



ARCHITECTURAL REVIEW DECISION
CIPOLE PROPERTIES, LLC. INDUSTRIAL BUILDING (AR 23-0006)
 December 1, 2023

Case #:	AR 23-0006
Project:	Cipole Properties, LLC. Industrial Building
Location:	No Street Address; Tax ID: 2S121DC00700
Applicant:	AKS Engineering & Forestry
Owner:	Cipole Properties, LLC.

TABLE OF CONTENTS

I. INTRODUCTION 2

 A. Applicable Criteria 2

 B. Site Description..... 2

 C. Proposed Project 3

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

 E. Surrounding Zones and Uses 3

 F. Exhibit List..... 3

II. CONDITIONS OF APPROVAL..... 4

III. FINDINGS..... 10

Chapter 32: Procedures 10

Chapter 33: Applications and Approval Criteria 18

Chapter 61: General Manufacturing (MG) Zone..... 20

Chapter 63 – Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations..... 22

Chapter 70 – Floodplain District (FP) 23

Chapter 73A: Site Design 26

Chapter 73B: Landscaping Standards 29

Chapter 73C: Parking Standards 33

Chapter 73D: Waste and Recyclables Management Standards 40

Chapter 74: Public Improvement Requirements 42

Chapter 75: Access Management 47

IV. APPEAL 49

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

I. INTRODUCTION

A. Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 61: General Manufacturing (MG) Zone
- TDC 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations
- TDC 70: Floodplain District (FP)
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

B. Site Description



Figure 1 Aerial view of site with zoning (TualGIS)

The vacant property is located north of SW Herman Road, east and north of SW Cipole Road and does not have direct road frontage. The property, Tax Map/Lot number 2S121DC00700, is approximately 1.44 acres and is zoned General Manufacturing (MG). The property has access to SW Herman Road from a private driveway located within an access and utility easement that runs along the east side of the

property. The site topography is relatively flat with a slight slope upward from the north to the south. There are two trees located within the property.

C. Proposed Project

The applicant AKS Engineering and Forestry, on behalf of the property owners Cipole Properties, LLC., is requesting approval to construct a new building of approximately 13,790 square feet. The applicant’s narrative, Exhibit A1, states the intended use for the proposed building is light manufacturing as described in TDC 39.400. The applicant has proposed to construct a parking lot containing 64 parking spaces, two bike parking spaces, landscaping, waste and recycling enclosure, and two truck loading areas. The narrative (Exhibit A1) states that the building is planned for light industrial manufacturing use including an office area, storage space and production/processing equipment.

D. Previous Land Use Actions

- ANN22-0001 – Annexed from Washington County to the City of Tualatin

E. Surrounding Zones and Uses

Surrounding uses include:

North: General Manufacturing (MG)

- Industrial
- Office

South: Future Development 10-Acre District (FD-10)

- Industrial (Plumbing Contractor)

West: Light Manufacturing (MG)

- Storage Facility

East: General Manufacturing (MG)

- Industrial
- Vacant

F. Exhibit List

A: Application Materials

A1. Applicant Narrative

A2. Plan Set and Elevations

A3. Transportation Impact Analysis

A4. Preliminary Stormwater Report

A5. Supporting Documents

B: Public Noticing

C: Clean Water Services Memorandum

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 23-0006 is **approved** subject to the following conditions:

GENERAL:

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

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

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

- A2. The applicant must apply for applicable Engineering Erosion Control, Water Quality, and Public Works permits:
- a. Apply using [eTrakit](#). With the initial Engineering permit(s) application(s) include:
 - i. One combined set of 22"x 34" plans based on NAVD 1988 including all applicable Engineering permits attached to one Engineering permit. Include a note on other Engineering permits stating which application includes the set; and,
 - ii. Payment for an Erosion Control permit fee per the [fee schedule](#); and,
 - iii. Engineering estimate and deposit for each Water Quality or Public Works permit per the [fee schedule](#); and,
 - b. Deliver two 22"x34" hard copies of the combined Engineering permit plan sets to:

City of Tualatin
Attn: Engineering Division c/o Principal Engineer
10699 SW Herman Road
Tualatin, OR 97062

- A3. The applicant must submit a completed and owner signed Flood Hazard Area Development Permit application in accordance with TDC 70.110 and 70.120 with the Base Flood Elevation of 134.3 feet, NAVD 1988 including:
- a. Plans certified by a professional civil engineer registered in Oregon showing:
 - i. Floodplain fill balanced by cut in accordance with TMC 3-5-250 as approved by the City Engineer, and
 - ii. Proposed construction in accordance with TDC 70.170 and 70.180.
- A4. The applicant must submit Final Onsite Plans in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show the boundaries of existing and any proposed private shared access easements with recorded document numbers allowing access to SW Herman Road for lots TLID 2S121DC00700, TLID 2S121DC00600, 13025 SW Herman Road, TLID 2S121DC00500, 13007 SW Herman Road, TLID 2S121DC90000, 12965 SW Herman Road, TLID 2S121D000301, 12955 SW Herman Road.
- A5. The applicant must submit Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74.350 and 74.620, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show:

