
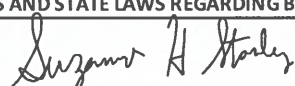




CITY OF  
**TUALATIN**  
*Planning Division*

## Land Use Application

Project Information		
Project Title: <b>Condor Cold Storage - Type II Tentative Partition Plan</b>		
Brief Description:		
This application is for a partition of Lots 1 and 2 within Argonaut Park. Proposing new lot lines between existing buildings. No development is proposed.		
Estimated Construction Value: <b>N/A</b>		
Property Information		
Address: <b>19550 SW 97TH AVE TUALATIN, OR</b>		
Assessor's Map Number and Tax Lot(s): <b>2S123CA01200</b>		
Applicant/Primary Contact		
Name: <b>Suzannah Stanley</b>		Company Name: <b>Mackenzie</b>
Address: <b>1515 SE Water Avenue, Suite 100</b>		
City: <b>Portland</b>	State: <b>OR</b>	ZIP: <b>97214</b>
Phone: <b>971-346-3808</b>		Email: <b>sstanley@mcknze.com</b>
Property Owner		
Name: <b>CPT Condor Tualatin, LLC</b>		
Address: <b>151 Kalmus Drive, Suite F1</b>		
City: <b>Costa Mesa</b>	State: <b>CA</b>	ZIP: <b>92626</b>
Phone: <b>714-850-3712</b>		Email: <b>jmonroe@condorcoldstorage.com</b>
Property Owner's Signature:  (Note: Letter of authorization is required if not signed by owner)		Date: <b>12/5/24</b>

<b>AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.</b>	
Primary Contact's Applicant's Signature: 	Date: <b>12/5/24</b>

### Land Use Application Type:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Annexation (ANN)                          | <input type="checkbox"/> Historic Landmark (HIST)     | <input type="checkbox"/> Minor Architectural Review (MAR)                 |
| <input type="checkbox"/> Architectural Review (AR)                 | <input type="checkbox"/> Industrial Master Plan (IMP) | <input type="checkbox"/> Minor Variance (MVAR)                            |
| <input type="checkbox"/> Architectural Review—Single Family (ARSF) | <input type="checkbox"/> Plan Map Amendment (PMA)     | <input type="checkbox"/> Sign Variance (SVAR)                             |
| <input type="checkbox"/> Architectural Review—ADU (ARADU)          | <input type="checkbox"/> Plan Text Amendment (PTA)    | <input type="checkbox"/> Variance (VAR)                                   |
| <input type="checkbox"/> Conditional Use (CUP)                     | <input type="checkbox"/> Tree Removal/Review (TCP)    | <input checked="" type="checkbox"/> Other <u>Tentative Partition Plan</u> |

Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	

# MACKENZIE.

## **TENTATIVE PARTITION PLAT**

**To**  
City of Tualatin

**For**  
Condor Cold Storage  
Buildings 1 and 2

**Dated**  
December 12, 2024

**Project Number**  
2240222.00



MACKENZIE  
Since 1960  
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## TABLE OF CONTENTS

<b>I.</b>	<b>PROJECT SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>INTRODUCTION .....</b>	<b>2</b>
	Description of Request .....	2
	Site and Surrounding Land Use .....	2
	Description of Proposal .....	2
<b>III.</b>	<b>PARTITION APPROVAL CRITERIA .....</b>	<b>3</b>
	Chapter 32. - Procedures. ....	3
	Section 32.020. - Procedures for Review of Multiple Applications. ....	4
	Section 32.110. - Pre-Application Conference.....	5
	Section 32.120. - Neighborhood/Developer Meetings.....	5
	Section 32.130. - Initiation of Applications.....	7
	TDC 32.140. - Application Submittal.....	7
	TDC 32.150. - Sign Posting. ....	8
	TDC 32.220. - Type II Procedure (Administrative Review with Notice). ....	9
	CHAPTER 36 - SUBDIVIDING, PARTITIONS, AND PROPERTY LINE ADJUSTMENTS .....	9
	Section 36.040. - Applications and Submittal Requirements. ....	9
	TDC 36.110. - Tentative Partition Plan.....	9
	TDC 36.160. - Final Plat. ....	11
	TDC 36.310. - Approval of Streets and Rights of Way. ....	11
	TDC 36.320. - Improvement Agreement for Public Improvements.....	11
	TDC 36.400. - Lot Dimensions. ....	11
	Chapter 61: General Manufacturing Zone .....	13
	TDC 61.200. - Use Categories.....	13
	TDC 61.300. - Development Standards.....	13
	TDC 61.310. - Additional Development Standards. ....	15
	CHAPTER 70 - FLOODPLAIN DISTRICT (FP) .....	15
	CHAPTER 71 - WETLANDS PROTECTION DISTRICT (WPD) .....	15
	CHAPTER 73 – LANDSCAPING STANDARDS .....	15
	TDC 73B.020. - Landscape Area Standards Minimum Areas by Use and Zone.....	15
	TDC 73B.040. - Additional Minimum Landscaping Requirements for Nonresidential Uses.....	16
	TDC 73B.060. - Minimum Landscaping Standards for All Zones.....	16
	CHAPTER 73C – PARKING STANDARDS .....	16
	TDC 73C.030. - Parking Lot Design Requirements. ....	16
	TDC 73C.040. - Off-Street Vehicle and Bicycle Parking Quantity Requirements. ....	16
	TDC 73C.090. - Parking Lot Driveway and Walkway Requirements. ....	16
	TDC 73C.210. - General Parking Lot Landscaping Requirements. ....	17
	CHAPTER 74 - PUBLIC IMPROVEMENT REQUIREMENTS.....	17
	TDC 74.120. - Public Improvements. ....	17
	TDC 74.210. - Minimum Street Right-of-Way Widths.....	17
	TDC 74.220. - Parcels Excluded from Development. ....	18
	TDC 74.330. - Utility Easements.....	18
	TDC 74.350. - Maintenance Easement or Lots.....	19
	TDC 74.420. - Street Improvements. ....	19
	TDC 74.425. - Street Design Standards. ....	19

