limited Uses. Offices located on the same site as a permitted industrial use may be permitted, subject to TDC 62.210(4).*

**Response:** The proposed office building is located on the same site as existing manufacturing buildings and meets standards of TDC 62.210(4):

(4) *Limited Commercial Uses. Commercial uses permitted as limited uses, as specified in Table 62-1, must be located on the same site as a permitted industrial use. The site must be used primarily for industrial purposes and the commercial use is subject to the following limitations. The office, retail, and service uses may be located in a stand-alone building or combined in a building with other permitted uses.*

(a) *Offices. Office uses must not exceed 25 percent of the total gross floor area of all buildings on the site...*

**Response:** *The proposed building was planned as part of Phase 1 of the approved IMP 00-01, which included a mix of manufacturing, office, research and development, training, and other related components of the Lam Research manufacturing use. The use allowances and limitations of this section are superseded by the IMP. This standard does not apply. Section 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.

<b>Table 62-2: Section 62.300 Development Standards</b>				
<b>MP District Standards</b>			<b>IMP Conditions</b>	<b>Proposed</b>
<b>Setback Requirements</b>				
<b>Minimum Building setback for Yards Adjacent to Streets or Alleys, North of SW Leveton Drive</b>	100'		68' from Leveton Drive and 98' from 108th Avenue.	89' from Leveton Drive and 600' from 108th Avenue. COMPLIES
<b>Minimum Setback for Side and Rear Yards not Adjacent to Streets or Alleys, north of SW Leveton Drive</b>	50'	No minimum setback if adjacent to railroad right-of-way or spur track.		50' from west side yard. 500' from rear yard. COMPLIES
<b>Parking and Circulation Areas Adjacent to Public Right-of-Way</b>	50'	No minimum setback required adjacent to joint access approach in accordance with TDC 73C.	108' from Leveton Drive and 43' from 108th Avenue.	58' from Leveton Drive and 43' from 108 <sup>th</sup> Avenue. <b>The concurrent IMP request proposes to reduce Leveton Drive minimum setback to 50' to maintain compliance.</b>

<i>Parking and Circulation Areas Adjacent to Private Property Line</i>	<i>5-25'</i>	<i>Determined through Architectural Review Process.  No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>		<i>Proposed new parking in northwest corner of the site is set back 152' from western property line (also internal to Lam site). COMPLIES</i>
<i>Fences</i>	<i>50 feet</i>	<i>From public right-of-way.</i>		<i>No proposed fences other than required safety fence around detention pond. COMPLIES</i>
<b>Structure Height</b>				
<i>Maximum Height</i>	<i>70 feet</i>	<i>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.</i>		<i>67' to the parapet. COMPLIES</i>

**Response:** As shown in the table above, all standards from Table 62-2 (Development Standards) and the approved IMP are met, with the exception of the minimum parking lot setback from Leveton Drive. The concurrent IMP application proposes to reduce the minimum parking area setback along Leveton Drive to 50', which will remain in compliance with the 50' minimum standard in the MP zone.

**Section 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.*

**Response:** An IMP application is being submitted concurrent to this AR to modify the prior IMP 00-01 condition of approval 1.b, which requires a 108' setback from Leveton Drive. Instead, 50' (standard for the zone) is proposed through that IMP.

(2) *Spur Rail Tracks. Spur rail tracks are not permitted within 200 feet of an adjacent residential district.*

**Response:** No spur rail tracks are present on the site nor being proposed. This standard does not apply.

(3) *Wetland Conservation Lots. Minimum lot size, width, or frontage requirement do not apply to wetland conservation lots.*

**Response:** The site is not a Wetland Conservation Lot. This standard does not apply.



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

### **Section 63.051. - Noise.**

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

**Response:** The proposed new building will be used as offices and will comply with all DEQ and City of Tualatin noise standards. This standard is met.

### **Section 63.052. - Vibration.**

*(1) Restrictions. All uses and development must not cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section. (Shortened for brevity)*

**Response:** The proposed new building will be used as office space and will not create ground vibration. This standard does not apply.

### **Section 63.053. - Air Quality.**

*(1) Restrictions. All uses and development must comply with the most recent air quality standards adopted by the Oregon Department of Environmental Quality. Plans of construction and operations must comply with the recommendations and regulations of the State Department of Environmental Quality. (Shortened for brevity)*

**Response:** The proposed new building will be used as office space and will not produce air pollution. Construction will comply with DEQ regulations. This standard is met.

### **Section 63.054. - Odors.**

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

**Response:** The proposed new building will be used as office space and will not emit odors. This standard is met.

### **Section 63.055. - Heat and Glare.**

*(1) All uses and development must conduct all operations producing heat or glare entirely within an enclosed building.*

*(2) All uses and development may utilize exterior lighting, but the exterior lighting must be screened, baffled or directed away from residential planning districts.*

**Response:** The proposed new building will be used as office space and will not produce heat or glare. All exterior lighting will be screened, baffled, or directed away from residential planning districts according to TDC standards, as shown in photometrics plans, sheets C2.10 – C2.15 in Attachment 2. This standard is met.

### **Section 63.056. - Storage and Stored Materials.**

*(1) All uses and development must store all materials, including wastes, in a manner that will not attract or aid the propagation of insects or rodents, or in any other way create a health or safety hazard.*

- (2) *All uses and development that utilize open storage that would otherwise be visible at the property line must conceal it from view at the abutting property line by a sight obscuring fence not less than six feet high and not accessible to the general public to protect public safety.*

**Response:** The proposed new building will store waste and recyclables in accordance with TDC waste and recyclables storage management standards as shown in *Chapter 73D: Waste and Recyclable Management Standards*; see sheet A4.10 for waste storage plans. No other open storage will be associated with the development of the proposed new building. This standard is met.

***Section 63.057. - Liquid or Solid Waste Materials.***

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

**Response:** There will be no disposal of liquid or solid waste materials onto the site or into adjacent drainage ditches or waterways in either the use or development of the proposed new building. This standard is met.

***Section 63.058. - Dangerous Substances.***

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

**Response:** There will be no hazardous, toxic, or radioactive waste involved in the proposed development. This standard is met.

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

### ***Commercial Design Standards***

#### ***Section 73A.300. - Commercial Design Standards***

*The following standards are minimum requirements for commercial development in all zones, except the Mixed-Use Commercial (MUC) 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 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.*

**Response:** Proposed walkways are a minimum of 7' in width and constructed of asphalt, as shown on C1.11. All new walkways will meet ADA standards as of July 2022. A walkway is provided between the proposed new building main entrances and other on-site buildings, accessways, and sidewalks. New

walkways through parking areas are made of concrete with a different appearance than the paving of the parking areas. Bicycle facilities have been provided near entrances of the proposed new building near sidewalks and drive aisles with easy access to public right-of-way (see sheet L1.15). No parks, bikeways, or greenways abut this property. Applicable elements of 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:*

- (i) *Residential property;*
- (ii) *Commercial property;*
- (iii) *Areas intended for public use, such as schools and parks; and*
- (iv) *Collector or arterial streets where transit stops or bike lanes are provided or designated.*

**Response:** The proposal is not for a multifamily development and no multi-family development is adjacent to the property. This standard does not apply.