- a. Location of the lines, grade, materials, and other details; and,
 - b. The manhole adjacent to the TLID 2S121DC00900 19990 SW Cipole Road property line acting as the terminating cleanout; and,
 - c. The boundaries of existing public sanitary sewer and public utility easements with recorded document numbers; and,
 - d. On TLID 2S121DC00900 19990 SW Cipole Road:
 - i. The proposed 15-foot-wide public sanitary sewer easement centered on the proposed sanitary sewer main; and,
 - ii. A 15-foot wide public sanitary maintenance access easement with:
 1. A minimum of 12-feet clear in the center privately maintained paved surface capable of supporting a 60,000 pound vehicle; and,
 2. Access from SW Herman Road to and surrounding the manhole; and,
 3. A turn-around sufficient for a City of Tualatin maintenance vehicle near the manhole as approved by the City Engineer.
- A6. The applicant must submit Final Water System Plans in accordance with Tualatin Development Code (TDC) 74.350 and 74.610, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
- a. Separate laterals to the main for each domestic and fire service; and,
 - b. Water meter and fire vault located within landscaping close to the private drive aisle's curb as approved by the City Engineer with:
 - i. Reduced pressure backflow prevention for the domestic lateral; and,
 - ii. Irrigation after a domestic meter and reduced pressure backflow device; and,
 - c. The boundaries of existing public water and utility easements with recorded document numbers; and,
 - d. Proposed public water or utility easements
 - i. On TLID 2S121DC00700 outside existing public easements for all portions of water laterals ten feet wide to and surrounding any meter, reduced pressure backflow prevention, and fire vault by five feet.
 - ii. A 15-foot wide public water maintenance access easement with:
 1. A minimum of 12-feet clear in the center privately maintained paved surface capable of supporting a 60,000 pound vehicle; and,
 2. Access from SW Herman Road to and surrounding the water meter and fire vault; and,
 3. A turn-around sufficient for a City of Tualatin maintenance vehicle near the water meter and fire vault as approved by the City Engineer.
- A7. The applicant must submit:
- a. Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.350, 74.630, and 74.650, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that
 - i. Evaluates:
 1. The overall stormwater basin including existing, proposed, and potential future release into the public system; and,
 2. Private onsite stormwater requirements separately for each legal lot of record with potential future release rates; and,
 3. Outfall backflow conditions for floodplain high water events determining one way flow design requirement; and,

- ii. Determines:
 - 1. Appropriate diameters of public stormwater line and laterals; and,
 - 2. Lots with existing and potential future gravity flow to the public line to include stubs for current and potential future connection; and,
- iii. Shows on TLID 2S121DC00700, TLID 2S121DC00600, 13025 SW Herman Road, TLID 2S121DC00500, 13007 SW Herman Road, TLID 2S121DC90000, 12965 SW Herman Road, TLID 2S121D000301, 12955 SW Herman Road a 15-foot wide public stormwater easement centered on the proposed public stormwater line and outfall extending south to TLID 2S121DC00900 19990 SW Cipole Road's property line; and,
- iv. Shows on TLID 2S121DC00900 19990 SW Cipole Road, TLID 2S121DC00700 , TLID 2S121DC00600, 13025 SW Herman Road, TLID 2S121DC00500, 13007 SW Herman Road, TLID 2S121DC90000, 12965 SW Herman Road, TLID 2S121D000301, 12955 SW Herman Road:
 - 1. A 15-foot wide public stormwater maintenance access easement with:
 - a. A minimum of 12-feet clear in the center privately maintained paved surface capable of supporting a 60,000 pound vehicle; and,
 - b. Access from SW Herman Road to and surrounding the outfall; and,
 - c. A turn-around sufficient for a City of Tualatin maintenance vehicle near the outfall as approved by the City Engineer; and,
- v. Trees removed within the public stormwater easement including:
 - 1. Root removal under arborist observation and verification as approved by the City Engineer; and,
 - 2. Root protection centered on any tree remaining within 10 feet of the edge of the easement; and,
- vi. Address runoff from all new and modified private and public impervious areas:
 - 1. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2; and,
 - 2. Prove any proposed infiltration rates in accordance with CWS D&CS 4.08.03; and,
 - 3. Detain up to the 25-year storm event for conveyance with the City of Tualatin's stormwater system in accordance with, TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08; and,
 - 4. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5; and,
- vii. Provide a downstream analysis and include solutions within final plans:
 - 1. For ¼ mile downstream from the release from the private development through the public stormwater system in accordance with TMC 3-5-210(4); and,
 - 2. Including but not limited to erosion; and,
 - 3. Accommodate up to a 25-year storm event within the City of Tualatin's public stormwater system with a maximum capacity of 82% for Tualatin's lines in accordance with TDC 74.640, CWS D&CS 5.05.2.d, and the City Engineer; and,

- viii. Prove gravity flow five feet from the outside of the established line of the building to the public stormwater system or as otherwise approved by the City Engineer in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4); and,
 - ix. Discharge to an approved public system; and,
 - x. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
 - 1. The submitted Clean Water Services’ Service Provider Letter dated April 14, 2023 conditions to obtain a Stormwater Connection Permit Authorization Letter, and,
 - 2. Requirements stated within the Clean Water Services’ Memorandum dated October 24, 2023; and,
 - b. Financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1; and,
 - c. A copy of the recorded private stormwater maintenance agreement(s) in accordance with TMD 3-5-390(4):
 - i. Agreement(s) must assure each owner of each legal lot with stormwater facilities are responsible for maintenance of the constructed portions of private stormwater systems within their lot; and,
 - ii. The identified system must include all conveyance, detention, hydromodification, and treatment.
- A8. The applicant must submit Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services’ (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that:
- a. Minimize the impact of stormwater from the development to adjacent properties; and,
 - b. Are sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Construction Erosion Control permit from Clean Water Services.

PRIOR TO BUILDING PERMIT ISSUANCE:

- A9. The applicant must submit copies of recorded documents in accordance with Public Works Construction Code (PWCC) and Tualatin Development Code (TDC) 74.210, 74.330, 74.350, and 75.040 which show the City Engineer approved locations of private shared access plus public sanitary sewer, stormwater, water, and associated maintenance access easements.
- A10. The applicant must obtain a 1200-CN NPDES Permit from Clean Water Services and Erosion Control, Flood Hazard Area Development, Public Works, and Water Quality Permits from the City of Tualatin.
- A11. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. The applicant must provide a site plan that clearly illustrates compliance with minimum setbacks listed in Table 60-2 of TDC 60.300.
 - b. The applicant shall provide elevations drawings for all sides of the proposed building that illustrates compliance with TDC 73A.010 and 73A.500.
 - c. All proposed walkways must be 5 feet in width in compliance with TDC 73A.500 (1) and the location on the applicant’s architectural review site plan.
 - d. Mechanical equipment, electrical equipment and outside storage must be screened in compliance with TDC 73A.500 (5).

