



ARCHITECTURAL REVIEW DECISION
18350 SW 126TH PLACE – INDUSTRIAL SHELL BUILDING (AR 23-0001)
 May 22, 2023

Case #:	AR 23-0001
Project:	Pacific Cross Building
Location:	18350 SW 126 th Pl; Tax ID: 2S121A003700
Applicant:	AJ Michaud, RA Gray Construction
Owner:	Ziye Han & Yu Xu

TABLE OF CONTENTS

I. INTRODUCTION 2

 A. Applicable Criteria 2

 B. Site Description..... 2

 C. Proposed Project 2

 D. Previous Land Use Actions..... 3

 E. Surrounding Zones and Uses 3

 F. Exhibit List..... 3

II. CONDITIONS OF APPROVAL 4

III. FINDINGS 10

 Chapter 32: Procedures 10

 Chapter 33: Applications and Approval Criteria 18

 Chapter 60: Light Manufacturing (ML) Zone 19

 CHAPTER 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations 21

 Chapter 73A: Site Design 23

 Chapter 73B: Landscaping Standards 25

 Chapter 73C: Parking Standards 29

 Chapter 73D: Waste and Recyclables Management Standards 37

 Chapter 74: Public Improvement Requirements 39

 Chapter 75: Access Management 44

IV. APPEAL 47

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

I. INTRODUCTION

A. Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 60: Light Manufacturing (ML) Zone
- TDC 63: Industrial Uses – Environmental Regulations
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

B. Site Description

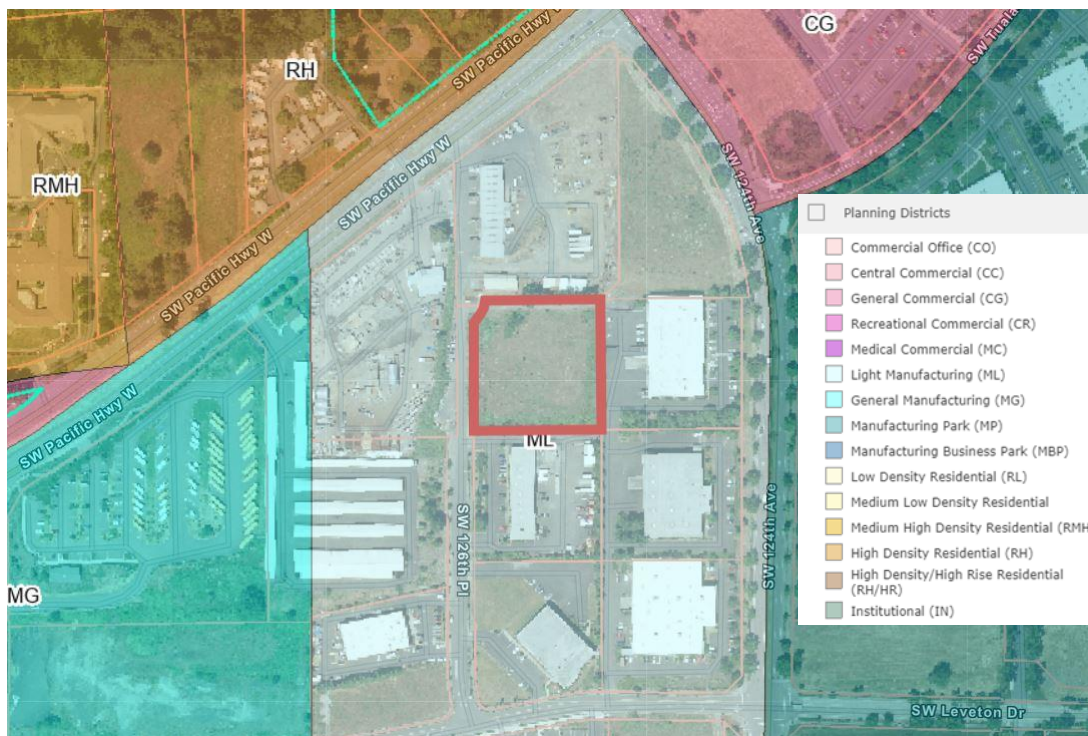


Figure 1 Aerial view of site with zoning (TualGIS)

The site is located at 18350 SW 126th Place (Tax map/lot 2S121A003700). It is approximately 1.82 acres and is zoned Light Manufacturing (ML). The subject property has public access from SW 126th Place (a Commercial/Industrial Connector roadway). The property is currently vacant and is comprised of grass and limited greenery. The topography is primarily flat and slightly slopes downward towards SW 126th Place.

C. Proposed Project

The applicant RA Gray Construction, on behalf of the property owners Han Ziyue and Xu Yu, is requesting approval to construct a new 18,000 square-foot single-story metal fabricated building (Exhibit A1 and A2). The applicant is proposing a metal fabricated building with 5 separate tenant spots (Exhibit A2).

Exhibit A1 states 25% of the building will be used for manufacturing and 75% used for warehousing. The elevation drawing in Exhibit A2 illustrates 5 overhead rollup doors located on the east side of the building. Entrances to the building will be located on the east, west and south sides of the building. Loading docks will be located on the east side of the building and not visible from the right-of-way. Vehicular circulation areas including a total of 37 off-street vehicle parking spaces and two 2 bicycle parking spaces are proposed. Site and parking lot landscaping is proposed.

D. Previous Land Use Actions

- AN 82-08 – Annexed from Washington County to the City of Tualatin

E. Surrounding Zones and Uses

Surrounding uses include:

North: Light Manufacturing (ML)

- Industrial

South: Light Manufacturing (ML)

- Light Industrial

West: Light Manufacturing (ML)

- Landscape Supplies (Hardscape Materials)

East: Light Manufacturing (ML)

- Light Manufacturing

F. Exhibit List

A: Application Materials

A1. Applicant Narrative

A2. Plan Set and Elevations

A3. Transportation Impact Analysis

A4. Stormwater Report

A5. Supporting Documents

B: Public Noticing

C: Clean Water Services Memorandum

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 23-0001 is **approved** subject to the following conditions:

GENERAL:

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

PRIOR TO BUILDING PERMIT ISSUANCE:

Submit to the Engineering Division via [eTrakit](#) for review and approval:

- A2. The applicant must apply for applicable Engineering Erosion Control, Water Quality, and Public Works permits:
- a. Apply using [eTrakit](#). With the initial Engineering permit(s) application(s) include:
 - i. One combined set of 24"x36" plans including all applicable Engineering permits attached to one Engineering permit. Include a note on other Engineering permits stating which application includes the set; and,
 - ii. Payment for an Erosion Control permit fee per the [fee schedule](#); and,
 - iii. Engineering estimate and deposit for each Water Quality or Public Works permit per the [fee schedule](#); and,
 - b. Deliver two 24"x36" hard copies of the combined Engineering permit plan sets to:

City of Tualatin

Attn: Engineering Division c/o Principal Engineer

10699 SW Herman Road

Tualatin, OR 97062

- A3. The applicant must submit Final Street Improvement Plans for SW 126th Place adjacent to the lot and Final Onsite Plans in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show:
- a. The east side including:
 - i. A driveway approach and adjacent sidewalk with a minimum 36 foot at right-of-way with a radius allowing turning movements for the widest path design vehicle up to WB-67 truck, associated curb, and sidewalk ramps consisting of reinforced concrete as approved by the City Engineer; and,
 - ii. A 12-foot wide paved surface:
 - 1. From the driveway to SW 126th Place east within the public utility easement to the east property line; and,
 - 2. Within a 15-foot wide clear path; and,
 - 3. Capable of supporting a 60,000 pound vehicle; and,
 - iii. Street lighting improvements as necessary to meet City Engineer standards including PGE's Option A; and,
 - iv. A planter strip with street trees:

1. With a minimum 4-foot width; and,
 2. Widened to accommodate any required LIDA street swales for public stormwater to meet current CWS requirements; and,
 - v. A 6-foot-wide sidewalk; and,
 - b. An 8-foot-wide public utility easement and any required slope easement, or existing equivalent approved by the City Engineer, adjacent to SW 126th Place for the length of this lot including any proposed private retaining walls outside of public utility and slope easements; and,
 - c. The existing driveway serving the lot within or to be brought into compliance of ADA standards; and,
 - d. Improvements on this property not hindering or precluding access to the property at 18255 SW 124th Ave, TLID 2S122BB00200 and 18348 SW 126th Place, TLID 2S121A003600 for up to WB-67 trucks via existing easements.
- A4. The applicant must submit Final Water System Plans in accordance with Tualatin Development Code (TDC) 74.610, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
- a. Separate laterals for domestic and fire services; and,
 - b. A new lateral for the domestic service connected off the public main within the public easement crossing the lot near the north property line; and,
 - c. A water meter located outside the private drive aisle and within a landscape area; and,
 - i. Reduced pressure backflow prevention for the domestic lateral; and,
 - ii. Irrigation after a domestic meter and reduced pressure backflow device; and,
 - d. A gate valve at the main for both domestic and fire service laterals; and,
 - e. A fire vault adjacent to SW 126th Place's right-of-way; and,
 - f. Public utility easements outside existing public easements for all portions of water laterals to and surrounding the meter, reduced pressure backflow prevention, and fire vault.
- A5. The applicant must submit Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74.620, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show location of the lines, grade, materials, and other details including a cleanout north of the proposed building within a landscape area and public utility easement for all portions of the lateral from the main to and surrounding the cleanout.
- A6. The applicant must submit:
- a. Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.630 and 74.650, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:
 - i. Address runoff from all new and modified private and public impervious areas; and,
 - ii. Assure the existing public facilities capacity for hydromodification for new and modified impervious area within right-of-way; and,
 - iii. Accommodate any additional hydromodification by proposing modification of the public facility, proposed street LIDA swale adjacent to this development

- which may include widening the planter strip with associated additional dedication of ROW or alternate approved by the City Engineer; and,
- iv. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2; and,
 - v. Prove any proposed infiltration rates in accordance with CWS D&CS 4.08.03; and,
 - vi. Detain up to the 25-year storm event for conveyance with the City of Tualatin's stormwater system in accordance with, TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08; and,
 - vii. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for ½ the 2-year storm event and the 5-year and 10-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5; and,
 - viii. Provide a downstream analysis, including but not limited to erosion, and include solutions within final plans for ¼ mile downstream from the release from the private development through the public stormwater system, in accordance with TMC 3-5-210(4); and,
 - 1. Accommodate up to a 25-year storm event within the City of Tualatin's public stormwater system with a maximum capacity of 82% for Tualatin's lines in accordance with TDC 74.640, CWS D&CS 5.05.2.d, and the City Engineer; and,
 - ix. Prove gravity flow five feet from the outside of the established line of the building to the public stormwater system or as otherwise approved by the City Engineer, in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4); and,
 - x. Discharge to an approved public system; and,
 - xi. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
 - 1. The submitted Clean Water Services' Service Provider Letter dated October 5, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter, and,
 - 2. Requirements stated within the Clean Water Services' Memorandum dated April 5, 2023; and,
 - b. Financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1; and,
 - c. A copy of the recorded private stormwater maintenance agreement in accordance with TMD 3-5-390(4). The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, and treatment.
- A7. The applicant must submit Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that:
- a. Minimize the impact of stormwater from the development to adjacent properties; and,

- b. Are sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality if disturbance is between 1 and 5 acres.
- A8. The applicant must submit copies of recorded documents, as approved by the City Engineer, in accordance with Tualatin Development Code (TDC) 74.210 and 74.330 which show
- a. Any additional right-of-way dedication for SW 126th Place to accommodate any final public street improvements for stormwater LIDA facilities within the planter strip; and,
 - b. Public utility easements:
 - i. 8-foot-wide adjacent to SW 126th Place for the extend of this lot; and,
 - ii. 10-foot-wide centered on a domestic water and sanitary sewer laterals extending onsite past the existing public utility easement crossing the north side of this development to and surrounding the water meter, reduced pressure backflow prevention, fire vault, and sanitary sewer cleanout by five feet; and
 - c. A joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and,
- A9. The applicant must obtain:
- a. A National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality, and,
 - b. Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.