TDC 74.440. - Streets, Traffic Study Required.....	19
TDC 74.610. - Water Service. ....	20
TDC 74.620. - Sanitary Sewer Service. ....	21
TDC 74.630. - Storm Drainage System. ....	21
TDC 74.640. - Grading. ....	21
TDC 74.650. - Water Quality, Storm Water Detention and Erosion Control. ....	22
CHAPTER 75 - ACCESS MANAGEMENT.....	22
TDC 75.020. - Permit for New Driveway Approach. ....	22
TDC 75.040. - Driveway Approach Requirements. ....	22
TDC 75.050. - Access Limited Roadways.....	25
TDC 75.140. - Existing Streets Access Standards. ....	25
<b>IV. CONCLUSION.....</b>	<b>27</b>

## ATTACHMENTS

- A. Partition Application Form
- B. Aerial Map
- C. Assessor's Map
- D. Title Report
- E. CWS Service Provider Letter
- F. TVF&R Correspondence
- G. Plans
- H. Neighborhood Meeting Materials
  - I. Mailing List Buffer Map (City provided mailing list)
  - II. Affidavit of Sign Posting
  - III. Meeting Sign-In Sheet
  - IV. Meeting Notes

**I. PROJECT SUMMARY**

**Applicant:** Condor Cold Storage

**Owner:** CPT Condor Tualatin, LLC  
151 Kalmus Drive, Suite F1  
Costa Mesa, CA 92626

**Site Address:** SW 97th Avenue and SW Tualatin Sherwood Road  
(north of SW Tualatin Sherwood Road and east of SW Teton Avenue)

**Assessor Site Acreage:** 2S123CA01200 – 1.67 AC  
Lots 1 and 2, Argonaut Park subdivision

**Zoning:** General Manufacturing (MG)

**Comprehensive Plan:** Industrial

**Adjacent Zoning:** General Manufacturing (MG)

**Request:** Type II Tentative Partition Plan approval

**Project Contact:** Suzannah Stanley  
Mackenzie  
1515 SE Water Avenue, Suite 100  
Portland, OR 97214  
971-346-3808  
sstanley@mcknze.com

**Engineer:** Nicole Burrell  
Mackenzie  
1515 SE Water Avenue, Suite 100  
Portland, OR 97214  
971-346-3751  
nburrell@mcknze.com

**Surveyor:** Clint Stubbs  
Northwest Surveying  
1815 NW 169th Place, #2090  
Beaverton, OR 97006  
503-848-2127  
clint@nwsrvy.com

## II. INTRODUCTION

### Description of Request

The Applicant (Property Owner) is requesting a partition to create two lots from lot 2S123CA01200 on their existing, fully developed site, referred to familiarly as the Pacific Foods site.

### Site and Surrounding Land Use

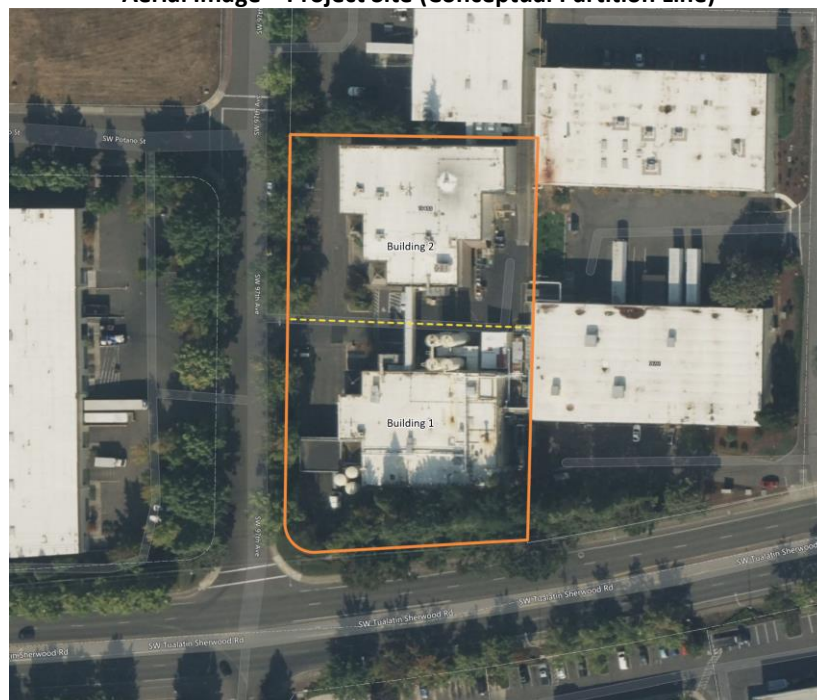
The site consists of one lot containing two Pacific Foods buildings and associated facilities, parking areas, and landscaping. The lot is part of a larger campus of buildings and lots that surround the subject lot. The lot is accessed from SW 97th Avenue. SW 97th Avenue intersects with SW Tualatin-Sherwood Road. All surrounding lots are also MG-designated lots. There are no residential or mixed-use developments in the area.

### Description of Proposal

No development is proposed. The application requests only a partition of lot 2S123CA01200 which is currently the site of buildings 1 and 2 of the Pacific Foods campus. As shown below in the aerial image, the proposed new lot line runs east-west to divide the existing lot into a north and a south parcel. Existing building 1 will be in the proposed new southern parcel and building 2 will be in the proposed new northern parcel.

A separate partition application is being submitted concurrently with this application, for a lot in the Pacific Foods campus west of the subject site. That proposal is to create separate parcels for Buildings 5, 6, and 7 on lot 2S123CB00100.

