



ANALYSIS AND FINDINGS
124TH AVENUE INDUSTRIAL DEVELOPMENT (AR 23-0004)

November 8, 2023

Case #:	AR 23-0004
Project:	124 th Avenue Industrial Development
Location:	19000 SW 124 th Ave, Tax Lot: 2S127BB00100
Applicant:	Jennifer Kimura, VLMK Engineering + Design
Owner:	Tualatin 124, LLC

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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.

designated as a Natural Resource Protection Overlay District (NRPO), and a portion of the proposed development is located in the overlay.

City staff approved a Property Line Adjustment (PLA23-0003) (Exhibit C) for the project site that relocated the property line between Tax Lots: 2S127BB00100 and 2S127BB00200 at 19000 SW 124th 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

VMLK Engineering + Design, on behalf of Tualatin 124 LLC, is requesting approval to construct a three building industrial facility totaling 199,170 square feet. The buildings are intended to provide lease space to warehouse and manufacturing tenants. The buildings are anticipated to accommodate one to four tenants each. Building A is proposed to be 76,000 square feet, Building B proposes 70,670 square feet and Building C proposes 52,500 square feet on a 23.9-acre site zoned General Manufacturing (MG).

The proposed building construction consists of tilt up concrete perimeter walls with industrial slab on grade concrete floor. The proposed finishes will include aluminum framed storefront entry systems with enhanced paint to reveal the office locations. The site has an existing right in right out driveway along SW 124th Avenue, and a second right in right out driveway is proposed along SW 124th Avenue to facilitate access for vehicles to the proposed onsite loading docks and parking areas. Parking areas and landscaping are proposed throughout the site.

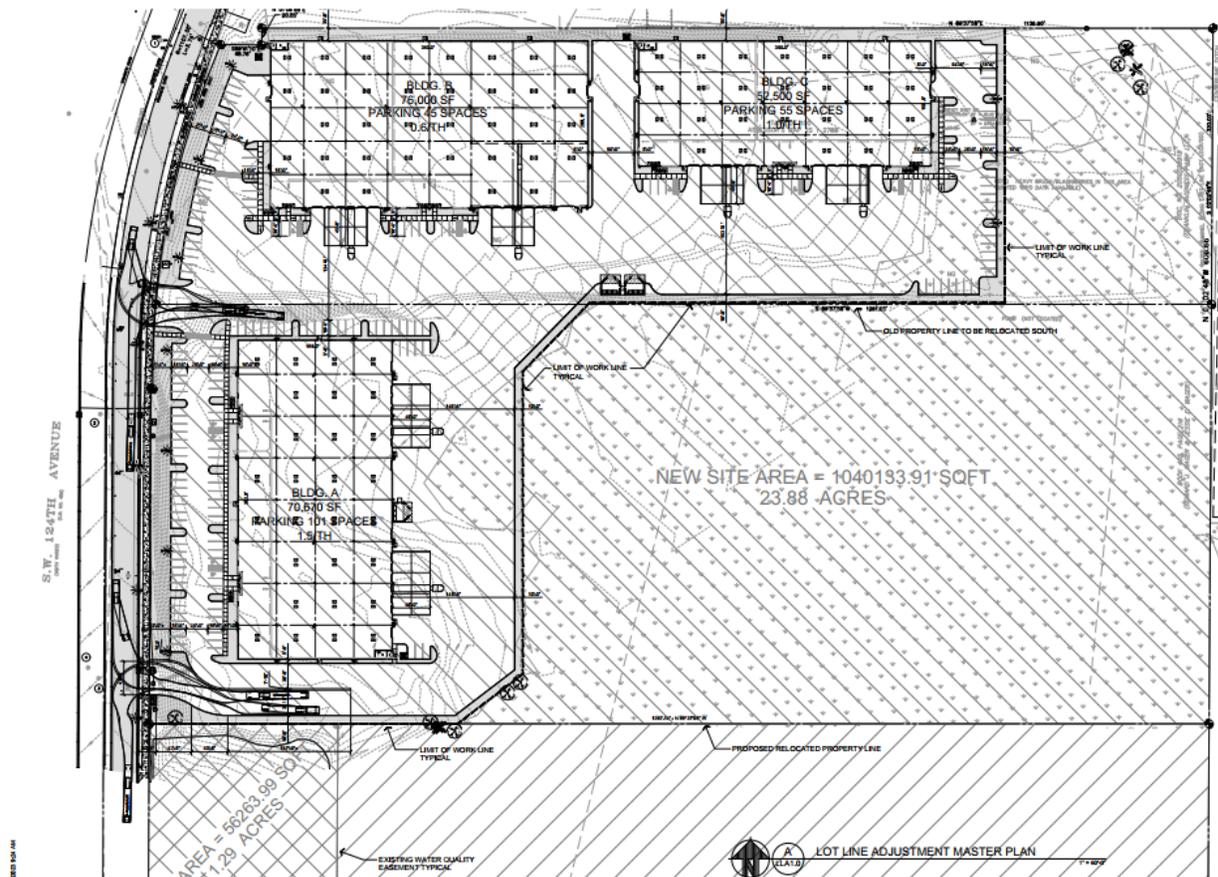


Figure 2 Site Plan Overview

D. Previous Land Use Actions

- ANN82-08 – Annexation

E. Surrounding Uses

Surrounding areas indicate industrial uses. Adjacent land uses include:

North: General Manufacturing (MG)

- A & I Distributors
- Albina Co, Inc.

South: General Manufacturing (MG)

- Itel Corporate Center Condominiums
- IPT Tualatin

West: General Manufacturing (MG)

- SW 124th Avenue
- Tualatin Island Greens

East: General Manufacturing (MG)

- Hedges D Parking Lot
- Vacant Land

F. Exhibit List

A: Application Materials

- A1. Applicant's Narrative
- A2. Plan Set and Elevations
- A3. Arborist Report
- A4. Transportation Impact Analysis
- A5. Stormwater Report
- A6. Service Provider Letters
- A7. Supporting Documents

B: Public Notice

C: Property Line Adjustment (PLA23-0003) Decision

D: Water System Capacity Analysis

E: Clean Water Services Memorandum

F: Map 8-1 Functional Classification and Traffic Signal Plan

G: Map 72-1 Natural Resource Protection Overlay District

H: Map 72-3 Significant Natural Resources

II. PLANNING FINDINGS

Findings reference the Tualatin Development Code, 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						
Industrial Buildings 150,000 square feet and larger	III	ARB	CC	Yes	Yes	TDC 33.020
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

Finding:

The proposed Architectural Review application development is classified as “Large Commercial, Industrial, and Multifamily Development” under TDC 33.020(3)(g). The project proposes three industrial buildings that total over 150,000 square feet and therefore is subject to the Type III procedures according to Table 32-1. The application has been processed according to the applicable code for Type III 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.)

[...]

Finding:

The application was deemed complete on September 28, 2023. The 120th day will be January 26, 2024. The final action on this application must take place within the 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. The applicant participated in a Pre-Application meeting on February 24, 2021. The application related to the proposed development was not submitted within six months of the Pre-Application conference. The application was submitted on April 19, 2023. A follow-up conference was held on May 5, 2023 to confirm the proposed use, layout, and design of the proposal had not significantly changed. 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 April 21, 2022. The applicant has provided documentation of signposting and notification in compliance with this section, in addition to a sign-in sheet and notes from the meeting in Exhibit A7. These standards are met.

Section 32.130 – Initiation of Applications.

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

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

[...]

Finding:

The applicant has provided a title report within Exhibit A7 showing Tualatin 124, LLC to be the current owner of the subject site. The application has been signed by an agent 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 Architectural Review 23-0004 on April 19, 2023. The application was deemed complete on September 28, 2023. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

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

Finding:

The applicant provided certification within Exhibit A7 that signs in conformance with this section 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 AR 23-0004 on April 19, 2023. The application was then deemed complete on September 28, 2023. 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 hearing regarding Architectural Review 23-0004 was mailed by city staff on October 2, 2023, and contained the information required by this section (Exhibit B). No public comments were received as part of this application. Clean Water Services provided a memorandum on October 24, 2023, and was included as Exhibit E. 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 Architectural Review Board 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 33.020 - Architectural Review.

(5) Approval Criteria.

- (d) **Large Commercial, Industrial, and Multifamily Development.** Applications for Large Commercial, Industrial, and Multifamily Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.

