



**PARTITION DECISION  
124<sup>TH</sup> COMMERCE CENTER PARTITION  
(PAR 25-0001)**

May 5, 2025

---

Case #:	PAR 25-0001
Project:	124 <sup>th</sup> Commerce Center Partition
Location:	19000 SW 124 <sup>th</sup> Avenue (TL: 2S127BB00100)
Applicant:	Jessica Bruce, AHBL, Inc.
Owner:	Tualatin 124, LLC

---

**TABLE OF CONTENTS**

I.	INTRODUCTION.....	2
A.	Applicable Criteria.....	2
B.	Site Description.....	2
C.	Proposed Project.....	2
D.	Previous Land Use Actions.....	2
E.	Surrounding Uses.....	2
F.	Exhibit List.....	3
II.	CONDITIONS OF APPROVAL.....	4
III.	FINDINGS.....	9
	Chapter 32: Procedures.....	9
	Chapter 36: Subdividing, Partitions, and Property Line Adjustments.....	17
	Chapter 61: General Manufacturing (MG) Zone.....	26
	Chapter 74: Public Improvement Requirements.....	30
	Chapter 75: Access Management.....	36
IV.	APPEAL.....	40

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



## I. INTRODUCTION

### A. Applicable Criteria

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

- TDC 32: Procedures
- TDC 36: Subdividing, Partitions, and Property Line Adjustments
- TDC 61: General Manufacturing (MG)
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

### B. Site Description

The site at 19000 SW 124<sup>th</sup> Avenue (Tax Lot: 2S127BB00100) is a 23.8-acre lot which is zoned General Manufacturing (MG). The property will take access from SW 124<sup>th</sup> Avenue. There are existing wetlands and neighboring properties to the east, neighboring properties to the north, and existing wetlands to the south, and the existing stormwater treatment and detention facility easement for 124<sup>th</sup> Avenue to the south. Most of the east side of the property is designated as a Natural Resource Protection Overlay District (NRPO), and a portion of the proposed development is located in the overlay.

On December 13, 2023, the Architectural Review Board approved with conditions Architectural Review 23-00004. This decision approved a three-building industrial development totaling 199,170 square feet on a 23.8-acre site in the General Manufacturing (MG) zone at 19000 SW 124<sup>th</sup> Avenue (Tax Lot: 2S127BB00100). The decision was granted a one-year extension during an Architectural Review Board hearing held on December 9, 2025. During the extension request hearing, the development plan was revised to increase Building A to 70,809 square feet and combine Building B and C into a single building of approximately 128,649 square feet for a total development of 199,458 square feet. The original AR 23-0004 decision and 2025 extension conditions are included as Exhibit C.

In 2023, City staff approved a Property Line Adjustment (PLA23-0003) (Exhibit D) for the project site that relocated the property line between Tax Lots: 2S127BB00100 and 2S127BB00200 at 19000 SW 124<sup>th</sup> Avenue and 12075 SW Tualatin Sherwood Road. The Property Line Adjustment was between the two existing lots and proposed to move the property line to the south, remaining as two lots.

### C. Proposed Project

AHBL, on behalf of, Tualatin 124, LLC, propose a partition application to divide an existing 24-acre lot into three parcels. The existing site, 19000 SW 124<sup>th</sup> Avenue (Tax Lot: 2S127BB00100), would result in a 4.92-acre parcel, 7.53-acre parcel and an 11.42-acre parcel in the General Manufacturing (MG) Planning District. 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.

### D. Previous Land Use Actions

- ANN 82-08 – Annexation

- AR 23-0004 – 124<sup>th</sup> Commerce Center

### **E. Surrounding Uses**

Surrounding uses include:

- North: General Manufacturing (MG)
- A & I Distributors
  - Albina Co., Inc.
- South: General Manufacturing (MG)
- Intel Corporate Center
  - MSI Portland
- West: General Manufacturing (MG)
- SW 124<sup>th</sup> Avenue
  - Tualatin Island Greens
- East: General Manufacturing (MG)
- Hedges D Parking Lot
  - Vacant Lot

### **F. Exhibit List**

- A: Application Materials
  - A1. Land Use Application & Narrative
  - A2. Preliminary Plans
  - A3. Service Provider Letters
  - A4. Supporting Documents
- B: Notice of Application
- C: Architectural Review Decision – AR23-0014
- D: Property Line Adjustment – PLA23-0003
- E: Clean Water Services Memorandum – April 23, 2026

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, PAR 25-0001 is **approved** subject to the following conditions:

---

### GENERAL:

---

- A1. The Tentative Partition Plan approval expires two years after 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).
- A2. The resulting parcels must conform to the applicable lot dimensions, setbacks, and density requirements for the MG zone found in TDC 61.300

---

### PRIOR TO ENGINEERING DIVISION PUBLIC WORKS, WATER QUALITY, AND IF APPLICABLE, EROSION CONTROL PERMIT ISSUANCE:

---

*Note: Future permits and land use development must meet Oregon Plumbing Specialty Code (OPSC), Clean Water Services, and City of Tualatin codes which are current at the time of application submittal to comply with, but not limited to, sanitary sewer, stormwater, and water.*

**Submit to the Engineering Division via [eTrakit](#) for review and approval:**

- A3. The applicant must apply for necessary Engineering Division Erosion Control, Water Quality, and Public Works permits (or wait for final approved and issued permits associated with AR23 AR23-0004: EC25-2129, PW25-2128, and WQ25-2123):
  - a. Apply using [eTrakit](#). With the initial Engineering Division permit(s) application(s) include:
    - i. Attaching one combined set of 22"x34" plans using NAVD 1988 with each submitted permit.
    - ii. Payment per the fee schedule for:
      - 1. An Erosion Control permit.
      - 2. Formal cost estimates and deposits for Public Works and Water Quality permits.
    - iii. All other permit intake submittals to complete the package. Including, but not limited to draft plat and associated documents to be recorded.
  - b. Deliver one 22"x34" hard copy of the combined Engineering Division permit plan set to:

