

PREMIERE INDUSTRIAL PARK

LOT 9 DEVELOPMENT

TWO SPECULATIVE BUILDINGS
19225 SW TETON AVE, TUALATIN, OR, 97062

ARCHITECTURAL REVIEW
PROJECT NARRATIVE

Prepared By: Travis Nissen, RA
July, 7, 2024
Revised - December 4, 2024
Second Revision - May 12, 2025

PROJECT NARRATIVE

Architectural Review

City of Tualatin, Oregon

Project: Premier Industrial Park - Lot 9

Site: Address: 19225 SW TETON AVE, TUALATIN, OR, 97062
Property IDs: Map and Tax Lot: 2S123CB00401

Cross Streets: Teton Avenue and Spokane Court

Applicant: FOCI Architecture, Contact: Travis Nissen - 608-406-0810

Owner: Kevin and Penni Pike

PROPOSAL : Construction of two new light industrial shell buildings.

ZONING:: MG (General Manufacturing)

OVERVIEW:

The Lot 9 Development Project is an approximately .8 acre industrial development on an industrial lot located at 19225 SW Teton Ave within the Wetland Protection District; west of SW Teton Ave, and north of Tualatin-Sherwood Rd. The planned construction is for two buildings with a total building area of 7,605 SF (Building A, 4,350 & Building B, 3,255,) The project is intended to provide lease space to warehouse and manufacturing tenants. Each building will accommodate a single tenant.

The site is bounded by SW Teton Ave. to the east, Premier Industrial Park to the North and the existing wetlands of Pascuzzi pond to the south and west.

Sanitary sewer service has been provided for previously from a from a public sanitary manhole near the northeast corner of Lot 9. Water service is available from a public water main in SW Teton Ave, with the water services stub to the south of the center entry into the industrial development. The private water services will have to be extended from there to the site.

The current projected schedule is to begin as soon as the approvals and permits are obtained, approximately, winter 2024 with an anticipated completion in September 2025.

SITE CONDITION: The site is currently undeveloped with fill previously placed on the north portion of the site and along the west side of the site. The bulk of the site is wetlands along the South and West property lines.

VEHICLE ACCESS: The parcel is a non-conforming, land-locked property with no access to a public street. Primary access is obtained through an existing access easement to the east. Secondary access is provided to the North through Lot 8.

The proposed parking for the site meets the required minimum parking spaces in the city development code for warehouse/manufacturing buildings. The parking spaces are located to the North of Building A, and Building B.

TRAFFIC AND TRANSPORTATION: No analysis is required since the proposed industrial space doesn't exceed 15,000 SF

JURISDICTION:

1. City of Tualatin (Design Review, Traffic Review, Storm and Sanitary Server and Site
2. Clean Water Services (CWS) (Pre-screen Site Assessment and Public Works / Water Quality Permits).
3. Tualatin Valley Fire District

CONSTRUCTION MATERIALS: The proposed building construction consists of prefabricated metal structure clad in a 3'-6" split-face CMU wainscot with metal panel above. Finishes will include aluminum framed storefront entry systems with reveals to enhance the appearance.

SITE UTILITIES:

- Storm: The existing stormwater detention and water quality facilities are being modified with this proposed development.. The detention facility will be enlarged to handle the additional flow from the development of Lot 9. Water quality for Lot 9 will be addressed via filter catchbasins. The roof drain spouts will be plumbed to drain into a nearby filter catchbasins in the parking area.
- Sanitary: An existing 6 inch sanitary lateral has been stubbed into the site previously. The existing 6 inch sanitary lateral will serve both buildings.
- Water: Public service extensions have been stubbed, and meter boxes installed previously to a point south of the center access drive into the industrial complex. Under a plumbing code permit water service extensions to Lot 9 will be required to provide each building with a separate meter.
- Gas: There is natural gas service within the industrial development that this parcel is a part of. A natural gas line runs up the center driveway to serve the existing building to the north. It is off this line that services to the two proposed new buildings will be tapped into.

- **Power:** PGE has adequate electrical service to the site. An extension from the PGE facilities to the proposed buildings will be required.
- **Lighting:** The proposed on-site lighting system will have energy efficient lights. The exterior walls of the building will be lit with LED wallpak lighting. The vehicle parking areas will be lit with the wallpak on the buildings.
- **Solid Waste and Recycling:** Solid waste and recycling will be handled in a single shared garbage enclosure located on the site plan. A garbage enclosure has been collaboratively designed with Republic Services, the local waste management partner.

RESPONSES TO APPLICABLE SECTIONS OF THE TUALATIN DEVELOPMENT CODE

TDC 32.120 Neighborhood/Developer Meetings

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal. **RESPONSE: A meeting was held on-site June 20th, 2024. There was great enthusiasm, and no participants had concerns regarding the project.**

TDC 32.140 TDC 32.140. - Application Submittal (AR-1)

- (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;

Response: Per February 4th, 2025 correspondence with the Tualatin Commercial CIO, The development team learned that the Tualatin industrial CIO doesn't in fact exist. Given the uncertainty created by the City's map and requirements to contact a non-existent organization, it's unclear if the development team is required to contact the main street commercial CIO given the site is located in a manufacturing zoning district.

(i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

(2) *Application Intake*. Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.

(3) *Administrative Standards for Applications*. The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Response: Acknowledged, all elements are included in submittal

TDC 32.150 TDC 32.150. - Sign Posting.

(1) *When Signs Posted*. Signs in conformance with these standards must be posted as follows:

- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and

- (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.

(2) *Sign Design Requirements.* The applicant must provide and post a sign(s) that conforms to the following standards:

- (a) Waterproof sign materials;
- (b) Sign face must be no less than 18 inches by 24 inches (18" x 24"); and
- (c) Sign text must be at least two inch font.

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

(4) *Removal.* If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within 40-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than 14 days after:

- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
- (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

RESPONSE: Confirmed, sign was posited June 6th, 2024; Neighborhood meeting was held at 6pm June 20th, 2024.

TDC: 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;

(b) Examples of development subject to Architectural Review, include but are not limited to the following:

- (i) New buildings, condominiums, townhouse, single family dwellings, or manufactured dwelling park;

RESPONSE: Two new buildings are proposed to be constructed.

(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.

RESPONSE: The proposed buildings have a total area of 7,605 SF of warehouse/manufacturing buildings.

(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 materials board that includes example building materials and textures;
- (d) Title report; and
- (e) A Service Provider Letter from Clean Water Services.

RESPONSE: All of the above are provided with this AR submittal

(5) *Approval Criteria.*

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

RESPONSE: See responses to Chap. 73A, 73B, 73C and 73D. Note that 73E-G do not apply.

