



**ARCHITECTURAL REVIEW DECISION  
LEVETON 99 INDUSTRIAL (AR 25-0011)**

March 24, 2026

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Case #:	AR 25-0011
Project:	Leveton 99 Industrial
Location:	12935 SW Leveton Drive (Tax Lot: 2S121A002201)
Applicant:	First Forty Feet
Owner:	Pacific NW Properties

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*Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503.691.3026 and allow as much lead time as possible.*

## I. INTRODUCTION

### A. Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 61: General Manufacturing Zone (MG)
- TDC 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

### B. Site Description



Figure 1 Aerial view of site with zoning (TualGIS)

The site at 12935 SW Leveton Drive (TL: 2S121A002201) is located north of SW Leveton Drive and south of Highway 99. The site is approximately 4.29-acres and is located in the General Manufacturing (MG) Planning District. The northern boundary is defined by a steep, heavily vegetated land berm. The site is undeveloped and contains open grassland, gravel areas as well as preexisting asphalt patches. Three existing curb inlets along the street frontage indicate that stormwater infrastructure was previously installed and remains in place. The adjacent public rights-of-way along SW Leveton Drive and SW 130th Avenue are lined with mature deciduous street trees.

### **C. Proposed Project**

The applicant, First Forty Feet, on behalf of Pacific NW Properties, requests approval to construct two concrete tilt-up industrial/flex buildings totaling approximately 45,000 square feet located at 12935 SW Leveton Drive (TL: 2S121A002201). The proposal includes off-street parking areas, landscaping and associated public improvements. The site plan provides 77 off-street parking spaces, pedestrian walkways, landscaped areas totaling 51,715 square feet, and an enclosed trash and recycling area with chain-link gates.

### **D. Previous Land Use Actions**

- ANN 82-08 – Annexation

### **E. Surrounding Zones and Uses**

Surrounding uses include:

North: General Manufacturing (MG)

- Tigard-Tualatin School District #23J Bus Yard

South: General Manufacturing (MG)

- Grimm's Fuel Company

West: General Manufacturing (MG)

- Grimm's Fuel Company

East: Light Manufacturing (ML)

- Columbia Roofing & Sheet Metal

### **F. Exhibit List**

A: Application Materials

A1. Land Use Application & Narrative

A2. Preliminary Plans

A3. Transportation Memorandum

A4. Preliminary Stormwater Report

A5. Photometric Plan

A6. Service Provider Letters

A7. Supporting Materials

B: Public Noticing

C: Clean Water Services Memorandum

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 25-0011 is **approved** subject to the following conditions:

*Note: The proposed stormwater system will prohibit a future partition without considerable modification to topography, stormwater routing, and construction of new facility(ies) to separate quality, quantity, and hydromodification to be addressed on each lot prior to directly connecting to public stormwater mains. The applicant may reconsider and propose an alternate stormwater system with separate sanitary sewer, stormwater, and water laterals for each building to more readily enable a future partition.*

### GENERAL:

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

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

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

- A2. A revised grading plan identifying trees and other plant materials for retention in accordance with TDC 73B.060. Including;
- i. The submission of a Tree Assessment Report and Tree Preservation Plan by a qualified arborist demonstrating that the requirements of TDC 33.110 are met.
  - ii. Identified trees for removal and retention, tree protection measures, and complete tree inventory list per TDC 73B.060.
- A3. Prior to ground disturbance, trees identified for preservation on the Erosion Control plan must be protected by chain link or other sturdy fencing placed around the tree at the drip line, pursuant to TDC 73B.060. Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist. The applicant must install tree protection fencing consistent with the final Tree Assessment Report. Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice.

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

- A4. The applicant must apply for Engineering Division Erosion Control, Water Quality, and Public Works permits:
- a. Apply using [eTrakit](#). With the initial Engineering Division permit(s) application(s) include:
    - i. One combined set of 22"x34" plans:
      1. Using NAVD 1988.
      2. Attaching one plan set that includes all applicable Engineering Division permits to one Engineering Division permit.

3. Adding notes on other Engineering Division permits stating which application includes the attached plan set.
- ii. Payment per the [fee schedule](#) for:
  1. An Erosion Control permit.
  2. Formal cost estimates and deposits for:
    - a. A Public Works permit.
    - b. A Water Quality permit.
- iii. All other permit intake submittals to complete the package. Including, but not limited to draft dedication documents with surveyed metes and bounds.
- b. Deliver one 22"x34" hard copy of the combined Engineering Division permit plan set to:

**City of Tualatin**

**Attn: Engineering Division c/o Principal Engineer**

**10699 SW Herman Road**

**Tualatin, OR 97062.**

- A5. The applicant must obtain City approval of Final Street Improvement Plans adjacent to the proposed development, in accordance with applicable sections of Tualatin Development Code (TDC) 73, 74, and 75 and Public Works Construction Code (PWCC) or as alternately approved by the City Engineer, that show:
- a. Plan and profile of public utilities as needed to demonstrate consistent horizontal and vertical alignments or improvements to existing public infrastructure.
  - b. The boundaries and nature of private and public access, utility, or other infrastructure supporting easements:
    - i. Existing with recorded document numbers.
    - ii. Proposed.
  - c. Dedication of:
    - i. Right-of-way with a minimum of:
      1. 32.5 feet from the recorded centerline for SW Leveton Drive.
      2. Additional right-of-way as needed to accommodate proposed roadway, sidewalk, planter, or other associated features.
    - ii. Public utility easements adjacent to rights-of-way.
      1. A minimum of 8-feet-wide.
      2. Required by PGE to:
        - a. Surround underground vaults.
        - b. Access infrastructure.
  - d. Construction including:
    - i. Any sections of SW Leveton Drive or SW 130<sup>th</sup> Avenue being reconstructed (including sidewalk reconstruction) shall have a cross-section designed in accordance with Tualatin Public Works Construction Code, AASHTO standards, and as coordinated with the City Engineer for specific site constraints and conditions, matching a Connector Industrial Local (See TDC [Figure 74-1B](#)).

- ii. Street signs, striping and traffic control signs of the required size, type, location, and placement prior to issuance of construction permits to comply with the Public Works Construction Code and the Manual on Uniform Traffic Control Devices (MUTCD).
- e. Sidewalks must be evaluated to assure compliance with ADA/PROWAG standards with non-compliant portions proposed to be maintained, repaired, and upkept in accordance with the Tualatin Municipal Code.
- f. Street trees matching species and locations with the street tree plan and City standards: <https://www.tualatinoregon.gov/recreation/street-trees>. Note: Do not select Ash species due to the invasive Emerald Ash Borers.
  - i. Maximize the tree canopy as much as feasible.
  - ii. Show at least 25 square feet of open ground for a tree up to three inches in diameter will be provided about the base of the trunk of each tree.
  - iii. Install root protection to protect public laterals and infrastructure.
- g. Turning movement diagrams showing all proposed private access easements and existing driveway to public right-of-way operate without adverse impact to public right-of-way as determined by the City Engineer showing:
  - i. Vision clearance triangles.
  - ii. Sight distances based on AASHTO standards.
  - iii. Existing and proposed curb radii able to accommodate associated allowed vehicular movements or propose a radius allowing turning movements for the widest path design vehicle (such as a WB-67), associated curb, planter strip, and sidewalk ramps consisting of reinforced concrete meeting PROWAG where they may be driven on by large vehicles.
- h. Driveways:
  - i. With minimum:
    1. Approach widths as provided in TDC 73C-090 measured at right-of-way.
    2. Distances of 40 feet between any two adjacent driveways on a single property.
    3. The centerline of the driveway connection to SW 130<sup>th</sup> Avenue must be at least 115 feet north from the curb line of SW Leveton Drive, with grades matching (as flat as reasonable) the existing street and future onsite drive aisle. If closer than 115 feet to the curb line of Leveton, a revised assessment from an Oregon licensed professional Traffic Engineer must be provided and turning movement restrictions may be required.
    4. Distances measured from centerline to centerline unless stated otherwise.
  - ii. Opposite SW 128<sup>th</sup> Avenue to Leveton Drive with a private shared access easement onsite east to TLID 2S121A004200, 18525 SW 126<sup>th</sup> Place:
    1. Adequate for future construction and turning movements (see condition A5.f).
    2. With a design speed of ten mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate

