



Land Use Application

Project Information		
Project Title: 124th Commerce Center - Partition		
Brief Description: A Partition is proposed to divide the site into 3 parcels.		
Estimated Construction Value: n/a		
Property Information		
Address: 19000 SW 124th Avenue		
Assessor's Map/Tax Lot Number: 2S127BB00100		
Applicant/Primary Contact		
Name: Jessica Bruce	Company Name: AHBL	
Address: 2215 N. 30th St. #300		
City: Tacoma	State: WA	ZIP: 98444
Phone: 253-383-2422	Email: JBruce@ahbl.com	
<i>As the person responsible for this application, I hereby acknowledge that I have read this application and state that the information in and included with this application in its entirety is correct. I agree to comply with all applicable City and County ordinances and State laws regarding building construction and land use.</i>		
Applicant's Signature: Jessica Bruce	<small>Digitally signed by Jessica Bruce DN: C=US, E=jbruce@ahbl.com, O=AHBL, OU=Project Administrator, CN=Jessica Bruce Date: 2025.11.07 13:48:50-08'00'</small>	Date: 12-5-25
Property Owner		
Name: Tualatin 124, LLC		
Address: 9760 SW Freeman Dr.		
City: Wilsonville	State: OR	ZIP: 97070
Phone:	Email:	
<i>Letter of authorization is required if not signed by owner.</i>		
Property Owner's Signature: please see owner letter of authorization		Date:

LAND USE APPLICATION TYPE:

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

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



June 26, 2025

Property Owner Name:

Tualatin 124, LLC

9760 SW Freeman Dr.

Wilsonville, OR 97070

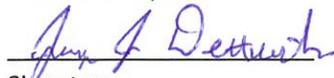
RE: Owner Authorization Letter – 124th Corporate Center

To whom it may concern:

As the owner of tax lots 2S127BB00100 and 2S127BB00200 in Washington County, Oregon (the "Property"), I give authorization on behalf of Tualatin 124, LLC ("Seller"), for AHBL (on behalf of PDC Seattle LPIV BB/TH, LLC as "Buyer") to apply for all permits associated with the 124th Corporate Center project, provided that in no event shall such permits be binding on the Property unless the Property is sold. Buyer and Seller entered into that certain Purchase and Sale Agreement dated March 7, 2025, concerning the Property. Buyer shall indemnify, hold harmless, and defend Seller from all liens, costs, and expenses, including reasonable attorneys' fees and experts' fees, arising from or relating to Buyer's permit applications except to the extent arising out of Seller's negligence or willful misconduct. Applications may include, but are not limited to: 1200-C Erosion and Grading, Design Review, Land Use, Site Plan Review, Modified SEPA, Fill & Grade, Site Development, Retaining Walls, etc.

Thank you,

Tualatin 124, LLC



Signature

Jerry Dettweiler MNGR

Print name/Title

Tualatin 124, LLC (Seller)

Jerry Dettwiler
Signature

Jerry Dettwiler MGR
Print name/Title

PDC Seattle LPIV BB/TH, LLC (Buyer)

[Signature]
Signature

Travis Hale / Partner
Print name/Title

PROJECT MEMO



TO: Madeleine Nelson
City of Tualatin
10699 SW Herman Road
Tualatin, Oregon 97062

DATE: February 2, 2026

FROM: Tyler Watkins, PE
Tacoma - (253) 383-2422

PROJECT NO.: 2250125.10

PROJECT NAME: 124th Commerce Center

SUBJECT: Partition Narrative

Introduction and Project Summary

This narrative describes the proposed Partition for the 124th Commerce Center project and demonstrates compliance with all applicable criteria and standards of the Tualatin Development Code (TDC).

The site is located on 23.954-acre Tax Lot 2S127BB00100 in the General Manufacturing Zone (MG) of Tualatin, Oregon. A Partition is proposed to divide the site into three parcels: Lot A, Lot B, and Lot C. Future development for Lot A and Lot B includes an industrial building on each lot with shared vehicle and pedestrian access, shared parking, and separate private utilities. The future utility improvements for Lot A and Lot B will include separate private fire mains, water services, sanitary sewer services, storm drainage treatment and detention systems, and dry utilities. Lot C contains sensitive areas and vegetated corridors, and it will remain undeveloped with a water quality preservation easement to benefit Clean Water Services. The buildings, retaining walls, onsite improvements, utilities, and wetland mitigation are proposed under separate permits.

The 124th Commerce Center project was previously approved for land use under AR23-0004 and a final decision was issued on December 13, 2023. A one-year extension of AR23-0004 was approved by the Architectural Review Board on December 9, 2025. A Property Line Adjustment (PLA) was recorded under PLA23-0003 on September 30, 2025, to relocate the property line between Tax Lots 2S127BB00100 and 2S127BB00200. Refer to the list below for other permit applications related to the project:

- Water Quality Permit WQ25-2123 - Application submitted November 3, 2025
- Public Works Permit PW25-2128 - Application submitted November 4, 2025
- Erosion Control Permit EC25-2129 - Application submitted November 4, 2025
- Retaining Wall Permit WALL25-2269 - Application submitted November 18, 2025
- Sensitive Areas and Vegetated Corridor Enhancement CWS File No. 22-002776

Tualatin Development Code Approval Criteria

Chapter 32: Procedures

TDC 32.010. Purpose and Applicability.

- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (2) *Applicability of Review Procedures.* All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).



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

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
Annexations						
• Quasi-judicial	TDC 32.260	CC	LUBA	Yes	Yes	TDC 33.010
• Legislative		CC	LUBA	No	No	TDC 33.010
Architectural Review						
• Architectural Review (except as specified below) (limited land use)	II	CM	CC	Yes	Yes	TDC 33.020
• Single Family Dwelling, Duplexes, Townhouses, Triplexes, Quadplexes, and Cottage Clusters following Clear and Objective Standards	I	CM	Circuit Court	No	No	TDC 33.020



Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/ Developer Mtg Required	Applicable Code Chapter
Accessory Dwelling Units (ADUs) following Clear and Objective Standards <ul style="list-style-type: none"> • Minor AR including façade and landscape modifications 						
<ul style="list-style-type: none"> • Commercial Buildings 50,000 square feet and larger • Industrial Buildings 150,000 square feet and larger • Multifamily Housing Projects 100 units and above (or any number of units abutting a single family district) • as requested by the CM 	III	ARB	CC	Yes	Yes	TDC 33.020
Driveway Approach Permits (limited land use)	II	CM	CC	No	No	TDC 33.030
Conditional Use Permit	III	PC	CC	Yes	Yes	TDC 33.040
Floodplain Development	I	CM	Circuit Court	No	No	TDC Ch 70
Floodplain Variance	IV-A	CC	LUBA	Yes	Yes	TDC Ch 70
Historic Landmark Actions						
<ul style="list-style-type: none"> • Applying or removing designation—Quasi-judicial 	IV-A	CC	LUBA	Yes	Yes	TDC Ch 68
<ul style="list-style-type: none"> • Applying or removing designation—Legislative 	IV-B	CC	LUBA	No	No	TDC Ch 68
<ul style="list-style-type: none"> • Demolition, relocation, alteration, new construction (limited land use) of a Landmark 	II	CM	CC	Yes	Yes	TDC Ch 68
National Register Resources actions: demolition or relocation	IV-A	CC	LUBA	Yes	Yes	TDC Ch 68
Industrial Master Plans	III	PC	CC	Yes	Yes	TDC 33.050
Land Divisions						
<ul style="list-style-type: none"> • Property line adjustment (PLA) 	I	CM	Circuit Court	No	No	TDC Ch 36
<ul style="list-style-type: none"> • Subdivisions (limited land use) 	II	CM	CC	Yes	Yes	TDC Ch 36
<ul style="list-style-type: none"> • Partitions (limited land use) 	II	CM	CC	Yes	Yes	TDC Ch 36
<ul style="list-style-type: none"> • Minor (immaterial) modifications to approved plan (prior to plat approval) 	I	CM	Circuit Court	No	No	TDC Ch 36
<ul style="list-style-type: none"> • Expedited Land Divisions 	Subject to procedures in ORS 197.365					TDC Ch 36



Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/ Developer Mtg Required	Applicable Code Chapter
Nonconforming use— Reinstatement of a nonconforming use	III	PC	CC	No	No	TDC 33.060
Plan Amendments						
• Map or Text Amendments for a specific property	IV-A	CC	LUBA	Yes	Yes	TDC 33.070
• Legislative Map or Text Amendments	IV-B	CC	LUBA	No	No	TDC 33.070
Signs						
• Sign Permit, New or Alteration, including Sign Design Review	I	CM	Circuit Court	No	No	TDC 33.080
• Sign Variance	III	PC	CC	Yes	Yes	TDC 33.080
Temporary Outdoor Sales Permit	I	CM	Circuit Court	No	No	TDC 33.090
Temporary Sales Office	I	CM	Circuit Court	No	No	TDC 33.100
Tree Removal Permit	II	CM	CC	Yes	Yes	TDC 33.110
Variance						
• Variance (including Sign Variance) except as specified below	III	PC	CC	Yes	Yes	TDC 33.120
• Variance for existing single family residence	III	PC	CC	Yes	No	TDC 33.120
• Variance in conjunction with a subdivision or partition (except minor variances)	IV-A	CC	LUBA	Yes	Yes	TDC Ch 36
• Minor variance except as specified below	II	CM	CC	Yes	Yes	TDC 33.120
• Minor variance in conjunction with a property line adjustment, subdivision or partition	II	CM	CC	Yes	Yes	TDC Ch 36
• Minor variance for existing permitted housing types in the RL and RML zones	II	CM	CC	Yes	No	TDC 33.120
Wetlands Protection District	I	CM	Circuit Court	No	No	TDC Ch 71

* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).