Submit the following to the Planning Division (Keith Leonard 503.691.3029 or kleonard@tualatin.gov) for review and approval:

- A10. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. The applicant must provide a site plan that clearly illustrates compliance with minimum setbacks listed in Table 60-2 of TDC 60.300.
 - b. All proposed walkways must be 5 feet in width in compliance with TDC 73A.500 (1) and the location on the applicant's site plan and landscape plan must match.
 - c. The applicant shall provide a photometric lighting diagram that demonstrates compliance with TDC 73A.500 (4).
 - d. Mechanical equipment and outside storage must be screened in compliance with TDC 73A.500 (5).
 - e. Landscaping is required along the walkway from the building to the public sidewalk along SW 126th Place in the area bordering the stormwater facility pursuant to TDC 73B.060 (1).
 - f. Demonstrate all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas are landscaped and meet all dimensional requirements pursuant to TDC 73B.060 (1).
 - g. The applicant shall protect the trees and landscaping bordering the subject property during construction in compliance with TDC 73B.080 (3).
 - h. Demonstrates all areas impacted by grading will be revegetated pursuant to TDC 73B.080 (4).
 - i. Demonstrates all landscaped areas are irrigated in compliance with TDC 73B.080 (5).
 - j. All standard parking stalls and drive aisle width must meet the dimensional requirements of TDC Figure 73-1.
 - k. The applicant shall provide ADA parking stalls in compliance with TDC 73C.020 (6).

- l. Applicant must provide a scaled and dimensioned site plan that clearly illustrates artificial site lighting meets the requirement of 73C.020 (11).
- m. Provide details that demonstrate the proposed covered bicycle parking spaces meet the standards of TDC 73C.050 (1) and (2).
- n. Per TDC 73C.100 (f) (i) and (ii) the applicant shall provide 2 covered bicycle parking spaces.
- o. The applicant shall provide 2 loading berths in compliance with TDC 73C.120 (1), (2), (3), (4) and (5).
- p. The applicant shall provide parking lot landscaping, including 10 deciduous shade trees, in compliance with TDC 73C.240.
- q. The landscaping plan must illustrate perimeter landscaping in compliance with TDC 73C.240 (3).
- r. The applicant shall submit a landscaping plan that illustrates compliance with TDC 73C.240 (4).
- s. The applicant shall submit a landscaping plan that illustrates compliance with TDC 73C.240 (5).
- t. Based on the recommendations in the Republic Services Service Provider Letter dated January 9, 2023, the applicant shall modify their waste and recyclable enclosure plans, resubmit the plans to Republic Services for their review and provide the Planning Division with the updated plans and approval letter.
- u. The applicant shall provide a scaled and dimensioned site plan that illustrates the waste and recyclable enclosure complies with TDC 73D.030 (1) and (2).
- v. The applicant must provide an elevation drawing, material description and site plan that illustrate compliance with location and design criteria meeting TDC 73D.070 (1) and (2).
- w. The applicant shall provide elevations drawings for all sides of the proposed building that illustrates compliance with TDC 73A.010 and 73A.500.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A11. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.120.
- A12. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.
- A13. The applicant must construct all proposed site improvements as illustrated on the approved Final Site Plan Set.
- A14. Areas impacted by grading and all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas must be landscaped, pursuant to TDC 73B.060(1)(a).

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

- A15. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.

- A16. If the use of the 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, pursuant to TDC 73C.010(2)(a)(v).
- A17. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 75-1.
- A18. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A19. Consistent with the Transportation Technical Memorandum dated February 17, 2023 prepared by ARD Engineering (Exhibit A4), future land uses on the site must not generate more than 88 Daily Total Trips. Alterations to this limitation require submittal and approval of a new Architectural Review application with corresponding traffic study under TDC 33.020(7), and in accordance with TDC 74.440.
- A20. The proposed development must comply with the Environmental Regulations of TDC 63.

III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

Chapter 32: Procedures

[...]

Section 32.010 – Purpose and Applicability.

[...]

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

[...]

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

[...]

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

Table 32-1 – Applications Types and Review Procedures

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

Finding:

The submitted Architectural Review application proposes industrial building development that is less than 150,000 square feet and thus is classified as “General Development” under TDC 33.020(3)(f) and therefore is subject to the Type II Procedure Type according to Table 32-1. The application has been processed according to the applicable code for Type II procedures. This standard is met.

[...]

Section 32.030 – Time to Process Applications.

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

[...]

(3) Time Periods. "Days" means calendar days unless otherwise specified. In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins is not included. The last day of the period is included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or City recognized legal holiday.

Finding:

The application was deemed complete on March 16, 2023. The 120th day will be July 14, 2023. The final action on this application must take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.

Section 32.110 – Pre-Application Conference.

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

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

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

(4) Application Requirements for Pre-Application Conference.

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

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

(i) A completed application form;

(ii) Payment of the application fee;

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

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

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

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

- (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;**
- (b) The proposed use, layout, and/or design of the proposal have significantly changed; or**
- (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.**

Finding:

A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on April 6, 2022 and continued project discussions with staff prior to submitting their application on January 10, 2023. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

- (1) Purpose.** The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (2) When Mandatory.** Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.
- (3) Timing.** A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.
- (4) Time and Location.** Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:
 - (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.**
 - (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.**
- (5) Notice Requirements.**
 - (a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.**
 - (b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:**
 - (i) All property owners within 1,000 feet measured from the boundaries of the subject property;**
 - (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and**
 - (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.**
 - (c) The City will provide the applicant with labels for mailing for a fee.**
 - (d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.**
- (6) Neighborhood/Developer Sign Posting Requirements.** The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design

and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

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

Finding:

The applicant has provided evidence that a Neighborhood/Developer meeting was held in person on August 24, 2022 at the subject property located at 18350 SW 126th Place, Tualatin, Oregon. The applicant has provided documentation of sign posting and notification in compliance with this section in Exhibit A5. The applicant's narrative states that the only questions asked were regarding the use of a metal building vs tilt-up building being chosen by the owner (Exhibit A1). These standards are met.

Section 32.130 – Initiation of Applications.

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

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

[...]

Finding:

The applicant has provided a title report within Exhibit A5 showing Ziye Han and Yu Xu to be the current owner of the subject properties. The application has been signed by Ziye Han and Yu Xu who both own the subject property. This standard is met.

Section 32.140 – Application Submittal.