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

(a) *Must provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:*

- (i) *Banks—each lane must be 100 feet long;*
- (ii) *Restaurants—each lane must be 160 feet long; and*
- (iii) *Other uses—each lane must be between 80 and 160 feet long, as determined by the City.*

**Response:** No drive-up uses are proposed. This standard does not apply.

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

(a) *Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;*

**Response:** The proposed building has windows along all sides and all floors. The proposed pedestrian, parking, and loading areas provide lighting which enables visibility of the spaces from windows.

(b) *Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;*

**Response:** As mentioned above, the proposed building has windows along all sides and all floors, and interior lighting will be located to enable visibility from public rights-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;*

**Response:** Lighting has been selected and located to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or habitat areas. See photometrics plans in sheets C2.10 – C2.15 of Attachment 2. This standard is met.

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

**Response:** A new wayfinding monument sign is being added near a driveway for vehicles inbound from SW 108th Avenue. Directions to the new building will also be added to existing signs. This standard is met.

(e) *Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.*

**Response:** 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. This standard does not apply.

(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;*

**Response:** There will be mechanical equipment on the roof (screened); see sheet A2.10. The transformer will be in a below grade vault near the trash enclosure; see sheet C1.11. This standard is met.

(b) *Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and*

**Response:** No new outdoor storage is proposed. This standard does not apply.

(c) *Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.*

**Response:** No new above-ground pumping stations, pressure reading stations, water reservoirs, electrical substations, or above ground natural gas pumping stations are proposed. This standard does not apply.

(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; and*

**Response:** There is a Tualatin Shuttle (Blue Line) stop across the street from the main driveway entrance on SW Leveton Drive, with connecting public sidewalks. There is a public sidewalk along the entire property's frontage on SW Leveton Drive and SW 108th Avenue, and the sidewalks along SW 108th Avenue will be improved by this project. There is no other plan in place for additional transit along either frontage. This standard is met.

(b) *Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:*

(i) *Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;*

(ii) *Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;*

(iii) *Provide a transit passenger landing pad accessible to disabled persons;*

(iv) *Provide an easement or dedication for a passenger shelter as determined by the City; and*

(v) *Provide lighting at the major transit stop.*

**Response:** The proposed development does not abut any major transit stops. This standard does not apply.

**Chapter 73B: Landscaping Standards**

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

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

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 percent of the total area to be developed	22.5 percent of the total area to be developed

**Response:** The site overall, including the proposed new building and parking, will contain 45.5% landscape area. This standard is met.

**Section 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.*

**Response:** All areas in the proposed development not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas will be landscaped. See landscape plan, sheets L0.01 through L1.15. This standard is met.

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

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

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

(c) *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.*

**Response:** There is one new building proposed with landscaping wider than 5' along all applicable site perimeters. See sheet L1.14 in Attachment 2. This standard is met.

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

**Response:** The proposed development abuts MP-zoned land to the east, west, and south of the subject property. There is RL-zoned property to the north of the Lam property, on the opposite side of SW Tualatin Road). A landscape plan is included in this Architectural Review application. See sheets L0.01 through L1.15. This standard is met.

(2) *Manufacturing Park (MP)—Wetland Buffer. Wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:...*

**Response:** No wetland buffers exist on the site. This standard does not apply.

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

*The following are minimum standards for landscaping for all zones.*

<p>(1) <i>Required Landscape Areas</i></p>	<ul style="list-style-type: none"> <li>• <i>Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.</i></li> <li>• <i>The foliage crown of trees cannot be used to meet this requirement.</i></li> <li>• <i>A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.</i></li> <li>• <i>Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).</i></li> <li>• <i>Must be controlled by pruning, trimming, or otherwise so that:</i> <ul style="list-style-type: none"> <li>○ <i>It will not interfere with designated pedestrian or vehicular access; and</i></li> <li>○ <i>It will not constitute a traffic hazard because of reduced visibility.</i></li> </ul> </li> </ul>
<p><b>Response:</b></p>	<p>Landscape areas will be designed, constructed, installed, and maintained so that within three years, the ground will be covered with living grass or other plant material. Less than 10% of the landscaped area will be covered with bark chips, rock, or stone. All landscaping will be installed in accordance with the provisions of the ANSI A300. All will be controlled with pruning and trimming. No landscaping will interfere with pedestrian or vehicular access and will not create reduced visibility for traffic. These are all shown in landscape plans and discussed in Planting Notes on L0.01. This standard is met.</p>
<p>(2) <i>Fences</i></p>	<ul style="list-style-type: none"> <li>• <i>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.</i></li> </ul>
<p><b>Response:</b></p>	<p>No landscape fencing is proposed. This standard does not apply.</p>
<p>(3) <i>Tree Preservation</i></p>	<ul style="list-style-type: none"> <li>• <i>Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</i></li> <li>• <i>During construction:</i> <ul style="list-style-type: none"> <li>○ <i>Must provide above and below ground protection for existing trees and plant materials identified to remain;</i></li> <li>○ <i>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;</i></li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ <i>If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</i></li> <li>○ <i>Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</i></li> <li>○ <i>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</i></li> <li>○ <i>Tree root ends must not remain exposed.</i></li> <li>● <i>Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</i></li> <li>● <i>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.</i></li> <li>● <i>100 percent of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development</i></li> </ul>
<p><b>Response:</b></p>	<p>Trees and plant materials to be retained are identified in the Tree Preservation plan. During construction, all preservation standards will be followed. Landscaping under preserved trees will be compatible with the preserved tree. Tree removal will only be necessary for the proposed building and parking areas. All landscaping requirements will be followed for these areas in accordance with the TDC landscaping standards. See tree preservation plan (sheets C1.01 and C1.02) and landscape plans. This standard is met.</p>
<p><i>(4) Grading</i></p>	<ul style="list-style-type: none"> <li>● <i>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.</i></li> <li>● <i>All planting areas must be graded to provide positive drainage.</i></li> <li>● <i>Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</i></li> <li>● <i>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.</i></li> </ul>
<p><b>Response:</b></p>	<p>After grading, topsoil will be restored to provide a suitable base for seeding and planting. All planting areas will be graded to provide positive drainage. Soil, water, plant material, and mulch will not be allowed to wash across roadways and walkways. Impervious surface drainage will be directed away from walkways, buildings, outdoor shared areas, and landscape areas. This standard is met.</p>
<p><i>(5) Irrigation</i></p>	<ul style="list-style-type: none"> <li>● <i>Landscaped areas must be irrigated with an automatic underground or drip irrigation system.</i></li> </ul>



