



ARCHITECTURAL REVIEW DECISION
12777 SW TUALATIN SHERWOOD ROAD (AR 23-0010)
 November 22, 2023

Case #:	AR 23-0010
Project:	Columbia Corrugated Box Driveway Access
Location:	12777 SW Tualatin Sherwood Road; Tax ID: 2S128A000300
Applicant:	VLMK Engineering + Design
Owner:	Columbia Corrugated Box

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

I. INTRODUCTION

A. Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 33.110 Tree Removal
- TDC 61: General Manufacturing (MG)
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

B. Site Description



Figure 1 Aerial view of site with zoning (TualGIS)

The site at 12777 SW Tualatin Sherwood Road is an 18.39-acre lot that is zoned General Manufacturing (MG). The site is currently fully improved with an industrial building and exterior support yards. The site is bounded by Cipole Road on the west, Tualatin-Sherwood Rd to the south, 124th Avenue to the east, and the Tualatin Island Greens driving range to the north. The site is improved with an industrial building with existing landscaping around the exterior and interior of the property.

C. Proposed Project

VLMK Engineering + Design, on behalf of Columbia Corrugated Box, is requesting approval to construct a new driveway access along SW 124th Avenue at the existing site located at 12777 SW Tualatin Sherwood Road (Tax Lot: 2S128A000300). The current site is accessed by two driveways along SW Cipole Road that borders the site on the west. The existing driveways are 210 and 800 feet from SW Tualatin-Sherwood Road. The proposed access would be a 40 ft. wide asphalt driveway centered on the SW Cimino Road centerline on the east side of 124th Avenue. No changes to the existing building, parking, or drive aisles are proposed.

D. Previous Land Use Actions

- AR 91-13
- AR 93-05

E. Surrounding Uses

Surrounding uses include:

North: General Manufacturing (MG)

- Tualatin Island Greens

South:

- SW Tualatin Sherwood Road
- City of Sherwood

West:

- SW Cipole Road
- City of Sherwood

East: General Manufacturing (MG)

- SW 124th Ave
- Intel Corporate Center Condominiums

F. Exhibit List

A: Application Materials

- A1. Application & Narrative
- A2. Plan Set
- A3. Tree Removal & Protection Plan
- A4. Transportation Impact Analysis
- A5. Supporting Documents

B: Public Notice

C: Clean Water Services Memorandum

D: Washington County and TVF&R Comments

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 23-0010 is **approved** subject to the following conditions:

GENERAL:

- A1. This Architectural Review approval for 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, in accordance with TDC 75.020.

PRIOR TO EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY 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 22"x34" 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 22"x34" hard copies of the combined Engineering permit plan sets to:
 - A. **City of Tualatin**
 - B. **Attn: Engineering Division c/o Principal Engineer**
 - C. **10699 SW Herman Road**
 - D. **Tualatin, OR 97062**
- A3. The applicant must submit Final Street Improvement Plans for SW 124th Avenue 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 the proposed access to SW 124th acting as the west leg of the intersection with SW Cimino Street including
- a. A driveway approach matching the opposing SW Cimino Street width and radius as approved by the City Engineer; and,
 - b. Widened planter strips to accommodate any required LIDA street swales for public stormwater to meet current CWS requirements; and,
 - c. A 12-foot-wide multi-use path within the driveway; and,
 - d. The existing ramps on the north and south corners of the driveway within ADA compliance or adequately reconstructed; and,
 - e. If the ramps are reconstructed, any additional reconstruction of the existing 8-foot wide sidewalk for associated ADA compliance; and,
 - f. For the entire length of the lot adjacent to SW 124th Avenue:
 - i. Dedication of right-of-way to accommodate future construction of a 12-foot-wide multi-use path; and,
 - ii. An 8-foot-wide public utility easement; and,
 - g. A slope easement adjacent to SW 124th Avenue for the length of the improvements, or as approved by the City Engineer ; and,