**City of Tualatin**  
**Attn: Engineering Division c/o Principal Engineer**  
**10699 SW Herman Road**  
**Tualatin, OR 97062**
- A4. The applicant must obtain City approval of Final Street Improvement Plans adjacent to the proposed lots associated with the development, in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75, Public Works Construction Code (PWCC), or as alternately approved by the City Engineer, that show:
  - a. Plan and profile of public utilities as needed to demonstrate consistent horizontal and vertical alignments or improvements to existing public infrastructure.
  - b. The boundaries and nature of private and public access, utility, or other infrastructure supporting easements:
    - i. Existing with recorded document numbers.
    - ii. Proposed.
  - c. Dedication of:
    - i. Right-of-way with a minimum of:

1. Dedication of a total of 60 feet of right-of-way from the centerline plus any additional right-of-way necessary to accommodate a 12-foot-wide multi-use path, planter strip, and 0.5-foot-wide easement offset.
2. Additional right-of-way as needed to accommodate proposed roadway, parking areas, planter strip, or other associated features.
- ii. Public utility easements adjacent to rights-of-way.
  1. A minimum of 8-feet-wide.
  2. Required by PGE to:
    - a. Encompass poles and guy wires.
    - b. Surround underground vaults.
    - c. Access infrastructure.
- d. Construction including:
  - i. Cross-section (TDC [Figure 74-1A](#)) designed in accordance with Tualatin Public Works Construction Code, AASHTO standards, and as coordinated with the City Engineer (and shown on the plans submitted) for specific site constraints and conditions including:
    1. The frontage of SW 124<sup>th</sup> Avenue being reconstructed to include a 12-foot-wide multi-use path.
  - ii. Any sidewalks to remain within public right-of-way must be evaluated and improved as necessary to comply with ADA/PROWAG standards in accordance with the Tualatin Municipal Code.
- e. Street trees conforming in species and location with the street tree plan and City standards: <https://www.tualatinoregon.gov/recreation/street-trees>.
  - a. Select a species other than Ash from the approved list due to the invasive Emerald Ash Borer.
  - b. Provide at least 25 square feet of open ground about the base of the trunk for trees up to three inches in diameter.
  - c. Install root protection to protect public laterals and infrastructure.
  - d. Preserve the existing tree canopy to the maximum extent practicable and maximize the proposed tree canopy as much as feasible.
- f. Provide turning movement diagrams for all street connections showing:
  - i. Vision clearance triangles.
  - ii. Sight distances based on AASHTO standards.
  - iii. Adequate paved surface to accommodate associated vehicular movements allowing turning movements for the widest path design vehicle:
- g. Driveways with:
  - i. Minimum:
    1. Approach widths as provided in TDC 73C-090 measured at right-of-way.
    2. Spacing in accordance with City standards.
  - ii. Any joint uses identified and associated:
    1. Shared access easements adjacent to public right-of-way bounding the entire width of lots with depth to match the public utility easement plus any further onsite for circulation.
    2. Agreements established for future responsibility and maintenance.
- h. Street lighting plans for:
  - i. SW 124<sup>th</sup> Avenue meeting Washington County and City of Tualatin standards.
  - ii. Obtain PGE approval of the streetlight design. Submit payment to City to cover the City's cost per Street Light Rate Schedule 95, Option A.

- A5. The applicant must obtain City approval of Final Water System Plans in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
- a. The boundaries of existing public water easements with recorded document numbers.
  - b. Separate laterals to the main with gate valves for each:
    - a. One lateral for domestic and irrigation service, and another lateral for fire service.
    - b. Public stormwater facility irrigation service.
  - c. Separate appropriately sized water meters for each domestic or irrigation lateral located within the landscaping adjacent to public right-of-way or City Engineer approved alternate location with Reduced Pressure Backflow Assembly (RPBA).
  - d. Public fire hydrants meeting City standards and all spacing requirements of the Oregon Fire Code (OFC) and PWCC.
- A6. The applicant must obtain City approval of Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show:
- a. Location of the lines, grade, materials, and other details.
  - b. Separate laterals for each service, or as approved by the City Engineer.
  - c. Cleanouts adjacent to public right-of-way.
- A7. The applicant must obtain City approval of:
- a. Final Stormwater plans and approved Surface Water Management Report in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4:
    - i. Note: Ash species are not permissible due to the invasive Emerald Ash Borer.
    - ii. Stamped by an Oregon registered professional engineer in accordance with TMC 3-5-390(1).
    - iii. Showing:
      1. Conveyance from Lot A to a shared outfall on Lot B to minimize impacts to the wetlands to be maintained by Clean Water Services under their Vegetated Corridor Enhancement Fee program.
      2. A private stormwater easement and associated maintenance agreement for the stormwater lines from Lot A within Lot B to and including the shared outfall.
    - iv. Addressing runoff from all new and modified impervious areas:
      1. Separation of:
        - a. Public right-of-way runoff to (a) public stormwater facility(ies).
        - b. Private runoff to separate facilities on each lot prior to routing to a shared release.
      2. Showing gravity flow to and within the public stormwater system in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4).
      3. Confirming the capacities for quality, quantity, and hydromodification to include new and modified impervious areas.
      4. Providing a downstream analysis and including solutions within final plans:

- a. Downstream from the release from the development through the public stormwater system in accordance with CWS D&CS 2.04.2(m.3).
    - b. Including but not limited to observable downstream impacts to structures.
  5. In accordance with TDC 74 and CWS D&CS 3.01.2(d), complying with:
    - a. The submitted Clean Water Services' Service Provider Letter's, CWS File Number 22-002776 dated January 31, 2023 and amended September 14, 2025, conditions to obtain a Stormwater Connection Permit Authorization Letter.
    - b. Requirements stated within the Clean Water Services' Memorandum dated April 23, 2026.
  - b. Submitted:
    - i. Financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1.
    - ii. Copies of recorded private stormwater facilities agreements for each lot in accordance with TMC 3-5-390(4) and CWS D&CS 2.08.2:
      1. Clarifying the party responsible for maintenance of the constructed portions of stormwater systems.
      2. Referring to all new and existing stormwater treatment, hydromodification, and detention facilities.
- A8. The applicant must:
  - a. Obtain City approval of Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that minimize the impact of stormwater from the development to adjacent properties.

---

**PRIOR TO PRELIMINARY PLAT APPROVAL:**

---

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

- A9. The applicant must submit a Final Partition Plat in accordance with applicable sections of Tualatin Development Code (TDC) Chapter 36 that demonstrate:
  - a. The final plat must be consistent with the requirements of TDC 36.160.
  - b. The ownership and location of private easements and tracts, and the ownership and location of private improvements within public rights-of-ways and easements on the plat in compliance with TDC 36.310(2).
  - c. Applicant compliance with all limitations placed on the issuance of building permits prior to the completion of the final plat and all associated public improvements related to the partition. No permits shall be issued until the public improvements are substantially complete, in accordance with any alternative improvement agreement thresholds for County review in compliance with TDC 36.330.
  - d. Show private and public easements and dedication as approved by the City Engineer and shown within issued permits.

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

- A10. In accordance with Public Works Construction Code (PWCC) and Tualatin Development Code (TDC) 74 and 75, the applicant must submit a preliminary plat which shows the City

Engineer approved and surveyed, staked, and marked with a City approved boundary marker:

- a. Dedication of rights-of-way, private shared access and onsite circulation, private stormwater easement over Lot B for the benefit of Lot A to route to a shared outfall, public emergency vehicle access, and public utility easements. Public utility and maintenance access easements must adequately surround and maintain PGE or other utility infrastructure.
- b. All joint use driveway easements. Submit associated supporting satisfactory legal evidence presented to the City in the form of deeds, easements, leases or contracts to establish joint use to be recorded immediately after the plat including, but not limited to, private shared access easement and maintenance agreements.

A11. The applicant must obtain:

- a. National Pollution Discharge Elimination System (NPDES) Stormwater Discharge Permit.
- b. Necessary Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.

A12. If a Public Utility with a current Franchise agreement or Rights-of-Way License (PWCC 100 definitions) from Tualatin requires an applicant to participate in the process of obtaining a Franchise (PWCC 102.1.3 and 207 Public Utility) Permit, the applicant must perform in accordance with TDC 74.660 and 670, PWCC 207, TMC 03-06.

---

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

---

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

A13. The applicant must complete all the private and public improvements as shown on the approved permit plans. All improvements must be constructed and guaranteed as to workmanship and material and also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.

A14. The applicant must submit:

- a. An approved final erosion control inspection report.
- b. Pdf as-builts of the Engineering division permits.
- c. Maintenance bonds.
- d. Payment of any final fees for public improvements.

### III. FINDINGS

Findings reference the Tualatin Development Code (TDC), unless otherwise noted.

#### Chapter 32: Procedures

[...]

#### Section 32.010 – Purpose and Applicability.

[...]

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

[...]

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

[...]

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

Table 32-1 – Applications Types and Review Procedures

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
<b>Land Divisions</b>						
Partitions (limited land use)	II	CM	CC	Yes	Yes	TDC Ch. 36
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

#### **Finding:**

*The proposed partition application is subject to the Type II Procedure Type according to Table 32-1. The application has been processed according to the applicable code for Type II procedures. Any future development or construction will be reviewed under a separate Architectural Review application. This standard is met.*

[...]

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

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

[...]

**Finding:**

*The application was deemed completed on March 9, 2026. The 120<sup>th</sup> day will be July 7, 2026. The final action on this application must take place within 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.*

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

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

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

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

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

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

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

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

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

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

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

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

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

**(a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;**

- (b) The proposed use, layout, and/or design of the proposal have significantly changed; or**
- (c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.**

**Finding:**

*A Pre-Application Meeting is mandatory for the Type II land use procedure. The applicant participated in a Pre-Application Meeting on March 27, 2025. The applicant participated in follow-up meetings and calls prior to submitting their application. The applicant applied for a one-year extension of Architectural Review decision that was reviewed at an Architectural Review Board hearing on December 9, 2025. These standards are met.*

**Section 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.

**Finding:**

*The applicant provided evidence in Exhibit A4 that a Neighborhood Developer Meeting was held on November 18, 2025. The applicant has provided documentation of sign posting and notification in compliance with this section. These standards are met.*

**Section 32.130 – Initiation of Applications.**

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

- (a) The owner of the subject property;
- (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
- (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
- (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[...]

