

NOTICE OF DECISION



On December 13, 2023, the City of Tualatin approved with conditions Architectural Review 23-0004 for the 124th Avenue Industrial Development, located at 19000 SW 124th Avenue; Tax Lot: 2S127BB00100.

A copy of the application record can be found at: <https://www.tualatinoregon.gov/planning/ar23-0004-124th-ave-industrial-development>, and a printed copy may be available for a reasonable cost through a public records request: <https://www.tualatinoregon.gov/administration/public-records-request-0>

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

The Tualatin Architectural Review Board decision will be final after 14 calendar days from the date of this mailing unless a Notice of Appeal is filed with the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, OR 97062 before 5:00 p.m on January 5, 2024**. The appeal forms are available at: <https://www.tualatinoregon.gov/planning/notice-appeal>. The appeal forms must include reasons, the current appeal fee, and meet the requirements of Section 32.310 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

Date notice mailed: December 22, 2023
File: AR 23-0004



ARCHITECTURAL REVIEW BOARD DECISION

December 13, 2023

Case #:	AR 23-0004
Project:	124 th Avenue Industrial Development
Location:	19000 SW 124 th Avenue, Tax Lot: 2S127BB00100
Applicant:	Jennifer Kimura, VLMK Engineering + Design
Owner:	Tualatin 124, LLC

I. FINDINGS

- A. An application for Architectural Review (AR 23-0004) was filed by VLMK Engineering + Design requesting approval for a three-building industrial development totaling 199,170 square feet 23.8-acre site in the General Manufacturing (MG) zone at 19000 SW 124th Avenue (Tax Lot: 2S127BB00100).
- B. The Architectural Review Board (ARB) conducted a noticed quasi-judicial public hearing on December 13, 2023 in conformance with the laws of the State of Oregon and the City of Tualatin.
- C. At the December 13, 2023 public hearing, the ARB found that an addition to Condition of Approval A10, as authorized by TDC 22.020(6), was needed to further the implementation of the requirements of the Tualatin Development Code, in order to meet the Site and Building Design Standards Purpose and Objectives of TDC 73A.010.

II. ACTION

The Architectural Review Board Decision approves AR 23-0004 and adopted the staff analysis and findings, dated December 13, 2023, with the following Conditions of Approval (**bold underlined** conditions were added by the Architectural Review Board at the hearing and are supported by the staff findings and discussion on the record):

GENERAL:

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

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

- A2. Trees identified for preservation on the Erosion Control plan must be protected by chain link or other sturdy fencing placed around the tree at the drip line, pursuant to TDC 73B.080(3). Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

- A3. Non-building development uses proposed in natural areas of the Natural Resource Protection Overlay District (NRPO) (Map 72-1) are subject to compliance with Clean Water Services standards stated in the Clean Water Services Service Provider letter dated January 31, 2023, and requirements stated in the Clean Water Services Memorandum dated October 24, 2023, to mitigate the impact of development to the extent necessary.

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

- A4. 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 based on NAVD 1988 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:
City of Tualatin
Attn: Engineering Division c/o Principal Engineer
10699 SW Herman Road
Tualatin, OR 97062
- A5. The applicant must submit Final Street Improvement Plans for SW 124th Avenue for the lot and Final Onsite Plans in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show:
- a. Dedication of a total of 55 feet of right-of-way from the centerline plus any additional right-of-way necessary to accommodate a 12-foot-wide multi-use path and to accommodate any final accepted future public stormwater LIDA management; and,
 - b. A 2-inch grind and inlay of existing pavement from the roadway centerline/median to the curb adjacent to the property frontage or a similar paving improvement as approved by the City Engineer; and,
 - c. Proposed driveways:
 - i. Right-in/right-out restricted; and,
 - ii. Approaches between 36 and 40 feet wide; and,
 - iii. Turning movement diagrams showing all proposed driveways operate without adverse impact as determined by the City Engineer to:
 1. Public rights-of-way and,
 2. The existing private access to SW 124th Avenue to the north of this development; and,
 - iv. Radii able to accommodate associated allowed vehicular movements as approved by the City Engineer; and,
 - v. Rolled curb and reinforced concrete planter strip as needed to support turning movements beyond the maximum 40-foot-wide approach; and,
 - d. A curb-tight 6-foot-wide planter strip:
 - i. With street trees spaced to allow vehicular sight distance and vision clearance at accesses; and,
 - ii. Widened as needed to accommodate any required LIDA street swales for public stormwater to meet current CWS requirements; and,
 - e. Existing public sidewalk within compliance of ADA standards or replacement of necessary driveways, ramps, and panels to bring into compliance; and,