**Aerial Image – Project Site (Conceptual Partition Line)**



### III. PARTITION APPROVAL CRITERIA

This application addresses the necessary approval standards of the Tualatin Development Code relevant to site partitions.

#### Chapter 32. - Procedures.

##### **Section 32.010. - Purpose and Applicability.**

- (2) *Applicability of Review Procedures. All land use and development permit applications and decisions will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).*
  - (a) *Type I Procedure (Ministerial Staff Review). A Type I procedure is used in applying City standards and criteria that do not require the use of discretion, interpretation, or the exercise of policy or legal judgment (i.e., clear and objective standards). Type I decisions are made by the City Manager without public notice and without a public hearing. Appeals of Type I decisions are to Circuit Court under writ of review.*
  - (b) *Type II Procedure (Administrative/Staff Review with Notice). A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are "limited land use decisions" as defined in ORS 197.015 are so noted in Table 32-1.*
  - (c) *Type III Procedure (Quasi-Judicial Review—Public Hearing). Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.*
  - (d) *Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing). Type IV-A procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment and is the procedure used for site-specific land use actions initiated by an applicant. Type IV-A decisions are made by the City Council and require public notice and a public hearing. Appeals of Type IV-A decisions are heard by the Land Use Board of Appeals (LUBA).*
  - (e) *Type IV-B Procedure (Legislative Review). The Type IV-B procedure is used to review proposals to amend the Tualatin Comprehensive Plan, the City's land use regulations, and large-scale changes to the Comprehensive Plan or Plan Maps, and involve the creation, revision, or implementation of broad public policy. Type IV-B reviews are first considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Appeals of Type IV-B decisions are heard by the Land Use Board of Appeals (LUBA).*
- (3) *Determination of Review Type. Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a*



Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

<b>Table 32-1: Application Types and Review Procedures (excerpt)</b>						
<b>Land Divisions</b>						
<b>Application/ Action</b>	<b>Procedure Type</b>	<b>Decision Body</b>	<b>Appeal Body</b>	<b>Pre- Application Conference Required</b>	<b>Neighborhood /Developer Mtg Required</b>	<b>Applicable Code Chapter</b>
• Property line adjustment (PLA)	I	CM	Circuit Court	No	No	TDC Ch 36
• Subdivisions (limited land use)	II	CM	CC	Yes	Yes	TDC Ch 36
• Partitions (limited land use)	II	CM	CC	Yes	Yes	TDC Ch 36
• Minor (immaterial) modifications to approved plan (prior to plat approval)	I	CM	Circuit Court	No	No	TDC Ch 36
• Property line adjustment (PLA)	I	CM	Circuit Court	No	No	TDC Ch 36

**Response:** As this application is considered a limited land use Partition, the Type II review procedures will apply. Relevant actions are described further in the below narrative.

#### **Section 32.020. - Procedures for Review of Multiple Applications.**

Multiple applications processed individually require the filing of separate applications for each land use action. Each application will be separately reviewed according to the applicable procedure type and processed sequentially as follows:

- (1) Applications with the highest numbered procedure type must be processed first;
- (2) Applications specifically referenced elsewhere in the TDC as to the particular order must be processed in that order; and
- (3) Where one land use application is dependent on the approval of another land use application, the land use application upon which the other is dependent must be processed first (e.g., a conditional use permit is subject to prior approval before architectural review).

**Response:** The Applicant is seeking approval for one partition to be completed on the identified tax lot. This provision provides procedural guidance and requires no evidence submittal by the applicant.



### **Section 32.110. - Pre-Application Conference.**

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.
- (4) *Application Requirements for Pre-Application Conference.*
  - (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
  - (b) *Submittal Requirements.* Pre-application conference requests must include:
    - (i) A completed application form;
    - (ii) Payment of the application fee;
    - (iii) The information required, if any, for the specific pre-application conference sought; and
    - (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
- (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
  - (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
  - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
  - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

**Response:** A pre-application meeting was held with City staff on July 31, 2024. No significant changes to the proposal have occurred since the pre-application meeting. The Applicant has incorporated feedback from the City of Tualatin staff in this application narrative. The pre-application conference followed the above procedures and is valid for six months. This standard is met.

### **Section 32.120. - Neighborhood/Developer Meetings.**

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to

*allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.*

- (2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.*
- (3) Timing. A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.*
- (4) Time and Location. Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:  
(a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.  
(b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.*
- (5) Notice Requirements.  
(a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.  
(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:  
(i) All property owners within 1,000 feet measured from the boundaries of the subject property;  
(ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and  
(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.  
(c) The City will provide the applicant with labels for mailing for a fee.  
(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.*
- (6) Neighborhood/Developer Sign Posting Requirements. The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.*
- (7) Neighborhood/Developer Meeting Requirements. The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.*

**Response:** A neighborhood / developer meeting was held on Monday, December 2, 2024, at the Juanita Pohl Center at 6:00 PM. Notice was sent to the mailing list provided by the City and mailed 14 days prior to the meeting date. Signs were posted according to requirements in TDC 32.150 more than 14 days prior to the meeting date. The sign-in sheet and meeting notes from the neighborhood meeting can be found in Attachment G (there were no attendees at the neighborhood meeting). This standard is met.

**Section 32.130. - Initiation of Applications.**

- (1) *Type I, Type II, Type III, and Type IV-A Applications. Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:*
  - (a) *The owner of the subject property;*
  - (b) *The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;*
  - (c) *A lessee in possession of the property, when the application is accompanied by the owners' written consent; or*
  - (d) *The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.*
- (2) *Type IV-A or B Applications. Type IV-A or B applications may be initiated by the City.*

**Response:** This application will be processed as a Type II review. This standard will be met by the City's processing of this application.

