



ARCHITECTURAL REVIEW DECISION
GRIMM'S FUEL STORAGE YARD (AR 24-0006)
November 19, 2025

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| Case #: | AR 24-0006 |
| Project: | Grimm's Fuel Storage Yard |
| Location: | 18700 SW 128 th Avenue; Tax Lot: 2S121A002100 |
| Applicant: | AKS Engineering & Forestry LLC |
| Owner: | Grimm's Fuel Company |

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I. INTRODUCTION

Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 60: Light Manufacturing Zone (ML)
- TDC 63: Industrial Uses and Utilities and Manufacturing Zones – Env. Regulations
- TDC 70: Floodplain District (FP)
- TDC 72: Natural Resource Protection Overlay District (NRPO)
- TDC 73A: Site Design Standards
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

Site Description



The site at 18700 SW 128th Avenue is a 10.7-acre lot located in the Light Manufacturing (ML) Planning District. The subject site is part of a larger 28.24-acre property owned by Grimm's Fuel Company. The site takes access from SW 128th Avenue to the west and is bordered by SW 124th Avenue to the east. The site is in the Floodplain District (FP), and portions of the site are also in the Natural Resource Protection Overlay District (NRPO).

The western portion of the site is associated with an existing unpermitted gravel storage area. To begin the mitigation process, a land use application form and fee were submitted to the City of Tualatin on September 3, 2024 (Local File No. AR24-0006). A subsequent notice from the City was received on September 30, 2024, that identified completeness items; this submittal package is intended to provide the requested information and materials to establish a complete application.

Proposed Project

AKSEngineering & Forestry, LLC, on behalf of Grimm's Fuel Co., requests approval to construct a vehicle storage lot located at 18870 SW 128th Avenue (Tax Lot: 2S121A002100). The proposal

includes a 2.3-acre paved towing yard and vehicle storage area, a mobile office trailer, a new stormwater facility, and associated improvements. Additional improvements include sight-obscuring fencing, a trash and recycling area, and on-site landscaping, including new plantings and retained vegetation.

Previous Land Use Actions

- Architectural Review 86-04

Surrounding Zones and Uses

Surrounding uses include:

North: Light Manufacturing (ML)

- Anodize Solutions
- Leveton LLC

South: General Manufacturing (MG)

- Key Knife, Inc.
- Pioneer Metal Finishing

West: General Manufacturing (MG)

- SW 128th Avenue
- Grimm's Fuel Company

East: Manufacturing Park (MP)

- SW 124th Avenue
- DPI Specialty Foods

Exhibit List

- A: Application Materials
 - A1. Land Use Application & Narrative
 - A2. Preliminary Plans
 - A3. Trip Generation Memorandum
 - A4. Service Provider Letters
 - A5. Supporting Documents
 - A6: Soil Resource Report
 - A7: Preliminary Stormwater Report
 - A8: Preliminary Natural Resources Report
 - A9: Parking Area Diagram
- B: Public Notice
- C: Map 72-1 Natural Resource Protection Overlay District
- D: Map 72-3 Significant Natural Resources
- E: Clean Water Services Memorandum (5.2.2025)

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 24-0006 is **approved** subject to the following conditions:

GENERAL:

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

PRIOR TO EROSION CONTROL, FLOOD HAZARD AREA DEVELOPMENT, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE:

Submit the following to the Planning Division via eTrakit for review and approval:

- A2. A revised grading plan identifying trees and other plant materials for retention in accordance with TDC 73B.060. Including;
- i. The submission of a final Tree Assessment Report and Tree Preservation Plan by a qualified arborist demonstrating that the requirements of TDC 33.110 are met.
 - ii. Identified trees for removal and retention, tree protection measures, and complete tree inventory list per TDC 73B.060.
- A3. Trees identified for preservation on the Erosion Control plan must be protected by chain link or other sturdy fencing placed around the tree at the drip line, pursuant to TDC 73B.060. Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist. The applicant must install tree protection fencing consistent with the final Tree Assessment Report. Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice.
- A4. Non-building development uses proposed in natural areas of the Natural Resource Protection Overlay District (NRPO) (Map 72-1) are subject to compliance with Clean Water Services standards stated in the Clean Water Services Service Provider letter dated April 7, 2025, and requirements stated in the Clean Water Services Memorandum dated May 2, 2025, to mitigate the impact of development to the extent necessary.

Submit to the Engineering Division via eTrakit for review and approval:

- A5. The applicant must apply for Engineering Erosion Control, Flood Hazard Area Development, Public Works and Water Quality permits:
- a. Apply using eTrakit. With the initial Engineering permit(s) application(s) include:
 - i. One combined set of 22"x34" plans:
 - 1. Using NAVD 1988; and,
 - 2. Attaching one plan set including all applicable Engineering permits to one Engineering permit; and,

3. Adding notes on other Engineering permits stating which application includes the attached plan set; and,
 - ii. Payment per the fee schedule for
 1. An Erosion Control permit; and,
 2. Engineering estimates and deposits for:
 - a. A Water Quality permit; and;
 - b. Public Works permit; and,
 - b. Deliver one 22"x34" hard copy of the combined Engineering permit plan set to:
City of Tualatin
Attn: Engineering Division c/o Principal Engineer
10699 SW Herman Road
Tualatin, OR 97062
- A6. For work performed within the vicinity of the 0.2% (500-year) floodplain, the applicant must obtain City approval of a Flood Hazard Area Development Permit application, plans, and supporting materials:
- a. In accordance with:
 - i. Tualatin Development Code (TDC) 70; and,
 - ii. Tualatin Municipal Code (TMC) 3-5-250 and 3-5-260; and,
 - b. Certified by a professional civil engineer registered in Oregon; and,
 - c. Using a Base Flood Elevation of 134.3 feet, NAVD 1988; and,
 - d. Floodplain fill balanced by cut per foot of elevation in accordance with TMC 3-5-250 or as otherwise approved by the City Engineer; and,
 - e. Proposed construction in accordance with TDC 70.170 and 70.180; and,
 - f. Applicable FEMA PICM form and supporting materials in accordance with the City Engineer; and,
- A7. The applicant must obtain City approval of Final Street Improvement Plans for SW 128th Avenue adjacent to the lot associated with the proposed development, plus any additional to transition into existing streets in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show:
- a. The boundaries and nature of private and public access and utility easements:
 - i. Existing with recorded document numbers; and,
 - ii. Proposed; and,
 - b. Dedication of public utility easements:
 - i. A minimum of 8-feet-wide adjacent to rights-of-way; and,
 - ii. Required by PGE to:
 - a. Encompass poles and guy wires; and,
 - b. Surround underground vaults; and,
 - c. Access infrastructure; and,
 - c. Construction for SW 128th Avenue including:
 - i. Maintenance, addition, or replacement of street trees within the planter strip including root barriers; and,
 - ii. Replacement or repair of any areas of sidewalk or crosswalk along the subject property frontage that do not meet PROWAG standards; and,

- d. All modified and proposed driveways meeting requirements below or as otherwise approved by the City Engineer:
 - i. With a width between 32 and 40 feet wide measured at right-of-way to enable safe turning movements; and,
 - ii. The existing gate at the site's driveway to SW 128th Avenue right-of-way:
 - 1. An operation and maintenance plan showing how vehicles will access the site and open gates without blocking public streets; or,
 - 2. Relocated adequately back from right-of-way to enable an approved vehicle type (such as a WB-67 or other appropriately sized vehicle) to stop and open the gate without impeding travel along public roads; or,
 - 3. Removed; and,
 - iii. Turning movement diagrams showing all existing and proposed driveways operate without adverse impact to public rights-of-way, as determined by the City Engineer, showing:
 - 1. Vision clearance triangles; and,
 - 2. Sight distances (based on AASHTO standards); and,
 - 3. Existing and proposed curb radii can accommodate associated allowed vehicular movements or propose a radius allowing turning movements for the widest path design vehicle (such as a WB-67 truck), associated curb, and sidewalk ramps consisting of reinforced concrete meeting PROWAG; and,
 - e. Street illumination meeting City of Tualatin and Washington County standards:
 - i. Identifying standards are met; or,
 - ii. Show the location of proposed streetlights poles, fixtures, and any streetlight footings and grounding material (may include the ground rod and copper wire) for the streetlights pole and/or junction box needed to meet the standards (using equipment from PGE's Option A list); and,
 - 1. Submit the City approved streetlight design layout to the PGE Lighting Design Project Manager; and,
 - 2. Submit payment to cover the City's cost per Street Light Rate Schedule 95, Option A; and,
- A8. The applicant must obtain City approval of Final Water System Plans in accordance with Tualatin Development Code (TDC) 74.610, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
- a. The boundaries of existing public water easements with recorded document numbers; and,
 - b. Proposed ten-foot-wide public water or utility easements outside existing public easements for all portions of water laterals to and surrounding any meter, reduced pressure backflow prevention, and fire vault by five feet; and,
 - c. Separate laterals to the main with gate valves for each:
 - i. Domestic service for each building or structure served or irrigation for planter strip and onsite landscaping; and,
 - ii. Fire protection service and appropriate backflow device for each building or structure served; and,
 - d. Separate appropriately-sized water meters per domestic lateral located within the planter strip or City Engineer-approved alternate location with:

- i. Reduced Pressure Backflow Assembly (RPBA) for all domestic laterals; and,
- ii. Irrigation after a domestic meter and RPBA serving the planter strip adjacent to this development; and,

A9. The applicant must obtain City approval of:

a. Final Stormwater System Calculations and Plans:

- i. In accordance with:
 - 1. Tualatin Development Code (TDC) 74.630 and 74.650; and,
 - 2. Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430; and,
 - 3. Public Works Construction Code (PWCC); and,
 - 4. Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4; and,
 - 5. TMC 3-5-390 (1), stamped by an Oregon registered, professional engineer and,
- ii. A solution for stormwater runoff treatment and control releasing to the public system (this includes wetlands) which is included as part of this project's modified and new impervious areas:
 - 1. Address runoff from all new and modified private impervious areas; and,
 - 2. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2; and,
 - 3. In accordance with CWS D&CS 4.02, 4.03, and 4.04 for quantity control, hydromodification, and water quality; and,
- iii. Detain and/or infiltrate in accordance with:
 - 1. City Engineer policy; and,
 - 2. Detain up to the 25-year storm event in accordance with TMC 3-5-220 and TMC 3-5-230; and,
 - 3. CWS D&CS 4.08; and,
 - 4. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5; and,
- iv. Provide a downstream analysis and include solutions within final plans:
 - 1. For ¼ mile downstream from the release from the private development through the public stormwater system in accordance with TMC 3-5-210(4); and,
 - 2. Including but not limited to erosion; and,
- v. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with the submitted Clean Water Services' Service Provider Letter dated April 7, 2025, conditions to obtain a Stormwater Connection Permit Authorization Letter; and,
- vi. For existing private stormwater facilities, the applicant must address deficient facilities and bring them into compliance with the standard(s) under which they were approved.

b. A copy of the recorded private stormwater facilities agreement in accordance with TMC 3-5-390(4):

- i. Clarifying the responsible party(ies) to maintain the constructed portions of stormwater systems and any existing infrastructure; and,
- ii. The agreement must provide reference to all new and existing stormwater treatment, hydromodification, and detention facilities; and,

A10. The applicant must:

- a. The applicant must obtain City approval of Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that minimize the impact of stormwater from the development to adjacent properties; and,
- b. Submit plans sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality if between 1 and 5 acres of disturbance.

PRIOR TO BUILDING PERMIT ISSUANCE:

Submit the following to the Planning Division via eTrakit for review and approval:

A11. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:

- a. A revised site plan with details to demonstrate;
 - i. Elevations for the proposed mobile office trailer demonstrate compliance with TDC 60.300 and TDC 73A.110(4). Skirting at the base of the trailer must be installed.
 - ii. Wheel stops are provided in striped parking areas consistent with TDC 73C.030(3).
 - iii. Provided electrical service capacity in the parking area in compliance with TDC 73C.030(10)(a).
 - iv. The proposed driveway meets the driveway width and other requirements of TDC 73C.090.
- b. A revised landscape plan with details to demonstrate;
 - i. Trees and other plant materials to be retained must be identified on the landscape plan and grading plan in accordance with TDC 73B.060
 - ii. Site perimeter landscaping is a minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas in compliance with TDC 73C.210(3).
 - iii. Landscape islands in the proposed parking areas are a minimum of five feet in width (from inside or curb to curb) in accordance with TDC 73C.210(4).
 - iv. A detail showing the sight-obscuring (slatted) fence or landscaped screening for perimeter fencing. Provide details to demonstrate color, height and spacing of the proposed sight-obscuring slats.
 - v. Identification of all paved areas that are not landscaped in compliance with TDC 74B.040.

Submit to the Engineering Division via eTrakit for review and approval:

- A12. The applicant must submit copies of recorded documents in accordance with Public Works Construction Code (PWCC) and Tualatin Development Code (TDC) 74.210, 74.330, 74.350, and 75.040 which show the City Engineer approved public utility easements:
- a. Adjacent to SW 128th Avenue; and,
 - b. Any additional to:
 - i. Encompass portions of private water systems from the public main to and surrounding domestic meters and fire vaults; and,
 - ii. Adequately surround and maintain PGE or other utility infrastructure; and,
- A13. The applicant must obtain final approval of all Erosion Control, Flood Hazard Area Development, Public Works, Public Works, and Water Quality Permits from the City of Tualatin.
- A14. If a Public Utility with a current Franchise agreement or Rights-of-Way License (PWCC 100 definitions) from Tualatin requires an applicant to participate in the process of obtaining a Franchise (PWCC 102.1.3 and 207 Public Utility) Permit, the applicant must perform in accordance with TDC 74.660 and 670, PWCC 207, TMC 03-06.

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

Submit the following to the Planning Division via eTrakit for review and approval:

- A15. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.110(4). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, must be a minimum of 4 inches high, and must have a minimum stroke width of 1/2 inch. It is recommended to double this size on large buildings.
- A16. The applicant must screen with sight-obscuring fences or walls and landscaping, in accordance with TDC 73A.110(5) all above-grade and on-grade electrical and mechanical equipment, as well as, outdoor storage.
- A17. Demonstrated electrical service capacity in the parking area in compliance with TDC 73C.030(10)(a).
- A18. The applicant must construct all proposed site improvements as illustrated on the approved Final Site Plan Set.

Submit to the Engineering Division via eTrakit for review and approval:

- A19. The applicant must:
- a. Complete all the private and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.120 and 74.140; and,
 - b. Submit:

- i. An approved final erosion control inspection report to the Engineering division; and,
- ii. PDF as-builts of the Engineering division permits along with maintenance bonds and complete any final fees for private and public improvements.

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

- A20. The proposed development must comply with the Environmental Regulations of TDC Chapter 63.
- A21. All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas are landscaped and meet all dimensional requirements pursuant to TDC 73B.040. Including any areas between the proposed fencing and the public right-of-way must be landscaped.
- A22. Proposed landscaping must meet the minimum standards for trees and plants in accordance with TDC 73B.070.
- A23. 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 in accordance with TDC 73B.060(2).
- A24. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 73-2 and the clear zone requirements of TDC 73C.210(2).
- A25. Outdoor storage, mechanical equipment, and electrical equipment must be screened in compliance with TDC 73A.110(5).
- A26. Artificial lighting must be deflected to not shine or create glare in residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor in accordance with TDC 73A.110(4) and TDC 73C.030(11).
- A27. If the use of the property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use, pursuant to TDC 73C.010.
- A28. In accordance with TDC 73C.030(7), accessible parking spaces must meet federal and state building code standards applicable at time of construction or alteration. Such parking spaces must be sized, signed, and marked in compliance with ORS 447.
- A29. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A30. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original

approval through the AR process, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.

III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

Chapter 32: Procedures.

[...]

Section 32.010 – Purpose and Applicability.

$$[\dots]$$

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

[...]

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

$$[\dots]$$

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

Table 32-1 – Applications Types and Review Procedures

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

Finding:

The submitted Architectural Review application proposes site improvements on a vacant property in the Light Manufacturing (ML) Planning District and would be classified as "General Development" under TDC 33.020(3)(f). The application is subject to Type II procedures according to Table 32-1. The application has been processed according to the applicable Type II procedure. This standard is met.

[...]

Section 32.030 – Time to Process Applications.

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

[...]

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

Finding:

The application was deemed incomplete on September 30, 2024; additional materials were submitted, and the application was requested to be forced complete by the applicant team on February 28, 2025. The applicant submitted a 30 day extension to the 120-day rule. The 120th day decision including the extension is July 28, 2025. The final action on this application must take place within 120 days unless the applicant requests an additional extension in compliance with ORS 227.178. These standards are met.

Section 32.110 – Pre-Application Conference.

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

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

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

(4) **Application Requirements for Pre-Application Conference.**

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

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

(i) A completed application form;

- (ii) Payment of the application fee;
- (iii) The information required, if any, for the specific pre-application conference sought; and
- (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.

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

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

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

Finding:

A Pre-Application Meeting is mandatory. The applicant participated in a Pre-Application Meeting on January 31, 2024. The applicant participated in several follow-up conversations and formally applied on September 3, 2024. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

[...]

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

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

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

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

(5) **Notice Requirements.**

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

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

- (i) All property owners within 1,000 feet measured from the boundaries of the subject property;

(ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and

(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

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

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

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

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

Finding:

The applicant provided evidence that a Neighborhood/Developer Meeting was held on February 19, 2025, at the Tualatin Public Library. The applicant provided documentation of sign posting, mailing list, and other required items of Section 32.120 in Exhibit A5. These standards are met.

Section 32.130 – Initiation of Applications.

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

(a) The owner of the subject property;

(b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;

(c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or

(d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[...]

