



**ARCHITECTURAL REVIEW EXTENSION DECISION**

**Avery Industrial**

July 24, 2024

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Case #:	AR 22-0003
Project:	Avery Industrial
Location:	10700 SW Tualatin-Sherwood Road; Tax Lot: 2S127AA02100
Applicant:	Phelan-MJD2, LLC
Owner:	Phelan-MJD2, LLC

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

## I. INTRODUCTION

### A. Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.020: Architectural Review

### B. Site Description

The site at 10700 SW Tualatin-Sherwood Road is a five-acre flag lot that is zoned General Manufacturing (MG). The property takes access from Tualatin-Sherwood Road via a 595 foot driveway extending from the north side of the property. The subject site is vacant. The site has a gentle downhill slope from southwest to northeast. AAI Engineering, on behalf of Phelan MJD2 LLC, requested approval to construct a two-building industrial facility and associated parking, drive aisles, hardscaping and landscaping on the site. Building A will be 81,175 square feet and Building B will be 31,100 square feet for a total of 112,275 square feet on a 7.4-acre site.



Figure 1: Aerial view of subject site (highlighted)

### C. Proposed Extension

The property owner, Phelan-MJD2, LLC, requests an extension of the Architectural Review decision dated July 13, 2022, for the proposed Avery Industrial project, case file AR 22-0003. The applicant has requested to extend the decision through July 13, 2025.

### D. Previous Land Use Actions

- CUP 08-02 – Expired; Conditional Use Permit Approval in July of 2008
- CUP 09-03 – Expired; Extension of CUP 08-02 in July of 2009
- AR 08-13 – Expired; Approval in August of 2008
- CUP 19-0001 – Expired; Conditional Use Permit Approval in June of 2019
- AR 19-0003 – Expired; Approval in September of 2019

## **E. Surrounding Uses**

North: General Manufacturing (MG)

- Lakeside Lumber
- Arlington Commons, Industrial Condominiums
- Tualatin-Sherwood Road

East: General Manufacturing (MG)

- AirGas USA

West: General Manufacturing (MG)

- ChemStation
- The Remodel Group
- EVO America, LLC

South: Light Manufacturing (ML)

- Portland & Western Railroad Track
- Premier Hydraulic Services
- Bali Home Furnishings

## **F. Exhibit List**

Exhibit A1. Request for Extension

Exhibit A2. Transportation Memorandum

Exhibit A3. Stormwater Memorandum

Exhibit A4. Certification of Sign Posting

Exhibit B. Notices

Exhibit C. Tualatin Engineering Memorandum

Exhibit D. AR22-0003 Avery Industrial Decision

Exhibit E. Clean Water Services Memorandum

## II. 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).

**Table 32-1 – Applications Types and Review Procedures**

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
<b>Architectural Review</b>						
Architectural Review (except as specified below) (limited land use)	II	CM	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 was approved with conditions as a Type II Architectural Review (Architectural Review 22-0003) on July 13, 2022. As city staff approved the Architectural Review, city staff will decide the extension reached under the Type II procedures. The application has been processed according to the applicable code criteria for Type II procedures. These standards are 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:**

*TDC 33.020(10)(f) specifies 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 60 days of receipt of the request for an extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension. This standard will be 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 was identified as requiring a Pre-Application conference in Table 32-1. The Pre-Application conference standards were met in the original Architectural Review 22-0003 decision (Exhibit D). These standards are not applicable to the request for extension.*

**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 subject land use action was identified as requiring a Neighborhood/Developer Meeting in Table 32-1. The Neighborhood/Developer Meeting standards were met in the original Architectural Review 22-0003 casefile. These standards are not applicable to the request for extension.*

**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.

[...]

**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 written request for extension (Exhibit A1) on June 4, 2024. The application was deemed complete on July 5, 2024. The general land use submittal requirements were included in the application. These standards are met.*

**Section 32.150 - Sign Posting.**

(1) **When Signs Posted.** Signs in conformance with these standards must be posted as follows:

(a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and

(b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.

(2) **Sign Design Requirements.** The applicant must provide and post a sign(s) that conforms to the following standards:

(a) Waterproof sign materials;

(b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and

(c) Sign text must be at least two (2) inch font.

(3) **On-site Placement.** The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.

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

(a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or

(b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.



**Finding:**

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

**Section 32.160 – Completeness Review.**

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

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

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

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

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

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

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

**Finding:**

*The applicant submitted a written request for an extension for Architectural Review 22-0003 on June 4, 2024 (Exhibit A1). The application was deemed complete on July 5, 2024. These standards are met.*

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

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

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

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

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

(a) Recipients:

- (i) The applicant and the owners of the subject property;**
  - (ii) All property owners within 1,000 feet measured from the boundaries of the subject property;**
  - (iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;**
  - (iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;**
  - (v) Any person who submits a written request to receive a notice;**
  - (vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and**
  - (vii) Utility companies (as applicable).**
- (b) The mailed notice of pending Type II Decision, at a minimum, must contain all of the following information:**
- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
  - (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
  - (iii) The proposed site plan;**
  - (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
  - (v) The type of application and a concise description of the nature of the land use action;**
  - (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
  - (vii) Brief summary of the local decision making process for the land use decision being made;**
  - (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**
  - (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;**
  - (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;**
  - (xi) A statement that comments received after the close of the public comment period will not be considered;**
  - (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and**

(xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.

(c) Failure of a person or agency identified in TDC 32.220(3)(a) to receive the notice required in TDC 32.220(3)(b) does not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(d) Written comments must be received by the City no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.

