

---

# SW 124<sup>TH</sup> DEVELOPMENT

## Three Speculative Buildings

*SW 124<sup>th</sup> Avenue, North of SW Cimino Street*

*Tualatin, Oregon 97062*

# ARCHITECTURAL REVIEW and LOT LINE ADJUSTMENT NARRATIVE

*Prepared By: Havlin G. Kemp*

*April 14, 2023*

**PROJECT NARRATIVE**

---

---

*Architectural Review  
City of Tualatin, Oregon*

*Project: Tualatin Logistics Park – Shell Only*

Site: Address: SW 124<sup>th</sup> Avenue – Located East of SW 124<sup>th</sup> Ave. and north of SW Cimino Street, Tualatin, Oregon  
Property IDs: Map and Tax Lot: 2S127BB00100 & 2S127BB00200

Cross Streets: SW 124<sup>th</sup> Avenue and SW Cimino Street

Applicant: VLMK Engineering + Design, Contact: Amy Tallent - 503.222.4453

Owner: Tualatin 124 LLC, Contact: Tracy Bowers – 503-816-7719

Proposal: Construction of three new speculative warehouse/manufacturing shell buildings.

Zoning: MG (General Manufacturing)

**OVERVIEW**

The 124<sup>th</sup> Ave Development Project is an approximate 23.9-acre industrial development on the undeveloped land east of SW 124<sup>th</sup> Ave and north of SW Cimino. The planned construction is for three buildings with a total building area of 199,260 square feet. The project is intended to provide lease space to warehouse and manufacturing tenants. Each building will accommodate one to 4 tenants.

The site is bounded by SW 124<sup>th</sup> Ave. to the west, existing wetlands and neighboring properties to the east, neighboring properties to the north and existing wetlands to the south and the existing stormwater treatment and detention facility easement for SW 124<sup>th</sup> to the south.

Sanitary sewer service is available to the west in SW 124<sup>th</sup> Avenue. Water service is available from a public watermain in SW 124<sup>th</sup> Avenue. Both will be provided by the City of Tualatin.

The current projected schedule is to begin rough grading for the entire site as soon as the approvals/permits are obtained (approximately June 2023) with an anticipated completion in June, 2024.

---

**Site Condition:** The site is currently undeveloped with fill previously placed at the north portion of the site and along the west side of the site along SW 124<sup>th</sup>. The bulk of the site is comprised of wetlands near the middle, south and east sides of the site.

**Vehicle Access:** Access to this development is proposed to be a right-in, right out driveway near the south end of the site to be used mostly by tractor trailers to access the loading docks at the east side of Building A. Another right-in, right-out driveway is proposed to be located at the location of the existing driveway and will be used by vehicles traveling to all three buildings, tractor-trailers accessing the loading docks at Buildings B and C and for vehicles and tractor trailers leaving the site from all three buildings.

**Parking:** The proposed parking for the site is above the required minimum parking spaces in the city development code for warehouse/manufacturing buildings. The parking spaces are located to the west of Building A, to the west and south of Building B and to the East and south of Building C.

**Traffic and Transportation:** A traffic study provided by Lancaster Mobley will show that the anticipated auto and truck trips will closely resemble a light industrial use with low access. The proposed new south driveway and the new North driveway will be sufficient to serve this industrial use site.

**Jurisdictions:** There are several jurisdictions having some level of authority over the proposed project including:

1. City of Tualatin (Design Review, Traffic review, Storm and Sanitary Sewer and Site/Building Permits, Public Works / Water Quality and 1200C permits).
2. Clean Water Services (CWS) (Pre-screen Site Assessment and Public Works / Water Quality permits).
3. Tualatin Valley Fire District

**Construction Materials:** The proposed building construction consists of tilt up concrete perimeter walls with industrial slab on grade concrete floor. Roof structure to be framed with open web steel joists and girders with metal deck and insulation and capped with a membrane roofing system.

Finishes will include aluminum framed storefront entry systems with enhanced paint and reveals to enhance the office locations.

**Site Utilities:**

- Storm: The site will be fully served with an underground piped storm system. The system will include catchbasins and piping flowing to filters located in vaults at the east and south sides of the site. Stormwater will then flow to a below grade detention systems. Stormwater will flow out of the detention systems to the wetland at the south and east side of the site. New site improvements

---

will include installation of new catch basins, conveyance piping and providing water quality treatment and detention of all site impervious areas in compliance with current Clean Water Services requirements.

- Sanitary: The site will be fully served with private sanitary sewer laterals tying into the public sanitary lines at the west in SW 124<sup>th</sup> Ave.
- Water: The site will be fully served from the existing public water main located in SW 124<sup>th</sup> Ave. Domestic water will be tapped from this main. A fire water loop will tap into the public main west of Building A and loop around the buildings and connect back to the public main west of Building B. The proposed buildings will be fully sprinklered. Fire hydrants will be spaced around the site per the TVFR requirements.
- Gas: The site will be served by a new underground gas line from SW 124<sup>th</sup> Ave.
- Power: The site will be served by new underground electrical service from SW 124<sup>th</sup> Street.
- Lighting: The proposed on-site lighting systems will have energy efficient lights. The exterior walls of the building will be lit with LED wallpak lighting. The vehicle parking areas will be lit with the wallpaks on the buildings
- Solid Waste & Recycling: Solid waste and recycling will be handled in the three proposed garbage enclosures located on the site plan. The garbage enclosures will be sized for approval from the local garbage hauler, Republic Services.

---

# Responses to Applicable Sections of the Tualatin Development Code.

## **TDC 33.020. Architectural Review.**

(2) *Applicability.*

(a) The following types of development are subject to Architectural Review:

(iii) Any site alteration which alters the topography, appearance or function of the site;

**RESPONSE: The existing trees, shrubs and grasses will be removed, the site will be regraded and three new concrete tiltup warehouses will be constructed.**

(b) Examples of development subject to Architectural Review, include but are not limited to the following:

(i) New buildings, condominiums, townhouse, single family dwellings, or manufactured dwelling park;

**RESPONSE: Three new buildings are proposed to be constructed.**

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

(d) *Large Commercial, Industrial, and Multifamily Development.* Development applications that propose any of the following are subject to Type III Review by the Architectural Review Board as the hearing body:

(ii) New Industrial Buildings 150,000 square feet and larger;

**RESPONSE: The proposed buildings have a total area of 199,260 sft of warehouse/manufacturing buildings.**

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

(a) The project name and the names, addresses, and telephone numbers of the architect, landscape architect, and engineer on the project;

(b) Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;

(c) A materials board that includes example building materials and textures;

(d) Title report; and

(e) A Service Provider Letter from Clean Water Services.

**RESPONSE: All of the above are provided with this AR submittal**

(5) *Approval Criteria.*

(c) *Large Commercial, Industrial, and Multifamily Development.* Applications for Large Commercial, Industrial, and Multifamily Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

**RESPONSE: See responses to Chap. 73A, 73B, 73C and 73D. Note that 73E-G do not apply.**

---

### **TDC 33.110. Tree Removal Permit/Review.**

- (1) *Purpose.* To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.
- (2) *Applicability.* No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.
- (3) *Exemptions.* The following actions are exempt from the requirements of a tree removal permit.

**Response: None Applicable**

- (3) *Procedure Type.* Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.

