



**ARCHITECTURAL REVIEW DECISION  
AVERY INDUSTRIAL PROJECT (AR 22-0003)**

July 13, 2022

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Case #:	AR 22-0003
Project:	Avery Industrial Project
Location:	10700 SW Tualatin-Sherwood Road; Tax ID: 2S1 27AA 02100
Applicant:	Beth Zauner, AAI Engineering
Owner:	Phelan MJD2, LLC

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<p><i>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></p>
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## 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
- TDC 61: General Manufacturing (MG)
- TDC 63: Manufacturing Zones – Environmental Regulations
- TDC 73A: Site Design
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

### B. Site Description



Figure 1 Aerial view of site with zoning (TualGIS)

The site at 10700 SW Tualatin-Sherwood Road is a five-acre flag lot which is zoned General Manufacturing (MG). The property takes access from SW Tualatin-Sherwood Road via a 595 foot driveway extending from the north side of the property, and is shared with two adjacent parcels that were created through a partition by Specht Development in 2002 (PAR 02-03). The subject site is vacant and described as Parcel #3 of the 2002 partition. Parcel #1 was developed as Arlington Commons, an industrial condominium development that consists of two buildings. Parcel #2 was developed as a Lakeside Lumber facility, which processes and warehouses siding products. The site has a gentle downhill slope from southwest to northeast.

### **C. Proposed Project**

AAI Engineering, on behalf of Phelan MJD2 LLC, is requesting 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 zoned General Manufacturing (MG).

### **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**

Surrounding uses include:

- North:     General Manufacturing (MG)
- Lakeside Lumber
  - Arlington Commons, Industrial Condominiums
  - SW Tualatin-Sherwood Road
- South:     Light Manufacturing (ML)
- Portland & Western Railroad Track
  - Premier Hydraulic Services
  - Bali Home Furnishings
- West:      General Manufacturing (MG)
- ChemStation
  - THE Remodel Group
  - EVO America, LLC
- East:      General Manufacturing (MG)
- Vacant Land (Air Liquide)

### **F. Exhibit List**

- A: Application Materials
  - A1. Applicant Narrative
  - A2. Plan Set and Elevations
  - A3. Tree Protection and Removal Plan
  - A4. Transportation Impact Analysis
  - A5. Stormwater Report
  - A6. Supporting Documents
- B: Public Noticing
- C: Clean Water Services Conditions
- D: Washington County Conditions

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 22-0003 is **approved** subject to the following conditions:

### GENERAL:

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

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

- A2. Trees identified for preservation on the Erosion Control must be protected by chain link or other sturdy fencing placed around the tree at the drip line, pursuant to TDC 73B.080(3). Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

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

- A3. The applicant must submit Final Street Improvement Plans for SW Tualatin-Sherwood Road in accordance with TDC 74.330 and 74.420, and Washington County's letter dated June 16, 2022 that:
- a. Show an 8-foot-wide public utility easement adjacent to the location of right-of-way accommodating Washington County's County Capital Services' widening project; and
  - b. Address Washington County Right-Of-Way Permit requirements.
- A4. The applicant must submit Final Water System Plans in accordance with TDC 74.610, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
- a. A gate valve at the main for domestic and fire service laterals; and
  - b. Adjacent to SW Tualatin-Sherwood Road 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.
- A5. The applicant must submit Final Sanitary Sewer System Plans in accordance with TDC 74.620, TMC 3-2, and PWCC that show location of the lines, grade, materials, and other details.
- A6. The applicant must submit:
- a. Final Stormwater System Calculations and Plans in accordance with TDC 74.630 and 74.650, TMC 3-5-200 through 3-5-430, PWCC, and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:
    - i. Provides 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); and

- ii. 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; and
  - iii. Addresses runoff from all new and modified private and public impervious areas; and
  - iv. Includes existing runoff from the railroad to this site; and
  - v. Demonstrates gravity flow five feet from the outside of the established line of the building to the public stormwater system or as otherwise approved by the City Engineer, in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4); and
  - vi. Discharges to an approved public system; and
  - vii. Treats new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2; and
  - viii. Detains up to the 25-year storm event in accordance with TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08; and
  - ix. Shows 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; and
  - x. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), complies with:
    - 1. The submitted Clean Water Services’ Service Provider Letter CWS File Number dated February 1, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter, and
    - 2. Requirements stated within the Clean Water Services’ Memorandum dated June 17, 2022.
  - b. Financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1; and
  - c. A copy of the recorded private stormwater maintenance agreement in accordance with TMD 3-5-390(4). 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.
- A7. The applicant must submit Final Erosion Control Plans in accordance with TDC 74.640, TMC 3-5-050 and 3-5-060, PWCC, and CWS D&CS Chapters 2 and 6 that:
- a. Minimize the impact of stormwater from the development to adjacent properties; and
  - b. Are sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.

