



**ANALYSIS AND FINDINGS
REQUEST FOR REVIEW OF INTERPRETATION 25-0001**

September 22, 2025

Case #:	INT 25-0001
Location:	18805 SW 108 th Avenue (Tax Lots: 2S122AD 600, 700 and 800
Planning District:	Light Manufacturing (ML)
Applicant:	Northwest Cascade, Inc. DBA Honey Bucket

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



I. INTRODUCTION

Applicable Criteria

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

- TDC 31: General Provisions
- TDC 32: Procedures
- TDC 39: Use Categories
- TDC 60: Light Manufacturing (ML) Zone
- TDC 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations

Site Description

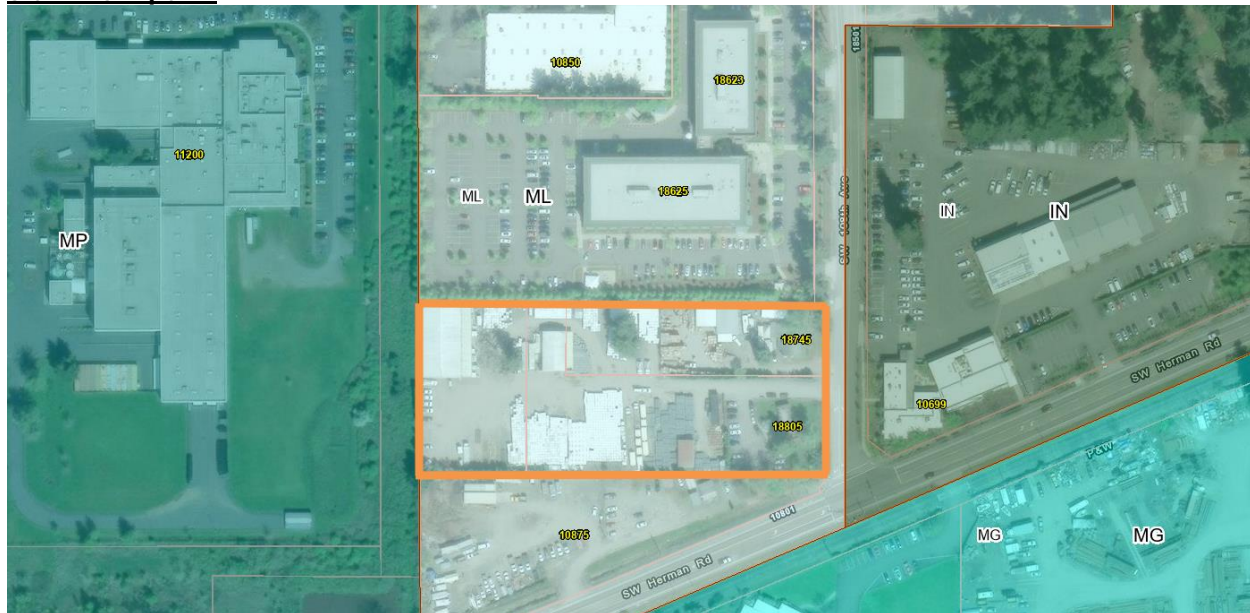


Figure 1 – Aerial view of site with zoning (TualGIS)

The site, owned by Willy Lump Lump LLC, located at 18805 SW 108th Avenue (Tax Lots: 2S122AD 600, 700, and 800) is approximately 3.8 acres and is zoned Light Manufacturing (ML). The site takes access from SW 108th Avenue via an existing paved driveway and on-site vehicular circulation area on the eastern border.

Proposed Project

On June 11, 2025, the applicant, Northwest Cascade, Inc. DBA Honey Bucket (“Honey Bucket” or “Applicant”), represented by Merissa Moeller of Stoel Rives LLP, requested an Interpretation of Code Provisions that the proposed uses, which comprise of “a portable restroom and industrial equipment rental business,” are Permitted uses within the Light Manufacturing (ML) Zone). Within Table 60-1 (Use Categories in the ML Zone), “a portable restroom and industrial equipment rental business” is not explicitly listed as Permitted in the ML zone. Consequently, the applicant requested that the City of Tualatin (the “City”) find the proposed use to be of a similar character and to meet the purpose of the ML zone, as provided in TDC 31.070.

