



ANALYSIS AND FINDINGS
for Walgraeve Industrial Park (Hedges Creek)
 June 29, 2022

Case #:	AR 21-0018
Project:	Walgraeve Industrial Park
Location:	11345 SW Herman Road; Tax Lot: 2S122D000550
Applicant:	Beth Zauner, AAI Engineering
Owner:	Ricky and Gary Walgraeve

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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

A. Applicable Criteria

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

- TMC 3: Utilities and Water Quality
- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 33.110: Tree Removal Permit/Review
- TDC 61: General Manufacturing
- TDC 70: Floodplain District
- TDC 72: Natural Resources Protection Overlay
- TDC 73A: Site Design
- TDC 73B: Landscaping Design
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvements
- TDC 75: Access

B. Site Description

The subject site is a 20.4 acre property located south of SW Herman Road and north of SW Myslony Street and the SW 112th Avenue intersection. The current street address is 11345 SW Herman Road (Washington County Tax Assessor Map 2S122D000550), which is also associated with an existing lot north of SW Herman Road. The subject property will have a new assigned address off of SW Myslony Street. The subject property is zoned General Manufacturing (MG). The property was recently annexed, ANN21-0002, to the City of Tualatin. A property line adjustment, PL21-0001, was also recently approved.

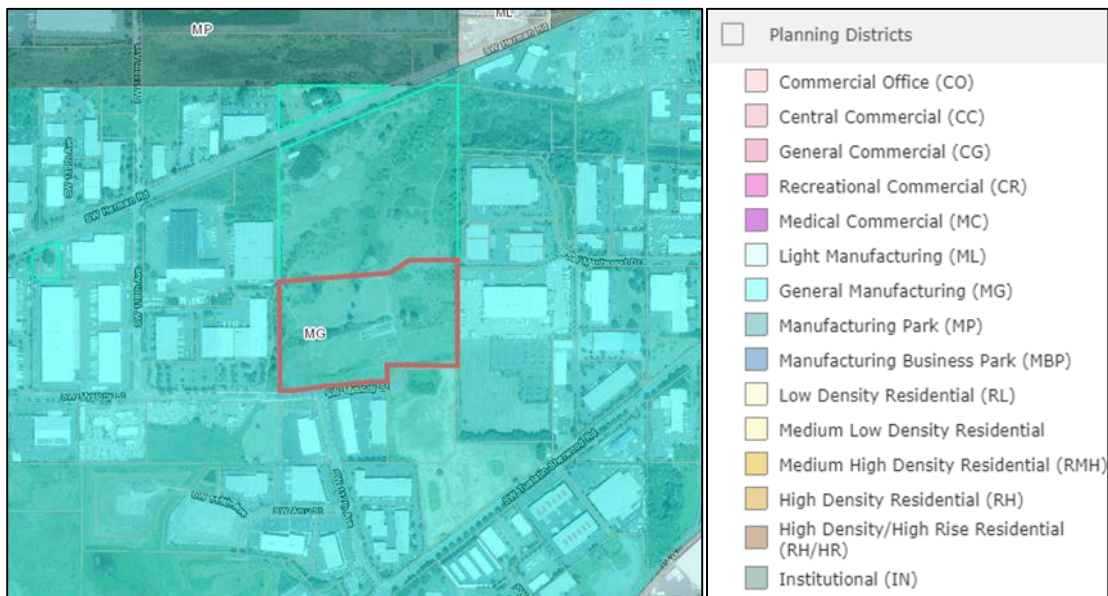


Figure 1: Aerial view of subject site (outlined in Red)

The site is undeveloped and has been previously utilized for various agricultural crops and grazing for cattle. The subject site will be provided with public street access from SW Myslony Street, which is under the City of Tualatin’s jurisdiction and classified as a Collector and Industrial Connector (Exhibit F).

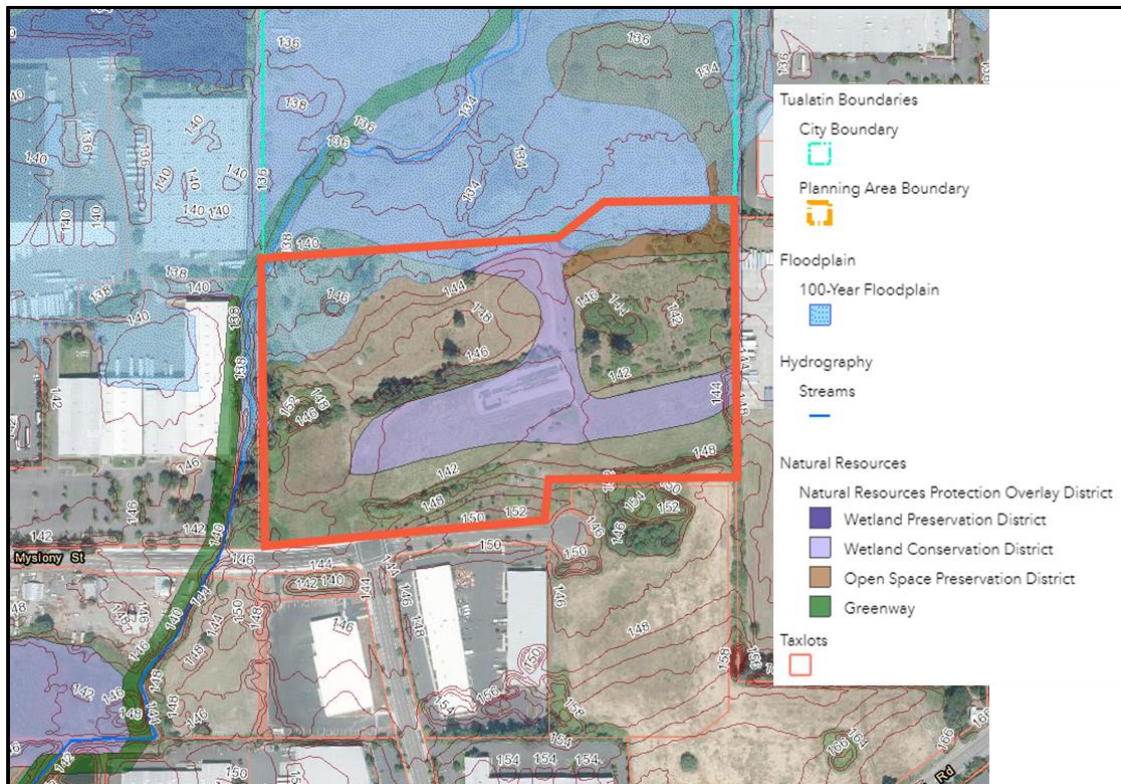


Figure 2 Wetland Conservation District (NRPO-WCNA) & Open Space Preservation District (NRPO-OSNA)

The property slopes slightly downward from SW Myslony Street to the northern portion of the property. The land reaches a high point of 152 feet in elevation along the southern border of the property and slopes down to a low point of 138 feet near the northern border of the property. The applicant has submitted a Natural Resource Assessment (NRA Exhibit A6) which details the natural resources within the confines of the subject property. The NRA was drafted for the property line adjustment (PLA21-0001) that is associated with this project. The shaded areas on Figure 2 illustrates a Natural Resource Protection Overlay including a Wetland Conservation District (NRPO-WCNA), Open Space Preservation District (NRPO-OSNA) and 100-year floodplain. The Tualatin Parks and Recreation Department has reviewed the site and has determined a need for a pedestrian and bicycle easement that is a section of the regional Ice Age Tonquin Trail (Exhibit E).

C. Proposed Project

As described in the applicant’s narrative (Exhibit A1), the applicant has proposed 3 buildings on approximately 20.4 acres of property. Building A will be 148,600 square feet, Building B will be 142,550 square feet and Building C will be 151,425 square feet for a total of 442,575 square feet of industrial buildings. The applicant’s narrative (Exhibit A1) states that the proposed uses of the buildings will consist of 35% manufacturing and 65% warehousing while the applicant’s plan set (Exhibit A2) states that the uses will be 30% manufacturing and 70% warehousing.

The applicant’s Landscaping Plans are within the Plan Set (Exhibit A2). The applicant is proposing a landscaped area of 16.2% or 147,915 square feet of landscaping. Perimeter and parking lot landscaping are proposed.

Parking and site circulation is illustrated in the Plan Set (Exhibit A2). A total of 335 vehicular parking spaces, 50 bicycle parking spaces and 18 vanpool/carpool spaces will be provided. There will be 71 loading docks with buildings B and C docks facing each other. Building A will have loading docks facing the property to the west.

As shown on the applicant’s architectural building elevation drawings in the Plan Set (Exhibit A2), the buildings will utilize tilt-up concrete walls for construction. The maximum height of all three buildings will be 41 feet 8 inches tall. The design of the buildings articulate entryways with contrasting painted walls and windows, canopies above entryways, loading docks and other site and building features that are discussed in greater detail in the findings.

The surrounding vicinity is dominated by concrete tilt-up structures of varying heights. There are a few examples of similarly sized and massed buildings with a comparable volume of loading docks in Tualatin. As comparison, to the east and west are buildings of approximately 100,000 square feet in area with loading docks.

The remainder of the site that is not dedicated to building and loading areas will be allocated to vehicle maneuvering and parking. The site plan proposes four vehicle access points off of SW Myslony Street that are discussed in greater detail within Exhibits A4 and K.