**Finding:**

*The applicant has provided a title report within Exhibit A4 showing Tualatin 124, LLC to be the current owner of the subject site. A letter of authorization was provided by a representative of Tualatin 124, LLC. This standard is met.*

**Section 32.140 – Application Submittal.**

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

- (a) A completed application form. The application form must contain, at a minimum, the following information:
  - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
  - (ii) The address or location of the subject property and its assessor's map and tax lot number;
  - (iii) The size of the subject property;
  - (iv) The comprehensive plan designation and zoning of the subject property;
  - (v) The type of application(s);
  - (vi) A brief description of the proposal; and
  - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (b) A written statement addressing each applicable approval criterion and standard;

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

**Finding:**

*The applicant submitted an application for PAR 25-0001 on December 30, 2025, and was deemed incomplete by staff on January 12, 2026. The applicant provided revised materials, and the application was formally deemed complete on March 9, 2026. The general land use submittal requirements were included in this application. These standards are met.*

**Section 32.150 - Sign Posting.**

- (1) When Signs Posted. Signs in conformance with these standards must be posted as follows:
- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
  - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.
- (2) Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:
- (a) Waterproof sign materials;
  - (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and
  - (c) Sign text must be at least two (2) inch font.
- (3) On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the

applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.

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

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

**Finding:**

*The applicant provided certification within Exhibit A4 that signs were placed on site in accordance with this section. These standards are met.*

**Section 32.160 – Completeness Review.**

(1) Duration. Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.

(2) Considerations. Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

(3) Complete Applications. If an application is determined to be complete, review of the application will commence.

(4) Incomplete Applications. If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

(5) Vesting. If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

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

[...]

**Finding:**

*The applicant submitted an application for partition (PAR25-0001) on December 30, 2025. The application was deemed incomplete on January 12, 2026. The applicant submitted additional materials on February 19, 2026, and the application was deemed complete on March 9, 2026. These standards are met.*

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

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

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

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

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

(a) **Recipients:**

(i) The applicant and the owners of the subject property;

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

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

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

(v) Any person who submits a written request to receive a notice;

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

(vii) Utility companies (as applicable).

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

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

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

(iii) The proposed site plan;

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

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

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

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

- (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;
  - (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;
  - (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;
  - (xi) A statement that comments received after the close of the public comment period will not be considered;
  - (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and
  - (xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.
- (c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.
- (d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.
- (4) Decision. At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:
- (a) Explains the criteria and standards considered relevant to the decision;
  - (b) States the facts relied upon in issuing the decision; and
  - (c) Explains the justification for the decision based on the criteria, standards and facts set forth.

**Finding:**

*After submittal and completeness review as required by this section, notice for the Type II application for PAR 25-0001 was emailed and mailed by city staff on March 9, 2026, and contained the information required by this section, as attached in Exhibit B. No public comments were received in response to the provided notice. These standards are met.*

- (5) Notice of Type II Decision. Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision must contain all of the following information:
- (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
  - (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
  - (c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
  - (d) The date the decision becomes final, unless an appeal is submitted; and

- (e) A statement that all persons entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.
- (6) Appeal of a Type II Decision. Appeals may be made in accordance with TDC 32.310.
- (7) Effective Date of Type II Decision. A Type II Decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise.

**Finding:**

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

**Chapter 36: Subdividing, Partitions, and Property Line Adjustments**

[...]

**Section 36.040 - Applications and Submittal Requirements.**

[...]

- (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) Existing and proposed streets (public and private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred feet of the site;
  - (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.

**Finding:**

*The applicant submitted an application for partition (PAR25-0001) on December 30, 2025. The application was deemed incomplete on January 12, 2026. The applicant submitted additional materials on February 19, 2026, and the application was deemed complete on March 9, 2026. These standards are met.*

[...]

**Section 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.

**Finding:**

*The submitted partition application materials propose dividing one lot into three parcels. This standard is met.*

- (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).

**Finding:**

*The proposed partition application (PAR25-0001) is subject to the Type II Procedure Type according to Table 32-1. The application has been processed according to the applicable code for Type II procedures. The applicant participated in a Pre-Application Meeting on March 27, 2025. The applicant participated*

*in follow-up meetings and calls prior to submitting the partition application. The applicant applied for a one-year extension of the Architectural Review (AR23-0014) decision that was reviewed at an Architectural Review Board hearing on December 9, 2025. The applicant provided evidence in Exhibit A4 that a Neighborhood Developer Meeting was held on November 18, 2025. The applicant has provided documentation of sign posting and notification in compliance with this section. These standards are met.*

**(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.**

**Finding:**

*Lot standards and city infrastructure standards are met by the applicant's narrative and provided exhibits found in Exhibit A1, A2, and A3 and are further addressed in TDC Chapters 61, 74, and 75 below. With Condition of Approval A2, this standard is met.*

**(b) The Tentative Partition Plan does not impede the future use or development of the property or adjacent land.**

**Finding:**

*The partition plan submitted as Exhibit A2, creates three lots that meet the applicable development standards for the General Manufacturing (MG) Planning District. A previous Architectural Review was submitted for the subject site under application number AR 23-0004 (Exhibit C). The Architectural Review approved Building A (70,809 square feet) and Building B (128,649 square feet) for a total development of 199,458 square feet on the subject site. The application reviewed the buildings and associated site improvements for compliance with the Tualatin Development Code at the time of approval. The proposed partition will divide the subject site into three lots. Lot A will contain Building A, Lot B will contain Building B, and Lot C will contain a water quality preservation easement over the sensitive area and vegetated corridor to benefit Clean Water Services over its entirety.*

*The applicant's narrative (Exhibit A1) stated the partition does not impede the future use or development of the property or adjacent land. The narrative described that the proposed lot layouts and utility placements allow for logical development of the site while maintaining appropriate access to surrounding properties. Any future development or construction will be reviewed under a separate Architectural Review application. This standard is met.*

**(c) Development within the Tentative Partition Plan can be adequately served by City infrastructure.**

**Finding:**

*The new parcels can be served by the existing and proposed public infrastructure. The applicant demonstrated adequate service in the provided narrative (Exhibit A1), and illustrated on the preliminary plans of Exhibit A2 and further addressed in responses to Chapters 74 and 75 below. This standard is met.*

