



**ANALYSIS AND FINDINGS
CONDITIONAL USE PERMIT (CUP 25-0001)**

July 16, 2025

Case #:	CUP 25-0001
Project:	SW 108 th Avenue Water Reservoir & Pump Station
Location:	22675 SW 108 th Avenue
Applicant:	AKS Engineering & Forestry, LLC, on behalf of the City of Tualatin

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



I. INTRODUCTION

Applicable Criteria

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

- TDC 32: Procedures
- TDC 33: Applications & Approval Criteria
- TDC 40: Low Density Residential (RL) Zone
- TDC 63: Industrial Uses and Manufacturing Zones – Environmental Regulations

Site Description

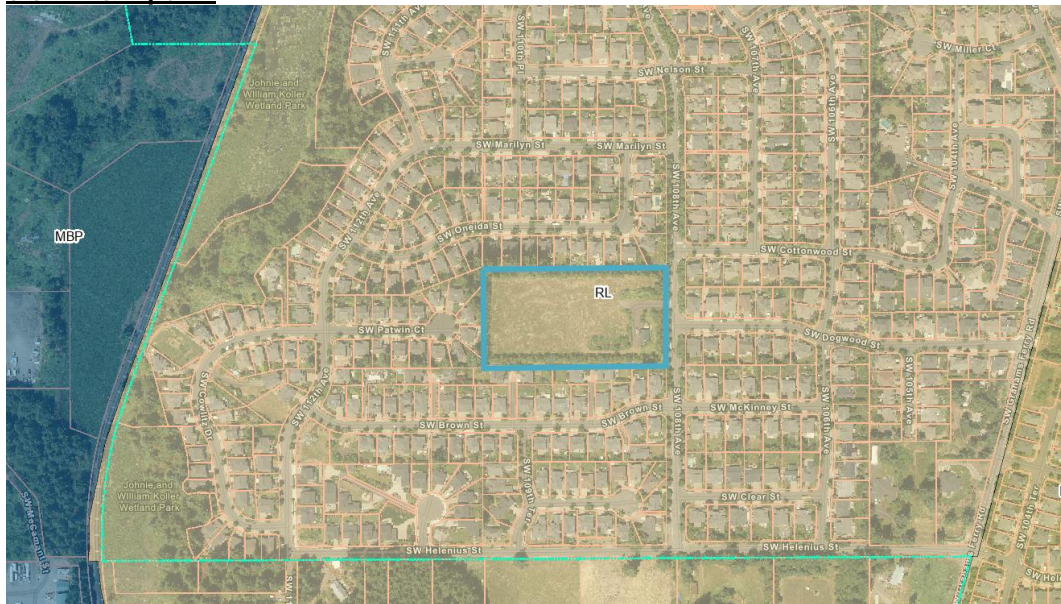


Figure 1 Aerial view of site with zoning (TualGIS)

The site at 22675 SW 108th Avenue (Tax Lot: 2S134AD05400) is approximately 4.75 acres and is zoned Low Density Residential (RL). The site, owned by the City of Tualatin, is comprised of an existing well house and stormwater facility. The majority of the site is unimproved lawn, with trees and vegetation providing screening along the property boundary. The site takes access from SW 108th Avenue via an existing paved driveway and on-site vehicular circulation area on the eastern border.

Proposed Project

AKS Engineering & Forestry, LLC, on behalf of the City of Tualatin (property owner), proposes a Conditional Use Permit application to allow a new 72'-6" tall water storage reservoir and pump station in the Low Density Residential (RL) Planning District. Water reservoirs with a maximum height of 75 feet are conditionally permitted in the Low Density Residential (RL) as identified in Tualatin Development Code (TDC) Table 40-1.

As demonstrated by the City of Tualatin Water System Master Plan (Exhibit A4), the 108th Water Reservoir and Pump Station Project provides a needed piece of the City of Tualatin's water infrastructure by constructing a 2.5-million-gallon reservoir and pump station at the Aquifer

Storage and Recovery (ASR) site located within the C Level pressure zone to serve the B and C Level pressure zones. The infrastructure will address storage deficiencies across the A, B, and C Level pressure zones, providing essential water supply reliability and resilience, particularly for firefighting capabilities. The new facility will mitigate the risks associated with single-point failures in the current water distribution system. By constructing the new reservoir and pump station, Tualatin seeks to enhance overall water supply reliability, resilience, and capacity to support both current needs and future growth.