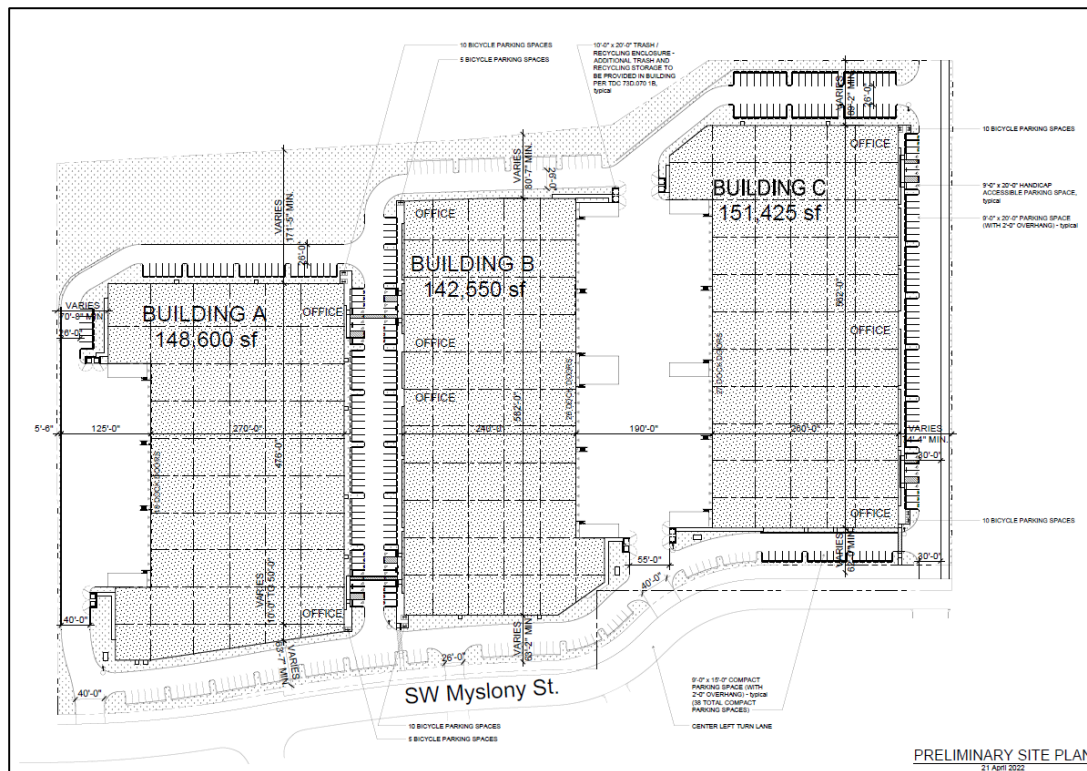


Figure 3: Site Plan (overview)

D. Previous Land Use Actions

- ANN21-0002 Property Annexed into Tualatin
- PLA21-0001 Property Line Adjustment

E. Surrounding Uses

The subject site is surrounded by industrial uses including:

North: General Manufacturing (MG)

- Vacant

East: General Manufacturing (MG)

- Industrial Use

West: General Manufacturing (MG)

- Industrial Use

South: General Manufacturing (MG)

- SW Myslony Street
- SW 112th Avenue
- Industrial Use

F. Exhibit List

Exhibit A1 - Applicant's Narrative

Exhibit A2 – Plan Set and Elevations

Exhibit A3 – Arborist Report

Exhibit A4 – Transportation Impact Analysis

Exhibit A5 – Stormwater Report

Exhibit A6 – Supporting Documents

Exhibit B – Public Noticing Requirements

Exhibit C – Tualatin Valley Fire & Rescue Application Review

Exhibit D – Clean Water Services Memorandum

Exhibit E – Parks and Recreation Department Findings and Conditions

Exhibit F – Map 8-1 Functional Classification Plan

Exhibit G – Map 72-1 Natural Resources Protection Overlay District (NRPO)

Exhibit H – Map 72-2 Greenway Development Plan and Path Locations

Exhibit I – Map 72-3 Significant Natural Resources

Exhibit J – Building Architecture Communications

Exhibit K – DKS Transportation Impact Analysis Comments

II. PLANNING FINDINGS

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

Chapter 32: Procedures

Section 32.010 – Purpose and Applicability.

[...]

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

[...]

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

[...]

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

Table 32-1 – Applications Types and Review Procedures

Application / Action	Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood /Developer Mtg Required	Applicable Code Chapter
Architectural Review						
Industrial Buildings 150,000 square feet + [...] as requested by the CM	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 project includes three industrial buildings totaling 442,575 square feet in area and therefore requires a Type III review procedure according to Table 32-1. The application has been processed according to the applicable code criteria 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.)

[...]

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

Finding:

The application was deemed complete on May 3, 2022. The hearing for AR 21-0018 is scheduled for June 29, 2022. The final action will take place by August 31, 2022 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:

The subject land use action is identified as requiring a pre-application conference in Table 32-1. The applicant participated in a pre-application meeting on August 18, 2021. The applicant has also discussed the project with staff by phone call and email in-follow-ups to the pre-application meeting date. 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 has provided evidence within Exhibit A6 that they held a Neighborhood/Developer meeting on September 16, 2021, 104 days prior to application submittal on December 29, 2021. The applicant has provided documentation of sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from the meeting. 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 application has been signed by the property owners Gary and Ricky Walgraeve. 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 the subject application on December 29, 2021. The applicant submitted additional information on February 25, 2022, March 14, 2022, March 30, 2022, April 1, 2022, April 4, 2022 and April 22, 2021 with the application being deemed complete on May 3, 2022. The applicant made two other submittals after the application was deemed complete including May 20, 2022 and May 23, 2022. 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 A6 that signs in conformance with this section were placed on site in accordance with this section. This standard is 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 subject application was submitted on December 29, 2021 and deemed incomplete on January 27, 2022. The applicant submitted additional material and the application was deemed complete on May 3, 2022. These standards are met.

TDC 32.170. - Revised Applications.

Revisions or alterations of an application may be made following the determination that an application is complete, provided such revisions or alterations do not render the application incomplete and do address applicable requirements. When revisions or alterations are desired by the applicant or required by the City, the applicant must provide fully revised application materials and clearly identifying those application materials which are revised.

[...]

Finding:

The applicant submitted revised material on May 20, 2022 and a revised narrative on May 23, 2022, after the application being deemed complete on May 3, 2022. The revisions addressed several staff concerns and did not render the application incomplete. This standard is 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 concerning AR21-0018 was mailed by city staff on May 20, 2022 and contained the information required by this section (Exhibit B). No public comments were received as of the date this report was drafted. Service Provider Letters were received and can be found in Exhibit C (TVF&R) and Exhibit D (Clean Water Services). 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 of the TDC. 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 applicable standards and objectives in TDC 73A through 73G. These standards are met by the Findings and recommended Conditions of Approval for the subject application.

(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.

[...]

(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

(1) Purpose. To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.

(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) Procedure Type. Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.

Finding:

The applicant has submitted a tree preservation plan and sufficient documentation in conjunction with the Architectural Review application (Exhibit A3). The criteria in TDC 33.110, addressed below, are the basis of approval or denial for tree removal as part of this Architectural Review. 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.

(b) If none of the conditions in TDC 33.110(5)(a) are met, the certified arborist must evaluate the condition of each tree.

(i) Evergreen Trees. An evergreen tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:

(A) Trunk Condition - extensive decay and hollow; or

(B) Crown Development - unbalanced and lacking a full crown;

(ii) Deciduous Trees. A deciduous tree which meets any of the following criteria as determined by a certified arborist will not be required to be retained:

- (A) Trunk Condition** - extensive decay and hollow;
- (B) Crown Development** - unbalanced and lacking a full crown; or
- (C) Structure** - Two or more dead limbs.

[...]

Finding:

The applicant’s arborist surveyed 103 trees over 6” dbh on site. The report recommends removal of 77 trees that are either in poor health or are in conflict with building or parking lot locations. Of the on-site trees proposed for removal, all are proposed to be removed to construct the proposed improvements in accordance with criterion 33.110(5)(a)(iii). The tree survey also identified tree protection measures. With recommended Condition of Approval A2 related to tree protection, 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		
[...]		
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 narrative identifies “Light Manufacturing” and “Warehouse and Freight Movement” uses for the site. TDC 39.400 describes Light Manufacturing uses as being involved in the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activity takes place, and where such processes are housed entirely within a building. Light Manufacturing also includes the

repair and/or servicing of industrial, business, or consumer machinery, equipment, products or by-products, or in training or instruction of such repair or servicing. Products are generally not displayed or sold on site, but if so, sales and display are accessory to the primary use and subject to restrictions, such as size, set forth in the planning district in which the use will be located. All industrial uses must continually comply with the Environmental Regulations specified in TDC Chapter 63. Warehouse and freight movement are described in TDC 39.440 and characterized by the storage, repackaging, delivery and movement of products. A conditional use permit is required for warehousing of building materials and supplies, while other warehouse and freight movement uses are permitted in the subject zone. Additional review may be necessary at the time of tenant improvements. With recommended Condition of Approval A34, 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**

	Requirement	Minimum Proposed
MINIMUM SETBACKS		
Front	30	61'6"
Side	0-50 feet	70'9"
Rear	0-50 feet	65'10"
Parking and Circulation Areas	5 feet No minimum setback required adjacent to joint access approach in accordance with TDC 73C.	5'
STRUCTURE HEIGHT		
Maximum Height	60 feet	42' 8"

[...]

Finding:

As shown in the table above, the minimum setbacks and maximum building height development 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 applicant has not proposed outdoor uses. With recommended Condition of Approval A35, this standard is met.

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) District and the proposal includes industrial uses. 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 A36, these standards are met.

Chapter 70: Floodplain District (FP)

Section 70.040 - Lands to Which This Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Tualatin.
[...]

Finding:

According to the FEMA Flood Mapping, the subject property is considered a Special Flood Hazard Area with the property designated as Zone AE and a small area Floodway located in the northwest corner of the property is also present within the confines of the property; therefore this Chapter applies to the proposed industrial development.