TDC 33.110 Tree Removal

(1) Purpose. To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.

(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. **Response: None Applicable**

(3) Procedure Type. Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision. Response: Submitted with Type III Architectural Review.

(4) 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;

RESPONSE: Not Applicable as no trees are present on site 8" inches or more in diameter.

(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.

RESPONSE: Not Applicable as no trees are present on site 8" inches or more in diameter.

TDC 61.200. Use Categories.

Table 61-1

Use Categories in the MG Zone

USE CATEGORY	STATUS	LIMITATIONS
Heavy Manufacturing	P (L)	Concrete batch plants are not permitted in the Leveton Tax Increment District. All other uses permitted outright.
Light Manufacturing	P	—
Solid Waste Treatment and Recycling	C (L)	Conditional uses limited to: • Recycling collection center; • Waste transfer station; and • Resource recovery facility. Recycling collection center or waste transfer station are not permitted within the Limited Commercial Setback.
Vehicle Storage	P/C (L)	Conditional use required for bus maintenance and storage facility. Vehicle storage not permitted within the Limited Commercial Setback. Vehicles sales are not permitted. All other uses permitted outright in other locations.
Warehouse and Freight Movement	P/C	Conditional use required for warehousing of building materials and supplies. All other uses permitted outright.
Wholesale Sales	P/C (L)	Permitted uses limited to: • Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial

		firms or industrial workers; and • Sale, service and rental of construction and industrial equipment to contractors and industrial firms only. Conditional use permit required for wholesale sales of building materials and supplies.
--	--	--

RESPONSE The proposed use of **WAREHOUSE** and **LIGHT MANUFACTURING** are permitted uses. If a future tenant requires warehousing of building supplies, a Conditional Use Permit will be applied for. Both Heavy and Light Manufacturing are permitted uses at this site.

TDC 61.210. Additional Limitations on Uses.

- (1) *Sale of Goods Produced On-Site.* The retail sale of goods produced on-site is permitted, provided that the retail sale area, including the showroom area, is no greater than five percent of the gross floor area of the building and does not exceed 1,500 square feet.

RESPONSE: Confirmed.

(2) **Limited Commercial Uses**

- a) *Office Uses.* Office uses must not exceed 25 percent of the total gross floor area of all buildings on the lot or parcel.

RESPONSE: Confirmed.

TDC 61.300. - Development Standards

Table 61-2

Development Standards in the MG Zone

STANDARD	REQUIREMENT	LIMITATION & CODE REFERENCES
LOT SIZE		
Minimum Lot Size RESPONSE Confirmed. Lot is 35,078 (.8 ACRES)	20,000 square feet	—
LOT DIMENSIONS		
Minimum Lot Width RESPONSE Confirmed. Lot is 35,078 (.8 ACRES)	100 feet	When a lot has frontage on a public street, the minimum lot width at the street is 100 feet. When a lot has frontage on cul-de-sac street, minimum lot width at the street is 50 feet.

Infrastructure and Utilities Uses		As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots RESPONSE: Not Applicable		Must be sufficient to comply with minimum access requirements of TDC <u>73C</u> .
MINIMUM SETBACKS		
Front	30 feet	
Front Setback Adjacent to Residential or Manufacturing Park Zone RESPONSE: 57' Provided at entry to site	50 feet	.
Side Response: Both sides have generous setbacks (27' to north; 17' to east. Adjacent use on the North is also light industrial. West property line borders a water quality detention basin.	0-50 feet	Determined through the Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Side Setback Adjacent to Residential or Manufacturing Park Zone RESPONSE: Not Applicable	50 feet	
Rear Response: Confirmed. 40' Min provided along (e) wetland	0-50 feet	Determined through the Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Rear setback adjacent to Residential or Manufacturing Park Zone RESPONSE: Not Applicable	50 feet	
Parking and Circulation Areas RESPONSE: Not Applicable	5 feet	No minimum setback required adjacent to joint access approach in accordance with TDC <u>73C</u> .
Parking and Circulation Areas Adjacent to Residential or Manufacturing Park Zone	10 feet	

Fences RESPONSE: Not Applicable	10 feet	From public right-of-way.
STRUCTURE HEIGHT		
Maximum Height RESPONSE: Confirmed, top of wall = 24'	60 feet	May be increased to 100 feet if yards adjacent to structure are not less than a distance equal to the height of the structure. Measured at the 50-foot setback line, includes flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot setback line at a slope of 45 degrees extending away from the 50-foot setback line. Flagpoles may extend to 100 feet.
Maximum Height Adjacent to Residential Zone RESPONSE: Not Applicable	28 feet	

TDC 61.310. Additional Development Standards

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

RESPONSE: All uses are proposed to be conducted within the building

(2) Sound Barrier Construction. Sound barrier construction is required to mitigate the impact of noise associated with overhead doors and building mechanical equipment, including but not limited to heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building. Sound barrier construction must conform to the following standards:

(a) Applicability. New construction, including additions or changes to existing facilities, must comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with the provisions of this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section.

RESPONSE: Not applicable, see below.

(b) Distance from Residential Use. Sound barriers must be used to intercept all straight-line lateral (direct line between two points) paths of 450 feet or less between a residential property within a residential planning district and:

- (i) Any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway; or
- (ii) Any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.

RESPONSE: Not applicable. There are no residences within a residential planning district within 450-feet of this site.

(c) Exemption for Existing Structures.

RESPONSE: Not applicable.

(d) Design. Sound barriers must consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three. Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.

- (i) "Wing wall" means a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section."

(3) Setback Reduction for Developments Adjacent to Greenways and Natural Areas.

RESPONSE: Not Applicable.

CHAPTER 62 - INDUSTRIAL USES AND UTILITIES AND MANUFACTURING ZONES—ENVIRONMENTAL REGULATIONS

TDC 63.020. - Applicability.

The regulations of this Chapter apply to:

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

RESPONSE: Confirmed.

TDC 63.051. - Noise (AR-1)

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

RESPONSE: Confirmed TDC 63.052. - Vibration (AR-1)

- (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.

RESPONSE: No vibration is expected.

TDC 63.053 - Air Quality.

- (1) *Restrictions.* All uses and development must comply with the most recent air quality standards adopted by the Oregon Department of Environmental Quality. Plans of construction and operations must comply with the recommendations and regulations of the State Department of Environmental Quality. **RESPONSE: Confirmed and Understood.**
- (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. **RESPONSE: Confirmed and Understood. No air pollution is anticipated.**

TDC 63.054. - Odors

All uses and development must not emit odors in such quantities as to create a nuisance condition at any point beyond the subject property line of the emitting use. **RESPONSE: No odors will be produced on site.**

TDC 63.055. - Heat and Glare.