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

- (a) A completed application form. The application form must contain, at a minimum, the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;
 - (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application(s);
 - (vi) A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

- (b) A written statement addressing each applicable approval criterion and standard;
- (c) Any additional information required under the TDC for the specific land use action sought;
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
- (e) Recorded deed/land sales contract with legal description.
- (f) A preliminary title report or other proof of ownership.
- (g) For those applications requiring a neighborhood/developer meeting:
 - (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
- (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

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

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

Finding:

The applicant submitted an application for AR 23-0001 on January 10, 2023, which was deemed incomplete on February 6, 2023. The applicant made a subsequent submittal on March 10, 2023 and the application was deemed complete on March 16, 2023. The general land use submittal requirements were included with this application after the subsequent submittal of additional material was provided to staff for their review. These standards are met.

Section 32.150 - Sign Posting.

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

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

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

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

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

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

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

Finding:

The applicant provided certification within Exhibit A5 that signs in conformance with sign posting requirements of this section of the Tualatin Development Code (TDC). These standards are met.

Section 32.160 – Completeness Review.

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

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

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

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

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

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

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

Finding:

The applicant submitted an application on behalf of the property owner on January 10, 2023. The application was deemed incomplete on February 6, 2023. The applicant made a subsequent submittal of supporting material on March 10, 2022, with the application being deemed complete on March 16, 2023. These standards are met.

[...]

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

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

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

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

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

(a) Recipients:

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

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

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
- (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
- (iii) The proposed site plan;**
- (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
- (v) The type of application and a concise description of the nature of the land use action;**
- (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
- (vii) Brief summary of the local decision making process for the land use decision being made;**
- (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**

- (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;
 - (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;
 - (xi) A statement that comments received after the close of the public comment period will not be considered;
 - (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and
 - (xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.
- (c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.
- (d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.
- (4) Decision. At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:
- (a) Explains the criteria and standards considered relevant to the decision;
 - (b) States the facts relied upon in issuing the decision; and
 - (c) Explains the justification for the decision based on the criteria, standards and facts set forth.

Finding:

After submittal and completeness review, as required by this section, notice for the Type II application for AR 23-0001 was mailed by city staff on March 16, 2023 which contained the information required by this section (Exhibit B). No public comments have been received. These standards are met.

- (5) Notice of Type II Decision. Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision must contain all of the following information:
- (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
 - (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
 - (c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
 - (d) The date the decision becomes final, unless an appeal is submitted; and
 - (e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.
- (6) Appeal of a Type II Decision. Appeals may be made in accordance with TDC 32.310.
- (7) Effective Date of Type II Decision. A Type II Decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise.

Finding:

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

Chapter 33: Applications and Approval Criteria

[...]

Section 33.020 Architectural Review

[...]

(5) Approval Criteria.

(b) General Development.

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

Finding:

As discussed above, the subject application, is for “general development.” Therefore, it must comply with the standards and objectives in TDC 73A through 73G. These standards are met by submittal of the subject application.

[...]

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

(10) Extension of Permit Expiration.

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

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

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

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

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

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

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

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

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

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

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

(f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of

receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.

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

Finding:

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

Chapter 60: Light Manufacturing (ML) Zone

[...]

Section 60.200 Use Categories

(1) Use Categories. Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the ML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 60-1 and restrictions identified in TDC 60.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

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

[...]

Table 60-1: Use Categories in the ML Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INDUSTRIAL USE CATEGORIES		
Heavy Manufacturing	P/C (L)	Permitted uses limited to electroplating. Conditional uses limited to: <ul style="list-style-type: none"> • Manufacture of the following types of products: bicycles; small electric generators; small electric motors; motorized boats; sashes and doors; vending machines. • Production or fabrication of metals or metal products including enameling and galvanizing
Light Manufacturing	P/C (L)	Conditional uses limited to: <ul style="list-style-type: none"> • Machine shop over 7,500 square feet; • Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials; • Casting or fabrication of metals. All other uses permitted outright.
Warehouse and Freight Movement	P/C	Conditional use permit required for cold storage plants. All other uses permitted outright.

[...]

Finding:

The project area is within the Light Manufacturing (ML) Zone. Exhibit A1 states the only intended use at this time is "Warehouse and Freight Movement" which is a permitted use. However, in Exhibit A1 where TDC 73C.100 Off-Street Parking Minimum/Maximum Requirements is addressed the applicant has

indicated that “Manufacturing” would also be a use for the proposed building. There are permitted, conditional and limited land uses that fall under “Heavy Manufacturing” and “Light Manufacturing” listed in Table 60-1. The applicant has stated that cold storage plants are not proposed for the development. With Condition of Approval A19, this standard is met.

Section 60.300 – Development Standards.

Development standards in the ML zone are listed in Table 60-2. Additional standards may apply to some uses and situations, see TDC 60.310.

**Table 60-2
 Development Standards in the ML Zone**

	Standard	Minimum Proposed	Limitations and Code References
[...]			
Minimum Setbacks			
Front	30 feet	110 feet	
[...]			
Side (north)	0-50 feet	36 feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
Side (south)	0-50 feet	66.5 feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
[...]			
Rear	0-50 feet	79 feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
[...]			
Parking and Circulation Areas	5 feet	5 feet*	No minimum setback required adjacent to joint access approach in accordance with TDC 73C.
[...]			
Fence	10 feet	None proposed	From public right-of-way.
STRUCTURE HEIGHT			
Maximum Height	50 feet	29’10”	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.

			<p>Measured at the 50-foot setback line, includes flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot setback line at a slope of 45 degrees extending away from the 50-foot setback line.</p> <p>Flagpoles may extend to 100 feet.</p>
[...]			
* Not all setbacks were provided.			

TDC 60.310. - Additional Development Standards.

(1)Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities and outdoor play areas of child day care centers as required by state day care certification standards.

[...]

Finding:

The development is proposed for an existing vacant lot of approximately 1.82 acres (Exhibit A5). Based on the submitted materials, it appears that the proposed development can meet the standards found in Table 60-2 (Exhibit A2). With Condition of Approval A10.a., these development standards are met.

CHAPTER 63 – Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations

[...]

TDC 63.020. - Applicability.

The regulations of this Chapter apply to:

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

Finding:

The applicant proposed use is considered “industrial” and the subject property is located within the Light Manufacturing (ML) Planning District, therefore TDC Chapter 63 is applicable.

TDC 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.

Finding:

The applicant’s narrative, Exhibit A1, states that the proposed development will comply with this section of the TDC. With Condition of Approval A20, these standards are met.

TDC 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.