<p><b>Response:</b></p>	<p>Landscape areas will be irrigated with an automatic underground or drip irrigation system, as shown in landscape notes on sheet L0.01. This standard is met.</p>
<p><i>(6) Re-vegetation in Un-landscaped Areas</i></p>	<ul style="list-style-type: none"> <li>• <i>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.</i></li> <li>• <i>Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</i></li> <li>• <i>The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</i></li> <li>• <i>Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</i></li> </ul>
<p><b>Response:</b></p>	<p>As shown in landscape notes on sheet L0.01, vegetation will be replanted in areas where it was removed or damaged. Plant materials will be watered to ensure survival and growth for at least two growing seasons. Disturbed soils will be amended to the original or higher level of porosity to regain infiltration and stormwater storage capacity. This standard is met.</p>

**Section 73B.090. - Minimum Standards Trees and Plants**

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

<p><i>(1) Deciduous Shade Trees</i></p>	<ul style="list-style-type: none"> <li>• <i>One and on-half inch caliper measured six inches above ground;</i></li> <li>• <i>Balled and burlapped; bare root trees will be acceptable to plant during their dormant season;</i></li> <li>• <i>Reach a mature height of 30 feet or more;</i></li> <li>• <i>Cast moderate to dense shade in summer;</i></li> <li>• <i>Live over 60 years;</i></li> <li>• <i>Do well in urban environments, tolerant of pollution and heat, and resistant to drought;</i></li> <li>• <i>Require little maintenance and mechanically strong;</i></li> <li>• <i>Insect- and disease-resistant;</i></li> <li>• <i>Require little pruning; and</i></li> <li>• <i>Barren of fruit production.</i></li> </ul>
<p><i>(2) Deciduous Ornamental Trees</i></p>	<ul style="list-style-type: none"> <li>• <i>One and on-half inch caliper measured six inches above ground;</i></li> <li>• <i>balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</i></li> <li>• <i>Healthy, disease-free, damage-free, well-branched stock, characteristic of the species</i></li> </ul>
<p><i>(3) Coniferous Trees</i></p>	<ul style="list-style-type: none"> <li>• <i>Five feet in height above ground;</i></li> <li>• <i>Balled and burlapped; bare root trees will be acceptable to plant during their</i></li> </ul>



	<p><i>dormant season; and</i></p> <ul style="list-style-type: none"> <li>• <i>Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.</i></li> </ul>
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> <li>• <i>One to five gallon size;</i></li> <li>• <i>Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</i></li> <li>• <i>Side of shrub with best foliage must be oriented to public view.</i></li> </ul>
(5) Groundcovers	<ul style="list-style-type: none"> <li>• <i>Fully rooted;</i></li> <li>• <i>Well branched or leafed;</i></li> <li>• <i>Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</i></li> <li>• <i>English ivy (Hedera helix) is prohibited.</i></li> </ul>
(6) Lawns	<ul style="list-style-type: none"> <li>• <i>Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</i></li> <li>• <i>100 percent coverage and weed free; and</i></li> <li>• <i>Healthy, disease-free, damage-free, characteristic of the species.</i></li> </ul>

**Response:** All proposed trees, groundcover, and lawn meet the standards of the trees and plants table above, as shown in the planting schedule on sheet L.01. This standard is met.

### **Chapter 73C: Parking Standards**

#### **General**

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

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

**Response:** The proposal includes the net addition of approximately 545 parking spaces in conjunction with the new building. The standards for parking will be met as shown in the following sections.

- (2) *General Requirements. Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.*
- (a) *The following apply to property and/or use with respect to the provisions of TDC 73C.100:*
    - (i) *The requirements apply to both the existing structure and use, and enlarging a structure or use;*
    - (ii) *The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;*

- (iii) *Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;*
- (iv) *Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;*
- (v) *If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;*
- (vi) *Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;*
- (vii) *When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;*

**Response:** The parking requirements for the site were set by IMP 00-01. Per that IMP, 2,750 spaces were approved for full build-out, with the entire campus to be parked at the Manufacturing ratio of 1.6 spaces per 1,000 SF of gross floor area. Based on that approach, the minimum required parking associated with the new building is 192 spaces.

As shown on sheet C1.10:

- The existing site has total parking of 1,377 spaces, 29 of which are accessible.
- The proposed development will eliminate 37 of those (four accessible).
- It will add a total of 586 spaces (eight accessible).
- The project will bring total on-site parking to 1,926 spaces, of which 33 will be accessible.

Therefore, the resulting on-site parking count remains below the planned campuswide total, and the applicable parking standards are satisfied. Specific additional standards of this chapter are addressed below.

- (viii) *Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;*

**Response:** The proposal is not for dwelling units. This standard does not apply.

- (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;*

**Response:** All proposed parking will be available for automobiles of customers, patrons, and employees. They will not be used for storage of vehicles or materials, or for the parking of trucks. This standard is met.

- (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;*

**Response:** No on-street parking is proposed. This standard does not apply.

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

**Response:** All vanpool and carpool parking spaces are 9' in width, as shown on sheets C1.11-C1.14. This standard is met.

- (xii) *Where uses are mixed in a single building, parking must be a blend of the ratio required less ten percent for the minimum number of spaces. The maximum number of spaces must be ten percent less than the total permitted maximum for each use; and*

**Response:** Mixed uses are not proposed for the new building. This standard does not apply.

- (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.*

**Response:** No variance is being sought. This standard does not apply.

### **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;*  
 (a) *Exception: Parking structures and underground parking where stall length and width requirements for a standard size stall must be reduced by one-half feet and vehicular access at the entrance if gated must be a minimum of 18 feet in width.*

**Response:** This standard applies and will be met as shown in the following sections of Chapter 73C. The exception in subparagraph (a) is not applicable as no parking structures or underground parking are proposed.

- (2) *Parking lots and parking areas must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel is not an acceptable material;*

**Response:** All proposed parking areas will be constructed of asphalt. This standard is met.

- (3) *Parking stalls must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or woody material are not an acceptable materials. Pavers, pervious concrete, or grasscrete 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;*

**Response:** All proposed parking stalls will be constructed of asphalt. There is no Natural Resource Protection Overlay, Natural Area, or CWS Vegetated Corridor present on the site. This standard is met.

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

**Response:** New basins and swales will be located near the new parking. Detention will be provided through the existing four storm ponds with enlargement of the eastern pond as needed (see Attachment 10). This standard is met.

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

**Response:** Vertical curbs are proposed along all landscaped and pedestrian areas adjacent to the proposed parking. See sheet C1.13. This standard is met.

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

**Response:** There are 33 existing accessible parking spaces across the site as a whole. The proposal includes the removal of four accessible spaces and the addition of eight new accessible spaces, resulting in a total of 33 accessible parking stalls. Compliance with building code accessibility requirements can be verified during the building permit approval process. This standard is met.

(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;*

**Response:** The proposal does not include sub-compact parking stalls. This standard does not apply.

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

**Response:** None of the proposed parking will require maneuvering within a street right-of-way (see sheet C1.13). This standard is met.

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

**Response:** Proposed drives have been designed by certified civil engineers in coordination with the City. This standard is met.

(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;*

**Response:** All proposed drive aisles are a minimum of 24' wide. This standard is met.

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

**Response:** No proposed lighting will shine or create direct glare on adjacent properties, street rights of way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor. See photometric plans on sheets C2.10 to C2.15 of Attachment 2. This standard is met.