- (1) All uses and development must conduct all operations producing heat or glare entirely within an enclosed building. **RESPONSE: No heat or glare will be produced on site.**
- (2) All uses and development may utilize exterior lighting, but the exterior lighting must be screened, baffled or directed away from residential planning districts. **RESPONSE: No exterior light will bleed into residential areas. Property doesn't border residential districts or properties.**

TDC 63.056. - Storage and Stored Materials.

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

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

RESPONSE: No open storage is proposed for the project; no privacy fence is proposed.

TDC 63.057. - Liquid or Solid Waste Materials. (AR-1)

All uses and development are prohibited from disposing waste onto the site or into adjacent drainage ditches, creeks or other natural waterways in violation of State of Oregon DEQ standards, Clean Water Services Standards, City Standards, or in a manner that causes harm to wildlife. **RESPONSE: Understood. No waste will be disposed onto site or adjacent waterways.**

TDC 63.058. - Dangerous Substances.(AR-1)

All uses and development are prohibited from the storage, transfer, or processing of hazardous, toxic, or radioactive waste. **RESPONSE: Understood. No Dangerous Substances will be stored or handled on the property.**

Chapter 70: Floodplain District (FP)

TDC 70.110. - Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established by TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard). The permit shall be for all structures, including manufactured homes, as set forth in TDC 70. 030 (Definitions), and for all other development, including fill and other activities, also as set forth in TDC 70. 030 (Definitions). **RESPONSE: Project occurs within the Floodplain District, and a development permit will be submitted.**

TDC 70.120. - Application for Development Permit

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

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; **RESPONSE: Neither Building has a basement, and the finish floor be located at approximately 131 ft above sea level.**

- (2) Elevation in relation to mean sea level of floodproofing of any structure; **RESPONSE: CMU wainscot is water resistant and extends 3'-4" up the face of wall. The underside of the slab will also have a vapor membrane.**
- (3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in TDC 70.180 (Specific Standards for Nonresidential Structures); **RESPONSE: Floodproofing will meet criteria identified in TDC 70.180.**
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. **RESPONSE: no watercourse will be altered as part of proposed development.**

TDC 70.170. - General Standards.

- (1) Anchoring.
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) All manufactured dwellings shall be anchored according to TDC 70.180(3)(Specific Standards for Manufactured Dwellings).
- (2) Construction Materials and Methods.
 - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (3) Utilities.
 - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - (c) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

RESPONSE: Acknowledged. The above items will be noted in the permit drawings.

TDC 70.180. - Specific Standards.

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

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

RESPONSE: Acknowledged. The above items will be noted in the permit drawings.

TDC 70.200. - Alterations to Floodplain, Drainage, or Watercourses

- (1) Applicants proposing to increase the Base Flood Elevation by more than one foot or alter a watercourse must obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before any encroachment, including fill, new constructions, substantial improvement, or other development, in the regulatory floodway is permitted.

RESPONSE: Understood, CLOMR forthcoming following architectural review process.

- (2) Within six months of project completion, an applicant for a Letter of Map Revision (LOMR) must submit a completed application to FEMA and submit evidence to the City that a Letter of Map Revision (LOMR) has been requested that reflects the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM).

RESPONSE: Acknowledged

- (3) The applicant must prepare and submit technical data to support the Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) application and pay any processing or application fees to FEMA. **RESPONSE: Acknowledged**

CHAPTER 71: Wetlands Protection District (WPD)

TDC 71.061. - Development Setback

- (1) Except as otherwise provided for herein, all permanent surface structures and other surface improvements located adjacent to the Wetlands Protected Area (WPA) shall be set back not less than 40 feet from the boundary of the Wetlands Protected Area (WPA) established in accordance with the provisions of this chapter

RESPONSE: 40' setback is noted on the drawings and will not be encroached upon.

- (2) Where buildings or other surface structures are placed on or immediately adjacent to the outer edge of the setback area, and where means of emergency access or egress is required to be furnished to or from the sides of such buildings or structures that adjoin or face the Wetlands Protected Area (WPA), such means of access or egress may be provided within the setback area.

RESPONSE: Acknowledged, but not currently triggered.

TDC 71.062. - Excavation and Filling

Within the Wetlands Protected Area (WPA), temporary dredging, filling, de-watering or other activities may be undertaken in order to place, install, service or maintain utilities or similar improvements within or across the area only during such periods and in such manner as to reduce as much as reasonably practicable the significant detrimental effects, if any, such activities may have on wildlife within, or on the hydrological integrity of the area.

RESPONSE: Acknowledged. No dredging or work is anticipated or proposed within the WPA or 40' setback area.

TDC 71.063. - Contamination and Sedimentation.

- (1) All apparent and potential sources of storm drainage and surface runoff contamination located within the Wetlands Fringe Area (WFA) and the Sweek Pond Management Area (SPMA) such as operating areas, and equipment cleaning and maintenance area, shall have curbs and be drained into impoundment areas or a waste treatment system in such a manner that no contaminated storm drainage or surface runoff originating in such areas will be discharged directly into the Wetlands Protected Area (WPA) or Sweek Pond Management Area (SPMA) without treatment that would render such drainage uncontaminated.

RESPONSE: The shared yard, and parking areas will be curbed, and storm drainage will be properly moved off site. No surface runoff originating on site will be discharged directly into the WPA.

(4) To prevent soil movement into, or erosion within, the Wetlands Protected Area and the Sweek Pond Management Area (WPA and SPMA) as a result of drainage from adjacent upland areas within the Wetlands Fringe Area (WFA) and Sweek Pond Management Area (SPMA) during the course of development, site preparation, construction of improvements or use, a combination of filters or diversions or other appropriate means to be specified by an engineer shall be employed where necessary in order to supplement soils stabilization that will result from re-vegetation as otherwise provided for and described in TDC 71.062(2) and 71.064.

Response: An erosion protection plan will be provided with the building permit.

TDC 71.064. - Vegetation.

