

# MACKENZIE.

## **ARCHITECTURAL REVIEW – TYPE II**

**To**  
City of Tualatin

**For**  
Fujimi Facility Expansion

**Dated**  
September 20, 2023

**Project Number**  
2210148.00



MACKENZIE  
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**ATTACHMENTS**

- 1. Land Use Application Form
- 2. Plans
- 3. Title Report
- 4. Hydraulic Modeling Worksheet
- 5. Service Provider Letter (CWS)
- 6. Service Provider Letter (Republic Services)
- 7. Documentation of Neighborhood Meeting:
  - A. Mailing list
  - B. Copy of notice letter
  - C. Affidavit of mailing and posting
  - D. Original sign-in sheet
  - E. Meeting notes
- 8. Transportation Impact Letter
- 9. Stormwater Management Report
- 10. Service Provider Letter (TVF&R)



## I. PROJECT SUMMARY

**Applicant/Owner:** Fujimi Corporation  
11200 SW Leveton Drive  
Tualatin, OR 97062

**Site Address:** 11200 SW Leveton Drive  
Tualatin, OR 97062

**Assessor Site Acreage:** 2S1220000400 – 13 acres

**Zoning:** Industrial, Manufacturing Park (MP)

**Comprehensive Plan:** Manufacturing Park (MP)

**Adjacent Zoning:** Industrial, Manufacturing Park (MP)  
Industrial, Light Manufacturing (ML)

**Request:** Approval of Type II Architectural Review to construct 2-story 69,800 square feet (SF) building expansion on the existing 175,000 SF Fujimi building on the existing 13-acre lot.

**Project Contact:** Suzannah Stanley  
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## **II. INTRODUCTION**

### **Description of Request**

The applicant is requesting approval of a Type II Architectural Review (AR) for a building expansion and additional parking on this previously developed site, located in the Leveton Industrial District and the Manufacturing Park (MP) Planning District (Zone). The expansion would conclude a multi-phased expansion planned at the site. The site has several previously approved AR applications.

### **Site and Surrounding Land Use**

The existing site consists of one lot containing one 175,000 SF building and associated facilities, parking areas, and landscaping. There are two main driveways into the site from SW Leveton Drive. There are MP designated lots to the north, west, and south, and one Light Manufacturing (ML) designated lot to the east of the site. The MP designated parcel to the south contains wetlands, the one to the west is vacant, and the MP designated lots to the north (across SW Leveton Drive) contain the Lam Research campus.

### **Description of Proposed Development**

The proposed building addition will form a new, expanded southeast corner of the existing building. The existing campus buildings comprise a total of 175,000 SF of floor area. The two-story addition will have a footprint of approximately 35,800 SF and will add approximately 69,800 gross square feet (GSF) of floor area. The proposed addition will house manufacturing, clean rooms, laboratories, offices, and conference rooms, and is designed to accommodate the addition of 10-20 new employees over time. The project will include additional parking and circulation along the southeast portion of the lot, and landscaping improvements will not remove any existing trees or landscaping. The site's only street frontage is on SW Leveton Drive.

Aerial Image – Project Site



### III. ARCHITECTURAL REVIEW APPROVAL CRITERIA

This application addresses the necessary approval standards of the Tualatin Development Code relevant to Architectural Review for industrial development. As described in the following narrative, the proposal meets the standards of TDC Chapter 32: *Procedures*, 33: *Applications and Approval Criteria*, 62: *Manufacturing Park Planning District (MP)*, 63: *Industrial Uses and Utilities And Manufacturing Zones—Environmental Regulations*, 70: *Floodplain District*, Chapter 73: *Community Design Standards*, Chapter 74: *Public Improvement Requirements*, and Chapter 75: *Access Management*.

#### CHAPTER 32 – PROCEDURES

##### ***Section 32.220 Type II Procedure (Administrative Review and 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 [...] (Shortened for brevity)*
- (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.*

**Response:** The proposal includes improving real property, altering the site, adding a new building, landscape improvements, and new parking (see project description for detail). Therefore, the proposal is subject to Architectural Review. Public input will be considered, and the applicant conducted a neighborhood meeting prior to this submittal (see documentation in Attachment 7).

## **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.*
  - (b) *Examples of development subject to Architectural Review, include but are not limited to the following:*
    - (i) *New buildings, condominiums, townhouse, single family dwellings, or manufactured dwelling park;*
    - (ii) *Construction, installation, or alteration of a building or other structure;*
    - (iii) *Landscape improvements;*
    - (iv) *New, improved, or expanded parking lots;*
    - (v) *New, or alterations to, above ground public utility facilities, pump stations, pressure reading stations, water reservoirs, electrical substations, and natural gas pumping stations;*
    - (vi) *New wireless communication facilities, and new attached wireless communication;*
    - (vii) *Installation of decorative lighting; and*
    - (viii) *Exterior painting, awnings, or murals.*

**Response:** The proposal will include improving real property, altering the site, adding a new building, landscape improvements, and new parking (see project description for detail). Therefore, the proposal is subject to Architectural Review.

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

- (i) *New Commercial Buildings 50,000 square feet and larger;*
- (ii) *New Industrial Buildings 150,000 square feet and larger; and*
- (iii) *New Multifamily Housing Projects with 100 units or more units (or any number of units abutting a single family district).*

**Response:** The proposed development includes a new 69,800 GSF manufacturing and office building with site improvements which requires limited discretion, interpretation, or policy or legal judgment of zoning standards and criteria. Therefore, the proposal requires a Type II Review as a limited land use decision as defined in ORS 197.015 and as specifically provided in Table 32-1 of the TDC.

(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.*

**Response:** All required forms, information, plans, reports, and service provider letters as described above are attached and submitted with this narrative. This standard is met.

(5) *Approval Criteria.*

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

**Response:** As shown in this narrative, the proposed new development complies with the applicable standards of TDC Chapter 73A through 73G. The approval criteria are met.