TDC 70.110. - Development Permit Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established by TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard). The permit shall be for all structures, including manufactured homes, as set forth in TDC 70.030 (Definitions), and for all other development, including fill and other activities, also as set forth in TDC 70.030 (Definitions).

Finding:

The applicant has submitted this Architectural Review application for review of the proposed construction of three industrial shell buildings. This standard is met.

Section 70.170. - General Standards.

In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) All manufactured dwellings shall be anchored according to TDC 70.180(3)(Specific Standards for Manufactured Dwellings).

(2) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(c) On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

[...]

Section 70.180 - Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in TDC 70.050 (Basis for Establishing the Areas of Special Flood Hazard) or TDC 70.140(2) (Use of Other Base Flood Data (In A and V Zones)), the following provisions are required:

[...]

(2) *Nonresidential Construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum according to ASCE 24; or, together with attendant utility and sanitary facilities, shall:

(a) Be flood proofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in TDC 70.140(3)(b) (Duties and Responsibilities of the Local Floodplain Administrator);

(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in TDC 70.180(1)(d)(Specific Standards for Residential Construction).

(e) Applicants shall supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

[...]

(6) Below-Grade Crawl Spaces. Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspaces Construction for Buildings Located in Special Flood Hazard Areas:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the

required openings stated in Section TDC 70.180(1)(Specific Standards for Residential Structures) above. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(b) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one-foot above the lowest adjacent exterior grade.

(c) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(d) Any building utility systems within the crawlspace must be elevated above B components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(e) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

(f) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

(g) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

(h) The velocity of floodwaters at the site shall not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01

Finding:

The plans show the proposed structure within the floodplain. FEMA identifies the floodplain elevation at this site as 136.1 to 142.1 feet, NAVD 1988, from east to west. All utilities planned with this development which are located within the floodplain must be designed to meet code.

A flood hazard area development permit must be obtained prior to construction. This permit must include final approved plans identifying balanced cut and fill. Elevation certificates prior to and post construction must show construction in accordance with TDC 70.170 and 70.180.

With recommended Conditions of Approval A3, A13 and A28, these standards are met.

Chapter 71: Wetlands Protection District (WPD)

TDC 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 several natural resources including NRPO-WCNA Wetland Conservation Natural Areas. According to Map 71-1 the subject property is not located within a Wetland Protection District (WPD), therefore Chapter 71 is not applicable. The WPD is located just northeast and east of the subject property.

CHAPTER 72. - NATURAL RESOURCE PROTECTION OVERLAY DISTRICT (NRPO)

[...]

TDC 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 subject property, Tax Map/Lot2S122D000550, is not listed as a Significant Natural Resource in TDC 72.013.

TDC 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 illustrates Wetland Conservation Natural Areas (WCNA) and Open Space Natural Areas (OSNA) 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.

TDC 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. On March 17, 2022, the applicant submitted a Joint Permit Application (JPA) to the Oregon Division of State Lands (DSL) and the Army Corp of Engineers for review and approval of proposed removal and fill activities related to the proposed construction. According to the DSL website, the JPA is under review through June 21, 2022. The applicant will be required to submit the approved JPA for review. Standards within TDC 72.040(c)(i), (ii), (iii) and (iv) will be evaluated with the submittal of the approved JPA. With recommended Condition of Approval A6, these standards are met.

(3) Open Space Natural Areas.

- (a) Open Space Natural Areas (NRPO-OSNA) are shown on Map 72-1. They include upland forests, upland forests associated with slopes or streams, upland meadows, upland meadows associated with slopes or streams, the geologic features of the Tonquin Scablands, areas with slopes greater than 25 percent, areas within 50 feet of a delineated wetland and areas within 50 feet of a stream top of bank.
- (b) The top of bank for the Tualatin River is as stated in TDC 72.030 and for all other streams is the bankfull stage. Slope is the vertical elevation divided by the horizontal distance of vertical change and is measured for a horizontal distance of 100 feet.
- (c) Land use and permit applications shall show the NRPO-OSNA Boundary and shall include information on wetland delineations, location of streams, top of bank, topography and a vegetation inventory.

[...]

Finding:

As depicted on Map 72-1, the subject property contains Natural Resource Protection Overlay - Open Space Natural Areas (NRPO-OSNA) land. All material submitted for all land use and other permit application must illustrate the NRPO-OSNA Boundary and information on the wetland delineations, location of streams, top of bank, topography and a vegetation inventory. With recommended Condition of Approval A7, these standards are met.

TDC 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:

There are Vegetated Corridors as identified in the applicant Natural Resource Assessment (Exhibit A8). The proposed development has been reviewed by Clean Water Services and a review Memorandum

(Exhibit D) will apply to all grading and construction activity. With recommended Condition of Approval A10(a)(ix), this standard is met.

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

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

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

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

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

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

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

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

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

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

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

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

Finding:

The application is currently going through the Joint Permit Application (JPA) review process through with the Oregon Department of State Lands (DSL) and Army Corp of Engineers for all removal, fill and construction activity. The regional Ice Age Tonquin Trail is located along the eastern edge of the subject property. The Parks and Recreation Department has reviewed the proposal and have provided several conditions of approval related to the regional trail. The subject property does not contain a Greenway, TDC 72.070 is not applicable. With recommended Condition of Approval A25 and Conditions of Approval listed in Exhibit E.

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

- (a) Use of Greenways and Natural Areas for storm drainage purposes;**
- (b) Location of approved landscaping, pedestrian and bike access areas, and other non-building uses and activities in Greenways and Natural Areas;**
- (c) Setback of proposed buildings, parking lots, and loading areas away from the Greenway and Natural Area boundary.**

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

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

[...]

Finding:

The proposed development is considered at Type III Architecture Review process and will be considered by the Architectural Review Board on June 29, 2022. The Tualatin Parks and Recreation Department have provided Findings and Conditions of Approval that are applicable to the subject property (Exhibit E). With recommended Conditions of Approval A24 and A33, these standards will be met.

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

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

[...]

Finding:

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

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

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

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

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 TDC was not addressed in the submitted materials. Landscaping credits have not been considered in the review of the proposed industrial development.

TDC 72.110. - Easements for Pedestrian and Bicycle Access.

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

Finding:

Figure 72-2 illustrates the regional Ice Age Tonquin Trail being located along the eastern edge of the subject property which will require a minimum 15' wide easement to accommodate the pedestrian and bike path. With recommended Conditions of Approval A24 and A33, this standard is met.

TDC 72.120. - Wetlands Protection District.

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

Finding:

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

TDC 72.130. - Floodplain District.

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

Finding:

The subject property contains two NRPO Districts, 100-Year Floodplain and Floodway. Chapter 70 has been previously addressed within this report.

TDC 72.140. - Dedication of Land for Park Purposes.

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

TDC 72.150. - Modifications for Storm Drainage Improvements.

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

Finding:

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

Chapter 73A – Site Design Standards

TDC 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 Architecture Review Board (ARB) will review the subject application and make a determination if the purpose and objectives of Chapter 73A have been adequately addressed. The applicant's narrative states that the proposed designs "articulate entries and features through the varied height of the roof parapet, the use of reveals, paint locations, canopies and windows to provide an aesthetically interesting building for occupants and visitors."

In the completeness letter dated May 3, 2022, there were a number of advisory items included (Exhibit J). Advisory items are suggestions to the applicant to make adjustments to their application material to better comply with TDC requirements. One of the advisory items suggested that the applicant considered upgrading the buildings architecture. In an email dated April 8, 2022 (Exhibit J) City Staff specifically suggested that the building architecture be updated to better address architectural design criteria and the "Purpose" and "Objectives" of TDC 73A.010. However, no updated architectural elevation drawing or building materials were updated, during a phone call the applicant stated they would not be updating the building architecture and in an email dated May 20, 2022, stated that the other items, building architecture, would not be included in the package that was received on May 20, 2022. The applicant has chosen to go with the building architecture that was originally proposed in their initial application submittal on December 29, 2021. The ARB will review the subject application and may apply additional Conditions of Approval in order to meet the purpose and objectives of Chapter 73A.

TDC 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, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable;
- (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:

The applicant's narrative refers to the Plan Set (Exhibit A2) to determine compliance with Walkway standards. Additional information is needed to determine compliance with this section of the TDC. With recommended Condition of Approval A15, these standards will be met.

(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;
- (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:

The applicant's narrative (Exhibit A1) refers to the Plan Set (Exhibit A2) for compliance. Windows are primarily located in the area of the entrances to the proposed buildings. Both pole and wall mounted lighting are proposed for the site. A lighting diagram was provided that demonstrates the parking lot is properly lit for safety and security. These standards are 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
- (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

Finding:

The service and delivery areas are proposed to be screened either by a building or landscaping. All finalized location of above grade and on-grade electrical and mechanical equipment will be checked for adequate screening. The applicant did not propose any outdoor storage areas. With the recommended Conditions of Approval A14, these standards are 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;
 - (ii)** Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;
 - (iii)** Provide a transit passenger landing pad accessible to disabled persons;
 - (iv)** Provide an easement or dedication for a passenger shelter as determined by the City; and
 - (v)** Provide lighting at the major transit stop.

Finding:

The subject property is not adjacent to a transit facility. These standards are not applicable.

Chapter 73B: Landscaping Standards

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

Excerpted from 73B.020

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
[...]		
(3) CO, CR, CC, CG, ML and MG zones except within the Core Area Parking District—All uses	15 percent of the total area to be developed	12.5 percent of the total area to be developed

Finding:

As shown on the Site Plan (Exhibit A2), 143,321 square feet or 15.67% of the total site area being landscaped. The Landscaping Plan (Exhibit A2) lists 147,915 square feet or 16.2% of the total land area being landscaped. Both plan sheets illustrate more landscaping proposed than the minimum landscaping 15% required by this section of the TDC. With the recommended Conditions of Approval A16, these 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.

(i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.