- (1) Vegetation occurring within the Wet-lands Protected Area (WPA) and the Sweek Pond Management Area (SPMA) shall not be degraded or damaged except as a result of activities otherwise permitted by this chapter.
- (2) Vegetation occurring within the Wetlands Fringe Area (WFA) may be removed or altered at any time during the course of development, site preparation, construction of improvements or usage, when reasonably required for any of such purposes, subject to the following:
 - (a) Areas where vegetation has been removed or altered incidental to construction or development of land areas within the Wetlands Fringe Area (WFA) lying outside the setback area, which are not otherwise committed and used as the location or site of surface improvements associated with the development or use of the property, shall be seeded or planted to reestablish a vegetation cover compatible with the adjacent wetland habitats insofar as practicable.
 - (b) Areas where vegetation has been removed or altered incidental to development or usage of land areas within the Wetlands Fringe Area (WFA) which occurs by reason of filling, excavation or other activities undertaken within the setback areas, shall be seeded or planted so as to effect eventual reestablishment of vegetation, if practicable, of the character, type and density that occurred in the areas affected prior to such removal or alteration.

RESPONSE: Noted, Plantings in the WFA are native species with ecological value, and will replicate the existing native ecology.

- (c) Owners and occupiers of land lying within the setback area upon which vegetation has been disturbed as a result of development, site preparation, construction of improvements or use shall permit access to such areas by public agencies, resource management groups and environmental interest groups approved by the City for purposes of entry and the conduct of activities designed or intended to effect the seeding, planting and maintenance of vegetation within the setback area in addition to, or in lieu of, the vegetation to be placed therein in accordance with TDC 71.064(2)(b) in the nature of trees, shrubs or other vegetation forms that will provide food, cover and nesting areas for wildlife and which may also provide a visual barrier or screen between the boundary of the Wetlands Protected Area (WPA) and adjacent upland areas. No such activity shall be authorized or permitted where the same or the effects

thereof may materially impair or damage the structural integrity or usefulness of landfill occurring within such area, or which may enhance the area's susceptibility to erosion or damaging surface or subsurface water flow, or which may damage, or impair the usefulness of, utilities or other improvements lying within or adjacent to the area otherwise permitted under the terms of this chapter.

- (d) Re-vegetation as required by the provisions of this section shall begin as soon as practicable, but in no event later than 60 days, after cessation of development, unless otherwise approved by the City. Such re-vegetation shall be deemed to comply with the requirements of this chapter if approved or recommended as to type, species and placement by either the U.S. Soil Conservation Service or the Oregon Department of Fish and Wildlife.

RESPONSE: Understood

- (e) Land areas within the Wetlands Fringe Area (WFA) that lie outside the 40-foot setback area and which are not otherwise committed to development or use in connection with the intended development or use to be made of such areas by the owners, developers or occupiers thereof, shall be left, insofar as practicable, in their natural state for so long as such development or use does not require their alteration. Subject to the limitations set forth in TDC 71.064(2)(c), access shall be afforded to public agencies, resource management groups and environmental interest groups approved for purposes of planting and maintenance of vegetation within such areas that will afford food, cover and nesting areas for wildlife indigenous to the Wetlands Protected Area (WPA) except where such entry or activities are unsafe or may damage the property or security of adjacent developed areas. Any such vegetation shall be subject to removal at a later date, should such areas be required or involved in future development.

RESPONSE: Understood, Landscape Plan indicates native species that were verified acceptable with Tualatin Soil and Water Conservation District for both the WFA and parking lot landscape.

- (f) There shall be included in the statement of proposed construction methods and schedule required as part of the certification by TDC 71.040 of this chapter, a landscaping and re-vegetation plan and schedule, which shall set forth in reasonable detail the means by which the applicant(s) for any building permits, subdivision approvals or public works permits within the Wetlands Protection District (WPD) shall comply with the requirements of this section.

RESPONSE: Understood, proper documentation will be submitted with the building permit.

Chapter 72: Natural Resource Protection Overlay District (NRPO) (AR-1)

Response: Please refer to the CWS Service Provided Letter and the Natural Resources Assessment Report included in this application.

Chapter 73A: Site Design

TDC 73A.500. Industrial Design Standards (AR-1)

The following standards are minimum requirements for industrial development in all zones, except the Basalt Creek Employment (BCE) zone, which has its own standards:

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

(a) Walkways must be a minimum of five feet in width;

RESPONSE: All walkways are 5-feet, minimum.

(b) Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable;

(c) **RESPONSE: All Walkways are constructed of concrete**

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

RESPONSE: All walkways will be designed to meet ADA standards.

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

RESPONSE: Building A & B walkways connect the office area to the public sidewalk along Teton Ave north through Premier Industrial Park.

(f) Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas; and

RESPONSE: Walkways crossing the drive aisles will be painted, cross striped walkways.

(g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

RESPONSE: Not applicable. There is no bike nor pedestrian paths designated.

(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.

RESPONSE: Not applicable

(3) *Drive-up Uses*. **RESPONSE: Not applicable. No drive-up uses are proposed.**

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

(a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas; **RESPONSE:**

Windows and wallpak lighting have been located at the office area along the North

Side of Building A & B. Wallpak lighting has been located on the buildings to illuminate the passenger vehicle parking areas.

- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way; **RESPONSE: Windows and wallpak lighting have been located at the street sides of Buildings A and B.**
 - (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; **RESPONSE: Windows and wallpak lighting have been located at the office areas at the north side of the buildings. Wallpak lighting has been located in the shared yard area. All of this lighting is located far enough from the public ROW to not shine in the ROW. Wallpak lighting in the shared yard will not extend lighting beyond the curblin of the development, thus, fish and wildlife habitat in the wetland area will not be affected.**
 - (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and **RESPONSE: Building addresses will be added to the buildings, above the office entrances, when the building is occupied by tenants.**
 - (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall. **RESPONSE: Not applicable. None of these uses are proposed.**
- (5) Service, Delivery, and Screening. Industrial development must provide service, delivery, and screening features as follows:
- (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping; **RESPONSE: Electrical Transformers will be screened with landscaping. These are Shell buildings so no roof mounted HVAC units are proposed. With future Tenant buildouts, rooftop mounted HVAC units will be screened with walls at the units if visible.**
 - (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and **RESPONSE: No outdoor storage is proposed.**
 - (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping. **RESPONSE: Not applicable. None of these uses are proposed.**
- (6) Adjacent to Transit. **RESPONSE: Not applicable. This development is not adjacent to a Transit Street.**

Chapter 73B: Landscaping

TDC 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:

Table 73B-1

Required Minimum Landscape Area

ZONE	MINIMUM AREA REQUIREMENT	MINIMUM AREA REQUIREMENT WITH A DEDICATION FOR A FISH AND WILDLIFE HABITAT
(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses RESPONSE: Excluding the 40' Wetland Buffer Area, 7100 SF (21%) of additional landscape will be provided. This is in excess	15 percent of the total area to be developed	12.5 percent of the total area to be developed