(6) *Conditions of Approval.*

- (a) *Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:*
  - (i) *Implement identified public facilities and services needed to serve the proposed development;*
  - (ii) *Implement identified public facilities and services needed to be altered or increased attributable to the impacts of the proposed development; and*
  - (iii) *Implement the requirements of the Tualatin Development Code.*
- (b) *Types of conditions of approval that may be imposed include, but are not limited to:*
  - (i) *Development Schedule. A reasonable time schedule placed on construction activities associated with the proposed development, or portion of the development.*
  - (ii) *Dedications, Reservation. Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title*



- or easements to the City or a non-profit conservation organization, or a homeowners' association.*
- (iii) *Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.*
  - (iv) *Plan Modifications. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this chapter.*
  - (v) *Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities, or consultants, may be required for all or any part of the proposed development.*
  - (vi) *Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.*

**Response:** These provisions authorize the City to impose conditions of approval on Architectural Review approvals and require no evidence of submittal or response from the applicant.

- (7) *Modifications to Previously Approved Final Architectural Review Decisions. An applicant who wishes to modify a previously approved final Architectural Review decision may utilize one of the following procedures: ...*

**Response:** The subject property is the site of multiple AR approvals under which all the existing buildings and other improvements have been constructed; however, the proposed building and parking improvements are in a site sub-area that is vacant but was previously identified for future development. Because the sub-area was not the subject of any specific requirements in previous AR approvals, it is not necessary or appropriate to process this application as a modification of any existing AR decision. It is preferable to process this application as a new AR for the previously undeveloped sub-area, while ensuring that the review and approval are informed by and consistent with existing AR approvals for the property. As noted above, the scale of the proposed development requires Type II review.

- (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 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.*

**Response:** These provisions govern the validity period of an AR approval and require no evidence or response from the applicant. This standard does not apply.

- (10) *Extension of Permit Expiration...*

**Response:** This request is not an application for an extension. These provisions may become applicable if the applicant needs to request an extension following approval. This standard does not apply.

## Chapter 62: Manufacturing Park Planning District

### Section 62.200. - Use Categories

- (1) *Use Categories.* Table 62-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MP zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 62-1 and restrictions identified in TDC 62.210. 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) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

<b>Table 62-1: Use Categories in the MP Zone (Excerpt)</b>		
<b>Use Category</b>	<b>Status</b>	<b>Limitations and Code References</b>
<b>Commercial Use Categories</b>		
Commercial Parking	P	—
Commercial Recreation	P (L)	Permitted uses limited to a health or fitness facility as a limited use subject to TDC 62.210(4).
Eating and Drinking Establishments	P (L)	Permitted uses limited to a restaurant or deli as a limited use and subject to TDC 62.210(4).
Marijuana Facilities	P (L)	Subject to TDC Chapter 80.
Office	P (L)	Permitted uses limited, see TDC 62.210(2).
Other Educational and Vocational Services	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Correspondence, trade, or vocational school as a limited use subject to TDC 62.210(4);</li> <li>• Job training or related services as a limited use subject to TDC 62.210(4).</li> </ul>
Retail Sales and Services	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Sale of goods produced on-site subject to TDC 62.210(1);</li> <li>• Child day care center, subject to TDC 34.200;</li> <li>• Food or convenience store, mailing operations, reproduction or</li> </ul>

<i>Table 62-1: Use Categories in the MP Zone (Excerpt)</i>		
<i>Use Category</i>	<i>Status</i>	<i>Limitations and Code References</i>
		<i>photocopying services, bank, and medical services as limited uses subject to TDC 62.210(2).</i>
<i>Industrial Use Categories</i>		
<i>Light Manufacturing</i>	<i>P (L)</i>	<i>Permitted uses limited to:</i> <ul style="list-style-type: none"> <li>• <i>Manufacture or assembly of electronic or optical instruments, equipment, devices; musical instruments; toys; and sporting goods.</i></li> <li>• <i>Production of textiles or apparel;</i></li> <li>• <i>Printing, publishing, and lithography shops; and</i></li> <li>• <i>Research and development laboratories.</i></li> </ul> <i>Primary processing of organic materials, such as tanning of leather, is prohibited.</i>
<i>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</i>		
<i>Basic Utilities</i>	<i>P</i>	—
<i>Greenways and Natural Areas</i>	<i>P</i>	—
<i>Public Safety Facilities</i>	<i>C (L)</i>	<i>Conditional uses limited to a fire station.</i>
<i>Transportation Facilities</i>	<i>P</i>	—
<i>Wireless Communication Facility</i>	<i>P (L)</i>	<i>Subject to maximum height and minimum setback standards defined by TDC Chapter 73F.</i>

**Response:** The proposed manufacturing and office building addition will expand the existing Light Manufacturing use of the property. The intended use for the addition will be manufacturing, clean rooms, laboratories, offices, and conference rooms. These uses are permitted use per Table 62-1 above which allows “Manufacture or assembly of electronic or optical instruments, equipment, devices” as well as the office use per section 62.210(2)(a) below. The standard is met.

**Section 62.210. - Additional Limitations on Uses**

(2) *Offices. Office uses are a permitted as specified below.*

(a) *Permitted Uses. The following are permitted uses:*

- (i) *Offices for chemical and physical sciences, engineering, cartography, or other research functions;*
- (ii) *Shared service facilities (as defined by TDC 31.060); and*
- (iii) *Corporate, regional, or district headquarter offices if:*
  - (A) *The headquarters is for a permitted use in this Code;*
  - (B) *The offices occupy at least 20,000 square feet; and*
  - (C) *Manufacturing is not conducted, unless the manufacturing is a permitted use in the MP zone.*

**Response:** As noted above, the proposed building will partially be used for offices associated with engineering activities in conjunction with a permitted use manufacturing in the MP zone, Therefore, the office use is permitted per subsection (2)(a)(i) and (2)(a)(iii)(C). The standard is met.

- (b) *Accessory Uses to an Industrial Use. Office uses accessory to a permitted industrial use are permitted.*

**Response:** The proposed building includes some space for office which is accessory to the primary and predominant manufacturing use of buildings on the site. This standard is met.

- (c) *Limited Uses. Offices located on the same site as a permitted industrial use may be permitted, subject to TDC 62.210(4).*

**Response:** The proposed office space in the building is located on the same site as existing manufacturing buildings and meets standards of TDC 62.210(4):

- (4) *Limited Commercial Uses. Commercial uses permitted as limited uses, as specified in Table 62-1, must be located on the same site as a permitted industrial use. The site must be used primarily for industrial purposes and the commercial use is subject to the following limitations. The office, retail, and service uses may be located in a stand-alone building or combined in a building with other permitted uses.*
  - (a) *Offices. Office uses must not exceed 25 percent of the total gross floor area of all buildings on the site...*

**Response:** The proposed addition, which includes offices and conference rooms, is located on a site that is primarily used for manufacturing purposes, and the area devoted to offices and conference rooms will be less than 25% of the building’s gross floor area after the expansion (11,477 SF of the 68,900 SF building). The standard is met.