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

**Response:** See section 73C.200 responses. This standard is met.

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

**Response:** The proposed parking in the northwest corner of the site (across the street from a residential zone) has a large setback of over 107' with existing drainage channels that will remain. Access to this proposed lot will be by way of a private drive on the western border of the lot. This design approach minimizes disturbance of nearby residents and meets this standard.

### **Section 73C.030. - Shared Parking Requirements**

*Parking facilities may be shared by users on adjacent parcels if the following standards are met:*

...

**Response:** The site is part of an IMP which includes three parcels, all of which are under the same ownership and are used as an industrial campus for Lam Research. Existing and proposed parking facilities meet all standards, and shared parking facilities are not needed. This standard does not apply.

### **Section 73C.040. - Joint Use Parking Requirements**

**Response:** As mentioned above, the site is part of an IMP which includes three parcels under the same ownership in use as an industrial campus for Lam Research. This standard does not apply.

### **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.*

**Response:** Based on bicycle requirements for 120,000 SF of new floor area, the proposal includes 5 new long-term bike lockers and 14 new short-term bike spaces with racks. See sheet L1.15 for details. This standard is met.

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

- (a) *Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;*
- (b) *A five-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;*
- (c) *Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;*
- (d) *Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;*
- (e) *Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be*

*deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;*

- (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;*
- (g) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking; and*
- (h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.*

**Response:** As shown on sheet L1.15, all bicycle spaces are 6' long and 2' wide with 5' maneuvering space. All access is at least 3' in width and located on hard surface. The bike spaces are conveniently located near entrances and sidewalks. Signs will be located at the main entrance and at the location of the bike parking itself. This standard is met.

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

- (1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC 73C.110.*

**Response:** As described above in the response to 73C.010, the parking requirements for the site were set by IMP 00-01. Per that IMP, 2,750 spaces were approved for full build-out, with the entire campus to be parked at the Manufacturing ratio of 1.6 spaces per 1,000 SF of gross floor area. Based on that approach, the minimum required parking associated with the new building is 192 spaces. This section does not apply to vehicle parking.

Bicycle parking at the Manufacturing ratio of 0.10 per 1,000 SF of floor area will require a minimum of 12 additional bike parking spaces, of which five need to be long-term spaces. The proposal includes the addition of 14 new short-term and 5 new long-term spaces. The proposed provision of vehicle and bicycle parking is therefore consistent with the approved IMP.

- (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.*

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

**Response:** The proposed building requires 192 parking spaces. As such, 8 vanpool/carpool spaces are required for the new parking areas. As shown on sheet C1.10, 12 spaces are provided. 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:*

<i>Use</i>	<i>Square Feet of Floor Area</i>	<i>Number of Berths</i>	<i>Dimensions of Berth</i>	<i>Unobstructed Clearance of Berth</i>
<b>Commercial</b>	<i>Less than 5,000</i>	<i>0</i>	<i>0</i>	<i>0</i>
	<i>5,000—25,000</i>	<i>1</i>	<i>12 feet × 25 feet</i>	<i>14 feet</i>
	<i>25,000—60,000</i>	<i>2</i>	<i>12 feet × 35 feet</i>	<i>14 feet</i>
	<i>60,000 and over</i>	<i>3</i>	<i>12 feet × 35 feet</i>	<i>14 feet</i>
<b>Industrial</b>	<i>Less than 5,000</i>	<i>0</i>	<i>0</i>	<i>0</i>
	<i>5,000—25,000</i>	<i>1</i>	<i>12 feet × 60 feet</i>	<i>14 feet</i>
	<i>25,000—60,000</i>	<i>2</i>	<i>12 feet × 60 feet</i>	<i>14 feet</i>
	<i>60,000 and over</i>	<i>3</i>	<i>12 feet × 60 feet</i>	<i>14 feet</i>

**Response:** The existing site development includes numerous existing buildings and loading dock facilities, such that the property complies with the minimum three loading berth requirement for industrial facilities exceeding 60,000 SF. The proposed new building will add 120,000 SF and will have two loading docks; with that addition the property will remain in compliance with this standard. Compliant dimensions for the proposed loading docks are provided on sheet A4.10. This standard is met.

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

**Response:** Proposed loading berths do not use public right of way. This standard is met.

(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.*

**Response:** Existing and proposed loading docks are not visible from public areas or adjacent properties. This standard is met.

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

**Response:** Proposed loading facilities will be installed prior to final building inspection and will be permanently maintained. This standard is met.

(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.*



**Response:** All proposed and existing off-street loading facilities associated with the proposed new building are on the same lot as the structure they will serve and are not part of the area used to satisfy off-street parking. See sheet C1.11 for loading dock locations. This standard is met.

(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.*

**Response:** The site does not have or propose a school or childcare center. This standard does not apply.

**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:*

<i>Required Parking Spaces</i>	<i>Minimum Number Required</i>	<i>Minimum Pavement Width</i>	<i>Minimum Pavement Walkways, etc.</i>
1-99	1	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
100-249	2	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

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

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

**Response:** The proposal is for an office building accessory to a permitted manufacturing use on an industrial site in the MP District. Driveways have been designed in coordination with City Engineering staff and have been sized to accommodate anticipated traffic. Proposed new driveways are more than 36' wide for the first 50' from ROW and more than 24' wide thereafter. See sheets C1.13 and C1.14. This standard is met.



(4) *Institutional Uses. Ingress and egress must not be less than 24 feet. In all other cases, ingress and egress for institutional uses must not be less than the following: ...*

**Response:** The proposal is for an office building on a manufacturing site. This section does not apply.

(5) *One-way Ingress or Egress. When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements. However, the hard surfaced pavement of one-way drives must not be less than 16 feet for multi-family residential developments (as defined in TDC 31.060), commercial, or industrial uses.*

**Response:** A one-way ingress or egress is not proposed. This standard does not apply.

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

(a) *Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.*

**Response:** As mentioned in responses to Sections 73C.130 (2) and (3) above, driveways are a maximum of 36' wide.

(b) *Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.*

**Response:** No driveways are proposed within 5' of an adjacent property line. This standard is met.

(c) *The provisions of subsection (b) do not apply to townhouses, duplexes, triplexes, quadplexes, and cottage clusters which are allowed to construct driveways within five feet of adjacent property lines.*

**Response:** The proposal is not residential. This standard does not apply.

(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.*

**Response:** No proposed driveway is within 40' of another driveway. This standard is met.

(e) *Must comply with the distance requirements for access as provided in TDC 75.*

**Response:** The proposal complies with distance requirements of TDC 75. See Section 75. This standard is met.

(f) *Must comply with vision clearance requirements in TDC 75.*

**Response:** The proposal complies with the requirements of TDC 75. See Section 75. This standard is met.

### ***Parking Lot Landscaping***

#### ***Section 73C.220. - Commercial Parking Lot Landscaping Requirements***

**Response:** IMP 00-01 modified some parking lot landscaping requirements. Where the current TDC standards do not conflict, they are addressed below and met.