- h. Street lighting improvements as necessary to meet City Engineer standards including PGE’s Option A; and,
 - i. Private stop sign with any other street signs as determined by the City Engineer; and,
 - j. Any proposed private retaining walls outside of public utility and slope easements; and,
 - k. A private shared access and slope easement with grading and improvements allowing and not precluding access to SW 124th Avenue at the west leg of SW Cimino Street for 20400 SW CIPOLE RD, TLID 2S128A000100, to the north.
- 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. Trees removed within the public water easement including:
 - i. Root removal under arborist observation and verification as approved by the City Engineer; and,
 - ii. Repairing any deficiency within the area of the tree and root removal to the public water line and surrounding aggregate to meet Public Works Construction Code; and,
 - b. Water meters located outside the proposed driveway approach and within a landscaped area with:
 - i. Reduced pressure backflow prevention for the domestic lateral; and,
 - ii. Irrigation after a domestic meter and reduced pressure backflow device; and,
 - c. Any valve can and/or fire vault remaining within the proposed driveway approach or drive aisle:
 - i. To be traffic rated; and,
 - ii. If within the crosswalk currently required or future widened multi-use path, with ADA compliant non-slip surfaces; and,
 - d. The fire vault to be upgraded to meet current Public Works Construction Code requirements; and,
 - e. Public utility easements outside existing public easements for all portions of water laterals ten feet wide to and surrounding any meter, reduced pressure backflow prevention, and fire vault by five feet.
- A5. 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. Route stormwater:
 - 1. From the proposed private onsite detention and treatment to the existing stormwater manhole south of SW Cimino Street within SW 124th Avenue; or,
 - 2. Prove why gravity flow is not possible to the existing manhole or the manhole is of inadequate design to accommodate another lateral in accordance with CWS D&CS 5.07.1 with a 8” minimum of wall separation between pipe core holes and the new manhole in SW 124th Avenue as proposed is the only constructible solution; and,
 - ii. Address runoff from all new and modified private and public impervious areas:

1. Confirm the existing capacity within the basin’s public facility for hydromodification, detention, and treatment to include new and modified impervious area within right-of-way; and,
2. For any required increase in capacity propose:
 - a. Modification of the existing public stormwater facility for this basin; or,
 - b. New street LIDA facilities within planter strips:
 - i. Adjacent to this development; and,
 - ii. Include any widening of the 6-foot wide planter strip with associated dedication of right-of-way to accommodate the design; or,
 - c. A fee-in-lieu for any unaddressed capacity of public stormwater detention, hydromodification, and treatment as approved by the City Engineer; and,
- iii. 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,
- iv. Prove any proposed infiltration rates in accordance with CWS D&CS 4.08.03; and,
- v. 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,
- vi. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5; and,
- vii. 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,
- viii. 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,
- ix. Discharge to an approved public system; and,
- x. 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 June 7, 2023 conditions to obtain a Stormwater Connection Permit Authorization Letter, and,
 2. Requirements stated within the Clean Water Services’ Memorandum dated September 29, 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.

- A6. 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 minimize the impact of stormwater from the development to adjacent properties; and,

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

- A7. 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. Trees identified to be retained in the Tree Removal and Protection Plan (Exhibit A3) must be identified on the final landscaping and grading plan, consistent with TDC 73B.080(3). Tree protection fencing and other preservation measures illustrated on the sheet of the Tree Removal and Protection Plan of Exhibit A2 must be specified on the Grading Plan.

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

The applicant must submit copies of recorded documents, as approved by the City Engineer, in accordance with Public Works Construction Code (PWCC) and Tualatin Development Code (TDC) 74.210, 74.330, and 75.040.

- A8. The applicant must obtain Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.

**PRIOR TO FINAL APPROVAL OF EROSION, PUBLIC WORKS, AND WATER QUALITY PERMITS
AND RELEASE OF PERFORMANCE BONDS:**

- A9. 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.
- A10. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.

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

- A11. 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*.
- A12. 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 the commencement of the new use, pursuant to TDC 73C.010(2)(a)(v).
- A13. 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).
- A14. Site landscaping must be maintained to meet the vision clearance requirements of TDC 73C.240 and TDC Figure 73-2.

- A15. Vegetation must be replanted in all areas where vegetation has been removed or damaged. The use of native plant material is encouraged.
- A16. Site landscaping must meet the minimum standards of trees and plants, pursuant to TDC 73B.090.
- A17. All exterior lighting must be located and oriented 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, pursuant to TDC 73A.500(4).