**TDC 32.140. - Application Submittal.**

- (1) *Submittal Requirements. Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:*
  - (a) *A completed application form. The application form must contain, at a minimum, the following information:*
    - (i) *The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;*
    - (ii) *The address or location of the subject property and its assessor's map and tax lot number;*
    - (iii) *The size of the subject property;*
    - (iv) *The comprehensive plan designation and zoning of the subject property;*
    - (v) *The type of application(s);*
    - (vi) *A brief description of the proposal; and*
    - (vii) *Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).*
  - (b) *A written statement addressing each applicable approval criterion and standard;*
  - (c) *Any additional information required under the TDC for the specific land use action sought;*
  - (d) *Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;*
  - (e) *Recorded deed/land sales contract with legal description.*
  - (f) *A preliminary title report or other proof of ownership.*
  - (g) *For those applications requiring a neighborhood/developer meeting:*
    - (i) *The mailing list for the notice;*
    - (ii) *A copy of the notice;*
    - (iii) *An affidavit of the mailing and posting;*
    - (iv) *The original sign-in sheet of participants; and*
    - (v) *The meeting notes described in TDC 32.120(7).*
  - (h) *A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with*

- (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;*
- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;*
  - (2) Application Intake. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.*
  - (3) Administrative Standards for Applications. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.*

**Response:** This application submittal includes the applicable information required above, including the application form, fee, narrative, property ownership information, and neighborhood/developer meeting documentation. See Attachments for application materials. The above submittal requirements are met.

**TDC 32.150. - Sign Posting.**

- (1) When Signs Posted. Signs in conformance with these standards must be posted as follows:*
  - (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and*
  - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.*
- (2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:*
  - (a) Waterproof sign materials;*
  - (b) Sign face must be no less than 18 inches by 24 inches (18" x 24"); and*
  - (c) Sign text must be at least two inch font.*
- (3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs.) The applicant cannot place the sign within public right-of-way.*
- (4) Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within 40-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than 14 days after:*
  - (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or*
  - (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.*

**Response:** Signs were posted for the neighborhood meeting along each abutting street frontage using the City's neighborhood meeting sign template (waterproof, 18"x24", 2" font). The signs were posted on-site facing the right-of-way. See Attachment G for sign posting affidavit. The applicant will post additional signs as necessary during the application review process, as directed by staff.

**TDC 32.220. - Type II Procedure (Administrative Review with Notice).**

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

**Response:** This section provides procedural guidance and requires no evidence submittal from the applicant.

**CHAPTER 36 - SUBDIVIDING, PARTITIONS, AND PROPERTY LINE ADJUSTMENTS**

**Section 36.040. - Applications and Submittal Requirements.**

- (1) *Applications subject to this Chapter must follow the procedures specified in TDC Chapter 32; however, in case of conflict the procedures specified in TDC Chapter 36 prevail.*
- (2) *Additional Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required to subdivide, partition, or replat land: [Detailed provisions omitted for brevity.]*

**Response:** The above additional Partition submittal materials are included in this application as applicable. Further submittal requirements are addressed in the relevant sections of this application. These standards are met.

**TDC 36.110. - Tentative Partition Plan.**

- (1) *Applicability. Tentative Partition Plan approval is required before land can be divided into three or fewer parcels within a calendar year. When the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in TDC 36.120 (Tentative Subdivision Plan) apply and any improvements resulting from the application of those standards to the proposed partition must be constructed.*

**Response:** A Tentative Partition Plan is required because this application will split one lot into two parcels. This standard is addressed in the relevant sections of this application.

- (2) *Procedure Type. A Tentative Partition Plan is processed as a Type II procedure under TDC 32.220.*
- (3) *Submittal Requirements.*
  - (a) *Prior to submitting an application for a Tentative Partition Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).*
  - (b) *In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for a Tentative Partition Plan must include the information required in TDC 36.040(2)(Additional Submittal Requirements).*
- (4) *Approval Criteria. A Tentative Partition Plan must be approved if all of the following criteria are met:*
  - (a) *The Tentative Partition Plan complies with the standards of this Chapter and with all applicable provisions of the TDC, including, but not limited to, the following:*
    - (i) *Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;*
    - (ii) *City infrastructure standards; and*

- (iii) *Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.*

**Response:** As discussed below under the responses to the applicable lot standards, City infrastructure standards, and special development standards are met. The Applicant has addressed them appropriately.

- (b) *The Tentative Partition Plan does not impede the future use or development of the property or adjacent land.*

**Response:** The proposed partition will not affect the use or development of the property. The property is already fully developed with two buildings, drive aisles and access, parking, and landscaping. The proposed partition will maintain compliance of the site (and proposed new parcels) with applicable standards of the Tualatin Development Code as described elsewhere in this narrative. This standard is met.

- (c) *Development within the Tentative Partition Plan can be adequately served by City infrastructure.*

**Response:** As described in the responses to Chapter 74, the Tentative Partition Plan can be adequately served by City infrastructure including water, sanitary sewer, and stormwater. This standard is met.

- (d) *The street system in and adjacent to the Tentative Partition Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and Tualatin Transportation System Plan.*

**Response:** The proposed partition will have no effect on access and circulation to and from the site, or within it, because no change in physical development is proposed. The existing street system was constructed consistent with the applicable standards in the TSP and Development Code. This standard is met.

- (e) *The street system in and adjacent to the Tentative Partition Plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition area.*

**Response:** There are no changes proposed to the circulation system into, through, or out of the partition area. No changes are proposed to the street system adjacent to the site. This standard is met.

- (f) *The Tentative Partition Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.*

- (g) *The layout, size, and dimensions of the parcels within the Tentative Partition Plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.*

**Response:** No variances are requested, and no disruption of the topography or vegetation of the site are proposed. This standard is met.