- e. Demonstrate all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas are landscaped and meet all dimensional requirements pursuant to TDC 73B.060 (1).
- f. The applicant shall protect the trees and landscaping bordering the subject property during construction in compliance with TDC 73B.080 (3).
- g. Demonstrates all areas impacted by grading will be revegetated pursuant to TDC 73B.080 (4).
- h. Demonstrates all landscaped areas are irrigated in compliance with TDC 73B.080 (5).
- i. The applicant shall provide ADA parking stalls in compliance with TDC 73C.020 (6).
- j. Provide details that demonstrate the proposed covered bicycle parking spaces meet the standards of TDC 73C.050 (1) and (2).
- k. Per TDC 73C.100 (f) (i) the applicant shall provide 2 covered bicycle parking spaces.
- l. Two (2) off-street vanpool and carpool parking must be provided in compliance with TDC 73C.100(2).
- m. The applicant shall provide parking lot landscaping, including one additional deciduous tree in the landscape area east of the proposed building along the access easement for additional parking lot shade and additional plantings along the southern property line to screen the parking lot and loading areas from the adjacent property to the south, in compliance with TDC 73C.240 and 73C.120(3).
- n. The applicant shall submit a landscaping plan that illustrates compliance with TDC 73C.240 (4).
- o. The applicant shall submit a landscaping plan that illustrates compliance with TDC 73C.240 (5) including landscaping along the eastern property line bordering the driveway.
- p. Based on the recommendations in the Republic Services Service Provider Letter dated February 9, 2023, the applicant shall submit final waste and recycling enclosure plans to Republic Services for review and provide a final approval letter and reviewed materials to the City of Tualatin.
- q. The applicant shall provide a scaled and dimensioned site plan that illustrates the waste and recyclable enclosure complies with TDC 73D.030 (1) and (2).
- r. The applicant must provide an elevation drawing, material description and site plan that illustrate compliance with location and design criteria meeting TDC 73D.070 (1) and (2).

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A12. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.120.
- A13. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.
- A14. The applicant must construct all proposed site improvements as illustrated on the approved Final Site Plan Set.
- A15. Areas impacted by grading and all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas must be landscaped, pursuant to TDC 73B.060(1)(a).

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

- A16. All site, building exterior, and landscaping improvements approved through the Architectural Review process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.
- A17. If the use of the property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use, pursuant to TDC 73C.010(2)(a)(v).
- A18. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 75-1.
- A19. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A20. Consistent with the Transportation Technical Memorandum dated July 17, 2023 prepared by Lancaster Mobley (Exhibit A4), future land uses on the site must not generate more than 68 Daily Total Trips. Alterations to this limitation require submittal and approval of a new Architectural Review application with corresponding traffic study under TDC 33.020(7), and in accordance with TDC 74.440.
- A21. The proposed development must comply with the Environmental Regulations of TDC 63.

III. FINDINGS

Findings reference the Tualatin Development Code (TDC), unless otherwise noted.

Chapter 32: Procedures

[...]

Section 32.010 – Purpose and Applicability.

[...]

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

[...]

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

[...]

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

Table 32-1 – Applications Types and Review Procedures

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

Finding:

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

[...]

Section 32.030 – Time to Process Applications.

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

[...]

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

Finding:

The application was initially deemed incomplete on May 25, 2023 with additional materials submitted on July 21, 2023 and October 4, 2023, with the application being deemed complete on October 6, 2023. The 120th day will be Saturday February 3, 2024. Per TDC 32.030 (3) the 120th day time limit for taking final action on this application is moved to the next non-weekend day which is Monday February 5, 2024. The final action on this application must take place within 120-days unless the applicant requests an extension in compliance with ORS 227.178. These standards are met.

Section 32.110 – Pre-Application Conference.

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

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

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

(4) Application Requirements for Pre-Application Conference.

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

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

(i) A completed application form;

(ii) Payment of the application fee;

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

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

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

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

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

Finding:

A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on January 19, 2022 for both the Annexation (ANN22-0001) and this Architectural Review Application. The applicant has continued project discussions with City staff prior to submitting the Architectural Review application on May 2, 2023. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

[...]

(2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

(3) Timing. A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

(4) Time and Location. Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:

- (a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.**
- (b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.**

(5) Notice Requirements.

(a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:

- (i) All property owners within 1,000 feet measured from the boundaries of the subject property;**
- (ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and**
- (iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.**

(c) The City will provide the applicant with labels for mailing for a fee.

(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

(6) Neighborhood/Developer Sign Posting Requirements. The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

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

Finding:

The applicant has provided evidence that a Neighborhood/Developer meeting was held virtually due to Covid restrictions on March 28, 2022. The applicant has provided documentation of sign posting and notification in compliance with this section of the TDC in Exhibit A5. The applicant's neighborhood/developer meeting summary states that one person attended the virtual meeting but did not ask any questions.

All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9 were provided notice of this application. No comments were received.

These standards are met.

Section 32.130 – Initiation of Applications.

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

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

[...]

Finding:

The applicant has provided a title report within Exhibit A5 showing Cipole Properties, LLC. is the current owner of the property. The application has been signed by Patrick Larson who is a registered agent of Cipole Properties, LLC. This standard is met.

Section 32.140 – Application Submittal.

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

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

- (vi) A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
 - (b) A written statement addressing each applicable approval criterion and standard;
 - (c) Any additional information required under the TDC for the specific land use action sought;
 - (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
 - (e) Recorded deed/land sales contract with legal description.
 - (f) A preliminary title report or other proof of ownership.
 - (g) For those applications requiring a neighborhood/developer meeting:
 - (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
 - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
 - (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) **Application Intake.** Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) **Administrative Standards for Applications.** The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Finding:

The application was initially submitted on May 2, 2023 and deemed incomplete on May 25, 2023 with additional material submitted on July 21, 2023 and October 4, 2023 with the application being deemed complete on October 6, 2023. The general land use submittal requirements were included with this application after the subsequent submittal of additional material was provided to staff for review. These standards are met.

