



ARCHITECTURAL REVIEW DECISION
AT&T NORWOOD WIRELESS COMMUNICATION FACILITY (AR 25-0003)
June 9, 2025

Case #:	AR 25-0003
Project:	AT&T Norwood Wireless Communication Facility
Location:	8970 SW Tutelo Lane, Tax Lot: 2S135DA00101
Applicant:	Centerline Communications
Owner:	City of Tualatin

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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 49: Institutional Zone (IN)
- TDC 63: Industrial Uses and Utilities and Manufacturing Zones – Env. Regulations
- TDC 73A: Site Design Standards
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 73F: Wireless Communications Facilities

Site Description



Figure 1 Aerial view of site with zoning (TualGIS)

The site at 8970 SW Tutelo Lane (Tax Lot: 2S135DA00101) is a 1.4-acre lot located in the Institutional (IN) Planning District. The site is accessed by SW Tutelo Lane in the northwest corner of the property. The site is bordered by the Medium Low Density Residential (RML) Planning District and Autumn Sunrise subdivision to the north, south, and east. The IN zone is located west of the property, and the current use is the Horizon Community Church and Horizon Christian School. The existing wireless communication facility is located between two municipal water tanks. The topography is relatively flat with little vegetation.

Proposed Project

Centerline Communications, on behalf of New Cingular Wireless PCS, LLC, requests approval to construct a new 18-foot extension to the existing wireless communication facility located at 8970 SW Tutelo Lane (Tax Lot: 2S135DA00101). The proposal includes extending the existing support

structure by 18 feet for a total height of 128 feet to allow for the collocation of the new antennas without interfering with the existing carrier. The 1.40-acre site is located in the Institutional (IN) Planning District.

Previous Land Use Actions

- Architectural Review 08-16
- Architectural Review 08-21
- Architectural Review 14-05

Surrounding Zones and Uses

Surrounding uses include:

North: Medium Low Density Residential (RML)

- Autumn Sunrise Subdivision

South: Medium Low Density Residential (RML)

- Autumn Sunrise Subdivision

West: Institutional (IN)

- Horizon Community Church
- Horizon Christian School

East: Medium Low Density Residential (RML)

- Autumn Sunrise Subdivision

Exhibit List

- A: Application Materials
 - A1. Land Use Application & Narrative
 - A2. Site Plans
 - A3. Justification Report
 - A4. Service Provider Letters
 - A5. Reports
 - A6: Neighborhood Developer Meeting
- B: Public Notice
- C: Public Comment
- D: Clean Water Services Memorandum 5.21.2025

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 25-0003 is **approved** subject to the following conditions:

GENERAL:

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

PRIOR TO BUILDING PERMIT ISSUANCE:

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

- A2. 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. A detail showing sight-obscuring (slatted) fencing or landscaped screening for the perimeter of the facility or site.

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

- A3. The proposed development must comply with the Environmental Regulations of TDC Chapter 63.
- A4. 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).
- A5. 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.
- A6. 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*.
- A7. Wireless communications facility antennas and platforms must be designed to minimize their size and appearance to surrounding development consistent with TDC 73F.030(1)(h).
- A8. Obsolete or unused wireless communication support structures and associated equipment and antennas must be removed within 12 months of cessation of operations at a site per TDC 73F.030(i).

III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

Chapter 32: Procedures.

[...]

Section 32.010 – Purpose and Applicability.

[...]

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

[...]

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

[...]