- (5) *Effective Date. The effective date of a Tentative Partition Plan approval is the date the notice of decision is mailed.*



- (6) *Permit Expiration. Tentative Partition Plan approval expire in two years of the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).*

**Response:** The Applicant understands the timelines for effective dates and permit expirations. The partition will be completed within the allocated timeframes. This standard is met.

**TDC 36.160. - Final Plat.**

- (1) *Applicability. Final plat approval is required before a final plat of a partition, subdivision, phased subdivision, and manufactured dwelling park subdivision is recorded.*

**Response:** This application is not for a final plat. This section does not apply.

**TDC 36.310. - Approval of Streets and Rights of Way.**

- (1) *The plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat must provide for the dedication of all public rights-of-way, reserve strips, easements, tracts and accessways, together with public improvements therein approved and accepted for public use.*
- (a) *The applicant must comply with the requirements of TDC Chapter 74, Public Improvement Requirements.*
  - (b) *The applicant must comply with the design and construction standards set forth in the Public Works Construction Code.*
  - (c) *The applicant must provide evidence to the City that property intended to be dedicated to the public is free of all liens, encumbrances, claims and encroachments.*
- (2) *The plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat must indicate the ownership and location of private easements and tracts, and the ownership and location of private improvements within public rights-of-way and easements.*
- (3) *Approval of the final plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat by the City constitutes acceptance of all public rights-of-way, reserve strips, easements, tracts and accessways shown thereon, as well as public facilities located therein.*

**Response:** No new streets or rights of way are proposed. These standards do not apply.

**TDC 36.320. - Improvement Agreement for Public Improvements.**

- (1) *An applicant may submit the subdivision plat for City acceptance prior to installing all required public improvements if the applicant submits a signed Improvement Agreement and written assurances, to City Manager [...]*

**Response:** This application is not for a final subdivision plat. This section does not apply.

**TDC 36.400. - Lot Dimensions.**

- (1) *Double Frontage and Reverse Frontage.*
- (a) *Double frontage and reversed frontage lots must be avoided except where essential to provide separation of residential development from railroad tracks or crossings, traffic arterials or collectors, adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.*
  - (b) *Residences on double frontage lots must be oriented towards the lower classification street adjacent to the lot:*
    - (i) *Local street instead of collector or arterial; and*
    - (ii) *Collector street instead of arterial.*



- (c) *If two local streets are adjacent to a series of adjacent double frontage lots, then residences on all such lots must be oriented towards the same local street.*

**Response:** The proposed partition does not create any new frontage. The two proposed parcels created from the subject lot will have frontage on SW 97th Avenue. The subject lot is not residential. This standard is met.

- (2) *Large Lots. When subdividing, partitioning or adjusting land into large lots which at some future time are possible to be resubdivided, repartitioned, or readjusted to a size which more closely conforms to the other lots in the subdivision or area, the applicant must submit a future streets plan. The future streets plan must indicate that proposed large lots be of such size and shape and contain such building site restrictions as will provide for the extension and opening of streets at such intervals and the subsequent division of any such large lot into smaller size lots which meet the requirements of the TDC.*

**Response:** The subject lot proposed for partition is not a large lot that will be repartitioned or subdivided into smaller lots. This standard does not apply.

- (3) *Side Lot Lines. The side lines of lots, as far as practicable, must run at right angles to the street upon which the lots face.*

**Response:** The proposed side lot line will run at a right angle to the street upon which the lots face, dividing the property into the two parcels. This standard is met.

- (4) *Lot Size and Shape. The lot size, width, shape and orientation must be appropriate for the location of the lot and comply with the zone (planning district) standards for the type of development and use contemplated.*

**Response:** The proposed lot sizes, shapes, widths, and orientations are appropriate for the location which is evident by the arrangements of the existing development and the existing shared access from SW 97th Avenue, which will continue to provide access to both proposed parcels. The proposed lot sizes, shapes, widths, and orientation are also in compliance with the base zone as described in responses to Chapter 61 below. This standard is met.

- (5) *Frontage on Public Streets. All lots created after September 1, 1979 must abut a public street, except for the following:*

- (a) *Secondary condominium lots, which must conform to TDC 73C and TDC 75;*
- (b) *Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, and the Surface Water Management Ordinance, TMC Chapter 3-5 respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan;*
- (c) *Residential lots where frontage along a public street is impractical due to physical site restraints. Access to lots must occur via a shared driveway within a tract. The tract must have no adverse impacts to surrounding properties or roads and may only be approved if it meets the following criteria:*
  - (i) *Does not exceed 250 feet in length;*
  - (ii) *If the tract exceeds 150 feet in length, it has a turnaround facility as approved by the Fire Marshal for fire and life safety;*
  - (iii) *The tract does not serve more than six lots;*
  - (iv) *A public street is not needed to provide access to other adjacent properties as required by TDC Chapter 74;*

- (v) *A recorded document providing for the ownership, use rights, and allocation for liability for construction and maintenance has been submitted to the City Manager prior to issuance of a building permit; and*
- (vi) *Access easements have been provided to all properties needing access to the driveway.*
- (d) *Lots in the Manufacturing Park Zone Planning District which have access to the public right-of-way in accordance with TDC 73C and TDC Chapter 75 via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right-of-way.*

**Response:** The proposed lots will both front a public street (SW 97th Avenue) as shown in Attachment B (Aerial Map) and Attachment G (Plans). This standard is met.

## Chapter 61: General Manufacturing Zone

### **TDC 61.200. - Use Categories.**

**Response:** No new uses are proposed, and the existing buildings will remain in industrial use, although specific tenancies may change over time. The partition does not affect the site's compliance with the use allowances.