- f. A 12-foot-wide multi-use path east of the planter strip; and,
 - g. Dedication of right-of-way to accommodate any additional widening of the planter strip and 12-foot-wide multi-use path; and,
 - h. Street lighting improvements as necessary to meet City Engineer standards including PGE's Option A; and,
 - i. An 8-foot-wide public utility easement and any required slope easement adjacent to SW 124th Avenue right-of-way, or as approved by the City Engineer and,
 - j. Any proposed private retaining walls outside of public utility and slope easements; and,
- A6. The applicant must submit Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74.620, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show
- a. Location of the lines, grade, materials, and other details; and,
 - b. Cleanouts adjacent to right-of-way; and,
 - c. Private sampling manholes located onsite outside of right-of-way and public easements. If located close to the property line private manholes may act as a cleanout.
- A7. The applicant must submit Final Water System Plans in accordance with Tualatin Development Code (TDC) 74.610, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
- a. Separate laterals to the main for each domestic and fire service; and,
 - b. Water meters located within the planter strip with:
 - i. Reduced pressure backflow prevention for the domestic lateral; and,
 - ii. Irrigation after a domestic meter and reduced pressure backflow device serving the planter strip adjacent to this development; and,
 - c. Disconnection of any existing public irrigation serving the planter strip adjacent to this development while retaining any remaining public planter strip irrigation connectivity; and,
 - d. A separate lateral and meter for any proposed public LIDA street swales; 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.
- A8. The applicant must submit:
- a. Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.630 and 74.650, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:
 - i. Address runoff from all new and modified private and public impervious areas:
 - 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,
 - ii. 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,
 - iii. Prove any proposed infiltration rates in accordance with CWS D&CS 4.08.03; and,
 - iv. 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,
 - v. 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,
 - vi. Provide a downstream analysis and include solutions within final plans:
 - 1. 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,
 - 2. Including but not limited to erosion; and,
 - 3. 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,
 - vii. 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,
 - viii. Discharge to an approved public system; and,
 - ix. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
 - 1. The submitted Clean Water Services' Service Provider Letter dated January 31, 2023 conditions to obtain a Stormwater Connection Permit Authorization Letter, and,
 - 2. Requirements stated within the Clean Water Services' Memorandum dated October 24, 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):
 - i. The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot; and,
 - ii. The identified system must include all conveyance, detention, hydromodification, and treatment.

- A9. The applicant must submit Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that:
- a. Minimize the impact of stormwater from the development to adjacent properties; and,

- b. Plans sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.

PRIOR TO BUILDING PERMIT ISSUANCE:

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

- A10. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. A revised grading plan with details to demonstrate;
 - i. Identified trees for removal and retention, tree protection measures, and complete tree inventory list in accordance with the Arborist Report submitted as Exhibit A3 and TDC 73B.080(3).
 - b. A revised landscape plan with details to demonstrate;
 - i. The minimum landscape area requirement of 15% of the total area to be developed is calculated on the plan in accordance with TDC 73B.020.
 - ii. The proposed chain link fence shown on the site plan in Exhibit A2 is included in the landscape plan in accordance with TDC 73B.080(2).
 - iii. Perimeter landscaping is the minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas in compliance with TDC 73C.240(3).
 - iv. A minimum of 25 square feet per parking stall is improved with landscape island areas is calculated on the plan and are compliant with the standards of TDC 73C.240(4).
 - v. Landscape area at least five feet in width on each side of an accessway in accordance with TDC 73C.200(5).
 - c. A revised site plan with details to demonstrate;
 - i. The proposed chain link fence shown on the site plan in Exhibit A2 is setback at least 10 feet from the public right-of-way in accordance with TDC 61.300.
 - ii. Bicycle parking locations and requirements are met in accordance with TDC 73C.050.
 - iii. The minimum number of off-street vanpool and carpool parking for industrial uses are met in accordance with TDC 73C.100(2).
 - iv. The minimum number of off-street loading berths for industrial uses, dimensions of berth, and unobstructed clearance of berths are met in accordance with TDC 73C.120.
 - v. The size and location of waste and recycling storage areas and the minimum storage area for industrial developments for warehousing/manufacturing are met in accordance with TDC 73D.030.
 - vi. The waste and recycling storage areas meet the design standards of TDC 73D.070.
 - vii. **Proposed building elevations of all sides of Buildings A, B, and C meet the Site and Building Design Standards Purpose and Objectives TDC 73A.010 through the use of elements on the exterior building design, which may include but are not limited to: form, scale, articulation of walls, roof design, height reveals, landscaping or contrast in paint colors.**

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

- A11. 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.
- A12. The applicant must obtain Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR CERTIFICATE OF COMPLETION:

The applicant must contact the Planning Division (Madeleine Nelson, 503.691.3027 or mnelson@tualatin.gov) for a site inspection at least 72 hours prior to requesting a certificate of completeness. This inspection is separate from inspection(s) done by the Building Division. The following conditions must be satisfied:

- A13. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.500(4)(d). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, must be a minimum of 4 inches high, and must have a minimum stroke width of 1/2 inch. It is recommended to double this size on large buildings.
- A14. The applicant must screen with sight-obscuring fences or walls and landscaping, in accordance with TDC 73A.500(5) all above-grade and on-grade electrical and mechanical equipment, as well as, outdoor storage.
- A15. The applicant must construct all proposed site improvements as illustrated on the approved Final Site Plan Set.
- A16. 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.
- A17. 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:

- A18. Warehouse and Freight Movement including the storage, repackaging, delivery and movement of products are permitted on site, in accordance with Table 61-1. A Conditional Use Permit, subject to TDC 33.040, will be required prior to establishment of any warehousing of building materials and supplies on site.
- A19. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, pursuant to TDC 61.310(1).
- A20. The proposed development must comply with the Environmental Regulations of TDC 63.
- A21. Artificial lighting must be deflected to not shine or create glare in residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor in accordance with TDC 73C.020(11).
- A22. 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*.
- A23. If the use of the property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use, pursuant to TDC 73C.010(2)(a)(v).

- A24. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 75-1.
- A25. Vegetation must be replanted in all areas where vegetation has been removed or damaged. The use of native plant material is encouraged.
- A26. Proposed landscaping must meet the minimum standards for trees and plants in accordance with TDC 73B.090.
- A27. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.

III. APPEAL

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

The Tualatin Architectural Review Board's decision will be final after 14 calendar days from the mailing of this order, unless a written appeal is received by the **Tualatin Planning Division at 10699 SW Herman Road, Tualatin, Oregon, before 5:00 p.m., January, 5, 2024**. **The appeal must be submitted on the City appeal form with all the information requested provided thereon, signed by the appellant, and include the applicable appeal fee.** The plans and appeal forms are available at the Planning Division offices. The appeal forms must include reasons, current appeal fee, and meet the requirements of Section 32.310 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 13 DAY OF DECEMBER.

ARCHITECTURAL REVIEW BOARD

CITY OF TUALATIN

BY:



Cindy Hillier, Chair
Architectural Review Board