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	ARB / CC	Yes	Yes	TDC 33.020
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Finding:

The proposed Architectural Review application 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. These standards are met.

Section 32.030 – Time to Process Applications.

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

[...]

Finding:

The application was deemed complete on September 15, 2023. The 120th day will be January 12, 2024. The final action on this application must take place within 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 November 30, 2022, and submitted their application on August 16, 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 provided evidence that a Neighborhood/Developer Meeting was held on June 14, 2023. The applicant has provided documentation of sign posting and notification in compliance with this section in Exhibit A5. 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 provided a title report (Exhibit A5) showing Columbia Corrugated Box Co., Inc. to be the current owner of the subject site. The application has been signed by an agent of Columbia Corrugated Box Co., Inc. The applicant also submitted an authorization letter for the site work on the adjacent property of 20400 SW Cipole Road (Tax Lot: 2S128A000100) in Exhibit A1. 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, VLMK Engineering + Design, on behalf of Columbia Corrugated Box, submitted an application for Architectural Review 23-0010 on August 16, 2023. The application was deemed complete on September 15, 2023. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

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

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

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

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

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

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

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

Finding:

The applicant provided certification within Exhibit A5 that signs in conformance with this section were placed on site in accordance with this section. 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 for Architectural Review 23-0010 on August 16, 2023. The application was deemed complete on September 15, 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 Architectural Review 23-0010 was mailed by city staff on September 15, 2023, and contained the information required by this section, as attached in Exhibit B. No public comments were received. Clean Water Services, Washington County, and Tualatin Valley Fire & Rescue submitted comments attached in Exhibit C and D. 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:

The subject application, which is for “General Development,” must comply with the standards and objectives in TDC 73A through 73G. These standards are met by the 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 to compliance with the above criteria. With Condition of Approval A1, these standards are met.

Section 33.110 - Tree Removal Permit/Review.

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

[...]

(3) Exemptions. The following actions are exempt from the requirements of a tree removal permit.

(a) General Exemption. Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:

- (i) Not located in the Natural Resource Protection Overlay District (NRPO);**
- (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);**
- (iii) Not a Heritage Tree; and**
- (iv) Not previously required to be retained or planted under an approved Architectural Review decision.**

[...]

(6) Approval Criteria.

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

- (i) The tree is diseased and:**
 - (A) The disease threatens the structural integrity of the tree; or**
 - (B) The disease permanently and severely diminishes the esthetic value of the tree; or**
 - (C) The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.**
- (ii) The tree represents a hazard which may include but not be limited to:**
 - (A) The tree is in danger of falling; or**
 - (B) Substantial portions of the tree are in danger of falling.**
- (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.**

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

- (i) *Evergreen Trees.* An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:**
 - (A) Trunk Condition—extensive decay and hollow; or**
 - (B) Crown Development—unbalanced and lacking a full crown;**
- (ii) *Deciduous Trees.* A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:**
 - (A) Trunk Condition—extensive decay and hollow;**
 - (B) Crown Development—unbalanced and lacking a full crown; or**
 - (C) Structure—Two or more dead limbs.**

Finding:

The applicant submitted a Tree Removal and Protection Plan in Exhibit A3. The plan included 28 trees proposed for removal to allow for the construction of the proposed site development and five trees are proposed for removal to their health and condition ratings. The plan stated that the removal of the trees within the proposed disturbance limits is necessary to construct the project as proposed. The report also stated the trees that are proposed for removal are directly in the footprint of the proposed site improvements or the foreseeable impacts will adversely affect greater than 25% of the total root volume of the trees. Due to the need for a significant amount of fill soil, the trees closest to the toe-of-fill are also proposed for removal. With Condition of Approval A7, these standards are met.

Chapter 61: General Manufacturing Zone (MG)

Section 61.200 - Use Categories.