### **TDC 61.300. - Development Standards.**

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

<b>Table 61-2: Section 61.300 Development Standards (Excerpt)</b>			
<b>MG District Standards</b>	<b>Requirement</b>	<b>Limitations and Code References</b>	<b>Proposed</b>
<b>Lot Size</b>			
<i>Minimum Lot Size</i>	<i>20,000 square feet</i>		The two proposed lots are over 30,000 SF. Standard is met.
<b>Lot Dimensions</b>			
<i>Minimum Lot Width</i>	<i>100 feet</i>	<i>When lot has frontage on public street, minimum lot width at the street is 100 feet.</i>	Both proposed lots have at least 100' of frontage on SW 97 <sup>th</sup> Avenue as shown in the plans (Attachment G). Standard is met.
<i>Infrastructure and Utilities Uses</i>	—	<i>As determined through the Subdivision, Partition, or Lot Line Adjustment process</i>	N/A – determined through partition process.
<i>Flag Lots</i>	—	<i>Must be sufficient to comply with [...]</i>	N/A

<b>Minimum Setbacks</b>			
<i>Front</i>	<i>30 feet</i>		All buildings/structures are more than 30' from the front lot line as shown in plans. Standard is met.
<i>Front Setback Adjacent to Residential or Manufacturing Park Zone</i>	<i>50 feet</i>		The site is not adjacent to a residential or MP zone. This standard does not apply.
<i>Side</i>	<i>0-50 feet</i>	<i>Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.</i>	The proposed new lot line is a side lot line for both lots. No AR is proposed as part of this application and no new development or structures are proposed. This standard cannot be applied without an AR which is not required for this proposal.
<i>Side Setback Adjacent to Residential or Manufacturing Park Zone</i>	<i>50 feet</i>		The site is not adjacent to a residential or MP zone. This standard does not apply.
<i>Rear</i>	<i>0-50 feet</i>	<i>Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.</i>	No new rear lot lines <sup>1</sup> are proposed as part of this application for partition. Rear lot lines and existing structures will remain the same. This standard does not apply.
<i>Rear setback adjacent to Residential or Manufacturing Park Zone</i>	<i>50 feet</i>		The site is not adjacent to a residential or MP zone. This standard does not apply.
<i>Parking and Circulation Areas</i>	<i>5 feet</i>	<i>No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>	The proposed partition will place the new lot line in a joint access area. This standard does not apply.

<sup>1</sup> TDC 31.060: *Front Lot Line.* A lot line that abuts a street. If two or more lot lines abut a street, the shortest of the lot lines is the front lot line; if two or more lot lines of equal length abut a street, the front line is the lot line that abuts the street of the lower functional classification; [...]

*Rear Lot Line.* A lot line which is opposite and most distant from the front lot line. In the case of an irregular or other-shaped lot, the rear lot line is the lot line or lines most distant from the front lot line. [...]

<i>Parking and Circulation Areas Adjacent to Residential or Manufacturing Park Zone</i>	<i>10 feet</i>		The site is not adjacent to a residential or MP zone. This standard does not apply.
<i>Fences</i>	<i>10 feet</i>	<i>From public right-of-way.</i>	No new fences are proposed. This standard does not apply.
<b>Structure Height</b>			
<i>Maximum Height</i>	<i>60 feet</i>	<i>May be increased to 100 feet if yards adjacent to structure are not less than a distance equal to the height of the structure. [...]</i>	No new structures are proposed as part of this application for partition. This standard does not apply.
<i>Maximum Height Adjacent to Residential Zone</i>	<i>28 feet</i>		The site is not adjacent to a residential zone and no new structures are proposed. This standard does not apply.

**TDC 61.310. - Additional Development Standards.**

**Response:** No new development is proposed. The partition does not affect the site's compliance with these standards.

**CHAPTER 70 - FLOODPLAIN DISTRICT (FP)**

**CHAPTER 71 - WETLANDS PROTECTION DISTRICT (WPD)**

**Response:** No floodplains or wetlands are present on this site. These sections do not apply.

**CHAPTER 73 – LANDSCAPING STANDARDS**

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

<b>Table 73B-1: Required Minimum Landscape Area (Excerpt)</b>	
<b>Zone</b>	<b>Minimum Area Requirement</b>
<i>(3) CO, CR, CC, CG, ML and MG zones except within the Central Tualatin Overlay—All uses</i>	<i>15% of the total area to be developed</i>

**Response:** The proposed partition will create two parcels from one existing parcel. There is no area to be developed thus this standard does not apply to a partition. However, the existing lot (2S123CB00100) currently has 22.7% site landscaping. With partition approval the proposed north parcel will have 16% total site landscaping, and the south parcel will have 28.6% total site landscaping.

**TDC 73B.040. - Additional Minimum Landscaping Requirements for Nonresidential Uses.**

**TDC 73B.060. - Minimum Landscaping Standards for All Zones.**

**Response:** No other landscape standards will be affected by the proposed partition. These standards will continue to be met by existing conditions. These sections do not apply.

## CHAPTER 73C – PARKING STANDARDS

**TDC 73C.030. - Parking Lot Design Requirements.**

**Response:** The existing parking lot design will not be impacted by the proposed partition. See next section for parking quantity compliance. This section does not apply.

**TDC 73C.040. - Off-Street Vehicle and Bicycle Parking Quantity Requirements.**

TABLE 73C-1: Off-Street Vehicle and Bicycle Parking Quantity Requirements (Excerpt)			
USE	Maximum Vehicle Parking	Minimum Bicycle Parking	Percentage of Bicycle Parking to be Covered
<i>(f) Industrial</i>			
<i>(i) Manufacturing</i>	None	0.1 spaces per 1,000 SF	5 spaces or 30%; whichever is greater

**Response:** The site, which is designated a Manufacturing use, does not have a minimum or maximum amount of required vehicle parking; therefore, compliance with this standard for the resulting two lots will not be impacted by the proposed partition. Bike parking space requirements are per building square footage and no new buildings or expansion of existing building square footage are proposed; therefore, bike parking requirements are not impacted by the proposed partition. These standards are met.