- automobiles, service vehicles, loading vehicles, and emergency vehicles.
  - 3. Including stub-out 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.
  - i. Street lighting plan meeting PGE Option A standards:
    - i. Show the location of proposed streetlight poles, fixtures, and any streetlight footings and grounding material (may include the ground rod and copper wire) for the streetlight pole and/or junction box needed to meet the standards.
      - 1. Submit the City approved streetlight design layout to the PGE Lighting Design Project Manager.
      - 2. Submit payment to cover the City's cost per Street Light Rate Schedule 95, Option A.
    - j. Undergrounding of proposed utilities.
- A6. The applicant must obtain City approval of Final Water System Plans in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
- a. The boundaries of existing public water easements with recorded document numbers.
  - b. Separate laterals to the main with gate valves for:
    - i. Each domestic, irrigation, and fire service.
    - ii. Any new public stormwater facility proposed for construction.
  - c. Separate appropriately sized water meters per domestic and irrigation laterals located within the landscaping adjacent to public right-of-way or City Engineer approved alternate location with:
    - i. Reduced Pressure Backflow Assembly (RPBA) for all domestic laterals.
    - ii. Irrigation after a domestic meter and RPBA serving the planter strip. Irrigation may be connected after a domestic meter and RPBA instead of on a separate lateral.
  - d. Any relocated public fire hydrant.
- A7. The applicant must obtain City approval of Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show:
- a. Location of the lines, grade, materials, and other details.
  - b. Separate laterals for each service, or as approved by the City Engineer.
  - c. Cleanouts adjacent to public right-of-way.
  - d. Cap any unused existing stubs to this development.
- A8. The applicant must obtain City approval of:
- a. Final Stormwater plans and approved Surface Water Management Report in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code

(TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4:

- i. Note: Do not select Ash species to plant due to invasive Emerald Ash Borers.
  - ii. Stamped by an Oregon registered professional engineer in accordance with TMC 3-5-390(1).
  - iii. If applicable, plug and cap any unused existing storm sewer stubs to this development.
  - iv. Addressing runoff from all new and modified impervious areas:
    1. Showing gravity flow to and within the public stormwater system in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4).
    2. Confirming the capacities for quality, quantity, and hydromodification to include impervious areas:
      - a. Onsite.
      - b. Flowing to the public stormwater facility(ies) along the eastern side of SW 128<sup>th</sup> Avenue for any new and modified within right-of-way.
    3. Providing a downstream analysis and including solutions within final plans:
      - a. Downstream from the release from the development through the public stormwater system in accordance with CWS D&CS 2.04.2(m.3).
      - b. Including but not limited to observable downstream impacts to structures.
    4. In accordance with TDC 74 and CWS D&CS 3.01.2(d), complying with:
      - a. The submitted Clean Water Services' Service Provider Letter No. 25-001135, dated October 16, 2025, conditions to obtain a Stormwater Connection Permit Authorization Letter.
      - b. Requirements stated within the Clean Water Services' Memorandum dated February 18, 2026.
- b. Submitted:
- i. Financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1.
  - ii. Copy of the recorded private stormwater facilities agreement in accordance with TMC 3-5-390(4) and CWS D&CS 2.08.2:
    1. Clarifying the party responsible for maintenance of the constructed portions of stormwater systems.
    2. Referring to all new and existing stormwater treatment, hydromodification, and detention facilities.

A9. The applicant must:

- a. Obtain City approval of Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-

060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that minimize the impact of stormwater from the development to adjacent properties.

- b. Submit Erosion Prevention and Sediment Control (EPSC) plans to the City sufficient to obtain the appropriate National Pollution Discharge Elimination System (NPDES) Stormwater Discharge Permit.

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**PRIOR TO BUILDING PERMIT ISSUANCE:**

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***Submit the following to the Planning Division for review and approval:***

- A10. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. A revised site plan with details to demonstrate;
    - i. The minimum number of off-street vanpool and carpool parking for industrial uses are identified in accordance with TDC 73C.030(9).
    - ii. The location of the bicycle parking stalls are identified in compliance with TDC 73C.050.
    - iii. The minimum number of parking spaces that have electrical service capacity in accordance with TDC 73C.030(10).
    - iv. Exterior waste and recyclable areas must be enclosed by a sight obscuring fence or wall at least 6 feet in height in compliance with TDC 73D.070(2).
  - b. A revised landscape plan with details to demonstrate;
    - i. Trees and other plant materials to be retained must be identified on the landscape plan and grading plan in accordance with TDC 73B.060
    - ii. Landscaped areas are irrigated with an automatic underground or drip irrigation system in accordance with TDC 73B.060(5).
    - iii. Site perimeter landscaping is a minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas in compliance with TDC 73C.210(3).
    - iv. Landscape islands in the proposed parking areas are a minimum of five feet in width (from inside or curb to curb) in accordance with TDC 73C.210(4).

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

- A11. In accordance with Public Works Construction Code (PWCC) and Tualatin Development Code (TDC) 74 and 75, the applicant must submit City Engineer approved and recorded:
- a. Surveyed, staked, and marked with a City approved boundary marker, dedication of:
    - i. Right-of-way.
    - ii. Public utility and maintenance access easements:
      1. Adjacent to right-of-way.
      2. Adequate to surround and maintain PGE or other utility infrastructure.
  - b. Private shared access easement and maintenance agreement.
- A12. The applicant must obtain:
- a. From the City of Tualatin Erosion Control, Public Works, and Water Quality Permits.
  - b. From Clean Water Services a 1200-CN.

- A13. If a Public Utility with a current Franchise agreement or Rights-of-Way License (PWCC 100 definitions) from Tualatin requires an applicant to participate in the process of obtaining a Franchise (PWCC 102.1.3 and 207 Public Utility) Permit, the applicant must perform in accordance with TDC 74.660 and 670, PWCC 207, TMC 03-06.

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**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

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***Submit the following to the Planning Division for review and approval:***

- A14. The Applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.500(4)(d). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, must be a minimum of 4 inches high, and must have a minimum stroke width of 1/2 inch. It is recommended to double this size on large buildings.
- A15. The applicant must screen with sight-obscuring fences or walls and landscaping, in accordance with TDC 73A.500(5) all above-grade and on-grade electrical and mechanical equipment, as well as, outdoor storage.

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

- A16. The applicant must complete all the private and public improvements as shown on the approved permit plans. All improvements must be constructed and guaranteed as to workmanship and material and also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.
- A17. The applicant must submit:
- a. An approved final erosion control inspection report.
  - b. Pdf as-builts of the Engineering division permits.
  - c. Maintenance bonds.
  - d. Payment of any final fees for public improvements.

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

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- A16. The proposed development must comply with the Environmental Regulations of TDC 63.
- A17. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 73-2.
- A18. All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas are landscaped and meet all dimensional requirements pursuant to TDC 73B.040. Including any areas between the proposed fencing and the public right-of-way must be landscaped.
- A19. 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.

- A20. Proposed landscaping must meet the minimum standards for trees and plants in accordance with TDC 73B.070.
- A21. Artificial lighting must be deflected to not shine or create glare in residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor in accordance with TDC 73A.110(4).
- A22. If the use of the property changes, the site must be brought into compliance with applicable vehicle parking, loading, and bicycle parking requirements for new use, as identified in Table 73C-1 of TDC 73C.040 and TDC 73C.080.
- A23. Accessible parking spaces must meet federal and state building code standards applicable at time of construction or alteration. Such parking spaces must be sized, signed, and marked in compliance with ORS 447.
- A24. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020 (7) Modifications to Previously Approved Final Architectural Review Decisions.
- A25. Warehouse and Freight Movement including the storage, repackaging, delivery and movement of products are permitted on site, in accordance with Table 61-1. A conditional use permit, subject to TDC 33.040, will be required prior to establishment of any warehousing of building materials and supplies on site.
- A26. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, pursuant to TDC 61.310(1).
- A27. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A28. If applicable, temporary trailers may be on-site for 180 days or less without association with a building or engineering permit. A temporary trailer may be on site for longer than 180 days if it is associated with an active building or engineering permit/public works permit. There must be an active building permit under review in order to receive approval for a temporary trailer on-site for more than 180 days.
- A29. All signs require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.

### III. FINDINGS

#### Chapter 32: Procedures

[...]

#### Section 32.010 – Purpose and Applicability.

[...]

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

[...]

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

[...]

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

**Table 32-1 – Applications Types and Review Procedures**

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

#### **Finding:**

The submitted Architectural Review application proposes site improvements on a vacant property in the General Manufacturing Zone (MG) and is classified as “General Development” under TDC 33.020(3)(f). This application is subject to Type II Procedure Type according to Table 32-1. The application has been

*processed according to the applicable code for Type II procedures required under TDC 32.220. This standard is met.*

[...]

**Section 32.030 – Time to Process Applications.**

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

[...]

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

**Finding:**

*The application was deemed incomplete on December 16, 2025. Additional materials were submitted and the application was deemed complete on January 28, 2026. The final action must take place within 120 days unless the applicant requests an additional extension in compliance with ORS 227.178. The 120-day decision date is May 28, 2026. These standards are met.*

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

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

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

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

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

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

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

**(i) A completed application form;**

**(ii) Payment of the application fee;**

**(iii) The information required, if any, for the specific pre-application conference sought;**  
and

**(iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.**

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

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

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

**Finding:**

*A Pre-Application Meeting is mandatory. The applicant participated in a Pre-Application Meeting on February 26, 2025. The applicant submitted the subject land use application on December 1, 2025. Since the Pre-Application Meeting that was held in February of 2025, the applicant team has followed up numerous times via email and phone communications to continue the discussion on the project and maintained the validity period for the Pre-Application Meeting. These standards are met.*

**Section 32.120 – Neighborhood/Developer Meetings.**

[...]