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

Table 32-1 – Applications Types and Review Procedures

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
Architectural Review						
Architectural Review (except as specified below) (limited land use)	II	CM	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 property in the Institutional (IN) 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 March 25, 2025. The applicant submitted additional materials, and the application was subsequently deemed complete on May 2, 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. The 120-day decision date is August 30, 2025. 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 December 11, 2024. The applicant participated in several follow-up conversations and formally applied on March 17, 2025. 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 22, 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 A6. 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 A1 showing the City of Tualatin as the current owner of the property. The applicant provided a signed land use application from the property owner authorizing Centerline Communications to submit the land use application. 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 March 17, 2025, deemed incomplete on March 25, 2025, and formally deemed complete on May 2, 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 A6 that signs in conformance with sign posting requirements for this section of the Tualatin Development Code 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 March 17, 2025, additional materials were submitted, and the application was deemed complete on May 2, 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 25-0003 were emailed and mailed by city staff on May 7, 2025. The notices contained the information required by this section (Exhibit B). One public comment was received and is included in Exhibit C. 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 property in the Institutional (IN) 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 Chapters 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 Tualatin Development Code. Therefore, it must comply with the standards and objectives in TDC 73A through 73G. These standards are met by the 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 to compliance with the above standards. With Condition of Approval A1, 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 application did not propose the removal of trees. These standards are not applicable.

Chapter 49: Institutional Zone (IN).

[...]

Section 49.200 - Use Categories.

- (1) **Use Categories.** Table 49-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the IN zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 49-1 and restrictions identified in TDC 49.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) **Overlay Zones.** Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 49-1
Use Categories in the IN Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INSTITUTIONAL USE CATEGORIES		
Wireless Communication Facility	P (L)	Subject to maximum height and minimum setback standards in TDC Chapter 73F.

Finding:

The project area is located within the Institutional (IN) Planning District. The use of the site is an existing wireless communication facility and municipal water reservoirs. The project proposes to extend the support structure 18 feet for a total height of 128 feet to allow for the collocation of the new antennas without interfering with the existing carrier.

The applicant provided documentation in Exhibit A3 that the project qualifies as an eligible facilities request covered by Section 6409 of the Spectrum Act (47 U.S.C. Sect. 1455(a)). The City of Tualatin's Legal Services Department reviewed the submitted findings and FCC rules and has concurred with the presented interpretation. Federal law supersedes the Tualatin Development Code and permits existing towers to increase in height.

These standards are met.

Section 49.300 - Development Standards.

Development standards in the IN zone are listed in Table 49-2. Additional standards may apply to some uses and situations, see TDC 49.310.

Table 49-2
Development Standards in the IN Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
All Uses	1.5 acres	
MINIMUM LOT WIDTH		
Minimum Average Lot Width	100 feet	When lot has frontage on public street, minimum lot width is 40 feet.

Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front	25 feet	
Side	0–25 feet	As determined through the Architectural Review process
Rear	25 feet	
Parking and Vehicle Circulation Areas	5 feet	
	10 feet	
	30 feet	
Fences	5 feet from public right-of-way	
Conditional Uses	—	As determined through Conditional Use Permit and Architectural Review process. No minimum setback must be greater than 50 feet.
MAXIMUM STRUCTURE HEIGHT		
All Uses	50 feet	

Finding:

The existing site, including lot size, lot width, setbacks, and structure height, was reviewed under previous Architectural Reviews 08-16, 08-21, and 14-05. The project proposal includes extending the support structure by 18 feet to a total height of 128 feet, allowing for the collocation of the new antennas without interfering with the existing carrier. Additionally, the proposed ground equipment will be within a 10ft X 15ft lease area adjacent to the tower depicted in Exhibit A2. No new structures or buildings are proposed. No changes to the existing lot size or setbacks are proposed.

The applicant provided documentation in Exhibit A3 that the project qualifies as an eligible facilities request covered by Section 6409 of the Spectrum Act (47 U.S.C. Sect. 1455(a)). The City of Tualatin's Legal Services Department reviewed the submitted findings and FCC rules and has concurred with the presented interpretation.

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

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 existing use and future use of the site must comply with Chapter 63 of the Tualatin Development Code. The proposed improvement includes a new 18-foot extension to the existing wireless communication facility. The applicant provided a Radio Frequency Safety Survey Report Prediction, and Noise Report in Exhibit A5.

With Condition of Approval A3, these standards are met.

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;
 - (i) Six feet for commercial and institutional uses; and
 - (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 project is the extension of an existing wireless communication facility. The site is non-habitable and not intended for public use. These standards are not applicable.