The planned future improvements include the construction of a 2.5-million-gallon, 72'-6" tall, water reservoir at the existing ASR site within the C Level pressure zone and a new pump station to facilitate water transfer from the B Level to the C Level pressure zone. Associated hardscaping and landscaping improvements are also proposed. Any site development will require a Type II Architectural Review process and approval.

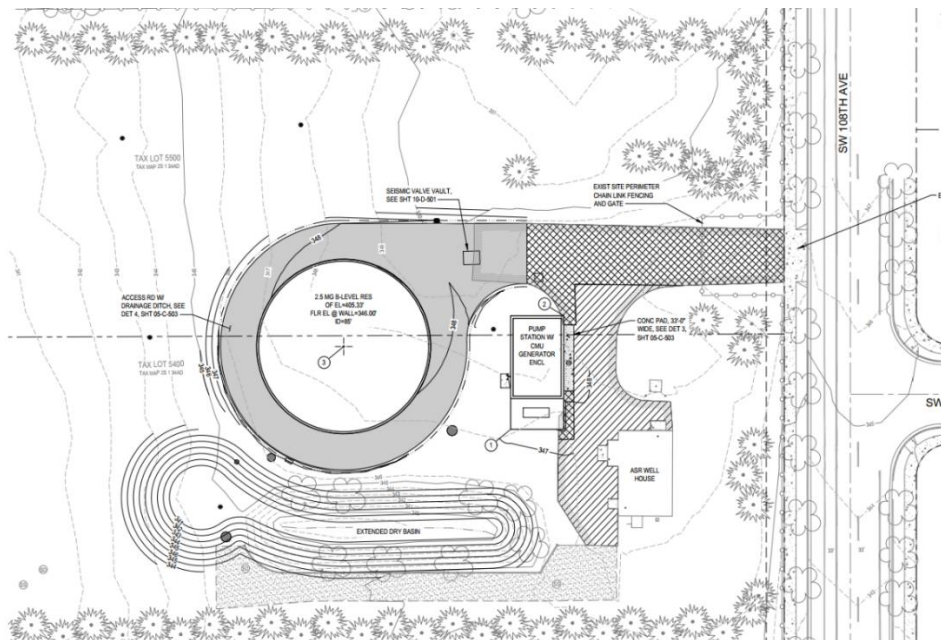


Figure 2 Site Plan Overview of future development

Previous Land Use Actions

- CUP 01-06 – Water Tower and Public Park – Expired.
- AR 07-20 – City of Tualatin Aquifer Storage and Recovery Well

Surrounding Uses

Adjacent land uses include:

North: Low Density Residential (RL)

- Residential Subdivision

South: Low Density Residential (RL)
 • Residential Subdivision

West: Low Density Residential (RL)
 • Residential Subdivision

East: Low Density Residential (RL)
 • Residential Subdivision

Exhibit List

- Exhibit A1 – Narrative
- Exhibit A2 – Preliminary Plans
- Exhibit A3 – Supporting Documents
- Exhibit A4 – Water System Master Plan Excerpt
- Exhibit B – Public Notice
- Exhibit C – Clean Water Services Comments

II. 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).

[...]

(c) *Type III Procedure (Quasi-Judicial Review—Public Hearing).* Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.

[...]

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

Table 32-1 – Applications Types and Review Procedures

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
Architectural Review						
Conditional Use Permit	III	PC	CC	Yes	Yes	TDC 33.040
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Finding:

The proposed Conditional Use Permit (CUP) application would allow for a water storage reservoir and pump station in the Low Density Residential (RL) Planning District. According to Table 40-1 in Tualatin Development Code (TDC) 40.200, a Conditional Use Permit is required for the proposed use of a water

reservoir with a maximum height of 75 feet. TDC Table 32-1 lists Conditional Use Permits as a Type III review procedure requiring the Planning Commission to conduct a public hearing and make the final decision on the application. The application has been processed according to the applicable section of the TDC for Type III review procedures. This standard is met.

Section 32.030 – Time to Process Applications.

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

[...]