(Ord. 1414-18, 12-10-18; Ord. No. 1463-21, § 2, 12-13-21; Ord. No. 1451-25, § 5, 8-11-25)

Response: This application is considered a limited land use Partition; therefore, Type II review procedures apply. Relevant actions are described in the following narrative.



TDC 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.)
- (2) *Time Limit—100-day Rule.* The City must take final action including resolution of all local appeals on qualifying applications under ORS 227.180 within 100 days after the application is deemed complete. An application qualifies if it is submitted under ORS 227.175 and meets the following criteria:
 - (a) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;
 - (b) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing. For the purposes of this section, "affordable housing" means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater; and
 - (c) The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (b) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.
- (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.

(Ord. 1414-18;12-10-18)

Response: City of Tualatin processing times have been acknowledged by the applicant.

TDC 32.110. Pre-Application Conference.

- (1) *Purpose of Pre-Application Conferences.* Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) *When Mandatory.* Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) *Timing of Pre-Application Conference.* A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.
- (4) *Application Requirements for Pre-Application Conference.*
 - (a) *Application Form.* Pre-application conference requests must be made on forms provided by the City Manager.
 - (b) *Submittal Requirements.* Pre-application conference requests must include:



- (i) A completed application form;
 - (ii) Payment of the application fee;
 - (iii) The information required, if any, for the specific pre-application conference sought; and
 - (iv) Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.
- (5) *Scheduling of Pre-Application Conference.* Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- (6) *Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.* A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
- (a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six months of the pre-application conference;
 - (b) The proposed use, layout, and/or design of the proposal have significantly changed; or
 - (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

(Ord. 1414-18;12-10-18)

Response: A Pre-Application Conference (PRE25-0005) was attended on March 27, 2025.

TDC 32.120. Neighborhood/Developer Meetings.

- (1) *Purpose.* The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.
- (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.

(Ord. 1414-18;12-10-18)

Response: A neighborhood/developer meeting was held on November 18, 2025, at the Juanita Pohl Center at 6:00 PM. Notice was sent to the mailing list provided by the City and mailed at least 14 days prior and no more than 28 calendar days before the meeting. A sign was posted at the site according to the requirements in TDC 32.150 at least 14 days prior to the meeting. There were no attendees at the neighborhood meeting. This standard is met.

TDC 32.130. Initiation of Applications.

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

(Ord. 1414-18;12-10-18)

Response: The land use application is being initiated by the agent, AHBL, on behalf of the applicant and property owner. This application will be processed as a Type II review. This standard will be met by the City's processing of this application.



TDC 32.140. Application Submittal.

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



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

(Ord. 1414-18;12-10-18)

Response: The Partition Application includes all submittal requirements listed above.

TDC 32.150. Sign Posting.

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

(Ord. 1414-18;12-10-18)

Response: One sign was posted on October 28, 2025, for the Neighborhood/Developer Meeting along the street frontage using the City's sign template (waterproof, 18-inch by 24-inch, 2-inch font). The sign was posted onsite and facing the right-of-way. The applicant will post additional signs, as necessary, during the application review process, as directed by staff.

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

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

- (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.
- (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.

(Ord. 1414-18;12-10-18)

Response: The Applicant understands, acknowledges, and agrees to adhere to these procedures for the Type II Partition application submitted.



Chapter 36: Subdividing, Partitions, and Property Line Adjustments

TDC 36.040. Applications and Submittal Requirements.

- (1) Applications subject to this Chapter must follow the procedures specified in TDC Chapter 32; however, in case of conflict the procedures specified in TDC Chapter 36 prevail.
- (2) Additional Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required to subdivide, partition, or replat land:
 - (a) Subdivision or partition plan map;
 - (b) Proposed plat name, approved by the County Surveyor;
 - (c) The names, addresses, and contact information of the design engineer and surveyor;
 - (d) The date the plan was prepared;
 - (e) North arrow;
 - (f) Scale of drawing;
 - (g) Location of the subdivision or partition by 1-4 Section, Township and Range;
 - (h) Preliminary utility plans for existing and proposed water, sanitary sewer and storm drainage, including the size and grade;
 - (i) A street plan showing all existing streets, proposed streets (public and private), and accessways on the subject property and extending 1,000 feet in all directions from the site, including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets;
 - (j) An outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;
 - (k) Easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;
 - (l) Flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;
 - (m) Natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site;
 - (n) Approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;
 - (o) Approximate area of each lot;
 - (p) Proposed lot numbers;
 - (q) Existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;
 - (r) All lots intended to be dedicated or reserved for public use;
 - (s) A vicinity map showing a minimum one-mile radius;
 - (t) Contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent;



- (u) For subdivisions and phased subdivisions, a completed trip generation estimate on forms provided by the City and a Traffic Impact Analysis;
- (v) If a variance or minor variance is requested to the dimensional standards of the lots, or the minimum lot size, adequate information to show compliance with the approval criteria in TDC 33.120(5) for a minor variance or TDC 33.120(6) for a variance;
- (w) A "Service Provider Letter" from Clean Water Services;
- (x) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received;
- (y) A completed City fact sheet;
- (z) A title report for the property(ies) subject to the application;
- (aa) Other supplementary material as may be required, such as deed restrictions, a statement of ownership, use, covenants, conditions, limitations, and responsibility for maintenance; and
- (bb) Other information required by the City Manager.

(Ord. No. 1451-25, § 7, 8-11-25)

Response: The Partition Application includes all submittal requirements listed above.

TDC 36.110. Tentative Partition Plan.

- (1) *Applicability.* Tentative Partition Plan approval is required before land can be divided into three or fewer parcels within a calendar year. When the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in TDC 36.120 (Tentative Subdivision Plan) apply and any improvements resulting from the application of those standards to the proposed partition must be constructed.
- (2) *Procedure Type.* A Tentative Partition Plan is processed as a Type II procedure under TDC 32.220.
- (3) *Submittal Requirements.*
 - (a) Prior to submitting an application for a Tentative Partition Plan, the applicant must comply with the pre-application conference requirements in TDC 32.110 (Pre-Application Conference) and Neighborhood/Developer Meeting requirements in TDC 32.120 (Neighborhood/Developer Meetings).
 - (b) In addition to the submittal requirements for a Type II application under TDC 32.140 (Application Submittal), an application for a Tentative Partition Plan must include the information required in TDC 36.040(2)(Additional Submittal Requirements).
- (4) *Approval Criteria.* A Tentative Partition Plan must be approved if all of the following criteria are met:
 - (a) The Tentative Partition Plan complies with the standards of this Chapter and with all applicable provisions of the TDC, including, but not limited to, the following:
 - (i) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
 - (ii) City infrastructure standards; and
 - (iii) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.
 - (b) The Tentative Partition Plan does not impede the future use or development of the property or adjacent land.
 - (c) Development within the Tentative Partition Plan can be adequately served by City infrastructure.



- (d) The street system in and adjacent to the Tentative Partition Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and Tualatin Transportation System Plan.
 - (e) The street system in and adjacent to the Tentative Partition Plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition area.
 - (f) The Tentative Partition Plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.
 - (g) The layout, size, and dimensions of the parcels within the Tentative Partition Plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.
- (5) *Effective Date.* The effective date of a Tentative Partition Plan approval is the date the notice of decision is mailed.
- (6) *Permit Expiration.* Tentative Partition Plan approval expire in two years of the effective date, unless an application for final plat is submitted within two years of the effective date, or an extension is granted under TDC 36.210 (Extension of Approval Decision).

(Ord. No. 1463-21, § 8, 12-13-21)

Response: The applicant acknowledges these requirements and will follow these procedures. The applicant acknowledges that Type II procedures will be followed for the application. The Partition Plan meets all lot standards, city infrastructure standards, and special development standards, and it does not impede the future use or development of the property or adjacent land. The lot layout and utility placements allow for logical development of the site while maintaining appropriate access to surrounding properties. The lots created by this Partition Plan meet development standards for General Manufacturing (MG) zoning, and the lots can be adequately served by city infrastructure. The street system adjacent to the Partition Plan conforms to the requirements of TDC Chapter 74, TDC Chapter 75, and Tualatin Transportation System Plan. The layout, size, and dimensions of the parcels within the Partition Plan were designed to minimize disruption of the site, topography, and vegetation during the development of the parcels. The applicant acknowledges that the effective date of approval for the proposed partition will be the date the notice of decision is mailed. The applicant acknowledges that tentative Partition Plan approval will expire two years from the effective date unless an application for final plat is submitted within that period or an extension is granted under TDC 36.210.

TDC 36.160. Final Plat.