**Response: Submitted with Type III Architectural Review.**

- (4) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following:
  - (a) *Tree Preservation Plan.* A tree preservation plan drawn to scale must include:
    - (i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;
    - (ii) All trees proposed for removal and all trees proposed to be preserved;
    - (iii) All existing and proposed structures;
    - (iv) All existing and proposed public and private improvements; and
    - (v) All existing public and private easements.
  - (b) *Tree Assessment Report.* A tree assessment prepared by a certified arborist must include:
    - (i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;
    - (ii) An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree;
    - (iii) a statement addressing the approval criteria set forth in TDC 33.110(5);
    - (iv) the name, contact information, and signature of the arborist preparing the report; and
    - (v) The tree assessment report must have been prepared and dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City.
  - (c) *Tree Tags.* All trees on-site must be physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.

**Response: A tree preservation plan is included with the Arborist's Tree Assessment Report. All the trees over 8-inches in diameter have been tagged onsite.**

- (5) *Approval Criteria.*
  - (a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:

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

**Response: The Arborists report shows that removal of the trees is necessary to construct the project as proposed. A few trees that occur near the south and east edges of the development are proposed to remain.**

- (6) *Emergencies.* **Response: None Applicable**

#### **TDC 36.100. - Property Line Adjustments.**

- (4) *Approval Criteria.* A property line adjustment must be approved if all of the following criteria are met:

- (a) The property line adjustment will not create an additional unit of land;

**Response: The property line between the two lots is proposed to be moved south, resulting in two lots.**

- (b) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

**Response: Nonconforming situations will not be created.**

- (c) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded;

**Response: The two existing lots have been legally created.**

- (d) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

**Response: There are no known land use decisions prohibiting approval of the proposed lot line adjustment.**

- (e) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and

**Response: No relocation nor elimination of any public easement is proposed.**

- (f) The property line adjustment does not adversely impact the availability or access to public and private utilities or streets.

**Response: Access to public utilities for both of the resulting lots will still be accessible in SW 124<sup>th</sup> Ave.**

- (5) *Multiple Property Line Adjustments.*

**Response: Not applicable. Only one property line is proposed to be adjusted.**

**TDC 61.200. Use Categories.**

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

<b>USE CATEGORY</b>	<b>STATUS</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
<b>INDUSTRIAL USE CATEGORIES</b>		
Heavy Manufacturing	P (L)	Concrete batch plants are not permitted in the Leveton Tax Increment District. All other uses permitted outright.
Light Manufacturing	P	—
Solid Waste Treatment and Recycling	C (L)	Conditional uses limited to: <ul style="list-style-type: none"> <li>• Recycling collection center;</li> <li>• Waste transfer station; and</li> <li>• Resource recovery facility.</li> </ul> Recycling collection center or waste transfer station are not permitted within the Limited Commercial Setback.
Vehicle Storage	P/C (L)	Conditional use required for bus maintenance and storage facility.  Vehicle storage not permitted within the Limited Commercial Setback.  Vehicles sales are not permitted.



		All other uses permitted outright in other locations.
Warehouse and Freight Movement	P/C	Conditional use required for warehousing of building materials and supplies.  All other uses permitted outright.
Wholesale Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and</li> <li>• Sale, service and rental of construction and industrial equipment to contractors and industrial firms only.</li> </ul> Conditional use permit required for wholesale sales of building materials and supplies.

**RESPONSE:** The proposed use of **WAREHOUSE AND MANUFACTURING** are permitted use. If a future tenant requires warehousing of building materials and supplies, a Condition Use Permit will be applied for. Both Heavy and Light manufacturing are permitted uses at this site.

TDC 61.210. Additional Limitations on Uses.

**RESPONSE:** Not applicable. Warehouse/Distribution and manufacturing are the only proposed uses.

**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**

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
<b>LOT SIZE</b>		
Minimum Lot Size  <b>RESPONSE: Met, lots are 23.88 and 12.87 acres.</b>	20,000 square feet	—
<b>LOT DIMENSIONS</b>		
Minimum Lot Width  <b>RESPONSE: Met at both SW 124<sup>th</sup> Ave. for both lots.</b>	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  <b>RESPONSE: Not applicable.</b>	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
<b>MINIMUM SETBACKS</b>		
Front  <b>RESPONSE: 57-foot setback provided at SW 124<sup>th</sup> Ave.</b>	30 feet	
Front Setback Adjacent to Residential or Manufacturing Park Zone  <b>RESPONSE: Not applicable</b>	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	
<b>RESPONSE: Not applicable</b>		
Parking and Circulation Areas	5 feet	No minimum setback required adjacent to joint access approach in accordance with TDC 73C.
<b>RESPONSE: Met at all property boundaries.</b>		
Parking and Circulation Areas Adjacent to Residential or Manufacturing Park Zone	10 feet	
<b>RESPONSE: Not Applicable</b>		
Fences	10 feet	From public right-of-way.
<b>RESPONSE: Not Applicable</b>		
<b>STRUCTURE HEIGHT</b>		
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.
<b>RESPONSE: Met, top of wall height on all three buildings is 33'-6"</b>		
Maximum Height Adjacent to Residential Zone	28 feet	
<b>RESPONSE: Not applicable.</b>		

---

## TDC 61.310. Additional Development Standards.

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

**RESPONSE: All uses are proposed to be conducted within the building.**

- (2) *Sound Barrier Construction.* Sound barrier construction is required to mitigate the impact of noise associated with overhead doors and building mechanical equipment, including but not limited to heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building. Sound barrier construction must conform to the following standards:

- (a) *Applicability.* New construction, including additions or changes to existing facilities, must comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with the provisions of this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section.

**RESPONSE: Not applicable, see below.**

- (b) *Distance from Residential Use.* Sound barriers must be used to intercept all straight-line lateral (direct line between two points) paths of 450 feet or less between a residential property within a residential planning district and:

- (i) Any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway; or
- (ii) Any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.

**RESPONSE: Not applicable. There are no residences within a residential planning district within 450-feet of this site.**

- (c) *Exemption for Existing Structures.*

**RESPONSE: Not applicable.**

- (d) *Design.* Sound barriers must consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three. Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.

- (i) "Wing wall" means a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section."

- (3) *Setback Reduction for Developments Adjacent to Greenways and Natural Areas.*

**RESPONSE: Not Applicable.**

---

## CHAPTER 73A SITE DESIGN STANDARDS

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

#### INDUSTRIAL DESIGN STANDARDS

### TDC 73A.500. Industrial Design Standards.

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

- (1) *Walkways.* Industrial development must provide walkways as follows:
  - (a) Walkways must be a minimum of five feet in width; **RESPONSE: All walkways are 5-feet, minimum.**
  - (b) Walkways must be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete (not gravel or woody material); **RESPONSE: All walkways are constructed of concrete.**
  - (c) Walkways must meet ADA standards applicable at time of construction or alteration; **RESPONSE: All walkways will be designed to meet ADA standards.**
  - (e) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way; **RESPONSE: Buildings A and B walkways connect the office areas to the public sidewalk along SW 124<sup>th</sup>. Building C is isolated at the east of the site and any walkway connection to the public sidewalk would take pedestrians into and through truck maneuvering areas.**
  - (f) Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas; and **RESPONSE: Walkways crossing the drive aisles will be painted, cross striped walkways.**
  - (g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated. **RESPONSE: Not applicable. There are no bike nor pedestrian paths 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.