*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.*

**Response:** As shown on Landscape plans, sheets L0.01 through L1.15, landscaping or approved materials will be located in all areas not necessary for vehicular parking and maneuvering. This standard is met.

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

(a) *Exception: does not apply to parking structures and underground parking.*

**Response:** Clear zones are present at the ends of all on-site drive aisles and driveway entrances between 30" and 8' from the ground level. See sheets L0.01 through L1.15. 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.*

**Response:** More than 5' of perimeter landscaping exists around all parking, circulation, and loading areas, as shown on L1.10 – L1.14. Deciduous trees are located less than 30' apart on average, shrubs and ground cover will achieve 90% coverage within three years, and plantings with 30" mature height within three years will provide screening of vehicular light year around. See landscape plans. 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;*

**Response:** No below-grade islands are proposed. This option is not used.

(b) *Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;*

**Response:** All landscape islands will have curbs, as shown on C1.11 – C1.14. This standard is met.

(c) *Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;*

**Response:** Landscape islands are proposed at every aisle end. This standard is met.

(d) *Landscape separation required for every eight continuous spaces in a row.*

**Response:** The south end of the site has landscape islands at least every 12 continuous spaces per the approved IMP 00-01 alternative method for parking lot landscaping. The north side of the site has landscape islands every 8 spaces. See Landscape plans L1.10 -L1.16. This standard is met.

(e) *Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;*

**Response:** Per the IMP 00-01 alternative parking landscape methods, more than one deciduous tree is proposed for every 9 parking stalls in the south half of the site (83 trees proposed for 578 new stalls, in excess of the minimum of 65 for these stalls). This standard is met.

(f) *Must be planted with groundcover or shrubs;*

**Response:** All landscape islands are planted with groundcover and shrubs. See sheets L1.10-L1.16. This standard is met.

(g) *Native plant materials are encouraged;*

**Response:** Many native plants are used.

(h) *Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);*

(i) *Required plant material in landscape islands must achieve 90 percent coverage within three years; and*

(j) *Exceptions:*

(i) *Landscape island requirements do not apply to Duplexes and Townhouses; and*

(ii) *Landscape square footage requirements do not apply to parking structures and underground parking.*

**Response:** As shown in the civil and landscape plans, landscape islands are at least 5' wide. This standard is 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: Does not apply to parking structures and underground parking which must be determined through the Architectural Review process.*

**Response:** All proposed driveway accesses have more than 5' of landscape area on each side which extends more than 2' from the right-of-way line, as shown on L1.13 and L1.14. This standard is met.

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

### **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 TDSC 73D.030;*

(2) *The waste assessment method in TDC 73D.040;*

(3) *The comprehensive recycling plan method in TDC 73D.050; or*

(4) *The franchised hauler review method in TDC 73D.060.*

**Response:** The proposed new building will comply with the minimum standards method of 73D.030 as discussed below. This standard is 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 seven feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.

- (2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:
- (a) Common wall residential five to ten units must provide 50 square feet.
  - (b) Common wall residential greater than ten units must provide 50 square feet plus an (additional five square feet per unit above ten.
  - (c) Commercial, industrial, and institutional developments must provide a minimum storage area of ten square feet plus:
    - (i) Office—Four square feet/1,000 square feet gross leasable area (GLA);
    - (ii) Retail—Ten square feet/1,000 square feet GLA;
    - (iii) Wholesale/Warehouse/Manufacturing—Six square feet/1,000 square feet GLA;
    - (iv) Educational and Institutional—Four square feet/1,000 square feet GLA; and
    - (v) All other uses—Four square feet/1,000 square feet GLA.

**Response:** The proposed new office building has 200 SF of standard storage area plus a 160 SF, 30 CU YD trash compactor as shown on A4.10. This standard is met.

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

**Response:** The site is occupied by a single tenant/owner. This provision is not applicable.

### **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.

**Response:** Combined waste storage areas are proposed. This option is proposed.

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

**Response:** As shown on A4.10, an exterior trash enclosure and trash compactor are proposed.

- (c) Exterior storage areas must:

- (i) Be located in central and visible locations on the site to enhance security for users;
- (ii) Be located in a parking area; and
- (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

**Response:** As shown on A4.10, 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.

- (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.*

**Response:** The trash enclosure is 25' wide and 10' deep with two 8 cubic yard bins plus excess space for pallet storage from the kitchen area. The trash compactor is a 265XP-30, self-contained 30 cubic yard compactor. This standard is met.

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

**Response:** The construction type of the building is IIA, which does not require a fire rating for non-bearing exterior walls. The exterior wall construction is concrete tilt up which is noncombustible per 304.3 of the OFC. This standard is met.

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

**Response:** The trash enclosure will be enclosed by a minimum 6' height wall matching the building construction. This standard is met.

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

**Response:** As shown on L1.15, landscaping is shown around the loading dock and trash enclosure. This standard is met.

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

**Response:** As shown on C1.11, there will be two sets of double gates each 10' wide. These gates will be locked with padlocks for building users only. This standard is met.

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

**Response:** The storage area will not be covered and is about 24' wide. This standard is met.

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

**Response:** 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. This standard is met.

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

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

**Response:** Trash enclosure area will be concrete floor surface and bins will be labeled by the hauler service. This standard is 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.*

**Response:** Clear circulation paths will be provided to both building users and hauler provider that will not be blocked by any other delivery services and access is always provided. This standard is met.

- (b) *Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.*

**Response:** As the trash enclosure will be located immediately next to the loading dock and the trash compactor is located in the loading dock, the hauler provider will have the same maneuvering clearances that delivery trucks are provided. This standard is met.

- (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.*

**Response:** The loading area/trash enclosure is accessed via a one-way delivery drive off Leviton, and then trucks will egress through the southern new driveway to 108th. The provided truck court will provide ample maneuvering clearance on site and not require any backing onto a driveway or public street. This standard is met.

- (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.*

**Response:** The dedicated loading/trash enclosure has separate truck/pedestrian accesses which is independent from driveways and public streets. This standard is met.

- (e) *The following is an exception to the access standard:*  
(i) *Access may be limited for security reasons.*

**Response:** Gate will be locked to the trash enclosure. This standard is met.

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

### **Section 74.110. - Phasing of Improvements.**

*The applicant may build the development in phases. If the development is to be phased the applicant must submit a phasing plan to the City Manager for approval with the development application. The timing and extent or scope of public improvements and the conditions of development must be determined by the City Council on subdivision applications and by the City Manager on other development applications.*

**Response:** No phasing is proposed. This standard does not apply.

### **Section 74.120. - Public Improvements.**

- (1) *Except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. Work must not be undertaken on any public improvement until after the construction plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.*
- (2) *In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.*

**Response:** All public improvements will be installed at the expense of the applicant and constructed according to the Public Works Construction Code. Plans will be approved prior to construction. Any authorized modifications to street improvements will be followed. This standard is met.

**Section 74.130. - Private Improvements.**

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

**Response:** All private improvements will be maintained by property owner. This standard is met.

**Section 74.140. - Construction Timing.**

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

**Response:** All public and private improvements will be completed and approved before Certificate of Occupancy. This standard is met.