- (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.**

**Finding:**

*The existing site takes access from SW 124<sup>th</sup> Avenue. The Tualatin Transportation System Plan (TSP) classifies SW 124<sup>th</sup> Avenue as a primary arterial. Improvements and conditions of approval were applied to the Architectural Review applied to the current site under the casefile number AR23-0004 and included as Exhibit C. The responses to TDC Chapters 74 and 75 further address the service of the existing street system adjacent to the subject site. This standard is met.*

- (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.**

**Finding:**

*A previous Architectural Review application was submitted for the subject site under application number AR 23-0004 (Exhibit C). The Architectural Review approved Building A (70,809 square feet) and Building B (128,649 square feet) for a total development of 199,458 square feet. The application reviewed the buildings, associated site improvements, as well as, the street system and circulation for compliance with the Tualatin Development Code at the time of approval. The existing public streets adjacent to the site provide circulation in a safe, orderly, and efficient way and can serve the proposed parcels. The proposed lots will be accessed from driveways along SW 124<sup>th</sup> Avenue. A shared access easement is proposed to serve Lot C. Any future development or construction will be reviewed under a separate Architectural Review application. This standard is met.*

- (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.**

**Finding:**

*As demonstrated in this narrative, provided in exhibits, and illustrated in the Preliminary Plans of Exhibit A2, the subject site is currently unimproved. The partition plan submitted as Exhibit A2, proposes to create three lots that meet the applicable development standards for the General Manufacturing (MG) Planning District. A previous Architectural Review was submitted for the subject site under application number AR 23-0004 (Exhibit C). The Architectural Review approved Building A (70,809 square feet) and Building B (128,649 square feet) for a total development of 199,458 square feet. The application reviewed the buildings and associated site improvements for compliance with the Tualatin Development Code at the time of approval. There are no variances requested under the PAR25-0001 application and no variances were requested under the AR23-0004 application. These standards are met.*

- (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).

**Finding:**

*A final decision will follow the requirements of this section. The standards are met.*

[...]

**Section 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.

**Finding:**

*Final plats are exempt from the procedures of TDC 32.220 (Type II Procedure). The final plat will follow the procedures outlined in TDC 36.160 before recording. With Condition of Approval A1 and A9, these standards are met.*

[...]

**Section 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.**

**Finding:**

*The partition plan submitted as Exhibit A2, proposes to create three lots that meet the applicable development standards for the General Manufacturing (MG) Planning District. A previous Architectural Review was submitted for the subject site under application number AR 23-0004 (Exhibit C). The Architectural Review approved Building A (70,809 square feet) and Building B (128,649 square feet) for a total development of 199,458 square feet. The application reviewed the buildings, associated site improvements, as well as, streets and right of ways for compliance with the Tualatin Development Code at the time of approval. The proposed partition will divide the subject site into three lots. The proposed lots will be accessed from driveways along SW 124<sup>th</sup> Avenue. A shared access easement is proposed to serve Lot C. Any future development or construction will be reviewed under a separate Architectural Review application.*

*Copies of the preliminary title report are included in the application materials in Exhibit A4 and indicate the property intended to be dedicated is free of liens, encumbrances, claims, and encroachments. No new streets or rights of way are proposed. These standards will be further addressed in the findings for TDC Chapter 74 below. This standard is met*

- (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.**

**Finding:**

*An 8-foot public utility easement is proposed along the west side of Lot A and Lot B adjacent to SW 124<sup>th</sup> 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 final plat of a partition 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. With Condition of Approval A9, these standards are met.*

[...]

**Section 36.330 - Issuance of Building Permits.**

- (1) Except as provided in subsection (2) of this section, the City must not issue a building permit or permits to connect to City utility services for lots within a subdivision or partition plat until the City Manager has determined that the corresponding public improvements are substantially complete to assure that the health and safety of the citizens will not be endangered from inadequate public facilities.
- (2) Subject to submittal and approval of, and compliance with, the subdivision plan, as well as sufficient security to assure completion of the public portions of the subdivision, the applicant or individual lot owners within the subdivision may receive a building permit or utility service for not more than 50 percent of the platted lots within the subdivision prior to:
  - (a) The completion of all required public improvements in accordance with the Public Works Construction Code; and
  - (b) The acceptance of the public improvements by resolution of the City Council.
- (3) The City must not issue building permits or utility service approval for any lot which together with previously approved lots would exceed 50 percent of the platted lots within the subdivision until:
  - (a) All required public improvements have been completed in accordance with the Public Works Construction Code; and
  - (b) The public improvements have been accepted by resolution of the City Council.
- (4) City approval for use of a public improvement prior to the final approval and acceptance by the City of the subdivision plat does not constitute a release or waiver of any security which has been filed to assure compliance with the subdivision plan approval or any related agreements.
- (5) For a subdivision or partition in commercial, institutional, or manufacturing zones (planning districts) or multi-family residential developments which require Architectural Review approval, the City Manager may authorize building permits to be issued prior to the public improvements being substantially complete provided the following conditions are satisfied:
  - (a) A Public Works Permit for the public improvements has been issued;
  - (b) An Architectural Review for the development has been approved;
  - (c) The subdivision or partition plat is recorded;
  - (d) All easements and dedications required of any development approval have been recorded; and
  - (e) Building permits are conditioned to deny occupancy until the public improvements in the subdivision are complete and are accepted by resolution of the City Council.

**Finding:**

*A previous Architectural Review was submitted for the subject site under application number AR 23-0004 (Exhibit C). The Architectural Review approved Building A (70,809 square feet) and Building B (128,649 square feet) for a total development of 199,458 square feet. The application reviewed the buildings and associated site improvements for compliance with the Tualatin Development Code at the time of approval. The applicant shall comply with all limitations placed on the issuance of building permits prior to the completion of the final plat and all associated public improvements related to the partition. No permits shall be issued until the public improvements are substantially complete, in*

accordance with any alternative improvement agreement thresholds for County review. With Condition of Approval A9, these standards are met.