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

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

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

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

**(5) Notice Requirements.**

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

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

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

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

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

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

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

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

**Finding:**

*The applicant provided evidence that a Neighborhood/Developer Meeting was held on June 3, 2025, at the Juanita Pohl Center located at 8513 SW Tualatin Road. The applicant provided documentation of sign posting, mailing list, and other required items of Section 32.120 in Exhibit A7. These standards are met.*

**Section 32.130 – Initiation of Applications.**

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

(a) The owner of the subject property;

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

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

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

[...]

**Finding:**

*The applicant provided a title report in Exhibit A7 showing PNWP LLC #5 as the current owner of the property. The applicant provided a signed land use application in Exhibit A1 from the property owner authorizing submission of the land use application. This standard is met.*

**Section 32.140 – Application Submittal.**

(1) **Submittal Requirements.** Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

(a) **A completed application form.** The application form must contain, at a minimum, the following information:

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

**Finding:**

*The Architectural Review application was submitted on December 1, 2025, and formally deemed complete on January 28, 2026. The submittal requirements are included in this application. These standards are met.*

**Section 32.150 - Sign Posting.**

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

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

**Finding:**

*The applicant provided certification within Exhibit A7 that signs in conformance with sign posting requirements for this section of the Tualatin Development Code were posted onsite for both the neighborhood/developer meeting and the notice of application. These standards are met.*

**Section 32.160 – Completeness Review.**

- (1) **Duration.** Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.
- (2) **Considerations.** Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.
- (3) **Complete Applications.** If an application is determined to be complete, review of the application will commence.
- (4) **Incomplete Applications.** If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:
  - (a) All of the missing information;
  - (b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.  
(5) *Vesting*. If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

(6) *Void Applications*. An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

#### **Section 32.170 - Revised Applications.**

Revisions or alterations of an application may be made following the determination that an application is complete, provided such revisions or alterations do not render the application incomplete and do address applicable requirements. When revisions or alterations are desired by the applicant or required by the City, the applicant must provide fully revised application materials and clearly identifying those application materials which are revised.

#### **Finding:**

*The Architectural Review application was submitted on December 1, 2025, and was deemed incomplete by the Planning Division on December 16, 2025. The applicant submitted revised materials on January 22, 2026, and was formally deemed complete on January 28, 2026. The completeness review occurred within the 180-day deadline. These standards are met.*

[...]

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

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

(1) *Submittal Requirements*. Type II applications must include the submittal information required by TDC 32.140(1).

(2) *Determination of Completeness*. After receiving an application for filing, the City Manager will review the application for completeness in accordance with TDC 32.160.

(3) *Written Notice of Application and Opportunity to Comment*. Once the application has been deemed complete, the City must mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days before making the Type II decision to allow interested people and agencies the opportunity to submit written comments on the application before the City issues the decision.

(a) Recipients:

- (i) The applicant and the owners of the subject property;
- (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;
- (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;
- (iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;
- (v) Any person who submits a written request to receive a notice;

(vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and

(vii) Utility companies (as applicable).

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

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

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

(iii) The proposed site plan;

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

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

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

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

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

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

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

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

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

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

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

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

**(4) Decision.** At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:

- (a) Explains the criteria and standards considered relevant to the decision;
- (b) States the facts relied upon in issuing the decision; and
- (c) Explains the justification for the decision based on the criteria, standards and facts set forth.

**Finding:**

*After application submittal and completeness review, as required by this section, notices for the Type II application for AR 25-0011 were emailed and mailed by city staff on February 4, 2026. The notices contained the information required by this section (Exhibit B). No public comments were received in response to the notice of application. These standards are met.*

**(5) Notice of Type II Decision.** Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision must contain all of the following information:

- (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
- (c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
- (d) The date the decision becomes final, unless an appeal is submitted; and
- (e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.

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

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

**Finding:**

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

## **Chapter 33: Applications and Approval Criteria**

[...]

### **Section 33.020 - Architectural Review.**

[...]

#### **(2) Applicability.**

- (a) The following types of development are subject to Architectural Review:
  - (i) Any exterior modifications to improved or unimproved real property;
  - (ii) Any remodeling that changes the exterior appearance of a building;
  - (iii) Any site alteration which alters the topography, appearance or function of the site;and  
[...]

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

[...]

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

[...]

**Finding:**

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

*With Condition of Approval A22, this standard is met.*

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

- (a)** The project name and the names, addresses, and telephone numbers of the architect, landscape architect, and engineer on the project;
- (b)** Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;
- (c)** A building materials plan that includes a written description and image representation of facade, windows, trim, and roofing materials, colors, and textures;
- (d)** Title report; and
- (e)** A Service Provider Letter from Clean Water Services. **(5) Approval Criteria.**

**(5) Approval Criteria.**

[...]

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

[...]

**Finding:**

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

**(6) Conditions of Approval.**

- (a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:**
  - (i)** Implement identified public facilities and services needed to serve the proposed development;
  - (ii)** Implement identified public facilities and services needed to be altered or increased attributable to the impacts of the proposed development; and
  - (iii)** Implement the requirements of the Tualatin Development Code.

[...]

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

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

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

(a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two years of the effective date.

[...]

(c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:

(i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.

[...]

(d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.

(e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:

(i) The applicant submitted a written extension request prior to the expiration date;

(ii) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;

(iii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and

(iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.

(f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.

(g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

**Finding:**

*The proposed application is approved subject to compliance with the above standards. With Condition of Approval A1, these standards are met.*

**Section 33.110 - Tree Removal Permit/Review.**

**(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.

(a) **General Exemption.** Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:

- (i) Not located in the Natural Resource Protection Overlay District (NRPO);
- (ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);
- (iii) Not a Heritage Tree; and
- (iv) Not previously required to be retained or planted under an approved Architectural Review decision.

(4) **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.

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

(a) **Tree Preservation Plan.** A tree preservation plan drawn to scale must include:

- (i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;
- (ii) All trees proposed for removal and all trees proposed to be preserved;
- (iii) All existing and proposed structures;
- (iv) All existing and proposed public and private improvements; and
- (v) All existing public and private easements.

(b) **Tree Assessment Report.** A tree assessment prepared by a certified arborist must include:

- (i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;

(6) **Approval Criteria.**

(a) An applicant must satisfactorily demonstrate that at least one of the following criteria are met:

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

(b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.

(i) **Evergreen Trees.** An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:

- (A) Trunk Condition—extensive decay and hollow; or

- (B) Crown Development—unbalanced and lacking a full crown;
- (ii) **Deciduous Trees.** A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:
  - (A) Trunk Condition—extensive decay and hollow;
  - (B) Crown Development—unbalanced and lacking a full crown; or
  - (C) Structure—Two or more dead limbs.

**Finding:**

The applicant’s narrative (Exhibit A1) stated the project does not include the removal of any existing trees on the subject property. The narrative concluded that the site is primarily open grassland with limited vegetation and no significant trees located within the developable area.

Section 31.060 of the Tualatin Development Code defines a tree as, “A living, standing, woody plant having a trunk eight inches or more in diameter, widest cross section, at a point four feet above mean ground level”. Aerial photos from November of 2025 show clusters of tree-like plants in several sections of the subject site. An arborist report, as described in TDC 33.110(5), must be provided to determine if the plants meet the definition of “tree” and would be subject to the tree removal standards of TDC 33.110. If the plants are determined to be trees, tree removal will be processed in conjunction with the Architectural Review.

With Condition of Approval A2, these standards are met.

**Chapter 61: General Manufacturing (MG) Zone**

[...]

**Section 61.200 - Use Categories.**

(1) **Use Categories.** Table 61-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 61-1 and restrictions identified in TDC 61.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

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

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

<b>Table 61-1: Use Categories in the MG Zone</b>		
<b>USE CATEGORY</b>	<b>STATUS</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
[...]		
<b>INDUSTRIAL USE CATEGORIES</b>		
Light Manufacturing	P	-
Warehouse and Freight Movement	P/C	Conditional use required for warehousing of building materials and supplies.  All other uses permitted outright.

[...]		
-------	--	--

**Finding:**

The project area is within the General Manufacturing (MG) Planning District. The applicant's narrative (Exhibit A1) stated the proposed use is a flexible industrial/flex campus designed to accommodate a range of light manufacturing, warehouse, and business operations. Light manufacturing uses are permitted outright. Warehouse and Freight Movement require a conditional use permit for the warehousing of building materials and supplies, with all other uses permitted outright. With Condition of Approval A25, these standards are met.