Staff's interpretation decision (INT25-0001), included as Exhibit C, evaluated the application following the interpretation process of TDC 31.070. The decision determined that the primary use most closely aligns with the Solid Waste Treatment and Recycling use category. After review of the record, text and context of TDC 39.100(3)(c) (Accessory Uses) and (4)(Considerations in Classifying Uses), the interpretation found that Honey Bucket's waste-related activities at the subject site are not subordinate and incidental to the stated primary use but part and parcel of and an important, essential component of that use. The decision determined the site does collect, store, and wash the toilets on site, as well as, temporarily store the waste from those toilets onsite. As such, the proposed rental of portable restroom units contains many of the characteristics associated with a Solid Waste Treatment and Recycling use and is properly classified as Solid Waste Treatment and Recycling. The interpretation, concluded that the proposed portable toilet collection and associated holding tank, and the proposed rental of shower units; temporary fence panels (fencing); temporary metal storage containers; and ground-level office units are both prohibited uses within the ML Zone.

Staff issued the INT25-0001 decision on July 11, 2025. The applicant submitted the subject Request for Review on July 24, 2025, included as Exhibit A. The submitted Request for Review stated the applicant would be adversely affected by the decision that business operations are not allowed under the property's current zoning. At the time of writing the analysis and findings, no additional materials have been submitted by the applicant.

Previous Land Use Actions

- AR 89-15 – Northwest Metal Fab & Pipe Roof Modification

Surrounding Uses

Adjacent land uses include:

North: Light Manufacturing (ML)

- Lam Research

South: Light Manufacturing (ML)

West: Manufacturing Park (MP)

- Fujimi Corporation

East: Institutional (IN)

- City of Tualatin – Tualatin City Services Building

Exhibit List

- Exhibit A – Request for Review of INT25-0001, July 24, 2025
- Exhibit B – INT25-0001 Interpretation Request
- Exhibit C - INT25-0001 Interpretation Decision, July 11, 2025
- Exhibit D – Public Notice

II. FINDINGS

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

Chapter 31: General Provisions.

Section 31.070 - Interpretation of Code Provisions.

- (1) The City Manager has the initial authority and responsibility to interpret all terms, provisions and requirements of the Tualatin Development Code.
- (2) Unless accompanied by an application, submitted under some other Development Code or Ordinance provision, a party wishing an interpretation must submit a written application to the City Manager. The application must be accompanied by a detailed description of factors related to the issue for interpretation, including, but not limited to:
 - (a) The amount and type of traffic generated;
 - (b) The type of manufacturing or commercial process;
 - (c) The nature of any machinery used;
 - (d) Noise and odor characteristics, associated with the use or activity;
 - (e) Outside storage of materials or products;
 - (f) Type of structures required;
 - (g) Character of activity to be conducted on the site;
 - (h) Determination of the maximum vehicle parking and/or minimum bicycle parking required;
 - (i) Number of persons who would occupy the premises at any one time; and
 - (j) Any other information which the City Manager or designee determines to be relevant to a determination of the issue.
- (3) Within 30 days of the submission of all required information, the City Manager must cause a final decision to be made on the issue. The decision must include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria. Notice of the decision must be provided to the City Council. The City Manager must maintain a collection of such decisions.
- (4) The final decision on a Code interpretation under this section may be appealed to the City Council pursuant to the provisions of TDC 31.076 and 31.077.

Finding:

The applicant submitted a written request for interpretation (INT25-0001) on June 11, 2025, which included a narrative addressing the standards and details described in Chapter 31. The City issued the formal interpretation decision on July 11, 2025. The applicant submitted a request for review of the INT25-0001 decision on July 24, 2025. The final decision on a Code interpretation under this section may be appealed to the City Council pursuant to the provisions of Tualatin Development Code (TDC) 31.076 and 31.077. However, TDC Sections 31.076 and 31.077 are no longer included in the Tualatin Development Code, and no current provisions address the appeal hearing procedure that applies to TDC 31.070 Interpretations. TDC 32.240- Type IV-A Procedure (Quasi-Judicial Review- City Council Public Hearing) is substantially similar to the quasi-judicial procedures laid out in former TDC 31.076-77 (see esp. TDC 31.076(2)(d);(4) and TDC 31.077). As such, the City will follow the procedures laid out at TDC 32.240 for this Interpretation appeal.

The applicant's request for interpretation (Exhibit B) stated the primary use of the site (rental of portable restrooms and other industrial equipment to other businesses) would be best characterized as a Wholesale Sales Use, and the waste-related components of the use are ancillary and accessory to the primary use.

In the July 11, 2025, INT25-0001 decision (Exhibit C), staff determined that Honey Bucket's primary use most closely aligns with the Solid Waste Treatment and Recycling use category. In making this determination, staff applied the factors outlined in TDC 31.070(2), which reflect the activities described in the applicant's narrative. The machinery used for cleaning and servicing portable sanitation units, noise and odor characteristics generated by those operations, and the necessity of outdoor storage for units awaiting deployment or recently serviced support the Solid Waste Treatment and Recycling classification. To the extent that the applicant is also conducting, uses more appropriately classified as Wholesale Sales, those activities remain subject to the limitations of the ML zone and are addressed further below under Section 39.450.