**Section 36.340 - Existing Structures and Appurtenances.**

- (1) Any existing structures proposed to be demolished must be removed prior to the City approval of the subdivision or partition plat. Any structures determined to be a historic City landmark must be reviewed in accordance with TDC Chapter 68.
- (2) Any existing wells must be abandoned in the manner prescribed by State and County regulations prior to the City approval of the subdivision or partition plat.
- (3) Any existing underground fuel or oil tanks, septic tanks and similar underground storage tanks must be removed or filled as required by the Department of Environmental Quality prior to the City's approval of the subdivision or partition plat.

**Finding:**

No existing structures are proposed to be demolished in this partition application. There are no historic City landmark structures on the site. Any existing wells must be abandoned in the manner prescribed by State and County regulations prior to the City approval of the partition plat. Any existing underground fuel or oil tanks, septic tanks and similar underground storage tanks must be removed or filled as required by the Department of Environmental Quality prior to the City's approval of the partition plat. With Condition of Approval A9, these standards are met.

**Section 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 arterials or collectors, adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.
  - (b) Residences on double frontage lots must be oriented towards the lower classification street adjacent to the lot:
    - (i) Local street instead of collector or arterial; and
    - (ii) Collector street instead of arterial.
  - (c) If two local streets are adjacent to a series of adjacent double frontage lots, then residences on all such lots must be oriented towards the same local street.

**Finding:**

The partition application does not include double frontage or reversed frontage lots. The proposed partition does not create any new frontage. The three proposed parcels created from the subject lot will have frontage on SW 124<sup>th</sup> Avenue. The subject lot is not residential. This standard is met.

- (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.

**Finding:**

The subject property is not a residential property and is zoned General Manufacturing (MG). The partition plan submitted as Exhibit A2, proposes to create three lots that meet the applicable development standards for the General Manufacturing (MG) Planning District. A previous Architectural Review was

submitted for the subject site under application number AR 23-0004 (Exhibit C). The Architectural Review approved Building A (70,809 square feet) and Building B (128,649 square feet) for a total development of 199,458 square feet. The application reviewed the buildings, associated site improvements, as well as, streets and right of ways for compliance with the Tualatin Development Code at the time of approval. The proposed partition will divide the subject site into three lots. The proposed lots will be accessed from driveways along SW 124<sup>th</sup> Avenue. A shared access easement is proposed to serve Lot C. Any future development or construction will be reviewed under a separate Architectural Review application. Future development of the parcels will be required to address street connectivity at the time of a future Architectural Review application. This standard is met.

- (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.

**Finding:**

The proposed new side lot lines for Lots A and B are oriented at a right angle to SW 124<sup>th</sup> Avenue. Lot C will be accessed via a shared access agreement. This standard is met.

- (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.

**Finding:**

The size and dimensions of the planned parcels are appropriate for the requirements of the General Manufacturing (MG) Zone. Responses to the standards of TDC Chapter 61 are addressed below. Any future development or construction will be reviewed under a separate Architectural Review application. This standard is met.

- (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 the Surface Water Management Ordinance, TMC Chapter 3-5 respectively, 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 must occur via a shared driveway within a tract. The tract must have no adverse impacts to surrounding properties or roads and may only be approved if it meets the following criteria:
    - (i) Does not exceed 250 feet in length;
    - (ii) If the tract exceeds 150 feet in length, it has a turnaround facility as approved by the Fire Marshal for fire and life safety;
    - (iii) The tract does not serve more than six lots;
    - (iv) A public street is not needed to provide access to other adjacent properties as required by TDC Chapter 74;
    - (v) 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
    - (vi) Access easements have been provided to all properties needing access to the driveway.

[...]

**Finding:**

The partition proposes to create three lots. Lots A and B abut SW 124<sup>th</sup> Avenue, a public street. All lots created after September 1, 1979, must abut a public street, except for lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, and the Surface Water Management Ordinance. The site is located in the Natural Resource Protection Overlay District (NRPO) identified by TDC Chapter 72. Lot C has proposed access via a shared access agreement, is subject to a water quality preservation easement over the sensitive area and vegetated corridor to benefit Clean Water Services over its entirety. Clean Water Services provided a memorandum including conditions of approval attached as Exhibit E.

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

[...]

**Section 61.200 - Use Categories.**

- (1) **Use Categories.** Table 61-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 61-1 and restrictions identified in TDC 61.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) **Use Categories in the Limited Commercial Setback.** Commercial uses may be further restricted within the Limited Commercial Setback, see TDC 60.210(4).
- (3) **Overlay Zones.** Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 61-1  
 Use Categories in the MG Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
<b>RESIDENTIAL USE CATEGORIES</b>		
Household Living	C (L)	Conditional uses limited to one (1) caretaker residence per site.
<b>COMMERCIAL USE CATEGORIES</b>		
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"> <li>• Sale of goods produced on-site subject to TDC 61.210(1);</li> <li>• Retail sale of landscape materials subject to TDC 61.210(3); and</li> <li>• Additional uses permitted within the Commercial Services Overlay, subject to TDC 61.210(5).</li> </ul> Conditional uses limited to: <ul style="list-style-type: none"> <li>• Sale or service of manufactured dwellings;</li> <li>• Boat sales or rental; rental or leasing of autos and light trucks with incidental sale of vehicles; and</li> </ul>