(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 the extension of an existing wireless communication facility. The project is not a multi-family development. The subject site is also 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 existing site is bordered by fencing along the perimeter. The applicant provided a Service Provider Letter from Tualatin Valley Fire and Rescue in Exhibit A4. The provided documentation stated the proposal would not change the footprint, fire department access, or water supply requirements, and no service provider permit from TVF&R is necessary.

With Condition of Approval A2 and A4, 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 site has existing perimeter fencing that does not include screening slats. Water reservoirs and electrical substations must be screened with sight-obscuring fences, walls, or landscaping.

With Condition of Approval A2, these standards are 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:

No development is proposed on a transit street. These standards are not applicable.

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*
[...]	[...]	[...]
(5) IN, CN, CO/MR, MC and MP zones – All uses	25 percent of the total area to be developed	22.5 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 project proposal includes extending the existing wireless communication facility support structure by 18 feet for a total height of 128 feet to allow for the collocation of the new antennas without interfering with the existing carrier. Additionally, the proposed ground equipment will be within a 10ft X 15ft lease area adjacent to the tower depicted in Exhibit A2. No new structures or buildings are proposed. There are several existing trees and shrubs planted throughout the site. The applicant's narrative (Exhibit A1) stated that additional landscaping could impede access to the wireless communication facility and water reservoirs. These standards are 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:

The project proposal includes extending the wireless communication facility support structure by 18 feet for a total height of 128 feet to allow for the collocation of the new antennas without interfering with the existing carrier. Additionally, the proposed ground equipment will be within a 10ft X 15ft lease area adjacent to the tower depicted in Exhibit A2. No new structures or buildings are proposed. There are several existing trees and shrubs planted throughout the site. The applicant's narrative (Exhibit A1) stated that additional landscaping could impede access to the wireless communication facility and water reservoirs. 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.
(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.
(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;

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

	<ul style="list-style-type: none"> 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.
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Finding:

The applicant submitted a preliminary plan in Exhibit A2. No landscaping is proposed.

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 Institutional (IN) Planning District. There are no landscape buffer requirements provided in Table 73B-3 for the IN district. 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; • 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 proposal did not include the addition of new landscaping. These standards are not applicable.

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 site is located in the Institutional (IN) Planning District. The site is comprised of an existing wireless communication facility and two water reservoirs. The site is non-habitable and not accessible to the public. There are no existing onsite parking areas. The application did not propose new parking areas. There are no minimum parking stall requirements. These standards are not 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:

There are no existing onsite parking areas. The application does not propose new parking areas. These standards are not applicable.

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.

(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.

(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.

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

(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 site does not provide any existing parking areas. The application does not propose new parking areas. These standards are 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 site does not provide any existing bicycle parking stalls. The application does not propose new bicycle parking stalls. These standards are not applicable.

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
Institutional	Less than 5,000	0	0	0
	5,000—25,000	1	12 feet × 25 feet	14 feet
	25,000—60,000	2	12 feet × 35 feet	14 feet

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
	60,000 and over	3	12 feet x 35 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 site does not provide any existing off-street loading facilities. The application does not propose new off-street loading facilities. 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) *Institutional Uses. 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.
1-99	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 site is accessed from an existing driveway on SW Tutelo Lane. The site does not provide any existing off-street parking spaces. The application did not propose new off-street parking spaces. These standards are not applicable.

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:

There are no existing onsite parking areas. The application does not propose new parking areas. These standards are not applicable.

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

(4) **Landscape Island.** Minimum 25 square feet per parking 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

(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:

There are no existing onsite parking areas. The application does not propose new parking areas. These standards are 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) Institutional developments; and

[...]

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 site is located in the Institutional (IN) Planning District. The site is comprised of an existing wireless communications facility and two water reservoirs. The site is non-habitable and not accessible to the public. The existing site is not serviced by a waste hauler provider. The project is an extension of the existing wireless communication facility, and no waste or recyclable storage is proposed or needed to serve the proposed use. These standards are not applicable.