Chapter 32: Procedures.

[...]

Section 32.240 - Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).

Type IV-A decisions are quasi-judicial decisions made by the City Council after a public hearing. 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. Except as otherwise provided, the procedures set out in this section must be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision. City Council decisions may be appealed to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

- (1) **Submittal Requirements.** Type IV-A 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 IV-A.** 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 City Council.
- (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;
 - (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:

The submitted request for review is subject to the Type IV-A procedures. The applicant submitted the request for review on July 24, 2025. The public hearing before City Council will be held on September 22, 2025, and will follow the Quasi-Judicial review process. A notice of public hearing for the Type IV-A application for a request for review of INT25-0001 was mailed by city staff on August 25, 2025, and

contained the information required by this section, as attached in Exhibit D. As of the writing of this report, no comments have been received.

- (5) **Conduct of the Hearing—Type IV-A.** The Mayor (or Mayor Pro Tem) 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 Mayor must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the Mayor 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 Mayor in the conduct of the hearing are as follows:
- (a) At the commencement of the hearing, the Mayor (or designee) must state to those in attendance all of the following information and instructions:
 - (i) The applicable approval criteria by Code Chapter that apply to the application;
 - (ii) Testimony and evidence must concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - (iii) Failure to raise an issue with sufficient detail to give the City Council and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
 - (iv) At the conclusion of the initial evidentiary hearing, the City Council must deliberate and make a decision based on the facts and arguments in the public record; and
 - (v) Any participant may ask the City Council for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the City Council grants the request, it will schedule a date to continue the hearing as provided in TDC 32.240(5)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.240(5)(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 City Council 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 City Council 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 City Council 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 City Council 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 City Council 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 City Council, 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 City Council 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 City Council 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(1) (ORS 227.178—120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and
 - (iii) If requested by the applicant, the City Council 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.
- (6) *Notice of Adoption of a Type IV-A 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 IV-A 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 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; and
 - (e) The notice must include an explanation of rights to appeal a City Council decisions to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

(7) Effective Date of a Type IV-A Decision.

- (a) The written order is the final decision on the application.
- (b) The date of the order is the date it is mailed by the Mayor (or designee) certifying its approval by the decision body.
- (c) Appeal of a IV-A City Council decision is to the State Land Use Board of Appeals pursuant to ORS 197.805—197.860.

Finding:

The City Council hearing will be conducted according to these requirements. Notice of Adoption of a Type IV-A Decision and any appeal will follow the requirements of this section.

Section 32.310 – Appeals (Request for Review).

(1) Appeals Generally.

- (a) **Type I Decisions.** Type I decisions are final at the local level and may only be appealed to Circuit Court through a writ of review process under state law.
- (b) **Type II Decisions.** Type II decisions may only be appealed by a person who has submitted written comments within the 14-day comment period before the decision of the City Manager.
- (c) **Type III Decisions.** Type III decision may be made by any person who submitted written comments prior to or during the public hearing, or provided testimony at the public hearing.
- (d) **Type IV-A and Type IV-B Decisions.** There is no local appeal for Type IV decisions. Type IV decisions appealed to the Land Use Board of Appeals must follow applicable state laws.

(2) Timing and Submittal Requirements for a Notice of Appeal—Type II and Type III Decisions. A Notice of Appeal must be made within 14 calendar days of the date of mailing the written Notice of Decision or Notice of Adoption. The Notice of Appeal must be on forms provided by the City and be accompanied by the appeal fee. The notice of appeal must contain the following:

- (a) Identification of the decision sought to be appealed, including its assigned case number, the title or caption of the decision, and the decision date; and
- (b) The name and mailing address of the appellant and a statement establishing the appellant's standing to appeal the decision, including how the appellant is adversely affected by the decision.

(3) Proper Filing of Notice of Appeal is Jurisdictional. The timely and complete filing of the notice of appeal and payment of the appeal fee are jurisdictional. The City Manager cannot accept a notice of appeal that does not comply with this section. The City Manager's determination that an appellant has failed to comply with this section is final.

Finding:

Staff issued the interpretation decision for INT25-0001 on July 11, 2025. The applicant submitted the request for review of INT25-0001 on July 24, 2025, within 14 calendar days of the written Notice of Decision. The Notice of Appeal, along with the fee, contained the information required by this section, included in Exhibit A.