Finding:

Landscaping is provided in all areas not otherwise occupied by buildings, vehicle area, or pedestrian area. The site is not located adjacent to the Hedges Creek Wetland. With recommended Condition of Approval A29, this standard is met.

(b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:

(i) Pedestrian amenities such as landscaped plazas and arcades; and

(ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.

(c) 5-foot-wide landscaped area requirement does not apply to:

(i) loading areas,

(ii) bicycle parking areas,

(iii) pedestrian egress/ingress locations, and

(iv) where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than 8 feet.

Finding:

The buildings are buffered with at least five feet of landscaping, with the exception of loading and pedestrian areas, as seen on the Landscape Plans (Exhibit A2). This standard is 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:

The density of plantings as shown on Landscape Plans (Exhibit A2) is sufficient to provide full coverage of landscaping within three years. These standards are met.

<p>(2) Fences</p>	<p>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.</p>
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Finding:

The applicant’s narrative (Exhibit A2) states that no fencing is proposed. As proposed by the applicant, this standard does not apply.

<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. <p>During construction:</p> <ul style="list-style-type: none"> • Must provide above and below ground protection for existing trees and plant materials identified to remain; • Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; • If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; • Top soil storage and construction material storage must not be located within 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:

The Arborist Report (Exhibit A3) surveyed 103 trees over 6” dbh on site. The report recommends removal of 77 trees that are either in poor health or are in conflict with building or parking lot locations. Of the on-site trees proposed for removal, all are proposed to be removed to construct the proposed improvements in accordance with criterion 33.110(5)(a)(iii).

With recommended Condition of Approval A9, A17.b. and A26, 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 applicant proposes to develop or landscape all exposed areas remaining after grading. With recommended Condition of Approval A29, this standard is met.

(5) Irrigation	<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 is proposed in new landscaping areas as detailed in the General Notes on the Landscape Plan (Exhibit A2). This standard is met.

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

The applicant proposes to landscape all areas not otherwise proposed for development. With recommended Condition of Approval A29, this standard is met.

Section 73B.080 – Minimum Standards Trees and Plants.

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

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

	<ul style="list-style-type: none"> • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> • One to five gallon size; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • Side of shrub with best foliage must be oriented to public view.
(5) Groundcovers	<ul style="list-style-type: none"> • Fully rooted; • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited.
(6) Lawns	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species.

Finding:

Per the Plant Schedule provided on the Landscape Plan included in Exhibit A2, the standards for groundcover, shrubs, and trees to be planted are met.

Chapter 73C: Parking Standards

TDC 73C.010. - Off-Street Parking and Loading Applicability and General Requirements.

[...]

(2)General Requirements. Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.

(a)The following apply to property and/or use with respect to the provisions of TDC 73C.100:

(i) The requirements apply to both the existing structure and use, and enlarging a structure or use;

(ii) The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;

[...]

(v) If the use of a 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;

(vi) Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;

(vii) When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;

[...]

(ix) Required parking spaces must be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and must not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business;

(x)Institution of on-street parking, where none is previously provided, must not be done solely for the purpose of relieving crowded parking lots in commercial or industrial zones; and

(xi) Required vanpool and carpool parking must meet the 9-foot parking stall standards in Figure 73-1 and be identified with appropriate signage.

Finding:

While tenants have not been named for this development, the applicant has identified “Light Industrial” and “Warehousing and Freight Movement” uses for the site. Parking requirements have been evaluated based on this use category in TDC 73C.100. Drive aisles and stalls are proposed to be comprised of asphalt. Concrete curbs are also proposed. With recommended Condition of Approval A30 and A34 to show compliance with standards (v) and (xi), these standards are met.

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, pervious 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 Site Plan (Exhibit A2), standard sized stalls are proposed to be 20 feet long and 9 feet wide and drive aisles are a minimum of 26-feet wide. Thirty eight 9’ wide by 15’ long compact parking stalls are proposed. Drive aisles and stalls are proposed to be comprised of asphalt. Concrete curbs are also proposed. 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 Site Plan (Exhibit A2) shows a total of 24 ADA compliant parking spaces planned near five of the building entrances. The applicant is proposing 12.5% of the parking stalls to be subcompact stalls, less than the 35% maximum allowed for subcompact parking stalls. 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:

The design of the parking lot will not require movement on the public street. Drive aisles with parking are at least 26 feet wide as proposed, which is greater than the minimum of 24 feet wide drive aisles. 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;

(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:

As shown on the Site Lighting Plan (Exhibit A2), lighting will primarily be focused toward the building entrances, loading, and interior parking areas. 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 (5) 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;

[...]

(h) The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.

Finding:

As shown on the Site Plan (Exhibit A2), the applicant proposes to provide outdoor bike parking at the building corners, near proposed tenant entrances. Dimensioned details of the bike parking furnishings were not included in the application materials.

With recommended Condition of Approval A17.f. and A30 to show compliance with standards (a), (b), (c), and (d), these standards are met.

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

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 spaces, 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:

While tenants have not been named for this development, the applicant has identified warehousing and freight movement and light manufacturing uses.

Table 1: Minimum and Proposed Parking by Use

Use	Square Footage	Vehicle Parking Min.	Proposed	Bike Parking Min.	Proposed
Manufacturing	132,772.5	213	335 Total		
Warehousing	309,802.5	92		45	50

A minimum of 305 parking spaces are required, and 335 vehicle parking spaces are provided. Additionally, 45 bike parking spaces are required by code based on the building area, 14 of which must be covered. The site plan notes that bike parking is proposed at all building entrances but does not

provide details (Exhibit A2). The narrative does state that all bicycle parking spaces will be covered. With recommended Conditions of Approval A34 and A17.f. requiring additional bike parking details, 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:

Since 305 parking spaces are required, 12.2 are required to be carpool/vanpool spaces. There are 18 carpool/vanpool spaces are designated on the Site Plan (Exhibit A2). With recommended Condition of Approval A30 pertaining to vanpool signage, 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	60,000 and over	3	12 feet x 35 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:

The proposal includes 71 loading docks oriented towards the interior of the proposed buildings as shown on the Site Plan (Exhibit A2) that are accessible from a private loading area. The applicant’s narrative (Exhibit A1) states they will be adding 71 berths. The loading areas are oriented towards the interior of the buildings/development site and will be screened from Adjacent SW Myslony Street with portions of the buildings and deciduous trees including Red Sunset Maple and Sawleaf Zelkova trees providing screening. Given that deciduous trees lose their leaf cover and ability to screen during the winter months, the applicant should provide additional evergreen trees placed in locations that will provide year-long screening of the loading docks from SW Myslony Street. With recommended Condition of Approval A23, 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
Over 250	As required by City Manager	As required by City Manager	As required by City Manager

Finding:

The site proposes 4 points of ingress and egress off of SW Myslony Street. The proposal includes a total of 335 parking spaces. One of the ingress/egress accesses along SW Myslony Street is proposed at a minimum width of 26 feet for the first 50 feet from the right-of-way. Because there are over 250 parking spaces the Architectural Review Board will determine the minimum width of an access.

(6) Maximum Driveway Widths and Other Requirements.

- (a) Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.
- (b) Driveways must not be constructed within 5 feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.
- (c) The provisions of subsection (b) do not apply to townhouses and duplexes, which are allowed to construct driveways within 5 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:

Proposed driveway widths are illustrated between 24 feet and 40 feet, as shown on the Site Plan in Exhibit A2. Access findings are further addressed in Chapter 75. These standards are met.

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:

The parking lot contains landscaping in areas not used for vehicle 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 in the Landscape Plans (Exhibit A2), the proposed plantings will provide for visual clearance at the end of drive aisles and drive entrances. With recommended Condition of Approval A18 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**
- (e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.**

Finding:

As shown in the Landscape Plans (Exhibit A2), at least five feet of landscape buffer is proposed for all parking and vehicle drive areas. The applicant’s narrative (Exhibit A1) states that “landscape buffer planted with trees, evergreen hedge and groundcovers. A continuous evergreen hedge is proposed that will reach a mature height of 30 inches in three years. Ground cover is proposed and will achieve 90% coverage in three years.” With recommended Condition of Approval A17.d., 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 runoff 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 that 335 parking spaces are proposed, 8,375 square feet of parking lot landscaping area is required. It’s unclear on the Site Plan or Landscape Plan (Exhibit A2) if the required parking lot landscaping area is met. Given 335 parking spaces, 84 trees are required and 86 are proposed (Exhibit A2). Curbs are included in the design and islands are provided at aisle ends. The landscape islands meet the spacing and size criteria as well. With recommended Condition of Approval A17.d., these standards are met.

Section 73D.010 – Applicability and Objectives.

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

- (a) Common wall residential developments containing five or more units;
- (b) Commercial developments;
- (c) Industrial developments; and
- (d) Institutional developments.

(2) Objectives. Mixed solid waste and source separated recyclable storage areas should be designed to the maximum extent practicable to:

- (a) Screen elements such as garbage and recycling containers from view;
- (b) Ensure storage areas are centrally located and easy to use;
- (c) Meet dimensional and access requirements for haulers;
- (d) Designed to mitigate the visual impacts of storage areas;
- (e) Provide adequate storage for mixed solid waste and source separated recyclables; and
- (f) Improve the efficiency of collection of mixed solid waste and source separated recyclables.

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.

Finding:

The applicant proposes to use the Minimum Standards Method (TDC 73D.030) and has verified that the location and configuration of the proposed waste facility and access will satisfy Republic Services (Exhibit A6). As discussed below, these standards are met.

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 10 square feet plus:

[...]

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

[...]