(1) *Use Categories.* Table 61-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 61-1 and restrictions identified in TDC 61.210. Limitations may restrict

the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

- (2) *Use Categories in the Limited Commercial Setback.* Commercial uses may be further restricted within the Limited Commercial Setback, see TDC 60.210(4).
- (3) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

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

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INDUSTRIAL USE CATEGORIES		
Light Manufacturing	P	—

Finding:

The project area is within the General Manufacturing (MG) Planning District. The existing structure and site plan were reviewed as Architectural Reviews 91-13 and 93-05. The building’s current use is industrial packaging services for Columbia Corrugated Box. The application proposed no changes to the existing uses. These standards are met.

[...]

Section 61.300 - Development Standards.

Development standards in the MG zone are listed in Table 61-2. Additional standards may apply to some uses and situations, see TDC 61.310.

**Table 61-2
 Development Standards in the MG Zone**

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
LOT SIZE		
Minimum Lot Size	20,000 square feet	—
LOT DIMENSIONS		
Minimum Lot Width	100 feet	When lot has frontage on public street, minimum lot width at the street is 100 feet. When lot has frontage on cul-de-sac street, minimum lot width at the street is 50 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front	30 feet	

Front Setback Adjacent to Residential or Manufacturing Park Zone	50 feet	
Side	0-50 feet	Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Side Setback Adjacent to Residential or Manufacturing Park Zone	50 feet	
Rear	0-50 feet	Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Rear setback adjacent to Residential or Manufacturing Park Zone	50 feet	
Parking and Circulation Areas	5 feet	No minimum setback required adjacent to joint access approach in accordance with TDC 73C.
Parking and Circulation Areas Adjacent to Residential or Manufacturing Park Zone	10 feet	
Fences	10 feet	From public right-of-way.
STRUCTURE HEIGHT		
Maximum Height	60 feet	May be increased to 100 feet if yards adjacent to structure are not less than a distance equal to the height of the structure. 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. Flagpoles may extend to 100 feet.
Maximum Height Adjacent to Residential Zone	28 feet	

Finding:

The existing site and building were reviewed under Architectural Reviews 91-13 and 93-05 against the code standards at the time of approval. The proposed modifications will not alter the lot size, the setbacks of the building, parking, and circulation areas, or the building height. No fences were proposed in this application. These standards are met.

Chapter 73A: Site Design

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

(2) Accessways.

- (a) When Required.** Accessways are required to be constructed when a common wall development is adjacent to any of the following:
- (i) Residential property;**
 - (ii) Commercial property;**
 - (iii) Areas intended for public use, such as schools and parks; and**
 - (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.**

Finding:

The existing site and building were reviewed under Architectural Reviews 91-13 and 93-05. The application does not propose new walkways or accessways. These standards are met.

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

- (a) Provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:**
- (i) Banks – Each lane must be 100 feet long;**
 - (ii) Restaurants – Each lane must be 160 feet long; and**
 - (iii) Other uses – Each lane must be between 80 and 160 feet long, as determined by the City.**
- (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.**
- (c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.**
- (d) The width and turning radius of drive-up aisles must be approved by the City.**
- (e) A wall or other visual or acoustic may be require by the City.**

Finding:

The application did not propose a drive-up use. This standard is not applicable.

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

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

Finding:

The applicant’s narrative stated the onsite lighting systems will be upgraded with new energy-efficient lights. The narrative stated that perimeter lighting will be pole mounted and shielded to prevent stray light from shining to neighboring properties or the natural area to the west. Building identification and entries are existing. With Condition of Approval A17 this standard is met.

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

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

Finding:

The application did not propose changes to site service, delivery, and screening. The applicant proposed a new driveway access and tree removal that will not alter the service, screening of delivery features. This standard is 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;**

Finding:

The existing site and building were reviewed under Architectural Reviews 91-13 and 93-05 against the code standards at the time of approval. The driveway access and tree removal were the only proposed site modifications. This standard is met.

Chapter 73B: Landscaping Standards

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

Excerpted from 73B.020	
Zone	Minimum Area Requirement
[...]	
(3) [...] MG zones except within the Core Area Parking	15% of the total area to be developed

[...]

Finding:

The subject site is located in the General Manufacturing (MG) zoning district. The existing site landscaping was determined and approved under Architectural Reviews 91-13 and 93-05. The existing

landscaped areas are to be maintained. New landscaping was proposed along the proposed driveway access submitted in the site plan of 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.

[...]