Staff issued the INT25-0001 decision on July 11, 2025, included as Exhibit C. The applicant submitted the subject Request for Review on July 24, 2025, included as Exhibit A. The submitted Request for Review stated the applicant would be adversely affected by the decision that business operations are not

allowed under the property's current zoning. At the time of writing the analysis and findings, no additional materials have been submitted by the applicant.

(4) Appeals Hearing Process.

- (a) The appeal body for appeals will be either the Architectural Review Board, Planning Commission, or City Council as provided in Table 32-1. All appeals are "de novo" meaning new evidence and argument may be submitted at the appeal hearing.
- (b) Appeal hearings conducted by the Architectural Review Board or Planning Commission will follow the Type III hearings process in accordance with TDC 32.230.
- (c) Appeal hearings conducted by the City Council will follow the Type IV-A hearing process in accordance with TDC 32.240.

(5) Withdrawing an Appeal.

- (a) At any time before the close of an appeal hearing, any appellant may withdraw the appeal. The appellant must provide written notice of the withdrawal prior to the hearing, or orally at the hearing.
- (b) If the withdrawal is made before public notice of the hearing is sent, the City will refund the appeal fee.
- (c) Where multiple people or parties sign and file a single Notice of Appeal, all parties to the original filing must consent to the withdrawal of the appeal.
- (d) A withdrawn appeal cannot be refiled by any party and no decision by the appeal body is necessary.
- (e) If all appeals are withdrawn, the City Manager must issue a Notice of Appeal Withdrawal to the applicant, the appellant, and the parties who received a Notice of Final Decision. The Notice of Appeal Withdrawal must state the new effective date of the original decision is the date of the withdrawal of the appeal(s).

Finding:

All appeals are "de novo" meaning new evidence and argument may be submitted at the appeal hearing. The appeal hearing will be conducted by the City Council and will follow the Type IV-A hearing process. The hearing scheduled for September 22, 2025, will follow the standards of this section.

TDC 32.240. - Type IV-A Procedure (Quasi-Judicial Review—City Council Public Hearing).

Type IV-A decisions are quasi-judicial decisions made by the City Council after a public hearing. 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. Except as otherwise provided, the procedures set out in this section must be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision. City Council decisions may be appealed to the state Land Use Board of Appeals pursuant to ORS 197.805—197.860.

- (1) **Submittal Requirements.** Type IV-A 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 IV-A.** 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 City Council.

Finding:

The applicant submitted a request for review of the INT25-0001 decision on July 24, 2025. The final decision on a Code interpretation under this section may be appealed to the City Council pursuant to the provisions of Tualatin Development Code (TDC) 31.076 and 31.077. However, TDC Sections 31.076 and 31.077 are no longer included in the Tualatin Development Code, and no current provisions address the appeal hearing procedure that applies to TDC 31.070 Interpretations. TDC 32.240- Type IV-A Procedure (Quasi-Judicial Review- City Council Public Hearing) is substantially similar to the quasi-judicial procedures laid out in former TDC 31.076-77 (see esp. TDC 31.076(2)(d);(4) and TDC 31.077). As such, the City will follow the procedures laid out at TDC 32.240 for this Interpretation appeal.

(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;
 - (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:

The request for review (appeal) is subject to the Type IV-A procedures. The applicant submitted the request for review on July 24, 2025. The public hearing before City Council will be held on September 22, 2025, and will follow the Quasi-Judicial review process. A notice of public hearing for the Type IV-A application for a request for review of INT25-0001 was mailed by city staff on August 25, 2025, and contained the information required by this section, as attached in Exhibit D. As of the writing of this report, no comments have been received.

- (5) **Conduct of the Hearing—Type IV-A.** The Mayor (or Mayor Pro Tem) 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 Mayor must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the Mayor 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 Mayor in the conduct of the hearing are as follows:
- (a) At the commencement of the hearing, the Mayor (or designee) must state to those in attendance all of the following information and instructions:
 - (i) The applicable approval criteria by Code Chapter that apply to the application;
 - (ii) Testimony and evidence must concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

- (iii) Failure to raise an issue with sufficient detail to give the City Council and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
 - (iv) At the conclusion of the initial evidentiary hearing, the City Council must deliberate and make a decision based on the facts and arguments in the public record; and
 - (v) Any participant may ask the City Council for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the City Council grants the request, it will schedule a date to continue the hearing as provided in TDC 32.240(5)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.240(5)(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 City Council 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 City Council 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 City Council 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 City Council 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 City Council 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 City Council, 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 City Council 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.