[...]

**Section 61.300 - Development Standards.**

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

**Table 61-2  
 Development Standards in the MG Zone**

STANDARD	REQUIREMENT	MINIMUM PROPOSED	Limitations and Code References
[...]			
<b>MINIMUM SETBACKS</b>			
[...]			
Front (south)	30 feet	Over 60 feet	
Side (west)	0-50 feet	Over 62 feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
Side (east)	0-50 feet	Over 60 feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
Rear (north)	0-50 feet	110 feet	Determined through Architectural Review Process. No minimum setback if adjacent to railroad right-of-way or spur track.
[...]			
Parking and Circulation Areas	5 feet	5 feet	No minimum setback required adjacent to joint access approach in accordance with TDC 73C.
[...]			
Fence	10 feet	No fences are proposed	From public right-of-way.
<b>STRUCTURE HEIGHT</b>			
Maximum Height	60 feet	27 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.

			<p>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.</p> <p>Flagpoles may extend to 100 feet.</p>
[...]			

**Finding:**

The existing lot is approximately 4.29-acres which exceeds the minimum lot size requirement of 20,000 square feet in the General Manufacturing (MG) Planning District. The existing lot width also exceeds the 100-foot minimum lot width required when fronting a public street. The proposed setbacks are included in the table above. The setbacks provided meet the development standards required of the MG zone. The maximum height of the proposed structures is 27 feet, which is under the maximum permitted height of 60 feet. These standards are met.

**Section 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.

[...]

**Finding:**

The applicant's narrative (Exhibit A1) stated the proposed use is a flexible industrial/flex campus designed to accommodate a range of light manufacturing, warehouse, and business operations. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, pursuant to TDC 61.310(1). With Condition of Approval A26, this standard is met.

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

[...]

**Section 63.020 - Applicability.**

The regulations of this Chapter apply to:

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

**Section 63.051 - Noise.**

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

**Section 63.052 - Vibration.**

(1) **Restrictions.** All uses and development must not cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section.

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

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

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

(a) Instrumentation must be capable of measuring RMS value of the vibration velocity over the frequency range of ten to 1,000 hertz.

(b) Measurement values must be recorded for a sufficient period of observation to provide a representative sample.

(c) Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of nine inches (22.9 cm.) in length, driven flush with the ground surface.

(3) **Exemptions.** The requirements of TDC 63.052(1) do not apply to:

(a) Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad;

(b) Vibration resulting from the operation of any road vehicle;

(c) Vibration resulting from construction activities and use of construction equipment; and

(d) Vibration resulting from roadway maintenance and repair equipment.

**Section 63.053 - Air Quality.**

(1) **Restrictions.** All uses and development must comply with the most recent air quality standards adopted by the Oregon Department of Environmental Quality. Plans of construction and operations must comply with the recommendations and regulations of the State Department of Environmental Quality.

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

**Section 63.054 - Odors.**

All uses and development must not emit odors in such quantities as to create a nuisance condition at any point beyond the subject property line of the emitting use.

**Section 63.055 - Heat and Glare.**

(1) All uses and development must conduct all operations producing heat or glare entirely within an enclosed building.

(2) All uses and development may utilize exterior lighting, but the exterior lighting must be screened, baffled or directed away from residential planning districts.

**Section 63.056 - Storage and Stored Materials.**

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

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

**Section 63.057 - Liquid or Solid Waste Materials.**

All uses and development are prohibited from disposing waste onto the site or into adjacent drainage ditches, creeks or other natural waterways in violation of State of Oregon DEQ standards, Clean Water Services Standards, City Standards, or in a manner that causes harm to wildlife.

**Section 63.058 - Dangerous Substances.**

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

**Finding:**

*The applicant's proposed use included uses considered "industrial" and the subject property is located within the General Manufacturing (MG) Planning District, therefore, TDC Chapter 63 is applicable. With Condition of Approval A16, these standards are met.*

**Chapter 73A: Site Design**

**Section 73A.010 - Site and Building Design Standards Purpose and Objectives.**

(1) Purpose. The purpose of the site and building design objectives and standards found in TDC 73A through TDC 73G is to promote functional, safe, innovative, and attractive sites and buildings that are compatible with the surrounding environment, including, but not limited to:

- (a) The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and
- (b) The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.

(2) Objectives. The objectives of site and building design standards in TDC 73A through TDC 73G are to:

- (a) Enhance Tualatin through the creation of attractively designed development and streetscapes;
- (b) Encourage originality, flexibility, and innovation in building design;
- (c) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
- (d) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
- (e) Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
- (f) Enhance energy efficiency through the use of landscape and architectural elements; and
- (g) Minimize disruption of natural site features such as topography, trees, and water features.

**Finding:**

*The applicant's narrative (Exhibit A1) and preliminary plans (Exhibit A2) noted the proposed buildings are designed with horizontal articulation and a three-tone façade palette (light, medium, and dark gray) to visually reduce scale and enhance rhythm. The submitted narrative (Exhibit A1) noted the inclusion of windows, overhead doors, and clearly defined entry features ensures an orderly façade composition consistent with the City's design intent. These standards are met.*

**Section 73A.110 - General Design Standards.**

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

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

**(a) Walkways must have a minimum width of;**

**[...]**

**(ii) Five feet for industrial uses.**

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

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

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

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

**(f) Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and**

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

**Finding:**

*The submitted preliminary plans (Exhibit A2) include a seven-foot-wide concrete walkway providing a connection between the adjacent public sidewalk along SW Leveton Drive and the proposed two building industrial complex. Walkways through the parking areas are striped with paint to demonstrate a different appearance. These standards are met.*

**(2) Accessways.**

**(a) When Required.** Accessways are required to be constructed when a multi-family development is adjacent to any of the following:

**(i) Residential property;**

**(ii) Commercial property;**

**(iii) Areas intended for public use, such as schools and parks; and**

**(iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.**

**Finding:**

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

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

**Finding:**

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

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

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

**Finding:**

*The submitted narrative (Exhibit A1) described windows designed along the building façades facing parking and pedestrian areas to enable surveillance by tenants and employees. The project includes glazing near the building entries and office areas, which allows for passive observation of the surrounding walkways and loading areas. A site lighting photometric plan was included in Exhibit A5. With Conditions of Approval A14, A15, and A21, these standards are met.*

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

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

**Finding:**

*No outdoor storage is proposed under the project. The landscape plan provided in Exhibit A2 includes perimeter landscaping. With Condition of Approval A15, these standards are met.*

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

- (a) Development on a transit street illustrated on Comprehensive Plan Map 8-5 must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.
- (b) Development abutting major transit stops as illustrated on Comprehensive Plan Map 8-5 must:

- (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;
- (ii) Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
- (iii) Provide a transit passenger landing pad accessible to disabled persons;
- (iv) Provide an easement or dedication for a passenger shelter as determined by the City; and
- (v) Provide lighting at the major transit stop.

**Finding:**

*The subject site fronts SW Leveton Drive and SW 130<sup>th</sup> Avenue. The portion of SW Leveton Drive included in the frontage is not a transit street. The applicant’s narrative (Exhibit A1) noted the subject site is an approximately five-minute walk (0.25 miles) to TriMet bus stop #4301 located along SW Pacific Highway north of the subject site. These standards are not applicable.*

**Chapter 73B: Landscaping Standards**

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

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

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
[...]	[...]	[...]
(3) CO, CR, CC, CG, ML and MG zones except within the Central Tualatin Overlay—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed
[...]		

\* For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement," the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.

[...]

**Finding:**

*The subject site is located within the General Manufacturing (MG) Planning District, and not located in the Central Tualatin Overlay, which requires 15 percent of the total developed area to be landscaped. The applicant’s narrative (Exhibit A1) stated the site includes 51,715 square feet of landscaped area which exceeds 15 percent of the total area developed. These standards are met.*

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

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

- (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
  - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.
- (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:  
 [...]
- (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.
- (e) Landscape screening provisions are superseded by the vision clearance requirements of Figure 73-2.

[...]

**Finding:**

*All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped. The landscaping plan included in Exhibit A2 demonstrates that areas not occupied by vehicle storage/parking, driveways, and drive aisles will be landscaped, particularly around the project perimeter. A minimum 5-foot-wide wide landscape strip is provided along the building elevations that do not include the loading areas. The development does not abut the RL or MP zone. With Condition of Approval A10, these standards are met.*

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

The following are minimum standards for landscaping for all zones.