Section 32.150 - Sign Posting.

- (1) **When Signs Posted.** Signs in conformance with these standards must be posted as follows:
- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
 - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.
- (2) **Sign Design Requirements.** The applicant must provide and post a sign(s) that conforms to the following standards:
- (a) Waterproof sign materials;
 - (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and
 - (c) Sign text must be at least two (2) inch font.

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

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

(a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or

(b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Finding:

The applicant provided certification within Exhibit A5 that both neighborhood/developer meeting and land use application signs were posted onsite in conformance with sign posting requirements of this section of the TDC. These standards are met.

Section 32.160 – Completeness Review.

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

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

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

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

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

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

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

Finding:

The application was initially deemed incomplete on May 25, 2023, a written notice was sent to the property owner and applicant. Additional material was submitted on July 21, 2023 and October 4, 2023 with the application being deemed complete on October 6, 2023, which is within the 180-day deadline for deeming an application complete. These standards are met.

[...]

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

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

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

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

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

(a) Recipients:

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

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

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
- (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
- (iii) The proposed site plan;**
- (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
- (v) The type of application and a concise description of the nature of the land use action;**
- (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
- (vii) Brief summary of the local decision making process for the land use decision being made;**

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

Finding:

After application submittal and completeness review, as required by this section, notice for the Type II application for AR 23-0006 was mailed by city staff on October 11, 2023. The notice contained the information required by this section of the TDC (Exhibit B). No public comments have been received. These standards are met.

- (4) **Decision.** At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:
- (a) Explains the criteria and standards considered relevant to the decision;
 - (b) States the facts relied upon in issuing the decision; and
 - (c) Explains the justification for the decision based on the criteria, standards and facts set forth.
- (5) **Notice of Type II Decision.** Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision must contain all of the following information:
- (a) A description of the applicant’s proposal and the City’s decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
 - (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
 - (c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
 - (d) The date the decision becomes final, unless an appeal is submitted; and
 - (e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.
- (6) **Appeal of a Type II Decision.** Appeals may be made in accordance with TDC 32.310.

(7) Effective Date of Type II Decision. A Type II Decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise.

Finding:

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

Chapter 33: Applications and Approval Criteria

[...]

Section 33.020 Architectural Review

[...]

(2) Applicability.

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

- (i) Any exterior modifications to improved or unimproved real property;
- (ii) Any remodeling that changes the exterior appearance of a building;
- (iii) Any site alteration which alters the topography, appearance or function of the site; and
- (iv) Any change in occupancy from single family use to commercial or industrial use.

[...]

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

[...]

(f) **General Development.** All development applications, (except Single Family Dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster, Clear and Objective and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.

[...]

Finding:

The applicant is proposing modification of unimproved real property and alterations to the site. The proposed development is considered “general development” for the purpose of Architectural Review. Section 33.020 is applicable to this application.

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

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

(5) Approval Criteria.

[...]

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

[...]

Finding:

As discussed above the subject application is for “general development.” The applicant has provided materials meeting the requirements of this section of the TDC. The proposed construction must comply

with the standards and objectives in TDC 73A through 73G. These standards are met by submittal of the subject application.

[...]

(8) Effective Date. The effective date of an Architectural Review decision or Minor Architectural Review decision is the date the notice of decision is mailed.

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

(10) Extension of Permit Expiration.

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

[...]

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

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

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

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

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

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

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

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

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

(f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.

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

Finding:

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

TDC 33.110. - Tree Removal Permit/Review.

[...]

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

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

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

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

Finding:

The applicant has indicated that 2 deciduous trees will be removed due to construction. The trees proposed to be removed are exempt because there is no previous Architectural Review decision for this property. These standards are not applicable.

Chapter 61: General Manufacturing (MG) Zone

[...]

TDC 61.200. - Use Categories.

(1) Use Categories. Table 61-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 61-1 and restrictions identified in TDC 61.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

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

(3) Overlay Zones. Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 61-1: Use Categories in the MG Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
[...]		
INDUSTRIAL USE CATEGORIES		
Light Manufacturing	P	—
[...]		

Finding:

The project area is within the General Manufacturing (MG) Zone. Exhibit A1 states the intended use for the site is “Light Manufacturing” which is listed as a permitted use in Table 60-1. The applicant stated that the characteristics and examples of “light manufacturing” uses listed in TDC 39.400 are intended for the site. This standard is met.

[...]

TDC 61.300. - Development Standards.

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

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

STANDARD	REQUIREMENT	MINIMUM PROPOSED	Limitations and Code References
[...]			
MINIMUM SETBACKS			
Front (east)	30 feet	111 feet (approximate)	
[...]			
Side (north)	0-50 feet	6 feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
Side (south)	0-50 feet	116 feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
[...]			
Rear (west)	0-50 feet	12 feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
[...]			
Parking and Circulation Areas	5 feet	5 feet	No minimum setback required adjacent to joint access approach in accordance with TDC 73C.
[...]			
Fence	10 feet	None proposed	From public right-of-way.
STRUCTURE HEIGHT			
Maximum Height	60 feet	32 Feet	<p>May be increased to 100 feet if yards adjacent to structure are not less than a distance equal to the height of the structure.</p> <p>Measured at the 50-foot setback line, includes flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot setback line at a slope of 45 degrees extending away from the 50-foot setback line.</p> <p>Flagpoles may extend to 100 feet.</p>
[...]			

Finding:

The development is proposed for a 1.44 acre existing vacant lot. The subject property accesses SW Herman Road by a driveway located within an existing access and utility easement along the east side of the property (Exhibit A2). TDC 31.060 defines “setback” as the minimum horizontal distance between the public street right-of-way or side and rear property lines to the front, side and rear lines of a building or structure located on a lot. “Yard setback” is defined as an open space on a lot which is unobstructed by buildings or structures from the ground upward and is the minimum horizontal distance between the public street right-of-way or side and rear property lines to the front, side and rear lines of a building or structure located on a lot. “Front Lot Line” means a lot line that abuts a street. Per the TDC definition of “yard setback” and without public street frontage the front of the building is considered the east face of the building and is used to determine the front yard setbacks. Based on the submitted materials, it appears that the proposed development can meet the standards found in Table 61-2 (Exhibit A2). As proposed the building height and parking and circulation areas meet TDC requirements. With Condition of Approval A11.a., these development standards are met.