- (6) **Notice of Adoption of a Type IV-A 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 IV-A 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 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; and
 - (e) The notice must include an explanation of rights to appeal a City Council decisions to the state Land Use Board of Appeals pursuant to ORS 197.805–197.860.
- (7) **Effective Date of a Type IV-A Decision.**
- (a) The written order is the final decision on the application.
 - (b) The date of the order is the date it is mailed by the Mayor (or designee) certifying its approval by the decision body.
 - (c) Appeal of a IV-A City Council decision is to the State Land Use Board of Appeals pursuant to ORS 197.805–197.860.

Finding:

The City Council hearing will be conducted according to these requirements. Notice of Adoption of a Type IV-A Decision and any appeal will follow the requirements of this section. These criteria will be met.

Chapter 39: Use Categories.

Section 39.100 - Use Classifications – General Principles.

- (1) **Purpose.** Land uses are classified into use categories based on common functional, product or physical characteristics, including the type and intensity of activity typical of impact, type(s) of customers or residents, typical off-site impacts, and building type. The basis for allowing or prohibiting the use categories in the various zones is in the goals and policies of the Comprehensive Plan.
- (2) **Organization and Guidelines.** Each use category is organized into the following sections:
- (a) **Characteristics.** A description of the qualities and attributes, essential features, nature of operation, and impacts generally associated with a specific use.
 - (b) **Examples of Uses.** An illustrative, not exhaustive, list of activities or land uses that possess the characteristics of the use category.
- (3) **Multiple Uses on a Site.** Uses may be regulated differently depending on the nature of the use on a site, in accordance with this section.
- (a) **Multiple Primary Uses.** When all primary uses on a site fall within one use category, then the development falls within that use category. When the primary uses on a site fall within different use categories, each primary use is classified in the applicable use category and is subject to the regulations for that use category.
 - (b) **Limited Uses.** Limited uses are uses or activities that are allowed and may be subject to additional regulations beyond those required of the primary use.

(c) **Accessory Uses.** Accessory uses are uses or activities that are subordinate and incidental to a primary use on a site. Accessory uses are allowed in all zones in conjunction with the primary use and subject to the same regulations as the primary use, unless stated otherwise in this code.

(4) **Considerations in Classifying Uses.** The following items are used to determine the use category of a particular use or activity, and whether the activities constitute primary or accessory uses:

- (a) The description of the activity(ies) in relationship to the characteristics of each use category;
- (b) The relative amount of site or floor space and equipment devoted to the activity;
- (c) Relative amount or type of sales from each activity;
- (d) The customer type for each activity;
- (e) The relative number of employees in each activity;
- (f) Hours of operation;
- (g) Building and site arrangement;
- (h) Type of vehicle used with the activity;
- (i) The relative number of vehicle trips generated by the activity;
- (j) How the use advertises itself; and
- (k) Whether the activity would be likely to be found independent of the other activities on the site.

Section 39.110 – Uses Not Specifically Addressed. Uses not specifically addressed in this code may be classified into a use category through the process of a Code Interpretation application, pursuant to Section 31.070 (Interpretation of Code Provisions).
[...]

Finding:

The Honey Bucket interpretation (INT25-0001) decision issued on July 11, 2025 (Exhibit C) found that Honey Bucket operates a business at the Site, storing portable restrooms and other job site equipment that is ultimately rented to industrial and construction customers as a business-to-business operation. In the interpretation request narrative (Exhibit B), when describing the aspects of its business, Honey Bucket asserted the following:

- Honey Bucket's business typically operates between 4 AM and 7PM- but may operate seven days a week with extended hours to accommodate demand surges or peak season events;
- After use by commercial and industrial customers, waste is pumped out of all units offsite before the restrooms are retrieved for cleaning and storage at the Site;
- Trucks that empty the restrooms of waste offsite return to the Site, where the pumped waste is stored temporarily in a holding tank;
- An additional truck empties the tank and delivers the waste to a final offsite destination for disposal
- Once at the Site, employees service the restrooms by washing units inside and outside via a closed loop wash water reuse station that reclaims and recycles water into a private reclamation system;
- Honey Bucket pumps the recycled water with one of its delivery trucks and disposes of it in an approved wastewater facility;

- *Employees stock and load clean restrooms with necessary supplies and store them onsite.*

The applicant's interpretation request submitted on June 11, 2025 (Exhibit B) included a written narrative that stated the primary onsite activity is the loading/unloading, washing and storing of portable restrooms and other industrial equipment rented from the Site.