Chapter 73F: Wireless Communications Facilities.

Section 73F.010 - Purpose and Objectives.

(1) **Purpose.** The purpose of wireless communication facility design objectives and standards is to implement the purpose and objectives of TDC 73A.010 by focusing on the placement, design and relationship of proposed site elements such as support structure location, lighting, screening, fencing and landscaping.

(2) **Objectives.** All wireless communication facilities and attached facilities should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new development. In the case of conflicts between objectives, the proposal must provide a desirable balance between the objectives. Site elements must be placed and designed, to the maximum extent practicable, to:

- Be aesthetically and architecturally designed and located to be compatible with the surrounding environment and analyze co-location before seeking new sites.

(a) Select colors in consideration of lighting conditions and the context under which the structure is viewed, the ability of the material to absorb, reflect or transmit light and the color's functional role, e.g., aesthetic reasons.

(b) Select platform and antenna designs which minimize their size and visual appearance to surrounding development.

- (c) Provide a composition of structural material elements which is cohesive and responds to use needs, site context, land form, a sense of place and identity, safety, and climatic factors.
- (d) Select materials which contribute to the project's form and function, as well as to the surrounding environment.
- (e) Minimize disruption of natural site features such as topography, trees, and water features.
- (f) Take into consideration the existing topography of the site and surrounding vicinity.
- (g) Reduce the visual impact of the support structure by locating within stands of existing vegetation and trees.
- (h) Screen elements such as mechanical and electrical equipment from view.
- (i) Locate a wireless communication facility attached to existing rooftop mechanical equipment before placement on the exterior wall of a building.
- (j) Co-locate wireless communication facility or attached facility.
- (k) Construct wireless communication support structures at the minimum height necessary to serve the operational requirements of the system.
- (l) Separate wireless communication support structures from each other.

Section 73F.020 - Maximum Height.

The maximum height for a wireless communication facilities, support structures, and antennas is as follows:

PLANNING DISTRICT	MAXIMUM STRUCTURE HEIGHT
(6) Institutional (IN)	<ul style="list-style-type: none"> • 100 feet • 120 feet (including antennas) if structure is within 300 feet of the centerline of I-5

Finding:

The existing wireless communication facility, including the maximum structure height, was reviewed under previous Architectural Reviews 08-16, 08-21, and 14-05. The project proposes to extend the support structure by 18 feet for a total height of 128 feet to allow for the collocation of the new antennas without interfering with the existing carrier.

The applicant provided documentation in Exhibit A3 that the project qualifies as an eligible facilities request covered by Section 6409 of the Spectrum Act (47 U.S.C. Sect. 1455(a)). The City of Tualatin's Legal Services Department reviewed the submitted findings and FCC rules and has concurred with the presented interpretation. Federal law supersedes the Tualatin Development Code and permits existing towers to increase in height. These standards are met.

Section 73F.030 - Site Design Standards.

- (1) All Wireless Communication Facilities must comply with the following minimum design standards:
 - (a) A wireless communication facility attached must not be attached to buildings which are designed solely for single family residential use;
 - (b) Mechanical and electrical equipment and the bottom six feet of the support structure for a wireless communication facility must be screened from the public right-of-way and abutting property by the use of a minimum six foot tall security fence or wall consisting

of chain link fencing with vinyl slats, solid wood fencing, concrete masonry unit block, or brick;