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**PRIOR TO BUILDING PERMIT ISSUANCE:**

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

- A8. The applicant must submit a Final Site Plan Set (in .pdf format) that is in substantial conformance to the submitted site plans and shows:
- a. Identified tree protection measures on the grading plan, in accordance with the Tree Protection and Removal Plan submitted as Exhibit A3 and TDC 73B.080(3).
  - b. Details to demonstrate the tree removal plan meets the standards of TDC 33.110
  - c. Proposed walkways are a minimum of five feet in width in compliance with TDC 73A.500(1).

- d. Details to demonstrate that proposed bicycle parking meets the standards of TDC 73C.050(2) (a), (b), (c) and (d).
- e. Proposed landscaped parking islands are a minimum of five feet in width in compliance with TDC 73.240(4), and details to show the landscaping along the driveway access meet the standards of TDC 73.240(5).
- f. A minimum of 694 square feet of trash enclosure must be shown on the plans in compliance with TDC 73D.030.
- g. Demonstrates 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).
- h. Demonstrates all areas impacted by grading will be revegetated pursuant to TDC 73B.080(4).
- i. Shows all bicycle parking signage and vanpool/carpool parking signage per MUTCD standards, pursuant to TDC 73C.010(2)(xi) and TDC 73C.050(2)(d).

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

- A9. The applicant must submit a copy of:
  - a. A recorded 8-foot-wide public utility easement in accordance with TDC 74.330, as approved by City Engineer, adjacent to SW Tualatin-Sherwood Road including five feet of public water easement surrounding water meter, backflow protection, and/or fire vault; and
  - b. An approved Washington County Right-Of-Way Permit.
- A10. The applicant must obtain:
  - a. Approval of a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ; and
  - b. Approval of Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.

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**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

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

- A11. The applicant must install an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to Section 73A.500(4)(d). Building identification approved by TVF&R must be placed in a position that is plainly legible and visible from the street fronting the property. Numbers must contrast with their background, must be a minimum of 4 inches high, and must have a minimum stroke width of 1/2 inch. It is recommended to double this size on large buildings.
- A12. The applicant must screen with sight-obscuring fences or walls and landscaping, in accordance with TDC 73A.500(5) all above-grade and on-grade electrical and mechanical equipment, as well as, outdoor storage.
- A13. The applicant must construct all proposed site improvements as illustrated on the approved Final Site Plan Set.

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

- A14. 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.
- A15. The applicant must submit electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.

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

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- A16. Consistent with the Transportation Impact Analysis dated February 24, 2022 prepared by Lancaster Mobley (Exhibit A4), future land uses on the site are must not generate more than 73 PM Peak Hour Trips and/or 548 Average Daily Trips. Alterations to this limitation require submittal and approval of a new Architectural Review application under TDC 33.020(7).
- A17. Warehouse and Freight Movement including the storage, repackaging, delivery and movement of products are permitted on site, in accordance with Table 61-1. A conditional use permit, subject to TDC 33.040, will be required prior to establishment of any warehousing of building materials and supplies on site.
- A18. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, pursuant to TDC 61.310(1).
- A19. The proposed development must comply with the Environmental Regulations of TDC 63.
- A20. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A21. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.
- A22. If the use of the property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use, pursuant to TDC 73C.010(2)(a)(v).
- A23. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 75-1.

### III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

#### Chapter 32: Procedures

[...]

##### Section 32.010 – Purpose and Applicability.

[...]

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

[...]

**(b) Type II Procedure (Administrative/Staff Review with Notice).** A Type II procedure is used when the standards and criteria require limited discretion, interpretation, or policy or legal judgment. Type II decisions are made by the City Manager and require public notice and an opportunity for appeal to the Planning Commission, Architectural Review Board, or City Council as shown in Table 32-1. Those Type II decisions which are “limited land use decisions” as defined in ORS 197.015 are so noted in Table 32-1.