The July 11, 2025, interpretation decision (INT25-0001), found that Honey Bucket's primary use most closely aligns with the Solid Waste Treatment and Recycling use category. Whether or not the applicant is also conducting or proposes to conduct separate and distinct primary uses that are appropriately classified as Wholesale Sales, those uses are subject to the limitations of the ML zone and are discussed further below under Section 39.450.

Staff issued the INT25-0001 decision on July 11, 2025, included as Exhibit C. The applicant submitted the subject Request for Review on July 24, 2025, included as Exhibit A. The submitted Request for Review stated the applicant would be adversely affected by the decision that business operations are not allowed under the property's current zoning. At the time of writing the analysis and findings no additional materials have been submitted by the applicant.

Section 39.420 - Solid Waste Treatment and Recycling.

(1) Characteristics. Solid Waste Treatment and Recycling uses receive, process and/or recycle solid waste materials.

(2) Examples of Uses.

- Energy recovery plants.
- Portable toilet collection, storage and pumping.
- Recycling-Collection Center (as defined in TDC 39.115).
- Commercial waste composting and/or compost production.

(3) Exceptions.

- The following related uses are prohibited in all zones: vehicle and heavy machinery salvage and wrecking; hazardous-waste collection and processing; rendering plants; and junk or salvage yards
- Uses listed above in the Examples of Uses are not allowed in the Special Commercial Setback 60.035 (1-3)
- Community recycling or composting facilities at a community garden are classified as Community Services.

Section 39.450. - Wholesale Sales.

(1) Characteristics. Wholesale Sales are the sale, lease, and/or rental of products primarily to businesses. On-site sales to the general public are limited.

(2) Examples of Uses.

- Wholesale sales of industrial hand tools and industrial supplies such as safety equipment and welding equipment.
- Wholesale sales, service and rental of construction and industrial equipment, such as tractors, loaders, hoes, lifts, cranes, and utility trucks, to contractors and industrial firms.

- Wholesale sales and service of machines and tools primarily for industrial and commercial firms including machine tools, fabrication, processing and packaging machinery, hoists, conveyors, racking systems and forklifts.
- Wholesale sales of building materials and supplies, including, but not limited to, electrical supplies; fencing materials; building insulation; lumber; prefabricated trusses and structural frames; structural metal materials; masonry supplies; ceramic & stone tile and pavers; painting supplies; plumbing supplies; plywood and wood panel materials; roofing; siding; flooring; window materials; door materials; and tools (handheld and table or stand mounted).

(3) Exceptions.

- Companies that engage primarily in sales to the general public are classified as Retail Sales and Services.
- Companies that engage in sales on a membership basis are classified as either Retail Sales and Services or Wholesale Sales, based on the characteristics of the use.
- Companies that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.
- Storage, transfer, or processing of hazardous, toxic, or radioactive waste.

Finding:

In the request for interpretation (Exhibit B) submitted June 11, 2025, the applicant stated the primary use at the site was best characterized as a Wholesale Sales use.

The INT25-0001 decision (Exhibit C) reviewed whether the proposed rental of portable restroom units and the associated temporary waste holding tank could be considered Wholesale Sales. Staff noted the Light Manufacturing (ML) Use Category Table 60-1, further limits this use category to sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and sale, service and rental of construction and industrial equipment to contractors and industrial firms only; and further that a conditional use is required for wholesale sales of building materials and supplies. Honey Bucket rents rather than sells its product, it is only necessary to examine whether its proposed use could be considered "service and rental of construction and industrial equipment to contractors and industrial firms only." Staff determined that, portable toilets, which are used in a variety of settings, do not appear to be "construction or industrial equipment." Given the applicable examples of uses set out for Wholesale Sales and relevant rules of statutory construction, staff's position is that "construction and industrial equipment" is limited to the machinery and tools used to perform construction or industrial tasks. The Applicant's operation includes activity (receiving solid waste materials) that is not permitted in the Wholesale Sales Industrial Use Category.

The Honey Bucket interpretation (INT25-0001) decision issued on July 11, 2025 (Exhibit C) staff found that based on the text and context of TDC 39.100(3)(c) and (4) that Honey Bucket's waste-related activities at the Site are not subordinate and incidental to the stated primary use but part and parcel of and an important, essential component of that use. The INT25-0001 decision reflected the following:

- *During operating hours, pick-up and delivery trucks leave the Site in the morning with clean and stocked restrooms and return to the Site with empty ones;*
- *During demand surges, this activity can occur several times a day;*
- *Waste from the restrooms rented to customers is pumped into trucks offsite, then transported to the Site and temporarily stored in the holding tank onsite;*

- That waste is then emptied by one truck and delivered to a disposal site- and this can occur either once or twice per day;
- When the restrooms are returned to the Site, Honey Bucket employees service them, which includes washing them on the inside and outside with a washing system that reclaims and recycles the water in a private reclamation system;
- That recycled water is then pumped into a delivery truck and delivered to a wastewater facility.