Table 73B-1R

Required Landscape Buffer Between Users

			Proposed Improvement				
ABUTTING			RESIDENTIAL	COMMERCIAL	INDUSTRIAL	PARKING LOTS	ARTERIAL STREETS
	RESIDENTIAL	–	D	D	C	D	
	COMMERCIAL	C	–	D	–	–	
	INDUSTRIAL	D	A	–	–	–	
	PARKING LOTS	C	–	–	–	–	
	ARTERIAL STREETS	A	–	A	–	–	
	Options	Width (ft)	Trees (per linear feet of buffer)		Shrubs or Groundcover		Screening
A	-	10	–		Lawn/Living Groundcover		–

B	-	10	20'-0" min/30'-0" max spacing	Lawn/Living Groundcover	-
C	1	10	15'-0" min/ 30'-0" max spacing	Shrubs	4' hedges
	2	8		Shrubs	5' fence
	3	6		Shrubs	6' wall
D	1	20	10'-0" min/ 20'-0" max spacing	Shrubs	6' hedge
	2	15		Shrubs	6' fence
	3	10		Shrubs	6' wall

RESPONSE: No buffering required between proposed industrial use and adjacent industrial use.

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

- (1) *General.* In addition to requirements in TDC 73B.020, industrial uses must comply with the following:
- (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
 - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.
 - (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:

RESPONSE: 5' wide landscaped area will surround the new buildings. Plantings throughout will be native species similar to those present in the adjacent wetland.

TDC 73B.080. Minimum Landscaping Standards for All Zones.

(1) Required Landscape Areas	• 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 RESPONSE: Fencing to separate vegetated corridor from developed area	• 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 RESPONSE: NO EXISTING TREES TO BE PROTECTED ON SITE	• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction: ◦ Must provide above and below ground protection for existing trees and plant materials identified to remain; ◦ Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; ◦ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; ◦ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; ◦ 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 <u>33.110</u> (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 percent of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
(4) Grading	• 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 RESPONSE: Confirmed, north landscaping and parking islands will be landscaped as noted on landscape sheet.	• Landscaped areas must be irrigated with an automatic underground or drip irrigation system.
(6) Re-vegetation in Unlandscaped Areas RESPONSE: Planting plan calls for native plants,	• Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

GIMPTDC 73B.090. Minimum Standards Trees and Plants.

(1) Deciduous Shade Trees	• 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	• 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	• 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	• One to five gallon size;

Deciduous Shrubs	• 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 RESPONSE: Confirmed	• 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 RESPONSE: Confirmed	• 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.

Chapter 73C: Parking Standards

In General

Parking Lot Landscaping

IN GENERAL

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

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

Establishment of a new structure or use; **RESPONSE: This proposal is for a new structure.**

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

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

- (i) The requirements apply to both the existing structure and use, and enlarging a structure or use;
- (ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;
- (iii) Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;

- (iv) Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;
- (v) If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;
- (vi) Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;
- (vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;
- (viii) Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;
- (ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;
- (x) Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones;
- (xi) Required vanpool and carpool parking must meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage;

RESPONSE: Parking will meet the criteria outlined above.

TDC 73C.020. - Parking Lot Design Standards.

- (1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;
 - (a) Exception: Parking structures and underground parking where stall length and width requirements for a standard size stall must be reduced by .5 feet and vehicular access at the entrance if gated must be a minimum of 18 feet in width.
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;
- (3) Parking stalls must be constructed of asphalt, concrete, pervious concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material.

Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;

- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;
- (5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.
- (6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;
- (7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;
- (8) Groups of more than four parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;
- (9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;
- (10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;
- (11) Artificial lighting, must be deflected to not shine or create glare in a residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor;
- (12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and

RESPONSE: Proposed Development meets all of the Criteria noted above.

Chapter 73D: Waste Management Standards

TDC 73D.010. Applicability and Objectives

- (1) Applicability. The requirements of this Chapter apply to all new or expanded:
 - (c) Industrial developments; and

RESPONSE: This project is an Industrial development.

TDC 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.

RESPONSE: These Shell Buildings are anticipated to have one future tenant in each building that will operate warehouse/manufacturing operations from the buildings. Future office buildouts are anticipated to be small, accounting for about 10-25% of the building area. It is anticipated that the requirement for waste storage will be very small as these uses do not generate much waste or recyclable material. The actual requirement for Waste Storage will be determined with each Tenant Improvement permit. It is anticipated that if more waste storage is required than the exterior waste storage area provided, that the added required area will be provided within the building structure in each of the tenant's space.

- (1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than seven feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.
- (2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:
 - (c) Commercial, industrial, and institutional developments must provide a minimum storage area of ten square feet plus:
 - (i) Office—Four square feet/1,000 square feet gross leasable area (GLA); **RESPONSE: It is not anticipated that this use will occupy more than 15% of the building with the future tenant improvements.**
 - (ii) Retail—Ten square feet/1,000 square feet GLA; **RESPONSE: This is not an anticipated future use of the building.**
 - (iii) Wholesale/Warehouse/Manufacturing—Six square feet/1,000 square feet GLA; **RESPONSE: This is anticipated to be the major use of the building with the future tenant improvements. The actual required areas for the waste storage will be determined with the**

future Tenant Improvement permits when tenants are secured for the building.

v) Educational and Institutional—Four square feet/1,000 square feet GLA; and **RESPONSE: This is not an anticipated future use of the building.**

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

RESPONSE: This is not an anticipated future use of the building.

- (3) Mixed solid waste and source separated recyclables storage areas for multiple tenants on a single site may be combined and shared. **RESPONSE: It is anticipated that the future tenants of this proposed shell building will shared in the outdoor trash enclosure area.**

TDC 73D.040. Waste Assessment Method.

RESPONSE: Not Used

TDC 73D.050. Comprehensive Recycling Plan Method.

RESPONSE: Not Used

TDC 73D.060. Franchised Hauler Review Method.

RESPONSE: Not Used but may be applicable when tenants are selected for this shell building.

TDC 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 colocated with the storage area for mixed solid waste. **RESPONSE: Recyclables are proposed to be colocated with 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.

RESPONSE: A shared exterior location for waste storage is proposed between building A & B. It will be provided with the Shell construction. When Tenants are selected for the building, additional waste storage areas will be provided, most likely within the structure.

(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.

RESPONSE: These 3 criteria are satisfied with the three proposed exterior waste storage areas.

(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 six 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 ten feet wide and must be capable of being secured in a closed and open position.
- (f) Horizontal clearance must be a minimum of ten feet and a vertical clearance of eight feet is required if the storage area is covered.
- (g) A separate pedestrian access must also be provided in common wall, commercial, and institutional developments.
- (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.