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.

Finding:

The applicant has stated that no outdoor uses are planned for the property. As proposed, this standard does not apply.

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

[...]

TDC 63.020. - Applicability.

The regulations of this Chapter apply to:

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

Finding:

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

TDC 63.051. - Noise.

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

TDC 63.052. - Vibration.

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

TDC 63.053 - Air Quality.

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

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

TDC 63.054. - Odors.

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

TDC 63.055. - Heat and Glare.

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

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

TDC 63.056. - Storage and Stored Materials.

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

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

TDC 63.057. - Liquid or Solid Waste Materials.

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

TDC 63.058. - Dangerous Substances.

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

Finding:

The applicant's narrative (Exhibit A1) states that it is anticipated the future users of the site will comply with all sections of Chapter 63 of the TDC. With Condition of Approval A21, these standards are met.

Chapter 70 – Floodplain District (FP)

[...]

TDC 70.040. - Lands to Which This Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Tualatin.

[...]

Findings:

Although the building construction site is not within the 100-year floodplain, the extension of the proposed stormwater management system is within the Floodplain District (FP), therefore this Chapter applies.

TDC 70.110. - Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established by TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard). The permit shall be for all structures, including manufactured homes, as set forth in TDC 70.030 (Definitions), and for all other development, including fill and other activities, also as set forth in TDC 70.030 (Definitions).

Finding:

The applicant is proposing construction within the 100-year floodplain of an underground stormwater line that will extend to an outfall north of the subject property on Tax Lot 301. Construction of the stormwater line meets the definition of Development in TDC 70.030 therefore a Development Permit is required. This standard will be met.

TDC 70.120. - Application for Development Permit.

Application for a development permit shall be made on forms furnished by the Local Floodplain Administrator and may include, but not be limited to, plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;**
- (2) Elevation in relation to mean sea level of floodproofing of any structure;**
- (3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in TDC 70.180 (Specific Standards for Nonresidential Structures); and**
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.**

[...]

TDC 70.170. - General Standards.

In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.**

[...]

(2) Construction Materials and Methods.

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.**
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.**
- (c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.**

(3) Utilities.

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;**

- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and**
- (c) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.**

[...]

TDC 70.180. - Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard) or TDC 70.140(2) (Use of Other Base Flood Data (In A and V Zones)), the following provisions are required:

[...]

(2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum according to ASCE 24; or, together with attendant utility and sanitary facilities, shall:

- (a) Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;**
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;**
- (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in TDC 70.140(3)(b) (Duties and Responsibilities of the Local Floodplain Administrator);**
- (d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in TDC 70. 180(1)(d)(Specific Standards for Residential Construction).**
- (e) Applicants shall supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.**

[...]

(6) Below-Grade Crawl Spaces. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspaces Construction for Buildings Located in Special Flood Hazard Areas:

- (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section TDC 70.180(1)(Specific Standards for Residential Structures) above. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.**

(b) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one-foot above the lowest adjacent exterior grade.

(c) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(d) Any building utility systems within the crawlspace must be elevated above B components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(e) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

(f) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

(g) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

(h) The velocity of floodwaters at the site shall not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01

[...]

Finding:

The plans show proposed construction within the floodplain. FEMA identifies the floodplain elevation at this site as 134.3 feet, NAVD 1988. All utilities planned with this development which are located within the floodplain must be designed to meet code.

A Flood Hazard Area Development permit must be obtained prior to construction. This permit must include final approved plans identifying balanced cut and fill as approved by the City Engineer in accordance with TDC 70.170 and 70.180.

With Conditions of Approval A3, A7, and A10, these standards are met.

Chapter 73A: Site Design

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

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

(a) The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and

(b) The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.

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

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

Finding:

The applicant will be required to submit final color building elevations to demonstrate compliance with TDC 73A.010 and 73A.500. With Condition of Approval A11.b., these standards will be met.

TDC 73A.500. - Industrial Design Standards.

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

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

- (a) Walkways must be a minimum of five feet in width;**
- (b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable;**
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;**
- (e) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;**
- (f) Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas; and**
- (g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.**

Finding:

The narrative states that all new walkways will meet ADA standards. The applicant has stated that all walkways will be at least 5 feet in width. Walkways are required to be a minimum width of 5 feet, constructed of concrete or asphalt and meet ADA requirements. As previously noted, the subject property does not have frontage on SW Herman Road. The lot to the south of the subject property that has frontage on SW Herman Road is not owned by the applicant. SW Herman Road in this area does not have a sidewalk. The applicant will construct a walkway from the entrance of the building to the east to the frontage along the utility and access easement. The applicant's site plan in Exhibit A2 illustrates walkways within the subject property to parking and loading areas will be striped. With Condition of Approval A11.c., these standards will be met.

[...]

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

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

Finding:

Exhibit A2 contains a site plan and lighting diagram that illustrates the parking lot will be properly illuminated at night and windows will be located in a way that will make the parking lot visible for safety and security observation reasons by those within the building. These standards are met.

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

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

Finding:

Outdoor storage was not requested with this application and final above grade and on-grade electrical and mechanical equipment locations have not been determined. Exhibit A1 acknowledges the need to comply with this section of the TDC. With Condition of Approval A11.d., these standards will be met.

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

- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street; and**
- (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:**
 - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;**
 - (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;**
 - (iii) Provide a transit passenger landing pad accessible to disabled persons;**
 - (iv) Provide an easement or dedication for a passenger shelter as determined by the City;****and**

Finding:

The subject property is not adjacent to transit and does not have direct frontage on SW Herman Road. These standards do not apply.