Finding:

The applicant provided a title report in Exhibit A5 showing Grimm's Fuel Co. as the current owner of the property. The applicant provided a signed land use application from the property owner authorizing AKS Engineering & Forestry, LLC to submit the land use application on their behalf. This standard is met.

Section 32.140 – Application Submittal.

(1) **Submittal Requirements.** Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to

the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

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

Finding:

The application was initially submitted on September 3, 2024, deemed incomplete on September 30, 2024, and forced complete by the applicant on February 28, 2025. The general land use submittal requirements are included with this application. These standards are met.

Section 32.150 - Sign Posting.

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

Finding:

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

Section 32.160 – Completeness Review.

- (1) **Duration.** Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.
- (2) **Considerations.** Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.
- (3) **Complete Applications.** If an application is determined to be complete, review of the application will commence.
- (4) **Incomplete Applications.** If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

- (a) All of the missing information;
 - (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (c) Written notice from the applicant that none of the missing information will be provided.
- (5) Vesting. If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.
- (6) Void Applications. An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

Finding:

The application was submitted on September 3, 2024, additional materials were submitted, and the application was forced complete on February 28, 2025, which is within the 180-day deadline for deeming an application complete. These standards are met.

[...]

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

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

- (1) Submittal Requirements. Type II applications must include the submittal information required by TDC 32.140(1).
- (2) Determination of Completeness. After receiving an application for filing, the City Manager will review the application for completeness in accordance with TDC 32.160.
- (3) Written Notice of Application and Opportunity to Comment. Once the application has been deemed complete, the City must mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days before making the Type II decision to allow interested people and agencies the opportunity to submit written comments on the application before the City issues the decision.

(a) Recipients:

- (i) The applicant and the owners of the subject property;
- (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;
- (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;
- (iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;
- (v) Any person who submits a written request to receive a notice;
- (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then

the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and

(vii) Utility companies (as applicable).

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

(i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;

(ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;

(iii) The proposed site plan;

(iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;

(v) The type of application and a concise description of the nature of the land use action;

(vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;

(vii) Brief summary of the local decision making process for the land use decision being made;

(viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;

(ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;

(x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;

(xi) A statement that comments received after the close of the public comment period will not be considered;

(xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and

(xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.

(c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.

(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.

Finding:

After application submittal and completeness review, as required by this section, notices for the Type II application for AR 24-0006 were emailed by city staff on April 18, 2025, and mailed by city staff on April 30, 2025. The notices contained the information required by this section (Exhibit B). No public comments have been received. These standards are met.

(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 that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
- (d) The date the decision becomes final, unless an appeal is submitted; and
- (e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.

(6) Appeal of a Type II Decision. Appeals may be made in accordance with TDC 32.310.

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

Finding:

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

Chapter 33: Applications and Approval Criteria.

[...]

Section 33.020 Architectural Review.

[...]

(2) Applicability.

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

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

[...]

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

[...]

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

[...]

Finding:

The submitted Architectural Review application proposes site improvements on a vacant property in the Light Manufacturing (ML) Planning District and would be classified as "General Development" under TDC 33.020(3)(f). The application is subject to Type II Architectural Review. The application has been processed according to the applicable Type II procedures. This standard is met.

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

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

(5) Approval Criteria.

[...]

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

[...]

Finding:

The submitted Architectural Review is for "General Development". The applicant has provided materials meeting the requirements of this section of the TDC. Therefore, it must comply with the standards and objectives in TDC 73A through 73G. These standards are met by submittal of the subject application.

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

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

(10) Extension of Permit Expiration.

- (a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.
- (b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.
- (c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:

- (i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.
- (ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.
- (d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.
- (e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:
 - (i) The applicant submitted a written extension request prior to the expiration date;
 - (ii) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;
 - (iii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and
 - (iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.
- (f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.
- (g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

Finding:

The proposed application is approved subject the compliance with the above standards. With recommended Condition of Approval A31, these standards are met.

Section 33.110 - Tree Removal Permit/Review.

- (2) Applicability. No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.
[...]
- (3) Exemptions. The following actions are exempt from the requirements of a tree removal permit
 - (a) General Exemption. Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:
 - (i) Not located in the Natural Resource Protection Overlay District (NRPO);
 - (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);
 - (iii) Not a Heritage Tree; and
 - (iv) Not previously required to be retained or planted under an approved Architectural Review decision.

(5) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following:

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

(6) Approval Criteria.

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

Finding:

The submitted preliminary plans (Exhibit A2) and supporting narrative (Exhibit A1) proposed the removal of 11 trees to facilitate the onsite improvements. The applicant's narrative stated the trees proposed for removal are necessary in order to facilitate the planned site paving and associated improvements. Trees planned for removal would inhibit the planned use of the site if retained and would present a hazard to vehicles stored on the site. With Conditions of Approval A2, A3 and A11, these standards are met.

Chapter 60: Light Manufacturing Zone (ML).

[...]

Section 60.200. - Use Categories.

(1) *Use Categories.* Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the ML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 60-1 and restrictions identified in TDC 60.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

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

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

| Table 60-1: Use Categories in the ML Zone | | |
|---|--------|--|
| USE CATEGORY | STATUS | LIMITATIONS AND CODE REFERENCES |
| [...] | | |
| INDUSTRIAL USE CATEGORIES | | |
| Vehicle Storage | P(L) | Vehicle storage not permitted within the Limited Commercial Setback. Vehicles sales not permitted. All other uses permitted outright in other locations. |

[...]

Finding:

The applicant proposes a towing and vehicle storage facility use. The subject site is not located in the Limited Commercial Setback, according to Table 60-1. Therefore, vehicle storage is a permitted use. Vehicle storage is defined in TDC 39.430 as storage facilities for vehicles, including automobiles, boats, buses, recreational vehicles, and trailers. Towing and vehicle storage operations are provided as an example of vehicle storage use. Auto wrecking yards are not permitted in any zone. The outdoor storage of automobiles or the sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone. With Condition of Approval A28, this standard is met.

Section 60.300. - Development Standards.

Development standards in the ML zone are listed in Table 60-2. Additional standards may apply to some uses and situations, see TDC 60.310.

Table 60-2
Development Standards in the ML Zone

| STANDARD | REQUIREMENT | LIMITATIONS AND CODE REFERENCES |
|-------------------|--------------------|--|
| Minimum Lot Size | 20,000 square feet | - |
| Minimum Lot Width | 100 feet | When lot has frontage on public street, minimum lot width at the street is 100 feet. |

| | | |
|-------------------------------|-----------|---|
| | | When lot has frontage on cul-de-sac street, minimum lot width at the street is 50 feet. |
| [...] | | |
| Front Setback | 30 feet | |
| [...] | | |
| Side Setback | 0-50 feet | Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track. |
| [...] | | |
| Rear Setback | 0-50 feet | Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track. |
| [...] | | |
| Parking and Circulation Areas | 5 feet | No minimum setback required adjacent to joint access approach in accordance with TDC 73C. |
| [...] | | |
| Maximum Height | 50 feet | 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. Measured at the 50-foot setback line, includes flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot setback line at a slope of 45 degrees extending away from the 50-foot setback line. Flagpoles may extend to 100 feet. |
| [...] | | |

Finding:

The 10.7-acre site is located in the Light Manufacturing (ML) Planning District. The lot size and dimension standards are met.

A 30 ft. front setback is required, the applicant proposed a 23.17 ft. front setback. The applicant's narrative (Exhibit A1) stated that the existing mobile office structure is set back ±23 feet from the right-of-way of SW 128th Avenue. The narrative stated the south and east portions of the subject site contain significant wetlands that limit the developable area of the site. Therefore, this application includes a setback reduction for development adjacent to natural areas. The applicant provided additional findings in TDC 60.310(4).

With Condition of Approval A11, these standards are met.

Section 60.310. - Additional Development Standards.

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

Finding:

All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading. The applicant must abide by this standard of the Tualatin Development Code. The vehicular storage use must meet the landscaping and screening requirements of TDC Chapter 73A and 73B, with Condition of Approval A11 and A26, this standard is met.

[...]

(4) Setback Reduction for Developments Adjacent to Greenways and Natural Areas. To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front, side, or rear yard setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards:

- (a) **Setback Reduction.** All permitted uses may be allowed a reduction of up to 35 percent of the front, side, or rear yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.
- (b) **Location of Greenway or Natural Area Lot.** A portion of the parcel must be located in one of the following conservation or protection areas:
 - (i) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
 - (ii) Clean Water Services Vegetated Corridor.
- (c) **Ownership of Greenway or Natural Area Lot.** The ownership of each Greenway or Natural Area Lot must be one of the following:
 - (i) Dedicated to the City at the City's option;
 - (ii) Dedicated in a manner approved by the City to a non-profit conservation organization; or
 - (iii) Retained in private ownership.
- (d) **Ownership Considerations.** The decision-making authority must consider, but is not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
 - (i) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
 - (ii) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
 - (iii) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
 - (iv) Does the lot connect publicly owned or publicly accessible properties;
 - (v) Does the lot abut an existing park, greenway, natural area or other public facility;
 - (vi) Does the lot provide a public benefit or serve a public need;
 - (vii) Does the lot contain environmental hazards;
 - (viii) Geologic stability of the lot; and
 - (ix) Future maintenance costs for the lot.