**Section 62.300. - Development Standards.**

Development standards in the MP zone are listed in Table 62-2. Additional standards may apply to some uses and situations, see TDC 62.310.

Table 62-2: Section 62.300 Development Standards			
MP District Standards			Proposed
<i>Minimum Building Setback for Yards Adjacent to Streets</i>	<i>60'</i>		125' NO CHANGE

<i>or Alleys, south of SW Leveton Drive</i>			
<i>Minimum Setback for Side and Rear Yards not Adjacent to Streets or Alleys, South of SW Leveton Drive</i>	<i>0-50'</i>	<i>Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.</i>	<i>100' from west side yard NO CHANGE 110' from east side yard COMPLIES 230' from rear yard NO CHANGE</i>
<i>Parking and Circulation Areas Adjacent to Public Right-of-Way</i>	<i>50'</i>	<i>No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>	<i>50' from SW Leveton Drive NO CHANGE</i>
<i>Parking and Circulation Areas Adjacent to Private Property Line</i>	<i>5-25'</i>	<i>Determined through Architectural Review Process. No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>	<i>Proposed new parking in southeast corner of the site is set back 250' from southern property line (owned by Washington County), and 30' from western property line (owned by City of Tualatin) COMPLIES</i>
<i>Fences</i>	<i>50 feet</i>	<i>From public right-of-way.</i>	<i>No fences are proposed N/A</i>
<i>Maximum Height</i>	<i>70 feet</i>	<i>May be increased to 85 feet if yards adjacent to structure are not less than a distance equal to one and one-half times the height of the structure.</i>	<i>37' to the parapet COMPLIES</i>

**Response:** As shown in the table above, all standards from Table 62-2 (Development Standards) are met or not affected by the proposal.

**Section 62.310. - Additional Development Standards**

(1) *Industrial Master Plan. Minimum lot size, setbacks, maximum height, and other development standards may be modified by submittal of an Industrial Master Plan application. See TDC 33.050.*

**Response:** No IMP has been approved for the subject property and none is proposed. This standard does not apply.

(2) *Spur Rail Tracks. Spur rail tracks are not permitted within 200 feet of an adjacent residential district.*

**Response:** No spur rail tracks are present on the site or being proposed. This standard does not apply.

(3) *Wetland Conservation Lots. Minimum lot size, width, or frontage requirement do not apply to wetland conservation lots.*

**Response:** The site is not a Wetland Conservation Lot. This standard does not apply.

## Chapter 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations

### **Section 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.*

**Response:** The proposed new building will be used as manufacturing, clean rooms, laboratories, offices, and conference rooms, and will comply with all DEQ and City of Tualatin noise standards. This standard continues to be met.

### **Section 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. (Shortened for brevity)*

**Response:** The proposed new building will be used as manufacturing, clean rooms, laboratories, offices, and conference rooms, and will not create ground vibration. This standard continues to be met.

### **Section 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. (Shortened for brevity)*

**Response:** The proposed new building will be used as manufacturing, clean rooms, laboratories, offices, and conference rooms, and will not produce air pollution. Construction will comply with DEQ regulations. This standard continues to be met.

### **Section 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.*

**Response:** The proposed new building will be used as manufacturing, clean rooms, laboratories, offices, and conference rooms, and will not emit odors. This standard continues to be met.

### **Section 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.*

**Response:** All operations are conducted entirely within an enclosed building. All exterior lighting will be screened, baffled, or directed away from neighboring sites which are also industrial uses or open spaces. Additionally, there are no residential planning districts within a quarter to half-mile radius. See light fixture schedule on sheet E6.01 and Lighting Plan sheets (E-Series). This standard continues to be met.

**Section 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.*

**Response:** The project will store waste and recyclables in accordance with TDC Chapter 73D: Waste and Recyclable Management Standards; see section 73D of this narrative. Existing waste storage/disposal will be used. No new facilities will be created, and no other open storage is associated with this expansion. This standard is met.

**Section 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.*

**Response:** There will be no disposal of liquid or solid waste materials onto the site or into adjacent drainage ditches or waterways in either the use or development of the proposed new building. This standard is met.

**Section 63.058. - Dangerous Substances.**

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

**Response:** There will be no hazardous, toxic, or radioactive waste involved in the proposed development. This standard is met.

**Chapter 70 – Floodplain District (FP)**

**Section 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).*

**Response:** The area of work is not located within any area of special flood hazard established by TDC 70.050. This standard does not apply.

**Section 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.

**Response:** There will be no hazardous, toxic, or radioactive waste involved in the proposed development and the area of work is not located within a special flood hazard area. This standard is met.

## Chapter 73A: Site Design Standards

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

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

- (1) *Walkways. Industrial development must provide walkways as follows:*
  - (a) Walkways must be a minimum of five feet in width;
  - (b) Walkways must be constructed of asphalt, concrete, 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.

**Response:** The proposal includes an extension of the existing parking lot and building perimeter concrete sidewalk, which will be approximately 7' wide. The walkways will be ADA compliant and will provide access to two new entrances on the east side of the building. The standard is met.

- (2) *Accessways.*
  - (a) *When Required. Accessways are required to be constructed when a multi-family development is adjacent to any of the following:*
    - (i) Residential property;
    - (ii) Commercial property;
    - (iii) Areas intended for public use, such as schools and parks; and
    - (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.
  - (b) *Design Standard. Accessways must meet the following design standards:*
    - (i) Accessways must be a minimum of eight feet in width;
    - (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;



- (iii) *Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material;*
- (iv) *Accessways must meet ADA standards applicable at time of construction or alteration;*
- (v) *Accessways must be provided as a connection between the development's walkway and bikeway circulation system;*
- (vi) *Accessways may be gated for security purposes;*
- (vii) *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; and*
- (viii) *Must be constructed, owned and maintained by the property owner.*
- (c) *Exceptions. The Accessway standard does not apply to the following:*
  - (i) *Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and*
  - (ii) *Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.*

**Response:** Accessways are not required and are not proposed. The standard does not apply.

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

**Response:** The use is not a drive-up use. The standard does not apply.

- (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.*

**Response:** The building addition is consistent with the existing primary building at the site and will allow for employees and police to watch over all areas of the site. Windows and building lighting will allow the interior of the site to be surveilled from the public right-of-way. The standard is met.