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

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

*All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped. The applicant proposes landscaping throughout the site. With Condition of Approval A18, this standard is met.*

(2) Fences	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
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**Finding:**

*Fencing is not referenced in the applicant's narrative (Exhibit A1) or denoted on the submitted preliminary plans (Exhibit A2). This standard is not applicable.*

(3) Tree Preservation	<ul style="list-style-type: none"> <li>• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</li> <li>• During construction:       <ul style="list-style-type: none"> <li>○ Must provide above and below ground protection for existing trees and plant materials identified to remain;</li> <li>○ 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;</li> <li>○ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</li> <li>○ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</li> <li>○ 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</li> <li>○ Tree root ends must not remain exposed.</li> </ul> </li> <li>• Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</li> <li>• When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged</li> <li>• 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development</li> </ul>
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**Finding:**

*The applicant's narrative (Exhibit A1) stated the project does not include the removal of any existing trees on the subject property. The narrative concluded that the site is primarily open grassland with limited vegetation and no significant trees located within the developable area.*

*Section 31.060 of the Tualatin Development Code defines a tree as "A living, standing, woody plant having a trunk eight inches or more in diameter, widest cross section, at a point four feet above mean ground level". Aerial photos from November of 2025 show clusters of tree-like plants in several sections of the subject site. An arborist report, as described in TDC 33.110(5), must be provided to determine if the plants meet the definition of "tree" and would be subject to the tree removal standards of TDC 33.110. If*

*the plants are determined to be trees, tree removal will be processed in conjunction with the Architectural Review.*

*With Condition of Approval A2 and A3, these standards are met.*

(4) Grading	<ul style="list-style-type: none"> <li>• 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.</li> <li>• All planting areas must be graded to provide positive drainage.</li> <li>• Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>• 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.</li> </ul>
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**Finding:**

*The proposal includes grading, as shown on the grading plan in Exhibit A2. Grading and erosion control are further addressed in Chapter 74. With Condition of Approval A2 and A3, these standards are met.*

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

*Landscaped areas must be irrigated with an automatic underground or drip irrigation system. With Condition of Approval A10, this standard is met.*

(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> <li>• 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,.</li> <li>• Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>• The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>• Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul>
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[...]

**Finding:**

*The applicant submitted a preliminary landscape plan in Exhibit A2. With Condition of Approval A19, this standard is met.*

**Table 73B-3  
 Landscape Buffer Between Uses**

Existing/Abutting Districts	Residential	Commercial	Industrial	Parking Lots 4–50 spaces	Parking Lots 50+ spaces
Residential	–	D	D	C	D
Commercial	C	–	D	–	–

Industrial	D	A	—	—	—
Parking Lots	C	—	—	—	—
Arterial Streets	A	—	A	—	—

**Table 73B-4  
 Landscaping and Screening**

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

**Finding:**

The subject site is within the General Manufacturing (MG) Planning District and abuts adjacent industrial use properties. Per Table 73B-3 "Landscape Buffer Between Uses", this standard is not applicable

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

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

**Table 73B-5  
 Minimum Standards for Trees and Plants**

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

	<ul style="list-style-type: none"> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species</li> </ul>
(3) Coniferous Trees	<ul style="list-style-type: none"> <li>• Five feet in height above ground;</li> <li>• Balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.</li> </ul>
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> <li>• One to five gallon size;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• Side of shrub with best foliage must be oriented to public view.</li> </ul>
(5) Groundcovers	<ul style="list-style-type: none"> <li>• Fully rooted;</li> <li>• Well branched or leafed;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• English ivy (<i>Hedera helix</i>) is prohibited.</li> </ul>
(6) Lawns	<ul style="list-style-type: none"> <li>• Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</li> <li>• 100 percent coverage and weed free; and</li> <li>• Healthy, disease-free, damage-free, characteristic of the species.</li> </ul>

**Finding:**

*The applicant has provided a preliminary landscaping plan and plant schedule in Exhibit A2. With Condition of Approval A20, these standards are met.*

**Chapter 73C: Parking Standards**

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

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

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

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

**Finding:**

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

**Section 73C.020 - Calculating Parking Lot Area.**

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

**Finding:**

*The submitted narrative (Exhibit A1) and preliminary site plans (Exhibit A2) designate 77 parking stalls, vehicular drive aisles, internal walkways, loading areas and interior landscaping areas when calculating*

*the parking lot area. The parking lot area is over one-half acre (21,780 square feet) in size, triggering additional parking lot design requirements reviewed in TDC 73C.030.*

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

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

**(1) Parking Space and Aisle Dimensions.** Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1.

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

**Finding:**

*As demonstrated by the preliminary plans (Exhibit A2), the planned parking spaces designated for employee and visitor use are 90 degrees with a space dimension of 9 ft. by 18 ft., and comply with the dimensional standards of Figure 73-1. The provided drive aisles are 26 feet wide, which include adequate clearance for two-way circulation and safe vehicle maneuvering between parking rows. This standard is met.*

**(2) Surface Materials.**

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

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

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

**Finding:**

*The applicant's narrative (Exhibit A1) indicated that all parking lot surface material will be asphalt and concrete paving. The site does not abut a Natural Resource Protection Overlay District or other natural areas. This standard is met.*

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

**Finding:**

*The applicants design incorporates curbing, and wheel stops to protect landscaped areas and pedestrian routes. This standard is met.*

**(4) Circulation.**

**(a)Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site; and**

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

**Finding:**

*The submitted preliminary plans (Exhibit A2) demonstrate the proposed parking areas will be accessed from driveways along SW Leveton Drive and SW 130<sup>th</sup> Avenue. The parking spaces would be accessed by the driveway and not require backing movements or other maneuvering within a street right-of-way. This standard is met.*

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

**Finding:**

*A preliminary lighting plan was included in the submitted plan set (Exhibit A2). With Condition of Approval A21, these standards are met.*

**(6) Screening.**

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

**Finding:**

*The planned parking area for employee and visitor use is not adjacent to or within a residential planning district or residential use. Parking lot landscaping pursuant to the requirements of TDC 73C.200-230 are addressed below. With Condition of Approval A22, these standards are met.*

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

**Finding:**

*In the submitted preliminary site plan included as Exhibit A2, the planned parking area provides accessible parking spaces. With Condition of Approval A23, this standard is met.*

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

**Finding:**

*No compact or sub-compact parking stalls are proposed as part of the development. This standard is not applicable.*

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

**Finding:**

*The applicant's narrative (Exhibit A1) stated that from the total parking stall count proposal of 77 stalls, eight stalls will be designated for carpool/vanpool stalls. With Condition of Approval A10, this standard is met.*

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

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

[...]

**Finding:**

*The project proposal includes 77 parking stalls. A minimum of 20 percent of the proposed parking stalls must have electrical service capacity. The applicant proposes 16 electric vehicle ready spaces. With Condition of Approval A10, this standard is met.*

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

**Finding:**

*The submitted preliminary site plans (Exhibit A2) demonstrate the proposed buildings total 45,000 sf which is under the 65,000-sf threshold. This standard is not applicable.*

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

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

(b) Developments with off-street parking areas of one-half acre (21,780 square feet) or more, as measured using the method provided in TDC73C.020, must provide trees along driveways.

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

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

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

**Finding:**

*The project's total off-street parking area is greater than one-half acre. The project must provide trees along the driveways subject to the requirements of subsection (b). The applicant provided a landscape plan in Exhibit A2. The landscape plan depicts trees planted along all internal drive aisles and parking rows, spaced at an average of less than 30 feet on center. Landscape strips are provided measuring a minimum of five feet in width. The landscape plan notes a parking lot landscape area of 51,715 sf with a tree canopy coverage of 26,603 sf. These standards are met.*

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

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

**Finding:**

*The off-street parking area is over one-half acre, and the climate mitigation methods would apply. The applicant’s narrative (Exhibit A1) selected option (c) by providing tree canopy coverage totaling approximately 26,603 square feet, representing 51 percent of the parking lot area at maturity. The submitted landscape plan included in Exhibit A2, provides a parking lot tree canopy diagram noting trees shown at 75% mature width. These standards are met.*

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

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

**(2) Parking Categories.**

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

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

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

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

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

<b>TABLE 73C-1: Off-Street Vehicle and Bicycle Parking Quantity Requirements</b>			
<b>USE</b>	<b>MAXIMUM PERMITTED VEHICLE PARKING</b>	<b>MINIMUM PERMITTED</b>	<b>PERCENTAGE OF BICYCLE</b>

	<b>Zone A</b>	<b>Zone B</b>	<b>BICYCLE PARKING</b>	<b>PARKING TO BE COVERED</b>
<b>(f) Industrial</b>				
(i) Manufacturing	None	None	2 spaces, or 0.1 spaces per 1,000 gross square feet; whichever is greater	5 spaces or 30 percent; whichever is greater
(ii) Warehousing	0.4 spaces per 1,000 square feet of gross floor area	0.5 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.1 spaces per 1,000 gross square feet; whichever is greater	5 spaces or 30 percent; whichever is greater

**Finding:**

*The subject site is located in Parking Zone B. The applicant’s narrative (Exhibit A1) stated the proposed use is a flexible industrial/flex campus designed to accommodate a range of light manufacturing, warehouse, and business operations.*

*The proposed gross floor area is 45,000 sf. When calculating the maximum permitted vehicle parking, for warehousing use, 0.5 parking spaces per 1,000 feet of gross floor area is permitted, which would be 23 stalls. The manufacturing use does not list a parking maximum. The application proposed 77 vehicle parking stalls.*

*The minimum permitted bicycle parking requires 2 spaces, or 0.1 spaces per 1,000 gross square feet; whichever is greater. The proposed gross floor area is 45,000 sf, which would require five bicycle parking stalls. The applicant proposes three bicycle parking spaces per building resulting in a total of six. Five of the bicycle parking stalls must be covered. The narrative (Exhibit A1) stated that the bicycle racks will be covered and accessed through the primary entrances.*

*With Condition of Approval A22, these standards are met.*

**Section 73C.050 - Bicycle Parking Requirements.**

**(1) Requirements. Bicycle parking facilities must include:**

- (a) Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;
  - (i) Long-term bicycle parking facilities may be provided inside a building and/or parking garage in secure and accessible locations.
- (b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.