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

Finding:

The application was deemed complete on May 29, 2025. The final action on this application must take place within 120 days unless the application requests an extension in compliance with ORS 227.178. The 120-day decision date is September 26, 2025. These standards are met.

Section 32.110 – Pre-Application Conference.

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

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

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

(4) Application Requirements for Pre-Application Conference.

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

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

(i) A completed application form;

(ii) Payment of the application fee;

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

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

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

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

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

Finding:

A Pre-Application Meeting is mandatory. The applicant participated in a Pre-Application Meeting on January 8, 2025. The application for the Conditional Use Permit was subsequently submitted on May 12, 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 that a Neighborhood/Developer Meeting was held on March 12, 2025. The applicant has provided documentation of sign posting, mailed notification, sign-in sheet, and neighborhood/developer meeting notes in compliance with this section of the Tualatin Development Code in Exhibit A3. 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 A3 showing the City of Tualatin as the current owner of the subject site. The applicant provided a signed land use application from the property owner authorizing AKS Engineering & Forestry, LLC to submit the land use application. This standard is met.

Section 32.140 – Application Submittal.

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

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

- (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
- (ii) The address or location of the subject property and its assessor's map and tax lot number;
- (iii) The size of the subject property;
- (iv) The comprehensive plan designation and zoning of the subject property;
- (v) The type of application(s);
- (vi) A brief description of the proposal; and
- (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

(b) A written statement addressing each applicable approval criterion and standard;

(c) Any additional information required under the TDC for the specific land use action sought;

(d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;

(e) Recorded deed/land sales contract with legal description.

(f) A preliminary title report or other proof of ownership.

(g) For those applications requiring a neighborhood/developer meeting:

- (i) The mailing list for the notice;
- (ii) A copy of the notice;
- (iii) An affidavit of the mailing and posting;
- (iv) The original sign-in sheet of participants; and
- (v) The meeting notes described in TDC 32.120(7).

(h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

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

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

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

Finding:

The applicant submitted an application for a Conditional Use Permit on May 12, 2025, which was deemed complete on May 29, 2025. The general land use and Conditional Use Permit submittal requirements were included in the 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 A3 that signs in conformance with this section of the TDC were placed on site. 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 CUP 25-0001 on May 12, 2025. The application was deemed complete on May 29, 2025. These standards are met.

Section 32.230 – Type III Procedure (Quasi-Judicial Review – Public Hearing).

Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.

- (1) Submittal Requirements.** Type III 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 will for completeness in accordance with TDC 32.160.
- (3) Written Notice of Public Hearing—Type III.** Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.
 - (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 recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;

- (v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;
 - (vi) Any person who submits a written request to receive a notice;
 - (vii) 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; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and 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;
 - (viii) Utility companies (as applicable); and,
 - (ix) Members of the decision body identified in Table 32-1.
- (b) The Notice of a Public Hearing, 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 type of application and a concise description of the nature of the land use action;
 - (iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;
 - (v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
 - (vi) The date, time and location of the hearing;
 - (vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
 - (viii) The name of a City representative to contact and the telephone number where additional information may be obtained; and
 - (ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and
 - (x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
- (c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

Finding:

After application submittal and completeness review as required by this section, notice for the Type III Planning Commission public hearing regarding the CUP 25-0001 application, was mailed by city staff on

June 4, 2025, and contained the information required by this section (Exhibit B). No public comments were received. These standards are met.

- (4) **Conduct of the Hearing—Type III.** The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:
- (a) At the commencement of the hearing, the person chairing the hearing must state to those in attendance all of the following information and instructions:
 - (i) The applicable substantive criteria;
 - (ii) That testimony, arguments and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - (iii) That failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue;
 - (iv) At the conclusion of the initial evidentiary hearing, the decision body must deliberate and make a decision based on the facts and arguments in the public record; and
 - (v) Any participant may ask the decision body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the decision body grants the request, it will schedule a date to continue the hearing as provided in TDC 32.230(4)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.230(4)(f).
 - (b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the decision body must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the decision body must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the decision body must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.
 - (c) Presenting and receiving evidence.
 - (i) The decision body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

- (ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
- (iii) Members of the decision body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
- (d) The decision body, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
- (e) If the decision body decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.
- (f) If the decision body leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:
 - (i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
 - (ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030, unless the applicant waives his or her right to a final decision being made within the required timeframe; and
 - (iii) If requested by the applicant, the decision body must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

Finding:

The Planning Commission will follow the hearing requirements set forth by this section. These standards will be met.