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

Finding:

While tenants have not yet been identified, warehousing and light industrial uses have been identified to fulfill the requirement. A minimum of 2,666 square feet of trash enclosure area is required to meet the minimum standards method $((442,575 \times 6)/1000) + 10$. Six trash enclosures are proposed to serve the overall development as shown on the Site Plan (Exhibit A2) and include two enclosures located at the north and south ends of each of the buildings. The site plan illustrates each enclosure proposed to be 210 square feet or 420 square feet of enclosure (Sheet A-9 of Exhibit A6). The applicant's narrative states that a total of 1,260 square feet for enclosures are proposed for the entire site. The applicant did submit a Service Provider Letter from Republic Services that stated the locations for the two enclosures, 10' x 20' each, for each building or 1,200 square feet was sufficient. With recommended Condition of Approval A19, demonstrating that the development includes an acceptable waste and recyclables management solution, 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.

(g) A separate pedestrian access must also be provided in common wall, commercial, and institutional developments.

- (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:

The applicant has proposed six waste enclosure areas that are in visible areas convenient to tenant entries, parking and loading areas, and are outside of the applicable setbacks, as shown in the applicant's submittal (Exhibit A2). Further compliance with Building and Fire Code standards will be reviewed at the time of building permit. While location standards are met on the plan set; the applicant has not provided sufficient details addressing design standards. With recommended Condition of Approval A17.e., design method standards (c),(e), and (f) 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

[...]

TDC 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.

TDC 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.

TDC 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 must be completed prior to receiving a Certificate of Occupancy.

With recommended Conditions of Approval A13 and A31, these standards are met.

Water

TDC 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.

(2) If there are undeveloped properties adjacent to the subject public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.

(3) As set forth in 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.

[...]

TMC Chapter 03-03 – Water Service.

TMC 3-3-040 Separate Services Required.

(1) Except as authorized by the City Engineer, a separate service and meter to supply regular water service or fire protection service shall be required for each building, residential unit or structure served. For the purposes of this section, trailer parks and multi-family residences of more than four dwelling units shall constitute a single unit unless the City Engineer determines that separate services are required.

[...]

TMC 3-3-110 Construction Standards.

All water line construction and installation of services and equipment shall be in conformance with the City of Tualatin Public Works Construction Code. In addition, whenever a property owner extends a water line, which upon completion, is intended to be dedicated to the City as part of the public water system, said extension shall be carried to the opposite property line or to such other point as determined by the City Engineer. Water line size shall be determined

by the City Engineer in accordance with the City's Development Code or implementing ordinances and the Public Works Construction Code.

TMC 3-3-120 Backflow Prevention Devices and Cross Connections.

- (1) Except where this ordinance provides more stringent requirements, the definitions, standards, requirements and regulations set forth in the Oregon Administrative Rules pertaining to public water supply systems and specifically OAR 333 Division 61 in effect on the date this ordinance becomes effective are hereby adopted and incorporated by reference.
- (2) The owner of property to which City water is furnished for human consumption shall install in accordance with City standards an appropriate backflow prevention device on the premises where any of the following circumstances exist:
- (a) Those circumstances identified in regulations adopted under subsection (1) of this section;
 - (b) Where there is a fire protection service, an irrigation service or a nonresidential service connection which is two inches (2") or larger in size;
 - (c) Where the potable water supply provided inside a structure is 32 feet or more, higher than the elevation of the water main at the point of service connection;
- (4) Except as otherwise provided in this subsection, all irrigation systems shall be installed with a double check valve assembly. Irrigation system backflow prevention device assemblies installed before the effective date of this ordinance, which were approved at the time they were installed but are not on the current list of approved device assemblies maintained by the Oregon State Health Division, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When devices of this type are moved, or require more than minimum maintenance, they shall be replaced by device assemblies which are on the Health Division list of approved device assemblies.

TMC 3-3-130 Control Valves.

The customer shall install a suitable valve, as close to the meter location as practical, the operation of which will control the entire water supply from the service. The operation by the customer of the curb stop in the meter box is prohibited.

[...]

Finding:

No upgrade is required for the exiting 16-inch public main within SW Myslony Street. The proposal includes one three-inch domestic and two ten-inch fire service laterals with gate valves near the main. The fire services include vaults to create a private loop and domestic includes meter and backflow device. Vaults, the domestic meter, and backflow devices must be within the planter strip or surrounded by five feet of public utility easement.

With recommended Conditions of Approval A5 and A13, these standards are met.

Sanitary Sewer

TDC 74.620 Sanitary Sewer Service.

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

(2) If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.

[...]

Finding:

The applicant's proposal is to relocate an existing 21-inch public sanitary sewer line. The existing line is approximately diagonally through their site from the intersection of SW 112th Avenue and SW Myslony Street to the northeast corner. The relocated line is shown east of the intersection within SW Myslony Street then north within a public easement to reconnect to existing lines near the northeast corner.

The relocated onsite public sanitary sewer line must be within a 15-foot wide public sanitary sewer easement. Access must include a 12-foot wide maintenance surface with 15-foot clear easement from SW Myslony Street to five feet past the northern manhole. The easement's location may be shared with the easement required for the shown Ice Age Tonquin Trail and the maintenance surface may be used as the trail.

The construction of the relocated public sanitary sewer line and associated maintenance surface within a recorded easement must be approved by the City prior to issuance of onsite Building permits.

One lateral at the southeast corner of each building is shown to connect to the public line. Final sanitary sewer permit plans must be submitted that show cleanouts at the edge of public easements.

With recommended Conditions of Approval A5 and A13, these standards are met.

[...]

Stormwater

TDC 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.

(3) If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the Tualatin Drainage Plan in TDC Chapter 14.

[...]

TDC 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.

[...]

TMC Additional Surface Water Management Standards.

TMC 3-5-200 Downstream Protection Requirement.

Each new development is responsible for mitigating the impacts of that development upon the public storm water quantity system. The development may satisfy this requirement through the use of any of the following techniques, subject to the limitations and requirements in TMC 3-5-210:

(1) Construction of permanent on-site stormwater quantity detention facilities designed in accordance with this title;

(2) Enlargement of the downstream conveyance system in accordance with this title and the Public Works Construction Code;

(3) The payment of a Storm and Surface Water Management System Development Charge, which includes a water quantity component designated to meet these requirements.

TMC 3-5-210 Review of Downstream System.

For new development other than the construction of a single family house or duplex, plans shall document review by the design engineer of the downstream capacity of any existing storm drainage facilities impacted by the proposed development. That review shall extend downstream to a point where the impacts to the water surface elevation from the development will be insignificant, or to a point where the conveyance system has adequate capacity, as determined by the City Engineer. To determine the point at which the downstream impacts are insignificant or the drainage system has adequate capacity, the design engineer shall submit an analysis using the following guidelines:

(1) Evaluate the downstream drainage system for at least ¼ mile;

(2) Evaluate the downstream drainage system to a point at which the runoff from the development in a build out condition is less than 10 percent of the total runoff of the basin in its current development status. Developments in the basin that have been approved may be considered in place and their conditions of approval to exist if the work has started on those projects;

(3) Evaluate the downstream drainage system throughout the following range of storms: 2, 5, 10, 25 year;

(4) The City Engineer may modify items 1, 2, 3 to require additional information to determine the impacts of the development or to delete the provision of unnecessary information.

TMC 3-5-220 Criteria for Requiring On-Site Detention to be Constructed.

The City shall determine whether the onsite facility shall be constructed. If the onsite facility is constructed, the development shall be eligible for a credit against Storm and Surface Water System Development Charges, as provided in City ordinance.

On-site facilities shall be constructed when any of the following conditions exist:

- (1) There is an identified downstream deficiency, as defined in TMC 3-5-210, and detention rather than conveyance system enlargement is determined to be the more effective solution.**
- (2) There is an identified regional detention site within the boundary of the development.**
- (3) There is a site within the boundary of the development which would qualify as a regional detention site under criteria or capital plan adopted by the Unified Sewerage Agency.**
- (4) The site is located in the Hedges Creek Subbasin as identified in the Tualatin Drainage Plan and surface water runoff from the site flows directly or indirectly into the Wetland Protected Area (WPA) as defined in TDC 71.020. Properties located within the Wetland Protection District as described in TDC 71.010, or within the portion of the subbasin east of SW Tualatin Road are excepted from the on-site detention facility requirement.**

TMC 3-5-230 On-Site Detention Design Criteria.

- (1) Unless designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity onsite detention facilities shall be designed to capture run-off so the run-off rates from the site after development do not exceed predevelopment conditions, based upon a 25-year, 24-hour return storm.**
- (2) When designed to meet the requirements of an identified downstream deficiency as defined in TMC 3-5.210, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed predevelopment rates for the 2 through 100 year storms, as required by the determined downstream deficiency.**
- (3) Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or subbasin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.**

TMC 3-5-240 On-Site Detention Design Method.

- (1) The procedure for determining the detention quantities is set forth in Section 4.4 Retention/Detention Facility Analysis and Design, King County, Washington, Surface Water Design Manual, January, 1990, except subchapters 4.4.5 Tanks, 4.4.6 Vaults and Figure 4.4.4G Permanent Surface Water Control Pond Sign. This reference shall be used for procedure only. The design criteria shall be as noted herein. Engineers desiring to utilize a procedure other than that set forth herein shall obtain City approval prior to submitting calculations utilizing the proposed procedure.**
 - (3) All developments other than single family and duplex, whether residential, multi-family, commercial, industrial, or other uses, the sizing of stormwater quantity detention facilities shall be based on the impervious area to be created by the development, including structures and all roads and impervious areas which are assessed a surface water management monthly fee under Unified Sewerage Agency rules. Impervious surfaces shall be determined based upon building permits, construction plans, site visits or other appropriate methods deemed reliable by City.**
- [...]

TMC 3-5-280 Placement of Water Quality Facilities.

Title III specifies that certain properties shall install water quality facilities for the purpose of removing phosphorous. No such water quality facilities shall be constructed within the defined area of existing or created wetlands unless a mitigation action, approved by the City, is constructed to replace the area used for the water quality facility.