**RESPONSE: Not applicable.**

- (3) *Drive-up Uses.* **RESPONSE: Not applicable. No drive-up uses are proposed.**
- (4) *Safety and Security.* Industrial development must provide safety and security features as follows:
  - (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas; **RESPONSE: Windows and wallpak lighting have been located at the office area at the west side of Building A, at the west and south side of Building B and at the east and south sides of Building C. Wallpak lighting has been located on the buildings to illuminate the passenger vehicle parking areas.**

- 
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way; **RESPONSE: Windows and wallpak lighting have been located at the street sides of Buildings A and B. Building C is not visible from SW 124<sup>th</sup> Ave.**
- (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas; **RESPONSE: Windows and wallpak lighting have been located at the office areas at the west and south areas of the buildings. Wallpak lighting has been located of the loading dock areas. . All of this lighting is located far enough from the public ROW to not shine in the ROW. Wallpak lighting at the east side of Building A and at the south side of Buildings B and C will not extend lighting beyond the curblineline of the development, thus, fish and wildlife habitat in the wetland area will not be affected.**
- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and **RESPONSE: Building addresses will be added to the buildings, above the office entrances, when the building is occupied by tenants.**
- (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall. **RESPONSE: Not applicable. None of these uses are proposed.**
- (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; **RESPONSE: Electrical Transformers will be screened with landscaping. These are Shell buildings so no roof mounted HVAC units are proposed. With future Tenant buildouts, rooftop mounted HVAC units will be screened with walls at the units if visible.**
- (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and **RESPONSE: No outdoor storage is proposed.**
- (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping. **RESPONSE: Not applicable. None of these uses are proposed.**
- (6) *Adjacent to Transit.* **RESPONSE: Not applicable. This development is not adjacent to a Transit Street.**

## CHAPTER 73B LANDSCAPING STANDARDS

### TDC 73B.010. Landscape Standards Purpose and Objectives.

### TDC 73B.020. Landscape Area Standards Minimum Areas by Use and Zone.

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

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District— All uses	15 percent of the total area to be developed  <b>RESPONSE: Met, most of the site will remain as the existing wetland.</b>	12.5 percent of the total area to be developed

Table 73B-1R  
Required Landscape Buffer Between Uses

		Proposed Improvement				
Abutting		Residential	Commercial	Institutional	Parking Lots 4–50 spaces	Parking Lots 50+ spaces
	Residential	—	D	D	C	D
	Commercial	C	—	D	—	—
	Industrial	D	A	D	—	—
	Parking Lots	C	—	—	—	—
	Arterial Streets	A	—	A	—	—
	Options	Width (feet)	Trees (per linear feet of buffer)	Shrubs or Groundcover	Screening	
A	—	10	—	Lawn/living groundcover	—	
B	—	10	20 feet min/30 feet max spacing	Lawn/living groundcover	—	
C	1	10	15 feet min/30 feet max spacing	Shrubs	4 feet hedges	
	2	8		Shrubs	5 feet fence	
	3	6		Shrubs	6 feet wall	
D	1	20	10 feet min/20 feet max spacing	Shrubs	6 feet hedge	
	2	15		Shrubs	6 feet fence	
	3	10		Shrubs	6 feet wall	

Created: 2021-04-05 12:58:06 [EST]

(Ord. No. 1438-20 , § 23, 6-22-20)

**RESPONSE: This site is bounded by MG, Industrial zoned properties and SW 124<sup>th</sup>, an Arterial street . The “A” type landscape buffer is met with the 30-foot of landscaping along SW 124<sup>th</sup>.**

**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.

**RESPONSE: This standard is met with this proposal.**

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

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

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

- (i) Loading areas,
- (ii) Bicycle parking areas,
- (iii) Pedestrian egress/ingress locations, and
- (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.

**RESPONSE: This standard is met with this proposal. The 5-foot wide landscape area at the building perimeter has been provided at all required locations.**

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

**RESPONSE: Not applicable.**

- (2) *MP Area—Wetland Buffer.* **RESPONSE: Not applicable.**

**TDC 73B.080. Minimum Landscaping Standards for All Zones.**

The following are minimum standards for landscaping for all zones.

(1) Required Landscape Areas	<ul style="list-style-type: none"><li>• Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.</li><li>• The foliage crown of trees cannot be used to meet this requirement.</li></ul>
------------------------------	--



	<ul style="list-style-type: none"> <li>• A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.</li> <li>• Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).</li> <li>• Must be controlled by pruning, trimming, or otherwise so that: <ul style="list-style-type: none"> <li>• It will not interfere with designated pedestrian or vehicular access; and</li> <li>• It will not constitute a traffic hazard because of reduced visibility.</li> </ul> </li> </ul>
(2) Fences	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
(3) Tree Preservation	<ul style="list-style-type: none"> <li>• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</li> <li>• During construction: <ul style="list-style-type: none"> <li>◦ Must provide above and below ground protection for existing trees and plant materials identified to remain;</li> <li>◦ Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line;</li> <li>◦ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</li> <li>◦ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</li> <li>◦ Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and</li> <li>◦ Tree root ends must not remain exposed.</li> </ul> </li> <li>• Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</li> <li>• 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.</li> </ul>

	<p>Native trees are encouraged</p> <ul style="list-style-type: none"> <li>• 100 percent of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development</li> </ul>
(4) Grading	<ul style="list-style-type: none"> <li>• 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.</li> <li>• All planting areas must be graded to provide positive drainage.</li> <li>• Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>• 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.</li> </ul>
(5) Irrigation	<ul style="list-style-type: none"> <li>• Landscaped areas must be irrigated with an automatic underground or drip irrigation system</li> <li>• Exceptions: <ul style="list-style-type: none"> <li>◦ Irrigation requirement does not apply to duplexes and townhouses.</li> </ul> </li> </ul>
(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>• The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>• Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul>

**RESPONSE:** These standards are met with this proposal. See the Site Plan, Site Grading Plan, Tree Preservation Plan and the Landscape Plan.

**TDC 73B.090. Minimum Standards Trees and Plants.**

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

(1) Deciduous Shade Trees	<ul style="list-style-type: none"> <li>• One and on-half inch caliper measured six inches above ground;</li> </ul>
---------------------------	--

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

**RESPONSE: This standard is met with this proposal. See the Landscape Plans.**

---

## CHAPTER 73C PARKING STANDARDS

### In General

#### Parking Lot Landscaping

### IN GENERAL

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

- (1) *Applicability.* Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:
  - (a) Establishment of a new structure or use; **RESPONSE: This proposal is for a New Structure.**
- (2) *General Requirements.* Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.
  - (a) The following apply to property and/or use with respect to the provisions of TDC 73C.100:
    - (i) The requirements apply to both the existing structure and use, and enlarging a structure or use;
    - (ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;
    - (iii) Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;
    - (iv) Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;
    - (v) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;
    - (vi) Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;
    - (vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;
    - (viii) Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;
    - (ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;
    - (x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones; and
    - (xi) Required vanpool and carpool parking must meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

---

## **TDC 73C.020. Parking Lot Design Standards.**

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

- (1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;
  - (a) Exception: Parking structures and underground parking where stall length and width requirements for a standard size stall must be reduced by .5 feet and vehicular access at the entrance if gated must be a minimum of 18 feet in width.
- (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 four parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;
- (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.

**RESPONSE: All of the above criteria have been met with the proposed development.**

---

## **TDC 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;
  - (g) Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking; and
  - (h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.

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

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

<b>USE</b>	<b>MINIMUM MOTOR VEHICLE PARKING</b>	<b>MAXIMUM MOTOR VEHICLE PARKING</b>	<b>BICYCLE PARKING</b>	<b>PERCENTAGE OF BICYCLE PARKING TO BE COVERED</b>
<b>(f) Industrial</b>				
(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

**RESPONSE: Vehicle parking spaces: Assuming final buildout of the buildings at 50% warehousing and 50% manufacturing, the minimum required parking spaces on the site will be 190 spaces. At total of 201 parking spaces have been provided.**

**Bicycle Parking spaces: For Building A, 7 spaces, 5 at the interior and 2 exterior will be provided.**

**For Building B, 8 spaces, 5 at the interior and 3 exterior will be provided.**

**For Building C, 6 spaces, 5 at the interior and 1 exterior will be provided.**

- (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.