[...]

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

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

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
<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 Architectural Review application proposed development classified as “General Development” under TDC 33.020(3)(f) and therefore is subject to the Type II Procedure Type according to Table 32-1. It has been processed according to the applicable code for Type II procedures. This standard is met.*



[...]

**Section 32.030 – Time to Process Applications.**

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

[...]

**Finding:**

*The application was deemed complete on May 25, 2022. The 120<sup>th</sup> day will be September 22, 2022. The final action on this application must take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.*

**Section 32.110 – Pre-Application Conference.**

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

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

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

**(4) Application Requirements for Pre-Application Conference.**

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

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

**(i) A completed application form;**

**(ii) Payment of the application fee;**

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

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

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

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

**(a) An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;**

**(b) The proposed use, layout, and/or design of the proposal have significantly changed; or**

**(c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.**

**Finding:**

*A pre-application meeting is mandatory. The applicant participated in a pre-application meeting on November 3, 2021 and submitted their application approximately four months later on March 30, 2022. 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 that a virtual Neighborhood/Developer meeting was held on February 9, 2022 to accommodate the social distancing efforts in response to COVID-19 and the declared State of Emergency (Resolution No. 5488-20). The applicant has provided documentation of sign posting and notification in compliance with this section in Exhibit A6. These standards are met.*

**Section 32.130 – Initiation of Applications.**

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

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

[...]

**Finding:**

*The applicant has provided a title report within Exhibit A6 showing Phelan MJD2 LLC to be the current owner of the subject site. The application has been signed by an agent of Phelan MJD2 LLC. An additional application has been signed by an agent of Airgas USA LLC of the neighboring site to the east while a property line adjustment was in review. This standard is met.*

**Section 32.140 – Application Submittal.**

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

- (a) A completed application form. The application form must contain, at a minimum, the following information:**
  - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;**
  - (ii) The address or location of the subject property and its assessor’s map and tax lot number;**
  - (iii) The size of the subject property;**
  - (iv) The comprehensive plan designation and zoning of the subject property;**
  - (v) The type of application(s);**
  - (vi) A brief description of the proposal; and**
  - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).**
- (b) A written statement addressing each applicable approval criterion and standard;**
- (c) Any additional information required under the TDC for the specific land use action sought;**
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;**
- (e) Recorded deed/land sales contract with legal description.**

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

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

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

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

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

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

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

**Finding:**

*The applicant submitted an application for AR 22-0003 on March 30, 2022. The application was deemed complete on May 25, 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. These standards are met.*

**Section 32.160 – Completeness Review.**

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

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

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

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

**(a) All of the missing information;**

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

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

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

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

[...]

**Finding:**

*The applicant submitted an application for AR 22-0003 on March 30, 2022. The application was then deemed complete on May 25, 2022. 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.**

**Finding:**

*After submittal and completeness review as required by this section, notice for the Type II application for AR 22-0003 was mailed by city staff on June 1, 2022 and contained the information required by this section, as attached in Exhibit B. No public comments have been received. These standards are met.*

**(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:**

*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.**

**(b) General Development.**

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

**Finding:**

*The subject application, which is for “general development,” must comply with the standards and objectives in TDC 73A through 73G. These standards are met by submittal of 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.**

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

**(c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:**

**(i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.**

**(ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.**

**(d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.**

**(e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:**

**(i) The applicant submitted a written extension request prior to the expiration date;**

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

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

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

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

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

**Finding:**

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



### **Section 33.110 Tree Removal Permit/Review**

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

[...]

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

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

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

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

**(iii) Not a Heritage Tree; and**

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

#### **Finding:**

*The Tree Protection and Removal Plan found in Exhibit A3 reports 142 trees on site. The proposed development will impact these trees, however the final number will be determined through the final plan review. With Condition of Approval A8.b, these standards are met.*

### **Section 33.110 Tree Removal Permit/Review Approval Criteria**

**(5) Approval Criteria.**

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

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

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

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

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

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

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

**(B) Substantial portions of the tree are in danger of falling.**

**(iii) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.**

#### **Finding:**

*The Tree Protection and Removal Plan found in Exhibit A3 reports 142 trees on site. The proposed development will impact these trees, however the final number will be determined through the final plan review. With Condition of Approval A8.b, 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
<b>INDUSTRIAL USE CATEGORIES</b>		
Warehouse and Freight Movement	P/C	Conditional use required for warehousing of building materials and supplies. All other uses permitted outright.