**Right-of-Way**

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

**Response:** Dedication is proposed along SW 108th Avenue to accommodate the new sidewalk and planter strip to City standards. This standard is met.

**Section 74.220. - Parcels Excluded from Development.**

*On subdivision development applications ...*

**Response:** The proposal is not for a subdivision. This standard does not apply.

**Easements and Tracts**

**Section 74.310. - Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.**

**Response:** No greenway, natural area, bike, or pedestrian path dedications or easements are proposed. This standard does not apply.

**Section 74.320. - Slope Easements.**

**Response:** No slope easements are proposed. This standard does not apply.

**Section 74.330. - Utility Easements.**

**Response:** No new utility easements are proposed. This standard does not apply.

**Section 74.340. - Watercourse Easements.**

**Response:** No watercourse easements are proposed or required. This standard does not apply.

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

**Response:** No maintenance easements are proposed or required. This standard does not apply.



**Section 74.410. - Future Street Extensions.**

**Response:** No future street extensions are proposed or required. This standard does not apply.

**Section 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.*
- (7) *For subdivision and partition applications, the street improvements required by TDC Chapter 74 must be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.*
- (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.*
- (9) *In addition to land adjacent to an existing or proposed street, the requirements of this section must apply to land separated from such a street only by a railroad right-of-way.*
- (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).*



- (12) *Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.*
- (13) *The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.*
- (14) *The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.*
- (15) *Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.*
- (16) *The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.*
- (17) *Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.*
- (18) *Pursuant to requirements for off-site improvements as conditions of development approval, proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to comply with the City's Mid-Block Crossing Policy.*

**Response:** The only required street improvement is the sidewalk improvements on the collector SW 108th Avenue. The improvements are in accordance with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code. The improved sidewalk will be 5.5' wide and include a planter strip with trees from the PGE approved tree list. See plans for details. This standard is met.

#### **Section 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.*

- (3) *In accordance with the Tualatin Basin Program for fish and wildlife habitat it is the intent of Figures 74-2A through 74-2G to allow for modifications to the standards when deemed appropriate by the City Manager to address fish and wildlife habitat.*
- (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:...*

**Response:** Sidewalk improvements are required on SW 108th Avenue. The improved sidewalk will be 5.5' wide and include a planter strip with trees from the PGE approved tree list. The sidewalk improvements will all be in accordance with TDC code. See civil and landscape plans for details (Attachment 2). This standard is met.

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

**Response:** No modifications are required. This standard does not apply.

**Section 74.440. - Streets, Traffic Study Required.**

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

**Response:** The Transportation Impact Analysis is Attachment 9 and includes minimum requirements (a) – (g). This standard is met.

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

**Response:** The applicant will implement required improvements. This standard is met.

**Section 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.*

**Response:** The proposed development does not abut or contain an existing or proposed bikeway, pedestrian path, or multi-use path. This standard does not apply.

**Section 74.460. - Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.**

**Response:** No accessways are proposed and the project is not a subdivision or partition. This standard does not apply.

**Section 74.470. - Street Lights.**

- (1) *Street light poles and luminaries must be installed in accordance with the Public Works Construction Code.*
- (2) *The applicant submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.*

**Response:** No street lights are required. This standard does not apply.

**Section 74.475. - Street Names.**

**Response:** No new streets or street names are proposed. This standard does not apply.

**Section 74.480. - Street Signs.**

**Response:** No new street names signs are proposed. This standard does not apply.

**Section 74.485. - Street Trees.**

- (1) *Prior to approval of a residential subdivision or partition final plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.*
- (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.*

**Response:** The proposal is not for a subdivision. This standard does not apply.

**Utilities**

**Section 74.610. - Water Service.**

- (1) *Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.*
- (2) *If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.*
- (3) *As set forth in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the*

higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

**Response:** New water service is proposed for the new building. Lines will be installed in accordance with the Public Works Construction Code and connected to appropriate water service levels. See utility plan for details. There are not undeveloped properties adjacent to the subject site. This standard is met.

**Section 74.620. - Sanitary Sewer Service.**

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

**Response:** New sanitary sewer lines will be connected to existing on-site sewer system. No new laterals to the public system are proposed. See utility plan (C1.30 - C1.33) for details. No undeveloped properties are adjacent. This standard is met.

**Section 74.630. - Storm Drainage System.**

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

**Response:** New storm drain system will be connected to existing on-site storm system with modifications to accommodate needed drainage; however, no new connections to the public system are proposed. See utility plan for details. No undeveloped properties are adjacent. This standard is met.

**Section 74.640. - Grading.**

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

**Response:** The development site will be graded to minimize the impact of storm runoff. This application includes a grading plan on sheets C1.21 -C1.24 (plus grading notes on C0.01) showing that the proposed development will not affect the drainage on adjacent properties. This standard is met.

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

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

- (1) *On subdivision and partition development applications...*

**Response:** The proposal is not for a subdivision. This standard does not apply.

- (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.*

**Response:** The existing water quality, storm water detention, and erosion control facilities will be modified to handle additional runoff per CWS standards. See plans for details. This standard is met.

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

**Response:** The stormwater facility agreement and erosion control plan will be submitted with the construction permit. This standard is met.

**Section 74.660. - Underground.**

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

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

**Response:** The existing utility lines do not need to be upgraded for the proposed development and no undergrounding is currently required. This standard is met.

**Section 74.670. - Existing Structures.**

- (1) *Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.*
- (2) *The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.*

- (3) *The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.*

**Response:** There are no existing structures to be retained in the area of the proposed new building and parking. This standard does not apply.

**Section 74.700. - Removal, Destruction or Injury of Trees.**

*It is unlawful for a person, without a written permit from the City Manager, to remove, destroy, break or injure a tree, plant or shrub, that is planted or growing in or upon a public right-of-way within the City, or cause, authorize, or procure a person to do so, authorize or procure a person to injure, misuse or remove a device set for the protection of any tree, in or upon a public right-of-way.*

**Response:** No trees or plants in the public right-of-way will be removed, destroyed, or broken during development. This standard is met.

**Section 74.705. - Street Tree Removal Permit.**

**Response:** No street trees are being removed. This standard does not apply.

**Section 74.710. - Open Ground.**

*When impervious material or substance is laid down or placed in or upon a public right-of-way near a tree, at least nine square feet of open ground for a tree up to three inches in diameter must be provided about the base of the trunk of each tree.*

**Response:** No impervious material is proposed to be laid down in the public right-of-way. This standard does not apply.

**Section 74.720. - Protection of Trees During Construction.**

- (1) *During the erection, repair, alteration or removal of a building or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave a tree in or upon a public right-of-way in the vicinity of the building or structure without a good and sufficient guard or protectors to prevent injury to the tree arising out of or by reason of such erection, repair, alteration or removal.*
- (2) *Excavations and driveways must not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Manager. During excavation or construction, the person must guard the tree within six feet and all building material or other debris must be kept at least four feet from any tree.*

**Response:** The only proposed work near trees in the right-of-way is the alteration of one driveway off SW Leveton. All trees will be properly protected according to code requirements, as shown in Landscape Notes on L0.01. This standard is met.