- (5) **Notice of Adoption of a Type III Decision.** Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption must contain all of the following information:
 - (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

- (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
 - (c) A statement that a copy of the decision and 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 a request for appeal is submitted; and
 - (e) The notice must include an explanation of rights to appeal the decision to the City Council in accordance with TDC 32.310.
- (6) **Appeal of a Type III Decision.** Appeal of an Architectural Review Board or Planning Commission Type III Decision to the City Council may be made in accordance with TDC 32.310.
- (7) **Effective Date of a Type III Decision.**
- (a) The written order is the final decision on the application.
 - (b) The mailing date is the date of the order certifying its approval by the decision body.
 - (c) A decision of the Architectural Review Board or Planning Commission is final unless:
 - (i) a written appeal is received at the City offices within 14 calendar days of the date notice of the final decision is mailed; or
 - (ii) The City Manager or a member of the City Council requests a review of the decision within 14 calendar days of the date notice of the final decision is mailed.

Finding:

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

Chapter 33: Applications and Approval Criteria

Section 33.040. - Conditional Use Permit.

[...]

- (2) **Applicability.** A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit may be initiated by a property owner or the owner's authorized agent.

Finding:

AKS Engineering & Forestry, LLC, on behalf of the property owner, City of Tualatin, has submitted the Conditional Use Permit application for review and consideration by the Tualatin Planning Commission. This standard is met.

- (3) **Procedure Type.** Conditional use permits are processed in accordance with the Type III review procedures in Chapter 32.

Finding:

According to Table 40-1 in Tualatin Development Code (TDC) Section 40.200, "water reservoirs, with a maximum height of 75 feet" require a Conditional Use Permit and follow a Type III review procedure as described in TDC 32.230. This standard is met.

- (4) **Specific Submittal Requirements.** In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the following additional information and materials:
- (a) Project title;

- (b) The architect, landscape architect and engineer;
- (c) A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development;
- (d) A Service Provider Letter from Clean Water Services (CWS) indicating that a "Stormwater Connection Permit Authorization Letter" will likely be issued; and
- (e) 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.

Finding:

The submitted Conditional Use Permit application includes the required listed application materials. These standards are met.

- (5) **Approval Criteria.** The applicant must provide evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:
 - (a) The use is listed as a conditional use in the underlying zone;

Finding:

The proposed use is a water reservoir and pump station. According to Tualatin Development Code (TDC) Table 40-1 in TDC 40.200, water reservoirs, with a maximum height of 75 feet, are permitted as a conditional use after obtaining a Conditional Use Permit in the Low Density Residential (RL) Planning District. This standard is met.

- (b) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features;

Finding:

The site characteristics are suitable for the proposed use. The subject site is zoned Low Density Residential (RL), and a water reservoir, with a maximum height of 75 feet, is stated as an appropriate use in the RL zone with an approved Conditional Use Permit. The subject site slopes gradually from east to west and is improved with an existing well house, access driveway, and storm facility. The site is identified in the City's Water System Master Plan (Exhibit A4) as the designated location of a water storage reservoir and pump station. The submitted narrative (Exhibit A1) described the existing perimeter landscaping that screens the existing site improvements and intends to substantially screen the future reservoir and pump station. The proposal includes the installation of additional landscaping to further limit the visual impact of the improvements, specifically the 72'-6" tall water reservoir. Visual impacts will be mitigated with material designs, and both existing and proposed landscaping screening. Therefore, the characteristics of the site are suitable, or can be made to be suitable, for the proposed use. This standard is met.

- (c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;

Finding:

The subject site is surrounded by the Low Density Residential (RL) Planning District. The project area is boarded by single family residential subdivisions. Page ES-8 of Tualatin's Water System Master Plan (Exhibit A4) describes the City's current storage capacity and recommends the construction of a 2.5-million-gallon reservoir, similar to the existing B reservoirs within the next 10 years to address deficits in all levels. The planned future use and improvements include constructing a 2.5-million-gallon reservoir and pump station at the Aquifer Storage and Recovery (ASR) site located within the C Level pressure zone to serve the B and C Level pressure zones. The infrastructure will address storage deficiencies across the A, B, and C Level pressure zones, providing essential water supply reliability and resilience, particularly for firefighting capabilities. The new facility will mitigate the risks associated with single-point failures in the current water distribution system. By constructing the new reservoir and pump station, the City of Tualatin seeks to enhance overall water supply reliability, resilience, and capacity to support both current needs and future growth. This standard is met.