<b>Number of Required Parking Spaces</b>	<b>Number of Vanpool or Carpool Spaces</b>
0 to 10	1
10 to 25	2

26 and greater	1 for each 25 spaces
----------------	----------------------

**RESPONSE:** A total of 201 vehicle parking spaces are provided.  $201/25=8.04$ . Therefore, 8 Vanpool/carpool parking spaces are required. See the Site Plan for the location of these 8 spaces.

**TDC 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
<b>Industrial</b>	Less than 5,000	0	0	0
	5,000—25,000	1	12 feet x 60 feet	14 feet
	25,000—60,000	2	12 feet x 60 feet	14 feet
	60,000 and over	3	12 feet x 60 feet	14 feet

**RESPONSE:** The proposed buildings have more than the required number of loading berths and have nothing overhead and therefore are more than 14-feet clear.

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

**RESPONSE:** The public ROW at SW 124<sup>th</sup> is not used as part of the required loading areas.

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

**RESPONSE:** The loading areas are at the east side of Building A and not visible from SW 124<sup>th</sup>. The loading areas for Buildings B are 190-feet from SW 124<sup>th</sup>, not adjacent to the street. The loading areas for Building C are screened from SW 124<sup>th</sup> by Building B. See the Landscape Plan.

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

**RESPONSE:** The loading facilities are an integral part of these Shell Buildings and will be installed prior to building completion and will be maintained.

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

**RESPONSE:** The loading facilities are on the same parcel as the proposed buildings.



**TDC 73C.130. Parking Lot Driveway and Walkway Minimum Requirements.**

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

- (1) *Residential Use.* **RESPONSE: Not applicable.**
- (2) *Commercial Uses.* **RESPONSE: Not applicable.**
- (3) *Industrial Use.* Ingress and egress for industrial uses must not be less than the following:

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

- (4) *Institutional Uses.* **RESPONSE: Not applicable.**
- (5) *One-way Ingress or Egress.* **RESPONSE: Not applicable, none proposed.**
- (6) *Maximum Driveway Widths and Other Requirements.*

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

**RESPONSE: The proposed driveway widths are as follows:**

1. **The North driveway is proposed at the existing driveway location on SW 124<sup>th</sup> Ave. and is proposed to be widened to 50-feet for efficient truck access and maneuvering into and out of the site onto SW 124<sup>th</sup> Ave.**
2. **The South driveway is proposed to be a full service driveway onto SW 124<sup>th</sup> and is proposed to be 40-feet wide for efficient truck access and maneuvering into and out of the site onto SW 124<sup>th</sup>.**

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

**RESPONSE: Both driveways are more than 5-feet for the adjacent properties.**

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

**RESPONSE: Not applicable.**

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

**RESPONSE: This criteria is met with this proposed plan.**

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

**RESPONSE: This criteria is met with this proposed plan.**

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

**RESPONSE: This criteria is met with this proposed plan.**

## **PARKING LOT LANDSCAPING**

### **TDC 73C.200. Parking Lot Landscaping Standards Purpose and Applicability.**

#### **TDC 73C.240. Industrial Parking Lot Landscaping Requirements.**

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

- (1) *General.* Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.
- (2) *Clear Zone.* Clear zone required for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of eight feet as measured from the ground level.
  - (a) Exception: does not apply to parking structures and underground parking.
- (3) *Perimeter.* Minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following:
  - (a) Deciduous trees located not more than 30 feet apart on average as measured on center;
  - (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;
  - (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;
  - (d) Native trees and shrubs are encouraged; and
  - (e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.
- (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 five feet in width (from inside of curb to curb);

- 
- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and
  - (j) Exception: Landscape square footage requirements do not apply to parking structures and underground parking.

**RESPONSE: All of the above criteria are met with this proposal. See the Site Plan and Landscape Plan.**

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

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

**RESPONSE: All of the above criteria are met with this proposal. See the Site Plan and Landscape Plan.**

---

## CHAPTER 73D WASTE AND RECYCLABLES MANAGEMENT STANDARDS

### TDC 73D.010. Applicability and Objectives.

- (1) *Applicability.* The requirements of this Chapter apply to all new or expanded:
- (a) Common wall residential developments containing five or more units;
  - (b) Commercial developments;
  - (c) Industrial developments; and **RESPONSE: This project is an Industrial development.**
  - (d) Institutional developments.

### TDC 73D.020. Design Methods.

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

### TDC 73D.030. Minimum Standards Method.

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

**RESPONSE: These Shell Buildings are anticipated to have between one and four future tenants in each building that will operate warehouse/manufacturing operations from the buildings. Future office buildouts are anticipated to be small, accounting for about 10-15% of the building area. It is anticipated that the requirement for waste storage will be very small as these uses do not generate much waste or recyclable material. The actual requirement for Waste Storage will be determined with each Tenant Improvement permit. It is anticipated that if more waste storage is required than the three exterior waste storage areas, that the added required area will be provided within the building structure in each of the tenant's space.**

- (1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than seven feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.
- (2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:
- (c) Commercial, industrial, and institutional developments must provide a minimum storage area of ten square feet plus:
    - (i) Office—Four square feet/1,000 square feet gross leasable area (GLA); **RESPONSE: It is not anticipated that this use will occupy more than 15% of the building with the future tenant improvements.**
    - (ii) Retail—Ten square feet/1,000 square feet GLA; **RESPONSE: This is not an anticipated future use of the building.**

- 
- (iii) Wholesale/Warehouse/Manufacturing—Six square feet/1,000 square feet GLA; **RESPONSE: This is anticipated to be the major use of the building with the future tenant improvements. The actual required areas for the waste storage will be determined with the future Tenant Improvement permits when tenants are secured for the building.**
  - (iv) Educational and Institutional—Four square feet/1,000 square feet GLA; and **RESPONSE: This is not an anticipated future use of the building.**
  - (v) All other uses—Four square feet/1,000 square feet GLA. **RESPONSE: This is not an anticipated future use of the building.**
- (3) Mixed solid waste and source separated recyclables storage areas for multiple tenants on a single site may be combined and shared.

**RESPONSE: It is anticipated that the future tenants of this proposed shell building will share the three outdoor waste storage areas.**

**TDC 73D.040. Waste Assessment Method.**

**RESPONSE: Not used.**

**TDC 73D.050. Comprehensive Recycling Plan Method.**

**RESPONSE: Not used.**

**TDC 73D.060. Franchised Hauler Review Method.**

**RESPONSE: Not used but may be applicable when tenants are selected for this Shell Building.**

### **TDC 73D.070. Location, Design and Access Standards.**

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

(1) *Location Standards.*

- (a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste. **RESPONSE: Recyclables are proposed to be collocated with mixed solid waste.**
- (b) Storage area space requirements can be satisfied with a single location or multiple locations and can combine both interior and exterior locations. **RESPONSE: Three locations for exterior waste storage are proposed; one at the east side of Building A and two south of Buildings B and C at the south boundary of the development. These are provided with the Shell construction. When Tenants are selected for the building, additional waste storage areas will be provided, most likely within the structure.**
- (c) Exterior storage areas must:
  - (i) Be located in central and visible locations on the site to enhance security for users;
  - (ii) Be located in a parking area; and
  - (iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

**RESPONSE: These 3 criteria are satisfied with the three proposed exterior waste storage areas.**

(2) *Design Standards.*

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

**RESPONSE: These 9 criteria are satisfied with the two proposed exterior waste storage areas except criteria (g) does not apply to this development.**

(3) *Access Standards.*

- (a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.