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

**Response:** A new transformer and generator are proposed to be located to the north and south of the hammerhead on the east side of the proposed new parking area, which is approximately 450' from the front property line, and within the landscaped area between the parking lot and City-owned storm drainage and public utility tract to the east. The City-owned tract is landscaped with trees, evergreens and hedges creating an obscuring buffer between the subject site and neighboring site to the east. The transformer and generator will be screened by walls included with the units. The standard is met.

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

**Response:** The site is not on a transit street. The standard does not apply.

## **Chapter 73B: Landscaping Standards**

### **Section 73B.020. - Landscape Area Standards Minimum Areas by Use and Zone**

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

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
<i>(5) IN, CN, CO/MR, MC and MP zones— All uses</i>	<i>25 percent of the total area to be developed</i>	<i>22.5 percent of the total area to be developed</i>

**Response:** The proposed area of work is 64,285 SF. There is 16,226 SF of proposed new landscaping, equating to 25.2% of the area to be developed. See Site Data Table on sheet C1.10. This standard is met.

**Section 73B.040. - Additional Minimum Landscaping Requirements for Commercial Uses**

(1) *General. In addition to requirements in TDC 73B.020, commercial uses, except those located in the Mixed-Use Commercial (MUC) zone, 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.*

**Response:** All areas in the proposed development area not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas will be landscaped. See landscape plan, sheet L1.10. This standard is met.

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

(i) *Pedestrian amenities such as landscaped plazas and arcades; and*

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

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

(i) *Loading areas;*

(ii) *Bicycle parking areas;*

(iii) *Pedestrian egress/ingress locations; and*

(iv) *Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.*

**Response:** The proposed building expansion has landscaping wider than 5' along all applicable site perimeters. See sheet L1.10. This standard is met.

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

**Response:** The site is within and surrounded by the MP zone. The lot already includes development abutting an MP zone. It does not include dense, evergreen landscaped buffers on all sides abutting MP zoned lots, but the proposal will not adversely affect the site's compliance with this standard as it is already developed. This standard does not apply to the proposed addition to a developed site.

(2) *Manufacturing Park (MP)—Wetland Buffer. Wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:...*

**Response:** A wetland habitat bisects the southwestern boundaries of the site. However, the applicant does not propose counting any applicable buffer toward the landscaping requirement. This standard does not apply.

**Section 73B.080. - Minimum Landscaping Standards for All Zones**

*The following are minimum standards for landscaping for all zones.*

<p>(1) <i>Required Landscape Areas</i></p>	<ul style="list-style-type: none"> <li>• <i>Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.</i></li> <li>• <i>The foliage crown of trees cannot be used to meet this requirement.</i></li> <li>• <i>A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.</i></li> <li>• <i>Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).</i></li> <li>• <i>Must be controlled by pruning, trimming, or otherwise so that:</i> <ul style="list-style-type: none"> <li>○ <i>It will not interfere with designated pedestrian or vehicular access; and</i></li> <li>○ <i>It will not constitute a traffic hazard because of reduced visibility.</i></li> </ul> </li> </ul>
<p><b>Response:</b></p>	<p>The submitted landscape plans, including Planting Notes (see sheet L0.01 in Attachment 2) show that landscape areas will be designed, constructed, installed, and maintained so that within three years, the ground will be covered with living grass or other plant material. Less than 10% of the landscaped area will be covered with bark chips, rock, or stone. All landscaping will be installed in accordance with the provisions of the ANSI A300. All will be controlled with pruning and trimming. No landscaping will interfere with pedestrian or vehicular access or create reduced visibility for traffic. This standard is met.</p>
<p>(2) <i>Fences</i></p>	<ul style="list-style-type: none"> <li>• <i>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.</i></li> </ul>
<p><b>Response:</b></p>	<p>No landscape fencing is proposed. This standard does not apply.</p>
<p>(3) <i>Tree Preservation</i></p>	<ul style="list-style-type: none"> <li>• <i>Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</i></li> <li>• <i>During construction:</i> <ul style="list-style-type: none"> <li>○ <i>Must provide above and below ground protection for existing trees and plant materials identified to remain;</i></li> <li>○ <i>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;</i></li> <li>○ <i>If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</i></li> <li>○ <i>Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</i></li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ <i>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</i></li> <li>○ <i>Tree root ends must not remain exposed.</i></li> <li>● <i>Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</i></li> <li>● <i>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.</i></li> <li>● <i>100 percent of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development</i></li> </ul>
<p><b>Response:</b></p>	<p>The only trees or shrubs affected by the proposal are one small tree located within the proposed building area. Per TDC 33.110 this tree can be removed without a Tree Removal Permit. No other existing landscaping (other than grass) will be affected as there is none within the area of work. This standard is met.</p>
<p><i>(4) Grading</i></p>	<ul style="list-style-type: none"> <li>● <i>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.</i></li> <li>● <i>All planting areas must be graded to provide positive drainage.</i></li> <li>● <i>Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</i></li> <li>● <i>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.</i></li> </ul>
<p><b>Response:</b></p>	<p>After grading, topsoil will be restored to provide a suitable base for seeding and planting. All planting areas will be graded to provide positive drainage. Soil, water, plant material, and mulch will not be allowed to wash across roadways and walkways. Impervious surface drainage will be directed away from walkways, buildings, outdoor shared areas, and landscape areas. See landscape notes on sheet L0.01. This standard is met.</p>
<p><i>(5) Irrigation</i></p>	<ul style="list-style-type: none"> <li>● <i>Landscaped areas must be irrigated with an automatic underground or drip irrigation system.</i></li> </ul>
<p><b>Response:</b></p>	<p>Landscape areas will be irrigated with an automatic underground or drip irrigation system, as shown in landscape notes on sheet L0.01. This standard continues to be met.</p>