- (1) *Applicability.* Final plat approval is required before a final plat of a partition, subdivision, phased subdivision, and manufactured dwelling park subdivision is recorded.
- (2) *Procedure.* Final plats are exempt from the procedures TDC 32.220 (Type II Procedure), and instead follow the procedures set forth in this section. Final plats must be reviewed by the City prior to recording with county.
- (3) *Submittal Requirements.* Applications for final plat must be submitted prior to expiration of tentative plan approval.
- (4) *Approval Criteria.* A final plat must be approved if all of the following criteria are met:
 - (a) The final plat is in substantial conformance with the approved tentative plan or tentative replat plan.
 - (b) For phased subdivisions in commercial and industrial zones, unless the divergence from the tentative plan would require a modification of any condition of approval, the final plat for each phase may diverge from the tentative plan and still be in substantial conformance with the approved tentative plan for that phase if there is:
 - (i) A decrease or increase in the number of lots within the particular phase;



- (ii) A change in the location or width of public rights-of-way within the specific phase; provided, however, the change does not materially affect connectivity, does not increase or decrease the number of connections to streets set forth in the tentative plan, does not change the point of connection with existing or planned streets, and does not change the street designation from one classification to another;
 - (iii) A change in the location or width of a public utility easement, so long as the change does not adversely affect connectivity with constructed or planned utilities;
 - (iv) A decrease in the number of phases; or
 - (v) An increase or decrease in the area of a specific phase.
- (c) If the approval of a final plat for a specific phase requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative plan must be modified first to reflect the changes.
- (d) The final plat complies with all applicable provisions of ORS Chapter 92.
- (e) Conditions of approval imposed on the tentative plan or tentative replat have been met;
- (f) The final plat dedicates, free and clear of all liens and encumbrances and without any reservation or restriction other than reversionary rights upon vacation, all City infrastructure, if such dedication is required by the Tualatin Development Code or as a condition of approval;
- (g) The City Manager has certified that:
- (i) All required public improvements and private improvements are completed and approved; or
 - (ii) The owner of the property subject to the final plat has executed and filed with the City an Improvement Agreement under TDC 36.320 (Improvement Agreement for Public Improvements), requiring all City infrastructure and private improvements to be completed within 24 months of the final plat approval.
- (5) *Approval or Rejection of Final Plat.*
- (a) If the City Manager finds that the final plat does not meet the approval criteria set forth in subsection (3) of this section, the City Manager must notify the applicant of the deficiencies and afford the applicant opportunity to comply. Rejection of a final plat does not affect tentative plan or tentative replat approval.
 - (b) If the City Manager finds that the final plat meets the approval criteria set forth in subsection (3) of this section, the City Manager must endorse approval on the final plat, and the applicant may process and record the final plat.
- (6) *Recording of Final Plat.* The approved final plat must be recorded within ten years of the effective date of the tentative plan or tentative replat approval. No building permits for development of lots or parcels will be issued until the final plat is recorded.
- (7) *Operation and Maintenance of Facilities and Common Property.* Where facilities and common property, including, but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development must include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association. Each property owner must be a member of the property owners' association. The association must have the power to levy and assess against privately owned property in the development all necessary costs for operation and maintenance of such facilities and common property. The documents creating such association must be approved by the City Manager.
- (8) *Operation and Maintenance of Flag Lot Accessways.* Where a flag lot accessway serving more than one lot or parcel is included within a development, reciprocal and irrevocable access rights for all lots or parcels served by the flag lot accessway must be included on the final plat and in the deeds for the individual lots or parcels. Maintenance of the flag lot accessway must be shared between the owners of the properties served



by the flag lot accessway and an agreement requiring maintenance of the flag lot accessway must be recorded in the deeds for the individual lots or parcels.

Response: The applicant acknowledges and agrees to submit a final plat for approval prior to recording of the partition.

TDC 36.310. Approval of Streets and Rights of Way.

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

Response: The public transportation and utility systems adjacent to the Partition Plan meet the public improvement requirements of TDC Chapter 74. The 124th Commerce Center project proposes a 12-foot-wide, multi-use path and right-of-way dedication along the entire project frontage on the east side of SW 124th Avenue to align with the 2045 Transportation System Plan. An 8-foot public utility easement is proposed along the west side of Lot A and Lot B adjacent to SW 124th Avenue. A shared access easement is proposed at the driveway located between Lot A and Lot B. Lot C includes sensitive areas and vegetated corridors, and it will remain undeveloped with a water quality preservation easement to benefit Clean Water Services.

TDC 36.400. Lot Dimensions.

- (1) *Double Frontage and Reverse Frontage.*
 - (a) Double frontage and reversed frontage lots must be avoided except where essential to provide separation of residential development from railroad tracks or crossings, traffic on arterials or collectors, adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.
 - (b) Vehicular access on double frontage lots must be oriented towards the lowest classification street adjacent to the lot as follows:
 - (i) Alley;
 - (ii) Local street; or
 - (iii) Neighborhood route.
- (2) *Large Lots.* When subdividing, partitioning or adjusting land into large lots which at some future time are possible to be resubdivided, repartitioned, or readjusted to a size which more closely conforms to the other lots in the subdivision or area, the applicant must submit a future streets plan. The future streets plan must indicate that proposed large lots be of such size and shape and contain such building site restrictions as will



provide for the extension and opening of streets at such intervals and the subsequent division of any such large lot into smaller size lots which meet the requirements of the TDC.

- (3) *Side Lot Lines.* The side lines of lots, as far as practicable, must run at right angles to the street upon which the lots face.
- (4) *Lot Size and Shape.* The lot size, width, shape and orientation must be appropriate for the location of the lot and comply with the zone (planning district) standards for the type of development and use contemplated.
- (5) *Frontage on Public Streets.* All lots created after September 1, 1979 must abut a public street, except for the following:
 - (a) Secondary condominium lots, which must conform to TDC 73C and TDC 75;
 - (b) Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, and TMC Chapter 3-5 Surface Water Management, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan;
 - (c) Residential lots where frontage along a public street is impractical due to physical site restraints. Access to lots may be provided by a private street under the provisions of Chapter 74.060. The private street must have no adverse impacts to surrounding properties or roads and may only be approved if it meets the following criteria:
 - (i) A public street is not needed to provide access to other adjacent properties as required by TDC Chapter 74;
 - (ii) A recorded document providing for the ownership, use rights, and allocation for liability for construction and maintenance has been submitted to the City Manager prior to issuance of a building permit; and
 - (iii) Access easements have been provided to all properties needing access to the driveway.
 - (d) Lots in the Manufacturing Park Zone Planning District which have access to the public right-of-way in accordance with TDC 73C and TDC Chapter 75 via permanent access easement over one or more adjoining properties, creating uninterrupted vehicle and pedestrian access between the subject lot and the public right-of-way.

(Ord. 1427-19, § 16, 11-25-19; Ord. No. 1451-25, § 7, 8-11-25)

Response: The proposed Partition Plan does not create any new frontage. The lots created by this partition cannot be resubdivided due to the proposed building layout. The side lot lines run at right angles to SW 124th Avenue. The lot size, width, shape, and orientation are appropriate for the location of each lot. The lots created by this Partition Plan meet development standards for General Manufacturing (MG) zoning. Lot C is the only proposed lot that does not abut a public street. However, Lot C includes sensitive areas and vegetated corridors, and it will remain undeveloped with a water quality preservation easement to benefit Clean Water Services.

Chapter 61: General Manufacturing Zone (MG)

TDC 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.

**Table 61-1
Use Categories in the MG Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	C (L)	Conditional uses limited to one (1) caretaker residence per site.
COMMERCIAL USE CATEGORIES		
Agriculture	P(L)	Permitted uses limited to production of agricultural crops.
Commercial Recreation	P(L)	Limited use in all locations, subject to TDC 61.210(2).
Durable Goods Sales and Service	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Sale of goods produced on-site subject to TDC 61.210(1); • Retail sale of landscape materials subject to TDC 61.210(3); and • Additional uses permitted within the Commercial Services Overlay, subject to TDC 61.210(5). Conditional uses limited to: <ul style="list-style-type: none"> • Sale or service of manufactured dwellings; • Boat sales or rental; rental or leasing of autos and light trucks with incidental sale of vehicles; and • Sale of home improvement materials and supplies.
Eating and Drinking Establishments	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Sale of goods produced on-site subject to TDC 61.210(1); and • Restaurant or deli as a limited use subject to TDC 61.210(2).
Marijuana Facilities	P (L)	Subject to TDC Chapter 80.
Office	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Offices for executive, administrative, and professional uses related to the sale or service of industrial products; and • Office uses including business and commercial offices, general offices, real estate offices, but not governmental offices, and are a limited use subject to TDC 61.210(2).
Other Educational and Vocational Services	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Correspondence, trade, or vocational school as a limited use subject to TDC 61.210(2); and • Trade or industrial school and subject to TDC 61.210(3).
Retail Sales and Services	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Sale of goods produced on-site subject to TDC 61.210(1); • Food or convenience store, health or fitness facility, mailing operations, reproduction or photocopying services, bank, and medical services as limited uses subject to TDC 61.210(2); and • Within the Commercial Services Overlay, additional uses subject to TDC 61.210(5).
Quick Vehicle Service	C (L)	Permitted uses limited to Automobile Service Stations subject to TDC 61.210(6);



USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
		No outside storage or sale of any vehicles is permitted.
Vehicle Repair	P/C (L)	Permitted outright within the Commercial Services Overlay. Conditional use required in other locations subject to TDC 61.210(3).
INDUSTRIAL USE CATEGORIES		
Heavy Manufacturing	P (L)	Concrete batch plants are not permitted in the Leveton Tax Increment District. All other uses permitted outright.
Light Manufacturing	P	—
Solid Waste Treatment and Recycling	C (L)	Conditional uses limited to: <ul style="list-style-type: none"> • Recycling collection center; • Waste transfer station; and • Resource recovery facility. Recycling collection center or waste transfer station are not permitted within the Limited Commercial Setback.
Vehicle Storage	P/C (L)	Conditional use required for bus maintenance and storage facility. Vehicle storage not permitted within the Limited Commercial Setback. Vehicles sales are not permitted. All other uses permitted outright in other locations.
Warehouse and Freight Movement	P/C	Conditional use required for warehousing of building materials and supplies. All other uses permitted outright.
Wholesale Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and • Sale, service and rental of construction and industrial equipment to contractors and industrial firms only. Conditional use permit required for wholesale sales of building materials and supplies.
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P	—
Greenways and Natural Areas	P	—
Public Safety Facilities	P(L)/C (L)	Permitted uses limited to public works storage yard and shop Conditional uses limited to fire station.
Wireless Communication Facility	P (L)	Commercial radio or TV broadcasting antennas not permitted. All other uses permitted outright. Subject to maximum height and minimum setback standards defined by TDC Chapter 73F.