- (a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district must not exceed 0.01 inches per second (0.00025 meters per second) RMS velocity.**
- (b) Ground vibration as measured at a common property boundary of any two properties within any industrial planning district must not exceed 0.1 inches per second (0.0025 meters per second) RMS velocity.**
- (2) Method of Measurement. Vibration measurement procedures must conform to the methods described in this section and to procedures approved by the Oregon Department of Environmental Quality.**
 - (a) Instrumentation must be capable of measuring RMS value of the vibration velocity over the frequency range of ten to 1,000 hertz.**
 - (b) Measurement values must be recorded for a sufficient period of observation to provide a representative sample.**
 - (c) Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of nine inches (22.9 cm.) in length, driven flush with the ground surface.**
- (3) Exemptions. The requirements of TDC 63.052(1) do not apply to:**
 - (a) Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad;**
 - (b) Vibration resulting from the operation of any road vehicle;**
 - (c) Vibration resulting from construction activities and use of construction equipment; and**
 - (d) Vibration resulting from roadway maintenance and repair equipment.**

Finding:

The applicant's narrative, Exhibit A1, states that the proposed development will comply with this section of the TDC. With Condition of Approval A20, these standards are met.

TDC 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.**
- (2) Method of Measurement. All measurements of air pollution must be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods or measurement approved by the City. Upon request of the City, persons responsible for a suspected source of air pollution must provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.**

Finding:

The applicant's narrative, Exhibit A1, states that the proposed structure will only warehouse finished metal products and material and will not negative impact air quality. These standards are met.

TDC 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.

Finding:

The applicant's narrative, Exhibit A1, states that the proposed development will comply with this section of the TDC. With Condition of Approval A20, these standards are met.

TDC 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.

Finding:

The applicant's narrative, Exhibit A1, states that the proposed development will comply with this section of the TDC. With Condition of Approval A20, these standards are met.

TDC 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.

Finding:

The applicant has stated in their narrative, Exhibit A1, the proposed structure is for warehouse use within the building with no openly stored materials. Materials to be stored so that they do not propagate rodents or create a health or safety hazard. With Condition of Approval A20, these standards are met.

TDC 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.

Finding:

The applicant's narrative, Exhibit A1, states that "No waste will be disposed of on site. The applicable Oregon DEQ standards, Clean Water Services Standards and City environmental regulations will continue to be met". With Condition of Approval A20, these standards are met.

TDC 63.058. - Dangerous Substances.

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

Finding:

The applicant's narrative (Exhibit A1) states "There are no hazardous, toxic or radioactive waste being stored, transferred or processed in this building". With Condition of Approval A20, these standards are met.

Chapter 73A: Site Design

TDC 73A.010. - Site and Building Design Standards Purpose and Objectives.

(1) Purpose. The purpose of the site and building design objectives and standards found in TDC 73A through TDC 73G is to promote functional, safe, innovative, and attractive sites and buildings that are compatible with the surrounding environment, including, but not limited to:

- (a) The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and
- (b) The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.

(2) Objectives. The objectives of site and building design standards in TDC 73A through TDC 73G are to:

- (a) Enhance Tualatin through the creation of attractively designed development and streetscapes;
- (b) Encourage originality, flexibility, and innovation in building design;
- (c) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
- (d) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
- (e) Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
- (f) Enhance energy efficiency through the use of landscape and architectural elements; and
- (g) Minimize disruption of natural site features such as topography, trees, and water features.

Finding:

The applicant will be required to submit final color building elevations to demonstrate compliance with TDC 73A.010 and 73A.500. With Condition of Approval A10.w., these standards will be met.

TDC 73A.500. - Industrial Design Standards.

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

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

- (a) Walkways must be a minimum of five feet in width;
- (b) Walkways must be constructed of asphalt, concrete, 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;
- (e) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;
- (f) Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas; and
- (g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

Finding:

The narrative states that all new walkways will meet ADA standards. Walkways are required to be a minimum width of 5 feet. With Condition of Approval A10.b., these standards will be met.

[...]

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

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;

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

Finding:

A final safety and security plan demonstrating compliance with the above standards will be required prior to issuance of a building permit. With Condition of Approval A10.c., the applicable standards will be met.

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

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

Finding:

Outdoor storage was not requested with this application. With Condition of Approval A10.d., these standards will be met.

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

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

Finding:

The subject property is not adjacent to transit. These standards do not apply.

Chapter 73B: Landscaping Standards

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

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
[...]	[...]	[...]
(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed
<p>* For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement," the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.</p>		

[...]

Finding:

The subject property is located within the ML Zone. Per Comprehensive Plan Map 10-3 Central Tualatin Overlay Zone, the property is not within the Core Area Parking District. The property is not within the Hedges Creek Wetland Protection District. According to the applicant’s information, the property is 1.825 acres or 79,497 square feet. A minimum of 15% or 11,924 square feet is required to be landscaped. The applicant is proposing 17,820 square feet or 22% of site landscaping (Exhibit A2). This standard is met.

TDC 73B.060. - Additional Minimum Landscaping Requirements for Industrial Uses.

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

- (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.**
 - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.**
- (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:**
 - (i) Pedestrian amenities such as landscaped plazas and arcades; and**
 - (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.**
- (c) Five-foot-wide landscaped area requirement does not apply to:**
 - (i) Loading areas,**
 - (ii) Bicycle parking areas,**
 - (iii) Pedestrian egress/ingress locations, and**
 - (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.**
- (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.**

[...]

Finding:

Landscaping will be required to be provided consistent with the above standards. Compliance will be verified through final plan review. The site is not located adjacent to the Hedges Creek Wetland. All building elevations will be viewable from either parking areas or the public right-of-way. As shown in Exhibit A2, a combination of lawn, trees, and shrubs are proposed throughout the site. The west-facing building elevation serves as the main pedestrian points of access to the building. The parking spaces illustrate a 2.5 feet bumper overhang in order to achieve the required 18.5 feet. A Five foot wide landscaping strip will still be required in addition to any bumper overhang. With recommended Conditions of Approval A10.e., A10.f. and A14, this standard is met.

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

The following are minimum standards for landscaping for all zones.

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

Finding:

As shown on the Landscape Plan included in Exhibit A2, and with Conditions of Approval A10.e., A10.f. and A14, these standards are met

<p>(2) Fences</p>	<ul style="list-style-type: none"> • Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
--------------------------	---

Finding:

The subject site is not located in a habitat area, and no fencing is proposed that would impact animal crossings. This standard is not applicable.