- (c) Equipment shelters, buildings or cabinets to house radio electronics equipment must be concealed, camouflaged, screened by vegetative, or placed underground.
- (d) A wireless communication facility must utilize existing site conditions such as surrounding vegetation and trees;
- (e) A wireless communication facility support structure must be constructed to the minimum height necessary to serve the operational requirements of the facility;
- (f) A wireless communication facility must be designed to allow co-location of facilities;
- (g) Wireless communication support structure towers must be used in all zones, except when co-locating on an existing structure.
- (h) Antennas and platforms must be designed to minimize their size and appearance to surrounding development;
- (i) Obsolete or unused wireless communication support structures and associated equipment and antennas must be removed within 12 months of cessation of operations at a site;
- (j) No new wireless communication support structure is permitted unless the applicant submits a co-location report showing whether or not any existing tower or support structure within one-half mile of the proposed site can accommodate the applicant's proposed antennae. The report must address the following:
 - (i) Do existing towers or support structures, or approved but not yet constructed towers or support structures, located within the geographic area meet the applicant's engineering requirements;
 - (ii) Are existing towers or support structures of sufficient height to meet the applicant's engineering requirements;
 - (iii) Do existing towers or support structures have sufficient structural strength to support the applicant's proposed antennae and related equipment;
 - (iv) Would the applicant's proposed antennae cause electromagnetic interference with the antennae on the existing tower or support structure, or would existing antennae cause interference with the applicant's proposed antennae; and
 - (v) Are there other limiting factors that render existing towers and support structures unsuitable or unavailable.
- (k) The minimum distance between wireless communication support structure tower is 1,500 feet. Separation must be measured by following a straight line from one wireless communication support structure tower to the next. For purposes of this section, a wireless communication support structure tower includes wireless communication support structure tower for which the City has issued a development permit, or for which an application has been filed and not denied.

Finding:

The site is an existing detached wireless communication facility located in the Institutional (IN) Planning District. The submitted project proposes extending the existing tower by 18 ft. The applicant's narrative (Exhibit A1) stated that the proposal is a collocation project to reduce impacts to the community by not building another structure. There is no lighting, and the new ground equipment is confined to the existing wireless compound.

The submitted narrative in Exhibit A1 stated that the new pole extension and aerial equipment will match the color, size, and scale of the existing facility.

Mechanical and electrical equipment and the bottom six feet of the support structure for a wireless communication facility must be screened from the public right-of-way and abutting properties by the use of a minimum six-foot-tall security fence or wall consisting of chain link fencing with vinyl slats, solid wood fencing, concrete masonry unit block, or brick.

With Conditions of Approval A2, A7, and A8, these standards are met.

Section 73F.040 - Setback Requirements.

Setbacks for all Wireless Communication Facilities are determined through the Architectural Review process, and must be consistent with the following:

- (1) The minimum setback must be five feet, except as otherwise specified in (2), below;
- (2) The minimum setback from an RL zone or from an RML zone with an approved small lot subdivision must be determined as follows:
 - (a) The setback must be no less than 175 feet for a monopole that is no more than 35 feet in height;
 - (b) The setback must increase five feet for each one foot increase in height up to 80 feet in height; and
 - (c) The setback must increase ten feet for each one foot increase in height above 80 feet.
- (3) In making a determination of compliance with the setback requirements, the City Manager must consider the following factors:
 - (a) If the abutting property is in the Low Density Residential (RL) Zone or in the Medium-Low Density Residential (RML) Zone with an approved small lot subdivision, and if natural vegetation, such as evergreen trees, does not exist to act as a screen, then a greater setback than the minimum required may be appropriate. If such natural vegetation exists, then the minimum required setback may be appropriate;
 - (b) If the abutting property is in the Low Density Residential (RL) Zone or in the Medium-Low Density Residential (RML) Zone with an approved small lot subdivision, and it is vacant or its use is a single family dwelling, then a greater setback than the minimum required may be appropriate. If the use is not a single family dwelling, then the minimum required setback may be appropriate; and
 - (c) If the abutting property is in the Low Residential Density (RL) Zone or in the Medium-Low Density Residential (RML) Zone with an approved small lot subdivision, and it is vacant or its use is a single family dwelling and it is at a lower elevation than the subject property, then a greater setback than the minimum required may be appropriate.

Finding:

The existing wireless communications facility, including the setbacks, was reviewed under previous Architectural Reviews 08-16, 08-21, and 14-05. The submittal proposal does not include a change in the current setbacks. These standards are not applicable.

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., June 25, 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