Finding:

The subject application, which is for “large industrial development,” must comply with the standards and objectives in TDC 73A through 73G. These standards are met by the submittal of the subject application in addition to the Findings and recommended Conditions of Approval.

(9) Permit Expiration. Architectural Review decisions (including Minor Architectural Review decisions) expire two (2) years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.

(10) Extension of Permit Expiration.

- (a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.
- (b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.
- (c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:
 - (i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.
 - (ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.
- (d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.
- (e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:
 - (i) The applicant submitted a written extension request prior to the expiration date;

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

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

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

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

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

Finding:

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

Section 33.110 - Tree Removal Permit/Review.

(2) **Applicability.** No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.

[...]

(3) **Exemptions.** The following actions are exempt from the requirements of a tree removal permit.

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

(i) Not located in the Natural Resource Protection Overlay District (NRPO);

(ii) Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);

(iii) Not a Heritage Tree; and

(iv) Not previously required to be retained or planted under an approved Architectural Review decision.

Finding:

The Tree Protection Plan and Arborist Report found in Exhibit A2 and Exhibit A3 showed that the removal of trees would be necessary to construct the project as proposed. With recommended Condition of Approval A10.a, these standards are met.

Section 33.110 - Tree Removal Permit/Review Approval Criteria.

(5) **Approval Criteria.**

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

(i) **The tree is diseased and:**

(A) **The disease threatens the structural integrity of the tree; or**

(B) **The disease permanently and severely diminishes the esthetic value of the tree; or**

(C) **The continued retention of the tree could result in other trees being infected with a disease that threatens either their structural integrity or esthetic value.**

(ii) **The tree represents a hazard which may include but not be limited to:**

(A) **The tree is in danger of falling; or**

- (B) Substantial portions of the tree are in danger of falling.**
- (iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.**

Finding:

The applicant submitted a Tree Preservation Plan in Exhibit A2. The Arborist Report (Exhibit A3) stated that the removal of trees would be necessary to construct the project as proposed. The arborist report observed that significant impacts from grading are anticipated and most of the trees are in the direct footprint of the development. The inventory list in the arborist report proposed 159 trees for removal and 17 trees for retention. The trees proposed for retention near the south and east borders of the development. A portion of the proposed project is within the NRPO, however, the arborist report stated there are no trees located in or proposed for removal within the overlay. With recommended Condition of Approval A10.a, these standards are met.

Chapter 61: General Manufacturing (MG) Zone

Section 61.200 - Use Categories.

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

[...]

Table 61-1: Use Categories in the MG Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INDUSTRIAL USE CATEGORIES		
Heavy Manufacturing	P (L)	Concrete batch plants are not permitted in the Leveton Tax Increment District. All other uses permitted outright.
Light Manufacturing	P	---
Warehouse and Freight Movement	P/C	Conditional use required for warehousing of building materials and supplies. All other uses permitted outright.

Finding:

The project area is within the General Manufacturing (MG) Planning District. The applicant’s narrative stated the future building tenants are unknown, but proposed the uses of warehousing and manufacturing. Both warehousing and manufacturing are uses that are permitted within the MG Zone. A small portion of the site is within the Leveton Tax Increment district which prohibits concrete batch plants under the Heavy Manufacturing Use. A Conditional Use Permit would be required for the warehousing of building materials and supplies under the Warehouse and Freight Movement Use. Additional review may be necessary at the time of tenant improvements. With recommended Condition of Approval A18, this standard is 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	Building A	Building B	Building C
MINIMUM SETBACKS				
Front (Cipole Rd)	30 feet	Met	Met	Met
Side*	0-50 feet	Met	Met	Met
Rear*	0-50 feet	Met	Met	Met
Parking and Circulation Areas	5 feet	Met	Met	Met
Fences – From Public ROW	10 feet			
STRUCTURE HEIGHT				
Maximum Height	60 feet	Met	Met	Met
* Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.				

[...]

Finding:

The existing ±23.9-acre lot meets the lot size and dimensional standards for the General Manufacturing (MG) Planning District. The applicant’s submitted Site Plan (Exhibit A2) showed the Front, Side and Rear minimum setbacks were met for the proposed Buildings A, B and C. The parking and circulation areas are shown to meet the minimum standard setback of five feet. The structure heights submitted for Buildings A, B and C are 33’-6” which are under the maximum height of 60 feet. The Site Plan (Exhibit A2) depicted a six foot chain link fence to the north of the lot. With the recommended Condition of Approval A10.c to submit the setback of the proposed fence these standards are met.

Section 61.310 - Additional Development Standards.

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

Finding:

The proposal did not include or propose outdoor uses. With recommended Condition of Approval A19, this standard is met.

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

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

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

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

[...]

Finding:

There are no residential planning districts within 450 feet of the project site. These standards are not applicable.

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

[...]

Finding:

The site is located in the General Manufacturing (MG) Planning District. Tenants are speculative at this time; however warehousing and freight movement uses have been identified. Therefore the noise, vibration, air quality, odor, heat and glare, materials storage, waste disposal, and dangerous substances regulations of this Chapter apply. With recommended Condition of Approval A20, these standards are met.

Chapter 71: Wetlands Protection District (WPD)

Section 71.030 - Applicability.

Uses located within the Wetlands Protection District (WPD) shall comply with the certification requirements contained in TDC 71.040.

Finding:

The subject property contains natural resources including NRPO-WCNA Wetland Conservation Natural Areas. The subject property is not located within a Wetland Protection District (WPD), therefore Chapter 71 is not applicable.

Chapter 72: Natural Resource Protection Overlay District (NRPO)

[...]

Section 72.013 - Significant Natural Resources.

The following natural resource sites identified in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) are Significant Natural Resources:

Finding:

The east side of the subject property is designated as a Natural Resource Protection Overlay District (NRPO). City staff approved a Property Line Adjustment (PLA23-0003) (Exhibit C) for the project site that relocated the property line between Tax Lots: 2S127BB00100 and 2S127BB00200 at 19000 SW 124th 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. Map 72-3 (Exhibit H) shows resource W-34 (Significant Wetland – Hedges Creek) to be present on a portion of the site. Map 72-1 (Exhibit G) also shows the subject site to be located in the Wetland Conservation District (WCNA). Non-building development uses proposed in natural areas of the Natural Resource Protection Overlay District (NRPO) (Map 72-1) are subject to compliance with Clean Water Services standards to mitigate the impact of development to the extent necessary.

Section 72.020 – Location of Greenways and Natural Areas.

(1) The designated significant natural resources are the Greenways and Natural Areas on Map 72-1, which shows the general location of the NRPO District.

(2) Lands in the Wetland Protection District (WPD) are subject to Chapter 71, and other applicable regulations, but not Chapter 72.

Finding:

Map 72-1 (Exhibit G) illustrates Wetland Conservation Natural Areas (WCNA) within the confines of the subject property, therefore Chapter 72 is applicable. The subject property does not contain land that is within a Wetlands Protection District, therefore Chapter 71 is not applicable.

Section 72.040 - Natural Areas.

(1) Natural Areas are the wetlands and upland open space areas on Map 72-1. They provide flood control, water quality, erosion control, fish and wildlife habitat, and valuable scenic qualities. Natural Areas may include restored and enhanced wetlands, park sites and other areas accessible by the public for passive recreation.

(2) Wetland Natural Areas.

(a) Wetland Preservation Natural Areas (NRPO-WPNA) are shown on Map 72-1. They include all land within a delineated wetland boundary.

(b) Wetland Conservation Natural Areas (NRPO-WCNA) are shown on Map 72-1. Except as provided in Subsection (c), they include all land within a delineated wetland boundary.

(c) For uses not permitted in TDC 72.060(3), excavation, fill or removal in a NRPO-WCNA is allowed subject to the Oregon Division of State Lands (DSL) requirements and the following standards:

(i) The wetland acreage affected by the excavation, fill or removal shall not exceed 30 percent of the subject property's delineated wetland acreage. The wetland acreage affected shall include excavation, fill or removal activities conducted since March 1, 1996.

(ii) The excavation, fill or removal shall not reduce or block water features such as springs, drainage courses and streams.

(iii) The wetland's functions and values listed in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) shall be retained or improved through mitigation and/or enhancement. The wetland's functions and values may be assessed using the Oregon Freshwater Wetland Assessment Methodology (DSL, 1996, as amended).