TDC 61.300. Development Standards.

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

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

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
LOT SIZE		
Minimum Lot Size	20,000 square feet	—
LOT DIMENSIONS		
Minimum Lot Width	100 feet	When lot has frontage on public street, minimum lot width at the street is 100 feet. When lot has frontage on cul-de-sac street, minimum lot width at the street is 50 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.
MINIMUM SETBACKS		
Front	30 feet	
Front Setback Adjacent to Residential or Manufacturing Park Zone	50 feet	
Side	0-50 feet	Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Side Setback Adjacent to Residential or Manufacturing Park Zone	50 feet	
Rear	0-50 feet	Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Rear setback adjacent to Residential or Manufacturing Park Zone	50 feet	
Parking and Circulation Areas	5 feet	No minimum setback required adjacent to joint access approach in accordance with TDC 73C.
Parking and Circulation Areas Adjacent to Residential or Manufacturing Park Zone	10 feet	
Fences	10 feet	From public right-of-way.
STRUCTURE HEIGHT		
Maximum Height	60 feet	May be increased to 100 feet if yards adjacent to structure are not less than a distance equal to the height of the structure. Measured at the 50-foot setback line, includes flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot setback line at a slope of 45 degrees extending away from the 50-foot setback line. Flagpoles may extend to 100 feet.
Maximum Height Adjacent to Residential Zone	28 feet	



TDC 61.310. Additional Development Standards.

- (1) *Outdoor Uses.* All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities and outdoor play areas of child day care centers as required by state day care certification standards.
- (2) *Sound Barrier Construction.* Sound barrier construction is required to mitigate the impact of noise associated with overhead doors and building mechanical equipment, including but not limited to heating, cooling and ventilation equipment, compressors, waste evacuation systems, electrical transformers, and other motorized or powered machinery located on the exterior of a building. Sound barrier construction must conform to the following standards:
 - (a) *Applicability.* New construction, including additions or changes to existing facilities, must comply with the provisions of this section. When additions or changes to existing facilities are proposed, existing structures on the property may be required to comply with the provisions of this section, as determined through the Architectural Review process. Where buildings or outdoor use areas located on more than one parcel are all part of a single use as determined through the Architectural Review process, all of the parcels may be required to comply with the provisions of this section.
 - (b) *Distance from Residential Use.* Sound barriers must be used to intercept all straight-line lateral (direct line between two points) paths of 450 feet or less between a residential property within a residential planning district and:
 - (i) Any side edge of an overhead door or other doorway larger than 64 square feet, at a minimum height of eight feet above the floor elevation of the doorway; or
 - (ii) Any building mechanical device at a minimum height equal to the height of the mechanical object to be screened.
 - (c) *Exemption for Existing Structures.* Where existing structures (on or off site) are located such that they will reflect sound away from residential areas and will function as a sound barrier, on-site sound barrier construction is not required, except that at the time such structures are removed, sound barrier construction is required.
 - (d) *Design.* Sound barriers must consist of masonry walls or earth berms located so as to reflect sound away from, rather than toward, noise sensitive properties. This may include masonry "wing walls" attached to a building, detached masonry walls (such as at the perimeter of the site), earth berms, or combinations of the three. Wing walls must be at least as tall as the tallest overhead door they are designed to screen at the point where they meet the building. The height of the wall may be reduced along a maximum incline formed by a horizontal distance twice the vertical change in height, or 26.5 degrees from horizontal.
 - (i) "Wing wall" means a wall that is attached to a building on one side and meets the screening requirements of (1) and (2) of this section."
- (3) *Setback Reduction for Developments Adjacent to Greenways and Natural Areas.* To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front, side, or rear yard setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards.
 - (a) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front, side, or rear yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.
 - (b) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located in one of the following conservation or protection areas:
 - (i) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
 - (ii) Clean Water Services Vegetated Corridor.



- (c) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following:
 - (i) Dedicated to the City at the City's option;
 - (ii) Dedicated in a manner approved by the City to a non-profit conservation organization; or
 - (iii) Retained in private ownership.
- (d) *Ownership Considerations.* The decision-making authority must consider, but is not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
 - (i) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
 - (ii) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
 - (iii) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
 - (iv) Does the lot connect publicly owned or publicly accessible properties;
 - (v) Does the lot abut an existing park, greenway, natural area or other public facility;
 - (vi) Does the lot provide a public benefit or serve a public need;
 - (vii) Does the lot contain environmental hazards;
 - (viii) Geologic stability of the lot; and
 - (ix) Future maintenance costs for the lot.

(Ord. 1414-18, 12-10-18; Ord. 1427-19, § 30, 11-25-19)

Response: The 124th Commerce Center project meets all standards and approval criteria of the Tualatin Development Code. The proposed Partition Plan does not affect compliance with any of the standards outlined in Chapter 61. Refer to the Architectural Review and Lot Line Adjustment Narrative dated April 14, 2023, and the AR 23-0004 Notice of Decision dated December 22, 2023.

Chapter 63: Industrial Uses and Utilities and Manufacturing Zones-Environmental Regulations

TDC 63.010. Purpose.

The purpose of this section is to protect the public health, safety and general welfare by applying environmental regulations to all industrial uses and utilities, and manufacturing planning districts in the City. These environmental regulations are also intended to protect natural areas from the adverse effects of industrial development. It is intended that the following standards provide statutory authority for the enforcement of regulations relating to noise, vibration, air quality, odors, heat, glare and lighting, storage and stored materials, liquid and solid waste materials, and dangerous substances.

TDC 63.020. Applicability.

The regulations of this Chapter apply to:

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



TDC 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.

TDC 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.

TDC 63.053 Air Quality.

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

TDC 63.054. Odors.

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



TDC 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.

TDC 63.056. Storage and Stored Materials.

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

TDC 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.

TDC 63.058. Dangerous Substances.

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

(Ord. 1414-18, 12-10-18)

Response: The 124th Commerce Center project meets all standards and approval criteria of the Tualatin Development Code. The proposed Partition Plan does not affect compliance with any of the standards outlined in Chapter 63. Refer to the Architectural Review and Lot Line Adjustment Narrative dated April 14, 2023, and the AR 23-0004 Notice of Decision dated December 22, 2023.

Chapter 72: Natural Resource Protection Overlay District (NRPO)

TDC 72.060. Development Restrictions in Greenways and Natural Areas.

- (1) Except as provided in Subsection (2), no building, structure, grading, excavation, placement of fill, vegetation removal, impervious surface, use, activity or other development shall occur within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas.
- (2) The following uses, activities and types of development are permitted within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas provided they are designed to minimize intrusion into riparian areas:
 - (a) Public bicycle or pedestrian ways, subject to the provisions of TDC 72.070.
 - (b) Public streets, including bridges, when part of a City approved transportation plan, and public utility facilities, when part of a City approved plan and provided appropriate restoration is completed.
 - (c) Except in Wetland Natural Areas, private driveways and pedestrian ways when necessary to afford access between portions of private property that may be bisected by a Greenway or Open Space Natural Area.



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

(Ord. 673-85, § 2, 8-12-85; Ord. 933-94, § 34, 11-28-94; Ord. 947-95, § 5, 7-24-95; Ord. 979-97, § 38, 7-14-97)

TDC 72.065. Hardship Created, Map Error, Property Not Buildable.

- (1) Applications for variances due to a hardship resulting from the requirements of Chapter 72 shall be processed in accordance with the provisions of Chapter 33. For variance applications alleging the requirements of Chapter 72 have rendered a property not buildable, the applicant has the burden of proof to show the property is not buildable and to specify which Chapter 72 requirements are proposed to be reduced or removed to render the property buildable.
- (2) Claims of a location error in a Greenway or Natural Area Boundary on Map 72-1 shall be considered as part of an application for a subdivision, partition, lot line adjustment, architectural review or variance. Claims that an existing Greenway or Natural Area Boundary should be deleted, or added, on Map 72-1 shall be considered through the Plan Amendment process. Claims of map errors shall be supported by adequate



inventory information and analysis to justify the claim and meet the land use application approval criteria. Claims of map error for wetland boundaries shall be verified by the Oregon Division of State Lands.

(Ord. 979-97, § 39, 7-14-97)

TDC 72.070. General Guidelines for Pedestrian and Bike Paths in Greenways.

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

- (1) Incorporate trails into the surrounding topography.
- (2) Provide viewing opportunities for special vistas, wetlands, and unique natural features.
- (3) Protect existing vegetation to the greatest extent possible. In wooded areas meander paths through the woods to avoid significant trees. An arborist should be consulted to determine methods for minimizing impact of construction of paths near trees greater than five inch caliper as measured four feet above-grade.
- (4) Replant trees in the vicinity where they were removed. Use native species.
- (5) Minimize impact on wetland environments. Build paths above wetlands wherever possible. Use boardwalks, bridges or other elevated structures when passing through a wetland. Direct trails away from sensitive habitat areas such as nesting or breeding grounds.
- (6) Provide interpretive opportunities along the trail. Use interpretive signage and displays to describe plant and animal species, nesting areas, wildlife food sources, and geologic, cultural and historic features.
- (7) Provide amenities along the trail. Place benches, picnic tables, trash receptacles and interpretive signage where appropriate.
- (8) Where paths are placed in utility corridors, path design should be coordinated with the City's Engineering and Building Department and Operations Department to allow utility maintenance.
- (9) Mitigate surface water drainage near wetlands and streams. Where hard surface trails occur adjacent to wetlands or creeks, provide, when appropriate, an open water system through swales, trench percolation, or on-site detention ponds to prevent erosion and negative impacts.
- (10) Incorporate signage. Place properly scaled and sited regulatory and guide signs to instruct users on accessibility, local conditions, safety concerns and mileage information.