<p><i>(6) Re-vegetation in Un-landscaped Areas</i></p>	<ul style="list-style-type: none"> <li>• <i>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.</i></li> <li>• <i>Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</i></li> <li>• <i>The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</i></li> <li>• <i>Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</i></li> </ul>
<p><b>Response:</b></p>	<p>As shown in landscape notes on sheets L0.01 and L1.10, ground cover such as grass will be replanted in areas where it was removed or damaged. Plant materials will be watered to ensure survival and growth for at least two growing seasons. Disturbed soils will be amended to the original or higher level of porosity to regain infiltration and stormwater storage capacity. This standard is met.</p>

**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.*

<p><i>(1) Deciduous Shade Trees</i></p>	<ul style="list-style-type: none"> <li>• <i>One and on-half inch caliper measured six inches above ground;</i></li> <li>• <i>Balled and burlapped; bare root trees will be acceptable to plant during their dormant season;</i></li> <li>• <i>Reach a mature height of 30 feet or more;</i></li> <li>• <i>Cast moderate to dense shade in summer;</i></li> <li>• <i>Live over 60 years;</i></li> <li>• <i>Do well in urban environments, tolerant of pollution and heat, and resistant to drought;</i></li> <li>• <i>Require little maintenance and mechanically strong;</i></li> <li>• <i>Insect- and disease-resistant;</i></li> <li>• <i>Require little pruning; and</i></li> <li>• <i>Barren of fruit production.</i></li> </ul>
<p><i>(2) Deciduous Ornamental Trees</i></p>	<ul style="list-style-type: none"> <li>• <i>One and on-half inch caliper measured six inches above ground;</i></li> <li>• <i>balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</i></li> <li>• <i>Healthy, disease-free, damage-free, well-branched stock, characteristic of the species</i></li> </ul>
<p><i>(3) Coniferous Trees</i></p>	<ul style="list-style-type: none"> <li>• <i>Five feet in height above ground;</i></li> <li>• <i>Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</i></li> <li>• <i>Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.</i></li> </ul>

<p>(4) Evergreen and Deciduous Shrubs</p>	<ul style="list-style-type: none"> <li>• One to five gallon size;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• Side of shrub with best foliage must be oriented to public view.</li> </ul>
<p>(5) Groundcovers</p>	<ul style="list-style-type: none"> <li>• Fully rooted;</li> <li>• Well branched or leafed;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• English ivy (<i>Hedera helix</i>) is prohibited.</li> </ul>
<p>(6) Lawns</p>	<ul style="list-style-type: none"> <li>• Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</li> <li>• 100 percent coverage and weed free; and</li> <li>• Healthy, disease-free, damage-free, characteristic of the species.</li> </ul>

**Response:** All proposed trees, groundcover, and lawn meet the standards of the trees and plants table above, as shown in the planting schedule on sheet L0.01 in Attachment 2. This standard is met.

## Chapter 73C: Parking Standards

### General

#### Section 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;*
  - (b) *Change in use; or*
  - (c) *Change in use of an existing structure.*

**Response:** The proposal includes the net addition of 29 parking spaces in conjunction with the building addition. The design standards for parking will be met, as shown in the following sections. However, no off-street parking is required per Oregon Administrative Rule (OAR) 660-012-0012(4)(f), which states that cities and counties must adopt land use regulations that comply with OAR 660-012-0400, -0405, -0415, and -0450 (these include removing parking mandates). Per OAR 660-012-0012(4)(f), “If a city or county has not done so, it may not apply parking mandates after [June 30, 2023].”

- (2) *General Requirements. Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.*
- (a) *The following apply to property and/or use with respect to the provisions of TDC 73C.100:*
    - (i) *The requirements apply to both the existing structure and use, and enlarging a structure or use;*
    - (ii) *The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;*

- (iii) *Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;*
- (iv) *Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;*
- (v) *If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;*
- (vi) *Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;*
- (vii) *When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;*

**Response:** It appears this code has not yet been updated to comply with OAR 660-012-0400(3). Per OAR 660-012-0012(4)(f), the City may not apply parking mandates. This section does not apply.

- (viii) *Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;*

**Response:** The proposal is not for dwelling units. This standard does not apply.

- (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;*

**Response:** There are no required parking spaces, per OAR 660-012-0012(4)(f). This standard does not apply.

- (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;*

**Response:** No on-street parking is proposed. This standard does not apply.

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

**Response:** Section 73C.100(2) includes a table which states that when 0 parking spaces are required, 1 vanpool or carpool space is required. Validity of this section has not been vetted for compliance with OAR 660-012-0012(4)(f). One new carpool/vanpool space is proposed and meets the standards as shown on sheet C1.11.



(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*

**Response:** Mixed uses are not proposed for the new building (the office/conference rooms space is accessory to the primary manufacturing use), nor are there parking maximums for the manufacturing use category. This standard does not apply.

(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.*

**Response:** No variance is being sought. This standard does not apply.

### **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;*  
 (a) *Exception: Parking structures and underground parking where stall length and width requirements for a standard size stall must be reduced by one-half feet and vehicular access at the entrance if gated must be a minimum of 18 feet in width.*

**Response:** The new proposed parking area complies with the dimensional standards set forth in 73-1. The standard is met.

(2) *Parking lots and parking areas must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel is not an acceptable material;*

**Response:** The proposed parking area will be constructed of asphalt. This standard is met.

(3) *Parking stalls must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or woody material are not an acceptable materials. Pavers, pervious concrete, or grasscrete 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;*

**Response:** All proposed parking stalls will be constructed of asphalt and will have no harmful impacts on natural areas south of the subject site. This standard is met.

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

**Response:** The new parking is located near an existing stormwater facility. Detention and treatment will be provided through the existing eastern stormwater facility. This standard is met.

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

**Response:** Vertical curbs are proposed along all pedestrian areas adjacent to the proposed parking. See sheet C1.11. This standard is met.

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

**Response:** Compliance with building code accessibility requirements can be verified during the building permit approval process. This standard is met.

- (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;*

**Response:** The proposal does not include sub-compact parking stalls. This standard does not apply.

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

**Response:** None of the proposed parking will require maneuvering within a street right-of-way (see sheet C1.11 in Attachment 2). This standard is met.

- (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;*

**Response:** The north-south drive aisle on the east side of the existing building will be extended south to provide access to new parking spaces on both sides. After parking, people can walk to the pedestrian walkway along the east side of the proposed building expansion to access the two proposed new doorways. This standard is met.

- (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;*

**Response:** The proposed drive aisle extension is a minimum of 24' wide across the entire expansion of the parking lot. This standard continues to be met.