- THE DEVELOPMENT CODE OF THE CITY OF TUALATIN, OREGON  
CHAPTER 74 PUBLIC IMPROVEMENT REQUIREMENTS

---

- (b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.
- (c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.
- (d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.
- (e) The following is an exception to the access standard:
  - (i) Access may be limited for security reasons.

**RESPONSE: These 5 criteria are satisfied with the three proposed exterior waste storage areas.**

## **CHAPTER 74 PUBLIC IMPROVEMENT REQUIREMENTS**

### **TDC 74.110. Phasing of Improvements.**

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

**RESPONSE: Phasing is not anticipated with this development proposal.**

### **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.

**RESPONSE: The anticipated Public Improvements with this development are:**

1. **The driveway approach at SW 124<sup>th</sup> near the middle of the site at the location of the existing driveway.**
2. **The new driveway approach at the SW corner of the site at SW 124<sup>th</sup> Ave.**
- (2) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.

**RESPONSE: No impacts to fish and wildlife habitat are anticipated with the Public Improvements.**

### **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.

**RESPONSE: Understood.**

### **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.

**RESPONSE: These criteria are understood.**



## **RIGHT-OF-WAY**

### **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.

- (1) For subdivision and partition applications, 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 shown on the final subdivision or partition plat prior to approval of the plat by the City. 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.

**RESPONSE: Not applicable.**

- (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.

**RESPONSE: NOT APPLICABLE.**

- (3) For development applications that will impact existing streets not adjacent to the applicant's property, and to construct necessary street improvements to mitigate those impacts would require additional right-of-way, the applicant must be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form must be obtained from the City Manager and upon completion returned to the City Manager for acceptance by the City. On subdivision and partition plats the right-of-way dedication must be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication must be accepted by the City prior to issuance of building permits. The City may elect to exercise eminent domain and condemn necessary off-site right-of-way at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.

**RESPONSE: Not applicable**

- (4) If the City Manager deems that it is impractical to acquire the additional right-of-way as required in subsections (1)—(3) of this section from both sides of the center-line in equal amounts, the City Manager may require that the right-of-way be dedicated in a manner that would result in unequal dedication from each side of the road. This requirement will also apply to slope and utility easements as discussed in TDC 74.320 and 74.330. The City Manager's recommendation must be presented to the City Council in the preliminary plat approval for subdivisions and partitions, and in the recommended decision on all other development applications, prior to finalization of the right-of-way dedication requirements.

**RESPONSE: Not anticipated.**

- (5) Whenever a proposed development is bisected by an existing or future road or street that is of inadequate right-of-way width according to TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through

---

74-2G, additional right-of-way must be dedicated from both sides or from one side only as determined by the City Manager to bring the road right-of-way in compliance with this section.

**RESPONSE: Not applicable.**

- (6) When a proposed development is adjacent to or bisected by a street proposed in the Transportation System Plan and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G must be dedicated by the applicant. The dedication of right-of-way required in this subsection must be along the route of the road as determined by the City.

**RESPONSE: Not applicable.**

### **TDC 74.220. Parcels Excluded from Development.**

On subdivision development applications which include land partitioned off or having adjusted property lines from the original parcel, but do not include the original parcel, the applicant must be responsible for obtaining any necessary right-of-way from the owner of the original parcel if the right-of-way is needed to accommodate street improvements required of the applicant. The applicant must submit a completed right-of-way dedication deed to the City Manager for acceptance. The right-of-way dedication must be accepted by the City prior to the City approving the final subdivision plat.

**RESPONSE: Not applicable.**

## **EASEMENTS AND TRACTS**

### **TDC 74.310. Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.**

**RESPONSE: Not applicable.**

### **TDC 74.320. Slope Easements.**

- (1) The applicant must obtain and convey to the City any slope easements determined by the City Manager to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or accessway or utility improvements required to be constructed by the applicant.

**RESPONSE: Any required slope easements will be provided.**

- (2) For subdivision and partition applications, the slope easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; or

**RESPONSE: Not applicable.**

- (3) For all other development applications, a slope easement dedication must be submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.

**RESPONSE: Any required slope easements will be completed prior to Building Permit issuance.**

---

### **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.

**RESPONSE: Any required utility easements will be granted to the City.**

- (2) For subdivision and partition applications, the on-site public utility easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; and

**RESPONSE: Not applicable.**

- (3) For subdivision and partition applications which require off-site public utility easements to serve the proposed development, a utility easement must be granted to the City prior to approval of the final plat 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.

**RESPONSE: Not applicable.**

- (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.

**RESPONSE: Any required easements will be completed prior to Building Permit issuance.**

- (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.

**RESPONSE: Any required easements will have widths to meet the Public Works Construction Code.**

### **TDC 74.340. Watercourse Easements.**

**RESPONSE: Not anticipated on this project.**

### **TDC 74.350. Maintenance Easement or Lots.**

A dedicated lot or easement will be required when access to public improvements for operation and maintenance is required, as determined by the City Manager. Access for maintenance vehicles must be constructed of an all-weather driving surface capable of carrying a 50,000-pound vehicle. The width of the lot or easement must be at least 15-feet in order to accommodate City maintenance vehicles. In subdivisions and partitions, the easement or lot must be dedicated to the City on the final plat. In any other development, the easement or lot must be granted to the City and recorded prior to issuance of a building permit.

**RESPONSE: Maintenance easements will be provided as required.**

### **TDC 74.410. Future Street Extensions.**

**RESPONSE: None are anticipated with this project.**

---

## **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, streetlights, street signs, street trees, and, where designated, bikeways and transit facilities.
- (7) For subdivision and partition applications, the street improvements required by TDC Chapter 74 must be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.
- (8) For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.
- (9) In addition to land adjacent to an existing or proposed street, the requirements of this section must apply to land separated from such a street only by a railroad right-of-way.
- (10) Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.
- (11) Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).
- (12) Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.

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

**RESPONSE: Not applicable. SW 124<sup>th</sup> Ave. is fully improved.**

#### **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.
- (3) In accordance with the Tualatin Basin Program for fish and wildlife habitat it is the intent of Figures 74-2A through 74-2G to allow for modifications to the standards when deemed appropriate by the City Manager to address fish and wildlife habitat.
- (4) All streets must be designed and constructed according to the preferred standard. The City Manager may reduce the requirements of the preferred standard based on specific site conditions, but in no event will the

---

requirement be less than the minimum standard. The City Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:

(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.

(c) *Local Streets:*

- (i) Local streets proposed within areas which have environmental constraints and/or sensitive areas and will not have direct residential access may utilize the minimum design standard.
- (ii) When the minimum design standard is allowed, the City Manager may determine that no parking signs are required on one or both sides of the street.