[...]

**Finding:**

*The project area is within the General Manufacturing (MG) Planning District. Warehousing and freight movement includes the storage, repackaging, delivery and movement of products. This use is permitted within the MG Zone. With Condition of Approval A17, this standard is met.*

**Section 61.300 – Development Standards.**

Development standards in the MG zone are listed in Table 61-2. Additional standards may apply to some uses and situations, see TDC 61.310.

**Table 61-2  
 Development Standards in the MG Zone**

	Standard	Minimum Proposed Building A	Minimum Proposed Building B
<b>MINIMUM SETBACKS</b>			
Front	30 feet	80'-0"	87'-8"
Side*	0-50 feet	39'-0"	57'-0"
Rear*	0-50 feet	39'-8"	10'-0"
Parking and Circulation Areas <i>No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>	5 feet	Front: 5'-6" Side: 6'-0" Rear: 7'-2"	Front: 6'-0" Side: 5'-6" Rear: N/A
Fence	10 feet		
<b>STRUCTURE HEIGHT</b>			
Maximum Height	60 feet	39'-8"	37'-8"
* Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.			

[...]

**Finding:**

*The existing ±7.04-acre lot meets the lot size and dimensional standards. The planned improvements comply with the setback standards in Table 61-2, as shown on the Site Plan and Elevations submitted in Exhibit A2. The project site is adjacent to railroad tracks to the southwest of the property. No fencing is included with the proposal, and the project is not located adjacent to Residential or Manufacturing Park zones. These standards are met.*

**Section 61.310. - Additional Development Standards.**

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

**Finding:**

*The proposal does not include outdoor use. With Condition of Approval A18, this standard is met.*

[...]

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

[...]

**Section 63.020 – Applicability.**

The regulations of this Chapter apply to:

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

[...]

**Finding:**

*The site is located in the General Manufacturing District. Tenants are speculative at this time; however warehousing and freight movement uses have been identified. Therefore the noise, vibration, air quality, odor, heat and glare, materials storage, waste disposal, and dangerous substances regulations of this Chapter apply. With Condition of Approval A19, these standards are met.*

**Chapter 73A: Site Design**

**Section 73A.500. - Industrial Design Standards.**

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

(1) Walkways. Industrial development must provide walkways as follows:

- (a) Walkways must be a minimum of five feet in width;
- (b) Walkways must be constructed of asphalt, concrete, or a pervious surface such as pavers or grasscrete (not gravel or woody material);
- (c) Walkways must meet ADA standards applicable at time of construction or alteration;
- (e) Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;
- (f) Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas; and
- (g) Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

**Finding:**

*A walkway is proposed along the buildings' northwestern vehicle entrance, connecting the main building entrances to the sidewalk in the public right of way, as shown on the Site Plan in Exhibit A2. Further evaluation for ADA standards will be conducted during the building permit phase. The site plan proposes striped cross walks through the parking lots to connect the walkways between the onsite buildings. There are no outdoor recreation access routes required for this site. With Condition of Approval A8.c, these standards are met.*

(2) Accessways.

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

- (i) Residential property;

- (ii) Commercial property;**
- (iii) Areas intended for public use, such as schools and parks; and**
- (iv) Collector or arterial streets where transit stops or bike lanes are provided or designated.**

**Finding:**

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

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

- (a) Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;**
- (b) Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;**
- (c) Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;**

**Finding:**

*As shown in Exhibit A2 windows are proposed along the eastern, southern and western elevations in Building A and along the western and southern elevations in Building B. The windows will enable tenants to watch over pedestrian and parking areas. A combination of pole and wall lighting are proposed to adequately light the pedestrian, parking, and loading areas. Applicant narrative states the proposed exterior lighting complies with dark sky initiatives. These standards are met.*

- (d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services; and**  
**[...]**

**Finding:**

*Building identification will be reviewed and approved prior to issuance of a building permit, and will be required to meet all standards of Tualatin Valley Fire and Rescue as well as all applicable building code standards. With Condition of Approval A11, this standard is met.*