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

- (a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;
- (b) A five-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;

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

**Finding:**

*The subject site is located in Parking Zone B. The applicant's narrative (Exhibit A1) stated the proposed use is a flexible industrial/flex campus designed to accommodate a range of light manufacturing, warehouse, and business operations. The minimum permitted bicycle parking requires 2 spaces, or 0.1 spaces per 1,000 gross square feet; whichever is greater. The proposed gross floor area is 45,000 sf, which would require five bicycle parking stalls. The applicant proposes three bicycle parking spaces per building resulting in a total of six. Five of the bicycle parking stalls must be covered. The narrative (Exhibit A1) stated that the bicycle racks will be covered and accessed through the primary entrances. With Condition of Approval A10, these standards are met.*

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

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

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

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

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

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

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

[...]

**Finding:**

*The submitted preliminary plans (Exhibit A2) proposed two industrial buildings both totaling 22,500 sf and would require one loading berth each. Each building has over three loading berths and all berths meet the dimension and clearance requirements. The berths do not use the public right-of-way as part of the required off-street loading area. The loading berths are screened from public view, public streets, and adjacent properties by means of sight-obscuring landscaping as depicted in the submitted landscape plan (Exhibit A2). These standards are met.*

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

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

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

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

[...]

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

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

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

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

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

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

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

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

**Finding:**

*The submitted preliminary plans (Exhibit A2) proposed 77 vehicle parking stalls and two driveways. The driveways are 40 feet wide. The driveways are not constructed within five feet of an adjacent property line. With Condition of Approval A17, these standards are met.*

**Section 73C.200 - Tree Canopy Coverage.**

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

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

**Finding:**

*The off-street parking area is over one-half acre, and the climate mitigation methods would apply. The applicant's narrative (Exhibit A1) selected option (c) by providing tree canopy coverage totaling approximately 26,603 square feet, representing 51 percent of the parking lot area at maturity. The submitted landscape plan included in Exhibit A2, provides a parking lot tree canopy diagram noting trees shown at 75% mature width. These standards are met.*

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

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

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

**Finding:**

*The applicant's narrative (Exhibit A1) acknowledged the requirement for locating landscaping in all areas of the property, not necessary for maneuvering or parking. With Condition of Approval A19, this standard will be met.*

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

[...]

**Finding:**

*The applicant's narrative (Exhibit A1) acknowledged the need to meet clear zone requirements. With Condition of Approval A17, this standard is met.*

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

- (a) Deciduous trees located not more than 30 feet apart on average as measured on center;
- (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;
- (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;
- (d) Native trees and shrubs are encouraged; and
- (e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.

[...]

**Finding:**

*The applicant provided a preliminary landscape plan in Exhibit A2. The plan showed perimeter landscaping in the off-street parking and vehicular circulation areas. With Condition of Approval A10, these standards are met.*

**(4) Landscape Island.** Minimum 25 square feet per parking space must be improved with landscape island areas and must comply with the following.

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;
- (d) Landscape separation required for every eight continuous spaces in a row.
- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;
- (f) Must be planted with groundcover or shrubs;
- (g) Native plant materials are encouraged;
- (h) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);
- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and
- (j) Exceptions:
  - (i) Landscape square footage requirements do not apply to parking structures and underground parking.

**Finding:**

*The submitted preliminary plans (Exhibit A2) proposed landscape islands throughout the parking area. 77 parking stalls are proposed which would require 1,925 sf of improved landscape island area. The applicant's plans (Exhibit A2) noted 3,369 sf of interior landscape area. There is landscape separation proposed for every eight continuous spaces. One deciduous tree is required for every 4 parking spaces. 19 deciduous trees would be required, and the applicant proposed 21 deciduous trees. With Condition of Approval A10, these standards are met.*

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

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

**Finding:**

*The project proposed 77 parking spaces and two driveway access to the subject site. The preliminary plans (Exhibit A2) provide a landscape buffer of at least five feet on each side of the proposed access points. The proposed use is industrial, and the landscape areas extend 30 feet back from the right-of-way line. These standards are met.*

**Chapter 73D – Waste and Recyclables Management Standards**

**Section 73D.010 - Applicability and Objectives.**

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

[...]

(c) Industrial developments; and

[...]

**Finding:**

*The proposed development is considered industrial use, therefore TDC 73D is applicable.*

**Section 73D.020 - Design Methods.**

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

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

**Section 73D.030 – Minimum Standards Method.**

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

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

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

building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:

[...]

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

[...]

(iii) Wholesale/Warehouse/Manufacturing – Six square feet/1,000 square feet GLA

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

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

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

#### (1) Location Standards.

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

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

(c) Exterior storage areas must:

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

(ii) Be located in a parking area; and

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

#### (2) Design Standards.

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

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

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

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

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

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

[...]

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

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

#### (3) Access Standards.

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

(b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.

(c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.

- (d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.
- (e) The following is an exception to the access standard:
  - (i) Access may be limited for security reasons.

**Finding:**

*The submitted narrative (Exhibit A1) stated the application would comply with the minimum standards method of TDC 73D.030. Under the minimum standards method, industrial developments must provide a minimum storage area of ten square feet plus six square feet/1,000 square feet GLA. Exterior storage areas must be enclosed by a sight-obscuring fence or wall at least 6 feet in height. Vertical storage higher than four feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space.*

*The provided preliminary plans (Exhibit A2) showed a new waste storage receptacle in the northeast corner of the subject site. The applicant provided a service provider letter from Republic Services, included in Exhibit A6, which stated the location was acceptable for future service.*

*The required minimum storage area for a 45,000 sf industrial development is 280 square feet. The applicant's narrative noted the proposed enclosure measures 13 feet by 24 feet (248 square feet of clear interior area) and is enclosed by a concrete retaining wall. The proposed design meets the minimum storage area by incorporating vertical storage capacity of up to seven feet, consistent with TDC 73D.030(1). Exterior storage areas must be enclosed by a sight-obscuring fence or wall at least 6 feet in height. With Condition of Approval A10, these standards are met.*

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

[...]

### **Section 74.020 - Applicability.**

**(1) Unless otherwise provided, construction, reconstruction or repair of public and private transportation facilities and utilities must comply with the provisions of this chapter. No development may occur and no land use application may be approved unless the public and private facilities related to development comply with the requirements established in this chapter and adequate public facilities are available. Applicants may be required to dedicate land and build required improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.**

**(2) Development must also comply with the applicable requirements of the Tualatin Municipal Code, Tualatin Public Works Construction Code, and Clean Water Services Design and Construction Standards.**

**(3) Adjustments to the provisions in this chapter related to transportation facility and utility improvements shall be requested as an exception in conjunction with an Architectural Review, Subdivision, Partition, or Driveway Approach Permit application consistent with the requirements of 74.040. Adjustment to the provisions in this chapter requested under 74.040 may also be requested as a separate application through a Type II procedure.**

**Finding:**

*Public and private facilities related to development will comply with the requirements established in this chapter and ensure adequate public facilities are available. The improvements required have been reviewed and found to be directly related to and roughly proportional to the impact of the development.*

*Development will comply with the applicable requirements of the Tualatin Municipal Code, Tualatin Public Works Construction Code, and Clean Water Services Design and Construction Standards.*

*With Conditions of Approval A11, A12, A13, A16, and A17 these standards are met.*

**Section 74.030 - Street Standards.**

**(1)Improvement Standards.** Street improvements must comply with the following standards:

**(a)**Dedication and improvement to existing or future streets adjacent to or located on property proposed for development must be made consistent with Figures 74-1A through 74-1B. Right-of-way dedication must be for the full width of the property abutting the roadway and slope and utility easements. For development applications that will impact existing streets not adjacent to the applicant's property and require construction of street improvements to mitigate those impacts, which would require additional right-of-way, the applicant must be responsible for obtaining the necessary right-of-way from the applicable property owner(s).