(Ord. 635-84, § 35, 6-11-84 and Ord. 933-94, § 35, 11-28-94; Ord. 947-95, § 5, 7-24-95; Ord. 1427-19, § 35, 11--25-19)

TDC 72.080. Shift of Density for Residential Development Adjacent to Greenways or Natural Areas.

- (1) A shift of density may be allowed in accordance with TDC 41.150 (RML District), 42.150 (RMH District), 43.180 (RH District) and 44.160 (RH/HR District).
- (2) Small lots may be allowed in subdivisions and partitions in accordance with TDC 40.055 (RL District).

(Ord. 979-97, § 40, 7-14-97; Ord. 1136-03, 4-28-03)

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

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



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

(Ord. 673-85, § 2, 8-12-85; Ord. 933-94, § 37, 11-28-94; Ord. 947-95, § 5, 7-24-95; Ord. 979-97, § 41, 7-14-97; Ord. 1216-06, 7-24-06; Ord. 1427-19, § 36, 11-25-19)

TDC 72.090. Reduction in Setback Requirements.

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

(Ord. 721-87, § 3, 5-26-87; Ord. 933-94, § 38, 11-28-94; Ord. 947-95, § 5, 7-24-95; Ord. 979-97, § 42, 7-14-97; Ord. 1216-06, 7-24-06; Ord. 1427-19, § 37, 11-25-19)

TDC 72.100. Parks Systems Development Charge (SDC) Credit.

Tualatin Municipal Code Chapter 2-6 (System Development Charges) establishes a System Development Charge for Parks in residential planning districts. The ordinance contains provisions for credits against the Parks SDC, subject to certain limitations and procedures. Credit may be received up to the full amount of the Parks SDC fee. Dedication of NRPO District Areas, or vegetated corridors located within or adjacent to the NRPO District listed in the SDC capital improvement list are eligible for a SDC credit. Dedication and improvement of bicycle and pedestrian paths may also be eligible for a SDC credit.

(Ord. 933-94, § 39, 11-28-94; Ord. 947-95, § 5, 7-24-95; Ord. 979-97, § 43, 7-14-97; Ord. 1427-19, § 38, 11-25-19)

TDC 72.110. Easements for Pedestrian and Bicycle Access.

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

(Ord. 933-94, § 40, 11-28-94; Ord. 947-95, § 5, 7-24-95; Ord. 979-97, § 44, 7-14-97; Ord. 1427-19, § 39, 11-25-19)

TDC 72.120. Wetlands Protection District.

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

(Ord. 933-94, § 41, 11-28-94; Ord. 947-95, § 5, 7-24-95; Ord. 979-97, § 45, 7-14-97)

TDC 72.130. Floodplain District.

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

(Ord. 933-94, § 42, 11-28-94; Ord. 947-95, § 5, 7-24-95; Ord. 979-97, § 46, 7-14-97)



TDC 72.140. Dedication of Land for Park Purposes.

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

(Ord. 933-94, § 43, 11-28-94; Ord. 947-95, § 5, 7-24-95; Ord. 979-97, § 47, 7-14-97)

TDC 72.150. Modifications for Storm Drainage Improvements.

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

(Ord. 933-94, § 44, 11-28-94; Ord. 947-95, § 5, 7-5-95; Ord. 979-97, § 48, 7-14-97)

Response: The 124th Commerce Center project meets all standards and approval criteria of the Tualatin Development Code. The proposed Partition Plan does not affect compliance with any of the standards outlined in Chapter 72. Refer to the Architectural Review and Lot Line Adjustment Narrative dated April 14, 2023, and the AR 23-0004 Notice of Decision dated December 22, 2023.

Chapter 73A: Site Design Standards

TDC 73A.110. General Design Standards.

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

- (1) *Walkways.* Development must provide walkways as follows:
 - (a) Walkways must have a minimum width of:
 - (i) Six feet for commercial and institutional uses; and
 - (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.
- (2) *Accessways.*
 - (a) *When Required.* Accessways are required to be constructed when a multi-family development is adjacent to any of the following:
 - (i) Residential property;



- (ii) Commercial property;
 - (iii) Areas intended for public use, such as schools and parks; and
 - (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.
- (b) **Design Standard.** Accessways must meet the following design standards:
- (i) Accessways must be a minimum of eight feet in width;
 - (ii) Public accessways must be constructed in accordance with the Public Works Construction Code;
 - (iii) Private accessways must be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete;
 - (iv) Accessways must meet ADA standards applicable at time of construction or alteration;
 - (v) Accessways must be provided as a connection between the development's walkway and bikeway circulation system;
 - (vi) Accessways must not be gated to prevent pedestrian or bike access;
 - (vii) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways, and greenways where a bike or pedestrian path is designated; and
 - (viii) Must be constructed, owned and maintained by the property owner.
- (c) **Exceptions.** The Accessway standard does not apply to the following:
- (i) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland; and
 - (ii) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development must enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement recorded is subject to the City's review and approval.
- (3) **Drive-up Uses.** When permitted, drive-up uses must comply with the following:
- (a) Provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:
 - (i) Banks—Each lane must be 100 feet long;
 - (ii) Restaurants—Each lane must be 160 feet long; and
 - (iii) Other uses—Each lane must be between 80 and 160 feet long, as determined by the City.
 - (b) Stacking area must not interfere with safe and efficient access to other parking areas on the property.
 - (c) Drive-up aisles and windows must be a minimum of 50 feet from residential zones.
 - (d) The width and turning radius of drive-up aisles must be approved by the City.
 - (e) A wall or other visual or acoustic may be required by the City.
- (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.
- (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.
- (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.

(Ord. No. 1486-24, § 11, 6-10-24)

Response: The 124th Commerce Center project meets all standards and approval criteria of the Tualatin Development Code. The proposed Partition Plan does not affect compliance with any of the standards outlined in Chapter 73A. Refer to the Architectural Review and Lot Line Adjustment Narrative dated April 14, 2023, and the AR 23-0004 Notice of Decision dated December 22, 2023.

Chapter 73B: Landscaping Standards

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

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



**Table 73B-1
Required Minimum Landscape Area**

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
(1) RL, RML, RMH, RH and RH/HR zones—Permitted Uses	None	None
(2) RL, RML, RMH, RH and RH/HR zones—Conditional Uses, except Small Lot Subdivisions	25 percent of the total area to be developed	20 percent of the total area to be developed
(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
(4) CO, CR, CC, CG, MUC, ML and MG zones within the Central Tualatin Overlay—All uses	10 percent of the total area to be developed	7.5 percent of the total area to be developed
(5) IN, CN, CO/MR, MC and MP zones—All uses	25 percent of the total area to be developed	22.5 percent of the total area to be developed
(6) BCE zone—All uses; Industrial Business Park Overlay District and MBP—must be approved through Industrial Master Plans	20 percent of the total area to be developed	Not applicable
* 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.		

(Ord. No. 1438-20, § 21, 6-22-20; Ord. No. 1480-23, § 11, 8-28-23; Ord. No. 1486-24, § 12, 6-10-24)

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

- (1) *General.* In addition to requirements in TDC 73B.020, nonresidential uses, except those located in the Mixed-Use Commercial (MUC) zone which has its own standards, must comply with the following:
 - (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
 - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.
 - (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:
 - (i) Pedestrian amenities such as landscaped plazas and arcades; and
 - (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.
 - (c) Five-foot wide landscaped area requirement does not apply to:
 - (i) Loading areas;
 - (ii) Bicycle parking areas;
 - (iii) Pedestrian egress/ingress locations; and
 - (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.



- (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.
 - (e) Landscape screening provisions are superseded by the vision clearance requirements of Figure 73-2.
- (2) *Wetland Buffer.* Wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:
- (a) Area counted as landscaping is limited to a maximum of two and one-half percent (of the total land area to be developed);
 - (b) Area to be counted as landscape must be within the boundaries of the subject property;
 - (c) No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel;
 - (d) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer must perform, or bear the cost of, all necessary mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Clean Water Services; and
 - (e) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer must include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Clean Water Services as part of the Architectural Review submittal. The developer must complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.

(Ord. No. 1438-20, § 22, 6-22-20; Ord. No. 1486-24, § 12, 6-10-24; Ord. No. 1451-25, § 11, 8-11-25)

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

The following are minimum standards for landscaping for all zones.

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

(1) Required Landscape Areas	<ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot be used to meet this requirement. • A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
(2) Fences	<ul style="list-style-type: none"> • Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
(3) Tree Preservation	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction: <ul style="list-style-type: none"> ◦ Must provide above and below ground protection for existing trees and plant materials identified to remain; ◦ Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; ◦ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; ◦ Top soil storage and construction material storage must not be located within



	<p>the drip line of trees designated to be preserved;</p> <ul style="list-style-type: none"> ◦ Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and ◦ Tree root ends must not remain exposed. <ul style="list-style-type: none"> • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. <ul style="list-style-type: none"> • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100 percent of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
(4) Grading	<ul style="list-style-type: none"> • After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.
(5) Irrigation	<ul style="list-style-type: none"> • Landscaped areas must be irrigated with an automatic underground or drip irrigation system.
(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> • Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

**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



	Options	Width (feet)	Trees (per linear feet of buffer)	Shrubs or Groundcover	Screening
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

(Ord. No. 1486-24, § 12, 6-10-24)

Ord. No. 1486-24, § 12, adopted June 10, 2024, repealed §§ 73B.060 and 73B.070 and renumbered §§ 73B.080 and 73B.090 as §§ 73B.060 and 73B.070. Former §§ 73B.060 and 73B.070 pertained to additional minimum landscaping requirements for industrial and institutional uses and derived from Ord. No. 1438-20, §§ 24, 25, adopted June 22, 2020.