RESPONSE: These 9 criteria are satisfied with the proposed exterior waste storage areas except criteria (g) does not apply to this development.

(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.

RESPONSE: These 5 criteria are satisfied with the three proposed exterior waste storage areas.

Chapter 74: Public Improvement

TDC 74.110. Phasing of Improvements

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

RESPONSE: Phasing is not anticipated with this development proposal.

TDC 74.120. Public Improvements.

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

RESPONSE: No public improvements are proposed for this project.

- (2) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.

RESPONSE: No impacts to fish and wildlife habitat are anticipated with the Public Improvements.

TDC 74.140. Construction Timing

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

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

RESPONSE: Acknowledged

TDC 74.210. Minimum Street Right-of-Way Widths

RESPONSE: No street right-of-ways are required to be provided or dedicated for this proposed development. The site is served from a private access easement and does not have any frontage along a public right-of-way. No future street extension will be needed across the parcel.

TDC 74.220. Parcels Excluded from Development.

RESPONSE: This is not applicable to the site as no land division is proposed.

EASEMENTS AND TRACTS

TDC 74.310. Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.

RESPONSE: This is not applicable as no greenway or natural areas or bike and pedestrian facilities are proposed.

TDC 74.320. Slope Easements.

RESPONSE: This is not applicable as no slope easements are needed.

TDC 74.330. Utility Easements.

RESPONSE: It is not expected that any public utility easements will be needed across the existing parcel. Private easements already exist on the site, and it is not anticipated any additional private easements will be needed.

TDC 74.340. Watercourse Easements

RESPONSE: There is a 40 foot wetland buffer along the south and west sides of the parcel. In addition, in agreement with Clean Water Services, the developer has agreed not to extend improvements beyond a 126 contour surrounding the development site to the west and south. (126 based on 1929 vertical datum – 129.52 using the 1988 vertical datum).

TDC 74.350. Maintenance Easement or Lots.

RESPONSE: No City maintenance easement is expected to be required.

TDC 74.410. Future Street Extensions.

RESPONSE: No future street extension will be required, as it is not possible to extend a

street in the area, as the area is either fully developed surrounding the parcel or is wetland area, that would preclude further development.

TDC 74.420. Street Improvements.

RESPONSE: This is not applicable as there is not any adjoining street adjacent to the parcel nor can any area adjacent to the site be developed, further.

TDC 74.425. Street Design Standards.

RESPONSE: This is not applicable as there will not be any street improvements required.

TDC 74.430. Streets, Modifications of Requirements in Cases of Unusual Conditions.

RESPONSE: This is not applicable as there will not be any public street improvements required.

TDC 74.440. Streets, Traffic Study Required.

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

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

RESPONSE: See Traffic Memo included as part of the application.

TDC 74.450. Bikeways and Pedestrian Paths.

RESPONSE: Not applicable, no adjacent bikeways or pedestrian paths

TDC 74.460. Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.

RESPONSE: Not applicable, subdivision or partition are not proposed.

TDC 74.470. Street Lights.

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

RESPONSE: No public works permit is being requested.

TDC 74.475. Street Names.

- (1) A street name must not be used which will duplicate or be confused with the names of existing streets in the Counties of Washington or Clackamas, except for extensions of existing streets. Street names and numbers must conform to the established pattern in the surrounding area.
- (2) The City Manager must maintain the approved list of street names from which the applicant may choose. Prior to the creation of any street, the street name must be approved by the City Manager.

RESPONSE: Not applicable, no new streets are proposed.

TDC 74.480. Street Signs.

- (1) Street name signs must be installed at all street intersections in accordance with standards adopted by the City.
- (2) Stop signs and other traffic control signs (speed limit, dead-end, etc.) may be required by the City.
- (3) Prior to approval of the final subdivision or partition plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street signs, traffic control signs and street name signs. The location, placement, and cost of the signs must be determined by the City.

RESPONSE: Street signs will be provided as required.

TDC 74.485. Street Trees.

(1) Prior to approval of a residential subdivision or partition final plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.

RESPONSE: Not applicable.

(2) In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.

RESPONSE: Not applicable.

(3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.

RESPONSE: (E) street trees along SW Teton Ave are to remain

UTILITIES

TDC 74.610. Water Service

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

RESPONSE : Provisions for water services have been previously provided. There are two service extensions and meter boxes to the south of the center entry for the industrial center. Under a plumbing permit water service extensions from back side of the meter to the buildings will be necessary.

(2) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.

RESPONSE: Not applicable

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

RESPONSE: The site lies within Pressure Zone A, and the development will connect to the water system of Pressure Zone A.

TDC 74.630. Storm Drainage System

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

RESPONSE: Onsite stormwater facilities will be developed onsite in accordance with CWS standards. This includes enlarging the existing detention pond that serves the industrial subdivision development. Water quality will be handle with filtered catchbasins on Lot 9.

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

RESPONSE: The discharge from this site will be directly into Hedges Creek, as currently exists, via way of the existing detention pond.

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

RESPONSE: There are no other undeveloped parcels in this area, this is not applicable.

TDC 74.620. Sanitary Sewer Service.

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

RESPONSE: A sanitary sewer service lateral has been previously stubbed into Lot 9.

(2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all upstream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.

RESPONSE: With the development of this parcel there will be no further undeveloped parcel in this area. This is not applicable.

TDC 74.630. Storm Drainage System.

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

RESPONSE: Onsite stormwater facilities will be developed onsite in accordance with CWS standards.

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

RESPONSE: The discharge from this site will be directly into Hedges Creek.

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

RESPONSE: There are no other undeveloped parcels in this area, this is not applicable.

TDC 74.640. Grading.

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

RESPONSE: The proposed Site Grading minimizes the stormwater runoff to the adjacent properties.

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

RESPONSE: There will be no crawl spaces under the proposed building. Storm drainage from this site will not affect the drainage on adjacent properties.

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

(1) All Applications. The applicant must comply with the water quality, stormwater detention, and erosion control requirements in Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building and Sewers) and Clean Water Services standards.

RESPONSE: Permits for water quality, stormwater detention and Erosion Control will be obtained complying with the requirements of Tualatin and CWS.

(2) Subdivisions and Partitions. Prior to approval of the final plat, an application for subdivision and partition development must:

(a) Submit a stormwater facilities design with calculations to satisfy the requirements of the Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building And Sewers) and applicable Clean Water Services standards;

(b) Obtain a Stormwater Connection Permit from Clean Water Services; and

(c) Either construct a permanent on-site water quality facility and stormwater detention facility; or enter into an agreement with the City, as provided in TDC 36.320 and TMC 3-5-390, recorded against the property, to guarantee construction of a permanent on-site water quality facility and stormwater detention facility.