[...}

TMC 3-5-330 Permit Required.

Except as provided in TMC 3-5-310, no person shall cause any change to improved or unimproved real property that will, or is likely to, increase the rate or quantity of run-off or pollution from the site without first obtaining a permit from the City and following the conditions of the permit.

[...]

TMC 3-5-350 Phosphorous Removal Standard.

The stormwater quality control facilities shall be designed to remove 65 percent of the phosphorous from the runoff from 100 percent of the newly constructed impervious surfaces. Impervious surfaces shall include pavement, buildings, public and private roadways, and all other surfaces with similar runoff characteristics.

TMC 3-5-360 Design Storm.

The stormwater quality control facilities shall be designed to meet the removal efficiency of TMC 3-5-350 for a mean summertime storm event totaling 0.36 inches of precipitation falling in four hours with an average return period of 96 hours.

[...]

TMC 3-5-390 Facility Permit Approval.

A stormwater quality control facility permit shall be approved only if the following are met:

- (1) The plat, site plan, or permit application includes plans and a certification prepared by an Oregon registered, professional engineer that the proposed stormwater quality control facilities have been designed in accordance with criteria expected to achieve removal efficiencies for total phosphorous required by this Title III. Clean Water Services Design and Construction Standards shall be used in preparing the plan for the water quality facility; and
- (2) The plat, site plan, or permit application shall be consistent with the areas used to determine the removal required in TMC 3-5-350; and
- (3) A financial assurance, or equivalent security acceptable to the City, is provided by the applicant which assures that the stormwater quality control facilities are constructed according to the plans established in the plat, site plan, or permit approval. The financial assurance may be combined with our financial assurance requirements imposed by the City; and
- (4) A stormwater facility agreement identifies who will be responsible for assuring the long term compliance with the operation and maintenance plan.

[...]

Finding:

The applicant submitted a Stormwater Memo dated December 23, 2021 and a revised Stormwater Report dated April 25, 2022. Some private stormwater near the north end of the site will be treated by vegetated corridor as a filter strips with most of the impervious area by Bio-Clean's stormwater biofiltration system vaults. Underground detention systems will assure the overall site release rates match pre-development up to the 25-year storm event and hydromodification requirements. Some locations are unable to be detained due to topography therefore equivalent detention will be provided where possible.

Public LIDA street swales within the planter strip is an acceptable alternative to treat new impervious area within SW Myslony Street. Widening the planter strip to construct the LIDA facilities may require additional dedication of right-of-way.

The proposed public and private facilities and conveyance must be sized to meet the current City of Tualatin and Clean Water Service requirements for stormwater quality and quantity. Final plans and stormwater calculations must prove gravity flow of stormwater from within 5 feet of buildings to the public main.

This site is within Hedges Creek Subbasin. TMC 3-5-220 states that stormwater must detain up to the 25-year storm event. The applicant must include evaluation for ¼ mile from their site's release to the public system within their final stormwater report.

The final drainage report and plans must include hydromodification release rates for ½ the 2-year or 5-year storm events and detention as required by downstream analysis.

The applicant must provide financial assurance and obtain a Water Quality Permit for stormwater calculation evaluation and construction of new facilities prior to issuance of construction permits. The final water quality facility plans and calculations must be certified by an Oregon registered, professional engineer.

The applicant's plans show no water quality facilities in created or existing wetlands. The public stormwater system extends to properties to the east and west.

The applicant has submitted a Clean Water Services' (CWS) Service Provider Letter File Number 22-000820 dated March 29, 2022. This indicates Sensitive Areas existing on the site that would be permanently impacted by the proposed improvements. A CWS Memorandum was received dated June 9, 2022 for development on this site. After land use decision issuance, final plans are provided by the City to Clean Water Services for final review. Upon approval by Clean Water Services they will provide the City authorization to issue construction permits. The applicant must submit final plans complying with the submitted CWS' Service Provider Letter conditions plus any new and/or revised letters and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from CWS in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d).

With recommended Conditions of Approval A10 and A13, these standards are met.

[...]

TDC 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.

TMC Chapter 03-05 – Erosion Control, Surface Water Management, Water Quality Facilities, and Building and Sewers.

TMC 3-5-050 Erosion Control Permits.

(1) Except as noted in subsection (3) of this section, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City and paying prescribed fees. Such changes to land shall include, but are not limited to, grading, excavating, filling, working of land, or stripping of soil or vegetation from land.

(2) No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the City has issued an Erosion Control Permit covering such work, or the City has determined that no such permit is required. No public agency or body shall undertake any public works project without first obtaining from the City an Erosion Control Permit covering such work, or receiving a determination from the City that none is required.

[...]

Finding:

The plans indicate disturbance of approximately 21 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 must be provided with the construction permit submittal documents. The applicant must obtain:

- *An erosion control permit from the City of Tualatin for disturbance greater than 500 square feet plus*
- *A National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres.*

The development site must be graded to minimize the impact of stormwater runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development. A development applicant 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 proposed grading plan is shown to minimize the impact of stormwater runoff to adjacent properties and allows adjacent properties to drain as they did before the development.

The entire site is within and drains into the Hedges Creek Subbasin. Stormwater from all impervious areas are conveyed to private treatment and detention facilities then released to the public stormwater system which discharges into Hedges Creek. Prior to issuance of permits for construction activities, the applicant must submit final plans:

1. *Minimizing impact from stormwater runoff to adjacent properties,*
2. *Allowing adjacent properties to drain as they did before the new development, and*
3. *Providing gravity drainage from this development to an approved public system.*

With recommended Conditions of Approval A11 and A12, these standards are met.

[...]

Streets

TDC 74.210 Minimum Street Right-of-Way Widths.

The width of streets in feet shall 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 shall not be less than the minimums indicated in TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G.

[...]

(2) For development applications other than subdivisions and partitions, wherever existing or future streets adjacent to property proposed for development are of inadequate right-of-way width, the additional right-of-way necessary to comply with TDC Chapter 74, Public Improvement Requirements, Figures 74-2A through 74-2G of the Tualatin Community Plan must be dedicated to the City for use by the public prior to issuance of any building permit for the proposed development. This right-of-way dedication must be for the full width of the property abutting the roadway and, if required by the City Manager, additional dedications must be provided for slope and utility easements if deemed necessary.

[...]

TDC 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.

[...]

TDC 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.

[...]

(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.

[...]

(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.

(14) The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 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.

[...]

TDC 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.

[...]

TDC 74.485. - Street Trees.

(1) Prior to approval of a residential subdivision or partition final plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.

(2) In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.

(3) The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.

[...]

TDC 74.660 Underground.

(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.

(2) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.

[...]

TDC 74.765. - Street Tree Species and Planting Locations.

All trees, plants or shrubs planted in the right-of-way of the City must conform in species and location and in accordance with the street tree plan and City standards, including Table 74-1. If the City Manager determines that none of the species in City standards, including Table 74-1 is appropriate or finds appropriate a species not listed, the City Manager may substitute an unlisted species.

Table 74-1 Street Tree Species					
Species Common Names	Planting Strip Width (feet)			Power line compatible	Spacing on center (feet)
	4	5	6+		
Amur Maackia	•	•	•	•	30
Amur Maple	•	•	•	•	30
Armstrong Maple	•	•	•		30
Autumn Applause Ash		•	•		30
Black Tupelo	•	•	•		30
Capital Flowering Pear	•	•	•		30
Cascara	•	•	•	•	30
Crimson King Maple		•	•		30
Crimson Sentry Maple	•	•	•	•	30
Eastern Redbud	•	•	•		30
European Hornbeam	•	•	•	•	30
Frontier Elm			•		60
Ginko		•	•		30
Globe Sugar Maple			•		60
Golden Desert Ash	•	•	•	•	30
Goldenrain	•	•	•		30
Greenspire Linden		•	•		30
Ivory Japanese Lilac	•	•	•	•	30
Leprechaun Ash	•	•	•		30
Persain Parrotia	•	•	•		30
Purple Beech	•	•	•		30
Raywood Ash		•	•	•	30
Katsura	•	•	•		30
Red Oak			•		60
Red Sunset Maple			•		60
Scanlon/Bowhall Maple	•	•	•		30
Scarlet Oak			•		60
Shademaster Honey Locust		•	•		30
Skyrocket English Oak	•	•	•		30
Japanese snowbell	•	•	•	•	30
Sourwood	•	•	•	•	30
Tall Stewartia	•	•	•	•	30
Chinese Fringetree	•	•	•	•	30
Tri-Color Beech			•		60
Trident Maple	•	•	•	•	30
Urbanite Ash		•	•		30
Yellowwood	•	•	•		30

Table 74-1 Street Tree Species					
Zelkova Musashino	•	•	•		30

[...]

Chapter 75 Access Management

[...]

TDC 75.020. - Permit for New Driveway Approach

(1) Applicability. A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.

[...]

(3) Procedure Type. A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).

(4) Submittal Requirements. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:

(a) A site plan, of a size and form and in the number of copies meeting the standards established by the City Manager, containing the following information:

(i) The location and dimensions of the proposed driveway approach;

(ii) The relationship to nearest street intersection and adjacent driveway approaches;

(iii) Topographic conditions;

(iv) The location of all utilities;

(v) The location of any existing or proposed buildings, structures, or vehicular use areas;

(vi) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to TDC Chapter 73B or 73C; and

(vii) The location of any street trees adjacent to the location of the proposed driveway approach.

(b) Identification of the uses or activities served, or proposed to be served, by the driveway approach; and

(c) Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.