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

**Response:** No proposed lighting will shine or create direct glare on adjacent properties, street rights of way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor. See photometric plans on sheets E0.01 to E6.01 of Attachment 2. This standard is met.

- (12) *Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and*

**Response:** Landscaping standards for industrial parking lots have been satisfied. See section 73C.240 responses. This standard is met.

- (13) *Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.*

**Response:** The proposed parking is not in a residential zone or adjacent to residential uses. The standard does not apply.

**Section 73C.030. - Shared Parking Requirements**

*Parking facilities may be shared by users on adjacent parcels if the following standards are met:*

**Response:** No shared parking is proposed. This standard does not apply.

**Section 73C.040. - Joint Use Parking Requirements**

**Response:** No joint use parking is proposed. This standard does not apply.

**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.*

**Response:** Based on the bicycle parking requirements in TDC 73C.100(1)(f)(i) for 69,800 GSF of new floor area (two spaces, or 0.10 spaces per 1,000 gross square feet, whichever is greater), the proposal includes seven new spaces. Additionally, the first five spaces or 30% (whichever is greater) of the spaces must be covered. Therefore, the proposal includes five long-term covered bike spaces and two new short-term bike spaces. See sheet C1.10 in Attachment 2 for details. This standard is met.

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

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

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

**Response:** As shown on sheet C1.10, all bicycle spaces are 6' long and 2' wide with 5' maneuvering space. All access is at least 3' in width and located on hard surface. The bike spaces are conveniently located near entrances and sidewalks. Signs will be located at the main entrance and at the location of the bike parking area. This standard is 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, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC 73C.110.*

**Response:** There is no minimum parking requirement, per OAR 660-012-0012(4)(f). There is no maximum parking standard for Manufacturing uses per this code section. This standard does not apply.

- (2) *(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.*

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

**Response:** Validity of this section has not been vetted for compliance with OAR 660-012-0012(4)(f). If this section is valid per State administrative Rules, one vanpool/carpool space is required for the building and is provided as shown on sheet C1.11. This standard is met if it is authorized by State code.

**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:*

<i>Use</i>	<i>Square Feet of Floor Area</i>	<i>Number of Berths</i>	<i>Dimensions of Berth</i>	<i>Unobstructed Clearance of Berth</i>
<b>Commercial</b>	<i>Less than 5,000</i>	<i>0</i>	<i>0</i>	<i>0</i>

	5,000—25,000	1	12 feet × 25 feet	14 feet
	25,000—60,000	2	12 feet × 35 feet	14 feet
	60,000 and over	3	12 feet × 35 feet	14 feet
<b>Industrial</b>	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

**Response:** The existing site development includes six loading dock facilities, and the property complies with the minimum three loading berth requirement for industrial facilities exceeding 60,000 SF. The proposed new building will add 69,800 SF. With that addition, the property will remain in compliance with this standard. Compliant dimensions for the proposed loading docks are provided on sheet C1.10. This standard is met.

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

**Response:** Proposed loading berths do not use public right of way. This standard continues to be 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.*

**Response:** Existing and proposed loading docks are not visible from public areas or are properly screened from adjacent properties. This standard continues to be met.

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

**Response:** No new loading facilities are proposed. This standard does not apply.

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

**Response:** All existing off-street loading facilities associated with the proposed new building are on the same lot as the structure they will serve and are not part of the area used for parking (though there are no off-street parking requirements). See sheet C1.11 for existing loading dock locations. This standard is met.

(6) *A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children must be located on the site of a school or child day care center having a capacity greater than 25 students.*

**Response:** The site does not have or propose a school or childcare center. This standard does not apply.

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

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

- (2) *Commercial Uses. Ingress and egress for commercial and institutional uses must not be less than the following:*

<i>Required Parking Spaces</i>	<i>Minimum Number Required</i>	<i>Minimum Pavement Width</i>	<i>Minimum Pavement Walkways, etc.</i>
1-99	1	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
100-249	2	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

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

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

**Response:** No new driveways are proposed. This standard does not apply.

- (4) *Institutional Uses. Ingress and egress must not be less than 24 feet. In all other cases, ingress and egress for institutional uses must not be less than the following: ...*

**Response:** The proposal is for a manufacturing and office building for a manufacturing use. The standard does not apply.

- (5) *One-way Ingress or Egress. When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements. However, the hard surfaced pavement of one-way drives must not be less than 16 feet for multi-family residential developments (as defined in TDC 31.060), commercial, or industrial uses.*

**Response:** A one-way ingress or egress is not proposed. This standard does not apply.

- (6) *Maximum Driveway Widths and Other Requirements.*

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

**Response:** No new driveways are proposed. This standard does not apply.

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

**Response:** No driveways are proposed within 5' of an adjacent property line. This standard is met.

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

**Response:** The proposal is not residential. This standard does not apply.

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

**Response:** No new driveway is proposed. This standard is not applicable.

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

**Response:** The proposal complies with access distance requirements of TDC 75. See Section 75. This standard is met.

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

**Response:** The proposal does not affect compliance with the vision clearance requirements of TDC 75. See Section 75. This standard is met.

## **Parking Lot Landscaping**

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

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

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

**Response:** In the area of work, all areas not necessary for vehicular parking and maneuvering have landscaping. 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.*

**Response:** The ends of drive aisles and driveway entrances have the required clear zone as shown on landscape plans. 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.*

**Response:** The perimeter of all off-street parking and vehicular circulation areas have a 5' wide area of landscaping that complies with the planting requirements of (a)-(e) as shown on sheets L0.01 and L1.10. This standard is 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 run-off and function as water quality facilities as well as parking lot landscaping;*
  - (b) *Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;*
  - (c) *Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;*
  - (d) *Landscape separation required for every eight continuous spaces in a row;*
  - (e) *Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;*
  - (f) *Must be planted with groundcover or shrubs;*
  - (g) *Native plant materials are encouraged;*
  - (h) *Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);*
    - (i) *Required plant material in landscape islands must achieve 90 percent coverage within three years; and*
    - (j) *Exception: Landscape square footage requirements do not apply to parking structures and underground parking.*

**Response:** The proposed parking lot landscaping has more than 25' per parking stall of landscape island area and complies with the requirements of (a)-(h) as shown on the Site Data Table on sheet C1.10 and in the landscape plan on sheet L1.10. This standard is 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.*

**Response:** The proposed addition and area of work do not include driveway access areas. These standards do not apply.

## **Chapter 73D: Waste and Recyclables Management Standards**

### **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 TDSC 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.*

**Response:** The proposed new building will comply with the minimum standards method of 73D.030 as discussed below. This standard is met.