- (d) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone; and**

Finding:

The subject site is improved with an existing well house, access driveway, and storm facility. The eastern portion of the site is currently vacant lawn. The planned future use and improvements include constructing a 2.5-million-gallon reservoir and pump station.

The site is identified in the City's Water System Master Plan (Exhibit A4) as the designated location of a water storage reservoir and pump station. The applicant's narrative (Exhibit A1) stated the reservoir and pump station will be quiet and generate limited to no additional trips to the subject site, outside of trips for permitted public utility maintenance. The use must also conform to the environmental regulations for utility uses in Tualatin Development Code (TDC) Chapter 63. The submitted narrative described the existing perimeter landscaping that screens the existing site improvements and intends to substantially screen the future reservoir and pump station. The proposal includes the installation of additional landscaping to further limit the visual impact of the improvements. Visual impacts will be mitigated with material designs, and both existing and proposed landscaping screening. The narrative concluded that the proposed use and future site development will not limit, impact, or preclude the use of surrounding properties for their primary residential use. In addition, there is no evidence in the record that the proposed water reservoir and associated improvements would substantially limit, impair, or preclude the use of the surrounding properties which are all currently developed with residential and residential accessory uses.

Any future construction would be reviewed as a Type II Architectural Review and would be required to meet the Tualatin Development Code standards at the time of submittal. This standard is met.

- (e) The proposal satisfies those objectives and policies of the Tualatin Comprehensive Plan that are applicable to the proposed use.

Tualatin Comprehensive Plan:

Chapter 3 – Housing & Residential Growth.

GOAL 3.1 HOUSING SUPPLY. Ensure that a 20-year land supply is designated and has urban services planned to support the housing types and densities identified in the Housing Needs Analysis.

POLICY 3.1.6 INFRASTRUCTURE PLANNING. Evaluate future infrastructure planning for consistency with the Housing Needs Analysis and Housing Strategies.

Finding:

The submitted narrative (Exhibit A1) stated that the future reservoir and pump station are necessary infrastructure improvements to serve both existing and future housing in the region. The narrative cited the need for this infrastructure in the City's 2023 Water System Master Plan included as Exhibit A4. The future water reservoir and pump station are planned in accordance with the approved Water System Master Plan.

Future site development applications will be reviewed for compliance with the Tualatin Development Code. These goals and policies are met.

Chapter 4 – Economy, Commercial & Industrial Development.

GOAL 4.1. Ensure an adequate supply of employment land that is available and serviceable as identified in the Economic Opportunities Analysis.

POLICY 4.1.5 Plan for infrastructure development to support commercial and industrial development.

Finding:

The submitted narrative (Exhibit A1) stated the future reservoir and pump station are necessary infrastructure improvements to serve existing and future commercial and industrial land uses in the region. The narrative discussed the water infrastructure needed to support commercial and industrial development in the region was assessed in the Water System Master Plan (Exhibit A4). The future water reservoir and pump station are planned in accordance with the approved Water System Master Plan.

Future site development applications will be reviewed for compliance with the Tualatin Development Code. These goals and policies are met.

Chapter 9 – Public Facilities & Services.

Goal 9.1 WATER QUALITY. Provide safe, high-quality water to all customers.

POLICY 9.1.1 REGULATORY STANDARDS. Ensure that water provided to Tualatin customers meets or exceeds all federal and state water quality regulatory standards.

Finding:

The proposed conditional use permit would allow for a water reservoir with a maximum height of 75 feet in the Low Density Residential (RL) Planning District. The applicant's narrative (Exhibit A1) stated the reservoir and pump station use would provide adequate water capacity for existing and future land uses in the City of Tualatin as the city continues to see growth. The water reservoir and pump station are designed to meet or exceed federal and state water quality regulatory standards. These goals and policies are met.

GOAL 9.2 WATER SUPPLY. Provide a reliable and economical supply of water to meet current and future needs.