**Section 74.740. - Prohibited Trees.**

*It is unlawful for a person to plant a tree within the right-of-way of the City of Tualatin that is not in conformance with City standards, including Table 74-1. Any tree planted subsequent to adoption of this Chapter not in compliance with City standards, including Table 74-1, must be removed at the expense of the property owner.*

**Response:** The proposed trees being planted in the public right-of-way on SW 108th Avenue have been selected from the PGE list of approved trees so as not to conflict with the powerlines above. This standard is met.



### **Section 74.745. - Cutting and Planting Specifications.**

*The following regulations are established for the planting, trimming and care of trees in or upon the public right-of-way of the City.*

- (1) *When trees are cut down, the stump must be removed to a depth of six inches below the surface of the ground or finish grade of the street, whichever is of greater depth.*

**Response:** No trees are proposed to be cut. This standard does not apply.

- (2) *Trees must be planted in accordance with City standards, Table 74-1, except when a greater density is allowed under a special permit from the City Manager.*

**Response:** The proposed trees to be planted in the public right-of-way on SW 108th Avenue have been selected from the PGE list of approved trees so as not to conflict with the powerlines above. See landscape plans in Attachment 2. This standard is met.

### **Section 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.*

**Response:** The proposed trees to be planted in the public right-of-way on SW 108th Avenue have been selected from the PGE list of approved trees so as not to conflict with the powerlines above. See landscape plans in Attachment 2. This standard is met.

## **Chapter 75: Access Management**

### **Section 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.*
- (2) *Exceptions. A driveway approach permit is not required for:*
  - (a) *The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or*
  - (b) *The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.*
- (3) *Procedure Type. A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).*

**Response:** Driveway Approach Permit applies. See 75.020.4-5 below showing standards are met.

- (4) *Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), 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.*

**Response:** Proposed driveways are in the submitted plans which also show items (i)-(vii). This standard is met.

- (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.*

**Response:** See Traffic Study (Attachment 9) for more information including review of site distance at the proposed new driveway locations.

- (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;*

**Response:** The proposed new driveways meet standards of the TDC and the Public Works Construction Code and no site conditions have been found that prevent placing the driveway approaches in the required locations. This standard is met.

- (c) *The number of driveway approaches onto an arterial are minimized;*

**Response:** The proposed driveway approaches are located on a collector street. This standard is met.

- (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;*

**Response:** Per the IMP, the accesses are on both 108th and Leveton. This standard is met.

- (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;*

**Response:** These were reviewed in the Traffic Study dated August 12, 2022. The approaches meet the standards of (e) – (g) above; see Attachment 9. These standards are met.

- (h) *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.*

**Response:** The proposed driveway approaches are on a collector street in an industrial area with no direct impact to residentially zoned areas. This standard is met.

- (6) *Effective Date.* The effective date of a Driveway Approach Permit approval is the date the notice of decision is mailed.
- (7) *Permit Expiration.* A Driveway Approach Permit approval expires one year from the effective date, unless the driveway approach is constructed within the one-year period in accordance with the approval decision and City standards.

**Response:** The effective date and expiration are noted and will be followed.

**Section 75.030. - Driveway Approach Closure.**

- (1) *The City Manager may require the closure of a driveway approach where:*
  - (a) *The driveway approach is not constructed in conformance with this Chapter and the Public Works Construction Code;*
  - (b) *The driveway approach is not maintained in a safe manner;*
  - (c) *A public street improvement project is being constructed, and closure of the driveway approach will more closely conform to the current driveway approach standards;*
  - (d) *A new building or driveway is constructed on the property;*
  - (e) *A plan text amendment or zone change is proposed for the property served by the driveway;*
  - (f) *A change of use or activity in an existing building increases the amount of required parking;*
  - (g) *The driveway approach has been abandoned; or*
  - (h) *There is a demonstrated safety issue.*

**Response:** All existing driveways have been constructed in accordance with TDC standards and were reviewed for traffic and safety, no issues were found. This standard does not apply.

- (2) *Notice.* Notice of driveway approach closure must be given in writing to the property owner and any affected tenants stating the grounds for closure, the date upon which the closure becomes effective, and the right to appeal.
- (3) *Appeals.* Any person entitled to notice under subsection (2) of this section may appeal the decision to the City Council.
- (4) *Effect.* Closure is effective immediately upon the mailing of notice of the decision. Unless otherwise provided in the notice, closure terminates all rights to continue the use the driveway approach for which the notice of closure has been issued.
- (5) *Failure to Close Driveway.* If the owner fails to close the driveway approach to conform to the notice within 90 days, the City Manager may cause the closure to be completed and all expenses assessed against the property owner.

**Response:** It is noted that if a driveway closure is needed, the above standards would apply.

**Section 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.*

**Response:** All proposed driveway approaches will be authorized by the City before construction and maintained in accordance with the TDC. This standard is met.

- (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.*

**Response:** All three lots are owned by Lam. This standard does not apply.

- (3) *Joint and Cross Access....*

**Response:** Lam is owner of all joint and cross access; no additional access easements are needed. This standard is met.

- (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.*

**Response:** Per the IMP, all existing access points were found to provide reasonable access. The proposed new building and parking accesses have been designed to accommodate the added traffic and parking. This standard is met.

- (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.*

**Response:** This provision is not applicable because the site is an industrial campus owned and operated by a single manufacturing user/tenant.

- (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.*

**Response:** The proposed accesses have been located in accordance with a previously approved access management plan in IMP 00-01. This standard is met.

- (6) *Except as provided in TDC 53.100, all driveway approaches must connect directly with public streets.*

**Response:** The proposed driveway approaches connect directly with public streets. This standard is met.

- (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.*

**Response:** All street frontages have existing or proposed sidewalks that meet City standards. This standard is met.

- (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 withheld for brevity, Industrial standard minimum is 36' and maximum is 40')*

**Response:** All proposed driveway approaches are 36'. See sheet C1.13, C1.14. This standard is met.

- (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.*

**Response:** All proposed driveway approaches are more than 40' apart. See sheets C1.13 and C1.14. This standard is met.

- (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.*
- (b) *At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.*
- (c) *If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.*
- (d) *When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.*

**Response:** All proposed driveways are located at least 150' from the intersection of 108th and Leveton. See sheet C1.13. This standard is met.

- (12) *Vision Clearance Area.*

- (a) *Local Streets. A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway 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 ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).*
- (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).*

**Response:** The proposal includes driveways on 108th Avenue. Neither standard (a) nor (b) above applies. No obstructions are proposed above 30" near driveway corners, as shown in Attachment 2. This standard is met.

#### IV. ORIGINAL MASTER PLAN CONDITIONS OF APPROVAL (IMP 00-01) COMPLIANCE

The following presents the original conditions of approval for the campus's master plan, with applicable requirements addressed.