TDC 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**

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



(Ord. 1414-18, 12-10-18; Ord. No. 1438-20, § 27, 6-22-20; Ord. No. 1480-23, § 11, 8-28-23; Ord. No. 1486-24, § 12, 6-10-24)

Editor's note(s)—See editor's note, § 73B-060.

Response: The 124th Commerce Center project meets all standards and approval criteria of the Tualatin Development Code. The proposed Partition Plan does not affect compliance with any of the standards outlined in Chapter 73B. Refer to the Architectural Review and Lot Line Adjustment Narrative dated April 14, 2023, and the AR 23-0004 Notice of Decision dated December 22, 2023.

Chapter 73C: Parking Standards

TDC 73C.030. Parking Lot Design Requirements.

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

- (1) *Parking Space and Aisle Dimensions.* Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1.
 - (a) Exception: Parking structures and underground parking where space length and width requirements for a standard size space may be reduced by one-half feet and vehicular access at the entrance may be a minimum of 18 feet in width, if gated.
- (2) *Surface Materials.*
 - (a) Parking areas must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel is not an acceptable material;
 - (b) Pavers, pervious concrete, or grasscrete are encouraged for parking spaces in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor; and
 - (c) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks.
- (3) *Wheel Stops.* Parking bumpers, wheel stops, or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.
- (4) *Circulation.*
 - (a) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site; and
 - (b) Groups of more than four parking spaces must be located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way, other than an alley.
- (5) *Lighting.* Artificial lighting, must be deflected to not shine or create direct glare on adjacent properties, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor.
- (6) *Screening.*
 - (a) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200-230; and
 - (b) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.



- (7) **Accessible Parking.** Accessible parking spaces must meet federal and state building code standards applicable at time of construction or alteration. Such parking spaces must be sized, signed, and marked in compliance with ORS 447.
- (8) **Compact Parking.** Parking spaces for sub-compact vehicles must not exceed 35 percent of the total parking provided.
- (9) **Employee Parking.** New commercial, institutional, and/or industrial developments with more than 50 parking spaces, must provide preferential parking for carpools and vanpools. The number of carpool/vanpool parking spaces shall be at least ten percent of the amount of parking spaces provided.
- (10) **Electrical Service Capacity.** Electrical service capacity, as defined in ORS 455.417 must be provided to new off-street parking spaces subject to the following standards. Variance requests to these standards are prohibited.
 - (a) Non-residential development and residential or mixed use developments with less than five dwelling units must provide electrical service capacity to a minimum of 20 percent of all off-street vehicle parking spaces on the site.
 - (b) Residential or mixed-use development with five or more dwelling units must provide electrical service capacity to a minimum of 40 percent of all off-street vehicle parking spaces on site.
- (11) **Maximum Coverage.** For developments with more than 65,000 square feet of floor area on site, the total area of surface parking must not exceed the total square footage of the floor area on that site.
- (12) **Tree Canopy.** Tree canopy must be provided over parking areas in compliance with the following standards.
 - (a) Developments with off-street parking areas less than one-half acre (21,780 square feet) in size, as measured using the method provided in TDC 73C.020, must provide a minimum effective tree canopy coverage of 30 percent over all parking areas.
 - (b) Developments with off-street parking areas of one-half acre (21,780 square feet) or more, as measured using the method provided in TDC 73C.020, must provide trees along driveways.
 - (i) Trees must be planted an average of not more than 30 feet on center, except when interrupted by driveways, drive aisles, and other site design considerations; and
 - (ii) The required landscape area must be a minimum of five feet in width, as measured from the inside of any proposed curb.
 - (c) Development of a tree canopy plan under this section shall be done in coordination with the local utility provider.
- (13) **Climate Mitigation.** Developments with off-street parking areas of one-half acre (21,780 square feet) or more, as measured using the method provided in TDC 73C.020, must provide at least one of the following:
 - (a) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property, subject to Tualatin Development Code standards.
 - (b) Invest at least 1.5 percent of the project cost on green energy, in compliance with OAR 330-135-0010. This provision applies to public projects only.
 - (c) Tree canopy covering at least 40 percent of the new parking lot area at maturity, but no more than 15 years after planting.

(Ord. No. 1486-24, § 13, 6-10-24)



TDC 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.

TABLE 73C-1: Off-Street Vehicle and Bicycle Parking Quantity Requirements				
USE	MAXIMUM PERMITTED VEHICLE PARKING		MINIMUM PERMITTED BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
	Zone A	Zone B		
(a) Residential Uses				
(i) Single-family dwellings and accessory dwelling units	None	None	None Required	N/A
(ii) Middle Housing: a. Duplexes b. Triplexes c. Quadplexes d. Townhouses e. Cottage Clusters	None	None	None Required	N/A
(iii) Multi-family dwellings: a. studio units b. non-studio units	a. 1.2 spaces per unit b. 2.0 spaces per unit	None	1.0 space per unit	100
(iv) Retirement housing facility	None	None	0.50 space per unit	50
(v) Congregate care, assisted living and	None	None	2, or 0.20 spaces per dwelling unit; whichever is greater	50
(vi) Residential facilities	None	None	2, or 1.0 space for every six beds; whichever is greater	50
(b) Institutions				



TABLE 73C-1: Off-Street Vehicle and Bicycle Parking Quantity Requirements				
USE	MAXIMUM PERMITTED VEHICLE PARKING		MINIMUM PERMITTED BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
	Zone A	Zone B		
(i) Convalescent home, or nursing home	None	None	2, or 1.0 space for every six beds; whichever is greater	50
(ii) Hospital	None	None	1 space per 1,000 gross square feet	10 spaces or 40 percent whichever is greater
(c) Places of Public Assembly				
(i) Library, reading room	None	None	2, or 1.5 spaces per 1,000 gross square feet; whichever is greater	10
(ii) Nursery, primary, elementary or middle school, child day care center	None	None	4, or 1.0 space per five students based on the design capacity of the facility; whichever is greater	75
(iii) Senior high school	0.3 spaces per student and staff	0.3 spaces per student and staff	4, or 1.0 space per five students based on the design capacity of	25
(iv) Other places of public assembly, including churches	0.6 spaces per seat	0.8 spaces per seat	1.0 space per 40 seats or 80 feet of bench length	35
(d) Commercial Amusements				
(i) Theater	0.4 spaces per seat	0.5 spaces per seat	1.0 space per 30 seats	10
(ii) Bowling alley	5.4 spaces per 1,000 square feet of gross floor area	6.5 spaces per 1,000 square feet of gross floor area	4 spaces, or 0.5 spaces per lane; whichever is greater	40
(iii) Dance hall, skating rink	5.4 spaces per 1,000 square feet of gross floor area	6.5 spaces per 1,000 square feet of gross floor area	2.0 spaces per 1,000 square feet of floor area	50
(iv) Racquet court, health club	1.3 spaces per 1,000 square feet of gross floor area	1.5 spaces per 1,000 square feet of gross floor area	2.0 spaces per 1,000 square feet of exercise area	50
(e) Commercial				
(i) General retail—grocery stores, convenience stores, specialty retail and shops	5.0 spaces per 1,000 square feet of gross floor area	6.2 spaces per 1,000 square feet of gross floor area	0.5 space per 1,000 square feet of gross floor area	50
(ii) Bulk retail—furniture and home furnishings, appliances, building materials,	5.0 spaces per 1,000 square feet of gross floor area	6.2 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.2 space per 1,000 square feet of sales floor area; whichever is greater	50



TABLE 73C-1: Off-Street Vehicle and Bicycle Parking Quantity Requirements				
USE	MAXIMUM PERMITTED VEHICLE PARKING		MINIMUM PERMITTED BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
	Zone A	Zone B		
and similar large items				
(iii) Banks/Savings and loans	5.0 spaces per 1,000 square feet of gross floor area	6.5 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.33 spaces per 1,000 square feet; whichever is greater	10
(iv) Medical & dental offices	4.9 spaces per 1,000 square feet of gross floor area	5.9 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.33 spaces per 1,000 gross square feet; whichever is greater	10 spaces or 40 percent; whichever is greater
(vi) General office	3.4 spaces per 1,000 square feet of gross floor area	4.1 spaces per 1,000 square feet of gross floor area	2 spaces, or 0.5 spaces per 1,000 gross square feet; whichever is greater	10 spaces or 40 percent; whichever is greater
(vii) Restaurant	19.1 spaces per 1,000 square feet of gross floor area	23.0 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 gross square feet	25
(viii) Drive-up restaurant	12.4 spaces per 1,000 square feet of gross floor area	14.9 spaces per 1,000 square feet of gross floor area	2 spaces per 1,000 gross square feet	25
(viii) Motel	None	None	0.2 space per room	10
(ix) Mortuary	None	None	1.0 space per 40 seats or 80 feet of bench length	10
(x) Park and ride lots	None	None	5 percent of auto spaces	100
(xi) Major transit stops (not Park and Ride lots)	None	None	4	100
(f) Industrial				
(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
(iii) Wholesale establishment	None	None	2 spaces, or 0.5 spaces per 1,000 gross square feet; whichever is greater	5 spaces or 30 percent; whichever is greater
(g) Exempt Uses				
(i) Commercial Parking Structures	Exempt	Exempt	Exempt	Exempt
(ii) Fleet Parking	Exempt	Exempt	Exempt	Exempt