Chapter 73B: Landscaping Standards

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

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

[...]

Finding:

The subject property is located within the MG Zone. Per Comprehensive Plan Map 10-3 Central Tualatin Overlay Zone, the property is not within the Core Area Parking District. The property is not within the Hedges Creek Wetland Protection District. According to the applicant’s information, the property is 1.44 acres or 62,726 square feet. A minimum of 15% or 9,409 square feet is required to be landscaped. The Landscaping Plan located in Exhibit A2 does not provide the percentage of landscaping proposed but the Preliminary Site Plan (Sheet P4) states the total landscaped area will be 19.8% or 12,424 square feet. This standard is met.

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

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

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

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

[...]

Finding:

Landscaping will be required to be provided consistent with the above standards. Compliance will be verified through final plan review and the building permit review process. The site is not located adjacent to the Hedges Creek Wetland Mitigation Agreement area. The south and east building elevations will be viewable from either parking areas or the access easement. As shown in Exhibit A2, a combination of lawn, trees, and shrubs are proposed throughout the site. The southeast corner of the building will serve as the main pedestrian point of access to the building. Exhibit A2 illustrates the minimum 5-foot-wide landscaped areas around the building and parking lot. With recommended Conditions of Approval A11.e. and A15, these standards are met.

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

The following are minimum standards for landscaping for all zones.

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

As shown on the Landscape Plan included in Exhibit A2, and with Conditions of Approval A11.e. and A15, these standards are met

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

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

<p>(3) Tree Preservation</p>	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction: • Must provide above and below ground protection for existing trees and plant materials identified to remain; • Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; • If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; • Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;
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	<ul style="list-style-type: none"> • 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 • Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
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Finding:

The site is mostly vacant except for two deciduous trees that will be removed for construction purposes. There are existing trees that border the subject property to the north that are located on the abutting property. These trees must be protected during construction in compliance with these standards. With Condition of Approval A11.f., these standards will be met.

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

The proposal includes grading, as shown in the Grading Plan (Exhibit A2). Grading and erosion control is further addressed in Chapter 74. With Condition of Approval A11.g., these standards are met.

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

Exhibit A2 states a design build irrigation system is planned. No irrigation system details were provided in Exhibit A1 or A2. With Condition of Approval A11.h., this standard will be met.

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

The applicant proposes to landscape areas not otherwise proposed for development. With Condition of Approval A11.e., these standards are met.

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

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

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

Finding:

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

Chapter 73C: Parking Standards

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

(1) Applicability. Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:

(a) Establishment of a new structure or use;

[...]

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

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

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

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

[...]

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

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

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

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

[...]

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

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

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

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

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

Finding:

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

Section 73C.020 – Parking Lot Design Standards.

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

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

[...]

- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;**
- (3) Parking stalls must be constructed of asphalt, concrete, previous concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;**
- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;**
- (5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.**

Finding:

The Site Plan (Exhibit A2) illustrates the proposed standard sized parking stall lengths of 18.5 feet and widths of 9 feet. There is one compact parking stall proposed that will be 15' long by 9 feet wide. Exhibit A2 illustrates that off-street parking spaces will meet the requirements of Figure 73-1. A combination of asphalt and concrete will be used in the parking lot, drive aisles and loading areas. A raised curb will serve as parking bumpers for the parking lot area. These standards are met.

- (6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;**
- (7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;**

Finding:

The applicant is proposing 3 ADA parking stalls including three accessible spaces with two van-accessible spaces and one standard accessible space. (Exhibit A1 and A2). A total of 64 stalls are proposed, 1 stall will be compact or 1.5% of the total parking stalls. With Condition of Approval A11.i., these standards are met.

- (8) Groups of more than 4 parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;**
- (9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;**
- (10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;**

Finding:

The property does not have direct frontage on a road right-of-way so no backing movements into a road should occur. The Site Plan in Exhibit A2 illustrates 24 feet wide drive aisles or wider for two-way traffic movement. These standards are met.

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

Finding:

Sheet P9 Preliminary Lighting Plan located in Exhibit A2 illustrates lighting that meets these standards. There are no protected natural resource, vegetated corridors or other natural areas within the confines of the property. These standards are met.

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

Finding:

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

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

(1) Requirements. Bicycle parking facilities must include:

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

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

- (a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;**
- (b) A five-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt or a pervious hard surface such as pavers, or grasscrete, and be maintained;**
- (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;**
- (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;**
- (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;**
- (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;**

[...]

Finding:

The applicant is proposing two covered bicycle parking spaces that will be 6' x 4' (Exhibit A1 and A2). With Condition of Approval A11.j., these standards will be met.

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

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

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

Use	Square Footage	Vehicle Parking Min.	Proposed Vehicle Parking	Bike Parking Min.	Proposed Bike Parking
Manufacturing	13,790	22	64 (includes 3 ADA)	2	2

Finding:

The total square footage of the building is 13,790 square feet (Exhibit A1). The applicant has stated that “manufacturing” will be the main use of the building. Based on the proposed building square footage, manufacturing use will require a minimum of 22 off-street vehicle parking spaces. The applicant is proposing a total of 64 off-street parking spaces with three accessible spaces including two van-accessible spaces and one standard accessible space. The applicant is proposing two covered bicycle parking spaces (Exhibit A1 and A2). With Condition of Approval A11.k., these standards will be met.

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

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

[...]

Finding:

Of the 22 required parking spaces, 2 must be designated carpool/vanpool spaces. There is one vanpool/carpool space noted in the narrative (Exhibit A1) illustrated on the site plan (Exhibit A2). With Condition of Approval A11.l., this standard is met.

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

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

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
[...]				

Industrial	Less than 5,000	0	0	0
	5,000—25,000	1	12 feet × 60 feet	14 feet
	25,000—60,000	2	12 feet × 60 feet	14 feet
	60,000 and over	3	12 feet × 60 feet	14 feet
[...]				