(iv) Mitigation shall be conducted either on the subject property or within the same stream watershed as the subject wetland unless the applicant demonstrates the impracticality of doing so.

Finding:

The subject property contains Natural Resource Protection Overlay – Wetland Conservation Natural Areas (NRPO-WCNA) land shown on Map 72-1 (Exhibit G). The applicant submitted a service provider

letter from Clean Water Services in Exhibit A6. The service provider letter attached conditions, development figures, and a planting plan. A condition provided in the service provider letter included, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits. Standards within TDC 72.040(c)(i), (ii), (iii) and (iv) will be evaluated with the submittal. Non-building development uses proposed in natural areas of the Natural Resource Protection Overlay District (NRPO) (Map 72-1) are subject to compliance with Clean Water Services standards to mitigate the impact of development to the extent necessary. With recommended Condition of Approval A3, these standards are met.

Section 72.056 - Vegetated Corridors of Sensitive Areas.

Lands subject to these regulations are also subject to the regulations in the Unified Sewage Agency's Design and Construction Standards.

Finding:

The proposed development has been reviewed by Clean Water Services in the submitted service provider letter in Exhibit A6 and memorandum in Exhibit E. The submitted comments and conditions will apply to all grading and construction activities. With recommended Condition of Approval A3, this standard is met.

Section 72.060. - Development Restrictions in Greenways and Natural Areas.

(1) Except as provided in Subsection (2), no building, structure, grading, excavation, placement of fill, vegetation removal, impervious surface, use, activity or other development shall occur within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas.

(2) The following uses, activities and types of development are permitted within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas provided they are designed to minimize intrusion into riparian areas:

(a) Public bicycle or pedestrian ways, subject to the provisions of TDC 72.070.

(b) Public streets, including bridges, when part of a City approved transportation plan, and public utility facilities, when part of a City approved plan and provided appropriate restoration is completed.

(c) Except in Wetland Natural Areas, private driveways and pedestrian ways when necessary to afford access between portions of private property that may be bisected by a Greenway or Open Space Natural Area.

(d) Except in Creek Greenways and Wetland Natural Areas, outdoor seating for a restaurant within the Central Urban Renewal District, but outside of any sensitive area or its vegetated corridor.

(e) Public parks and recreational facilities including, but not limited to, boat ramps, benches, interpretive stations, trash receptacles and directional signage, when part of a City-approved Greenway or Natural Area enhancement plan.

(f) Landscaping, when part of a landscape plan approved through the Architectural Review process. City initiated landscape projects are exempt from the Architectural Review process. Landscaping in Greenways and Natural Areas shall comply with the approved Plant List in the Parks and Recreation Master Plan. When appropriate, technical advice shall be obtained from the Oregon Department of Fish and Wildlife, U.S. Soil Conservation Service, or similar agency, to ensure the proposed landscaping will enhance the preservation of any existing fish or wildlife habitats in the vicinity.

(g) Wildlife protection and enhancement, including the removal of non-native vegetation and replacement with native plant species.

(h) Except in Wetland Natural Areas, public boating facilities, irrigation pumps, water-related and water-dependent uses including the removal of vegetation necessary for the development of water-related and water-dependent uses, and replacement of existing structures with structures in the same location that do not disturb additional riparian surface.

(i) In Wetland Natural Areas, perimeter mowing and other cutting necessary for hazard prevention.

(3) The City may, through the subdivision, conditional use, architectural review, or other development approval process, attach appropriate conditions to approval of a development permit. Such conditions may include, but are not limited to:

(a) Use of Greenways and Natural Areas for storm drainage purposes;

(b) Location of approved landscaping, pedestrian and bike access areas, and other non-building uses and activities in Greenways and Natural Areas;

(c) Setback of proposed buildings, parking lots, and loading areas away from the Greenway and Natural Area boundary.

(4) Greenways and Natural Areas in which an access easement is owned by the City, but retained in private ownership, shall be maintained by the property owner in their natural state and may only be modified if a landscape and maintenance plan complies with the approved Plant List in the Parks and Recreation Master Plan, and has been approved through the Architectural Review process or by the Parks and Recreation Director when Architectural Review is not required.

(5) The Parks and Recreation Director shall be included as a commentator when a development application proposes dedication of Greenway or Natural Area property to the City or when development is pro-posed on Greenway or Natural Areas property maintained by the Parks and Recreation Department.

[...]

Finding:

The subject property contains Natural Resource Protection Overlay – Wetland Conservation Natural Areas (NRPO-WCNA) land shown on Map 72-1 (Exhibit G). The applicant submitted a service provider letter from Clean Water Services in Exhibit A6. The service provider letter attached conditions, development figures, and a planting plan. A condition provided in the service provider letter included, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits. The Parks and Recreation Department reviewed the proposal and provided no comments. Non-building development uses proposed in natural areas of the Natural Resource Protection Overlay District (NRPO) (Map 72-1) are subject to compliance with Clean Water Services standards to mitigate the impact of development to the extent necessary. With recommended Condition of Approval A3, these standards are met.

Section 72.070 - General Guidelines for Pedestrian and Bike Paths in Greenways.

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

[...]

Finding:

The subject property does not contain a Greenway, therefore TDC 72.070 is not applicable.

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

(1) When a property owner in a Commercial, Institutional, or Industrial Planning District dedicates to the City a portion of the NRPO District, or vegetated corridor located within or adjacent to the NRPO

District in accordance with a City-approved landscape plan, a Greenway and Natural Area Landscaping Credit shall be applied toward a portion of the site's percentage landscaping requirement.

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

TDC 72.090 - Reduction in Setback Requirements.

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

[...]

Finding:

This section of the Tualatin Development Code was not addressed in the submitted materials. Landscaping credits have not be considered in the review of the proposed industrial development.

Section 72.110 - Easements for Pedestrian and Bicycle Access.

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

Finding:

The Parks and Recreation Department reviewed the proposal and provided no comments.

Section 72.120 - Wetlands Protection District.

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

Finding:

Although the subject property contains Wetland Conservation Natural Areas, it is not within a Wetlands Protection District. These standards are not applicable.

Section 72.130 - Floodplain District.

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

Finding:

The subject property contains one NRPO District. The site is not within the 100-Year Floodplain or Floodway.

Section 72.140 - Dedication of Land for Park Purposes.

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

Section 72.150 - Modifications for Storm Drainage Improvements.

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

Finding:

If necessary in the future, this section of the TDC will be applied.

Chapter 73A: Site Design

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

- (1) ***Purpose.*** The purpose of the site and building design objectives and standards found in TDC 73A through TDC 73G is to promote functional, safe, innovative, and attractive sites and buildings that are compatible with the surrounding environment, including, but not limited to:
 - (a) The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and
 - (b) The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.
- (2) ***Objectives.*** The objectives of site and building design standards in TDC 73A through TDC 73G are to:
 - (a) Enhance Tualatin through the creation of attractively designed development and streetscapes;
 - (b) Encourage originality, flexibility, and innovation in building design;
 - (c) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
 - (d) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
 - (e) Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
 - (f) Enhance energy efficiency through the use of landscape and architectural elements; and
 - (g) Minimize disruption of natural site features such as topography, trees, and water features.

Finding:

The Architectural Review Board will review the subject application and make a determination if the purpose and objectives of Chapter 73A have been adequately addressed.

Section 73A.500 - Industrial Design Standards.

The following standards are minimum requirements for industrial development in all zones, except the Mixed-Use Commercial (MUC) zone, which has its own standards:

- (1) **Walkways.** Industrial development must provide walkways as follows:
 - (a) Walkways must be a minimum of five feet in width;
 - (b) Walkways must be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete (not gravel or woody material);
 - (c) Walkways must meet ADA standards applicable at time of construction or alteration;
 - (e) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;
 - (f) Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas; and

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

Finding:

Walkways are proposed along the entrances and perimeters of the buildings as shown on the Site Plan in Exhibit A2. The proposed walkways are a minimum of five feet in width and are to be constructed in concrete. Further evaluation for ADA standards will be conducted during the building permit phase. The plans depicted walkways between Buildings A and B to connect the office areas to the public sidewalk along 124th Avenue. The narrative stated Building C is located at the eastern portion of the site and the walkway connection would require pedestrians to cross through truck maneuvering areas. Walkways crossing the onsite drive aisles are proposed to be painted with cross striping. There are no outdoor recreation access routes required for this site. These standards are met.