(Ord. No. 1486-24, § 13, 6-10-24)

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

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

- (1) *Residential Use.* Minimum requirements for residential uses:
 - (a) Ingress and egress for single-family residential uses and duplexes, must be paved to a minimum width of ten feet. Maximum driveway widths must not exceed 26 feet for one and two car garages, and 37 feet for three or more car garages. For the purposes of this section, driveway widths must be measured at the right-of-way line.
 - (b) Parking lots driveways and walkways for townhouses, triplexes, quadplexes, and cottage clusters must be provided consistent with the provisions of Chapter 73A.
 - (c) Ingress and egress for multi-family residential uses must not be less than the following:

Dwelling Units	Minimum Number Required	Minimum Width	Walkways, etc.
5—19	1	24 feet	No walkways or curbs required
20—49	1 or 2	24 feet 16 feet (one way)	6-foot walkway, 1 side only; curbs required
50—499	1 or 2	32 feet 24 feet	6-foot walkway, 1 side only; curbs required
Over 500	As required by City Manager	As required by City Manager	As required by City Manager

- (2) *Commercial Uses.* Ingress and egress for commercial and institutional uses must not be less than the following:

Provided Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, etc.
1—99	1	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
100—249	2	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

- (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
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

- (4) *Institutional Uses.* Ingress and egress must not be less than 24 feet. In all other cases, ingress and egress for institutional uses must not be less than the following:



Provided Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, etc.
1—99	1	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
100—249	2	32 feet for first 50 feet from ROW, 24 feet thereafter	Curbs required; walkway 1 side only
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

- (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.

(Ord. No. 1486-24, § 13, 6-10-24)

PARKING LOT LANDSCAPING

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

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

- (1) *General.* Locate landscaping or approved substitute materials in all areas not necessary for vehicular parking and maneuvering.
- (2) *Clear Zone.* Clear zone required for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of eight feet as measured from the ground level.
 - (a) Exception: does not apply to parking structures and underground parking.
- (3) *Perimeter.* Minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following.
 - (a) Deciduous trees located not more than 30 feet apart on average as measured on center;
 - (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;



- (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;
 - (d) Native trees and shrubs are encouraged; and
 - (e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.
- (4) *Landscape Island*. Minimum 25 square feet per parking space must be improved with landscape island areas and must comply with the following.
- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;
 - (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;
 - (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;
 - (d) Landscape separation required for every eight continuous spaces in a row.
 - (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;
 - (f) Must be planted with groundcover or shrubs;
 - (g) Native plant materials are encouraged;
 - (h) Landscape island areas with trees must be a minimum of five feet in width (from inside of curb to curb);
 - (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and
 - (j) Exceptions:
 - (i) Landscape square footage requirements do not apply to parking structures and underground parking.
- (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.

(Ord. No. 1486-24, § 13, 6-10-24)

Response: The 124th Commerce Center project meets all standards and approval criteria of the Tualatin Development Code. The proposed Partition Plan does not affect compliance with any of the standards outlined in Chapter 73C. Refer to the Architectural Review and Lot Line Adjustment Narrative dated April 14, 2023, and the AR 23-0004 Notice of Decision dated December 22, 2023.



Chapter 74: Public Improvement

TDC 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).
 - (i) For subdivisions or partitions, the dedication must be shown on the final subdivision or partition plat prior to approval of the plat by the City, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.
 - (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.
 - (d) In addition to land adjacent to an existing or proposed street, the requirements of this section apply to land separated from such a street only by a railroad right-of-way.
 - (e) The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County, and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.
 - (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.
- (2) *Street Connectivity and Future Street Extensions.* Streets must be extended to the proposed development site boundary and must comply with the minimum location, orientation, and spacing identified in the Functional Classification Plan (Comprehensive Plan Map 8-1), Local Streets Plan (Comprehensive Plan Map 8-3), Typical Street Design Standards (Figures 74-1A through 74-1B), Access Management (Chapter 75), and the following standards:
 - (a) Local streets and major driveways, as defined in TDC 31.060, proposed as part of new residential or mixed residential/commercial developments must comply with the following standards:
 - (i) *Maximum Block Length and Perimeter.*
 - (A) The block length shall not exceed 400 feet, and the block perimeter shall not exceed 1,600 feet, except where prevented by barriers.
 - (B) The maximum block length and perimeter standard may be met with a full street connection, an alley that conforms with the standards in TDC 74.070, or a mid-block pedestrian and bicycle accessway that conforms with the standards in TDC 74.100.



- (ii) *Culs-de-sac.*
 - (A) Where provided, culs-de-sac and closed-end streets must be no longer than 200 feet and shall provide access to no more than 25 dwelling units, except for streets stubbed to future developable areas.
 - (B) If the end of a proposed cul-de-sac or other closed-end street is within 150 feet of a street or other public pedestrian facility, a bicycle and pedestrian accessway shall connect the cul-de-sac/closed-end street to the pedestrian facility, unless prevented by barriers. The accessway connection must meet the standards in TDC 74.100.
- (b) For residential or mixed residential/commercial redevelopments of a site over two acres that does not meet the block length or connectivity standards in TDC 74.030(2)(a), new connections meeting these standards shall be required, provided the City Manager makes findings that the required improvements have a clear nexus with, and are roughly proportional to, the development's impacts.
- (c) Streets proposed as part of new industrial or commercial development must comply with Functional Classification Plan (Comprehensive Plan Map 8-1).

(Ord. No. 1451-25, § 13, 8-11-25)

TDC 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 than 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.

(Ord. No. 1451-25, § 13, 8-11-25)

TDC 74.080. Easements.

- (1) Easements shall be required for the following:
 - (a) Greenways, natural areas, and bikeway and pedestrian paths;



- (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;
 - (d) Watercourse or drainage way areas that traverse development; and
 - (e) Public improvement maintenance.
- (2) For subdivision and partition applications, easement areas must be dedicated to the City on the final subdivision or partition plat, prior to approval of the plat by the City.
 - (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.
 - (5) When storm water easements are required, the easement must be sized to accommodate the existing water course and all future improvements in the drainage basin. There may be additional requirements as set forth in TDC Chapter 72, Greenway and Riverbank Protection District.
 - (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.

(Ord. No. 1451-25, § 13, 8-11-25)

TDC 74.090. Bikeways and Pedestrian Paths.

- (1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path identified in the Bicycle and Pedestrian Plan (Comprehensive Plan Map 8-4), it must be constructed within an easement or dedication provided to the City.
- (2) Where required, bikeways and pedestrian paths must be provided as follows:
 - (a) Bike and pedestrian paths must be constructed and surfaced in accordance with the Public Works Construction Code.
 - (b) The applicant must install the striping and signing of the bike lanes and shared roadway facilities, where designated.

(Ord. No. 1451-25, § 13, 8-11-25)

TDC 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.
 - (b) If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the Water System Plan (Comprehensive Plan Map 9-1).
 - (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.
 - (b) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up-stream areas that can be expected to drain through the lines on the site, in accordance with the Sewer System Master Plan (Comprehensive Plan Map 9-2).
- (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.
 - (c) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with Storm System Master Plan (Comprehensive Plan Map 9-3).
- (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.
 - (i) For subdivision and partition 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 and must construct the improvements prior to approval of the final plat.
 - (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.
- (b) Existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.

(7) *Utility Service to Existing Structures.*

- (a) Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.
- (b) The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.
- (c) The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.

(Ord. No. 1451-25, § 13, 8-11-25)

TDC 74.120. Street Lights.

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

(Ord. No. 1451-25, § 13, 8-11-25)

TDC 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.

(Ord. No. 1451-25, § 13, 8-11-25)

TDC 74.150. Street Trees.

- (1) *Applicability and Authority.* The City Manager has jurisdiction over all trees planted or growing in or upon the public rights-of-way of the City and their planting, removal, care, maintenance and protection. It is unlawful



for a person to remove or injure a tree that is planted or growing in or upon a public right-of-way within the City, without a written permit from the City Manager.

- (2) **Development Review.** The location, type, size, and placement of street trees must be approved by the City.
 - (a) In residential subdivisions and partitions, the applicant must furnish and install street trees, prior to approval of final plat.
 - (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.
- (5) **Protection of Trees During Construction.**
 - (a) During the construction, repair, alteration or removal of a building or structure, trees in or upon a public right-of-way in the vicinity of the building or structure must be protected with a sufficient guard or fence to prevent injury to the tree.
 - (b) Excavations and driveways must not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Manager. During excavation or construction, the person must guard the tree within six feet and all building material or other debris must be kept at least four feet from any tree.
- (6) **Street Tree Voluntary Planting.** A person who desires to plant a tree in or upon a public right-of-way may submit a request to the City with payment of fee(s) so that the City may plant a street tree. If a stump exists where a street tree is to be planted, the person must remove the stump or pay a fee to the City, as established in the Tualatin Fee Schedule, so that the City may remove the stump on behalf of the person. In all instances, a person who desires to plant a tree must comply with other applicable TDC sections and any additional requirements of the City Manager.
- (7) **Attachments to Trees.** It is unlawful for a person to attach or keep attached a rope, wire, chain, sign or other device to a tree in or upon a public right-of-way or to the guard or stake intended for the protection of such tree.
- (8) **Maintenance Responsibilities.** Trees, plants, or shrubs standing in or upon a public right-of-way, on public or private grounds that have branches projecting into the public street or sidewalk must be kept trimmed by the owner of the property adjacent to or in front of where such trees, plants, or shrubs are growing so that:
 - (a) The lowest branches are a minimum of 12 feet above the surface of the street and a minimum of 14 feet above the surface of streets designated as state highways or County Roads.
 - (b) The lowest branches are a minimum of eight feet above the surface of a sidewalk or footpath.
 - (c) A plant, bush, or shrub must not be more than 24 inches in height in the triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, such an area defined by a line across the corner between the points on the street right-of-way line measured ten feet back from the corner, and extending the line to the street curbs or, if there are no curbs, then to that portion of the street or alley used for vehicular traffic. Plants, bushes, or shrubs must also be trimmed to provide adequate sight distance for drivers pulling out from streets, driveways, and other intersections.
 - (d) Newly planted trees may remain untrimmed if they do not interfere with street traffic or persons using the sidewalk or obstruct the light of a street electric lamp.
- (9) **Notice of Violation.** When the owner, lessee, occupant or person in charge of private grounds neglects or refuses to trim a tree, shrub, or plant as provided in this section, the City Manager may provide a written notice of violation. The notice must be served upon the owner, lessee, occupant or person in charge either



by "Certified Mail-Return Receipt Requested," or by posting the same notice on the property or near to the trees, shrubs or plants to be trimmed.