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

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

**Finding:**

*Outdoor storage of trucks/trailers with screening proposed in the narrative. With Condition of Approval A12, this standard is met.*

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

- (a) Development on a transit street designated in TDC Chapter 11 (Figure 11-5) must provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street; and**
- (b) Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:**

**(i) Locate any portion of a building within 20 feet of the major transit stop or provide a pedestrian plaza at the transit stop;**

**Finding:**

*The subject site abuts SW Tualatin-Sherwood Road, which is designated as a transit street in TDC Chapter 11 (Figure 11-5). As shown in Exhibit A2, a sidewalk connection exists along the flag frontage to SW Tualatin-Sherwood Road. The site is not adjacent to a major transit stop. This standard is met.*

**Chapter 73B: Landscaping Standards**

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

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

[...]

**Finding:**

*The subject site is located in the MG zoning district. The net lot area is 323,090 sf, the proposal has a total building area of 112,275 square feet between Building A and Building B. Approximately 55,309 square feet (17.12%) will be landscaped, as shown on the Site Plan, submitted in Exhibit A2. This standard is met.*

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

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

**(a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.**

[...]

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

[...]

**Finding:**

*As shown on the Landscape Plan in Exhibit A2, building perimeter landscaping is proposed around both buildings which are viewable from parking areas. All areas not occupied by the building, parking spaces, driveways, drive aisles, pedestrian areas are proposed to be landscaped. With Condition of Approval A8.g, these standards are met.*

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

The following are minimum standards for landscaping for all zones.

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

*As shown on the Landscape Plan included in Exhibit A2, and with Condition of Approval A23, these standards are met*

(2) Fences	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
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**Finding:**

*The subject site is not located in a habitat area, and no fencing is proposed. This standard is not applicable.*

(3) Tree Preservation	<ul style="list-style-type: none"> <li>• Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</li> <li>• During construction:</li> <li>• Must provide above and below ground protection for existing trees and plant materials identified to remain;</li> <li>• 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;</li> <li>• If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</li> <li>• Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</li> <li>• 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</li> <li>• Tree root ends must not remain exposed.</li> <li>• Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</li> <li>• 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</li> <li>• 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</li> </ul>
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**Finding:**

*Tree protection measures are identified in the Tree Protection and Removal Plan submitted in Exhibit A3. With Conditions of Approval A2 and A8.a, these standards are met.*

(4) Grading	<ul style="list-style-type: none"> <li>• 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.</li> <li>• All planting areas must be graded to provide positive drainage.</li> <li>• Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</li> <li>• 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.</li> </ul>
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**Finding:**

*The proposal includes grading, as shown in the Grading Plan Exhibit A2. Grading and erosion control is further addressed in Chapter 74. With Condition of Approval A8.h, these standards are met.*

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

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

(6) Re-vegetation in Un-landscaped Areas	<ul style="list-style-type: none"> <li>• 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,.</li> <li>• Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</li> <li>• The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</li> <li>• Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</li> </ul>
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**Finding:**

*The applicant proposes to landscape all areas not otherwise proposed for development within the development area. These standards are met.*

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

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

Standard		
(1) Deciduous Shade Trees	<ul style="list-style-type: none"> <li>• One and on-half inch caliper measured six inches above ground;</li> <li>• Balled and burlapped; bare root trees will be acceptable to plant during their dormant season;</li> <li>• Reach a mature height of 30 feet or more;</li> <li>• Cast moderate to dense shade in summer;</li> <li>• Live over 60 years;</li> <li>• Do well in urban environments, tolerant of pollution and heat, and resistant to drought;</li> <li>• Require little maintenance and mechanically strong;</li> <li>• Insect- and disease-resistant;</li> <li>• Require little pruning; and</li> </ul>	