Finding:

The submitted narrative (Exhibit A1) described the wetlands located on the southern and western portions of the site that limit the site's developable area. The submitted preliminary plans (Exhibit A2)

showed portions of the Wetland Conservation Natural Area (WCNA) and the Clean Water Services Vegetated Corridor present on the subject site.

In the Light Manufacturing (ML) Planning District, the development standards require a 30 ft. front setback. The applicant proposed a 23.17 ft. front setback for the existing mobile office located on the site. The application requested a 23% front setback reduction, which is an allowable setback reduction under the provisions of this section.

The applicant's narrative stated that moving the structure further east (to meet the standard 30-foot front setback) would impede circulation in the towing yard/vehicle storage area and require expansion of the paved area to the east, creating additional impacts to the wetland. The applicant wrote that the reduction in the front setback would allow the mobile office to remain in the existing location and protect the onsite natural resources.

The submitted narrative (Exhibit A1) stated the natural area on the subject site is retained in private ownership and protected through a permanent conservation easement (Document No. 2010-040750). The Natural Resource Protection Overlay District (NRPO) is discussed further in TDC Chapter 72. These standards are met.

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

[...]

Section 63.020. - Applicability.

The regulations of this Chapter apply to:

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

Finding:

The applicant's proposed use of vehicle storage is an Industrial Use within the Light Manufacturing (ML) Planning District. This chapter is applicable.

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.

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.

(a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district must not exceed 0.01 inches per second (0.00025 meters per second) RMS velocity.

(b) Ground vibration as measured at a common property boundary of any two properties within any industrial planning district must not exceed 0.1 inches per second (0.0025 meters per second) RMS velocity.

(2) Method of Measurement. Vibration measurement procedures must conform to the methods described in this section and to procedures approved by the Oregon Department of Environmental Quality.

- (a) Instrumentation must be capable of measuring RMS value of the vibration velocity over the frequency range of ten to 1,000 hertz.
 - (b) Measurement values must be recorded for a sufficient period of observation to provide a representative sample.
 - (c) Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of nine inches (22.9 cm.) in length, driven flush with the ground surface.
- (3) Exemptions. The requirements of TDC 63.052(1) do not apply to:
- (a) Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad;
 - (b) Vibration resulting from the operation of any road vehicle;
 - (c) Vibration resulting from construction activities and use of construction equipment; and
 - (d) Vibration resulting from roadway maintenance and repair equipment.

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

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.

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.

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.

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.

Section 63.058. - Dangerous Substances.

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

Finding:

The applicant's narrative (Exhibit A1) stated that the existing use and future use of the site will comply with Chapter 63 of the Tualatin Development Code. The proposed improvement includes a 6 ft. slatted chain-link fence to screen the planned towing yard and storage facility from the adjacent right-of-way and abutting properties.

With Condition of Approval A21, these standards are 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).

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.

[...]

Section 70.170. - General Standards.

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

(1) Anchoring.

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

[...]

(2) Construction Materials and Methods.

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Utilities.
- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (c) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
- [...]

Finding:

A Flood Hazard Area Development permit will be obtained before construction. City-approved permit plans will identify locations of balanced cut and fill per foot of elevation. All other supporting materials as required and approved by the City Engineer will be submitted.

The permit plans will show construction associated with the floodplain boundaries. FEMA identifies the floodplain elevation at this site as 134.3 feet, NAVD 1988. All utilities planned with this development, which are located within the floodplain, will be designed to meet code, and construction will be shown in accordance with TDC 70.170.

With Conditions of Approval A5, A6, A13, and A20 these standards are met.

Chapter 72: Natural Resource Protection Overlay District (NRPO).

[...]

Section 72.013 - Significant Natural Resources.

The following natural resource sites identified in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) are Significant Natural Resources:

[...]

| Unit # | Resource # | Assessors Map and Tax Lot | | |
|--------|------------|---|--------------|--------------|
| | | (Unit C: Cummins Creek; H: Hedges Creek; N: Nyberg Creek; S: Saum Creek; SD: Seeley Ditch; T: Tualatin River) | | |
| C1 | F25 | 2S121A002100 2S122C000801 | 2S121DA00300 | 2S121DA00400 |
| C1 | W38 | 2S121A002100 | 2S121A002600 | |

Finding:

The east side of the subject property is designated as a Natural Resource Protection Overlay District (NRPO). The sites listed in the table of TDC 72.013 are identified in the City of Tualatin Natural Resource Inventory and are located on the subject site.

Map 72-1: Natural Resources Protection Overlay District (NRPO) and Greenway Locations (Exhibit C) included the Wetland Conservation District (WCNA) present on the subject site. Map 72-3: Significant Natural Resources (Exhibit D) shows resource W-38 (Significant Wetland) to be present on the subject site.

Non-building development uses proposed in natural areas of the Natural Resource Protection Overlay District (NRPO) (Map 72-1) are subject to compliance with Clean Water Services standards to mitigate the impact of development to the extent necessary.

Section 72.020 – Location of Greenways and Natural Areas.

(1) The designated significant natural resources are the Greenways and Natural Areas on Map 72-1, which shows the general location of the NRPO District.

(2) Lands in the Wetland Protection District (WPD) are subject to Chapter 71, and other applicable regulations, but not Chapter 72.

Finding:

Map 72-1 (Exhibit C) illustrates Wetland Conservation Natural Areas (WCNA) within the confines of the subject property, therefore Chapter 72 is applicable. The subject property does not contain land that is within a Wetlands Protection District, therefore Chapter 71 is not applicable.

Section 72.040 - Natural Areas.

(1) Natural Areas are the wetlands and upland open space areas on Map 72-1. They provide flood control, water quality, erosion control, fish and wildlife habitat, and valuable scenic qualities. Natural Areas may include restored and enhanced wetlands, park sites and other areas accessible by the public for passive recreation.

(2) Wetland Natural Areas.

(a) Wetland Preservation Natural Areas (NRPO-WPNA) are shown on Map 72-1. They include all land within a delineated wetland boundary.

(b) Wetland Conservation Natural Areas (NRPO-WCNA) are shown on Map 72-1. Except as provided in Subsection (c), they include all land within a delineated wetland boundary.

(c) For uses not permitted in TDC 72.060(3), excavation, fill or removal in a NRPO-WCNA is allowed subject to the Oregon Division of State Lands (DSL) requirements and the following standards:

(i) The wetland acreage affected by the excavation, fill or removal shall not exceed 30 percent of the subject property's delineated wetland acreage. The wetland acreage affected shall include excavation, fill or removal activities conducted since March 1, 1996.

(ii) The excavation, fill or removal shall not reduce or block water features such as springs, drainage courses and streams.

(iii) The wetland's functions and values listed in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) shall be retained or improved through mitigation and/or enhancement. The wetland's

functions and values may be assessed using the Oregon Freshwater Wetland Assessment Methodology (DSL, 1996, as amended).

(iv) Mitigation shall be conducted either on the subject property or within the same stream watershed as the subject wetland unless the applicant demonstrates the impracticality of doing so.

Finding:

The subject property contains Natural Resource Protection Overlay – Wetland Conservation Natural Areas (NRPO-WCNA) land shown on Map 72-1 (Exhibit C). The applicant submitted a service provider letter from Clean Water Services in Exhibit A4. The service provider letter attached conditions, development figures, and a planting plan. A condition provided in the service provider letter included, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits. Standards within TDC 72.040(c)(i), (ii), (iii) and (iv) will be evaluated with the submittal. Non-building development uses proposed in natural areas of the Natural Resource Protection Overlay District (NRPO) (Map 72-1) are subject to compliance with Clean Water Services standards to mitigate the impact of development to the extent necessary. With Condition of Approval A4, these standards are met.

Section 72.056 - Vegetated Corridors of Sensitive Areas.

Lands subject to these regulations are also subject to the regulations in the Unified Sewage Agency's Design and Construction Standards.

Finding:

The proposed development has been reviewed by Clean Water Services in the submitted service provider letter in Exhibit A4 and the memorandum in Exhibit E. The submitted comments and conditions will apply to all grading and construction activities. With recommended Condition of Approval A4, this standard is met.

Section 72.060. - Development Restrictions in Greenways and Natural Areas.

(1) Except as provided in Subsection (2), no building, structure, grading, excavation, placement of fill, vegetation removal, impervious surface, use, activity or other development shall occur within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas.

(2) The following uses, activities and types of development are permitted within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas provided they are designed to minimize intrusion into riparian areas:

(a) Public bicycle or pedestrian ways, subject to the provisions of TDC 72.070.

(b) Public streets, including bridges, when part of a City approved transportation plan, and public utility facilities, when part of a City approved plan and provided appropriate restoration is completed.