<p>(3) Tree Preservation</p>	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction: • Must provide above and below ground protection for existing trees and plant materials identified to remain; • Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; • If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; • Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; • Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified
-------------------------------------	--

	<p>arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and</p> <ul style="list-style-type: none"> • Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
--	---

Finding:

The site is vacant and does not contain any trees. There are existing trees that border the subject property to the south and west that appear to be located on the abutting property. These trees must be protected during construction in compliance with these standards. With Condition of Approval A10.g., these standards will be met.

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

Finding:

The proposal includes grading, as shown in the Grading Plan Exhibit A2. Grading and erosion control is further addressed in Chapter 74. With Condition of Approval A10.h., these standards are met.

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

Finding:

Exhibit A1 states a design build irrigation system is planned. No irrigation system details were provided in Exhibit A1 or A2. With Condition of Approval A10.i., this standard will be met.

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

Finding:

The applicant proposes to landscape areas not otherwise proposed for development. With Condition of Approval A10.e., these standards are met.

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

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

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

Finding:

Per the plant schedule and details provided in Exhibit A2, these standards are met.

Chapter 73C: Parking Standards

TDC 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;

[...]

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

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

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

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

[...]

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

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

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

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

[...]

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

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

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

(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

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

Finding:

The applicant is proposing a new structure, therefore the General Requirements of TDC 73C.010 (2) are applicable.

Section 73C.020 – Parking Lot Design Standards.

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

(1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;

[...]

(2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;

(3) Parking stalls must be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for

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

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

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

Finding:

The Site Plan (Exhibit A2) illustrates the proposed parking stall dimensions to be 16.5 feet long plus a 2.5 feet bumper overhang for total length of 19 feet. The width of parking spaces will be 9 feet. Exhibit A2 illustrates that off-street parking spaces will meet the requirements of Figure 73-1. A five foot wide landscaping strip per TDC 73B.060(1) will still be required in addition to any bumper overhang. The north-south drive aisle on the east side of the building has the proposed width of 28.5 feet. The east-west drive aisle on the south side of the building has the proposed width of 37 feet. There is no parking on the east side of the building where the loading and unloading area will be located. With Condition of Approval A10.j., these standards are met.

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

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

Finding:

The applicant's narrative states 2 ADA parking stalls will be provided. No sub-compact stalls are proposed. With Condition of Approval A10.k., these standards are met.

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

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

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

Finding:

The proposed parking spaces will not require backing movements or other maneuvering within the street right-of-way. The Site Plan in Exhibit A2 illustrates a 28.5 feet wide drive aisle on the west side of the building, 37 feet wide drive aisle on the south side of the building. The loading and unloading areas are proposed for the east side of the building with a distance of 73 feet from the building to the curb. These standards are met.

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

Finding:

The applicant will be required to provide a final site plan that demonstrates compliance with these standards. With Condition of Approval A10.l., these standards will be met.

- (12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and
(13) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.**

Finding:

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

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

(1) Requirements. Bicycle parking facilities must include:

- (a) Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;**
- (i) Long-term bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.**
- (b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.**

(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;**
- [...]**

Finding:

The applicant is proposing two covered bicycle parking spaces (Exhibit A1). With Condition of Approval A10.m., these standards will be met.

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

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

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
[...]				
(f) Industrial				
(i) Manufacturing	1.60 spaces per 1,000 square feet of gross floor area	None	2 spaces, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(ii) Warehousing	0.30 spaces per 1,000 square feet of gross floor area	Zone A: 0.4 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
[...]				

Use	Square Footage	Vehicle Parking Min.	Proposed Vehicle Parking	Bike Parking Min.	Proposed Bike Parking
Manufacturing	4,500	7	37 (includes 2 ADA)*	2	2
Warehousing	13,500	4			
* Applicant's narrative stated 2 ADA off-street parking spaces will be provided in Exhibit A1 Narrative but do not illustrate these spaces in Exhibit A2 Plan Set and Elevations.					

Finding:

The total square footage of the building is 18,000 square-feet (Exhibit A1). The applicant's narrative indicates that the uses have not yet been determined but are planned to be 25% (4,500 sqft) manufacturing and 75% (13,500 sqft) warehousing. Based on the proposed building square footage, manufacturing use will require a minimum of seven off-street vehicle parking spaces and the warehousing use will require four off-street vehicle parking spaces. The applicant is proposing a total of 37 off-street parking spaces and has stated that two of these spaces will meet ADA requirements. The applicant is proposing 2 covered bicycle parking spaces (Exhibit A1). With Condition of Approval A10.n., these standards will be met.

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

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

[...]

Finding:

Of the 37 required parking spaces, 2 must be designated carpool/vanpool spaces. There are 2 Vanpool/Carpool spaces noted as being provided in the applicant’s narrative (Exhibit A1). This standard is met.

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

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

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
[...]				
Industrial	Less than 5,000	0	0	0
	5,000—25,000	1	12 feet × 60 feet	14 feet
	25,000—60,000	2	12 feet × 60 feet	14 feet
	60,000 and over	3	12 feet × 60 feet	14 feet
[...]				

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

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

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

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

[...]

Finding:

The proposed building will be 18,000 square- feet, which requires two loading berths. The applicant’s narrative states that 2 loading berths will be provided (Exhibit A1). With Condition of Approval A10.o., these standards will be met.

Section 73C.130 – Parking Lot Driveway and Walkway Minimum Requirements.

Parking lot driveways and walkways must comply with the following requirements:

[...]

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

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

[...]

(6) Maximum Driveway Widths and Other Requirements.

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

(b) Driveways must not be constructed within 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.

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

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

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

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

Finding:

The subject property will have one ingress and egress driveway from SW 126th Place. The applicant's site plan, Exhibit A2, illustrates a pavement width of 36.7 feet for 66 feet from the right-of-way and 29.5 feet width thereafter. Compliance with TDC 75 is discussed below. This standard is met.

PARKING LOT LANDSCAPING

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

(1) Purpose. The goals of the off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns, reduce the total number of spaces, reduce the impervious surface area and stormwater runoff, and enhance the visual environment. The design of the off-street parking area must be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics.

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

Finding:

The proposal includes vehicular circulation and parking areas. Per this section of the TDC, parking lot landscaping is required.