	<ul style="list-style-type: none"> <li>• Barren of fruit production.</li> </ul>	
(2) Deciduous Ornamental Trees	<ul style="list-style-type: none"> <li>• One and on-half inch caliper measured six inches above ground;</li> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species</li> </ul>	
(3) Coniferous Trees	<ul style="list-style-type: none"> <li>• 5 feet in height above ground;</li> <li>• balled and burlapped; bare root trees will be acceptable to plant during their dormant season; and</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species.</li> </ul>	
(4) Evergreen and Deciduous Shrubs	<ul style="list-style-type: none"> <li>• One to five gallon size;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• Side of shrub with best foliage must be oriented to public view.</li> </ul>	
(5) Groundcovers	<ul style="list-style-type: none"> <li>• Fully rooted;</li> <li>• Well branched or leafed;</li> <li>• Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and</li> <li>• English ivy (<i>Hedera helix</i>) is prohibited.</li> </ul>	
(6) Lawns	<ul style="list-style-type: none"> <li>• Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry;</li> <li>• 100 percent coverage and weed free; and</li> <li>• Healthy, disease-free, damage-free, characteristic of the species.</li> </ul>	

**Finding:**

*Per the plant schedule and details provided in Exhibit A2, these standards are met.*

**Chapter 73C: Parking Standards**

**Section 73C.020 – Parking Lot Design Standards.**

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

- (1) Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1;
- (2) Parking lot drive aisles must be constructed of asphalt, concrete, or pervious concrete;
- (3) Parking stalls must be constructed of asphalt, concrete, 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), the expanded vehicular circulation area is proposed to be constructed of asphalt with concrete curbing. Parking stalls are proposed at 9 x 19 feet and drive aisles are at least minimum width of 24 feet. 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 six ADA compliant parking spaces planned near main entrances to the proposed buildings. There are no subcompact stalls proposed. ADA standards will be reviewed in greater detail during the building permit phase. These standards are met.*

**(8) Groups of more than 4 parking spaces must be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley;**

**(9) Drives to off-street parking areas must be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site;**

**(10) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic; When 90 degree stalls are located on both sides of a drive aisle, a minimum of 24 feet of aisle is required. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, must have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic;**

**Finding:**

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

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

**Finding:**

*As shown on the Photometric Plan, proposed lighting will not shine into the street right-of-way. The site is not adjacent to a residential zone or natural area. This standard is met.*

**(12) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200; and**

**(13) Except for parking to serve residential uses, parking areas adjacent to or within residential zones or adjacent to residential uses must be designed to minimize disturbance of residents.**

**Finding:**

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

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

**(1) Requirements. Bicycle parking facilities must include:**

**(a) Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;**

**(i) Long-term bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.**

- (b) Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.
- (2) Standards. Bicycle parking must comply with the following:
- (a) Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;
  - (b) A five-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt or a pervious hard surface such as pavers, or grasscrete, and be maintained;
  - (c) Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;
  - (d) Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;
  - (e) Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;
  - (f) Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;
- [...]

**Finding:**

The site plan in Exhibit A2 and applicant narrative show fifteen bicycle parking stalls. Stalls are shown near the entrances to both proposed buildings. The site plans include covered bicycle parking elevations. With recommended Conditions of Approval A8.d to show compliance with standards (a) though (d), and A8.i these standards are met.

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

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

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

		square feet of gross floor area		
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**Finding:**

*The applicant proposes to construct parking appropriate for a speculative mix of 25% manufacturing and 75% warehousing, based off the applicant’s narrative in Exhibit A1. With Condition of Approval A22, this standard is met.*

Table 1: Minimum and Proposed Parking by Use

Use	Square Footage	Vehicle Parking Min.	Proposed Vehicle Parking	Bike Parking Min.	Proposed Bike Parking
Manufacturing	28,068.7	45		3	
Warehousing	84,206.3	25		8	
<b>Total</b>	<b>112,275</b>	<b>70</b>	<b>72</b>	<b>11</b>	<b>15</b>

*For the mix of uses, 70 parking spaces are required; 72 are proposed.*

*Additionally, 12 bike parking spaces are required by code based on the current total building area, 9 of which must be covered. The applicant has proposed 15 bike spaces near the entrances of Buildings A and B. With Condition of Approval A8.d these standards are met.*

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

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

[...]

**Finding:**

*Of the required 70 parking spaces, 3 must be designated carpool/vanpool spaces. There are 5 Vanpool/Carpool spaces designated on the Site Plans. With Condition of Approval A8.i, this standard is met.*

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

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

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

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

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

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

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

[...]