(4) Decision. At the conclusion of the comment period, the City Manager must review the comments received and approve, approve with conditions, or deny the application. The decision must be in writing and include a statement that:

(a) Explains the criteria and standards considered relevant to the decision;

(b) States the facts relied upon in issuing the decision; and

(c) Explains the justification for the decision based on the criteria, standards and facts set forth.

(5) Notice of Type II Decision. Notice of the decision must be provided to the property owner, applicant, and any person who submitted written comments in accordance with TDC 32.220(3)(d). If approval is granted to remove a Heritage Tree, a copy of the decision must be sent to the chairman of the Tualatin Park Advisory Committee. The Type II Notice of Decision must contain all of the following information:

(a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

(b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;

(c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;

(d) The date the decision becomes final, unless an appeal is submitted; and

(e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.

(6) Appeal of a Type II Decision. Appeals may be made in accordance with TDC 32.310.

(7) Effective Date of Type II Decision. A Type II Decision becomes effective 14 days after the City mails the Notice of Decision, unless an Appeal is submitted pursuant to TDC 32.310 or unless the conditions of approval specify otherwise.

**Finding:**

*TDC 33.020(10)(d) states the City must provide notice of the extension request to past recipients of the Architectural Review notice of decision. Notices were mailed by city staff on July 8, 2024, to the past recipients of the notice of decision for AR 22-0003 included in Exhibit B. These standards are met.*

*Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions. 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.

**(c) General Development. Applications for General Development must comply with the applicable standards in TDC 73A through 73G.**

**Finding:**

*The subject application, which was for general development, must comply with the applicable standards and objectives in TDC 73A through 73G. These standards are met by the findings and recommended condition of approval of the subject application, Architectural Review 22-0003, issued July 13, 2022 (Exhibit D).*

**(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 years of the effective date.**

**Finding:**

*The effective date of Architectural Review 22-0003 was July 13, 2022. Two years from the effective date is July 13, 2024. The applicant submitted a request for an extension of time for Architectural Review 22-0003 on June 4, 2024. This standard is met.*

- (b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.**

**Finding:**

*The request for extension is for Architectural Review 22-0003 approved under the Type II land use procedures. This standard is not applicable.*

- (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.**

**Finding:**

*City staff approved Architectural Review 22-003 on July 13, 2022. The application has been processed according to the applicable code criteria for Type II procedures. This standard is met.*

- (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.**

**Finding:**

*Notices were mailed by city staff on July 8, 2024, to the past recipients of the notice of decision for AR 22-0003 included in Exhibit B. The applicant provided a certification of sign posting (Exhibit A4) pursuant to TDC 32.150. This standard is met.*

- (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;**

**Finding:**

*The Architectural Review decision for Architectural Review 21-0011 became effective July 13, 2022. The applicant submitted a request for extension in advance of the July 13, 2024 expiration date on June 4, 2024. The written request for extension is included in Exhibit A1. This standard is met.*

- (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;**

**Finding:**

*The decision and conditions for Architectural Review 22-0003 are included in Exhibit D. Planning Staff have compared the Architectural Review 22-0003 decision to the current Tualatin Development Code and have not noted any significant changes in the City's conditions, ordinances, regulations, or standards that affect the previously approved project.*

*Engineering Staff submitted a memorandum included in Exhibit C. Staff have reviewed the Architectural Review 22-0003 decision dated July 13, 2022, and confirmed there would be no modifications required to the existing conditions of approval.*

*Applicable agencies were noticed on July 8, 2024 (Exhibit B). Clean Water Services submitted a memorandum in Exhibit E. The Clean Water Services memorandum reported, that on May 25 2023, a Storm Water Connection Permit Authorization Letter was issued in relation to the project. As submitted, this application request will not require further review.*

*This standard is met.*

- (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**

**Finding:**

*The applicant included a memorandum from Lancaster Mobley (Exhibit A2) that reviewed the assumptions in the Transportation Impact Analysis that were prepared for the original subject file Architectural Review 22-0003. The memorandum dated June 20, 2024, provided supplemental analysis and concluded the findings of the original Transportation Impact Analysis and conditions were still applicable.*

*The applicant submitted a memorandum from AAI Engineering (Exhibit A3) in response to the stormwater conditions. The memorandum dated June 10, 2024, provided a response that the conditions*

*used as the basis of the design for the stormwater design, downstream analysis, and site design for this project have not changed since the original approval. Therefore, no new study is warranted for the extension of the original decision.*

*This standard is met.*

- (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.**

**Finding:**

*The site is an undeveloped vacant lot. With Condition of Approval A4, this standard is met.*

- (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 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.**

**Finding:**

*City staff will follow the requirements set forth by this section. With Condition of Approval A1, this standard is met.*

- (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:**

*A final decision by staff will follow the requirements of this section and TDC 32.220. This standard will be met.*

[...]

### III. RECOMMENDATION

Based on the request for extension and the analysis and findings presented above, staff finds the applicable criteria have been met relative to the decision extension request relative to Architectural Review 22-0003 “Avery Industrial”, and therefore recommends approval of this extension with the following Conditions of Approval:

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**GENERAL:**

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- A1. The extension can be no more than a single one-year extension. The original decision for Architectural Review 22-0003 became effective on July 13, 2022, with an expiration date of July 13, 2024. This decision will extend the expiration timeline by one year to July 13, 2025.
- A2. The proposed extension must adhere to the conditions of the original decision of Architectural Review 22-0003.
- A3. The proposed extension must comply with all applicable standards and objectives in Tualatin Development Code Chapters 32 and 33.
- A4. The site must continue to not be neglected so as to allow the site to become blighted in accordance with TDC 33.020(10)(e)(iv).