POLICY 9.2.1 COORDINATION. Coordinate the provision of water with local and regional water agencies and stakeholders.

Finding:

The proposed water storage reservoir and pump station at the subject site are listed in the adopted Water System Master Plan (Exhibit A4). The City of Tualatin is the local water agency for the project. These goals and policies are met.

POLICY 9.2.2 SUPPLY DEVELOPMENT AND DIVERSIFICATION. Plan for the development of additional water sources to meet projected water demand and diversify the portfolio of water sources that provide water to the City of Tualatin.

Finding:

The applicant's narrative (Exhibit A1) stated that the Water System Master Plan (Exhibit A4) identified the subject site as the optimal location for a planned water storage reservoir and pump station. The Water System Master Plan reported the future reservoir is needed to meet the anticipated water service demand in the City of Tualatin. This policy is met.

POLICY 9.2.3 CAPITAL IMPROVEMENT PROJECTS. Support capital improvement projects that enhance Tualatin's ability to deliver an adequate supply of water to current and future customers.

Finding:

The SW 108th Avenue Water Reservoir and Pump Station project is an approved capital improvement project. This Conditional Use Permit application is required to facilitate the implementation of this capital improvement project. This policy is met.

POLICY 9.2.6 STORAGE AND OPERATIONAL FACILITIES. Provide sufficient opportunity for water storage and operational facilities to ensure supply reliability and serve emergency needs.

Finding:

The provided narrative (Exhibit A1) stated that the planned water storage reservoir and pump station would enhance the water storage capacity to ensure a reliable supply to support firefighting services. This policy is met.

GOAL 9.3 RESILIENCY. Provide a resilient water system to reduce risk posed by natural disaster events.

POLICY 9.3.1 HAZARD MITIGATION. Upgrade existing infrastructure to reduce risk posed by seismic events, climate change, and other hazards.

Finding:

The submitted narrative (Exhibit A1) described the future planned water storage reservoir and pump station. The narrative outlined that the project is intended to mitigate single-point failures in the current water distribution system. The proposal is designed to meet or exceed current seismic standards. These goals and policies are met.

- (6) **Conditions of Approval.** The Hearing Body may impose, in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. In no event will this Chapter be used as a means to exclude multi-family housing from the City.
- (7) **Compliance with Conditions and Revocations.**
 - (a) Any previously granted conditional use permit may be revoked by the Planning Commission, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:
 - (i) Failure to comply with the conditions of approval;
 - (ii) Discontinuance of the use for a period in excess of two years;
 - (iii) Failure to comply with other applicable provisions of the Tualatin Comprehensive Plan regarding design, dimensional or use requirements; or
 - (iv) A change in the Tualatin Comprehensive Plan or Zone Standards of the zone within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such zone.
 - (b) Revocations initiated under TD(7)(a)(i) or (ii) above must not be initiated for at least six months after approval of the conditional use permit. Revocations initiated under TDC 33.040(7)(a)(i), (ii) and (iii) above has the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under TDC 33.040(7)(a)(iv) above has the effect of making the previously granted conditional use a nonconforming use.
- (8) **Automatic Termination of Conditional Use; Request for Extension.**
 - (a) Unless otherwise provided by the Planning Commission in the written decision granting approval of the conditional use permit, a conditional use permit automatically is null and void two years after the effective date upon which it was granted, unless the applicant, or successor in interest, has done one of the following within two years of the effective date of the conditional use permit:
 - (i) Secured a building permit and commenced construction of the building or structure in conformance of the building permit and conditional use permit.
 - (ii) Commenced the activity or installation of the facility or structure authorized by the conditional use permit.
 - (iii) Submitted a request for an extension of time on the conditional use permit to avoid the permit's becoming null and void.
 - (b) A request for an extension must be submitted prior to the expiration date of the conditional use permit, as established by the Planning Commission in granting the conditional use permit.

(c) Upon receipt of the request for an extension of time, the Planning Commission will hear the matter under the quasi-judicial procedures in TDC 32.230. The Planning Commission may grant or deny the extension of time, provided the extension of time does not exceed two years.

Finding:

Staff have recommended Conditions of Approval that are found in Section III of Findings & Analysis. The Planning Commission will make the final decision on any recommended conditions, may add or delete conditions, and will make a final decision on this application. Conditional Use Permit applications must abide by this section.