(2) Accessways.

(a) When Required. Accessways are required to be constructed when a common wall development is adjacent to any of the following:

(i) Residential property;

(ii) Commercial property;

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

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

Finding:

This development is not located adjacent to residential and commercial properties or areas intended for public use. This standard is not applicable.

(3) Drive-up Uses. Drive-up uses must comply with the following:

Finding:

There are no drive-up uses proposed under the application. This standard is not applicable.

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

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

(b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;

(c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;

Finding:

As shown in Exhibit A2 windows are proposed on the western elevation of Building A, the southern and western elevation of Building B and the southern, eastern and western elevation of Building C. The windows will enable tenants to watch over pedestrian and parking areas. Wallpak lighting has been located on the buildings to illuminate the passenger vehicle parking areas. The applicant's narrative stated that the lighting is located far enough away from the public rights-of-way that it will not shine into the public rights-of-way. The narrative also stated the lighting will not extend beyond the curblin of the development to not affect the fish, wildlife and wetland habitat areas. A Site Lighting Plan is included in Exhibit A2. With recommended Condition of Approval A21, this standard is met.

- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and**
- (e) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.**

Finding:

Building identification will be reviewed and approved prior to issuance of a building permit and will be required to meet all standards of Tualatin Valley Fire and Rescue, as well as, all applicable building code standards. There are no above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, or above ground natural gas pumping stations proposed under this application. With recommended Condition of Approval A13, this standard is met.

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

- (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;**
- (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and**
- [...]**

Finding:

The applicant’s narrative (Exhibit A1) stated the proposed electrical transformers will be screened with landscaping. The shell buildings do not propose roof mounted units at the time of submittal. Future tenant buildouts may require rooftop units that are to be screened according to the standard. No outdoor storage is proposed. With recommended Condition of Approval A14, this standard is met.

(6) Adjacent to Transit. Industrial development adjacent to transit must comply with the following:

- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street; and**
- (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:**
 - (i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;**

Finding:

The subject site abuts 124th Avenue. As shown in Exhibit A2, a sidewalk is proposed to connect the site to 124th Avenue. The site is not adjacent to a major transit stop. The project is located near one transit line (Trimet Route 97) that has stops within an approximately one-half mile walking/biking distance of the southern part of the site on Tualatin-Sherwood Road. This standard is met.

Chapter 73B: Landscaping Standards

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

Excerpted from 73B.020	
Zone	Minimum Area Requirement
[...]	
(3) [...] MG zones except within the Core Area Parking	15% of the total area to be developed

[...]

Finding:

The proposal included landscaping throughout the site submitted in the Landscape Plan in Exhibit A2. The site is within the General Manufacturing (MG) Planning District and requires a minimum of 15% of the total area to be developed to be enhanced with landscaping. With recommended Condition of Approval A10.b, this standard is met.

Section 73B.060 – Additional Minimum Landscaping Requirements for Industrial Uses.

(1) General. In addition to requirements in TDC 73B.020, industrial uses must comply with the following:

- (a)** All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
- (b)** Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:
 [...]

Finding:

As shown on the Landscape Plan in Exhibit A2, building perimeter landscaping is proposed around the three proposed buildings which are viewable from parking areas. All areas not occupied by the buildings, parking spaces, driveways, drive aisles, and pedestrian areas are proposed to be landscaped. With recommended Condition of Approval A10.b, these standards are met.

Section 73B.080 – Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

<p>(1) Required Landscape Areas</p>	<ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. • The foliage crown of trees cannot be used to meet this requirement. • A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
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Finding:

As shown on the Landscape Plan included in Exhibit A2, and with recommended Condition of Approval A24, these standards are met.

<p>(2) Fences</p>	<ul style="list-style-type: none"> • Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
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Finding:

The Site Plan (Exhibit A2) depicted a six foot chain length fence to the north of the site. With recommended Condition of Approval A10.b, this standard is met.

<p>(3) Tree Preservation</p>	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.
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	<ul style="list-style-type: none"> • During construction: • Must provide above and below ground protection for existing trees and plant materials identified to remain; • Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; • If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; • Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; • Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and • Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100% of the area preserved under any tree or group of trees (Except for impervious surface areas) retained in the landscape plan must apply directly to the percentage of landscaping required for a development
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Finding:

Tree protection measures are identified in the Arborist Report submitted in Exhibit A3. With recommended Conditions of Approval A2 and A10.b, these standards are met.

<p>(4) Grading</p>	<ul style="list-style-type: none"> • After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.
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Finding:

The proposal includes grading, as shown in the Grading Plan Exhibit A2. Grading and erosion control are further addressed in Chapter 74. With recommended Condition of Approval A10.a, these standards are met.

	<ul style="list-style-type: none"> • Landscaped areas must be irrigated with an automatic underground or drip irrigation system • Exceptions: Irrigation requirement does not apply to duplexes and townhouses.
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Finding:

Irrigation will be provided in landscaped areas, as described in the Landscape Plan in Exhibit A2. This standard is met.

<p>(6) Re-vegetation in Un-landscaped Areas</p>	<ul style="list-style-type: none"> • Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.
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Finding:

The applicant proposed to landscape all areas not otherwise proposed for development within the development area. With recommended Condition of Approval A25, this standard is met.

Section 73B.090 – Minimum Standards Trees and Plants.

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

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

	<ul style="list-style-type: none"> • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited. 	
(6) Lawns	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species. 	

Finding:

Landscaping was proposed throughout the site in the submitted Landscape Plan (Exhibit A2). With recommended Condition of Approval A26, these standards are met.

Chapter 73C: Parking Standards

Section 73C.020 – Parking Lot Design Standards.

A parking lot, whether an accessory or principal use, intended for the parking of automobiles or trucks, must comply with the following:

- (1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;**
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;**
- (3) Parking stalls must be constructed of asphalt, concrete, previous concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Pervious surfaces, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;**
- (4) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;**
- (5) Parking bumpers or wheel stops or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.**

Finding:

As shown on the submitted Site Plan (Exhibit A2) the parking stalls are proposed at 9 x 18.6 feet and drive aisles are proposed at 26 feet in width. These standards are met.

- (6) Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;**
- (7) Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;**

Finding:

The submitted Site Plan (Exhibit A2) depicted ten ADA parking spaces planned near the main entrances to the proposed buildings. There are no subcompact stalls proposed. ADA standards will be reviewed in greater detail during the building permit phase. These standards are met.

- (8) Groups of more than 4 parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;**
- (9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;**
- (10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-**

way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;

Finding:

As shown on Site Plan (Exhibit A2), the design of the vehicular circulation area will facilitate the flow of traffic and are a minimum of 24 feet in width. These standards are met.

(11) Artificial lighting, must be deflected to not shine or create glare in a residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor;

Finding:

The applicant submitted Site Lighting Plan in Exhibit A2. Lighting will primarily be focused toward building entrances, loading, and interior parking areas. Artificial lighting must be deflected to not shine or create glare in a residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor. With recommended Condition of Approval A21, this standard is met.

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

Finding:

Parking lot landscaping is reviewed below in TDC 73C.200. The site is not adjacent to a residential zone. These standards are met.

Section 73C.050 – Bicycle Parking Requirements and Standards.

(1) Requirements. Bicycle parking facilities must include:

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

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

- (a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;**
- (b) A five-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt or a pervious hard surface such as pavers, or grasscrete, and be maintained;**
- (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;**
- (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;**

- (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;
- (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;
- [...]

Finding:

The Site Plan in Exhibit A2 noted interior and exterior bicycle parking. The applicant’s narrative proposed 21 bicycle parking spaces. With recommended Condition of Approval A10.c these standards are met.

Section 73C.100 – Off-Street Parking Minimum/Maximum Requirements.

(1) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City:

USE	MINIMUM MOTOR VEHICLE PARKING	MAXIMUM MOTOR VEHICLE PARKING	BICYCLE PARKING	PERCENTAGE OF BICYCLE PARKING TO BE COVERED
[...]				
(f) Industrial				
(i) Manufacturing	1.60 spaces per 1,000 square feet of gross floor area	None	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater
(ii) Warehousing	0.30 spaces per 1,000 square feet of gross floor area	Zone A: 0.4 spaces per 1,000 square feet of gross floor area Zone B: 0.5 spaces per 1,000 square feet of gross floor area	2, or 0.10 spaces per 1,000 gross square feet, whichever is greater	First five spaces or 30 percent, whichever is greater

Finding:

The applicant proposes to construct parking appropriate for a speculative mix of 50% manufacturing and 50% warehousing, based on the applicant’s narrative in Exhibit A1.