[...]

**(ii)** For all other developments, the dedication must be made to the City for use by the public prior to issuance of a Certificate of Occupancy, release of a Construction Improvement Bond, or Final Approval, whichever comes first.

**(b)** Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement and right-of-way dedication beyond the centerline necessary to meet requirements for tapering in accordance with the Public Works Construction Code.

**(c)**All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.

[...]

**(f)**Intersections must be improved to operate at a level of service of at least D for signalized, all-way-stop, and roundabout intersections and at least E for other unsignalized intersections.

[...]

**Finding:**

*Dedication and improvement to the existing SW Leveton Drive and SW 130<sup>th</sup> Avenue adjacent to property proposed for development will be consistent with Figures 74-1B. Right-of-way dedication will be for the full width of the property abutting the roadway and slope and utility easements.*

*Dedication will be made to the City for use by the public prior to issuance of a Certificate of Occupancy, release of a Construction Improvement Bond, or Final Approval, whichever comes first.*

*Improvements will apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way of SW Leveton Drive plus*

*any additional pavement and right-of-way dedication beyond the centerline necessary to meet requirements for tapering in accordance with the Public Works Construction Code and other applicable laws and regulations.*

*Street improvements will include ADA/PROWAG ramps, crosswalks, curbs, trees. Intersections will operate at a level of service of at least E for unsignalized intersections, specifically SW 128<sup>th</sup> Avenue and SW Leveton Drive adjacent to this development.*

*With Conditions of Approval A5, A11, A12, A13, A16, and A17 this standard is met.*

**Section 74.050 - Traffic Study.**

**(1) A traffic study must be provided with an application for development or when any of the following is proposed:**

- (a) A plan amendment;**
- (b) An increase in average daily site traffic volume generation of more than 100 trips;**
- (c) An increase in peak hour site traffic volume generation of more 20 trips;**
- (d) An increase in site traffic that results in queuing within the public right-of-way; or**
- (e) An increase in site traffic where the location of an existing or proposed access driveway does not meet minimum sight distance requirements or is located on a street that is designated as restricted in TDC 75.**

**(2) 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 streets on which the property has frontage or takes access or contributes five percent or more to total daily or peak hour traffic volumes;**
- (e) Recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D for signalized, all-way stop, and roundabout intersections and at least E for unsignalized intersections, after the future traffic impacts are considered; and**
- (f) The study must be conducted by a registered engineer in the state of Oregon.**

**Finding:**

*An Industrial Warehouse Trip Generation & Distribution memo by Kittleson & Associates was submitted that did not recommend additional improvements greater than the planned cross-sections:*

*“The estimated daily vehicle trips for the proposed industrial buildings is not forecast to exceed 500 daily trips, thus not triggering the Transportation Impact Analysis requirement. We trust the trip generation and distribution included herein meets the City’s transportation requirements for the proposed land use application. Additionally, the provided technical analysis for the proposed driveway location demonstrates that sufficient stopping sight distance is expected to be met for a 15 MPH design speed.”*

*“Proposed Driveway Location Technical Justification:*

- The driveway location as proposed maximizes site distance to 99W and increases access spacing with the adjacent property to the north. Given the potential for simultaneous truck activity between the two sites, this separation provides less risk of overlapping conflicting movements.*

- The roadway grade of Leveton Drive as it approaches 99W to the north is steep, and given the truck traffic to/from the site, would benefit from the lesser grade on the southern portion of Leveton (refer to images provided in Attachment "B").
- The proposed driveway location also maximizes the distance to the crest vertical curve (located approximately 100 feet south of 99W). The driveway would be located approximately 410 feet south of the crest vertical curve and 115 feet north of Leveton (refer to images provided in Attachment "B").
- We recognize that the 115-foot distance to the elbow should provide sufficient sight distance to ensure safe maneuvers into and out of the driveway. While the posted speed along Leveton is 35mph, the 90-degree elbow operates at a lower speed.
- Based on the comfort speed formula (ODOT Highway Design Manual Table 200-14), a design speed of 15 mph can be assumed for northbound traveling vehicles (shown in the images and calculations in Attachment "B").
- Per AASHTO design recommendations for intersection and stopping sight distances, a 15 MPH design speed corresponds to 170 feet and 80 feet respectively (AASHTO table provided in Attachment C). Also documented in AASHTO guidelines (page 9-35, Section 9.5.1), "If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions." This statement suggests that the stopping sight distance (SSD) is considered an acceptable metric for assessing sight distance-related driver safety. With 115 feet of SSD provided (80 feet per AASHTO), the driveway location would exceed the minimum AASHTO recommendations for a driver to avoid collisions.
- We also note that the driveway has been located approximately at the location of where the grades are matching (refer to screen capture in Attachment "B"). The intent of this design decision is to prevent water on the street from flowing onto/into the site."

The applicant will dedicate right-of-way for SW Leveton Drive and construct all street improvements shown on City approved permit plans. This street will meet or will be improved to meet City Standards as determined by the City Engineer.

This standard is met.

#### **Section 74.080 - Easements.**

**(1) Easements shall be required for the following:**

[...]

**(b) Slope areas necessary to support street improvements, accessways, or utility improvements;**

**(c) Public utilities, such as water, sanitary sewer, storm drainage, electric lines, cable, and gas;**

[...]

**(e) Public improvement maintenance.**

[...]

**(3) For all other development applications, easement dedications must be submitted to the City Manager. The applicant must obtain City acceptance of the easement dedication prior to issuance of building permits or release of construction improvement bonds, whichever comes first.**

**(4) When off-site public utility easements are required to serve the proposed development, the public utility easement must have an 8-foot width adjacent to the street.**

[...]

**(6) All easements dedicated to the City during the development application process must be surveyed, staked, and marked with a City approved boundary marker, prior to acceptance by the City.**

**Finding:**

*Easements including an 8-foot-wide public utility easement adjacent to rights-of-way, public utilities, such as water, sanitary sewer, storm drainage, electric lines, cable, and gas will be shown on permit plans, then surveyed, staked, and marked with a City approved boundary marker, prior to acceptance, and finally dedicated to the City prior to issuance of building permits or release of construction improvement bonds, whichever comes first.*

*With Conditions of Approval A5, A6, A7, A8, A11, A12, A13, A16, and A17 these standards are met.*

**Section 74.110 - Utilities.**

**(1) Water Service.** Water lines must be installed to serve each property in accordance with City codes and standards.

(a) The developer must obtain City approval of water line construction prior to construction.

[...]

(c) As set forth in the Water System Plan (Comprehensive Plan Map 9-1), 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 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.

**(2) Sanitary Sewer Service.** Sanitary sewer lines must be installed to serve each property in accordance with City codes and standards.

(a) Sanitary sewer construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

[...]

**(3) Storm Drainage System.** Storm drainage lines must be installed to serve each property in accordance with City codes and standards.

(a) Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

(b) 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 Tualatin Municipal Code and Public Works Construction Code.

[...]

**(4) Grading.** 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.

(a) 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.

(b) The City Manager may require the applicant to remove all excess material from the development site.

**(5) Water Quality, Storm Water Detention, and Erosion Control.** The applicant must comply with the water quality, storm water detention and erosion control requirements in the Tualatin

**Municipal Code, Public Works Construction Code, and Clean Water Services standards, including:**

**(a) The applicant must construct a permanent on-site water quality facility and storm water detention facility.**

**(ii) For all other development applications, the applicant must submit stormwater construction plans and calculations in compliance with the Tualatin Municipal Code and obtain a Stormwater Connection Permit from Clean Water Services prior to issuance of any building permit and must construct the stormwater infrastructure prior to issuance of a Certificate of Occupancy or release of a Construction Improvement Bond.**

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

**(6) *Undergrounding of Utilities.***

**(a) 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.**

**Finding:**

*Water lines will be installed to serve each property in accordance with City codes and standards.*

*Each water lateral will separately connect to the public main, domestic services will include a reduced pressure backflow assembly, and fire water services will include a double check detector assembly.*

*The developer will obtain City approval of water line construction prior to construction. The development will connect the proposed development site to the service level in which the development site is located as set forth in the Water System Plan (Comprehensive Plan Map 9-1). The applicant will install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.*

*Sanitary sewer lines will be installed to serve each property in accordance with City codes and standards. Sanitary sewer construction plans and calculations will be submitted for review and approval prior to construction.*

*Storm drainage lines will be installed to serve each property in accordance with City codes and standards. Storm drainage construction plans and calculations for review and approval prior to construction. The storm drainage calculations will confirm that adequate capacity exists to serve the site. The discharge from the development will be analyzed in accordance with the Tualatin Municipal Code and Public Works Construction Code.*