(5) Criteria. A Driveway Approach Permit must be granted if:

(a) The proposed driveway approach meets the standards of this Chapter and the Public Works Construction Code;

(b) No site conditions prevent placing the driveway approach in the required location;

(c) The number of driveway approaches onto an arterial are minimized;

(d) The proposed driveway approach, where possible:

(i) Is shared with an adjacent property; or

(ii) Takes access from the lowest classification of street abutting the property;

(e) The proposed driveway approach meets vision clearance standards;

(f) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;

(g) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

(h) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

(i) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

[...]

TDC 75.030. - Driveway Approach Closure

(1) The City Manager may require the closure of a driveway approach where:

- (a) The driveway approach is not constructed in conformance with this Chapter and the Public Works Construction Code;**
- (b) The driveway approach is not maintained in a safe manner;**
- (c) A public street improvement project is being constructed, and closure of the driveway approach will more closely conform to the current driveway approach standards;**
- (d) A new building or driveway is constructed on the property;**
- (e) A plan text amendment or zone change is proposed for the property served by the driveway;**
- (f) A change of use or activity in an existing building increases the amount of required parking;**
- (g) The driveway approach has been abandoned; or**
- (h) There is a demonstrated safety issue.**

[...]

TDC 75.040. - Driveway Approach Requirements

[...]

(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.

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

(a) To promote unified access and circulation systems, lots and parcels under the same ownership or consolidated for the purposes of development and comprised of more than one building site must be reviewed as one unit in relation to the access standards. The number of access points permitted must be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. This must also apply to phased development plans. The owner and all lessees within the affected area must comply with the access requirements.

(b) All access must be internalized using the shared circulation system of the principal commercial development or retail center. Driveways should be designed to avoid queuing across surrounding parking and driving aisles.

(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 approach 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
Single-Family Residential, townhouses, and duplexes	10 feet	26 feet for one or two care garages 37 feet for three or more garages

TABLE 75-1 Driveway Approach Width		
Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Multi-family	2 Units = 16 feet	May provide two 16 foot one-way driveways instead of one 24-foot driveway
	3-49 Units = 24 feet	
	50-499 = 32 feet	May provide two 24-foot one-way driveways instead of one 32-foot driveway
	Over 500 = as required by the City Manager	
Commercial	1-99 Parking Spaces = 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
	100-249 Parking Spaces = two approaches each 32 feet	
Industrial	36 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
Institutional	1-99 Parking Spaces = 32 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet
	100-249 Parking Spaces = two approaches each 32 feet	

[...]

(11) Distance between Driveways and Intersections. Except for single-family dwellings, 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.
- (b) At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.
- (c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.
- (d) When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.

(12) Vision Clearance Area.

- (a) **Local Streets.** A vision clearance area for all local street intersections, local street and driveway intersections, and local street or driveway and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are ten feet from the intersection point of the right-of-way lines, as measured along such lines (see Figure 73-2 for illustration).
- (b) **Collector Streets.** A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections must be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial

street, the distance measured along the driveway line for the triangular area must be ten feet (see Figure 73-2 for illustration).

(c) Vertical Height Restriction. Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

[...]

TDC 75.110. - Joint Access Standards.

When the City Manager determines that joint accesses are required by properties undergoing development or redevelopment, an overall access plan shall be prescribed by the City Manager and all properties shall adhere to this. Interim accesses may be allowed in accordance with TDC 75.060 of this chapter to provide for the eventual implementation of the overall access plan.

[...]

Finding:

A Transportation Impact Study by Lancaster Mobley dated January 6, 2022 along with two memorandums dated March 30, 2022 and May 18, 2022 were submitted. The City's traffic engineering consultant DKS provided TIA review comments dated February 23, 2022 and April 14, 2022 which solicited the two memorandums.

The updated site plan includes the multi-use path along SW Myslony Street as well as a 12-foot-wide trail within a 15-foot easement along the east property line. The applicant has proposed to construct these improvements.

The second memorandum submitted clarifies that Driveway 1 is located at the western end of the property located as far as reasonable from nearby driveways. Driveway 2, east of SW 112th Avenue, is shown located to align with the driveway to its south which eliminates offset and meets the 150-foot required distance from SW 112th Avenue.

The two aforementioned driveways along with the eastern driveway satisfy transportation needs including the minimum 36-foot wide driveway width to serve this industrial site, however the 30-foot wide eastern driveway also is intended to serve as sole access to the lot to the north. The northern lot is also zoned industrial and requires a 36-foot wide access at right-of-way. A 40-foot wide access easement was recorded as Washington County document #2022-008774 near the east lot line in the vicinity of the eastern access. The final plans must include the eastern driveway to be a minimum of 36 feet wide either matching the existing recorded access easement or with a new or modified access easement to serve the lot to the north.

The second memorandum submitted included revised plans. The site plan now shows SW Myslony Street approximately 42 feet in width through the S-curve to the eastern property line. The applicant must widen SW Myslony Street accordingly by recording adequate dedication of right-of-way and striping a center turn/two-way left-turn lane along this segment of SW Myslony Street to a standard three-lane section width.

Final plans must include a half-street improvement for SW Myslony Street. The preferred cross-sections of a Major Collector and Connector must be modified as directed by the City Engineer. The north side of

SW Myslony is constructed from the east side of SW 112th Avenue to the west property line. Reconstruction must accommodate a 12-foot wide multi-use path from the west side of SW 112th Avenue to the east property line. The applicant must obtain permits and construct a half street for SW Myslony Street from the vicinity of SW 112th Avenue to the west as indicated below or as otherwise approved by the City Engineer including:

- *A 12-foot wide multi-use path from the west side of SW 112th Avenue to the east property line. This must taper into the existing curb tight sidewalk to the west,*
- *Closure of the driveway approach at the intersection of SW 112th Avenue,*
- *A 6-foot wide planter,*
- *Street lights as required,*
- *Approvable street trees and planting locations with irrigation, and*
- *An 8-foot wide public utility easement adjacent to right-of-way with additional as required to support water meters and vaults.*

With recommended Conditions of Approval A12, A13, A20, A21, A22, A31 and A27, 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 21-0018, and therefore recommends approval of this application with the following conditions of approval:

GENERAL:

- A1. This Architectural Review approval shall expire after two years 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).

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

Submit to [eTrakit](#) for review and approval:

- A2. The applicant must follow the requirements of TDC 33.110 and recommendations within the arborists report dated December 21, 2021.
- A3. In accordance with TDC 70.120, submit a completed and owner signed Flood Hazard Area Development Permit application based on Base Flood Elevations ranging from 136.1 to 142.1 feet, NAVD 1988 from east to west including:
- a. Plans certified by a professional civil engineer registered in Oregon showing:
 - i. Floodplain fill balanced by cut in accordance with TMC 3-5-250, and
 - ii. Proposed construction in accordance with TDC 70.170 and 70.180.
 - b. A floodplain elevation certificate for the proposed building indicating Construction Drawing, and
 - c. Operations and maintenance procedures.
- A4. In accordance with code section Tualatin Municipal Code (TMC) 3-2, TDC 74.330, 74.350, and 74.620, and the Public Works Construction Code (PWCC) the applicant must:
- a. Submit sanitary sewer system conveyance calculations and plans that show:
 - i. A minimum of 2 feet per second design flow in the proposed public mains in accordance with PWCC 205.2.07C.
 - ii. Location of the lines, grade, materials, and other details.
 - iii. Relocation of the existing public sanitary sewer line onsite
 1. Within SW Myslony Street to the east property line, then
 2. Adjacent to the east property line centered within a 15-foot wide public sanitary sewer easement, and then
 3. Reconnecting to the existing line near the northeast corner of this development.
 4. The line and easement may be in the same location as the easement for the Ice Age Tonquin Trail.
 - iv. A 12-foot wide paved surface:
 1. Meeting PWCC construction specifications for maintenance vehicles,
 2. Within the 15-foot wide access easement from SW Myslony Street to and surrounding the proposed manhole near the northeast corner of this development, and
 3. This surface may be designed and utilized for the Ice Age Tonquin Trail.

- A5. In accordance with code section TMC 3-3, TDC 74.610, and the Public Works Construction Code the applicant must submit final water plans that show:
- a. A gate valve at the main for domestic and fire service laterals.
 - b. Adjacent to SW Myslony Street right-of-way:
 - i. Reduced pressure backflow prevention and water meter for the domestic lateral,
 - ii. The water meter within the planter strip,
 - iii. Irrigation after a domestic meter and reduced pressure backflow device, and
 - iv. Fire vaults surrounded by a five foot public utility easement.
- A6. The applicant must submit an approved JPA for evaluation prior to erosion control, public works, and water quality permit issuance and provide documentation that demonstrates compliance with TDC 72.040(c)(i), (ii), (iii) and (iv).
- A7. The applicant shall provide all information meeting the requirements of TDC 72.040(3)(a, b and c) for all permit submittals.
- A8. The applicant must provide a site plan and written responses that demonstrates compliance with TDC 73A.500(1).
- A9. The applicant must follow the requirements of TDC 33.110 and recommendations within the arborists report dated December 21, 2021.
- A10. In accordance with TMC 3-5-200 through 3-5-430, TDC 74.630 and 74.650, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design and Construction Standards (D&CS) Chapter 4 the applicant must submit:
- a. Final stormwater plans and calculations stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) proving proposed systems:
 - i. Engineer to provide a downstream analysis, including but not limited to erosion, and include solutions within final plans for ¼ mile downstream from the release from the private development through the public stormwater system, in accordance with TMC 3-5-210(4).
 - ii. With 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).
 - iii. Discharge must be to an approved public system.
 - iv. Address runoff from all new and modified private and public impervious areas.
 - v. 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.
 1. Public water quality facilities may be LIDA street swales within appropriately sized planter strips, and
 2. Additional dedication of right-of-way may be required to accommodate public stormwater facilities.
 - vi. Detain up to the 25-year storm event in accordance with TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08.
 - vii. Show onsite facilities accommodating hydromodification including post-development runoff rates not exceeding pre-development runoff rates for ½ the 2-year storm event and the 5-year and 10-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5.
 - viii. Submit conveyance calculations that accommodates up to a 25-year storm event within the public stormwater system in accordance with TDC 74.640 and CWS D&CS 5.05.2.d.