Table 1: Minimum and Proposed Parking by Use

Use	Square Footage	Vehicle Parking Min.	Proposed Vehicle Parking	Bike Parking Min.	Proposed Bike Parking
Manufacturing	99,585	159		10	
Warehousing	99,585	30		10	
Total	199,170	189	201	20	21

For the proposed mix of uses, 189 parking spaces are required. The applicant’s narrative and site plan proposed 201 parking spaces. Additionally, 20 bicycle parking spaces are required by code based on the total proposed area of the buildings. Six of the bicycle parking spaces must be covered. The applicant has proposed 21 bicycle parking spaces. The submitted narrative (Exhibit A1) stated, Building A would have

seven bicycle parking spaces, five in the interior and two exterior would be provided. For Building B, eight bicycle parking spaces were proposed, five in the interior and three exterior. For Building C, six bicycle parking spaces are proposed, five in the interior and one exterior. With recommended Condition of Approval A10.c, these standards are met.

(2) In addition to the general parking requirements in subsection (1), the following are the minimum number of off-street vanpool and carpool parking for commercial, institutional, and industrial uses.

Number of Required Parking Spaces	Number of Vanpool or Carpool Spaces
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces

[...]

Finding:

Of the required 189 parking spaces, eight must be designated carpool/vanpool spaces. The submitted narrative (Exhibit A2) stated there are eight spaces proposed. With recommended Condition of Approval A10.c, this standard is met.

Section 73C.120 – Off-Street Loading Facilities Minimum Requirements.

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

Use	Square Feet of Floor Area	Number of Berths	Dimensions of Berth	Unobstructed Clearance of Berth
[...]				
Industrial	25,000—60,000	2	12 feet x 60 feet	14 feet
	60,000 and over	3	12 feet x 60 feet	14 feet

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

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

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

(5) The off-street loading facilities must in all cases be on the same lot or parcel as the structure they are intended to serve. In no case must the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.

[...]

Finding:

Building A is proposed to be 70,670 square feet and would require three berths, Building B is proposed to be 76,000 square feet and would require three berths and Building C is proposed to be 52,500 square feet and would require two berths. As shown on the Site Plan included in Exhibit A2, there are loading berths located on the eastern elevation of Building A that are screened from SW 124th Avenue. Loading berths are proposed on the southern elevation of Building B and are located 190 feet from SW 124th Avenue. Building C proposed loading berths on the southern elevation that are screened by Building B. The off street loading facilities are on the same parcel they intend to serve. With recommended Condition of Approval A10.c, these standards are met.

Section 73C.130 – Parking Lot Driveway and Walkway Minimum Requirements. Parking lot driveways and walkways must comply with the following requirements:

[...]

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

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

Finding:

Two driveways are proposed on the site. The north driveway is proposed at an existing driveway location along SW 124th Avenue. The existing driveway is proposed to be widened to 50 feet. A second 40 foot wide driveway is proposed to the south of the site along SW 124th Avenue. These standards will be further addressed in TDC Chapter 75 below.

(6) Maximum Driveway Widths and Other Requirement.

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

(b) Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC 73C.040.

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

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

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

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

Finding:

These standards will be further addressed in the Tualatin Development Code Chapter 75 findings below.

PARKING LOT LANDSCAPING

Section 73C.200 – Parking Lot Landscaping Standards Purpose and Applicability.

(1) Purpose. The goals of the off-street parking lot standards are to create shaded areas in parking lots, to reduce glare and heat buildup, provide visual relief within paved parking areas, emphasize circulation patterns, reduce the total number of spaces, reduce the impervious surface area and stormwater runoff, and enhance the visual environment. The design of the off-street parking area must be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics.

(2) Applicability. Off-street parking lot landscaping standards apply to any surface vehicle parking or circulation area.

Finding:

The proposal includes vehicular circulation and parking areas. This Section applies.

Section 73C.240 – Industrial Parking Lot Landscaping Requirements.

Industrial uses must comply with the following landscaping requirements for parking lots in all zones.

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

Finding:

As shown on the Landscape Plan (Exhibit A2), landscaping is proposed in areas not used for vehicles and pedestrian movement. This standard is met.

(2) Clear Zone. Clear zone required for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level.

Finding:

As shown on the Landscape Plan (Exhibit A2), the proposed plantings will not impact visual clearance at the end of drive aisles and drive entrances. With recommended Condition of Approval A24 related to maintenance, this standard is met.

(3) Perimeter. Minimum 5 feet in width in all off-street parking and vehicular circulation areas, including loading areas and must comply with the following.

- (a) Deciduous trees located not more than 30 feet apart on average as measured on center;**
- (b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;**
- (c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;**
- (d) Native trees and shrubs are encouraged; and**

[...]

Finding:

As shown on the Landscape Plan (Exhibit A2), perimeter landscaping is proposed onsite in the parking and vehicular circulation areas. Deciduous trees are proposed along the western boarder along SW 124th Avenue. Building perimeter landscaping are shown through the proposed plans. With recommended Condition of Approval A10.b, these standards are met.

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

- (a) May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;**
- (b) Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;**
- (c) Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;**
- (d) Landscape separation required for every eight continuous spaces in a row;**
- (e) Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;**
- (f) Must be planted with groundcover or shrubs;**
- (g) Native plant materials are encouraged;**
- (h) Landscape island areas with trees must be a minimum of 5 feet in width (from inside of curb to curb);**
- (i) Required plant material in landscape islands must achieve 90 percent coverage within three years; and**

[...]

Finding:

Given the proposed 201 parking stalls, 50 trees and 5,025 square feet of parking lot landscape island areas are required. The Site Plan (Exhibit A2) depicted landscape separation for every eight continuous spaces in a row. The Landscape Plan (Exhibit A2) proposes at least 50 deciduous shade trees are evenly dispersed through the parking lot. Landscape islands are utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns. With recommended Condition of Approval A10.b, these standards are met.

(5) Landscaping Along Driveway Access. For lots with 12 or more parking spaces:

- (a) Landscape area at least five (5) feet in width on each side of an accessway;**
- (b) Landscape area must extend 30 feet back from the property line; and**
- [...]**

Finding:

As shown on the Landscape Plan included in Exhibit A2, with recommended Condition of Approval A10.b this standard is met.

Chapter 73D: Waste and Recyclables Management Standards

Section 73D.010 - Applicability and Objectives.

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

- [...]**
- (c) Industrial developments; and**
- [...]**

Finding:

The proposal includes a new industrial development. These standards apply.

Section 73D.020 - Design Methods.

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

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

Section 73D.030 – Minimum Standards Method.

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

- (1) The size and location of the storage area(s) must be indicated on the site plan. Requirements are based on an assumed storage area height of four feet for mixed solid waste and source separated recyclables. Vertical storage higher than four feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans must include drawings to illustrate the layout of the storage area and dimensions for containers.**
- (2) The storage area requirement is based on uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use must be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area**

requirement for the whole building must be the sum of the area of each use. Minimum storage area requirements by use is as follows:

[...]

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

(iii) Wholesale/ Warehouse/ Manufacturing - 6 square feet/1000 square feet GLA;

[...]

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

Finding:

The applicant's narrative (Exhibit A1) proposed the buildings to have between one and four future tenants for the future uses of warehousing and manufacturing. The size and location of the storage area must be indicated on the site plan. If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building must be the sum of the area of each use. Industrial developments must provide a minimum storage area of ten square feet plus Warehousing/Manufacturing – 6 square feet/1000 square feet GLA. The Site Plan (Exhibit A2) depicted three trash and recycling enclosures with one per building. The submitted service provider letter from Republic Services (Exhibit A6) stated the plan provides adequate space for the trash and recycling receptacles and are accessible for the collection trucks to provide service. With recommended Condition of Approval A10.c, these standards are met.

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

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

(1) Location Standards.

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

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

(c) Exterior storage areas must:

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

(ii) Be located in a parking area; and

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

(2) Design Standards.

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

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

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

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

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

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

[...]