##### 1. *Alternative Methods*

- a. *To meet the requirements of the TDC, through the Architectural Review process, building setbacks shall not be approved less than 68 feet to SW Leveton Drive and 98 feet to SW 108th Avenue after required dedication of right-of-way, turn lane and intersection improvements. Building setbacks to SW Tualatin Road shall meet the requirements of TDC 62.060(2)(a) and 62.080(2). Interior side yard building setbacks shall be no less than 20 feet, except setbacks to the common property line with JAE shall be no less than 100 feet.*

**Response:** This condition is met by the existing development and will be met by the proposed building.

- b. *To meet the requirements of the TDC, through the Architectural Review process parking/circulation setbacks shall not be approved less than 108 feet to SW Leveton Drive and 43 feet to SW 108th Avenue after required dedication of right-of-way, turn lane and intersection improvements. Interior side yard parking and circulation setbacks shall be as shown on Exhibit 2, Sheet SD-5, dated December 22, 2000.*

**Response:** This condition is proposed to be modified by a separate, concurrent IMP application, which requests parking/circulation setbacks of at least 50' to SW Leveton Drive and 43' to SW 108th Avenue. See IMP application submitted concurrently.

- c. *As mitigation for a reduced parking and circulation setbacks to SW Tualatin Road an earthen berm with landscaping consisting of deciduous street trees, evergreen trees and shrubs shall be provided along SW Tualatin Road, the large evergreen trees along the roadway shall be retained and the berm and landscaping shall be installed as part of the Phase 1 development. The final design of the berm and landscaping shall be reviewed through the Architectural Review process.*

**Response:** This was constructed following the 2001 AR approval and will not be affected by the proposal. This condition is met.

- d. *Through the Partition and Architectural Review processes shared parking and circulation easements shall be reviewed and evaluated. Where necessary, shared parking and circulation easements shall be established.*

**Response:** The Partition and AR following the IMP established these. This condition is met.

- k. *To meet the requirements of the TDC, through the Architectural Review process final parking areas shall be determined and the stand of trees behind the former Oki manufacturing building shall be retained or integrated into the parking lot design as determined appropriate.*

**Response:** This stand of trees was and will remain preserved. This condition is met.

- f. *To ensure that vehicular access requirements meet the TDC, through the Partition and Architectural Review processes shared site vehicular accesses will need to be reviewed and evaluated. Where necessary, shared site vehicular access easements shall be established.*

**Response:** No site access easements are necessary because the three subject parcels are used by the owner as a single manufacturing operation.

*g. To meet the requirements of the TDC, through the Architectural Review processes loading areas that encroach onto a separate adjoining lot, excluding JAE, will need to be reviewed and evaluated. If encroachments off-site and into parking areas are necessary the Architectural Review process shall determine the appropriateness.*

**Response:** No such encroachments are proposed. This condition is met.

*k. Through the Partition and Architectural Review processes onsite utilities shall be reviewed and evaluated. Where necessary, easements shall be established.*

**Response:** The Partition and AR following this IMP established these if required. This condition is met.

*i. The applicant shall submit a partition application to the City to partition the site into the proposed three individual lots.*

**Response:** The Partition was completed following the approval of the IMP to meet this condition.

*j. The applicant's request for an alternative method in parking lot landscaping requirements is acceptable for surface parking proposed for the south-half of the site as depicted in the applicant's proposal (Exhibit 2). Proposed parking lot landscaping for the north-half of the site shall follow the standard requirements of Chapter 73 of the TDC.*

**Response:** Development on the site has continued to meet the alternative or standard parking lot requirements, as appropriate. Much of the proposed parking is on the south half of the site and proposes the alternative landscaping. This condition is met.

*k. The applicant shall be required to submit an Architectural Review application meeting the requirements of the TDC and include the alternative methods approved through the Industrial Master Plan. If future modifications to an approved Industrial Master Plan are necessary, a new Industrial Master Plan application shall be submitted to the City for review.*

**Response:** AR applications following the approval of IMP 00-01 have met this condition. This AR application addresses this condition. The concurrently submitted IMP application proposes a modification to condition 1.b. above. This condition is met.

## 2. Public Facilities

*a. Through the Architectural Review process Novellus shall address the ODOT recommended condition of approval concerning the 99W/124th Avenue intersection contained in Exhibit D.*

**Response:** This intersection has been improved since the approval of this IMP.

*b. At the time of submittal of Architectural Review applications for each phase of on-site development a traffic analysis report shall be submitted and improvements identified. The traffic analysis report shall be reviewed through the Public Facilities component of the Architectural Review process and conditions applied.*

**Response:** The TIA in Attachment 9 meets this condition for this application.

*c. Construction of Phases 2-4, when proposed, shall be evaluated through the Architectural Review process on the availability of an adequate City water supply to service the proposed development phase.*

**Response:** Construction of phases 2-4 is not yet proposed. This condition does not apply.



- d. *Through the Architectural Review process the volume and pressure needs for each development phase shall be evaluated. Based on calculations, the water transmission line may be required to be extended to serve the development.*

**Response:** The Lam Research campus is currently served by City of Tualatin Water from two transmission mains in SW Leveton Drive, a low-pressure main which predated the 2001 IMP, and a high-pressure main which was installed after IMP approval. The proposed office building will connect to the high-pressure main which is expected to provide adequate flow and pressure for the new building.

- e. *Through the Architectural Review process the applicant shall submit evaluations on the downstream sanitary sewer system and the discharge rates and volumes per proposed development phase and participate where required in mitigation measures. Recycling and reuse options shall be considered by the applicant to reduce the discharge rates and volumes. The applicant shall work with the City to develop a program to release the sanitary sewer discharge during off-peak hours.*

**Response:** The Lam Research campus is currently served with municipal sewer by City of Tualatin from a main within SW Leveton Drive. Campus managers indicate no current issues or required sewer flow rate mitigation based on the existing campus development and uses. The proposed office building is not expected to generate significant sewer demands and is not expected to require any flow reduction or mitigation.

- f. *Through the Architectural Review process the adequacy of on-site stormwater detention shall be evaluated and Novellus shall provide supporting documentation and calculations showing adequacy of the storm system. At the time road widening for SW Leveton Drive or SW 108th Avenue is required, Novellus shall submit drawings and calculations for water quality and detention for review and approval as part of the Architectural Review process.*

**Response:** The stormwater report in Attachment 10 demonstrates compliance with stormwater requirements. This condition is met. Road widening is not yet required.

### 3. *Location, Design, Color and Materials*

- a. *Through the Architectural Review process, final material colors shall be presented for approval based on the pallet of colors identified in the Industrial Master Plan.*
- b. *Through the Architectural Review process, final building materials shall be presented for approval based on the pallet of materials identified in the Industrial Master Plan.*

**Response:** The exterior materials information on sheets A2.10 and A2.11 of Attachment 2 show the proposed building will be of similar materials to the existing buildings on the campus, identified in the original IMP. These conditions are met.

## **V. CONCLUSION**

As demonstrated in the narrative above and referenced attachments, this AR application meets the relevant criteria and warrants approval.