(c) Except in Wetland Natural Areas, private driveways and pedestrian ways when necessary to afford access between portions of private property that may be bisected by a Greenway or Open Space Natural Area.

(d) Except in Creek Greenways and Wetland Natural Areas, outdoor seating for a restaurant within the Central Urban Renewal District, but outside of any sensitive area or its vegetated corridor.

- (e) Public parks and recreational facilities including, but not limited to, boat ramps, benches, interpretive stations, trash receptacles and directional signage, when part of a City-approved Greenway or Natural Area enhancement plan.
 - (f) Landscaping, when part of a landscape plan approved through the Architectural Review process. City initiated landscape projects are exempt from the Architectural Review process. Landscaping in Greenways and Natural Areas shall comply with the approved Plant List in the Parks and Recreation Master Plan. When appropriate, technical advice shall be obtained from the Oregon Department of Fish and Wildlife, U.S. Soil Conservation Service, or similar agency, to ensure the proposed landscaping will enhance the preservation of any existing fish or wildlife habitats in the vicinity.
 - (g) Wildlife protection and enhancement, including the removal of non-native vegetation and replacement with native plant species.
 - (h) Except in Wetland Natural Areas, public boating facilities, irrigation pumps, water-related and water-dependent uses including the removal of vegetation necessary for the development of water-related and water-dependent uses, and replacement of existing structures with structures in the same location that do not disturb additional riparian surface.
 - (i) In Wetland Natural Areas, perimeter mowing and other cutting necessary for hazard prevention.
- (3) The City may, through the subdivision, conditional use, architectural review, or other development approval process, attach appropriate conditions to approval of a development permit. Such conditions may include, but are not limited to:
- (a) Use of Greenways and Natural Areas for storm drainage purposes;
 - (b) Location of approved landscaping, pedestrian and bike access areas, and other non-building uses and activities in Greenways and Natural Areas;
 - (c) Setback of proposed buildings, parking lots, and loading areas away from the Greenway and Natural Area boundary.
- (4) Greenways and Natural Areas in which an access easement is owned by the City, but retained in private ownership, shall be maintained by the property owner in their natural state and may only be modified if a landscape and maintenance plan complies with the approved Plant List in the Parks and Recreation Master Plan, and has been approved through the Architectural Review process or by the Parks and Recreation Director when Architectural Review is not required.
- (5) The Parks and Recreation Director shall be included as a commentor when a development application proposes dedication of Greenway or Natural Area property to the City or when development is pro-posed on Greenway or Natural Areas property maintained by the Parks and Recreation Department.
- [...]

Finding:

The subject property contains Natural Resource Protection Overlay – Wetland Conservation Natural Areas (NRPO-WCNA) land shown on Map 72-1 (Exhibit C). The applicant submitted a service provider letter from Clean Water Services in Exhibit A4, and an additional memorandum was provided from Clean Water Services on May 2, 2025, in Exhibit E. The service provider letter attached conditions, development figures, and a planting plan. A condition provided in the service provider letter included, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and the US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits. The Parks

and Recreation Department reviewed the proposal and provided no comments. Non-building development uses proposed in natural areas of the Natural Resource Protection Overlay District (NRPO) (Map 72-1) are subject to compliance with Clean Water Services standards to mitigate the impact of development to the extent necessary. With Condition of Approval A4, these standards are met.

Section 72.070 - General Guidelines for Pedestrian and Bike Paths in Greenways.

To construct bike and pedestrian paths in greenways, the developer of the path shall adhere to the following guidelines, wherever practicable:

[...]

Finding:

The subject property does not contain a Greenway, therefore, TDC 72.070 is not applicable.

Section 72.085 - Landscaping Credit within Commercial and Industrial Planning Districts Adjacent to Greenways and Natural Areas.

(1) When a property owner in a Commercial, Institutional, or Industrial Planning District dedicates to the City a portion of the NRPO District, or vegetated corridor located within or adjacent to the NRPO District in accordance with a City-approved landscape plan, a Greenway and Natural Area Landscaping Credit shall be applied toward a portion of the site's percentage landscaping requirement.

(2) The amount of the Greenway and Natural Area Landscaping Credit shall be as provided in TDC Chapter 73. The applicant must meet all landscaping requirements in this Code to the satisfaction of the Planning Director through the Architectural Review process.

TDC 72.090 - Reduction in Setback Requirements.

When a property owner in a IN, CO, CR, CO/MR, ML, or MG Planning District dedicates to the City land in the NRPO District, a bikeway or pedestrian path facility, or a vegetated corridor located within or adjacent to the NRPO District, the minimum front yard setback may be reduced through the AR process as provided in Chapters 50, 51, 52, 55, 60, and 61.

[...]

Finding:

This section of the Tualatin Development Code was not addressed in the submitted materials. Landscaping credits have not be considered in the review of the proposed industrial development.

Section 72.110 - Easements for Pedestrian and Bicycle Access.

In any portion of the NRPO District, the City may, through the subdivision, partition, conditional use, architectural review, or other applicable development approval process, require that easements for pedestrian and bicycle access and maintenance uses be granted as a condition of approval when said easements are necessary to achieve the purposes of the Parks and Recreation Master Plan, Greenway and Trail Development Plan (Figure 72-2), or Bicycle and Pedestrian Plan (Figure 11-4).

Finding:

The Parks and Recreation Department reviewed the proposal and provided no comments.

Section 72.120 - Wetlands Protection District.

In cases where land within the NRPO District is also within the Wetlands Protection District, Chapter 71, any development permitted by TDC 72.060 shall be subject to the provisions of Chapter 71.

Finding:

Although the subject property contains Wetland Conservation Natural Areas, it is not within a Wetlands Protection District. These standards are not applicable.

Section 72.130 - Floodplain District.

In cases where land within the NRPO District is also within the Floodplain District, Chapter 70, any development permitted by TDC 72.060 shall be subject to the provisions of Chapter 70.

Finding:

The subject property is located in the NRPO District, and the Flood Plain District. The standards of TDC Chapter 70 are discussed further in the following sections.

Section 72.140 - Dedication of Land for Park Purposes.

Nothing in this chapter shall prohibit the dedication of land within the NRPO District to the public for park or open space purposes when the City Council finds that such dedication would be consistent with the purpose and objectives of the parks and recreation element of the Tualatin Public Facilities Plan.

Section 72.150 - Modifications for Storm Drainage Improvements.

Nothing in this chapter shall prohibit the City or any property owner from altering, enlarging, straightening, piping, or otherwise modifying a creek channel in the NRPO District upon a finding by the City Engineer that such modification is necessary for maintaining the ability of the creek to transmit storm water run-off.

Finding:

If necessary in the future, this section of the Tualatin Development Code will be applied.

Chapter 73A: Site Design Standards.

Section 73A.110. - General Design Standards.

The following standards are the minimum requirements for nonresidential development in all zones, except the Mixed-Use Commercial (MUC) and Basalt Creek Employment (BCE) zones, which have separate standards:

(1) **Walkways.** Development must provide walkways as follows:

(a) Walkways must have a minimum width of;

[...]

(ii) Five feet for industrial uses.

(b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete;

(c) Walkways must meet ADA standards applicable at time of construction or alteration;

(d) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;

(e) Walkways through parking areas must be visibly raised and of a different appearance than the adjacent paved vehicular areas;

- (f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and**
- (g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.**

Finding:

The proposed use of "vehicle storage" is an Industrial Use. Industrial uses require a minimum walkway width of five feet. The preliminary plans (Exhibit A2) include a five foot wide walkway providing a connection between the adjacent public sidewalk along SW 128th Avenue and the temporary building entrance on the subject site. The walkway is planned to be delineated from the adjacent vehicle storage area by thermoplastic striping. These standards are 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;**
 - (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 must not be gated to prevent pedestrian or bike access;**
 - (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.**

Finding:

The proposed project is not a multi-family development, and the subject site is not adjacent to a multi-family development. This standard is not applicable.

(3) Drive-up Uses. When permitted, drive-up uses must comply with the following:

[...]

Finding:

The applicant is not proposing a drive-up use. These standards are not applicable.

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

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

Finding:

The submitted narrative in Exhibit A1 stated that the existing mobile office has exterior building-mounted lighting to illuminate the office entrance and provide surveillance of the site. The application did not include elevations for the existing mobile office, it is unknown if there are windows to provide visibility to onsite and offsite activities. With Conditions of Approval A11, A15 and A27, these standards are met.

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

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

Finding:

The submitted preliminary site plans (Exhibit A2) proposed chain link fencing around the perimeter of the subject site. With Condition of Approval A11 and A26, this standard is met.

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

(a) Development on a transit street illustrated on Comprehensive Plan Map 8-5 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.

(b) Development abutting major transit stops as illustrated on Comprehensive Plan Map 8-5 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.