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

Finding:

The proposed building will be 13,790 square feet, which requires one loading berth. The applicant’s narrative states that 2 loading berths will be provided (Exhibit A1) and the site plan (Exhibit A2) illustrates the central area of the building is where they’ll be located with one loading berth outlined and enough room for the second required loading berth. These standards are met.

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

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

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

[...]

Finding:

The development site does not have road frontage. The loading areas will face SW Herman Road and the abutting property to the south. The landscaping plan (Exhibit A2) illustrates some landscaping along the southern border of the parking lot. Additional screening such as Arborvitae would provide screening of the loading areas and drive aisles. No off-street parking spaces will be affected by the loading areas. With Condition of Approval A11.m., these standards will be met.

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

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

[...]

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

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

[...]

(6) Maximum Driveway Widths and Other Requirements.

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

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

[...]

- (d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.
- (e) Must comply with the distance requirements for access as provided in TDC 75.
- (f) Must comply with vision clearance requirements in TDC 75.

Finding:

The property is accessed via a hard surface driveway within a 40' access and utility easement (Exhibit A2). This easement is utilized by the other properties to the north of the development site for both access to SW Herman Road and utilities. These standards are met.

PARKING LOT LANDSCAPING

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

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

Finding:

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

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

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

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

Finding:

As shown on the Landscape Plan (Exhibit A2), landscaping is proposed in areas not used for vehicles and pedestrian movement. With Condition of Approval A11.m., this standard is met.

- (2) **Clear Zone.** Clear zone required for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of eight feet as measured from the ground level.
 - (a) **Exception:** does not apply to parking structures and underground parking.

Finding:

As shown on the Landscape Plan (Exhibit A2), the proposed plantings will not impact visual clearance at the end of drive aisles or the shared driveway. With Condition of Approval A18 related to maintenance, this standard is met.

- (3) **Perimeter.** Minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following:
 - (a) Deciduous trees located not more than 30 feet apart on average as measured on center;
 - (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;

- (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;**
- (d) Native trees and shrubs are encouraged; and**
- (e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.**

Finding:

As illustrated on the Landscape Plan (Exhibit A2), perimeter landscaping is proposed along most of the vehicular circulation and parking areas. The shared access and utility easement where the driveway is located extends all the way to the abutting properties to the north of the development site. The properties to the north have landscaping planted along the eastern property lines or shared driveway as is required by the TDC. With Condition of Approval A11.m. and A11.o., these standards are met.

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

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater runoff and function as water quality facilities as well as parking lot landscaping;**
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;**
- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;**
- (d) Landscape separation required for every eight continuous spaces in a row;**
- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;**
- (f) Must be planted with groundcover or shrubs;**
- (g) Native plant materials are encouraged;**
- (h) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);**
- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and**
- (j) Exception: Landscape square footage requirements do not apply to parking structures and underground parking.**

Finding:

Given that 64 parking spaces will be provided, a minimum of 1,600 square feet of parking lot Landscape Island will be required with 16 deciduous trees. The Landscape Plan included in Exhibit A2 illustrates 20 parking lot landscape Islands with 24 deciduous shade trees located throughout the parking lot within islands and other landscaping areas. Curbs are included in the design and islands are provided at aisle ends. The applicant has proposed landscape islands meeting the requirements of this section of the TDC. With Condition of Approval A11.n., these standards are met.

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

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

[...]

Finding:

As shown on the Landscape Plan included in Exhibit A2, areas along the driveway access do not have landscaping. The other properties north of the subject site do have landscaping along their eastern property lines or the driveway access. With Condition of Approval A11.o., these standards are met.

Chapter 73D: Waste and Recyclables Management Standards

TDC 73D.010. - Applicability and Objectives.

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

[...]

(c) Industrial developments; and

[...]

Finding:

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

Section 73D.020 - Design Methods.

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

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

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

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

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

Finding:

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

Section 73D.030 – Minimum Standards Method.

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

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

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

[...]

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

[...]

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

[...]

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

Finding:

A minimum of 84 square feet of trash enclosure area is required for the proposed 13,790 square feet GLA. The applicant provided a Service Provider Letter (SPL) from Republic Services (Exhibit A5), dated January 9, 2023, states that modifications to the applicant’s plan are needed to meet their requirements. With Condition of Approval A11.p., these standards are met.

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

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

(1) Location Standards.

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

(2) Design Standards.

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

Finding:

The proposed waste and recyclables area is visible from parking areas, convenient to tenant entries and loading areas, as well as being located outside of the applicable setbacks. The Republic Services SPL states that the applicant will need to submit final designs for review and approval. Further compliance with Building and Fire Code standards will be reviewed at the time of building permit. With Conditions of Approval A11.q. and A11.r., the location and design standards are met.

(3) Access Standards.

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

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

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

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

(i) Access may be limited for security reasons.

Finding:

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

Chapter 74: Public Improvement Requirements

[...]

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

Finding:

All public improvements will be installed by the applicant at their expense after approval of plans and issued Erosion Control, Flood Hazard Area Development, Water Quality, and Public Works Permits. With Conditions of Approval A12 and A13, this standard is met.

TDC 74.130 Private Improvements.

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

Finding:

All private improvements will be installed by the applicant at their expense and will require prior approval of plans and building permits. With Conditions of Approval A12 and A13, this standard is met.

TDC 74.140 Construction Timing.

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

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

Finding:

All public and private improvements proposed and modified by conditions of approval will be completed and accepted by the City prior to receiving a Certificate of Occupancy. With Conditions of Approval A12 and A13, this standard is met.

[...]

TDC 74.330. - Utility Easements.

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

[...]

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

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

Finding:

All required public utility easements will be granted to the City. Public utility easements will be as determined by the City Engineer to meet the Public Works Construction Code.

With Conditions of Approval A5, A6, A7, and A9, these standards are met.

[...]

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.

Finding:

All required public maintenance easements and surfaces for public sanitary sewer, stormwater, and water will be granted to the City. Public maintenance easements widths and surfaces will meet the greater of CWS D&CS, TDC 74.350, PWCC, and City Engineer determination. Turnarounds adequate for the type of associated maintenance vehicle will be provided near the infrastructure to be maintained.