With recommended Condition of Approval CUP-4. These standards are met.

CHAPTER 39 - USE CATEGORIES.

Section 39.620 – Basic Utilities.

- (1) **Characteristics.** Basic Utilities are local and regional infrastructure facilities that must be located in or near the area to which the infrastructure is provided. Utilities may be publicly or privately owned and operated. Most facilities have few or no on-site employees, although treatment plants may be staffed continuously.
- (2) **Examples of Uses.**
 - Electrical substations.
 - High tension electrical power lines.
 - Sewage disposal and conveyance systems.
 - Telephone exchange equipment.
 - Water or sewage pump stations.
 - Water towers and reservoirs.
 - Water quality and flow control facilities.
 - Water or sewage treatment plants.

Finding:

The proposed use is a municipal water reservoir and pump station publicly used to serve the community. The proposed uses are considered “Basic Utilities”. According to Tualatin Development Code (TDC) Table 40-1, Basic Utilities in the Low Density Residential (RL) Planning District are limited to water or sewage pump stations and pressure reading stations. Conditional uses are limited to water reservoirs, with a maximum height of 75 feet. If the Conditional Use Permit is approved, the applicant will be required to complete an Architectural Review for any future site development.

Chapter 40: Low Density Residential (RL) Zone.

Section 40.200 – Use Categories.

- (1) **Use Categories.** Table 40-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the RL zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 40-1 and restrictions identified in TDC 40.210. 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.

**Table 40-1
Use Categories in the RL Zone**

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to water or sewage pump stations and pressure reading stations. Conditional uses limited to water reservoirs, with a maximum height of 75 feet.

Finding:

The project area is within the Low Density Residential (RL) Planning District.

The applicant's narrative, Exhibit A1, stated that the proposed use would be a new city-owned water storage reservoir and pump station. Tualatin Development Code (TDC) Table 40-1 lists water reservoirs with a maximum height of 75 feet as a Conditional Use in the RL zone, subject to a Conditional Use Permit under the infrastructure and utilities use category.

With recommended Condition of Approval CUP-1, these standards are met.

Section 40.210 - Additional Limitations on Uses.

- (1) **Agricultural Uses.** Agricultural uses may be permitted uses or conditional uses depending on the nature of the use.
 - (a) **Permitted Uses.** The following uses are permitted outright:
 - (i) Agricultural uses of land such as gardening and horticulture.
 - (ii) Raising of chickens as allowed by the Tualatin Municipal Code.
 - (b) **Conditional Uses.** The following uses are conditional uses within areas designated on Comprehensive Plan Map 10-6:
 - (i) **Conditional Use of Agricultural Animals.** Raising of agricultural animals, limited to cattle, horses and sheep. The City Council may limit the number of animals to be allowed on a specific parcel of property.
 - (ii) **Agricultural structures such as barns, stables, sheds, but excluding feed lots.** Feed lots are prohibited.

Finding:

The proposed use does not include agricultural uses. This standard is not applicable.

Section 40.300 - Development Standards.

- (1) Development standards in the RL zone are listed in Table 40-3. Additional standards may apply to some uses and situations, see TDC 40.310. The standards in Table 40-3 may be modified for flexible lot subdivisions as provided in TDC 36.410 and for greenway and natural area dedications as provided in TDC 36.420.

- (2) **Exceptions.** Existing nonconforming situations may be developed according to the provisions of TDC Chapter 35.

Table 40-3
Development Standards in the RL Zone

STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
MINIMUM LOT SIZE		
Conditional Uses	6,000 square feet	
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process.
MINIMUM LOT WIDTH		
Conditional Uses	50 feet	May be reduced to 30 feet if on a cul-de-sac. Average minimum lot width is 30 feet.
MINIMUM SETBACKS		
Conditional Uses	—	As determined through Architectural Review process. No minimum setback must be greater than 50 feet. Parking and vehicular circulation areas must be set back a minimum of ten feet from any public right-of-way or property line.
MAXIMUM STRUCTURE HEIGHT		
All Uses	35 feet	May be increased to a maximum of 50 feet through Type II Architectural Review if all setbacks are not less than 1½ times the height of the building.
MAXIMUM LOT COVERAGE		
Conditional Uses	40%	

Finding:

The Low Density Residential (RL) Planning District development standards located in TDC Table 40-3 would apply to any future development of the site through an Architectural Review. The Architectural Review application would be reviewed against all applicable Tualatin Development Code standards including TDC Chapter 40.