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

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

Finding:

Three locations are proposed on the Site Plan for trash and recycling areas. One storage area is proposed on the eastern side of Building A. Two storage areas are proposed to the south of Buildings B and C. The locations are located in central and visible locations in the parking areas. The submitted service provider letter from Republic Services (Exhibit A6) stated the plan provides adequate space for the trash and recycling receptacles and are accessible for the collection trucks to provide service. Further compliance with Building and Fire Code standards will be reviewed at the time of the building permit. With recommended Condition of Approval A10.c, these standards are met.

(3) Access Standards.

- (a) Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.**
- (b) Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.**
- (c) Storage areas must be accessible to hauler trucks without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius must be provided to allow hauler trucks to safely exit the site in a forward motion.**
- (d) Storage areas must be located so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.**
- (e) The following is an exception to the access standard:**
 - (i) Access may be limited for security reasons.**

Finding:

As shown in the applicant's submittal, Republic Services, the applicable waste hauler, has indicated that the dimensions and accessibility of the enclosures meet their service needs (Exhibit A6). These standards are met.

Chapter 74: Public Improvement Requirements

[...]

Section 74.120 - Public Improvements.

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

Finding:

All public improvements will be installed by the applicant at their expense after approval of plans and issued Erosion Control, Water Quality, and Public Works Permits. With recommended Conditions of Approval A16 and A17, this standard is met.

Section 74.130 - 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.

Finding:

All private improvements will be installed by the applicant at their expense and will require prior approval of plans and building permits. With recommended Conditions of Approval A16 and A17, this standard is met.

Section 74.140 - Construction Timing.

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

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

Finding:

All public and private improvements proposed and modified by conditions of approval will be completed and accepted by the City prior to receiving a Certificate of Occupancy. With recommended Conditions of Approval A16 and A17, this standard is met.

[...]

Section 74.210. - Minimum Street Right-of-Way Widths.

The width of streets in feet must not be less than the width required to accommodate a street improvement needed to mitigate the impact of a proposed development. In cases where a street is required to be improved according to the standards of the TDC, the width of the right-of-way must not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

[...]

Finding:

Any additional right-of-way for SW 124th Avenue and public easements necessary to accommodate public stormwater facilities and pedestrian improvements as determined by the City Engineer will be shown within final permit plans and dedicated.

With recommended Conditions of Approval A16 and A17, this standard is met.

Section 74.330. - Utility Easements.

(1) Utility easements for water, sanitary sewer and storm drainage facilities, telephone, television cable, gas, electric lines and other public utilities must be granted to the City.

[...]

(4) For development applications other than subdivisions and partitions, and for both on-site and off-site easement areas, a utility easement must be granted to the City; building permits must not be issued for the development prior to acceptance of the easement by the City. The City may elect to exercise eminent domain and condemn necessary off-site public utility easements at the applicant's request and expense. The City Council must determine when condemnation proceedings are to be used.

(5) The width of the public utility easement must meet the requirements of the Public Works Construction Code. All subdivisions and partitions must have a 6-foot public utility easement adjacent to the street and a 5-foot public utility easement adjacent to all side and rear lot lines. Other easements may be required as determined by the City Manager.

Finding:

All required public utility easements will be granted to the City. Public utility easements will be 8-foot-wide adjacent to the final dedicated right-of-way of SW 124th Avenue and 10-foot wide centered on water laterals from right-of-way to and surrounding all fire vaults, water meters, and reduced pressure backflow prevention by 5 feet to meet the Public Works Construction Code.

With recommended Conditions of Approval A5, A7, and A11, these standards are met.

[...]

Section 74.420 - Street Improvements.

When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, subject to the following provisions:

(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.

(2) The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.

(3) The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.

(4) 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 beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.

(5) If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.

(6) 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.

[...]

(8) For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.

[...]

(10) Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.

(11) Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).

(12) Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.

[...]

(13) 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.

[...]

(15) Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.

[...]

(17) Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.

[...]

Finding:

A Transportation Impact Analysis from Lancaster Mobley was submitted. City staff have reviewed the proposal against the above requirements. Required construction and reconstruction of public street surface infrastructure will benefit this development's bicycle, pedestrian, and vehicular trips utilizing streets and sidewalks.

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

Section 74.425 - Street Design Standards.

(1) Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.

(2) The proposed street design standards are shown in Figures 72A through 72G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets.

[...]

(4) All streets must be designed and constructed according to the preferred standard. The City Manager may reduce the requirements of the preferred standard based on specific site conditions, but in no event will the requirement be less than the minimum standard. The City Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:

(a) Arterials:

(i) Whether adequate right-of-way exists;

(ii) Impacts to properties adjacent to right-of-way;

- (iii) Current and future vehicle traffic at the location; and**
 - (iv) Amount of heavy vehicles (buses and trucks).**
 - (b) Collectors:**
 - (i) Whether adequate right-of-way exists;**
 - (ii) Impacts to properties adjacent to right-of-way;**
 - (iii) Amount of heavy vehicles (buses and trucks); and**
 - (iv) Proximity to property zoned manufacturing or industrial.**
- [...]

Finding:

Tualatin Comprehensive Plan Map 8-1: Tualatin Functional Classification Plan and Traffic Signal Plan designates street classifications. SW 124th Avenue is classified as a Major Arterial. A Transportation Impact Analysis from Lancaster Mobley did not recommend additional improvements greater than the preferred cross-sections. With recommended Conditions of Approval A5 and A11, these standards are met.

[...]

Section 74.440 - Streets, Traffic Study Required.

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

Finding:

A Transportation Impact Analysis from Lancaster Mobley did not recommend any improvements to any street cross-section or nearby intersections. Their summary included:

- 1. The proposed 124th Business Park is a 199,170-square-foot, industrial development located north of Tualatin Sherwood Road, east of SW 124th Avenue, and south of SW Myslony Street.*

The project site is located on Tax Lots 2S127BB 00100 & 00200 which encompass approximately 37.3 acres. The property is surrounded by homogeneous land uses, consisting predominantly of industrial warehouses or undeveloped land.

2. The 124th Business Park is proposing two driveways on SW 124th Avenue:

- One corresponds to the location specified in the Tualatin Development Code (TDC). This access is assumed to be limited to right-in/right-out movements only.*
- A second driveway which is not currently listed in the TDC. This access is assumed to be limited to right-in/right-out movements only and is necessary for emergency access.*

3. The 124th Business Park site is projected to generate 147 trips during the morning peak hour, 129 trips during the evening peak hour, and 970 trips during the average weekday.

4. Based on a review of the most recent five years of available crash data, no significant trends or crash patterns were identified at any of the study intersections that do not already have planned and funded improvements.

5. Left-turn lane warrants were not examined at the site accesses on SW 124th Avenue since they are proposed as right-in/right-out turning movements only.

6. Preliminary traffic signal warrants were not examined for the site accesses since they are proposed as right-in/right-out turning movements only.

7. Based on the sight distance analysis, the proposed site accesses will meet ISD recommendations and SSD requirements as long as foliage in the landscape strip is maintained at a height of 3 feet or less.

8. The north access to SW 124th Avenue will meet the TDC access spacing standards and will be limited to right turns with the median remaining intact.

9. Secondary access to the site is not available from either SW Myslony Street or SW Cimino Street; therefore, a south access is recommended. It could be limited to emergency use but allowing site traffic to use the access is expected to have a minimal impact on the transportation system.

10. All proposed driveways can accommodate trucks entering and exiting from the north or south.

11. All study area intersections are anticipated to operate within the acceptable jurisdiction standards. Therefore, no mitigation for traffic operations is required or recommended. The access configuration options have little effect on study area operations.

12. The analysis shows little change in queues between background and buildout conditions. The queues can all be accommodated within the available storage. Therefore, no mitigation for queuing operations is required or recommended.

City staff have reviewed the subject analysis and have determined that it meets the requirements above.

With recommended Conditions of Approval A5, A16, and A17, this standard is met.

[...]

Section 74.470. - Street Lights.

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

Finding:

SW 124th Avenue adjacent to the development will meet PGE's Option A lighting standards. With recommended Conditions of Approval A5, A16, and A17, this standard is met.

[...]

Section 74.610 - Water Service.

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

[...]