Finding:

The subject site abuts SW 124th Avenue to the east which is identified transit street on Comprehensive Plan Map 8-5. The applicant's narrative (Exhibit A1) and submitted plans (Exhibit A2) stated the site is encumbered with protected natural resources along the eastern portion of the site, and placing a transit stop along the 124th frontage would not be feasible.

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:

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

Finding:

The subject property is located within the Light Manufacturing (ML) Planning District, which requires 15 percent of the total developed area to be landscaped. The applicant's preliminary plans (Exhibit A2)

depicted a 101,375 sf. project area, which would require 15,207 sf. of landscaping. The applicant's landscape area summary stated that 16,015 sf. of landscaping will be provided. With Condition of Approval A31, this standard is met.

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

(1) General. In addition to requirements in TDC 73B.020, nonresidential uses, except those located in the Mixed-Use Commercial (MUC) zone which has its own standards, must comply with the following:

- (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
 - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.
- (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:
 - (i) Pedestrian amenities such as landscaped plazas and arcades; and
 - (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.
- (c) Five-foot wide landscaped area requirement does not apply to:
 - (i) Loading areas;
 - (ii) Bicycle parking areas;
 - (iii) Pedestrian egress/ingress locations; and
 - (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.
- (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.
- (e) Landscape screening provisions are superseded by the vision clearance requirements of Figure 73B-4.

(2) 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:

- (a) Area counted as landscaping is limited to a maximum of two and one-half percent (of the total land area to be developed;
- (b) Area to be counted as landscape must be within the boundaries of the subject property;
- (c) No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel;
- (d) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer must perform, or bear the cost of, all necessary mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Clean Water Services; and
- (e) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer must include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Clean Water Services as part of

the Architectural Review submittal. The developer must complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.

Finding:

All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped. Compliance will be verified through final plan review prior to building permit issuance.

The subject site is planned to be screened from the adjacent public right-of-way by a sight-obscuring fence, however, the submitted site plans did not include a 5-foot-wide landscaped area that must be located along all building perimeters viewable from the right-of-way and parking areas.

The subject site abuts the MP planning district along its eastern boundary. It is separated from the MP zoning district by a preserved wetland area that is not planned to be improved and the right-of-way of SW 124th Avenue. The subject site contains an existing wetland. The applicant's narrative noted that the 50-foot boundary of the wetland is not planned to be counted towards the minimum landscape requirements.

Where wetlands mitigation in the buffer has already been performed consistent with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer must include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Clean Water Services as part of the Architectural Review submittal. The developer must complete all work required by the enhanced wetland mitigation plan in conjunction with the development of the site.

With Conditions of Approval A11 and A22, these standards are met.

Section 73B.060 – Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

**Table 73B-2
Minimum Landscape Standards**

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

Finding:

All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped. The applicant proposed new landscaping along the SW 128th Avenue frontage, landscape islands north and south of the mobile office, and a vegetated corridor mitigation planting area. With recommended Condition of Approval A22, this standard is met.

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

Finding:

The project proposed perimeter slatted chain link fencing around the subject site. With Condition of Approval A24, this standard is met.

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

Finding:

Trees and other plant materials to be retained must be identified on the landscape and grading plans. In the submitted preliminary plans (Exhibit A2), 11 trees were proposed for removal. A qualified arborist must provide a final Tree Assessment Report and Tree Preservation Plan prior to construction. With recommended Conditions of Approval A2, A3 and A11, these standards are met.

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

Finding:

The proposal includes grading, as shown on the preliminary grading plan in Exhibit A2. Grading and erosion control is further addressed in Chapter 74. With Conditions of Approval A2 and A11, these standards are met.

| | |
|----------------|--|
| (5) Irrigation | <ul style="list-style-type: none"> • Landscaped areas must be irrigated with an automatic underground or drip irrigation system |
|----------------|--|

Finding:

The submitted narrative (Exhibit A1) and the preliminary plans (Exhibit A2) demonstrate that irrigation for new landscaping is planned to be provided via a drip irrigation system that will provide water to new plants while they are established. The planned improvements include an on-site cistern to provide water for the drip irrigation system. The on-site cistern is designated solely for irrigation purposes. It will not be used for any other function, and it will only be filled with domestic water. This standard is met.

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

Finding:

The applicant submitted a preliminary plan in Exhibit A2. With Condition of Approval A23, this standard is met.

Table 73B-3
Landscape Buffer Between Uses

| Existing/Abutting Districts | Residential | Commercial | Industrial | Parking Lots 4–50 spaces | Parking Lots 50+ spaces |
|-----------------------------|-------------|------------|------------|--------------------------|-------------------------|
| Residential | — | D | D | C | D |
| Commercial | C | — | D | — | — |
| Industrial | D | A | — | — | — |
| Parking Lots | C | — | — | — | — |
| Arterial Streets | A | — | A | — | — |

Table 73B-4
Landscaping and Screening

| | Options | Width (feet) | Trees (per linear feet of buffer) | Shrubs or Groundcover | Screening |
|---|---------|--------------|-----------------------------------|-------------------------|---------------|
| A | — | 10 | — | Lawn/living groundcover | — |
| B | — | 10 | 20 feet min/30 feet max spacing | Lawn/living groundcover | — |
| C | 1 | 10 | 15 feet min/30 feet max spacing | Shrubs | 4 feet hedges |
| | 2 | 8 | | Shrubs | 5 feet fence |
| | 3 | 6 | | Shrubs | 6 feet wall |
| D | 1 | 30 | 10 feet min/30 feet max spacing | Shrubs | Berm |
| | 2 | 20 | | Shrubs | 6 feet hedge |
| | 3 | 15 | | Shrubs | 6 feet fence |
| | 4 | 10 | | Shrubs | 6 feet wall |

Finding:

The subject site is within the ML zoning district and abuts adjacent industrially-zoned properties, industrial uses, SW 124th Avenue which is an arterial street. Per Table 73B-3 “Landscape Buffer Between Uses”, this standard is not applicable.

Section 73B.070 – Minimum Standards Trees and Plants.

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

Table 73B-5
Minimum Standards for Trees and Plants

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

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

Finding:

The applicant has provided a preliminary landscaping plan and plant schedule in Exhibit A2. With Condition of Approval A23, these standards are met.

Chapter 73C: Parking Standards.

Section 73C.010. - Off-Street Parking and Loading Purpose and Applicability.

(1) Purpose. The purpose of the off-street parking and loading area standards are to promote functional and safe parking areas that are:

- (a) Limited in scale;
- (b) Designed to minimize conflicts with active transportation modes;
- (c) Designed to mitigate heat island effects or generate sustainable power.

(2) Applicability. The off-street parking and loading provisions of this chapter apply to all new development and modifications to existing development, including changes of use, unless otherwise stated in this chapter.

Finding:

The applicant is proposing new development for the site, therefore the off-street parking and loading provisions of Chapter 73C are applicable.

Section 73C.020 – Calculating Parking Lot Area.

Parking lot area shall be based on the cumulative area measured around the perimeter of all parking spaces, vehicle maneuvering areas, interior walkways, and interior landscaping areas. This requirement applies to parking areas scattered throughout a property or that span multiple lots but serve a common use or uses.

Finding:

The applicant's preliminary plans (Exhibit A2) included the parking lot area calculation. This standard is met.

Section 73C.030. - Parking Lot Design Requirements.

All development where new parking is provided, must comply with the following:

(1) Parking Space and Aisle Dimensions. 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 space length and width requirements for a standard size space may be reduced by one-half feet and vehicular access at the entrance may be a minimum of 18 feet in width, if gated.

Finding:

As demonstrated by the preliminary plans (Exhibit A2), the seven planned parking spaces designated for employee use are 90 degrees with a space dimension of 9 ft. by 18.50 ft. and comply with the dimensional standards of Figure 73-1. This standard is met.

(2) Surface Materials.

(a) Parking areas must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel is not an acceptable material;

(b) Pavers, pervious concrete, or grasscrete are encouraged for parking spaces in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor; and

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

Finding:

The applicant has indicated that all parking lot surface material will be asphalt, and drainage will be maintained and routed towards the planned stormwater facility. This standard is met.

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

Finding:

TDC 73A.110(1) requires walkways for industrial uses. Building and site perimeter landscaping is required under TDC 73B.040(1) and TDC 73C.210(3). With Condition of Approval A11, this standard is met.

(4) Circulation.

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

Finding:

The submitted preliminary plans (Exhibit A2) showed the proposed parking area access from the existing driveway on SW 128th Avenue. The parking spaces would be accessed by the driveway and not require backing movements or other maneuvering within a street right-of-way. This standard is met.

(5) Lighting. 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.

Finding:

The applicant proposed exterior lighting on the mobile office trailer. With Condition of Approval A27, this standard is met.

(6) Screening.

- (a) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200-230; and
- (b) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.

Finding:

The planned parking area for employee use is not adjacent to or within a residential planning district or residential use. Parking lot landscaping pursuant to the requirements of TDC 73C200-230 are addressed below. With Condition of Approval A31, these standards are met.