With Conditions of Approval A5, A6, A7, and A9, these standards are met.

[...]

TDC 74.440 Streets, Traffic Study Required.

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

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

- (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.**
- (2) The required traffic study must be completed prior to the approval of the development application.**
- (3) The traffic study must include, at a minimum:**
- (a) An analysis of the existing situation, including the level of service on adjacent and impacted facilities.**
 - (b) An analysis of any existing safety deficiencies.**
 - (c) Proposed trip generation and distribution for the proposed development.**
 - (d) Projected levels of service on adjacent and impacted facilities.**
 - (e) Recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.**
 - (f) The City Manager will determine which facilities are impacted and need to be included in the study.**
 - (g) The study must be conducted by a registered engineer.**
- (4) The applicant must implement all or a portion of the improvements called for in the traffic study as determined by the City Manager.**

Finding:

A Transportation Memorandum from Lancaster Mobley did not recommend any improvements to any street cross-section, nearby intersections, or access. Their conclusion included:

Adequate sight distance is available for both the shared driveway intersection with SW Herman Road and the site driveway intersection with the shared driveway.

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

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

[...]

TDC 74.610 Water Service.

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

[...]

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

Finding:

The Preliminary Composite Utility Plan shows proposed laterals connecting to the public main within an existing public utility easement. Separate laterals, meters, and reduced pressure backflow prevention are

shown to serve the site with separate laterals for domestic meter with reduced pressure backflow prevention and fire service with double check device assembly vault.

Separate laterals to the main will be provided for each domestic and fire service within the development area. Water meters with reduced pressure backflow prevention and the fire double check device assembly vault will be located within landscaped areas near the curb of the private drive aisle.

A public utility or water easement will be recorded for any portion of the system outside the existing public utility easement for all portions of water laterals ten feet wide to and surrounding any meter, reduced pressure backflow prevention, and fire vault by five feet. A public maintenance access easement with associated widths, surfaces, and turn-around near the water meter and fire vault will be recorded as determined by the City Engineer.

With Conditions of Approval A6, A9, A10, A12 and A13, these standards are met.

TDC 74.620. - Sanitary Sewer Service

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

(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.

Finding:

The Preliminary Composite Utility Plan shows a sanitary sewer lateral will connect to a proposed extension of existing public main within an existing public utility easement from SW Herman Road on private property, TLID 2S121DC00900 19990 SW Cipole Road. A manhole terminating the extension on TLID 2S121DC00900 19990 SW Cipole Road near the north property line will act as a cleanout.

A public utility or sanitary sewer easement will be recorded for any portion of the system outside the existing public utility easement. A public maintenance access easement with associated widths, surfaces, and turn-around near the sanitary sewer manhole will be recorded as determined by the City Engineer.

With Conditions of Approval A5, A9, A10, A12 and A13, these standards are met.

TDC 74.630 Storm Drainage System.

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

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

[...]

TDC 74.640 Grading.

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

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

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

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

[...]

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

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

Finding:

The Preliminary Composite Utility Plan shows construction of a private stormwater system including mechanical filters and detention releasing to a proposed public stormwater line partially within an existing public utility easement. The proposed stormwater line extends from the south property line crossing multiple lots to the north to outfall within a wetland buffer. The Preliminary Stormwater Report prepared by AKS Engineering & Forestry, LLC discusses proposed detention, hydromodification, and treatment of the new and modified private impervious areas.

New and modified private and public impervious areas will include up to 25-year detention, hydromodification, and treatment as required separately for each lot.

Final plans and stormwater calculations will demonstrate that the development and other adjacent properties to the proposed public stormwater line have direct access by gravity and downstream capacity will be adequate for all properties and right-of-way within the local basin served by the public stormwater line in accordance with City of Tualatin and Clean Water Services.

A public utility or stormwater easement will be recorded for any portion of the system outside the existing public utility easement. A public maintenance access easement with associated widths, surfaces, and turn-around near the outfall will be recorded as determined by the City Engineer.

The site disturbance is approximately 1.44 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality will be provided with the construction permit submittal documents. The applicant will obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet and a National Pollution Discharge Elimination System (NPDES) 1200-CN Construction Erosion Control permit from Clean Water Services acting as an agent for DEQ for between 1 and 5 acres.

A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance the applicant will submit final plans complying with the Service Provider Letter conditions and

CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).

With Conditions of Approval A6, A9, A10, A12, and A13 these standards are met.

[...]

Chapter 75: Access Management

[...]

TDC 75.040. - Driveway Approach Requirements.

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

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

(3) Joint and Cross Access.

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

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

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

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

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

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

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

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

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

[...]

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

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

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

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

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

**TABLE 75-1
 Driveway Approach Width**

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

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

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

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

[...]

(12) Vision Clearance Area.

[...]

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

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

[...]

Finding:

An existing private shared access easement provides access for this development's lot to SW Herman Road over TLID 2S121DC00900 19990 SW Cipole Road. The design and dimensions of the shared private onsite drive aisle within the access easement will be as determined by the City Engineer and will not preclude continued use of the existing private shared access easement by lots to the north which have no direct access to public right-of-way. Any additional shared access easement(s) with maintenance agreement(s) necessary to serve the development as determined by the City Engineer will be recorded. The driveway will meet vehicular sight distance and vision clearance requirements. With Conditions of Approval A4, A9, A12, and A13, these standards are met.

[...]

TDC 75.140. - Existing Streets Access Standards.

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

(17) HERMAN ROAD

[...]

Finding:

The existing private shared access off of Minor Arterial SW Herman Road is not proposed to be modified. This standard is met.

IV. APPEAL

This Type II Architectural Review decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise. Appeals may be submitted to **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / planning@tualatin.gov before 5:00 p.m., December 15, 2023. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

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

Submitted by:



Keith Leonard, AICP
Associate Planner