- (a) If the owner, lessee, occupant or person in charge of the property fails and neglects to trim the trees, shrubs, or plants within ten days after service of the notice, the City Manager may trim the trees, shrubs or plants. Such trimming by the City does not act to relieve such owner, lessee, occupant or person in charge of responsibility for violating this Chapter.
- (b) A person who fails to trim a tree or shrub for which notice to do so was provided, must, upon conviction, be fined not more than \$100.00.

(10) *Street Tree Emergencies.* If emergency conditions require the immediate cutting or removal of street trees to avoid danger or hazard to persons or property, the City Manager may issue emergency permits without payment of fees and formal applications. If the City Manager is unavailable, the adjacent property owners may proceed to cut the trees without permits to the extent necessary to eliminate the immediate danger or hazard. If a street tree is cut under this section without filing an application with the City Manager, the person doing so must report the action to the City Manager within two City business days without payment of fee and must provide such information and evidence as may be reasonably required by the City Manager to explain and justify the removal.

- (a) In all instances, a person who removes a street tree as a result of an emergency must replace it within 60 days of notifying the City Manager. The City reserves the right to waive this requirement.
- (b) A person who fails to comply with TDC 74.150(9) must pay an enforcement fee, and a restoration fee to the City of Tualatin, as set forth in TDC 33.110, in addition to civil penalties in TDC 31.111.
- (c) If no emergency is found to exist, no person must cut or remove a street tree without complying with the requirement of the Tualatin Development Code.

(11) *Removal or Treatment by City.* The City Manager may remove or require removal of a tree, plant, or shrub growing in or upon a public right-of-way when its nature causes an unsafe condition, is injurious to sewers or public improvements, or is affected with a fungus disease, insect, or other pest. When, in the opinion of the City Manager, trimming or treatment of a tree or shrub located on private grounds, but having branches extending over a public right-of-way is necessary, the City Manager may trim such branches or order the branches to be trimmed.

(12) *Street Tree Removal Permit and Fees.* A person who desires to remove a tree, as defined in TDC 31.060, in or upon public right-of-way must submit an application to the City.

- (a) Upon the City Manager approving the removal of a street tree, the applicant or designated contractor must replace each removed tree on a one-for-one basis by fulfilling the following requirements:
 - (i) Remove both the tree and stump prior to planting a replacement tree, or request the City to remove the tree and stump and pay the applicable fee(s) established in in the City of Tualatin Fee Schedule; and
 - (ii) Replace the removed tree by planting a species of street tree permitted by the City within the time period specified in writing by the City Manager; or, the applicant may request within 60 days of the permit approval date that the City replace the street tree and pay the applicable fee(s) established in the City of Tualatin Fee Schedule. If an applicant opts for the City to plant the replacement tree, the City may plant the tree on its usual tree-planting schedule. Planting done by the applicant or designated contractor must comply with all applicable TDC sections and any additional requirements imposed by the City Manager.
 - (iii) The applicant must comply with all applicable TDC sections and additional requirements imposed by the City Manager. The City Manager may waive the one-for-one replacement requirement if the City Manager determines that the replacement would:
 - (A) Conflict with public improvements or utility facilities, including, but not limited to, fire hydrants, water meters and pipes, lighting fixtures, traffic control signs; private



improvements or utility facilities—including, but not limited to, driveways and power, gas, telephone, cable television lines; or, minimum vision clearance;

- (B) Interfere with the existing canopy of adjacent trees, the maturation of the crown of the proposed replacement tree, or both;
 - (C) Cause a conflict by planting trees too close to each other, hurting their health; and
 - (D) Direct how to plant replacement tree(s).
- (b) A person who fails to comply with the street tree removal permit must pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 33.110, in addition to civil penalties in TDC 31.111.
- (c) A person who applies to remove a street tree must pay all costs incurred by the City as reflected in the applicable fees listed in the city of Tualatin Fee Schedule. City actions and associated fees include but are not limited to inspection of a street tree requested for removal, removal of a street tree, removal of a stump, planting of a street tree, and inspection(s) to determine if the applicant has fulfilled permit requirements.
- (d) When a street tree removal permit is denied by the City Manager, an order is issued by the City Manager directing certain trees, shrubs or plants to be trimmed or removed, or a permit is granted by the City Manager containing conditions which the applicant deems unreasonable, the applicant may appeal to the Council in writing and filed with the City Recorder within ten City business days after the denial of the permit sought or the making of the order the appellant deems unreasonable. After hearing, the Council may either grant or deny the application, rescind or modify the order from which the appeal was taken.

(Ord. No. 1451-25, § 13, 8-11-25)

TDC 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.
 - (b) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.
 - (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.
 - (b) The applicant may build the development in phases. If the development is to be phased the applicant must submit a phasing plan to the City Manager for approval with the development application. The



timing and extent or scope of public improvements and the conditions of development must be determined by the City Council on subdivision applications and by the City Manager on other development applications.

(Ord. No. 1451-25, § 13, 8-11-25)

Response: The public transportation and utility systems adjacent to the Partition Plan meet the public improvement requirements of TDC Chapter 74. The 124th Commerce Center project proposes a 12-foot-wide, multi-use path and right-of-way dedication along the entire project frontage on the east side of SW 124th Avenue to align with the 2045 Transportation System Plan. An 8-foot public utility easement is proposed along the west side of Lot A and Lot B adjacent to SW 124th Avenue. A shared access easement is proposed at the driveway located between Lot A and Lot B. Lot C includes sensitive areas and vegetated corridors, and it will remain undeveloped with a water quality preservation easement to benefit Clean Water Services. The proposed Partition Plan does not affect compliance with any of the standards outlined in Chapter 74. Refer to the Architectural Review and Lot Line Adjustment Narrative dated April 14, 2023, and the AR 23-0004 Notice of Decision dated December 22, 2023.

Chapter 75: Access Management

TDC 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).
 - (a) At an intersection with a collector or arterial street, driveways must be located a minimum of 150 feet from the intersection and must be outside marked turn lanes or areas where vehicles regularly queue to get through the intersection as may be determined by a traffic study.
 - (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.
- (5) *Existing driveways.* If development occurs on properties with existing driveways, the City Manager may restrict the existing driveways to right-in and right-out by construction of raised median barriers or other means, or may require closure of driveways beyond the minimum needed to serve the site.
- (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:
 - (i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
 - (ii) A design speed of ten mph and a 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
 - (iv) A unified access and circulation system plan for coordinated or shared parking areas.
- (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;
 - (ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - (iii) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners; and
 - (iv) If subsection(i) through (iii) above involve access to the state highway system or county road system, ODOT or the county must be contacted and must approve changes to subsection(i) through (iii) above prior to any changes.

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

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

(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.

(Ord. No. 1451-25, § 14, 8-11-25)

TDC 75.030. Access Spacing Standards.

- (1) Future streets are shown in Functional Classification Plan (Comprehensive Plan Map 8-1) and Local Streets Plan (Comprehensive Plan Map 8-3). These streets are shown as corridors with the exact location determined through the partition, subdivision, public works permit or Architectural Review process.
- (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.
 - (b) Limited access intersections are restricted to right-in/right-out turn movements. In some cases, left-in turn movements may be permitted.
 - (c) The following are access limited roadways:
 - (1) Basalt Creek Parkway
 - (A) 124th Avenue to Boones Ferry Road: Access shall be limited to Grahams Ferry Road and Boones Ferry Road.
- (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

Functional Classification	Minimum Access Spacing: Unrestricted	Minimum Access Spacing: Limited
Primary Arterial	800 feet	400 feet
Arterial	400 feet	200 feet
Collector	200 feet	100 feet



Connector	150 feet from an intersection with an Arterial or Collector	-
Neighborhood Route	150 feet from an intersection with an Arterial or Collector	-
Local	100 feet from an intersection with an Arterial or Collector	-

(Ord. No. 1451-25, § 14, 8-11-25)

Response: The Partition Plan conforms to the access management requirements of TDC Chapter 75. Permit applications for the driveway approaches will be submitted separately. The two driveway approaches accessing the site from SW 124th Avenue were designed to meet TDC 75.040 requirements. Refer to the Architectural Review and Lot Line Adjustment Narrative dated April 14, 2023, and the AR 23-0004 Notice of Decision dated December 22, 2023.

Conclusion

This narrative demonstrates compliance with all applicable criteria and standards of the Tualatin Development Code (TDC).

TDW/lsk

c: Bart Brynestad, Jessica Bruce - AHBL
Bjorn Brynestad - Panattoni Development Company, Inc.

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