(7) Accessible Parking. Accessible parking spaces must meet federal and state building code standards applicable at time of construction or alteration. Such parking spaces must be sized, signed, and marked in compliance with ORS 447.

Finding:

In the submitted preliminary site plan included as Exhibit A2, the planned parking area included an accessible parking space. With Condition of Approval A29, this standard is met.

(8) Compact Parking. Parking spaces for sub-compact vehicles must not exceed 35 percent of the total parking provided.

Finding:

The applicant did not propose compact parking. This standard is not applicable.

(9) Employee Parking. New commercial, institutional, and/or industrial developments with more than 50 parking spaces, must provide preferential parking for carpools and vanpools. The number of carpool/vanpool parking spaces shall be at least ten percent of the amount of parking spaces provided.

Finding:

The planned improvements do not include a parking area with more than 50 spaces. This requirement is not applicable.

(10) Electrical Service Capacity. Electrical service capacity, as defined in ORS 455.417 must be provided to new off-street parking spaces subject to the following standards. Variance requests to these standards are prohibited.

(a) Non-residential development and residential or mixed use developments with less than five dwelling units must provide electrical service capacity to a minimum of 20 percent of all off-street vehicle parking spaces on the site.

[...]

Finding:

The submitted preliminary plans (Exhibit A2) proposed seven parking stalls. Under the provisions of TDC 73C.030(10) the site must provide electrical service capacity to a minimum of 20 percent of all off-street vehicle parking spaces on the site. The project proposal would require electrical service capacity for one on-site parking space. With Conditions of Approval A11 and A17, this standard is met.

(11) Maximum Coverage. For developments with more than 65,000 square feet of floor area on site, the total area of surface parking must not exceed the total square footage of the floor area on that site.

Finding:

The proposed development is less than 65,000 square feet. This standard is not applicable.

(12) Tree Canopy. Tree canopy must be provided over parking areas in compliance with the following standards.

(a) Developments with off-street parking areas less than one-half acre (21,780 square feet) in size, as measured using the method provided in TDC 73C.020, must provide a minimum effective tree canopy coverage of 30 percent over all parking areas.

(b) Developments with off-street parking areas of one-half acre (21,780 square feet) or more, as measured using the method provided in TDC 73C.020, must provide trees along driveways.

(i) Trees must be planted an average of not more than 30 feet on center, except when interrupted by driveways, drive aisles, and other site design considerations; and

(ii) The required landscape area must be a minimum of five feet in width, as measured from the inside of any proposed curb.

(c) Development of a tree canopy plan under this section shall be done in coordination with the local utility provider.

Finding:

The planned employee parking area is calculated in Exhibit A9. The planned parking area totals 3,838 square feet, which is less than one-half acre. The development must provide a minimum effective tree canopy coverage of 30 percent over all parking areas. Two trees are proposed within the landscape islands located in the parking area. Three additional trees are proposed on the western perimeter of the parking area to provide additional canopy coverage. This standard is met.

(13) Climate Mitigation. Developments with off-street parking areas of one-half acre (21,780 square feet) or more, as measured using the method provided in TDC 73C.020, must provide at least one of the following:

- (a) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property, subject to Tualatin Development Code standards.
- (b) Invest at least 1.5 percent of the project cost on green energy, in compliance with OAR 330-135-0010. This provision applies to public projects only.
- (c) Tree canopy covering at least 40 percent of the new parking lot area at maturity, but no more than 15 years after planting.

Finding:

The planned improvements involve a vehicle storage operation and do not include a parking area of greater than one-half acre. This requirement is not applicable.

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

(1) Parking Table. Table 73C-1 lists the maximum permitted vehicle and minimum required bicycle parking requirements listed for land use types.

(2) Parking Categories.

(a) **Parking Zone A.** Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within the town center (Comprehensive Plan Map 10-4), one-quarter mile walking distance of bus transit stops that have 20-minute peak hour transit service, or one-half mile walking distance of light rail station platforms that have 20-minute peak hour transit service.

(b) **Parking Zone B.** Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located within one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both, and that have a greater than 20-minute peak hour transit service. Parking Zone B areas also include those parcels that are located at a distance greater than one-quarter mile walking distance of bus transit stops and one-half mile walking distance of light rail station platforms, or both,

(c) **Dual Parking Zones.** If a parcel is partially located within Parking Zone A, then the use(s) located on the entire parcel shall observe the Parking Zone A ratios.

(3) Ratios. Calculations to determine the parking quantities must be rounded to the nearest whole number.

(4) Uses Not Listed. For uses not specifically mentioned in Table 73C-1, a use determination may be requested as provided in TDC 31.070 for the purposes of determining off-street parking facilities for vehicles and bicycles.

[...]

Section 73C.050. - Bicycle Parking Requirements.

(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 and/or parking garage in secure and accessible locations.
- (b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.

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

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

Finding:

The subject site is located in Parking Zone B. The proposed use of the site is the industrial vehicle storage use. "Vehicle storage" is not a use provided in Table 73C-1. The application proposed seven parking stalls. These standards are met.

Section 73C.080. - Off-Street Loading Facilities Requirements.

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

| Use | Square Feet of Floor Area | Number of Berths | Dimensions of Berth | Unobstructed Clearance of Berth |
|------------|---------------------------|------------------|---------------------|---------------------------------|
| Industrial | Less than 5,000 | 0 | 0 | 0 |
| | 5,000—25,000 | 1 | 12 feet × 60 feet | 14 feet |
| | 25,000—60,000 | 2 | 12 feet × 60 feet | 14 feet |
| | 60,000 and over | 3 | 12 feet × 60 feet | 14 feet |

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

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

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

(5) The off-street loading facilities must be on the same lot or parcel as the structure they are intended to serve.

[...]

Finding:

The submitted preliminary plans (Exhibit A2) proposed a mobile office that is less than 5,000 square feet of floor area. According to the table in TDC 73C.080 buildings with less than 5,000 square feet of floor area do not require a loading berth. These standards are not applicable.

Section 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 |

[...]

(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.*

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

- (b) Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.
- (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.
- (d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.
- (e) Must comply with the distance requirements for access as provided in TDC 75.
- (f) Must comply with vision clearance requirements in TDC 75.

Finding:

The provided preliminary plans (Exhibit A2) depicted an existing driveway that takes access from SW 128th Avenue in the northwest corner of the subject site. With Condition of Approval A11, these standards are met.

Section 73C.200 - Tree Canopy Coverage.

When calculating tree canopy coverage, the following rules must be followed:

- (1) The expected diameter of the tree crown at 15 years must be used to calculate tree canopy coverage, regardless of if the tree is mature at that time;
- (2) Parking lot area under the canopy that is either paved surface or interior and perimeter parking lot landscaping will count towards meeting the required canopy coverage standard;
- (3) Trees located off-site, including those in the public right-of-way, do not count towards the canopy coverage standard;
- (4) Canopy that covers structures does not count towards the canopy coverage standard, unless the tree canopy covers an unenclosed carport; and
- (5) Canopy area with significant overlap does not count towards the canopy coverage standard. Significant overlap is defined as any overlap greater than five feet. The overlap measurement is the length of a line segment within the overlap area of a line between tree canopy trucks/centers. See Figure 73-3.

Finding:

The applicant has stated in their narrative (Exhibit A1) that the project proposal intends to meet the provided standards as applicable. With Condition of Approval A18, these standards are met.

Section 73C.210. - General Parking Lot Landscaping Requirements.

All development where new parking is provided, must comply with the following landscaping requirements:

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

Finding:

The applicant's narrative (Exhibit A1) acknowledged the requirement for locating landscaping in all areas of the property, not necessarily for maneuvering or parking. With Condition of Approval A22, this standard will be met.

(2) Clear Zone. Clear zone required for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of eight feet as measured from the ground level.

(a) Exception: does not apply to parking structures and underground parking.

Finding:

The applicant's narrative (Exhibit A1) acknowledged the need to meet clear zone requirements. With Condition of Approval A25, this standard is met.

(3) Perimeter. Minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following.

(a) Deciduous trees located not more than 30 feet apart on average as measured on center;

(b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;

(c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;

(d) Native trees and shrubs are encouraged; and

(e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.

Finding:

The applicant provided a preliminary landscape plan in Exhibit A2. The plan showed landscaping in the off-street parking area in the southwest corner of the subject site. With Condition of Approval A11, these standards are met.

(4) Landscape Island. Minimum 25 square feet per parking space 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) Exceptions:

(i) Landscape square footage requirements do not apply to parking structures and underground parking.

Finding:

The submitted preliminary plans (Exhibit A2) proposed two landscape islands in the off-street parking area located in the southwest corner of the subject site. With Condition of Approval A11 these standards are met.

(5) Driveway Access. For lots with 12 or more parking spaces, site access from the public street must be defined by:

- (a) Landscape area at least five feet in width on each side of the site access; and
- (b) Landscape area must extend at the following lengths:
 - (i) Commercial and institutional development must extend 25 feet back from the right-of-way line.
 - (ii) Industrial development must extend 30 feet back from the right-of-way line.
- (c) Exceptions: Does not apply to parking structures and underground parking which must be determined through the Architectural Review process.