- 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 CWS File Number 22-000820 dated March 29, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter.
 - 2. Any new or updated Service Provider Letter required due to final approved plans.
 - 3. Requirements stated within the Clean Water Services' Memorandum dated June 9, 2022.
 - b. Submit 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.
 - c. Submit a copy of the recorded private stormwater maintenance agreement in accordance with TMD 3-5-390(4). The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, and treatment.
- A11. In accordance with TMC 3-5-050 and 3-5-060, TDC 74.640, Public Works Construction Code, and Clean Water Services' Design and Construction Standards Chapters 2 and 6 the applicant must submit final erosion control plans:
- a. Minimizing the impact of stormwater from the development to adjacent properties, and
 - b. Including a copy of the National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.
- A12. In accordance with code sections TDC 74.120, 74.130, 74.210, 74.330, 74.420, 74.425, 74.430, 74.440, 74.470, 74.485, 74.660, 74.765, 75.020, 75.030, 75.040, and 75.120:
- a. A signal at the intersection of SW 124th Avenue and SW Myslony Street.
 - b. For SW Myslony Street the applicant must submit final construction plans that include:
 - i. From the west side of SW 112th Avenue to the east property line:
 - 1. Half-street improvements north of centerline,
 - 2. Striping of the entire street section to a standard two travel and one center turn lane,
 - 3. Curbs and gutters,
 - 4. One 6-foot wide planter strip on the north side starting east of SW 112th Avenue,
 - 5. Street lights, Option A, as needed,
 - 6. Approvable street trees and planting locations with permanent irrigation,
 - 7. A 12-foot wide multi-use path on the north side, tapering at the existing sidewalk west of SW 112th Avenue,
 - 8. An 8-foot wide public utility easement adjacent to right-of-way with additional as required to support water meters and vaults, and
 - 9. The eastern access with a minimum 36-foot width:
 - a. Align with existing recorded 40-foot wide access easement Washington County document #2022-008774, or
 - b. Align with a new or modified access easement to serve the lot to the north.
 - ii. Reconstruction of exiting sidewalk, ramps, and closure of the existing driveway approach at SW 112th Avenue as needed for the proposed frontage on the north side of Myslony,

- iii. Dedication of adequate right-of-way to accommodate the construction of the public improvements.

PRIOR TO BUILDING OR ENGINEERING PERMIT ISSUANCE:

Submit to [eTrakit](#) for review and approval:

- A13. The applicant must obtain:
- a. A National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ, and
 - b. Erosion Control, Flood Hazard Area Development Permit, Public Works, and Water Quality Permits from the City of Tualatin.
- A14. The applicant must provide plans and written description that demonstrates compliance with TDC 73A.500(5)(a, b and c).
- A15. The applicant must provide a site plan and written responses that demonstrates compliance with TDC 73A.500(1).
- A16. The applicant shall submit a final landscaping plan that clearly demonstrates compliance with TDC Section 73B.020(3).
- A17. The applicant must submit a Final Site Plan Set (in PDF format) to the Planning Division that is in substantial conformance to the submitted site plans and includes:
- a. Walkways must be a minimum of five feet and provided between the main building entrances and sidewalks along the public right-of-way, consistent with TDC 73A.500(1).
 - b. Trees identified for retention in Tree Assessment Report (Exhibit A3) must be identified on the grading plan, consistent with TDC 73B.080(3). Tree protection fencing and other preservation measures recommended by the Arborist should also be specified on the grading plan.
 - c. Trees, as approved by the Architectural Review Board, must be planted no more than 30 feet apart on the perimeter of vehicle circulation areas consistent with TDC 73C.230(3). Such trees may be omitted where the perimeter area is also within a Public Utility Easement as required by the City Engineer, and where there are existing trees at or near the property line.
 - d. A minimum of 8,375 square feet or 25 square feet per parking stall improved with parking lot landscape island area with one deciduous shade trees for every four parking spaces, consistent with TDC 73C.240(4).
 - e. Demonstrate that an adequate waste and recyclables management solution is provided in compliance with TDC 73D. If the minimum standards method is chosen, a minimum of 2,727 square feet of trash enclosure area must be shown on the plans. These facilities must comply with the location, design, and access standards in TDC 73D.070.
 - f. Details to demonstrate that proposed bicycle parking meets the standards of TDC 73C.050(2) (a), (b), and (c), and 45 spaces are provided, with 14 covered, in conformance with TDC 73C.100(1).
- A18. No vehicular parking, hedge, planting, fence, wall structure, or temporary/permanent physical obstruction is permitted between 30 inches and eight feet above the established height of the curb in the vision clearance area specified in TDC Figure 73-2.
- A19. The applicant must submit a solid waste and recyclables storage area plan that is in substantial conformance with the Minimum Standards Method described in TDC 73D.060 or other design method listed in TDC 73.020.
- A20. In accordance with code sections TDC 74.120, 74.420, 74.470, 74.485, and 74.765 the applicant must submit a copy of recorded dedication of sufficient right-of-way for SW Myslony Street from

the centerline plus any additional to accommodate required public street and stormwater improvements.

- A21. In accordance with TDC 74.330, the applicant must submit a copy of recorded easements:
- a. A public utility easement, as approved by City Engineer, adjacent to SW Myslony Street including five feet of public water easement surrounding water meter, backflow protection, and/or fire vaults, and
 - b. A 15-foot wide public sanitary sewer line and access easement centered on the relocated public line adjacent to the east property line. This easement may include the Ice Age Tonquin Trail.
 - c. If modified as a result of final approved plans, the modified existing private access easement near the east property line from SW Myslony Street to the property to the north.
- A22. The relocation of the onsite public sanitary sewer line to within SW Myslony Street then north adjacent to the east property line must be constructed along with the maintenance access and approved by the City.
- A23. The applicant will provide an updated landscaping plan that illustrates evergreen trees meeting the requirements of TDC73B.090(4) located in areas of the site that will provide year-long screening of the loading docks.
- A24. The applicant must complete the following items noted in the Parks and Recreation Memo dated June 15, 2022 that are related to the multi-use regional Ice Age Tonquin Trail easement located on the eastside of the property as depicted on the attached site plan with required trail cross sections (Exhibit E).
- a. Provide a north south active transportation pedestrian and bike easement on the east side of the property as shown in 3.1 A-2 Preliminary Site Plan dated April 12, 2022.
 - b. Easement is to be a minimum of 15' wide to accommodate the 12' multi use regional Ice Age Tonquin Trail.
 - c. Age Tonquin Trail.
 - d. The easement will run from Myslony Street, along the eastside of the property, to the terminus of the property at the north boundary.
 - e. Execute and record the easement in accordance with City standards.

DURING CONSTRUCTION ACTIVITY:

- A25. All associated construction activities must comply with the requirements of TDC 72.060(2).
- A26. The applicant must install the tree protection fencing consistent with the Tree Assessment Report submitted as Exhibit A3 and Section 73B.080(3). Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice. 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.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A27. 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.
- A28. The applicant must submit a floodplain elevation certificate for all structures indicating Finished Construction in accordance with TDC 70.120.
- A29. Areas impacted by grading and all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.060(1).

- A30. The applicant must install bicycle parking signage and vanpool/carpool parking signage per industrial and or General Manufacturing standards, pursuant to TDC 73C.010(2)(xi) and TDC 73C.050(2)(d).
- A31. 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 TDC 74.120.
- A32. The applicant must construct proposed buildings and all site improvements as illustrated on the approved Final Site Plan and Final Color Architectural Elevations. The applicant must contact the Planning Division for a site inspection at least 72 hours prior to requesting a certificate of occupancy. This inspection is separate from inspection(s) done by the Building Division.
- A33. The applicant must complete the following items noted in the Parks and Recreation Memo dated June 15, 2022 that are related to the multi-use regional Ice Age Tonquin Trail easement as depicted on the attached site plan with required trail cross sections (Exhibit E).
 - a. Applicable to the eastside of the property where the trail trends north-south.
 - i. Applicant shall grade the trail easement to ADA compliant slope and evaluations shown in 3.1 A-2 Preliminary Site Plan dated April 12, 2022 (attached) or substantially similar as approved by the Parks & Recreation Director.
 - b. Applicable to the SW Myslony Street Right of Way.
 - i. Applicant shall design and construct a 12 foot-wide multi-use pathway (regional Ice Age Tonquin Trail) on the north side of SW Myslony Street ROW from the intersection at 112th Avenue to the termination of the property to the east property line.
 - ii. Must include required mitigation, enhancement, and related improvements or facilities.
 - iii. Design and construction standards for the pathway and related facilities shall be approved by the Parks and Recreation Director in accordance with City Public Works Construction Code, Parks Multi Use Pathway Standards, and Street Design Standards for a 12' multi-use path.
 - iv. Trees and shrubs shall be planted between the pathway and the properties adjoining the Subject Property to create and maintain visual privacy. Plant selection and location shall be in accordance with City standards.

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

- A34. The site allows both Light Industrial (39.400) and Warehouse and Freight Movement uses (TDC 39.440) as permitted uses. A conditional use permit must be obtained if warehousing of building materials and supplies is proposed by future tenants. Future proposals that change the use of the property will be subject to review and limited to uses permitted in the General Manufacturing (MG) District, as identified in Table 61-1. If the use of a 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, in accordance with TDC 73C.010(2)(a)(v).
- A35. All uses must be conducted within a completely enclosed building, except off-street parking and loading, and basic utilities, pursuant to TDC 61.310(1).
- A36. The proposed development must comply with the Environmental Regulations of TDC 63.