RESPONSE: At this time an onsite stormwater facility is proposed to address runoff from the proposed Lot 9 improvements.

(3) All Development, Except Subdivisions and Partitions. Prior to issuance of any building permit, an applicant for any development, except Subdivisions and Partitions, must:

(a) Submit a stormwater facilities design with calculations to satisfy the requirements of the Tualatin Municipal Code Chapter 3-5 (Soil Erosion, Surface Water Management, Water Quality Facilities, and Building And Sewers);

RESPONSE: A stormwater facility design satisfying the TMC will be submitted for permit.

(b) Obtain a Stormwater Connection Permit from Clean Water Services; and

RESPONSE: A Stormwater connection permit will be obtained from CWS

(c) Either construct a permanent on-site water quality facility and stormwater detention facility; or enter into an agreement with the City, as provided in TMC 35-390, recorded against the property, to guarantee construction of a permanent on-site water quality facility and stormwater detention facility.

RESPONSE: At this time the existing stormwater detention facility is proposed to be enlarged to address increased runoff from the proposed Lot 9 improvements. Stormwater water quality will be handled by onsite filtered catchbasins on Lot 9.

(4) On-Site Private and Regional Non-Residential Facilities. For on-site private and regional non-residential public facilities, the applicant must:

(a) Enter into a stormwater facility agreement, as provided in TMC 3-5-390, recorded against the property. The stormwater facility agreement will include an operation and maintenance plan, provided by the City and consistent with Clean Water Services requirements, for the water quality facility.

(b) Submit an erosion control plan prior to issuance of a Public Works Permit consistent with TMC 3-5 and Clean Water Services standards. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

TDC 74.660. Underground

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

TDC 74.670. Existing Structures.

RESPONSE: Not applicable.

TDC 74.700. Removal, Destruction or Injury of Trees.

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

RESPONSE: No trees will be removed from the ROW without a permit.

TDC 74.705. Street Tree Removal Permit.

RESPONSE: No tree removal is proposed at this time.

TDC 74.706. Street Tree Fees.

A person who applies to remove a street tree under TDC 74.705 must pay all costs incurred by the City as reflected in the applicable fees listed in the city of Tualatin Fee Schedule. City actions and associated fees include but are not limited to inspection of a street tree requested for removal, removal of a street tree, removal of a stump, planting of a street tree, and inspection(s) to determine if the applicant has fulfilled permit requirements.

Response: Understood

TDC 74.707. Street Tree Voluntary Planting

A person who desires to plant a tree in or upon a public right-of-way may plant or have the City plant a species of street tree permitted by Table 74-1 without a City permit, if the tree is not a replacement for a tree that the person has removed. Such a person may submit a request to the City with payment of fee(s) so that the City may plant a street tree. If a stump exists where a street tree is to be planted, the person must remove the stump or pay a fee to the City as established in TDC 74.706 so that the City may remove the stump on behalf of the person. In all instances, a person who desires to plant a tree must comply with other applicable TDC sections and any additional requirements of the City Manager.

Response: Not applicable

TDC 74.708. Street Tree Emergencies.

- (1) If emergency conditions occur that require the immediate cutting or removal of street trees to avoid danger or hazard to persons or property, the City Manager must issue emergency permits without payment of fees and formal applications. If the City Manager is unavailable, the adjacent property owners may proceed to cut the trees without permits to the extent necessary to eliminate the immediate danger or hazard. If a street tree is cut under this section without filing of an application with the City Manager, the person doing so must report the action to the City Manager within two City business days without payment of fee and must provide such information and evidence as may be reasonably required by the City Manager to explain and justify the removal.
- (2) In all instances, a person who removes a street tree as a result of an emergency must replace it within 60 days of notifying the City Manager. The City reserves the right to waive this requirement.
- (3) A person who fails to comply with TDC 74.708 must pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.
- (4) If no emergency is found to exist, no person must cut or remove a street tree without complying with the requirement of the Tualatin Development Code.

Response: Not applicable

TDC 74.710. Open Ground.

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

Response: Not applicable

TDC 74.715. Attachments to Trees.

It is unlawful for a person to attach or keep attached a rope, wire, chain, sign or other device to a tree, plant or shrub in or upon a public right-of-way or to the guard or stake intended for the protection of such tree, except as a support for a tree, plant or shrub.

RESPONSE: No attachments will be made in the right of way.

TDC 74.720. Protection of Trees During Construction.

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

RESPONSE: No construction activities are planned near the SW Teton Ave. ROW

TDC 74.725. Maintenance Responsibilities.

Trees, shrubs or plants standing in or upon a public right-of-way, on public or private grounds that have branches projecting into the public street or sidewalk must be kept trimmed by the owner of the property adjacent to or in front of where such trees, shrubs or plants are growing so that:

RESPONSE: Landscaping along the ROW will be maintained by the property owner

- (1) The lowest branches are not less than 12 feet above the surface of the street and are not less than 14 feet above the surface of streets designated as state highways.
- (2) The lowest branches are not less than eight feet above the surface of a sidewalk or footpath.
- (3) (3) A plant, tree, bush or shrub must not be more than 24 inches in height in the triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, such an area defined by a line across the corner between the points on the street right-of-way line measured ten feet back from the corner, and extending the line to the street curbs or, if there are no curbs, then to that portion of the street or alley used for vehicular traffic.
- (4) Newly planted trees may remain untrimmed if they do not interfere with street traffic or persons using the sidewalk or obstruct the light of a street electric lamp.
- (5) Maintenance responsibilities of the property owner include repair and upkeep of the sidewalk in accordance with the City Sidewalk Maintenance Ordinance.

RESPONSE: No additional landscaping is proposed along SW Teton Ave. Existing landscaping will be maintained by the owner.

TDC 74.730. Notice of Violation

When the owner, lessee, occupant or person in charge of private grounds neglects or refuses to trim a tree, shrub or plant as provided in TDC 74.725, the City Manager must cause a written notice to trim such tree or trees, shrubs or plants to be served upon such owner, lessee, occupant or person in charge, within ten days after the giving of the notice; and if the owner, lessee or occupant or person in charge fails to do so, the person is guilty of violating this ordinance and subject to the penalties in TDC 74.760. The notice must be served upon the owner, lessee, occupant or person in charge either by "Certified Mail-Return Receipt Requested," or by posting the same notice on the property or near to the trees, shrubs or plants to be trimmed.