(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:

[...]

Finding:

The existing site landscaping was determined and approved under Architectural Reviews 91-13 and 93-05. The existing landscaped areas are to be maintained. New landscaping was proposed along the new driveway access submitted in the site plan of Exhibit A2. With Condition of Approval A13, these standards are 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.
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Finding:

All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped. The applicant proposed a new landscape area bordering the proposed driveway access. The existing landscaping is to remain and be maintained. With Condition of Approval A14 this standard is 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.
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Finding:

No fences were proposed for this project. 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;
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	<ul style="list-style-type: none"> • Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the dripline; • If it is necessary to fence within the dripline, 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 dripline area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and • Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing landscape materials. Native trees are encouraged • 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
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Finding:

Tree protection measures are identified in the Tree Removal and Protection Plan submitted in Exhibit A3. With Condition of Approval A7, this standard is met.

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

The applicant provided a Grading Plan in Exhibit A3. Grading and erosion control are further addressed in Chapter 74. This standard is met.

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

New landscaping was proposed at the driveway access. The Landscape Plan (Exhibit A3) noted the project is to be irrigated by an automatic, underground system, which will provide full coverage for all plant material. This standard is 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.
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Finding:

Vegetation must be replanted in all areas where vegetation has been removed or damaged. With Condition of Approval A15 this standard is 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		
<p>(1) Deciduous Shade Trees</p>	<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. 	
<p>(2) Deciduous Ornamental Trees</p>	<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 	
<p>(3) Coniferous Trees</p>	<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. 	
<p>(4) Evergreen and Deciduous Shrubs</p>	<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. 	
<p>(5) Groundcovers</p>	<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. 	
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Finding:

New landscaping was proposed at the driveway access. With Condition of Approval A16, these standards are met.

Chapter 73C: Parking Standards

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.
- (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;
- (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;
- (11) Artificial lighting, must be deflected to not shine or create glare in a residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor;
- (12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and
- (13) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.

Finding:

The parking lot design for the existing development was reviewed through Architectural Reviews 91-13 and 93-05. No changes to the parking areas are proposed. 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 parking lot design for the existing development was reviewed through Architectural Reviews 91-13 and 93-05. No changes to the parking areas or bicycle parking plans are proposed. These standards are 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, 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 Zone B: 0.5 spaces per 1,000 square feet of gross floor area	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
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(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:

The parking requirements for the existing site were determined through Architectural Review 91-13 and 93-05. There are no changes in use proposed for the existing building. No changes to the parking areas are proposed under the project. With Condition of Approval A12, these standards are 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	25,000—60,000	2	12 feet x 60 feet	14 feet
	60,000 and over	3	12 feet x 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 existing building and off-street loading facilities were approved through Architectural Review 91-13 and 93-05. No changes to the building or off-street loading facilities are proposed. These standards are met.

Section 73C.130 – Parking Lot Driveway and Walkway Minimum Requirements. Parking lot driveways and walkways must comply with the following requirements:

[...]

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

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

Finding:

The site has two existing driveways along SW Cipole Road, the proposed driveway on SW 124th Avenue would be the third onsite driveway. The existing site has fewer than 250 parking spaces. The minimum pavement width is 36 feet for the first 50 feet from the right of way, and 24 feet thereafter. The applicant proposed a 40-foot wide driveway along the entire length of the driveway.

The applicant’s narrative stated the proposed access utilizes an existing driveway access that is located within five feet of an adjacent property line. The narrative stated the driveway access at the ROW was originally located to be a joint access, however, the joint access is no longer feasible due to the existing grades. The applicant provided the proposed development of the lot to the north, Tualatin Logistics Park (AR 21-0011), and is not proposing utilizing this driveway for access. The project proposed a new slope and access easement on the adjacent property that will be sized to meet the needs of the proposed development. The applicant will coordinate with the adjacent property owners to create the required easement. With Condition of Approval A3, these standards are met.

PARKING LOT LANDSCAPING

Section 73C.240 – Industrial Parking Lot Landscaping Requirements.