The interpretation decision described the nature of the onsite activities which included the need to wash the portable restrooms and capture the waste water onsite. The findings noted that trucks that empty waste from the restrooms offsite then return to the Site with that waste, where it is temporarily stored in a holding tank. This aspect of its operation necessitates the need to employ charcoal filters to capture odors emanating during the transfer between the tank and trucks emptying or depositing into the holding tank.

After review, the City found that the applicant's proposed rental of portable restroom units and the associated temporary waste holding tank is most similar to the Solid Waste Treatment and Recycling use category and not Wholesale Sales. In the Light Manufacturing (ML) zone, Table 60-1 (below) limits a Solid Waste Treatment and Recycling use to be a recycling collection center. TDC39.420(2), lists "portable toilet collection, storage and pumping" as an example of the specific subtype of uses within that category. Honey Bucket receives solid waste materials, which is a listed characteristic that defines the Solid Waste Treatment and Recycling use classification. Additionally, portable toilet collection, storage and pumping are listed as examples of the use. While the use in question does not pump the portable toilets on site, it does collect, store, and wash the toilets on site, as well as, temporarily store the waste from those toilets onsite. For these reasons staff found the use more closely fits the Solid Waste Treatment and Recycling and does not fit the description of a Wholesale Sales use.

The July 11, 2025, interpretation decision (INT25-0001) stated the proposed rental of portable restroom units contains many of the characteristics associated with a Solid Waste Treatment and Recycling use and is properly classified as Solid Waste Treatment and Recycling. Finally, Honey Bucket's use cannot be reasonably construed to be a Recycling-Collection Center (as defined in TDC 39.115) as "A permanent facility for the collection, storage, repair, processing or distribution of repairable or reusable household goods or materials, when housed in a fully enclosed building. In this context, the term "materials" is specifically intended to include empty bottles, jars, cans, boxes or similar containers, as well as newspaper, magazines and other printed matter." Therefore, the proposed rental of portable restroom units as well as the temporary waste holding tank, as it is associated with the use, are both prohibited in the ML zone.

In the request for interpretation (Exhibit B) submitted June 11, 2025, the applicant noted, "we do not believe that implicitly prohibiting portable toilet storage and rental businesses in Tualatin was the City Council's intent in enacting relevant provisions of the TDC. This result contradicts the City's goal of fostering urban growth and a probusiness environment". Staff responded in the interpretation decision by stating there are certain business activities not permitted in the City of Tualatin. Staff emphasized that the record does not reflect any evidence that the Council did not intend to prohibit certain uses. Staff referenced the purpose statement for the ML zone indicating that the Council did intend to place

limitations on certain uses – while still fostering a pro-business environment, particularly those industrial uses that might be considered incompatible with other uses, or industrial uses like wholesale sales which are commercial in nature. The purpose statement provides, “The purpose of this zone is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The zone serves to buffer heavy manufacturing uses from commercial and residential areas. Industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. The zone is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The purpose is also to allow a limited amount of commercial uses and services and other support uses, including office uses in limited locations in close proximity to the Commercial Office (CO) district. Commercial uses are not permitted in the Limited Commercial Setback.”

*The applicant submitted the subject Request for Review on July 24, 2025, included as **(Exhibit A)**. The submitted Request for Review stated the applicant would be adversely affected by the decision that business operations are not allowed under the property’s current zoning. As of the writing of this report, no additional materials have been submitted in response to staff’s July 11, 2025, interpretation decision.*

Chapter 60: Light Manufacturing (ML) Zone.

Section 60.100 – Purpose.

The purpose of this zone is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The zone serves to buffer heavy manufacturing uses from commercial and residential areas. Industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. The zone is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The purpose is also to allow a limited amount of commercial uses and services and other support uses, including office uses in limited locations in close proximity to the Commercial Office (CO) district. Commercial uses are not permitted in the Limited Commercial Setback.

Section 60.200. - Use Categories.

(1) Use Categories. Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the ML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 60-1 and restrictions identified in TDC 60.210. 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 60-1
Use Categories in the ML Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INDUSTRIAL USE CATEGORIES		
Solid Waste Treatment and Recycling	C (L)	Conditional uses limited to recycling collection center.
Wholesale Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none"> • Sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and • Sale, service and rental of construction and industrial equipment to contractors and industrial firms only. Conditional use required for wholesale sales of building materials and supplies

Finding:

Tualatin Development Code Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the Light Manufacturing (ML) Planning District. Uses that are omitted from the table are not permitted in the ML zone. The industrial use category limits the use of Solid Waste Treatment and Recycling to a recycling collection center through the process of a Type III conditional use permit.