**RESPONSE: Not applicable.**

### **TDC 74.430. Streets, Modifications of Requirements in Cases of Unusual Conditions.**

- (1) When, in the opinion of the City Manager, the construction of street improvements in accordance with TDC 74.420 would result in the creation of a hazard, or would be impractical, or would be detrimental to the City, the City Manager may modify the scope of the required improvement to eliminate such hazardous, impractical, or detrimental results. Examples of conditions requiring modifications to improvement requirements include but are not limited to horizontal alignment, vertical alignment, significant stands of trees, fish and wildlife habitat areas, the amount of traffic generated by the proposed development, timing of the development or other conditions creating hazards for pedestrian, bicycle or motor vehicle traffic. The City Manager may determine that, although an improvement may be impractical at the time of development, it will be necessary at some future date. In such cases, a written agreement guaranteeing future performance by the applicant in installing the required improvements must be signed by the applicant and approved by the City.
- (2) When the City Manager determines that modification of the street improvement requirements in TDC 74.420 is warranted pursuant to subsection (1) of this section, the City Manager must prepare written findings of modification. The City Manager must forward a copy of said findings and description of modification to the applicant, or his authorized agent, as part of the Utility Facilities Review for the proposed development, as provided by TDC Chapter 32 (Procedures). The decision of the City Manager may be appealed to the City Council in accordance with TDC Chapter 32 (Procedures).
- (3) To accommodate bicyclists on streets prior to those streets being upgraded to the full standards, an interim standard may be implemented by the City. These interim standards include reduction in motor vehicle lane width to ten feet (the minimum specified in AASHTO's A Policy on Geo-metric Design of Highways and Streets (1990)), a reduction of bike lane width to 4-feet (as measured from the longitudinal gutter joint to the

---

centerline of the bike lane stripe), and a paint-striped separation two to four feet wide in lieu of a center turn lane. Where available roadway width does not provide for these minimums, the roadway can be signed for shared use by bicycle and motor vehicle travel. When width constraints occur at an intersection, bike lanes should terminate 50 feet from the intersection with appropriate signing.

**RESPONSE: Not anticipated to be applicable.**

**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.

**RESPONSE: A Traffic Study done by Lancaster Mobley has been provided with this AR Submittal.**

**TDC 74.450. Bikeways and Pedestrian Paths.**

**RESPONSE: Not applicable.**

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

**RESPONSE: Not applicable, subdivision or partition are not proposed.**

---

**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.

**RESPONSE: Street lights are existing on SW 124<sup>th</sup> at the frontage of this development.**

**TDC 74.475. Street Names.**

- (1) A street name must not be used which will duplicate or be confused with the names of existing streets in the Counties of Washington or Clackamas, except for extensions of existing streets. Street names and numbers must conform to the established pattern in the surrounding area.
- (2) The City Manager must maintain the approved list of street names from which the applicant may choose. Prior to the creation of any street, the street name must be approved by the City Manager.

**RESPONSE: Not applicable, no new streets are proposed.**

**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.

**RESPONSE: Street signs will be provided as required.**

**TDC 74.485. Street Trees.**

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

**RESPONSE: Not applicable.**

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

**RESPONSE: Not applicable.**

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

**RESPONSE: Street trees are existing along SW 124<sup>th</sup> Ave.**



## UTILITIES

### 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.

**RESPONSE: A public waterline exists in the SW 124<sup>th</sup> ROW for the length of the frontage of this development. Domestic water and fire water will be obtained for this project from that public main.**

- (2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.

**RESPONSE: Not applicable.**

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

**RESPONSE: A public waterline exists in the SW 124<sup>th</sup> ROW for the length of the frontage of this development. Domestic water and fire water will be obtained for this project from that public main.**

### TDC 74.620. Sanitary Sewer Service.

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

**RESPONSE: A Sanitary sewer line exists in SW 124<sup>th</sup> Ave. The three buildings in this development will connect to this existing sanitary sewer line.**

- (2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.

**RESPONSE: Not applicable.**

---

### **TDC 74.630. Storm Drainage System.**

- (1) Storm drainage lines must be installed to serve each property in accordance with City standards and Clean Water Services standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

**RESPONSE: Storm lines will be installed in accordance with the City Standards and CWS requirements.**

- (2) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City's Storm and Surface Water Regulations and Clean Water Services standards.

**RESPONSE: Storm drainage calculations will be provided. Discharge from the site will be to the wetlands to the east.**

- (3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the adopted Stormwater Master Plan.

**RESPONSE: Not applicable.**

### **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.

**RESPONSE: The proposed Site Grading minimizes the stormwater runoff to the adjacent properties.**

- (2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.

**RESPONSE: There will be no crawl spaces under the proposed building. Storm drainage from this site will not affect the drainage on adjacent properties.**

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

- (1) All Applications. The applicant must comply with the water quality, stormwater detention, and erosion control requirements in Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers) and Clean Water Services standards.

**RESPONSE: Permits for water quality, stormwater detention and Erosion Control will be obtained complying with the requirements of Tualatin and CWS.**

- (2) Subdivisions and Partitions. Prior to approval of the final plat, an application for subdivision and partition development must:
  - (a) Submit a stormwater facilities design with calculations to satisfy the requirements of the Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building And Sewers) and applicable Clean Water Services standards;
  - (b) Obtain a Stormwater Connection Permit from Clean Water Services; and

- 
- (c) Either construct a permanent on-site water quality facility and stormwater detention facility; or enter into an agreement with the City, as provided in TDC 36.320 and TMC 3-5-390, recorded against the property, to guarantee construction of a permanent on-site water quality facility and stormwater detention facility.

**RESPONSE: Not applicable.**

- (3) All Development, Except Subdivisions and Partitions. Prior to issuance of any building permit, an applicant for any development, except Subdivisions and Partitions, must:
  - (a) Submit a stormwater facilities design with calculations to satisfy the requirements of the Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building And Sewers);

**RESPONSE: A stormwater facility design satisfying the TMC will be submitted for permit.**

- (b) Obtain a Stormwater Connection Permit from Clean Water Services; and

**RESPONSE: A Stormwater connection Permit will be obtained from CWS.**

- (c) Either construct a permanent on-site water quality facility and stormwater detention facility; or enter into an agreement with the City, as provided in TMC 35-390, recorded against the property, to guarantee construction of a permanent on-site water quality facility and stormwater detention facility.

**RESPONSE: A permanent, on-site Stormwater water quality and detention facility will be provided meeting the City and CWS standards.**

- (4) On-Site Private and Regional Non-Residential Facilities. For on-site private and regional non-residential public facilities, the applicant must:
  - (a) Enter into a stormwater facility agreement, as provided in TMC 3-5-390, recorded against the property. The stormwater facility agreement will include an operation and maintenance plan, provided by the City and consistent with Clean Water Services requirements, for the water quality facility.

**RESPONSE: A Stormwater Facility agreement will be provided meeting CWS standards.**

- (b) Submit an erosion control plan prior to issuance of a Public Works Permit consistent with TMC 3-5 and Clean Water Services standards. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

**RESPONSE: An Erosion Control plan will be provided meeting CWS standards prior to any site disturbance.**

#### **TDC 74.660. Underground.**

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

**RESPONSE: New utilities serving the proposed building will be placed underground.**

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

**RESPONSE: There are no overhead powerlines along SW 124<sup>th</sup> Ave.**

**TDC 74.670. Existing Structures.**

**RESPONSE: Not applicable.**

**TDC 74.700. Removal, Destruction or Injury of Trees.**

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

**RESPONSE: No trees will be removed from the ROW without a permit.**

**TDC 74.705. Street Tree Removal Permit.**

**RESPONSE: If existing street trees are removed at the new driveways, this code section will be followed.**

**TDC 74.706. Street Tree Fees.**

A person who applies to remove a street tree under TDC 74.705 must pay all costs incurred by the City as reflected in the applicable fees listed in the city of Tualatin Fee Schedule. City actions and associated fees include but are not limited to inspection of a street tree requested for removal, removal of a street tree, removal of a stump, planting of a street tree, and inspection(s) to determine if the applicant has fulfilled permit requirements.