Finding:

The submitted preliminary plans (Exhibit A2) did not propose 12 or more parking spaces. This standard is not applicable.

Chapter 73D: Waste and Recyclables Management Standards.

Section 73D.010. - Applicability and Objectives.

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

[...]

(c) Industrial developments; and

[...]

Finding:

The proposal includes a new industrial development comprised of a new towing and vehicle storage facility in the Light Manufacturing (ML) Planning District. The standards are Chapter 73D are applicable.

Section 73D.020 - Design Methods.

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

- (1) The minimum standards method in TDC 73D.030;
- (2) The waste assessment method in TDC 73D.040;
- (3) The comprehensive recycling plan method in TDC 73D.050; or
- (4) The franchised hauler review method in TDC 73D.060.

Section 73D.030 – Minimum Standards Method.

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

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

submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.

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

[...]

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

[...]

(v) All other uses – Four square feet/1,000 square feet GLA.

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

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

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

(1) Location Standards.

(a) The storage area for source separated recyclables may be collocated with the storage area for mixed solid waste.

(b) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.

(c) Exterior storage areas must:

(i) Be located in central and visible locations on the site to enhance security for users;

(ii) Be located in a parking area; and

(iii) Not be located within a required front yard setback or in a yard adjacent to a public or private street.

(2) Design Standards.

(a) The dimensions of the storage area must accommodate containers consistent with current methods of local collection at time of construction or alteration.

(b) Indoor and outdoor storage areas must comply with Oregon Building and Fire Code requirements.

(c) Exterior storage areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height.

(d) Evergreen plants must be placed around the enclosure walls, excluding the gate or entrance openings for common wall, commercial, and institutional developments.

(e) Gate openings for haulers must be a minimum of 10 feet wide and must be capable of being secured in a closed and open position.

(f) Horizontal clearance must be a minimum of 10 feet and a vertical clearance of 8 feet is required if the storage area is covered.

[...]

(h) Exterior storage areas must have either a concrete or asphalt floor surface.

(i) Storage areas and containers must be clearly labeled to indicate the type of material accepted.

(3) Access Standards.

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

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

Finding:

The submitted narrative (Exhibit A1) stated the application would comply with the minimum standards method of TDC 73D.030. Under the minimum standards method, industrial developments must provide a minimum storage area of ten square feet plus four square feet/1,000 square feet GLA. Exterior storage areas must be enclosed by a sight-obscuring fence or wall at least 6 feet in height. The provided preliminary plans (Exhibit A2) showed a new waste storage receptacle in the southern area of the subject site. The applicant provided a service provider letter from Republic Services, included in Exhibit A4, which stated the location was acceptable for future service. Plans for modifying or constructing a trash/recycle enclosure will require Republic Services review and approval. With Condition of Approval A21 and A26, these standards are met.

Chapter 74: Public Improvement Requirements.

[...]

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.

Finding:

All public improvements will be installed by the applicant at their expense after approval of plans and issuance of Erosion Control, Flood Hazard Area Development, Public Works, and Water Quality Permits. With Conditions of Approval A12, A13, A14 and A20, 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.

Finding:

All private improvements will be installed by the applicant at their expense and will require prior approval of plans and building permits. With Conditions of Approval A12, A13, A14 and A20, 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.

Finding:

The applicant will complete and obtain City acceptance of all public and private permitted improvements proposed and modified by conditions of approval prior to issuance of a certificate of occupancy and/or certificate of completion. With Conditions of Approval A20, this standard is met.

[...]

Section 74.330. - Utility Easements.

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

[...]

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

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

Finding:

The applicant will grant all required public utility easements to the City as shown on City approved permit plans. The public utility easement width will be 8-feet-wide adjacent to the final dedicated rights-of-way of SW 128th Avenue. Additional width of public utility easement will include accommodation of the water system meters and vaults and onsite water laterals to meet the Public Works Construction Code. With Conditions of Approval A7, A8, and A12, these standards are met.

[...]

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.

[...]

(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.

[...]

(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).

[...]

(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.

[...]

(17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.

[...]

Finding:

A Trip Generation and Distribution Memorandum from Lancaster Mobley was submitted. The City Engineer has reviewed the proposal against the above requirements.

The applicant will review sidewalks along SW 128th Avenue and replace or repair where needed to be in compliance with ADA (PROWAG) specifications as shown on City approved permit plans.

With Conditions of Approval A7, A13, and A20 these standards are met.

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.

[...]

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

(a) Arterials:

- (i) Whether adequate right-of-way exists;
- (ii) Impacts to properties adjacent to right-of-way;
- (iii) Current and future vehicle traffic at the location; and
- (iv) Amount of heavy vehicles (buses and trucks).

(b) Collectors:

- (i) Whether adequate right-of-way exists;
- (ii) Impacts to properties adjacent to right-of-way;
- (iii) Amount of heavy vehicles (buses and trucks); and
- (iv) Proximity to property zoned manufacturing or industrial.

[...]

Finding:

The proposal is adjacent to SW 128th Avenue which is designated as a Commercial/Industrial Connector on Tualatin Comprehensive Plan Map 8- 1: Tualatin Functional Classification Plan and Traffic Signal Plan. A Trip Generation and Distribution Memorandum from Lancaster Mobley did not recommend additional improvements greater than the existing cross-sections. This standard is met.

[...]

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:

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

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

Finding:

A Trip Generation and Distribution Memorandum from Lancaster Mobley evaluated and concluded the following: Based on the trip generation calculations, the proposed towing and vehicle storage yard is projected to generate 18 morning peak hour trips, 30 evening peak hour trips, and 72 average weekday trips. These estimates fall below the City of Tualatin's analysis thresholds for requiring a Trip Generation and Distribution or TIA. This standard is met.

[...]

Section 74.485. - Street Trees.

[...]

- (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.

Finding:

The applicant will plant or replant street trees to meet current spacing standards shown on City approved permit plans for SW 128th Avenue for the entire frontage of their lot. With Conditions of Approval A7, A8, A13, and A20 this standard is met.

[...]

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 must submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.

Finding:

The applicant will evaluate existing and/or install new street lighting shown on City approved permit plans that show PGE Option A LED street lights for SW 128th Avenue adjacent to the lot and pay a maintenance fee. With Conditions of Approval A7, A13 and A20 this standard is met.

[...]

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.

[...]

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

Finding:

The applicant will construct all water improvements shown on final City approved permit plans. Each water lateral will separately connect to the public main, domestic services (including for irrigation of SW 128th Avenue's planter strip and onsite) will include a reduced pressure backflow assembly, and fire water services will include a double check detector assembly. With Conditions of Approval A8, A13, and A20 these standards are 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.

[...]

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.

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:

[...]

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

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

Finding:

The applicant will construct all private and public stormwater improvements shown on City approved permit plans. The applicant will submit a City-approved Stormwater Report addressing hydromodification, quality, and quantity of private stormwater within onsite facilities. Plans and stormwater calculations will demonstrate that the development has direct access by gravity to the public stormwater system (which includes wetlands) with adequate infiltration and/or downstream capacity in accordance with City of Tualatin and Clean Water Service standards.

The site's disturbance is approximately 1.9 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality will be provided with the construction permit submittal documents. The applicant will obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet. In addition these plans must be sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality if between 1 and 5 acres of disturbance or a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres.

A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance, the applicant will submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d). With Conditions of Approval A9, A10, A13, and A20, these standards are met.

[...]

Chapter 75: Access Management.

[...]

Section 75.040. - Driveway Approach Requirements.

(1) The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or

parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.

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

(3) Joint and Cross Access.

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

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

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

(ii) A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

(iii) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and

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

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

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

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

(iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and

(iv) If subsection (i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection (i) through (iii) above prior to any changes.

(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).

Section 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:

[...]

(p) Herman Road from Teton Avenue to 124th Avenue;

[...]

(s) Teton Avenue;

[...]

(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.

[...]

Section 75.140. - Existing Streets Access Standards.

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

[...]

(17) HERMAN ROAD

(a)Teton Avenue to 108th Avenue:

(i)On the north side, the existing driveways will be allowed to remain. No new driveways will be permitted. Airifco (2S123B 600) will be permitted one driveway adjacent to their west property line.

[...]

(20) TETON AVENUE

(a)Tualatin Road to Herman Road. The existing driveways will be allowed to remain. No new driveways will be permitted.

[...]

Finding:

The applicant will ensure that the gate for the access to SW 128th Avenue will not impede travel along public roads. Plans will meet vision clearance, sight distance, and turning movement requirements (such as a WB-67 or otherwise City Engineer-approved vehicle). With Conditions of Approval A8, A13, and A20 these standards are met.

IV. APPEAL

This Type II Architectural Review decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise. Appeals may be submitted to the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / planning@tualatin.gov before 5:00 p.m., December 4, 2025. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

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

Submitted by:



Madeleine Nelson
Associate Planner