		<ul style="list-style-type: none"> <li>• Sale of home improvement materials and supplies.</li> </ul>
Eating and Drinking Establishments	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Sale of goods produced on-site subject to TDC 61.210(1); and</li> <li>• Restaurant or deli as a limited use subject to TDC 61.210(2).</li> </ul>
Marijuana Facilities	P (L)	Subject to TDC Chapter 80.
Office	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Offices for executive, administrative, and professional uses related to the sale or service of industrial products; and</li> <li>• 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).</li> </ul>
Other Educational and Vocational Services	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Correspondence, trade, or vocational school as a limited use subject to TDC 61.210(2); and</li> <li>• Trade or industrial school and subject to TDC 61.210(3).</li> </ul>
Retail Sales and Services	P (L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Sale of goods produced on-site subject to TDC 61.210(1);</li> <li>• 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</li> <li>• Within the Commercial Services Overlay, additional uses subject to TDC 61.210(5).</li> </ul>
Quick Vehicle Service	C (L)	Permitted uses limited to Automobile Service Stations subject to TDC 61.210(6);  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).
<b>INDUSTRIAL USE CATEGORIES</b>		
Heavy Manufacturing	P (L)	Concrete batch plants are not permitted in the Leveton Tax Increment District. All other uses permitted outright.
Light Manufacturing	P	—

<b>Solid Waste Treatment and Recycling</b>	<b>C (L)</b>	<b>Conditional uses limited to:</b> <ul style="list-style-type: none"> <li>• Recycling collection center;</li> <li>• Waste transfer station; and</li> <li>• Resource recovery facility.</li> </ul> <b>Recycling collection center or waste transfer station are not permitted within the Limited Commercial Setback.</b>
<b>Vehicle Storage</b>	<b>P/C (L)</b>	<b>Conditional use required for bus maintenance and storage facility.</b>  <b>Vehicle storage not permitted within the Limited Commercial Setback.</b>  <b>Vehicles sales are not permitted.</b>  <b>All other uses permitted outright in other locations.</b>
<b>Warehouse and Freight Movement</b>	<b>P/C</b>	<b>Conditional use required for warehousing of building materials and supplies.</b>  <b>All other uses permitted outright.</b>
<b>Wholesale Sales</b>	<b>P/C (L)</b>	<b>Permitted uses limited to:</b> <ul style="list-style-type: none"> <li>• 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</li> <li>• Sale, service and rental of construction and industrial equipment to contractors and industrial firms only.</li> </ul> <b>Conditional use permit required for wholesale sales of building materials and supplies.</b>
<b>INFRASTRUCTURE AND UTILITIES USE CATEGORIES</b>		
<b>Basic Utilities</b>	<b>P</b>	<b>—</b>
<b>Greenways and Natural Areas</b>	<b>P</b>	<b>—</b>
<b>Public Safety Facilities</b>	<b>P(L)/C (L)</b>	<b>Permitted uses limited to public works storage yard and shop</b>  <b>Conditional uses limited to fire station.</b>
<b>Wireless Communication Facility</b>	<b>P (L)</b>	<b>Commercial radio or TV broadcasting antennas not permitted.</b>  <b>All other uses permitted outright.</b>  <b>Subject to maximum height and minimum setback standards defined by TDC</b>

		<b>Chapter 73F.</b>
--	--	---------------------

**Finding:**

*The project area is within the General Manufacturing (MG) Planning District. The proposed structures on Lots A and B were approved by Architectural Review 23-0004 (Exhibit C). Any additional future development or construction will be reviewed under an Architectural Review application. New uses on the parcels will be required to comply with the applicable zoning district at the time of Architectural Review. With Condition of Approval A2, these standards are met.*

**Section 61.300 - Development Standards.**

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

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

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
<b>LOT SIZE</b>		
Minimum Lot Size	20,000 square feet	—
<b>LOT DIMENSIONS</b>		
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.
<b>MINIMUM SETBACKS</b>		
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.
<b>STRUCTURE HEIGHT</b>		
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	

**Finding:**

*The proposed parcels, illustrated in the Preliminary Plans in Exhibit A2, both exceed 20,000 sf minimum lot size and the 100-foot minimum average lot width for the General Manufacturing (MG) Planning District. The proposed structures were reviewed under AR23-0014 (Exhibit C), and the required setbacks maintain conformance with TDC Table 61-2 under the partition plan. With Condition of Approval A2, these standards are met.*

**Chapter 74: Public Improvement Requirements**

**Section 74.020 - Applicability.**

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

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

(3) Adjustments to the provisions in this chapter related to transportation facility and utility improvements shall be requested as an exception in conjunction with an Architectural Review,

**Subdivision, Partition, or Driveway Approach Permit application consistent with the requirements of 74.040. Adjustment to the provisions in this chapter requested under 74.040 may also be requested as a separate application through a Type II procedure.**

**Finding:**

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

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

*With Conditions of Approval A10, A11, A12, A13, and A14 these standards are met.*

**Section 74.030 - Street Standards.**

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

**(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.**

[...]

**(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.**

[...]

**(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),**

[...]

**Finding:**

*Dedication and improvement to existing streets adjacent to property proposed for development will be consistent with Figures 74- 1A with modifications directed by the City Engineer outside the curbs. Right-of-way dedication will be for the full width of the property abutting the roadway and slope and utility easements.*

*Dedication will be shown on the final 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 decision.*

*Improvements will apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way of SW 124<sup>th</sup> Avenue, plus any additional pavement and right-of-way dedication beyond the centerline necessary to meet requirements for tapering in accordance with the Public Works Construction Code and other applicable laws and regulations.*

*Street improvements will include ADA/PROWAG ramps, crosswalks, curb extensions, curbs, on-street parking, sidewalks with appropriate buffering, storm drainage, streetlights, street signs, and street trees, and, where designated, bikeways and transit facilities.*

*With Conditions of Approval A4, A10, A11, A12, A13, and A14 these standards are met.*

**Section 74.080 - Easements.**

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

[...]