**RESPONSE: Understood.**

**TDC 74.707. Street Tree Voluntary Planting.**

A person who desires to plant a tree in or upon a public right-of-way may plant or have the City plant a species of street tree permitted by Table 74-1 without a City permit, if the tree is not a replacement for a tree that the person has removed. Such a person may submit a request to the City with payment of fee(s) so that the City may plant a street tree. If a stump exists where a street tree is to be planted, the person must remove the stump or pay a fee to the City as established in TDC 74.706 so that the City may remove the stump on behalf of the person. In all instances, a person who desires to plant a tree must comply with other applicable TDC sections and any additional requirements of the City Manager.

**RESPONSE: Not applicable.**

---

### **TDC 74.708. Street Tree Emergencies.**

- (1) If emergency conditions occur that require the immediate cutting or removal of street trees to avoid danger or hazard to persons or property, the City Manager must issue emergency permits without payment of fees and formal applications. If the City Manager is unavailable, the adjacent property owners may proceed to cut the trees without permits to the extent necessary to eliminate the immediate danger or hazard. If a street tree is cut under this section without filing of an application with the City Manager, the person doing so must report the action to the City Manager within two City business days without payment of fee and must provide such information and evidence as may be reasonably required by the City Manager to explain and justify the removal.
- (2) In all instances, a person who removes a street tree as a result of an emergency must replace it within 60 days of notifying the City Manager. The City reserves the right to waive this requirement.
- (3) A person who fails to comply with TDC 74.708 must pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.
- (4) If no emergency is found to exist, no person must cut or remove a street tree without complying with the requirement of the Tualatin Development Code.

**RESPONSE: Not applicable.**

### **TDC 74.710. Open Ground.**

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

**RESPONSE: Not applicable.**

### **TDC 74.715. Attachments to Trees.**

It is unlawful for a person to attach or keep attached a rope, wire, chain, sign or other device to a tree, plant or shrub in or upon a public right-of-way or to the guard or stake intended for the protection of such tree, except as a support for a tree, plant or shrub.

**RESPONSE: No attachments will be made to trees in the right of way.**

### **TDC 74.720. Protection of Trees During Construction.**

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

---

**RESPONSE: Existing street trees on SW 124<sup>th</sup> will be protected during the construction of the new driveways.**

**TDC 74.725. Maintenance Responsibilities.**

Trees, shrubs or plants standing in or upon a public right-of-way, on public or private grounds that have branches projecting into the public street or sidewalk must be kept trimmed by the owner of the property adjacent to or in front of where such trees, shrubs or plants are growing so that:

- (1) The lowest branches are not less than 12 feet above the surface of the street and are not less than 14 feet above the surface of streets designated as state highways.
- (2) The lowest branches are not less than eight feet above the surface of a sidewalk or footpath.
- (3) A plant, tree, bush or shrub must not be more than 24 inches in height in the triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, such an area defined by a line across the corner between the points on the street right-of-way line measured ten feet back from the corner, and extending the line to the street curbs or, if there are no curbs, then to that portion of the street or alley used for vehicular traffic.
- (4) Newly planted trees may remain untrimmed if they do not interfere with street traffic or persons using the sidewalk or obstruct the light of a street electric lamp.
- (5) Maintenance responsibilities of the property owner include repair and upkeep of the sidewalk in accordance with the City Sidewalk Maintenance Ordinance.

**RESPONSE: Landscaping in the ROW along SW 124<sup>th</sup> will be maintained by the property owner.**

**TDC 74.730. Notice of Violation.**

When the owner, lessee, occupant or person in charge of private grounds neglects or refuses to trim a tree, shrub or plant as provided in TDC 74.725, the City Manager must cause a written notice to trim such tree or trees, shrubs or plants to be served upon such owner, lessee, occupant or person in charge, within ten days after the giving the notice; and if the owner, lessee or occupant or person in charge fails to do so, the person is guilty of violating this ordinance and subject to the penalties in TDC 74.760. The notice must be served upon the owner, lessee, occupant or person in charge either by "Certified Mail-Return Receipt Requested," or by posting the same notice on the property or near to the trees, shrubs or plants to be trimmed.

**RESPONSE: Understood.**

**TDC 74.735. Trimming by City.**

If the owner, lessee, occupant or person in charge of the property fails and neglects to trim the trees, shrubs or plants within ten days after service of the notice in TDC 74.730, the City Manager may trim the trees, shrubs or plants. Such trimming by the City does not act to relieve such owner, lessee, occupant or person in charge of responsibility for violating this Chapter.

**RESPONSE: Understood.**

---

#### **TDC 74.740. Prohibited Trees.**

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

**RESPONSE: Not applicable.**

#### **TDC 74.745. Cutting and Planting Specifications.**

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

- (1) When trees are cut down, the stump must be removed to a depth of six inches below the surface of the ground or finish grade of the street, whichever is of greater depth.
- (2) Trees must be planted in accordance with City standards, Table 74-1, except when a greater density is allowed under a special permit from the City Manager.

**RESPONSE: Not applicable.**

#### **TDC 74.750. Removal or Treatment by City.**

The City Manager may remove or cause or order to be removed a tree, plant or shrub, planted or growing in or upon a public right-of-way which by its nature causes an unsafe condition or is injurious to sewers or public improvements, or is affected with an injurious fungus disease, insect or other pest. When, in the opinion of the City Manager, trimming or treatment of a tree or shrub located on private grounds, but having branches extending over a public right-of-way is necessary, the City Manager may trim or treat such a branch or branches, or cause or order branches to be trimmed or treated.

**RESPONSE: Understood.**

#### **TDC 74.755. Appeal of Permit Denial.**

When application for a permit under this Chapter is denied by the City Manager, an order is issued by the City Manager directing certain trees, shrubs or plants to be trimmed or removed, or a permit is granted by the City Manager containing conditions which the applicant deems unreasonable, the applicant may appeal to the Council in writing and filed with the City Recorder within ten City business days after the denial of the permit sought or the making of the order the appellant deems unreasonable. After hearing, the Council may either grant or deny the application, rescind or modify the order from which the appeal was taken.

**RESPONSE: Not anticipated at this time.**

**TDC 74.760. Penalties.**

A person who violates this ordinance or fails to trim a tree or shrub for which notice to do so was provided, must, upon conviction, be fined not more than \$100.00.

**RESPONSE: Understood**

**TDC 74.765. Street Tree Species and Planting Locations.**

All trees, plants or shrubs planted in the right-of-way of the City must conform in species and location and in accordance with the street tree plan and City standards, including Table 74-1. If the City Manager determines that none of the species in City standards, including Table 74-1 is appropriate or finds appropriate a species not listed, the City Manager may substitute an unlisted species.

**RESPONSE: Not applicable.**



## CHAPTER 75 ACCESS MANAGEMENT

### TDC 75.010. Purpose.

The purpose of this chapter is to promote the development of safe, convenient and economic transportation systems and to preserve the safety and capacity of the street system by limiting conflicts resulting from uncontrolled driveway access, street intersections, and turning movements while providing for appropriate access for all properties.

### 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.

**RESPONSE: Driveway approaches are requested for the new South driveway to SW 124<sup>th</sup> and the widening of the existing driveway at SW 124<sup>th</sup> Ave.**

- (2) *Exceptions.* A driveway approach permit is not required for:
- (a) The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or
  - (b) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.

**RESPONSE: Not applicable.**

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

**RESPONSE: The (2) driveway approaches proposed for this project are included with the Type III Architectural Review.**

- (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.