**TDC 73C.090. - Parking Lot Driveway and Walkway Requirements.**

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

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

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

**Response:** The proposed partition will not impact the existing ingress/egress width of the driveway which is 36' wide as shown in the plans in Attachment G. This standard is met.

**(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.

**(6) Maximum Driveway Widths and Other Requirements.** [...]

**Response:** The existing driveway widths will not be impacted by the proposed partition. These standards do not apply.

**TDC 73C.210. - General Parking Lot Landscaping Requirements.**

**Response:** The parking lot landscaping will not be impacted by the proposed partition as the new lot line is proposed to be placed inside of the shared access easement/drive aisle that will separate the two parcels. These standards do not apply.

**CHAPTER 74 - PUBLIC IMPROVEMENT REQUIREMENTS**

**TDC 74.120. - Public Improvements.**

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

**Response:** No public improvements are proposed or required as part of this application. This section does not apply.

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

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

- (1) *For subdivision and partition applications, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width the additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G must be shown on the final subdivision or partition plat prior to approval of the plat by the City. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.*
- (2) *For development applications other than subdivisions and partitions, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width, the additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G must be dedicated to the City for use by the public prior to issuance of any building permit for the proposed development. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.*
- (3) *For development applications that will impact existing streets not adjacent to the applicant's property, and to construct necessary street improvements to mitigate those impacts would require additional right-of-way, the applicant must be responsible for obtaining the necessary right-of-way from the property owner. A right-of-way dedication deed form must be obtained from the City Manager and upon completion returned to the City Manager for acceptance by the City. On*

*subdivision and partition plats the right-of-way dedication must be accepted by the City prior to acceptance of the final plat by the City. On other development applications the right-of-way dedication must be accepted by the City prior to issuance of building permits. The City may elect to exercise eminent domain and condemn necessary off-site right-of-way at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.*

- (4) *If the City Manager deems that it is impractical to acquire the additional right-of-way as required in subsections (1)—(3) of this section from both sides of the center-line in equal amounts, the City Manager may require that the right-of-way be dedicated in a manner that would result in unequal dedication from each side of the road. This requirement will also apply to slope and utility easements as discussed in TDC 74.320 and 74.330. The City Manager's recommendation must be presented to the City Council in the preliminary plat approval for subdivisions and partitions, and in the recommended decision on all other development applications, prior to finalization of the right-of-way dedication requirements.*
- (5) *Whenever a proposed development is bisected by an existing or future road or street that is of inadequate right-of-way width according to TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G, additional right-of-way must be dedicated from both sides or from one side only as determined by the City Manager to bring the road right-of-way in compliance with this section.*
- (6) *When a proposed development is adjacent to or bisected by a street proposed in the Transportation System Plan and no street right-of-way exists at the time the development is proposed, the entire right-of-way as shown in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G must be dedicated by the applicant. The dedication of right-of-way required in this subsection must be along the route of the road as determined by the City.*

**Response:** No changes are proposed to the existing, fully compliant, SW 97th Avenue right-of-way. This section does not apply.

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

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

**Response:** This application is not for a subdivision and no right-of-way improvements are required. This standard does not apply.

#### **TDC 74.330. - Utility Easements.**

- (1) *Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities must be granted to the City.*
- (2) *For subdivision and partition applications, the on-site public utility easement dedication area must be shown to be dedicated to the City on the final subdivision or partition plat prior to approval of the plat by the City; and*
- (3) *For subdivision and partition applications which require off-site public utility easements to serve the proposed development, a utility easement must be granted to the City prior to approval of the final plat by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.*



**Response:** A 6' PUE exists along SW 97th Avenue as recorded in the plat of Argonaut Park subdivision. The applicant will comply with conditions of approval associated with this preliminary partition application, including additional utility easement recording if warranted. This standard is met.

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

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

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

**Response:** The existing PUE satisfies this requirement. This standard is met by the existing easement.

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

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

**Response:** Additional access to public improvements for operation and maintenance is not required for the proposed lots. This section does not apply.

#### **TDC 74.420. - Street Improvements.**

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

**Response:** Street improvements are not required, the Applicant is not proposing to intensify or expand the developed land, and the existing street is fully compliant with Tualatin Transportation Plan. This section does not apply.

#### **TDC 74.425. - Street Design Standards.**

**Response:** No new streets are required or proposed. This section does not apply.

#### **TDC 74.440. - Streets, Traffic Study Required.**

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

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

**Response:** This proposal is to divide a previously developed site into two parcels. Neither increase in potential trip generation nor changes to driveways is associated with this proposal, and therefore there will be no impact on the transportation system. A traffic study is not warranted in this circumstance.

**TDC 74.610. - Water Service.**

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

**Response:** Separate water services exist to serve the existing two buildings. No new water line infrastructure is proposed. This standard is met.

- (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 Comprehensive Plan, Chapter 9 and Water System Master Plan.*

**Response:** There are no undeveloped properties adjacent to the subject site. This standard does not apply.

- (3) *As set forth in Map 9-1 of the Comprehensive Plan, 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 subject site is fully developed with water service connections. No new water infrastructure is proposed. This standard does not apply.

**TDC 74.620. - Sanitary Sewer Service.**

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

**Response:** Each building already has its own sanitary sewer service lateral, none of which will cross the proposed Parcel 1-2 boundary; see attached plans. This standard is met.

- (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:** The subject site is a fully developed site where no new development is proposed. There are not adjacent undeveloped properties. This standard does not apply.

**TDC 74.630. - Storm Drainage System.**

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

**Response:** No new or expanded development is proposed and the site and facilities are existing. No construction is proposed. This standard does not apply.

- (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.*

**Response:** No new or expanded development is proposed and the site and facilities are existing. The proposed partition will not generate any additional stormwater runoff, and therefore no effect on storm drainage capacity. Storm drainage calculations can be provided with any future development. This standard does not apply.