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

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

[...]

**(e) Public improvement maintenance.**

**(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.**

[...]

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

[...]

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

[...]

**Finding:**

*Easements including slope areas necessary to support street improvements, accessways, or utility improvements; A minimum of 8-foot-wide public utility easements for public utilities, such as water, sanitary sewer, storm drainage, electric lines, cable, and gas; will be shown on permit plans, surveyed, staked, and marked with a City approved boundary marker, prior to acceptance by the City, and dedicated to the City on the final subdivision or partition plat, prior to approval of the plat by the City.*

*With Conditions of Approval A4, A5, A6, A7, A10, A11, A12, A13, and A14 these standards are met.*

**Section 74.110 - Utilities.**

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

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

[...]

(c) As set forth in the Water System Plan (Comprehensive Plan Map 9-1), the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

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

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

[...]

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

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

(b) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the Tualatin Municipal Code and Public Works Construction Code.

[...]

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

(a) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties.

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

**(5) *Water Quality, Storm Water Detention, and Erosion Control.*** The applicant must comply with the water quality, storm water detention and erosion control requirements in the Tualatin Municipal Code, Public Works Construction Code, and Clean Water Services standards, including:

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

(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.

[...]

(b) [...] 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.

**Finding:**

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

*Each future building will include a water lateral separately connected to the public main for domestic services and include a reduced pressure backflow assembly. Fire water services will be separate for each lot and include a double check detector assembly.*

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

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

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

*The development will be graded to minimize the impact of stormwater runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development. A development applicant will submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The applicant will remove all excess material from the development site.*

*The applicant will comply with the water quality, stormwater detention and erosion control requirements in the Tualatin Municipal Code, Public Works Construction Code, and Clean Water Services standards. The applicant will construct required permanent public water quality facilities and stormwater detention facilities. The applicant will submit stormwater construction plans and calculations in compliance with the Tualatin Municipal Code, obtain a Stormwater Connection Permit from Clean Water Services, and will construct the improvements prior to approval of the final plat.*

*The applicant will show a private stormwater easement on the plat to enable Lot A to route across Lot B to a shared outfall to minimize the impacts to wetlands maintained by Clean Water Services' Vegetated Corridor Impact Fee program. The applicant will record a private maintenance agreement for the easement and shared outfall. Separate stormwater facility maintenance agreements will be recorded for each lot.*

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

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

*With Conditions of Approval A4, A5, A6, A7, A10, A11, A12, A13, and A14 these standards are met.*

**Section 74.120 - Street Lights.**

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

**Finding:**

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

*Street light poles and luminaires will be installed in accordance with the Public Works Construction Code, PGE Requirements, and Washington County standards.*

*With Conditions of Approval A4, A10, A11, A12, A13, and A14 these standards are met.*

**Section 74.150 - Street Trees.**

[...]

- (2) Development Review.** The location, type, size, and placement of street trees must be approved by the City.
  - (a) In residential subdivisions and partitions, the applicant must furnish and install street trees, prior to approval of final plat.**
- (3) Street Tree Species and Planting Locations.** All trees planted in the right-of-way of the City must conform in species and location with the street tree plan and City standards.
- (4) Open Ground.** When impervious material or substance is laid down or placed in or upon a public right-of-way near a tree, at least 25 square feet of open ground for a tree up to three inches in diameter must be provided about the base of the trunk of each tree.

[...]

**Finding:**

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

*With Conditions of Approval A4, A12, A13, and A14 these standards are met.*

**Section 74.160 - Installation of Improvements.**

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

[...]

**Finding:**

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

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

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

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

*With Conditions of Approval A12, A13, and A14 these standards are met.*

**Chapter 75: Access Management**

**Section 75.020 - Driveway Approach Requirements.**

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

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

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

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

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

(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.

[...]

(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

(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.**

**Finding:**

*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.*

*All driveway approaches, with widths as provided in TDC 73C-090, will connect to SW 124<sup>th</sup> Avenue which is a Primary Arterial street. This is the only adjacent street, and therefore the lowest adjacent functional classification.*

*Easements will be recorded allowing cross access to and from other properties served by the joint use driveways.*

*Joint maintenance agreements with deeds defining maintenance responsibilities of property owners will be recorded.*

*Vision clearance areas (see Figure 73-2 for illustration) from intersections points of the right-of-way lines measured along such lines will be a triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which for driveways to SW 124<sup>th</sup> Avenue will be 25 feet. Curb extensions will be provided to keep parked vehicles from impeding this visibility.*

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

*With Conditions of Approval A4, A12, and A14 these standards are met.*

**Section 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.**

[...]

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

<b>Functional Classification</b>	<b>Minimum Access Spacing: Unrestricted</b>	<b>Minimum Access Spacing: Limited</b>
<b>Primary Arterial</b>	<b>800 feet</b>	<b>400 feet</b>
<b>Collector</b>	<b>200 feet</b>	<b>100 feet</b>
<b>Local</b>	<b>100 feet from an intersection with an Arterial or Collector</b>	<b>-</b>

**Finding:**

*The proposed right-in/right-out restricted access points to SW 124<sup>th</sup> Avenue will be a minimum of 400 feet from the intersections of SW Cimino Street and SW Myslony Street measured from centerline to centerline.*

*With Conditions of Approval A4, A12, and A14 these standards are met.*

## IV. APPEAL

The Partition portion of this decision will be final after 14 calendar days unless a written appeal is received by the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 before 5:00 p.m., May 20, 2025. The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Partition decision are reviewed by City Council as specified in TDC Table 32-1.

Submitted by:



Madeleine Nelson  
Associate Planner