TDC 73C.240. - Industrial Parking Lot Landscaping Requirements.

Industrial uses must comply with the following landscaping requirements for parking lots in all zones.

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

Finding:

As shown on the Landscape Plan (Exhibit A2), landscaping is proposed in areas not used for vehicles and pedestrian movement. With Condition of Approval A10.p., 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.

Finding:

As shown on the Landscape Plan (Exhibit A2), the proposed plantings will not impact visual clearance at the end of drive aisles and drive entrance. With Condition of Approval A17 related to maintenance, this standard is met.

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

- (a) Deciduous trees located not more than 30 feet apart on average as measured on center;**
- (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;**
- (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;**
- (d) Native trees and shrubs are encouraged; and**
- (e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.**

Finding:

As shown on the Landscape Plan (Exhibit A2), perimeter landscaping is illustrated without dimensions along the vehicular circulation and parking areas. With Condition of Approval A10.q., these standards are met.

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

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater runoff and function as water quality facilities as well as parking lot landscaping;**
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;**
- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;**
- (d) Landscape separation required for every eight continuous spaces in a row;**
- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;**
- (f) Must be planted with groundcover or shrubs;**
- (g) Native plant materials are encouraged;**
- (h) Landscape island areas with trees must be a minimum of 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) Exception: Landscape square footage requirements do not apply to parking structures and underground parking.**

Finding:

Given that 37 parking spaces will be provided, a minimum of 925 square feet of parking lot Landscape Island will be required with 10 deciduous trees. The Landscape Plan included in Exhibit A2 illustrates 4 parking lot landscape Islands with one deciduous shade tree in each island and an additional 2 trees within the parking lot aisle ends for a total of 8 deciduous shade trees. Curbs are included in the design and islands are provided at aisle ends. There are areas of the parking lot that do not have deciduous trees evenly dispersed where there are only shrubs border parking spaces. With Condition of Approval A10.r., these standards are met.

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

- (a) Landscape area at least five (5) feet in width on each side of an accessway;**
- (b) Landscape area must extend 30 feet back from the property line; and**
- (c) Exceptions: does not apply to parking structures and underground parking which must be determined through the Architectural Review process.**

[...]

Finding:

As shown on the Landscape Plan included in Exhibit A2, areas along the driveway access have landscaping. With Condition of Approval A10.s., these standards are met.

Chapter 73D: Waste and Recyclables Management Standards

TDC 73D.010. - Applicability and Objectives.

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

[...]

(c) Industrial developments; and

[...]

Finding:

The proposal includes the construction of an industrial development. These standards apply.

Section 73D.020 - Design Methods.

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

(1) The minimum standards method in TDC 73D.030;

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

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

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

Finding:

The applicant’s narrative (Exhibit A1), states that the minimum standards method has been selected for waste and recycling management. Standards listed in TDC 73D.030 will apply..

Section 73D.030 – Minimum Standards Method.

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

(1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.

(2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:

[...]

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

[...]

(iii) Wholesale/Warehouse/Manufacturing—Six square feet/1,000 square feet GLA;

[...]

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

Finding:

A minimum of 108 square feet of trash enclosure area is required for the proposed 18,000 square feet GLA. The applicant provided a service provider letter from Republic Services (Exhibit A5), dated January 9, 2023, provides specific modifications to the applicant’s plan that are needed to meet their requirements, which will be required by condition. With Condition of Approval A10.t., these standards are met.

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

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

(1) Location Standards.

- (a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste.**
- (b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.**
- (c) Exterior storage areas must:**
 - (i) Be located in central and visible locations on the site to enhance security for users;**
 - (ii) Be located in a parking area; and**
 - (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.**

(2) Design Standards.

- (a) The dimensions of the storage area must accommodate containers consistent with current methods of local collection at time of construction or alteration.**
- (b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.**
- (c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height.**
- (d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.**
- (e) Gate openings for haulers must be a minimum of 10 feet wide and must be capable of being secured in a closed and open position.**
- (f) Horizontal clearance must be a minimum of 10 feet and a vertical clearance of 8 feet is required if the storage area is covered.**
- [...]**
- (h) Exterior storage areas must have either a concrete or asphalt floor surface.**
- (i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.**

Finding:

The proposed waste area is visible from parking areas, convenient to tenant entries and loading areas, as well as being located outside of the applicable setbacks. The enclosure’s design will need to be modified to comply with Republic Services standards (Exhibit A5). Further compliance with Building and Fire Code standards will be reviewed at the time of building permit. With Conditions of Approval A10.u. and A10.v., the location and design standards are met.

(3) Access Standards.

- (a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.**
- (b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.**
- (c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area,**

adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.

(d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.

(e) The following is an exception to the access standard:

(i) Access may be limited for security reasons.

Finding:

The enclosure's design will need to be modified to comply with Republic Services standards (Exhibit A5). With Condition of Approval A11.u. and A11.v., these standards are met.

Chapter 74: Public Improvement Requirements

[...]

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

Finding:

All public improvements will be installed by the applicant at their expense after approval of plans and issued Erosion Control, Water Quality, and Public Works Permits. With Conditions of Approval A9 and A11, this standard is met.

TDC 74.130 Private Improvements.

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

Finding:

All private improvements will be installed by the applicant at their expense and will require prior approval of plans and building permits. With Conditions of Approval A9 and A11, this standard is met.

TDC 74.140 Construction Timing.

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

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

Finding:

All public and private improvements proposed and modified by conditions of approval will be completed and accepted by the City prior to receiving a Certificate of Occupancy. With Conditions of Approval A9 and A11, this standard is met.

[...]

TDC 74.330. - Utility Easements.

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

[...]

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

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

Finding:

Any required public utility easement will be granted to the City. Public utility easements will include 8-foot-wide adjacent to the final dedicated right-of-way of SW 126th Place for the length of this lot and 10-foot wide centered on domestic water and sanitary sewer laterals south of the existing public easement across the north side of the lot to and surrounding the fire vault, water meter, reduced pressure backflow prevention, and sanitary sewer cleanout by 5 feet to meet the Public Works Construction Code. With Conditions of Approval A3, A4, A5, and A8, these standards are met.

[...]

TDC 74.420 Street Improvements.

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

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

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

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

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

(5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.

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

[...]

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

[...]

(10) Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.

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

(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.

[...]

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

[...]