*The development will 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. A development applicant will 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 applicant will remove all excess material from the development site.*

*The applicant will comply with the water quality, storm water detention, and erosion control requirements in the Tualatin Municipal Code, Public Works Construction Code, and Clean Water Services standards. The applicant will construct a permanent on-site water quality facility and storm water detention facility. The applicant will submit stormwater construction plans and calculations in compliance with the Tualatin Municipal Code, obtain a Stormwater Connection Permit from Clean Water Services, and will construct the improvements prior to issuance of a Certificate of Occupancy or release of a Construction Improvement Bond.*

*The applicant will submit an erosion control plan prior to issuance of a Public Works Permit. Construction or disturbance of the site will not occur until after the erosion control plan is approved by the City and the required measures are in place and approved by the City.*

*All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities will be placed underground. The applicant will make all necessary arrangements with all utility companies to provide the underground services. Locations of any proposed surface mounted transformers will be submitted on plans for City consideration and potential approval.*

*With Conditions of Approval A5, A6, A7, A8, A11, A12, A13, A16, and A17 these standards are met.*

**Section 74.120 - Street Lights.**

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

**Finding:**

*The applicant will submit a street lighting plan for all exterior streets on the proposed development site prior to issuance of a Public Works Permit.*

*Street light poles and luminaires will be installed in accordance with the Public Works Construction Code.*

*With Conditions of Approval A5, A11, A12, A13, A16, and A17 these standards are met.*

**Section 74.140 - Street Signs.**

- (1) Traffic control signs may be required by the City and must comply with the Public Works Construction Code and the Manual on Uniform Traffic Control Devices (MUTCD).**
- (2) The size, type, location, and placement of the signs must be approved by the City, prior to issuance of building permits.**
- (3) The applicant must install street name signs at all street intersections, in accordance with standards adopted by the City.**

**Finding:**

*The City will require traffic control signs to comply with the Public Works Construction Code and the Manual on Uniform Traffic Control Devices (MUTCD).*

*The applicant will install and obtain City approval of signs of the required size, type, location, and placement prior to issuance of construction permits.*

*With Conditions of Approval A5, A11, A12, A16, and A17 these standards are met.*

**Section 74.150 - Street Trees.**

[...]

**(2)Development Review.** The location, type, size, and placement of street trees must be approved by the City.

[...]

**(b)** For all other developments, street trees must be planted by the owners of the individual lots prior to Certificate of Occupancy or release of a Construction Improvement Bond.

**(3)Street Tree Species and Planting Locations.** All trees planted in the right-of-way of the City must conform in species and location with the street tree plan and City standards.

**(4)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 25 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.

[...]

**Finding:**

*All street trees planted in the right-of-way and public utility easements adjacent to on-street parking will conform in species and location with the street tree plan and City standards. At least 25 square feet of open ground for a tree up to three inches in diameter will be provided about the base of the trunk of each tree.*

*Appropriate root protection will be installed.*

*With Conditions of Approval A5, A11, A12, A16, and A17 these standards are met.*

**Section 74.160 - Installation of Improvements.**

**(1)Public Improvements.** Except as specially provided, all public improvements must be installed at the expense of the applicant.

**(a)**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.

[...]

**(c)**Sidewalks must be maintained, repaired, and upkept in accordance with the Tualatin Municipal Code by the property owner.

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

**(3)Construction of Improvements and Phasing.**

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

[...]

**Finding:**

*All private and public improvements will be installed at the expense of the applicant.*

*The applicant will obtain City approval of construction plans, a Public Works Permit issued, and the required fees paid prior to commencement of any work.*

*Prior to acceptance by the City, Public improvements will be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code.*

*Sidewalks will be maintained, repaired, and upkeep in accordance with the Tualatin Municipal Code.*

*All private and public improvements required under this chapter will be completed and accepted by the City prior to the release of a Bond a Certificate of Occupancy or release of a Construction Improvement Bond.*

*With Conditions of Approval A11, A12, A13, A16, and A17 these standards are met.*

**Chapter 75: Access Management**

**Section 75.020 - Driveway Approach Requirements.**

The standards set forth in this Code are minimum driveway approach standards, the purpose of which are to protect the public health, safety, and general welfare.

(1)**Public Access.** No development shall occur unless the development has frontage or approved access to a public street. Lots that front on more than one street must locate motor vehicle access on the street with the lower functional classification, or as required by the City Manager.

(2)**Driveway Width.** Minimum driveway approach widths are as provided in TDC 73C-090.

(3)**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.

(4)**Distance between Driveways and Intersections.** Driveways shall be outside the stopping queue or storage length of intersections. Except for single-family dwellings, duplexes, townhouses, triplexes, quadplexes, and cottage clusters, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection (or crosswalk if no stop bar).

[...]

(b)At an intersection with a connector, neighborhood route, and local street, driveways must be located a minimum of 30 feet from the intersection.

(c)If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line. In these cases turning movements into and out of the driveway may be limited for safety reasons.

[...]

**(6) Joint and Cross Access.**

(a) 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 County Recorder.

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

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

(ii) A design speed of ten mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, loading vehicles, and emergency 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

[...]

(d) 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;

[...]

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

[...]

**(8) Vision Clearance Area.**

(a) *Connectors, Neighborhood Routes, and Local Streets.* A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).

(b) *Collector Streets.* A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area must be ten feet (see Figure 73-2 for illustration).

(c) *Vertical Height Restriction.* Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

**(9) Sight Distance.**

(a) New and/or modified intersections or driveways must be constructed with sight distance in accordance with the Intersection Sight Distance section of the current *A Policy on Geometric Design of Highways and Streets* by the American Association of State

**Highway Transportation Officials (AASHTO), and this sight distance must be verified by an Engineer in accordance with the Public Works Construction Code.**

**Finding:**

*All driveway approaches will connect to SW Leveton Drive or SW 130<sup>th</sup> Avenue with widths as provided in TDC 73C-090.*

*The proposed driveway south to SW Leveton Drive will be opposing SW 128th Avenue and shared with the lot to the east: TLID 2S121A004200, 18525 SW 126th Place. A design speed of ten mph and a minimum width of 20 feet will accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, loading vehicles, and emergency vehicles. A stub-out 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.*

*An easement will be recorded allowing cross access to and from other properties served by the joint use driveway.*

*A joint maintenance agreement with the deed defining maintenance responsibilities of property owners will be recorded.*

*Vision clearance areas (see Figure 73-2 for illustration) from the intersection point of the right-of-way lines measured along such lines will be a triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which will be ten feet.*

*The proposed driveways will be constructed with sight distance in accordance with the Intersection Sight Distance section of the current A Policy on Geometric Design of Highways and Streets by the American Association of State Highway Transportation Officials (AASHTO). Sight distances will be verified by an Engineer in accordance with the Public Works Construction Code.*

*With Conditions of Approval A5, A11, A12, A13, A16, and A17 these standards are met.*

**Section 75.030 - Access Spacing Standards.**

[...]

**(2) New access points connecting to the public street network must meet the spacing standards summarized in Table 75-1. Access points include public streets, private streets, and private driveways, and must meet the following standards:**

**(a) Intersection and driveway spacing is measured from centerline of the first access to centerline of the second access.**

[...]

**(3) A variation to the access spacing standards may be granted in areas with limited property frontage and/or environmental constraints. Variation to these spacing standards will require an access management plan to be approved by the City Manager.**

**Table 75-1: Access Spacing Standards**

<b>Functional Classification</b>	<b>Minimum Access Spacing: Unrestricted</b>	<b>Minimum Access Spacing: Limited</b>
<b>Connector</b>	<b>150 feet from an intersection with an Arterial or Collector</b>	<b>-</b>

**Finding:**

*SW Leveton Drive and SW 130<sup>th</sup> Avenue, adjacent to this site, are designated as a Connector Industrial Local.*

*The proposed driveway south to SW Leveton Drive will be opposite SW 128<sup>th</sup> Avenue.*

*The proposed driveway west to SW 130<sup>th</sup> Avenue will be a minimum of 115 feet north of SW Leveton Drive's curve measured from centerline to curb line and have grades matching (as flat as reasonable) the existing street and future site drive aisle. If final permit plans result with a location closer to the curve, then an additional evaluation must be submitted by an Oregon licensed professional Traffic Engineer and turning movement restrictions may be required.*

*With Conditions of Approval A5, A11, A12, A13, A16, and A17 these standards are met.*

## IV. APPEAL

This Type II Architectural Review decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted under TDC 32.310 or unless the conditions of approval specify otherwise. Appeals may be submitted to **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / [planning@tualatin.gov](mailto:planning@tualatin.gov) before 5:00 p.m., April 8, 2026. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

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

Submitted by:



Madeleine Nelson  
Associate Planner