**Finding:**

*Building A proposes 81,175 square feet and would require three berths, Building B proposes 31,100 square feet and would require two berths. As shown on the Site Plan included in Exhibit A2, there are twenty loading berths proposed on the northwestern elevation of Building A and seven loading berths proposed on the southwestern elevation of Building B. Landscaping is proposed along the property lines as a screening measure from the neighboring properties. With Condition of Approval A13, requiring loading facilities be installed prior to certificate of occupancy, these standards are met.*

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

[...]

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

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

**Finding:**

*The subject site is a flag lot that was established through partition PAR 02-03. The applicant is not proposing to modify the existing driveway width as part of this application. This standard does not apply.*

**PARKING LOT LANDSCAPING**

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

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

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

**Finding:**

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

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

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

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

**Finding:**

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

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

**Finding:**

*As shown on the Landscape Plan (Exhibit A2), the proposed plantings will not impact visual clearance at the end of drive aisles and drive entrances. With Condition of Approval A23 related to maintenance, this standard is met.*

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

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

[...]

**Finding:**

*As shown on the Landscape Plan (Exhibit A2), at least five feet of landscape buffer is proposed along the vehicular circulation and parking areas. Deciduous trees are proposed along the northern, western and southern circulation areas. Deciduous trees are proposed at less than 30 feet on center. Building perimeter landscaping are shown throughout the proposed plans. 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 72 parking spaces, 18 trees and 1,800 square feet of parking lot landscape area are required. The Landscape Plan included in Exhibit A2 illustrate that 19 parking lot trees are provided with 10,266 square feet of parking lot landscaping. Curbs are included in the design and islands are provided at aisle ends. With Condition of Approval A8.e., to confirm the minimum landscape island areas of 5 feet in width these standards are met.*

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

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

**Finding:**

*As shown on the Landscape Plan included in Exhibit A2, with Condition of Approval A8.e this standard is met.*

**Chapter 73D: Waste and Recyclables Management Standards**

**TDC 73D.010. - Applicability and Objectives.**

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

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

**Finding:**

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

**Section 73D.020 - Design Methods.**

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

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

**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. 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 ten 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:**

*A minimum of 497 square feet of trash enclosure area is required for the proposed 81,175 square feet of Building A. A minimum of 197 square feet of trash enclosure area is required for the proposed 31,100 square feet of Building B. The combined total square feet of required trash enclosure area is 694 square feet. The Site Plan included in Exhibit A2 indicates that 630 square feet of trash enclosure area are proposed. With Condition of Approval A8.f these standards are met.*

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

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

**(1) Location Standards.**

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

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

**(c) Exterior storage areas must:**

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

**(ii) Be located in a parking area; and**

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

**(2) Design Standards.**

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

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

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

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

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

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

[...]

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

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

**Finding:**

*The proposed waste areas are in visible parking areas convenient to tenant entries and loading areas, as well as being located outside of the applicable setbacks. 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). Further compliance with Building and Fire Code standards will be reviewed at the time of building permit. The location and design standards are met.*

**(3) Access Standards.**

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

**Finding:**

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

**Chapter 74: Public Improvement Requirements**

[...]

**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.**

**Finding:**

*All public improvements will be installed by the applicant at their expense after approval of plans, issued Washington County Right-of-Way Permit, and issued Erosion Control, Water Quality, and Public Works Permits. With Conditions of Approval A10 and A14, this standard is met.*

**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.**

**Finding:**

*All private improvements will be installed by the applicant at their expense and will require prior approval of plans and building permits. With Conditions of Approval A10 and A14, this standard is met.*



**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 will be completed and accepted by Washington County the City prior to receiving a Certificate of Occupancy. With Conditions of Approval A14 and A15, this standard is met.*

[...]

**TDC 74.210 Minimum Street Right-of-Way Widths.**

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

[...]

**(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 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.**

**Finding:**

*The proposal is adjacent to SW Tualatin-Sherwood Road which is within Washington County's jurisdiction. Washington County has submitted comments with conditions of approval within a letter dated June 16, 2022. Final plans will include improvements within SW Tualatin-Sherwood Road meeting the requirements of Washington County and the City of Tualatin. With Conditions of Approval A3 and A9, this standard is met.*

**TDC 74.320. - Slope Easements.**

**(1)The applicant must obtain and convey to the City any slope easements determined by the City Manager to be necessary adjacent to the proposed development site to support the street improvements in the public right-of-way or accessway or utility improvements required to be constructed by the applicant.**

[...]