The Honey Bucket interpretation (INT25-0001) decision issued by staff on July 11, 2025, determined that the primary use of the site most closely aligns with the Solid Waste Treatment and Recycling Use Category. In the request for interpretation, Honey Bucket acknowledged that if it did engage in onsite waste processing and disposal as part of its operation, its use would have characteristics associated with the Solid Waste Treatment and Recycling Use category. After review, the City found that the applicant's proposed rental of portable restroom units and the associated temporary waste holding tank is most similar to the Solid Waste Treatment and Recycling use category. In the ML zone, Table 60-1 (above) limits a Solid Waste Treatment and Recycling use to be a recycling collection center and does not make allowances either permitted or condition for "portable toilet collection, storage, and pumping". an example of the specific subtype of uses within the Solid Waste Treatment and Recycling category. The July 11, 2025, interpretation decision concluded the proposed rental of portable restroom units as well as the temporary waste holding tank, as it is associated with the use, are both prohibited in the ML zone.

The INT25-0001 decision (Exhibit C) reviewed whether the proposed rental of portable restroom units and the associated temporary waste holding tank could be considered Wholesale Sales. Staff noted the Light Manufacturing (ML) Use Category Table 60-1, further limits this use category to sales of industrial hand tools, industrial supplies such as safety equipment and welding equipment, that are products primarily sold wholesale to other industrial firms or industrial workers; and sale, service and rental of

construction and industrial equipment to contractors and industrial firms only; and further that a conditional use is required for wholesale sales of building materials and supplies. Honey Bucket rents rather than sells its product, it is only necessary to examine whether its proposed use could be considered "service and rental of construction and industrial equipment to contractors and industrial firms only." Staff determined that, portable toilets, which are used in a variety of settings, do not appear to be "construction or industrial equipment." Given the applicable examples of uses set out for Wholesale Sales and relevant rules of statutory construction, staff's position is that "construction and industrial equipment" is limited to the machinery and tools used to perform construction or industrial tasks. The Applicant's operation includes activity (receiving solid waste materials) that is not permitted in the Wholesale Sales Industrial Use Category.

The applicant submitted the subject Request for Review on July 24, 2025, included as Exhibit A. The submitted Request for Review stated the applicant would be adversely affected by the decision that business operations are not allowed under the property's current zoning. As of the writing of this report, no additional materials have been submitted in response to staff's July 11, 2025, interpretation decision.

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

[...]

Section 63.020 – Applicability.

The regulations of this Chapter apply to:

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

Section 63.051. - Noise.

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

Section 63.052. - Vibration.

- (1) All uses and development must not cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section.
 - (a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district must not exceed 0.01 inches per second (0.00025 meters per second) RMS velocity.
 - (b) Ground vibration as measured at a common property boundary of any two properties within any industrial planning district must not exceed 0.1 inches per second (0.0025 meters per second) RMS velocity.
- (2) *Method of Measurement.* Vibration measurement procedures must conform to the methods described in this section and to procedures approved by the Oregon Department of Environmental Quality.
 - (a) Instrumentation must be capable of measuring RMS value of the vibration velocity over the frequency range of ten to 1,000 hertz.
 - (b) Measurement values must be recorded for a sufficient period of observation to provide a representative sample.

- (c) Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of nine inches (22.9 cm.) in length, driven flush with the ground surface.
- (3) **Exemptions.** The requirements of TDC 63.052(1) do not apply to:
 - (a) Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad;
 - (b) Vibration resulting from the operation of any road vehicle;
 - (c) Vibration resulting from construction activities and use of construction equipment; and
 - (d) Vibration resulting from roadway maintenance and repair equipment.

Section 63.053 - Air Quality.

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

Section 63.054. - Odors.

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

Section 63.055. - Heat and Glare.

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

Section 63.056. - Storage and Stored Materials.

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

Section 63.057. - Liquid or Solid Waste Materials.

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

Section 63.058. - Dangerous Substances.

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

Finding:

The standards of Tualatin Development Code Chapter 63 apply to all industrial uses and utilities, regardless of the Planning District in which they are located and manufacturing planning districts regardless of the use category. The site is located in the Light Manufacturing (ML) Planning District and the regulations relating to noise, vibration, air quality, odors, heat, glare and lighting, storage and stored materials, liquid and solid waste materials, and dangerous substances would be applicable to any use at the subject site.