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

Finding:

The Preliminary Utility Plan shows proposed laterals connecting to the public main within SW 124th Avenue. Separate laterals, meters, and reduced pressure backflow prevention are shown to serve the north two buildings and one lateral is shown shared for both domestic meter with reduced pressure backflow prevention and fire service with double check device assembly vault for the southern building.

A Technical Memorandum, HWM23-0001 - Water System Capacity Analysis, by Murraysmith confirms no additional public water system upgrades are needed.

Separate laterals to the main will be provided for each domestic and fire service within the development area. Water meters with reduced pressure backflow prevention and the fire double check device assembly vault will be located within landscaped areas.

Public utility easements will be recorded for any portion of the system outside existing public easements for all portions of water laterals ten feet wide to and surrounding any meter, reduced pressure backflow prevention, and fire vault by five feet.

With recommended Conditions of Approval A7, A11, A16 and A17, these standards are met.

Section 74.630 - Storm Drainage System.

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

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

[...]

Section 74.640 - Grading.

- (1) Development sites must be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.**
- (2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.**

Section 74.650 - 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 Surface Water Management Ordinance. If required:

[...]

- (2) On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.**
- (3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.**

Finding:

The Preliminary Utility Plan shows construction of two private stormwater systems including mechanical filters and detention releasing to the wetland buffer to the southeast. The Stormwater Report prepared by VLMK discusses proposed detention, hydromodification, and treatment of the new private impervious areas.

New and modified private and public impervious areas will include up to 25-year detention, hydromodification, and treatment. If existing capacity of regional public stormwater facilities are inadequate, modified impervious areas within SW 124th Avenue right-of-way will be addressed by construction of public LIDA street swales or alternate approaches as approved by the City Engineer.

Final plans and stormwater calculations will demonstrate that the development has direct access by gravity to public stormwater systems with adequate infiltration and/or downstream capacity in accordance with City of Tualatin and Clean Water Services.

The site disturbance is approximately 11 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality will be provided with the construction permit submittal documents. The applicant will obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet and a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for disturbance greater than 5 acres.

A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance the applicant will submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).

With recommended Conditions of Approval A8, A9, A16, and A17 these standards are met.

[...]

Chapter 75: Access Management

[...]

Section 75.040. - Driveway Approach Requirements.

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

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

(3) Joint and Cross Access.

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

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

(i) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

(ii) A design speed of ten mph and a maximum width of 24 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;(iii)Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and

(iv) An unified access and circulation system plan for coordinated or shared parking areas.

(c) Pursuant to this section, property owners may be required to:

(i) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

(ii) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

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

[...]

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

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

(7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed

for said property. The sidewalks required by this section must be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.

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

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

**TABLE 75-1
 Driveway Approach Width**

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

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

(11) Distance between Driveways and 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.

(a) At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.

[...]

(12) Vision Clearance Area.

(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).

[...]

Finding:

This lot is separated from lesser classified streets by an existing developed lot to the north and wetlands to the south. The proposed private accesses off of SW 124th Avenue, a Major Arterial, will be located between SW Cimino Street, a Connector, and SW Myslony Street, a Major Collector. These accesses will

be right-in/right-out restricted, spaced greater than 40 feet apart, be between 36 and 40 feet wide, and include rolled curb and reinforced concrete planter to accommodate turning movements as determined by the City Engineer.

A private shared access easement with maintenance agreement will be recorded to enable the lot to the north, 12350 SW Myslony Street, TLID 2S122C001600, access to SW 124th Avenue and not precluding a future access for this development to SW Myslony Street. The design and dimensions of the shared private onsite drive aisle within the access easement will be as determined by the City Engineer.

A public sidewalk adjacent to SW 124th Avenue will be constructed with private improvements located to allow future construction of a multi-use path. The driveway will meet vehicular sight distance and vision clearance requirements.

With recommended Conditions of Approval A4, A10, A15, and A16, these standards are met.

[...]

Section 75.140. - Existing Streets Access Standards.

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

(6) 124TH AVENUE.

(c) Herman Road to Tualatin-Sherwood Road. On the east side of 124th Avenue between Herman Road and Tualatin-Sherwood Road the area will be served by the following streets or driveways:

[...]

(i) A street intersection at Myslony Street.

(ii) A street or driveway intersection approximately 800 feet south of the Myslony Street/124th Avenue intersection extending east with an alternative to extend north to connect with Myslony Street a minimum of 150 feet east of 124th Avenue. Access may be limited to right in/right out as determined by the City Manager.

(iii) Cimino Street extending east and south to an intersection at Tualatin-Sherwood Road across from 120th Avenue. The exact location and configuration of the streets and driveways shall be determined by the City Manager.

[...]

Finding:

The proposed private accesses off of SW 124th Avenue will be located between SW Cimino Street and SW Myslony Street. These accesses will be right-in/right-out restricted. The northern access is in approximately 800 feet south of SW Myslony Street as indicated within access standards and include a private access easement to enable the lot to the north, 12350 SW Myslony Street, TLID 2S122C001600, access to SW 124th Avenue and not precluding a future access for this development to SW Myslony Street. With recommended Conditions of Approval A5, A11, A16, and A17, 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 AR 23-0004, and therefore recommend approval of this application with the following conditions of approval:

GENERAL:

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

PRIOR TO EROSION CONTROL, PUBLIC WORKS, AND WATER QUALITY PERMIT ISSUANCE:

- A2. Trees identified for preservation on the Erosion Control plan must be protected by chain link or other sturdy fencing placed around the tree at the drip line, pursuant to TDC 73B.080(3). Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.
- A3. Non-building development uses proposed in natural areas of the Natural Resource Protection Overlay District (NRPO) (Map 72-1) are subject to compliance with Clean Water Services standards stated in the Clean Water Services Service Provider letter dated January 31, 2023, and requirements stated in the Clean Water Services Memorandum dated October 24, 2023, to mitigate the impact of development to the extent necessary.

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

- A4. The applicant must apply for applicable Engineering Erosion Control, Water Quality, and Public Works permits:
- a. Apply using [eTrakit](#). With the initial Engineering permit(s) application(s) include:
 - i. One combined set of 22"x34" plans based on NAVD 1988 including all applicable Engineering permits attached to one Engineering permit. Include a note on other Engineering permits stating which application includes the set; and,
 - ii. Payment for an Erosion Control permit fee per the [fee schedule](#); and,
 - iii. Engineering estimate and deposit for each Water Quality or Public Works permit per the [fee schedule](#); and,
 - b. Deliver two 22"x34" hard copies of the combined Engineering permit plan sets to:
City of Tualatin
Attn: Engineering Division c/o Principal Engineer
10699 SW Herman Road
Tualatin, OR 97062
- A5. The applicant must submit Final Street Improvement Plans for SW 124th Avenue for the lot and Final Onsite Plans in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show:
- a. Dedication of a total of 55 feet of right-of-way from the centerline plus any additional right-of-way necessary to accommodate a 12-foot-wide multi-use path and to accommodate any final accepted future public stormwater LIDA management; and,

- b. A 2-inch grind and inlay of existing pavement from the roadway centerline/median to the curb adjacent to the property frontage or a similar paving improvement as approved by the City Engineer; and,
 - c. Proposed driveways:
 - i. Right-in/right-out restricted; and,
 - ii. Approaches between 36 and 40 feet wide; and,
 - iii. Turning movement diagrams showing all proposed driveways operate without adverse impact as determined by the City Engineer to:
 - 1. Public rights-of-way and,
 - 2. The existing private access to SW 124th Avenue to the north of this development; and,
 - iv. Radii able to accommodate associated allowed vehicular movements as approved by the City Engineer; and,
 - v. Rolled curb and reinforced concrete planter strip as needed to support turning movements beyond the maximum 40-foot-wide approach; and,
 - d. A curb-tight 6-foot-wide planter strip:
 - i. With street trees spaced to allow vehicular sight distance and vision clearance at accesses; and,
 - ii. Widened as needed to accommodate any required LIDA street swales for public stormwater to meet current CWS requirements; and,
 - e. Existing public sidewalk within compliance of ADA standards or replacement of necessary driveways, ramps, and panels to bring into compliance; and,
 - f. A 12-foot-wide multi-use path east of the planter strip; and,
 - g. Dedication of right-of-way to accommodate any additional widening of the planter strip and 12-foot-wide multi-use path; and,
 - h. Street lighting improvements as necessary to meet City Engineer standards including PGE's Option A; and,
 - i. An 8-foot-wide public utility easement and any required slope easement adjacent to SW 124th Avenue right-of-way, or as approved by the City Engineer and,
 - j. Any proposed private retaining walls outside of public utility and slope easements; and,
 - k. A private shared access and slope easement with grading and improvements:
 - i. Allowing access to SW 124th Avenue for 12350 SW Myslony Street, TLID 2S122C001600, to the north; and,
 - ii. Enabling future private access to SW Myslony Street.
- A6. The applicant must submit Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74.620, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show
- a. Location of the lines, grade, materials, and other details; and,
 - b. Cleanouts adjacent to right-of-way; and,
 - c. Private sampling manholes located onsite outside of right-of-way and public easements. If located close to the property line private manholes may act as a cleanout.
- A7. The applicant must submit Final Water System Plans in accordance with Tualatin Development Code (TDC) 74.610, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
- a. Separate laterals to the main for each domestic and fire service; and,
 - b. Water meters located within the planter strip with:
 - i. Reduced pressure backflow prevention for the domestic lateral; and,