With recommended Condition of Approval CUP-3, these standards are met.

Chapter 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations [...]

Section 63.020 – Applicability.

The regulations of this Chapter apply to:

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

TDC 63.051. - Noise.

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

TDC 63.052. - Vibration.

- (1) All uses and development must not cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section.
 - (a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district must not exceed 0.01 inches per second (0.00025 meters per second) RMS velocity.
 - (b) Ground vibration as measured at a common property boundary of any two properties within any industrial planning district must not exceed 0.1 inches per second (0.0025 meters per second) RMS velocity.
- (2) *Method of Measurement.* Vibration measurement procedures must conform to the methods described in this section and to procedures approved by the Oregon Department of Environmental Quality.
 - (a) Instrumentation must be capable of measuring RMS value of the vibration velocity over the frequency range of ten to 1,000 hertz.
 - (b) Measurement values must be recorded for a sufficient period of observation to provide a representative sample.
 - (c) Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of nine inches (22.9 cm.) in length, driven flush with the ground surface.
- (3) *Exemptions.* The requirements of TDC 63.052(1) do not apply to:
 - (a) Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad;
 - (b) Vibration resulting from the operation of any road vehicle;
 - (c) Vibration resulting from construction activities and use of construction equipment; and
 - (d) Vibration resulting from roadway maintenance and repair equipment.

TDC 63.053 - Air Quality.

- (1) *Restrictions.* All uses and development must comply with the most recent air quality standards adopted by the Oregon Department of Environmental Quality. Plans of construction and operations must comply with the recommendations and regulations of the State Department of Environmental Quality.
- (2) *Method of Measurement.* All measurements of air pollution must be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods or measurement approved by the City. Upon request of the City, persons responsible for a suspected source of air pollution must provide quantitative and

qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

TDC 63.054. - Odors.

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

TDC 63.055. - Heat and Glare.

- (1) All uses and development must conduct all operations producing heat or glare entirely within an enclosed building.(2)All uses and development may utilize exterior lighting, but the exterior lighting must be screened, baffled or directed away from residential planning districts.

TDC 63.056. - Storage and Stored Materials.

- (1) All uses and development must store all materials, including wastes, in a manner that will not attract or aid the propagation of insects or rodents, or in any other way create a health or safety hazard.
(2) All uses and development that utilize open storage that would otherwise be visible at the property line must conceal it from view at the abutting property line by a sight obscuring fence not less than six feet high and not accessible to the general public to protect public safety.

TDC 63.057. - Liquid or Solid Waste Materials.

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

TDC 63.058. - Dangerous Substances.

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

Finding:

The proposed water reservoir and pump station use must comply with Chapter 63 of the Tualatin Development Code. Any future development of the site would be subject to an Architectural Review. The Architectural Review application would be reviewed against all applicable Tualatin Development Code standards including compliance with Chapter 63.

With recommended Condition of Approval CUP-2, these standards are met.

III. RECOMMENDATION

Based on the application materials and analysis and findings presented above, staff finds that the applicable criteria have been met relative to CUP25-0001, and therefore recommends approval of this application with the following Conditions of Approval:

- CUP – 1** The approved CUP is limited to a water reservoir, with a maximum height of 75 feet listed in TDC Table 40-1.
- CUP – 2** The proposed development must comply with the Environmental Regulations of TDC Chapter 63.
- CUP – 3** An approved Architectural Review application in substantial conformance to the site plan (Exhibit A2) and meeting current Tualatin Development Code standards requirements at the time the application is submitted must be obtained for use of the site and site development.
- CUP – 4** A conditional use permit automatically is null and void two years after the effective date upon which it was granted, unless the applicant, or successor in interest, has done one of the following within two years of the effective date of the Conditional Use Permit:
- i. Secured a building permit and commenced construction of the building or structure in conformance of the building permit and conditional use permit.
 - ii. Commenced the activity or installation of the facility or structure authorized by the conditional use permit.
 - iii. Submitted a request for an extension of time on the conditional use permit to avoid the permit's becoming null and void.