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

- (1) General.** Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.
- (2) Clear Zone.** Clear zone required for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level.
- (3) Perimeter.** Minimum 5 feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following.
 - (a)** Deciduous trees located not more than 30 feet apart on average as measured on center;
 - (b)** Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;
 - (c)** Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;
 - (d)** Native trees and shrubs are encouraged; and
- (4) Landscape Island.** Minimum 25 square feet per parking stall must be improved with landscape island areas and must comply with the following.
 - (a)** May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;
 - (b)** Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
 - (c)** Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;
 - (d)** Landscape separation required for every eight continuous spaces in a row;
 - (e)** Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;

- (f) **Must be planted with groundcover or shrubs;**
- (g) **Native plant materials are encouraged;**
- (h) **Landscape island areas with trees must be a minimum of 5 feet in width (from inside of curb to curb);**
- (i) **Required plant material in landscape islands must achieve 90 percent coverage within three years; and**

Finding:

The parking lot landscaping was approved through Architectural Review 91-13 and 93-05. No changes to the perimeter or landscape islands are proposed. With Condition of Approval A14 related to maintenance, 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**
- [...]

Finding:

As shown on the Landscape Plan included in Exhibit A3, a landscaped area of at least five feet in width is proposed on both sides of the new driveway. This standard is met.

Chapter 73D: Waste and Recyclables Management Standards

Section 73D.010 – Applicability and Objectives.

- (1) Applicability. The requirements of this Chapter apply to all new or expanded:**
- (a) **Common wall residential developments containing five or more units;**
 - (b) **Commercial developments;**
 - (c) **Industrial developments; and**
 - (d) **Institutional developments.**
- (2) Objectives. Mixed solid waste and source separated recyclable storage areas should be designed to the maximum extent practicable to:**
- (a) **Screen elements such as garbage and recycling containers from view;**
 - (b) **Ensure storage areas are centrally located and easy to use;**
 - (c) **Meet dimensional and access requirements for haulers;**
 - (d) **Designed to mitigate the visual impacts of storage areas;**
 - (e) **Provide adequate storage for mixed solid waste and source separated recyclables; and**
 - (f) **Improve the efficiency of collection of mixed solid waste and source separated recyclables.**

Finding:

The proposed project does not propose to construct a new industrial development or expand the existing industrial development. The applicant did not propose modifications to the existing waste and recyclable management areas. The applicant submitted a service provider letter from the waste and recyclable provider, Republic Services in Exhibit A5. The service provider letter stated the proposed driveway would be adequate for the trucks to be able to service the site. These standards are not applicable.

Chapter 74: Public Improvement Requirements

[...]

TDC 74.120 Public Improvements.

- (1) Except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance**

by the City. Work must not be undertaken on any public improvement until after the construction plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.

Finding:

All public improvements will be installed by the applicant at their expense after approval of plans and issued Erosion Control, Water Quality, and Public Works Permits. With Conditions of Approval A9 and A10, 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 A10, 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 A10, this standard is met.

[...]

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

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

[...]

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

[...]

Finding:

Any additional right-of-way and/or public easements as determined by the City Engineer necessary to accommodate public stormwater facilities, pedestrian improvements, and the public water system within

final permit plans for SW 124th Avenue will be dedicated. With Conditions of Approval A9 and A10, 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 easements will be granted to the City. Public utility easements will be 8-foot-wide adjacent to the final dedicated right-of-way of SW 124th Avenue for the length of this development and 10-foot wide centered on domestic or fire water laterals from right-of-way to and surrounding the fire vault, water meters, and reduced pressure backflow prevention by 5 feet to meet the Public Works Construction Code. With Conditions of Approval A3, A4, 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.

[...]

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

[...]

(15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.

[...]

(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 Transportation Impact Analysis from Lancaster Mobley was submitted. City staff have reviewed the proposal against the above requirements. Required construction of public street surface infrastructure will benefit this development's bicycle, pedestrian, and vehicular trips utilizing streets and sidewalks.

This includes construction of the proposed driveway approach and drive aisle to match the dimensions and nature of a public street acting as a west leg of the intersection of SW 124th Avenue and SW Cimino Street. This includes a private stop sign, PGE Option A lighting, crosswalk, and flattened concrete driveway approach.