- ii. Irrigation after a domestic meter and reduced pressure backflow device serving the planter strip adjacent to this development; and,
- c. Disconnection of any existing public irrigation serving the planter strip adjacent to this development while retaining any remaining public planter strip irrigation connectivity; and,
- d. A separate lateral and meter for any proposed public LIDA street swales; and,
- e. Public utility easements outside existing public easements for all portions of water laterals ten feet wide to and surrounding any meter, reduced pressure backflow prevention, and fire vault by five feet.

A8. The applicant must submit:

- a. Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.630 and 74.650, 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 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:
 - i. Address runoff from all new and modified private and public impervious areas:
 - 1. Confirm the existing capacity within the basin's public facility for hydromodification, detention, and treatment to include new and modified impervious area within right-of-way; and,
 - 2. For any required increase in capacity propose:
 - a. Modification of the existing public stormwater facility for this basin; or,
 - b. New street LIDA facilities within planter strips:
 - i. Adjacent to this development; and,
 - ii. Include any widening of the 6-foot wide planter strip with associated dedication of right-of-way to accommodate the design; or,
 - c. A fee-in-lieu for any unaddressed capacity of public stormwater detention, hydromodification, and treatment as approved by the City Engineer; and,
 - ii. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2; and,
 - iii. Prove any proposed infiltration rates in accordance with CWS D&CS 4.08.03; and,
 - iv. Detain up to the 25-year storm event for conveyance with the City of Tualatin's stormwater system in accordance with, TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08; and,
 - v. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5; and,
 - vi. Provide a downstream analysis and include solutions within final plans:
 - 1. For ¼ mile downstream from the release from the private development through the public stormwater system in accordance with TMC 3-5-210(4); and,
 - 2. Including but not limited to erosion; and,
 - 3. Accommodate up to a 25-year storm event within the City of Tualatin's public stormwater system with a maximum capacity of 82% for

- Tualatin’s lines in accordance with TDC 74.640, CWS D&CS 5.05.2.d, and the City Engineer; and,
- vii. Prove gravity flow five feet from the outside of the established line of the building to the public stormwater system or as otherwise approved by the City Engineer in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4); and,
 - viii. Discharge to an approved public system; and,
 - ix. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
 - 1. The submitted Clean Water Services’ Service Provider Letter dated January 31, 2023 conditions to obtain a Stormwater Connection Permit Authorization Letter, and,
 - 2. Requirements stated within the Clean Water Services’ Memorandum dated October 24, 2023; and,
 - b. 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; and,
 - c. A copy of the recorded private stormwater maintenance agreement in accordance with TMD 3-5-390(4):
 - i. The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot; and,
 - ii. The identified system must include all conveyance, detention, hydromodification, and treatment.
- A9. The applicant must submit Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, 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:
- a. Minimize the impact of stormwater from the development to adjacent properties; and,
 - b. Plans sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.

PRIOR TO BUILDING PERMIT ISSUANCE:

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

- A10. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. A revised grading plan with details to demonstrate;
 - i. Identified trees for removal and retention, tree protection measures, and complete tree inventory list in accordance with the Arborist Report submitted as Exhibit A3 and TDC 73B.080(3).
 - b. A revised landscape plan with details to demonstrate;
 - i. The minimum landscape area requirement of 15% of the total area to be developed is calculated on the plan in accordance with TDC 73B.020.
 - ii. The proposed chain link fence shown on the site plan in Exhibit A2 is included in the landscape plan in accordance with TDC 73B.080(2).
 - iii. Perimeter landscaping is the minimum five feet in width in all off-street parking and vehicular circulation areas, including loading areas in compliance with TDC 73C.240(3).
 - iv. A minimum of 25 square feet per parking stall is improved with landscape island areas is calculated on the plan and are compliant with the standards of TDC 73C.240(4).
 - v. Landscape area at least five feet in width on each side of an accessway in accordance with TDC 73C.200(5).
 - c. A revised site plan with details to demonstrate;

- i. The proposed chain link fence shown on the site plan in Exhibit A2 is setback at least 10 feet from the public right-of-way in accordance with TDC 61.300.
- ii. Bicycle parking locations and requirements are met in accordance with TDC 73C.050.
- iii. The minimum number of off-street vanpool and carpool parking for industrial uses are met in accordance with TDC 73C.100(2).
- iv. The minimum number of off-street loading berths for industrial uses, dimensions of berth, and unobstructed clearance of berths are met in accordance with TDC 73C.120.
- v. The size and location of waste and recycling storage areas and the minimum storage area for industrial developments for warehousing/manufacturing are met in accordance with TDC 73D.030.
- vi. The waste and recycling storage areas meet the design standards of TDC 73D.070.

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

- A11. The applicant must submit copies of recorded documents, as approved by the City Engineer, in accordance with Public Works Construction Code (PWCC) and Tualatin Development Code (TDC) 74.210, 74.330, and 75.040 which show adjacent to the development:
- a. Any additional right-of-way dedication to accommodate all final approved public street improvements including any stormwater LIDA facilities within the planter strip for SW 124th Avenue; and,
 - b. Public utility easements:
 - i. 8-feet-wide adjacent to SW 124th Avenue or as otherwise approved by the City Engineer; and,
 - ii. 10-feet-wide centered on any water laterals extending onsite past the right-of-way and public utility easements to and surrounding any water meter, reduced pressure backflow prevention, and fire vault by five feet; and,
 - c. A private shared access and slope easement with grading and improvements:
 - i. Allowing access to SW 124th Avenue for 12350 SW Myslony Street, TLID 2S122C001600, to the north; and,
 - ii. Enabling future private access to SW Myslony Street.
- A12. The applicant must obtain Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.

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

The applicant must contact the Planning Division (Madeleine Nelson, 503.691.3027 or mnelson@tualatin.gov) for a site inspection at least 72 hours prior to requesting a certificate of completeness. This inspection is separate from inspection(s) done by the Building Division. The following conditions must be satisfied:

- A13. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.500(4)(d). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, must be a minimum of 4 inches high, and must have a minimum stroke width of 1/2 inch. It is recommended to double this size on large buildings.
- A14. The applicant must screen with sight-obscuring fences or walls and landscaping, in accordance with TDC 73A.500(5) all above-grade and on-grade electrical and mechanical equipment, as well as, outdoor storage.

- A15. The applicant must construct all proposed site improvements as illustrated on the approved Final Site Plan Set.
- A16. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.120.
- A17. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.

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

- A18. Warehouse and Freight Movement including the storage, repackaging, delivery and movement of products are permitted on site, in accordance with Table 61-1. A Conditional Use Permit, subject to TDC 33.040, will be required prior to establishment of any warehousing of building materials and supplies on site.
- A19. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, pursuant to TDC 61.310(1).
- A20. The proposed development must comply with the Environmental Regulations of TDC 63.
- A21. Artificial lighting must be deflected to not shine or create glare in residential zones, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor in accordance with TDC 73C.020(11).
- A22. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.
- A23. If the use of the property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use, pursuant to TDC 73C.010(2)(a)(v).
- A24. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 75-1.
- A25. Vegetation must be replanted in all areas where vegetation has been removed or damaged. The use of native plant material is encouraged.
- A26. Proposed landscaping must meet the minimum standards for trees and plants in accordance with TDC 73B.090.
- A27. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.