RESPONSE: Understood

TDC 74.735. Trimming by City

If the owner, lessee, occupant or person in charge of the property fails and neglects to trim the trees, shrubs or plants within ten days after service of the notice in TDC 74.730, the City Manager may trim the trees, shrubs or plants. Such trimming by the City does not act to relieve such owner, lessee, occupant or person in charge of responsibility for violating this Chapter.

RESPONSE: Understood

TDC 74.740. Prohibited Trees

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

RESPONSE: Not applicable

TDC 74.745. Cutting and Planting Specifications.

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

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

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

RESPONSE: Not applicable

TDC 74.750. Removal or Treatment by City.

The City Manager may remove or cause or order to be removed a tree, plant or shrub, planted or growing in or upon a public right-of-way which by its nature causes an unsafe

condition or is injurious to sewers or public improvements, or is affected with an injurious fungus disease, insect or other pest. When, in the opinion of the City Manager, trimming or treatment of a tree or shrub located on private grounds, but having branches extending over a public right-of-way is necessary, the City Manager may trim or treat such a branch or branches, or cause or order branches to be trimmed or treated.

RESPONSE: Understood

TDC 74.755. Appeal of Permit Denial.

When application for a permit under this Chapter is denied by the City Manager, an order is issued by the City Manager directing certain trees, shrubs or plants to be trimmed or removed, or a permit is granted by the City Manager containing conditions which the applicant deems unreasonable, the applicant may appeal to the Council in writing and filed with the City Recorder within ten City business days after the denial of the permit sought or the making of the order the appellant deems unreasonable. After hearing, the Council may either grant or deny the application, rescind or modify the order from which the appeal was taken.

RESPONSE: Understood

TDC 74.760. Penalties.

A person who violates this ordinance or fails to trim a tree or shrub for which notice to do so was provided, must, upon conviction, be fined not more than \$100.00.

RESPONSE: Not applicable

TDC 74.765 Street Tree Species and Planting Locations

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

RESPONSE: Not applicable

Chapter 75: Access Management

TDC 75.010. Purpose

The purpose of this chapter is to promote the development of safe, convenient and economic transportation systems and to preserve the safety and capacity of the street system by limiting conflicts resulting from uncontrolled driveway access, street

intersections, and turning movements while providing for appropriate access for all properties.

TDC 75.020. Permit for New Driveway Approach.

(1) Applicability. A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.

Response: Not Applicable. (E) Driveway off SW Teton Ave will be shared

TDC 75.020. Permit for New Driveway Approach.

(1) Applicability. A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.

Response: Not Applicable, no changes are anticipated to the existing driveway,

(3) Procedure Type. A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).

(4) Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application

Submittal), the following application materials are also required:

(a) A site plan, of a size and form and in the number of copies meeting the standards established by the

City Manager, containing the following information:

(i) The location and dimensions of the proposed driveway approach;

(ii) The relationship to nearest street intersection and adjacent driveway approaches;

(iii) Topographic conditions;

(iv) The location of all utilities;

(v) The location of any existing or proposed buildings, structures, or vehicular use areas;

(vi) The location of any trees and vegetation adjacent to the location of the proposed driveway

approach that are required to be protected pursuant to TDC Chapter 73B or 73C; and

(vii) The location of any street trees adjacent to the location of the proposed driveway approach.

(b) Identification of the uses or activities served, or proposed to be served, by the driveway approach; and

(c) Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.

TDC 75.030. Driveway Approach Closure

RESPONSE: No driveway approach closures are proposed nor anticipated.

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

RESPONSE: Not proposed for this project.

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

RESPONSE: No new Easements are planned, and existing driveway are recorded with City Recorder.

(3) Joint and Cross Access.

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

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

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

- (a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.
- (b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.

(c)

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

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

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

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

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

TABLE 75-1
Driveway Approach Width

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

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

TDC 75.050. Access Limited Roadways.

(1) This section applies to all developments, permit approvals, land use approvals, partitions, subdivisions, or any other actions taken by the City pertaining to property abutting any road or street listed in TDC 75.050(2). In addition, any property not abutted by a road or street listed in subsection (2), but having access to an arterial by any easement or prescriptive right, must be treated as if the property did abut the arterial and this Chapter applies.

(2) The following Freeways and Arterials are access limited roadways:

(s) Teton Avenue;

(3) This Chapter takes precedence over any other TDC chapter and over any other ordinance of the City when considering any development, land use approval or other proposal for property abutting an arterial or any property having an access right to an arterial.

(4) The City may act on its own initiative to protect the public safety and control access on arterials or any street to be included by TDC 75.030, consistent with its authority as the City Road Authority.

RESPONSE: Understood; per TDC 75.140, no additional modifications are required.

TDC 75.060. Interim Access Agreement.

RESPONSE: Not requested with this proposal

TDC 75.070. Existing Driveways and Street Intersections.

(1) Existing driveways with access onto arterials on the date this chapter was originally adopted are allowed to remain. If additional development occurs on properties with existing driveways with access onto arterials, then this Chapter applies and the entire site must be made to conform with the requirements of this chapter.

(2) The City Manager may restrict existing driveways and street intersections to right-in and right-out by construction of raised median barriers or other means.

RESPONSE: Understood; per TDC 75.140, no additional modifications are required.

TDC 75.140. - Existing Streets Access Standards.

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

(20) *TETON AVENUE.*

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

RESPONSE: Understood, existing driveways are allowed to remain

CITY CHARTER & MUNICIPAL CODE - TITLE 3

TMC 3-5-250 - Floodplain Design Standards.

(1) *Balanced Cut and Fill Standard.* All fill placed in a floodplain shall be balanced with an equal amount of removal of soil material. No net fill in any floodplain is allowed with two exceptions: **RESPONSE: Based on the current plan, approximately 235 cubic yards of additional soil removal will be made to the site and the adjoining storm facility, than fill will be added onto the lot area. Therefore there will be a net gain in the flood storage capacity of the Hedges Creek in this area.**

TMC 3-5-260 Floodway Design Standards.

(1) *Obstruction Prohibited.* Nothing may be constructed or placed in a floodway that will impede or constrict the flow of storm water. This includes, but is not limited to earth works, street and bike path crossings, and trees. If an object is placed in the floodway, the floodway must be widened or modified to accommodate the storm flows with no measurable increase

in water surface elevation upstream or downstream, or unless the property owners of property where the water surface increase occurs grant written permission by agreement or easement.

RESPONSE: West Consulting is proceeding with a forthcoming LOMR application to revise the location of the floodway to the edge of fill.

Prepared By:

A handwritten signature in black ink, appearing to read 'Travis Nissen', with a stylized flourish at the end.

Travis Nissen, RA, Principal
FOCI Architecture
608-406-0810