Finding:

A Technical Memorandum from Ard Engineering was submitted. City staff have reviewed the proposal against the above requirements. Proposed improvements include construction of a sidewalk with planter strip on SW 126th Place and a driveway approach with adjacent sidewalk of reinforced concrete enabling up to WB-67 truck turning movements. This access will serve the subject property and, via an existing access easement adjacent to the north lot line, will serve properties to the east and northeast (18255 SW 124th Avenue and 18348 SW 126th Place). With recommended Conditions of Approval A3, A8, A9 and A11, these standards are met.

TDC 74.425 Street Design Standards.

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

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

[...]

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

[...]

Finding:

The proposal is adjacent to SW 126th Place. This street is designated a Commercial/Industrial Connector on Tualatin Comprehensive Plan Map 8-1: Tualatin Functional Classification Plan and Traffic Signal Plan. A Technical Memorandum from Ard Engineering did not recommend additional improvements greater than the preferred cross-sections. The City Engineer concurs with these conclusions. With Conditions of Approval A3 and A8, these standards are met.

[...]

TDC 74.440 Streets, Traffic Study Required.

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

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

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

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

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

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

(b) An analysis of any existing safety deficiencies.

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

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

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

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

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

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

Finding:

A Technical Memorandum from Ard Engineering did not recommend any improvements to the street cross-section or nearby intersections. Their summary included:

Based on the analysis, the proposed development is projected to generate traffic volumes well below the threshold at which a full transportation impact analysis is required by the City of Tualatin. The added impacts on area transportation facilities will be nominal, and the proposed site plan in conjunction with the existing transportation infrastructure in the site vicinity is capable of safely supporting the proposed development.

City staff have reviewed the subject analysis and have determined that it meets the requirements above. The Technical Memorandum included turning movements that require a modification to standard driveway approach and adjacent sidewalk PWCC Drawing Standards and specifications for safe travel over reinforced concrete surfaces to enable up to WB-67 truck turning movements. With Conditions of Approval A3, A9, and A11, these standards are met.

[...]

TDC 74.485. - Street Trees.

[...]

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

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

Finding:

The applicant will plant street trees as shown within approved permit plans. With Conditions of Approval A3, A9, and A11, these standards are met.

[...]

TDC 74.610 Water Service.

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

[...]

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

Finding:

The applicant will construct a domestic water service lateral connected to the public main crossing the north side of the lot as shown on the final approved plans. The meter and reduced pressure backflow prevention will be located south of the existing public easement within a private landscape area. The fire vault will be located adjacent to SW 126th Place right-of-way. With Conditions of Approval A4, A8, A9 and A11, these standards are met.

TDC 74.620 Sanitary Sewer Service.

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

Finding:

A sanitary sewer lateral will connect to the existing public main crossing the north side of the lot. A cleanout will be located in a landscape area north of the proposed building. With Conditions of Approval A5, A8, A9, and A11, this standard is met.

TDC 74.630 Storm Drainage System.

(1) Storm drainage lines must be installed to serve each property in accordance with City standards. 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.

[...]

TDC 74.640 Grading.

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

(2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this

development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.

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

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

[...]

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

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

Finding:

The Preliminary Grading Plan illustrates capture of private stormwater runoff from the sites developed areas and conveyance discharging to an existing public stormwater lateral to SW 126th Place at the southwest corner of the lot. The submitted Preliminary Surface Water Management Report prepared by Sisul Engineering includes construction of new onsite stormwater facilities to provide treatment, hydromodification, and detention for all private impervious areas. If existing capacity of regional public stormwater facilities are inadequate, modified impervious areas within SW 126th Place right-of-way will need to be addressed by construction of public LIDA street swales, as approved by the City Engineer.

Final plans and stormwater calculations will be required to demonstrate that the development has direct access by gravity to public stormwater systems with adequate infiltration and/or downstream capacity in accordance with City of Tualatin and Clean Water Services.

The site disturbance is approximately 1.82 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality will be provided with the construction permit submittal documents. The applicant will obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet. In addition these plans must be sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality if between 1 and 5 acres of disturbance or a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres.

A Clean Water Services' Service Provider Letter and Memorandum are part of the record for this application. After land use decision issuance the applicant will submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d). With Conditions of Approval A6, A7, A9, and A11 these standards are met.

[...]

Chapter 75: Access Management

TDC 75.020. - Permit for New Driveway Approach.

- (1) Applicability.** A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.
- (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).
- (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.
 - (b)** Identification of the uses or activities served, or proposed to be served, by the driveway approach; and
 - (c)** Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (5) Criteria.** A Driveway Approach Permit must be granted if:
 - (a)** The proposed driveway approach meets the standards of this Chapter and the Public Works Construction Code;
 - (b)** No site conditions prevent placing the driveway approach in the required location;
 - (c)** The number of driveway approaches onto an arterial are minimized;
 - (d)** The proposed driveway approach, where possible:
 - (i)** Is shared with an adjacent property; or
 - (ii)** Takes access from the lowest classification of street abutting the property;
 - (e)** The proposed driveway approach meets vision clearance standards;
 - (f)** The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
 - (g)** The proposed driveway approach does not result in significant adverse impacts to the vicinity;
 - (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.
- (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.

[...]

TDC 75.040. - Driveway Approach Requirements.

(1) The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.

[...]

(3) Joint and Cross Access.

(a) Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.

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

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

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

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

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

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

[...]

(iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and

[...]

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

(7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section must be constructed to City standards,

[...]

(9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width):

**TABLE 75-1
 Driveway Approach Width**

Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Industrial	36 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet

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

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

[...]

(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).

[...]

Finding:

Modification to the existing accesses will include a driveway approach and adjacent sidewalk. The design will be modified from PWCC Standard Drawings and specifications to safely convey up to WB-67 truck turning movements on reinforced concrete surfaces. The modified approach will meet vision clearance requirements. With recommended Conditions of Approval A3, A8, A9, and A11, these standards are met.

IV. APPEAL

This Type II Architectural Review decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC [32.310](#) or unless the conditions of approval specify otherwise. Appeals may be submitted to **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / planning@tualatin.gov** before 5:00 p.m., June 6, 2023. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.

The plans and appeal forms are available at the Community Development Department – Planning Division offices. The appeal of a Type II Architectural Review decision is reviewed by the City Council.

Submitted by:



Keith Leonard, AICP
Associate Planner