The proposed shared private access easement over this driveway matching a street intersection will enable future access to the properties to the north, 20400 SW Cipole Road, TLID 2S128A000100. With recommended Conditions of Approval A3, A8, A9 and A10, these standards are met.

TDC 74.425 Street Design Standards.

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

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

[...]

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

(a) Arterials:

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

(b) Collectors:

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

[...]

Finding:

Tualatin Comprehensive Plan Map 8-1: Tualatin Functional Classification Plan and Traffic Signal Plan designates street classifications. Adjacent to this developed area SW 124th Avenue is a Major Arterial. Adjacent to the lot, but not the developed area and under Washington County jurisdiction are a Major Collector SW Cipole Road and Major Arterial SW Tualatin-Sherwood Road. A Transportation Impact Analysis from Lancaster Mobley did not recommend additional improvements greater than the Preferred cross-sections. 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 Transportation Impact Analysis from Lancaster Mobley did not recommend any improvements to any street cross-section or nearby intersections. Their summary included:

Key findings of this study include:

- Traffic counts show that the site generated 175 trips during the morning peak hour (6:40 to 7:40 AM), and 179 trips during the evening peak hour (3:20 to 4:20 PM). No new site trips will be generated by the development, the proposed access driveway will instead only result in revised trip distribution into and out of the site.*
- Based on a review of the most recent five years of available crash data, no significant trends or crash patterns were identified at any of the study intersections that do not already have planned and funded improvements.*
- Left-turn lane warrants are not met under the 2025 buildout scenario for the two existing site accesses along SW Cipole Road. The proposed new site access on SW 124th Avenue will have a left-turn lane.*
- Preliminary traffic signal warrants are not met at any of the site driveways under buildout conditions.*
- Based on the sight distance analysis, the proposed site access will meet intersection sight distance recommendations and stopping sight distance requirements.*
- The proposed access opposite SW Cimino Street along SW 124th Avenue will meet the Tualatin Development Code access spacing standards.*
- All study area intersections are anticipated to operate within the acceptable jurisdiction standards. Therefore, no mitigation for traffic operations is required or recommended. The access configuration options have minimal effect on study area operations.*

- *The analysis shows little change in queues between background and buildout conditions. The queues can all be accommodated within the available storage. Therefore, no mitigation for queuing operations is required or recommended.*

City staff have reviewed the subject analysis and have determined that it meets the requirements above.

With Conditions of Approval A4, A9, and A10, this standard is met.

[...]

TDC 74.470. - Street Lights.

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

Finding:

The proposed driveway approach will meet PGE's Option A lighting standards. With Conditions of Approval A3, A9, and A10, this standard is met.

TDC 74.480. - Street Signs.

(1) Street name signs must be installed at all street intersections in accordance with standards adopted by the City. (2) Stop signs and other traffic control signs (speed limit, dead-end, etc.) may be required by the City. (3) Prior to approval of the final subdivision or partition plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street signs, traffic control signs and street name signs. The location, placement, and cost of the signs must be determined by the City.

[...]

Finding:

The proposed intersection will include a private stop sign with any additional public street signs as determined necessary by the City Engineer to function as the west leg of the intersection of SW 124th Avenue and SW Cimino Street. With Conditions of Approval A3, A9, and A10, this standard is met.

[...]

TDC 74.610 Water Service.

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

[...]

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

Finding:

The Existing Conditions and Demo Plan shows tree removal within the public water easement over the main. The applicant will remove roots of trees within the public water easement under arborist observation and verification and perform any repairs to the public water line and surrounding aggregate in accordance with Public Works Construction Code.

Water meters with reduced pressure backflow prevention will be relocated within landscaped areas. Valve cans and the fire vault located within the driveway will be traffic rated and if remaining within the cross-walk of the current sidewalk or multi-use path will have ADA compliant surfaces.

Separate laterals to the main will be provided for each domestic and fire service within the development area. The fire vault will be upgraded to meet current Public Works Construction Code requirements.

Public utility easements will be recorded for any portion of the system outside existing public easements for all portions of water laterals ten feet wide to and surrounding any meter, reduced pressure backflow prevention, and fire vault by five feet.