**(3)For all other development applications, a slope easement dedication must be submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.**

**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.**

**Finding:**

*Any required easement will be granted to the City. With Conditions of Approval A3 and A9, these standards are met.*

**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.**

**(4) Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.**

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

**(6) All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.**

[...]

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

[...]

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

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

[...]

**(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.**

[...]

**(16) The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.**

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

**(18) Pursuant to requirements for off-site improvements as conditions of development approval, proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to comply with the City's Mid-Block Crossing Policy.**

**Finding:**

*The proposed development takes access via a private driveway to SW Tualatin-Sherwood Road. City Engineering staff and Washington County have reviewed the proposal for compliance with the above standards and have recommended conditions of approval. With Conditions of Approval A3 and A9, these standards are met.*

**TDC 74.425 Street Design Standards.**

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

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

[...]

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

**(a) Arterials:**

- (i) Whether adequate right-of-way exists;**
- (ii) Impacts to properties adjacent to right-of-way;**
- (iii) Current and future vehicle traffic at the location; and**
- (iv) Amount of heavy vehicles (buses and trucks).**

[...]

**Finding:**

*The proposal is adjacent to SW Tualatin-Sherwood Road which is designated a Major Arterial on Tualatin Comprehensive Plan Map 8-1. Washington County maintains jurisdiction of this facility. Washington County's County Capital Services is planning to construct a widening project will obtain all required dedication of right-of-way and easements to support the planned cross-section. With Conditions of Approval A3 and A9, these standards are met.*

[...]

**TDC 74.440 Streets, Traffic Study Required.**

**(1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:**

- (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or**
- (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.**

**(2) The required traffic study must be completed prior to the approval of the development application.**

**(3) The traffic study must include, at a minimum:**

- (a) An analysis of the existing situation, including the level of service on adjacent and impacted facilities.**
- (b) An analysis of any existing safety deficiencies.**
- (c) Proposed trip generation and distribution for the proposed development.**
- (d) Projected levels of service on adjacent and impacted facilities.**
- (e) Recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.**
- (f) The City Manager will determine which facilities are impacted and need to be included in the study.**
- (g) The study must be conducted by a registered engineer.**

**(4) The applicant must implement all or a portion of the improvements called for in the traffic study as determined by the City Manager.**

**Finding:**

*A Transportation Impact Study and Addendum from Lancaster Mobley noted deficient vision clearance to the west with the solution to include street tree pruning. With recommended Conditions of Approval A3 and A9, this standard is met.*

[...]

**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 site, 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.**

**Finding:**

*The Utility Plan illustrates addition of an 8-inch fire service to the public main in SW Tualatin-Sherwood Road and vault within a public utility easement. An existing 2-inch water lateral extended to this site is shown to provide domestic service. With Conditions of Approval A4, A9, and A10, these standards are met.*

**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 Utility Plan illustrates use of an existing 8-inch sanitary sewer lateral extended to serve this site. Final sanitary sewer permit plans will be submitted that show cleanouts at the edge of SW Tualatin-Sherwood Road right-of-way obtained by Washington County's County Capital Services' proposed widening project. With Conditions of Approval A5 and A10, this standard is met.*

**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 74.640 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.**

**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.**

**Finding:**

*The applicant proposes capturing stormwater runoff from the site's developed area as well as runoff from the existing railroad, which would be conveyed to the public stormwater system via use of an existing 8-inch stormwater lateral extended to serve this site. The submitted Stormwater Report includes underground detention and propriety filters for treatment for the developed area.*

*Final plans and stormwater calculations will demonstrate that the development has direct access by gravity to the public stormwater system with adequate downstream capacity in accordance with City of Tualatin and Clean Water Service standards. The site disturbance is approximately 7.4 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality will be provided with the construction permit submittal documents. The applicant will obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet and a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres. A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance the applicant will submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d). With recommended Conditions of Approval A6, A7, and A10 these standards are met.*

#### **IV. APPEAL**

The Architectural Review portion of this decision will be final after 14 calendar days unless a written appeal is received by the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / [planning@tualatin.gov](mailto:planning@tualatin.gov)** before 5:00 p.m., July 27, 2022. **The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB); appeals of Public Facilities Decision elements are appealed directly to City Council as specified in TDC Table 32-1.

Submitted by:



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Assistant Planner