### **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 seven feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.*
- (2) *The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:*
  - (a) *Common wall residential five to ten units must provide 50 square feet.*
  - (b) *Common wall residential greater than ten units must provide 50 square feet plus an (additional five square feet per unit above ten.*
  - (c) *Commercial, industrial, and institutional developments must provide a minimum storage area of ten square feet plus:*
    - (i) *Office—Four square feet/1,000 square feet gross leasable area (GLA);*
    - (ii) *Retail—Ten square feet/1,000 square feet GLA;*
    - (iii) *Wholesale/Warehouse/Manufacturing—Six square feet/1,000 square feet GLA;*
    - (iv) *Educational and Institutional—Four square feet/1,000 square feet GLA; and*
    - (v) *All other uses—Four square feet/1,000 square feet GLA.*

**Response:** No new storage area is required for the addition, as it will use existing storage and facilities approved in previous architectural review applications. The existing waste area has 3,600 SF of waste storage. The existing building floor area is 175,000 SF requiring 1,050 SF of waste storage area. The additional 69,800 SF of new floor area requires an additional 419 SF of waste storage area. The new total required storage area is 1,469 SF. The standard continues to be met by the existing 3,600 SF.

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

**Response:** The site is occupied by a single tenant/owner. The standard is not applicable.

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

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

**Response:** As discussed above in Section 73D.030, the new addition will utilize the existing combined waste storage area. See sheet C1.10 of Attachment 2, which shows the location. No new trash enclosures are proposed. The trash disposal approach satisfies Republic Services, as shown in the service provider letter in Attachment 6.

## **Chapter 74: Public Improvement Requirements**

### **Section 74.110. - Phasing of Improvements.**

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

**Response:** No phasing is proposed. This standard does not apply.

### **Section 74.120. - Public Improvements.**

- (1) *Except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. Work must not be undertaken on any public improvement until after the construction plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.*
- (2) *In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.*

**Response:** Any public improvements required will be installed at the expense of the applicant and constructed according to the Public Works Construction Code. Plans will be approved prior to construction. Any authorized modifications to street improvements will be followed. This standard is met.

### **Section 74.130. - Private Improvements.**

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

**Response:** All private improvements will be maintained by property Owner. This standard is met.

### **Section 74.140. - Construction Timing.**

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

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

**Response:** All public and private improvements will be completed and approved before Certificate of Occupancy. This standard is met.

### ***Right-of-Way***

#### ***Section 74.210. - Minimum Street Right-of-Way Widths.***

**Response:** A new 7' public right-of-way dedication is proposed along SW Leveton Drive to accommodate the future widening of the street, as shown on sheet C1.10 of Attachment 2 and discussed in the traffic letter in Attachment 9. This standard is met.

#### ***Section 74.220. - Parcels Excluded from Development.***

*On subdivision development applications ...*

**Response:** The proposal is not for a subdivision. This standard does not apply.

### ***Easements and Tracts***

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

**Response:** No greenway, natural area, bike, or pedestrian path dedications or easements are proposed. This standard does not apply.

#### ***Section 74.320. - Slope Easements.***

**Response:** No slope easements are proposed. This standard does not apply.

#### ***Section 74.330. - Utility Easements.***

**Response:** A new 8' public utility easement is proposed as shown on sheet C1.10 on the south side of SW Leveton Drive to accommodate future reconstruction of SW Leveton Drive. This standard is met.

#### ***Section 74.340. - Watercourse Easements.***

**Response:** No watercourse easements are proposed or required. This standard does not apply.

#### ***Section 74.350. - Maintenance Easement or Lots.***

**Response:** No maintenance easements are proposed or required. This standard does not apply.

#### ***Section 74.410. - Future Street Extensions.***

**Response:** No future street extensions are proposed or required. This standard does not apply.

#### ***Section 74.420. - Street Improvements.***

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

- (1) *For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.*
- (2) *The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.*
- (3) *The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.*
- (4) *Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.*
- (5) *If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.*
- (6) *All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.*
- (7) *For subdivision and partition applications, the street improvements required by TDC Chapter 74 must be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.*
- (8) *For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.*
- (9) *In addition to land adjacent to an existing or proposed street, the requirements of this section must apply to land separated from such a street only by a railroad right-of-way.*
- (10) *Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.*
- (11) *Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).*
- (12) *Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.*
- (13) *The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.*
- (14) *The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.*

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

**Response:** The proposed building addition is located near the rear of the site, not adjacent to a public right-of-way. SW Leveton Drive has previously been improved with paving, curb, planter strip, sidewalk, lighting, signage, and striping to meet the applicable development standards at that time. The proposed project's projected increase in site trips is small, and no change in the site's driveway configuration is proposed. The applicant is providing a 7' dedication of right-of-way along the site's north boundary (SW Leveton Drive frontage) to accommodate potential future widening; however, reconstructing features of SW Leveton Drive along the property frontage is not warranted by any impacts associated with the proposed addition, as described in the traffic letter in Attachment 9. The proposal complies with these standards.

**Section 74.425. - Street Design Standards.**

- (1) *Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.*
- (2) *The proposed street design standards are shown in Figures 72A through 72G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets.*
- (3) *In accordance with the Tualatin Basin Program for fish and wildlife habitat it is the intent of Figures 74-2A through 74-2G to allow for modifications to the standards when deemed appropriate by the City Manager to address fish and wildlife habitat.*

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

**Response:** No improvements associated with this section are required as part of the proposal. This standard does not apply.

**Section 74.430. - Streets, Modifications of Requirements in Cases of Unusual Conditions.**

**Response:** No modifications are required. This standard does not apply.

**Section 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:...*
- (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.*

**Response:** The applicant has provided a Transportation Impact Letter in lieu of a TIA based on a City staff determination that a TIA is not required. See Attachment 9 for letter details. This standard is met.

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

**Response:** The Transportation Impact Letter does not identify any improvements warranted to mitigate impacts associated with the proposed development. This standard is not applicable.