- (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:** The subject site is a fully developed site where no new development is proposed. There are no undeveloped properties adjacent to the proposed partition. This standard does not apply.

**TDC 74.640. - Grading.**

- (1) *Development sites must be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.*
- (2) *A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.*

**Response:** No development is proposed, and the site and facilities are existing. These standards do not apply.

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

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

- (1) On subdivision and partition development applications, prior to approval of the final plat, 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 satisfied and obtain a Stormwater Connection Permit from Clean Water Services; or*
- (2) On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.*
- (3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.*

**Response:** The subject site is a fully developed site where no new development is proposed and no impacts on water quality are expected. The Applicant will comply with appropriate conditions of approval for this preliminary partition application.

**CHAPTER 75 - ACCESS MANAGEMENT**

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

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

**TDC 75.040. - Driveway Approach Requirements.**

- (1) The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.*
- (2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.*

**Response:** Both existing buildings share a single driveway access on SW 97th Avenue. Both proposed Parcels 1 and 2 will continue to use the existing driveway, which is within the existing access easement created by Argonaut Park subdivision plat, Note 2. This easement will remain.

(3) *Joint and Cross Access.*

- (a) *Adjacent commercial uses may be required to provide cross access drive and pedestrian access to allow circulation between sites.*
- (b) *A system of joint use driveways and cross access easements may be required and may incorporate the following:*
  - (i) *A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;*
  - (ii) *A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;*
  - (iii) *Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and*
  - (iv) *An unified access and circulation system plan for coordinated or shared parking areas.*
- (c) *Pursuant to this section, property owners may be required to:*
  - (i) *Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;*
  - (ii) *Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;*
  - (iii) *Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and*
  - (iv) *If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.*

**Response:** The existing driveway, which will continue to serve both buildings, is within an existing access easement. This easement will remain.

(4) *Requirements for Development on Less than the Entire Site.*

- (a) *To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.*
  - (b) *All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.*
- (5) *Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Manager.*
- (6) *Except as provided in TDC 53.100, all driveway approaches must connect directly with public streets.*

- (7) *To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section must be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.*
- (8) *The standards set forth in this Code are minimum standards for driveway approaches, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.*
- (9) *Minimum driveway approach width for uses are as provided in TDC 73C-090.*
- (10) *Driveway Approach Separation. There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.*
- (11) *Distance between Driveways and Intersections. Except for single-family dwellings, duplexes, townhouses, triplexes, quadplexes, and cottage clusters, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection.*
  - (a) *At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.*
  - (b) *At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.*
  - (c) *If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.*
  - (d) *When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.*
- (12) *Vision Clearance Area.*
  - (a) *Local Streets. A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).*
  - (b) *Collector Streets. A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be ten feet (see Figure 73-2 for illustration).*
  - (c) *Vertical Height Restriction. Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be*



*permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).*

**Response:** No changes are proposed to the driveway configuration. See responses above for easement information.

**TDC 75.050. - Access Limited Roadways.**

- (1) *This section applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions taken by the City pertaining to property abutting any road or street listed in TDC 75.050(2). In addition, any property not abutted by a road or street listed in subsection (2), but having access to an arterial by any easement or prescriptive right, must be treated as if the property did abut the arterial and this Chapter applies.*
- (2) *The following Freeways and Arterials are access limited roadways:*
  - (a) *Interstate 5 Freeway;*
  - (b) *Interstate 205 Freeway;*
  - (c) *Pacific Highway 99W*
  - (d) *Tualatin-Sherwood Road at all points located within the City of Tualatin Planning Area;*
  - (e) *Nyberg Street, from its intersection with Tualatin-Sherwood Road east to 65th Avenue, including the I-5 Interchange;*
  - (f) *124th Avenue from Pacific Highway 99W south to Tonquin to Basalt Creek Parkway;*
  - (g) *Lower Boones Ferry Road, from Boones Ferry Road to the Bridgeport/72nd intersection and from the Bridgeport/72nd intersection to the east City limits;*
  - (h) *Boones Ferry Road at all points located within the City of Tualatin Planning Area;*
  - (i) *65th Avenue from its intersection with Nyberg Street south to City limits;*
  - (j) *Borland Road from 65th Avenue east to Saum Creek;*
  - (k) *Bridgeport Road from Lower Boones Ferry Road to the west City limits;*
  - (l) *Martinazzi Avenue from Boones Ferry Road south to Sagert Street;*
  - (m) *Sagert Street from Martinazzi Avenue to 65th Avenue;*
  - (n) *Leveton Drive from 108th Avenue to 124th Avenue;*
  - (o) *108th Avenue from Leveton Drive to Herman Road;*
  - (p) *Herman Road from Teton Avenue to 124th Avenue;*
  - (q) *90th Avenue;*
  - (r) *Avery Street;*
  - (s) *Teton Avenue;*
  - (t) *Basalt Creek Parkway.*

*If the Council finds that any other road or street is in need of access control for any reason, it may direct that the street or road be added to this section through a Plan Text Amendment.*

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

**Response:** The site abuts SW Tualatin-Sherwood Road along the southern lot line, however, no new access to the site is proposed. This standard is not applicable.

**TDC 75.140. - Existing Streets Access Standards.**

*The following list describes in detail the freeways and arterials as defined in TDC 75.050 with respect to access. Recommendations are made for future changes in accesses and location of future accesses. These*



*recommendations are examples of possible solutions and shall not be construed as limiting the City's authority to change or impose different conditions if additional studies result in different recommendations from those listed below...*

**Response:** No changes are proposed to access, and the site does not take access from any of the listed roads. This section does not apply.

#### **IV. CONCLUSION**

As demonstrated in the narrative above and referenced attachments, the proposed partition meets the relevant criteria and warrants approval.