---

**RESPONSE: All the above noted required information has been included with this AR submittal either on the Site and Grading Plans or in the Traffic Study.**

- (5) *Criteria.* A Driveway Approach Permit must be granted if:
- (a) The proposed driveway approach meets the standards of this Chapter and the Public Works Construction Code;
  - (b) No site conditions prevent placing the driveway approach in the required location;
  - (c) The number of driveway approaches onto an arterial are minimized;
  - (d) The proposed driveway approach, where possible:
    - (i) Is shared with an adjacent property; or
    - (ii) Takes access from the lowest classification of street abutting the property;
  - (e) The proposed driveway approach meets vision clearance standards;
  - (f) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
  - (g) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
  - (h) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
  - (i) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.
- (6) *Effective Date.* The effective date of a Driveway Approach Permit approval is the date the notice of decision is mailed.
- (7) *Permit Expiration.* A Driveway Approach Permit approval expires one year from the effective date unless the driveway approach is constructed within the one-year period in accordance with the approval decision and City standards.

#### **TDC 75.030. Driveway Approach Closure.**

**RESPONSE: No driveway approach closures are proposed nor anticipated.**

#### **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.

**RESPONSE: Driveway approaches are requested for the new South driveway to SW 124<sup>th</sup> and the widening of the existing driveway at SW 124<sup>th</sup> Ave.**

- (2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their

---

combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.

**RESPONSE: Not proposed for this project.**

- (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.

**RESPONSE: Not proposed for this project.**

- (4) Requirements for Development on Less than the Entire Site.
- (a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.
  - (b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.

**RESPONSE: Not minimum number of driveways required for this development have been requested.**

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

**RESPONSE: Not Applicable.**

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

**RESPONSE: The (2) Driveway approaches connect directly with SW 124<sup>th</sup> Avenue.**

- (7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section must be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.

**RESPONSE: There is an existing sidewalk along the SW 124<sup>th</sup> frontage.**

- (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.

**RESPONSE: Driveway approaches are requested for the new south driveway to SW 124<sup>th</sup> and the widening of the existing driveway at SW 124<sup>th</sup> Ave. The north driveway is proposed to be 50-feet in width, exceeding the 40-maximum width as noted below. The added width of the driveways if necessary, to provide easy truck access to the site and to provide necessary width for trucks turning onto the site and leaving the site onto SW 124<sup>th</sup> Ave.**

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

**TABLE 75-1  
Driveway Approach Width**

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

**RESPONSE: Driveway approaches are requested for the new south driveway to SW 124<sup>th</sup> and the widening of the existing driveway at SW 124<sup>th</sup> Ave. The north driveway is proposed to be 50-feet in width, exceeding the 40-maximum width as noted below. The added width of the driveways if necessary, to provide easy truck access to the site and to provide necessary width for trucks turning onto the site and leaving the site onto SW 124<sup>th</sup> Ave.**

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

---

**RESPONSE: The two driveways onto SW 124<sup>th</sup> Ave. are separated by more than 40-feet.**

- (11) *Distance between Driveways and Intersections.* Except for single-family dwellings, 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.

**RESPONSE: The distance from the SW Cimino/SW 124<sup>th</sup> intersection to the proposed south driveway is approximately 575-feet.**

- (12) *Vision Clearance Area.*
- (a) *Local Streets.*

**RESPONSE: Not applicable.**

- (b) *Collector Streets.* A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be ten feet (see Figure 73-2 for illustration).

**RESPONSE: The required vision clearance area will be provided at each driveway.**

- (c) *Vertical Height Restriction.* Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

**RESPONSE: The required vertical height clearances will be provided at each driveway.**

### **TDC 75.050. Access Limited Roadways.**

- (1) This section applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions taken by the City pertaining to property abutting any road or street listed in TDC 75.050(2). In addition, any property not abutted by a road or street listed in subsection (2), but having access to an arterial by any easement or prescriptive right, must be treated as if the property did abut the arterial and this Chapter applies.
- (2) The following Freeways and Arterials are access limited roadways:
- (f) 124th Avenue from Pacific Highway 99W south to Tonquin to Basalt Creek Parkway;

**RESPONSE: Another driveway is proposed with this development as the south driveway and occurs at the east side of SW 124<sup>th</sup>, approximately 575-feet north of SW Cimino street intersection. This driveway is proposed to be a right-in, right-out driveway allowing access to the in tow locations.**

- (3) This Chapter takes precedence over any other TDC chapter and over any other ordinance of the City when considering any development, land use approval or other proposal for property abutting an arterial or any property having an access right to an arterial.
- (4) The City may act on its own initiative to protect the public safety and control access on arterials or any street to be included by TDC 75.030, consistent with its authority as the City Road Authority.

---

**TDC 75.060. Interim Access Agreement.**

**RESPONSE:** Not requested with this proposal.

**TDC 75.070. Existing Driveways and Street Intersections.**

- (1) Existing driveways with access onto arterials on the date this chapter was originally adopted are allowed to remain. If additional development occurs on properties with existing driveways with access onto arterials, then this Chapter applies and the entire site must be made to conform with the requirements of this chapter.
- (2) The City Manager may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means.

**RESPONSE: Not applicable. There are no existing driveways onto SW 124<sup>th</sup>, an arterial.**

---

**TDC 75.100. Spacing Standards for New Intersections.**

Except as shown in TDC Chapter 11, Transportation, (Figures 11-1 and 11-3), all new intersections with arterials must have a minimum spacing of one-half mile between intersections.

**RESPONSE: Not applicable. No new intersections are proposed.**

**TDC 75.110. Joint Access Standards.**

When the City Manager determines that joint accesses are required by properties undergoing development or redevelopment, an overall access plan shall be prescribed by the City Manager and all properties shall adhere to this. Interim accesses may be allowed in accordance with TDC 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

**RESPONSE: Not applicable. Joint access is not proposed with this development.**

**TDC 75.120. Collector Streets Access Standards.**

- (1) *Major Collectors.* Direct access from newly constructed single family homes, duplexes or triplexes are not permitted. As major collectors in residential areas are fully improved, or adjacent land redevelops, direct access should be relocated to the nearest local street where feasible.

**RESPONSE: Not applicable. This proposal is for an industrial development.**

- (2) *Minor Collectors.* Residential, commercial and industrial driveways where the frontage is greater or equal to 70 feet are permitted. Minimum spacing at 100 feet. Uses with less than 50 feet of frontage shall use a common (joint) access where available.

**RESPONSE: Not applicable.**

- (3) If access is not able to be relocated to the nearest local street, the City Manager may allow interim access in accordance with 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

**RESPONSE: Not applicable.**

**TDC 75.130. New Streets Access Standards.**

**RESPONSE: Not Applicable.**

**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:

- ii) A street or driveway intersection approximately 800 feet south of the Myslony Street/124<sup>th</sup>

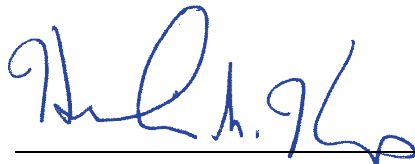
---

Avenue ... Access may be limited to right in/right out as determined by the City Manager.

**RESPONSE:** This location is the existing driveway at SW 124<sup>th</sup> that is the proposed north access to the site. The existing driveway is proposed to be widened. This driveway is proposed to be right-in, right-out.

Another driveway is proposed with this development as the south driveway and occurs at the east side of SW 124<sup>th</sup>, approximately 575-feet north of the Cimino street intersection. This driveway is proposed to be a right-in, right-out driveway allowing access to the site from the south end of the development.

Prepared by:



4-14-2023

---

Havlin G. Kemp PE, Principal

VLMK Engineering + Design

---

Created: 2021-04-05 12:58:13 [EST]

(Supp. No. 4)