**Section 74.450. - Bikeways and Pedestrian Paths.**

- (1) *Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path, as set forth in TDC Chapter 11, Transportation Figure 11-4, the City may require that a bikeway, pedestrian path, or multi-use path be constructed, and an easement or dedication provided to the City.*

**Response:** The proposed development does not abut or contain an existing or proposed bikeway, pedestrian path, or multi-use path. This standard does not apply.

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

**Response:** No accessways are proposed and the project is not a subdivision or partition. This standard does not apply.

**Section 74.470. - Street Lights.**

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

**Response:** No streetlights are required or proposed. This standard does not apply.

**Section 74.475. - Street Names.**

**Response:** No new streets or street names are proposed. This standard does not apply.

**Section 74.480. - Street Signs.**

**Response:** No new street names signs are proposed. This standard does not apply.

**Section 74.485. - Street Trees.**

- (1) *Prior to approval of a residential subdivision or partition final plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.*
- (2) *In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.*
- (3) *The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.*

**Response:** The proposal is not for a subdivision. This standard does not apply.

**Utilities**

**Section 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.*
- (2) *If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.*
- (3) *As set forth in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.*

**Response:** The existing building is currently served by City water. All water services to the new building addition will be routed internally within the existing building. As part of the project, some reconfiguration of the site's water service connections for fire, domestic, and landscape irrigation services is proposed – see detail 3, Sheet C4.10 in Attachment 2 for details. This standard is met.

**Section 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.*

**Response:** No new laterals to the public system are proposed. See utility plan sheet C1.30 in Attachment 2. All sanitary services to the new building will be routed internally from the existing building. This standard is met.

**Section 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.*
- (3) *If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the Tualatin Drainage Plan in TDC Chapter 14.*

**Response:** Drainage from the new development area will be connected to the existing on-site storm system. No new connections to the public system are proposed. See utility plan (sheet C1.30 of Attachment 2) for details. This standard is met.

**Section 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.*

**Response:** The development site will be graded to minimize the impact of storm runoff. This application includes a grading plan on sheet C1.20 (plus grading notes on C0.01) showing that the proposed development will not affect the drainage on adjacent properties. This standard is met.



**Section 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:*

- (1) *On subdivision and partition development applications...*

**Response:** The proposal is not for a subdivision. This standard does not apply.

- (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.*

**Response:** The existing water quality, storm water detention, and erosion control facilities will be modified to handle additional runoff per CWS standards. See plans for details. This standard is met.

- (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.*

**Response:** The stormwater facility agreement and erosion control plan will be submitted with the construction permit. This standard is met.

**Section 74.660. - Underground.**

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

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

**Response:** The existing utility lines do not need to be upgraded for the proposed development and no undergrounding is currently required. This standard is met.

**Section 74.670. - Existing Structures.**

- (1) *Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.*

- (2) *The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.*
- (3) *The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.*

**Response:** There are no existing structures to be retained in the area of the proposed new building and parking. This standard does not apply.

**Section 74.700. - Removal, Destruction or Injury of Trees.**

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

**Response:** No trees or plants in the public right-of-way will be removed, destroyed, or broken during development. This standard is met.

**Section 74.705. - Street Tree Removal Permit.**

**Response:** No street trees are being removed. This standard does not apply.

**Section 74.710. - Open Ground.**

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

**Response:** No impervious material is proposed to be laid down in the public right-of-way. This standard does not apply.

**Section 74.720. - Protection of Trees During Construction.**

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

**Response:** There is no proposed work near trees in the right-of-way. This standard does not apply.

**Section 74.740. - Prohibited Trees.**

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

**Response:** There are no proposed tree plantings in the right-of-way. This standard does not apply.

**Section 74.745. - Cutting and Planting Specifications.**

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

- (1) *When trees are cut down, the stump must be removed to a depth of six inches below the surface of the ground or finish grade of the street, whichever is of greater depth.*

**Response:** No trees are proposed to be cut in the right-of-way. This standard does not apply.

- (2) *Trees must be planted in accordance with City standards, Table 74-1, except when a greater density is allowed under a special permit from the City Manager.*

**Response:** No trees are required to be planted in the right-of-way. This standard does not apply.

**Section 74.765. - Street Tree Species and Planting Locations.**

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

**Response:** No trees are proposed to be planted in the right-of-way. This standard does not apply.

**Chapter 75: Access Management**

**Section 75.020. - Permit for New Driveway Approach**

**Response:** The driveway Approach Permit does not apply, and no new driveways are proposed. This section does not apply.

**Section 75.030. - Driveway Approach Closure.**

- (1) *The City Manager may require the closure of a driveway approach where:*

- (a) *The driveway approach is not constructed in conformance with this Chapter and the Public Works Construction Code;*
- (b) *The driveway approach is not maintained in a safe manner;*
- (c) *A public street improvement project is being constructed, and closure of the driveway approach will more closely conform to the current driveway approach standards;*
- (d) *A new building or driveway is constructed on the property;*
- (e) *A plan text amendment or zone change is proposed for the property served by the driveway;*
- (f) *A change of use or activity in an existing building increases the amount of required parking;*
- (g) *The driveway approach has been abandoned; or*
- (h) *There is a demonstrated safety issue.*

**Response:** All existing driveways have been constructed in accordance with TDC standards and were reviewed for traffic and safety, no issues were found. This standard does not apply.

- (2) *Notice. Notice of driveway approach closure must be given in writing to the property owner and any affected tenants stating the grounds for closure, the date upon which the closure becomes effective, and the right to appeal.*

- (3) *Appeals. Any person entitled to notice under subsection (2) of this section may appeal the decision to the City Council.*
- (4) *Effect. Closure is effective immediately upon the mailing of notice of the decision. Unless otherwise provided in the notice, closure terminates all rights to continue the use the driveway approach for which the notice of closure has been issued.*
- (5) *Failure to Close Driveway. If the owner fails to close the driveway approach to conform to the notice within 90 days, the City Manager may cause the closure to be completed and all expenses assessed against the property owner.*

**Response:** These standards are not applicable because no driveway closure is warranted.

**Section 75.040. - Driveway Approach Requirements.**

**Response:** No new driveways are proposed. This section does not apply.

#### **IV. CONCLUSION**

As demonstrated in the narrative above and referenced attachments, this Architectural Review application meets the relevant criteria and warrants approval.