With Conditions of Approval A4, A6, A8, A9 and A10, these standards are 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 Grading and Utility Plan shows modification of an existing onsite stormwater facility with the vicinity of the proposed driveway and construction of a mechanical filter and detention system with lateral to a new manhole over the public stormwater main east of the driveway within SW 124th Avenue. The

Preliminary Stormwater Report prepared by VLMK discusses proposed detention, hydromodification, and treatment of the new and modified private impervious areas.

The applicant will route stormwater from the proposed private onsite treatment and detention to the existing stormwater manhole south of SW Cimino Street within SW 124th Avenue or prove why gravity flow is not possible and/or the manhole is of inadequate design to accommodate another lateral and a new manhole in SW 124th Avenue as proposed is the only constructible solution.

New and modified private and public impervious areas will include up to 25-year detention, hydromodification, and treatment. For public stormwater if existing capacity of regional public stormwater facilities are inadequate, modified impervious areas within SW 124th Avenue right-of-way will be addressed by construction of public LIDA street swales or alternate approaches as approved by the City Engineer.

Final plans and stormwater calculations will 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 0.3 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.

A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance the applicant will submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d). With Conditions of Approval A5, A6, A8, A9, and A10 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.

[...]

(3) Procedure Type. A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).

Finding:

The application includes a new driveway approach. The application has been processed according to the Type II procedures. These standards are met.

(4) Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:

(a) A site plan, of a size and form and in the number of copies meeting the standards established by the City Manager, containing the following information:

- (i)** The location and dimensions of the proposed driveway approach;
- (ii)** The relationship to nearest street intersection and adjacent driveway approaches;
- (iii)** Topographic conditions;
- (iv)** The location of all utilities;

- (v) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (vi) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to TDC Chapter 73B or 73C; and
 - (vii) The location of any street trees adjacent to the location of the proposed driveway approach.
- (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.

Finding:

The applicant, VLMK Engineering + Design, on behalf of Columbia Corrugated Box, submitted an application for Architectural Review 23-0010 on August 16, 2023 that included the submittal requirements for a new driveway approach. The application was deemed complete on September 15, 2023. The general land use submittal requirements were included with this application. These standards are met.

(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.

Finding:

The subject application, must comply with the standards of this Chapter and the Public Works Construction Code. Subject to the final Conditions of Approval, these standards are met.

(6) Effective Date. The effective date of a Driveway Approach Permit approval is the date the notice of decision is mailed.

(7) Permit Expiration. A Driveway Approach Permit approval expires one year from the effective date, unless the driveway approach is constructed within the one-year period in accordance with the approval decision and City standards.

[...]

Finding:

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

TDC 75.040. - Driveway Approach Requirements.

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

(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.

(3) Joint and Cross Access.

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

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

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

(ii) A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles; (iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and

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

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

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

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

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

[...]

(5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Manager.

(6) Except as provided in TDC 53.100, all driveway 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, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a

manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.

(8) The standards set forth in this Code are minimum standards for driveway approaches, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.

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

**TABLE 75-1
 Driveway Approach Width**

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

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

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

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

[...]

(12) Vision Clearance Area.

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

The proposed private shared access off of SW 124th Avenue will act as the west leg of SW Cimino Street meeting access and driveway spacing standards. A private shared access and slope easement with maintenance agreement will be recorded. The design and dimensions of the shared private driveway and onsite drive aisle will be modified from standards as approved by the City Engineer to match SW Cimino

Street at the intersection with SW 124th Avenue.. The driveway will meet vision clearance requirements. With recommended Conditions of Approval A3, A6, A8, A9, and A10, these standards are met.

[...]

TDC 75.140. - Existing Streets Access Standards.

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

(6) 124TH AVENUE.

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

[...]

(iii) Cimino Street...

[...]

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

[...]

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

[...]

Finding:

The proposed shared private access off of SW 124th Avenue is located over 700 feet north of SW Tualatin-Sherwood Road and will act as the west leg of SW Cimino Street. This standard is met.

IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days unless a written appeal is received by the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / planning@tualatin.gov** before 5:00 p.m., December 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. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB); appeals of Public Facilities Decision elements are appealed directly to City Council as specified in TDC Table 32-1.

Submitted by:



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Assistant Planner