



ARCHITECTURAL REVIEW BOARD DECISION

ARB Hearing Continued to: January 25, 2023

Original Date: November 30, 2022

Case #:	AR 22-0006
Project:	Lam Research Corporation Campus
Location:	11155-11361 SW Leveton Drive; Tax Lots: 2S122AA 500 and 800; 2S122AB 100
Representative:	Suzannah Stanley, Mackenzie
Owner:	Lam Research Corporation

I. FINDINGS

- A. An application for an Architectural Review application (AR 22-0006) was filed by Mackenzie, on behalf of Lam Research Corporation requesting approval to construct a four-story, 120,000 square foot office building, two new access drives off of SW 108th, and parking lot expansions by approximately 549 stalls. The applicant has also submitted a tree removal permit for 80 trees to construct the improvements.
- B. The Architectural Review Board conducted a noticed quasi-judicial public hearing on January 25, 2023 in conformance with the laws of the State of Oregon and the City of Tualatin.
- C. The Architectural Review Board concludes that the findings and analysis, testimony at the public hearing, and materials in the record address the criteria of TDC 33.020(5) for the approval of the AR 22-0006 with Conditions of Approval.

II. ACTION

The Architectural Review Board approves AR 22-0006 and adopted the staff analysis and findings, dated January 18, 2023, with the following Conditions of Approval (**bold underline** conditions were added by the Architectural Review Board at the hearing and are supported by the staff findings and discussion on the record):

GENERAL:

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

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

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

- A2. The applicant must apply for applicable Engineering Erosion Control, Water Quality, and Public Works permits:
- a. Apply using [eTrakit](#). With the initial Engineering permit(s) application(s) include:
 - i. One combined set of 24"x36" plans including all applicable Engineering permits attached to one Engineering permit. Include a note on other Engineering permits stating which application includes the set.
 - ii. Payment for an Erosion Control permit fee per the fee schedule.
 - iii. Engineering estimate and deposit for each Water Quality or Public Works permit per the fee schedule.
 - b. Deliver two 24"x36" hard copies of the combined Engineering permit plan sets to:
City of Tualatin
Attn: Engineering Division c/o Hayden Ausland, Principal Engineer, PE
10699 SW Herman Road
Tualatin, OR 97062
- A3. The applicant must submit Final Street Improvement Plans for SW 108th Avenue and SW Leveton Drive, in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show:
- a. Dedication of half-street right-of-ways to total 37 feet from centerline for SW Leveton Drive, in accordance with the Preferred Minor Arterial Cross-Section, Figure 74-2b (Exhibit K). To the extent that dedication would conflict with Conditions of Approval from IMP 22-0001, a public access and utility easement may be provided such that the total dedication and easement can accommodate the Preferred Minor Arterial Cross-Section.
 - b. For SW 108th Avenue from SW Leveton Drive to SW Tualatin Road:
 - i. Dedication of adequate right-of-way to construct required public improvements with a minimum of a half-street total of 38 feet from centerline for SW 108th Avenue, in accordance with the Preferred Minor Collector Cross-Section Figure 74-2d (Exhibit L). To the extent that dedication would conflict with Conditions of Approval from IMP 22-0001, a public access and utility easement may be provided such that the total dedication and easement can accommodate the Preferred Collector Cross-Section;
 - ii. A minimum 6-foot-wide planter strip on the west side including:
 1. Curb;
 2. Replace existing street lights with the LED, Option A standard;
 3. Street trees; and
 4. Public LIDA stormwater street swales within an adequately wide planter strip or:
 - a. Proof that the existing public drywell at the intersection of SW 108th Avenue and SW Leveton Drive has capacity to accommodate stormwater requirement due to addition and modification of public impervious area; and,
 - b. Meet any and all requirements from DEQ for continued use of said public drywell.
 - iii. A 6-foot-wide sidewalk;
 - iv. Undergrounding overhead utilities as approved by the City Engineer; and

- v. Ramp replacement on the west side of the intersection of SW 108th Avenue and SW Leveton Drive for both north (sending) and south (receiving).
 - c. An 8-foot-wide public utility easement, or existing equivalent approved by the City Engineer, and any required slope easements adjacent to SW 108th Avenue and SW Leveton Drive including five feet of public utility easement surrounding water meter, backflow protection, and fire vault;
 - d. All adjacent public sidewalks for all lots involved with this development within compliance of ADA standards or replacement of necessary driveways, ramps, and panels to bring into compliance;
 - e. All proposed driveways:
 - i. A minimum distance of 300 feet from intersections of SW 108th Avenue and SW Leveton Drive and SW 108th Avenue and SW Tualatin Road; and
 - ii. Opposing existing driveways or offset a minimum of 150 feet.
 - f. Turning movement diagrams showing all existing and proposed driveways operate without adverse impact to public rights-of-way as determined by the City Engineer:
 - i. Identify any driveways privately restricted for specific passenger vehicles or truck use, proposed private signage necessary to control movement, and a circulation plan;
 - ii. Onsite signage and maintenance plan for onsite signage as approved by the City Engineer; and
 - iii. Show existing and proposed curb radii are able to accommodate associated allowed vehicular movements.
 - g. Replacement of concrete doweled panels impacted by construction as determined by the City Engineer.
- A4. The applicant must submit Final Water System Plans in accordance with Tualatin Development Code (TDC) 74.610, Tualatin Municipal Code (TMC) 3-3, and Public Works Construction Code (PWCC) that show:
 - a. A gate valve at the main for both domestic and fire service laterals; and
 - b. Adjacent to SW Leveton Drive right-of-way:
 - i. A reduced pressure backflow prevention and water meter for the domestic lateral;
 - ii. The water meter behind the curb within the planter strip;
 - iii. If within final plans, irrigation after a domestic meter and reduced pressure backflow device; and
 - iv. The fire vault surrounded by a five foot public utility easement.
- A5. The applicant must submit Final Sanitary Sewer System Plans in accordance with Tualatin Development Code (TDC) 74.620, Tualatin Municipal Code (TMC) 3-2, and Public Works Construction Code (PWCC) that show location of the lines, grade, materials, and other details.
- A6. The applicant must submit:
 - a. A DEQ Rule Authorization letter with associated plans indicating approval and any and all required modifications to accommodate stormwater from new and modified public impervious areas within the existing public drywell at the intersection of SW 108th Avenue and SW Leveton Drive.
 - b. Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.630 and 74.650, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design &

Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:

- i. Provide a downstream analysis, including but not limited to erosion, and include solutions within final plans for $\frac{1}{4}$ mile downstream from the release from the private development through the public stormwater system, in accordance with TMC 3-5-210(4);
 - ii. Accommodate up to a 25-year storm event within the public stormwater system with a maximum capacity of 82% in accordance with TDC 74.640 and CWS D&CS 5.05.2.d and the City Engineer;
 - iii. Address runoff from all new and modified private and public impervious areas; and,
 - iv. Prove gravity flow five feet from the outside of the established line of the building to the public stormwater system or as otherwise approved by the City Engineer, in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4);
 - v. Discharge to an approved public system;
 - vi. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2;
 - vii. Detain up to the 25-year storm event in accordance with TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08;
 - viii. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for $\frac{1}{2}$ 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
 - ix. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
 1. The submitted Clean Water Services' Service Provider Letter CWS File Number dated July 12, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter; and
 2. Requirements stated within the Clean Water Services' Memorandum dated November 8, 2022.
- c. 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
- d. 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 Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that:
- a. Minimize the impact of stormwater from the development to adjacent properties; and
 - b. Plans sufficient to either:
 - i. Obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality if disturbance is between 1 and 5 acres; or,
 - ii. Obtain a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ.

PRIOR TO ISSUANCE OF BUILDING PERMIT:

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

- A8. The applicant must submit a copy of recorded public utility and slope easements, as approved by the City Engineer, and deeds of right-of-way dedication in accordance with Tualatin Development Code (TDC) 74.210 and 74.330 which show:
- a. An 8-foot-wide public utility and any necessary slope easement, adjacent to SW 108th Avenue and SW Leveton Drive including five feet of public utility easement surrounding proposed water meter, backflow protection, and fire vault; and
 - b. Half-street right-of-way dedication and/or easement, as described in Condition A3.
- A9. The applicant must obtain:
- a. A National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ; and
 - b. Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.
- A10. The applicant must pay a fee-in-lieu of construction, as determined by the City Engineer, for any new PGE Option A street lights associated with reconstruction of the west side of SW 108th Avenue, and any other street lights (associated with the development) that will be in public right-of-way and/or city responsibility.
- A11. The applicant must submit a Final Site Plan Set (in PDF format) to the Planning Division that is in substantial conformance to the submitted site plans and includes:
- a. Trees identified in Tree Assessment Report (Exhibit A3) must be identified on the landscaping and grading plan, consistent with TDC 73B.080(3). Tree protection fencing and other preservation measures recommended by the Arborist should also be specified on the grading plan.
 - b. Walkways that are a minimum of 6 feet in width; constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete; and meet ADA standards at time of construction, consistent with TDC 73A.300(1).
 - c. As a substitute for building perimeter landscaping, plazas that are developed with pavers, bricks, or other surfaces and contain pedestrian amenities, such as: benches, tables with umbrellas, shade trees, and canopies must be provided along building perimeters viewable by the general public from parking lots or the public right-of-way, in conformance with TDC 73B.040(1). This requirement does not apply to loading areas, bicycle parking areas, and pedestrian entrances.
 - d. A minimum of 192 parking spaces at an applied rate of 1.6 spaces per 1,000 square feet of gross floor area, consistent with TDC 73C.010(2)(a)(iv).
 - e. Details to demonstrate that proposed bicycle parking meets the standards of TDC 73C.050(2)(a)-(c), and that a minimum of 12 short-term and 5 long-term bicycle parking spaces are provided, in conformance with TDC 73C.100(1).
 - f. A minimum of 8 vanpool or carpool parking spaces, consistent with TDC 73C.100(2).
 - g. A minimum of 3 loading facilities that are a no less than 12 feet wide x 35 feet long with an unobstructed height of 14 feet, or evidence that adequate loading facilities exist on the same lot as the proposed office building, consistent with TDC 73C.120.
 - h. In accordance with IMP 22-0001, parking lot landscaping for the north-half of the site must follow the standard requirements of TDC Chapter 73C. To accommodate grade changes, an

alternative method of parking lot landscaping is acceptable for terraced parking lots proposed for the south-half of the site. These lots must provide a minimum landscape island area of 25 square feet per parking stall and comply with the following:

- i. Landscape separation that is a minimum of five feet in width is required for every twelve continuous spaces in a row;
 - ii. Landscaping strip that is a minimum of ten feet in width must be placed in between rows of facing vehicles;
 - iii. Must be planted with one deciduous shade trees for every four parking spaces, with required trees evenly dispersed throughout the parking lot;
 - iv. Must be planted with groundcover or shrubs; and
 - v. Native plant materials are encouraged.
- i. Demonstrate that an adequate waste and recyclables management solution is provided in compliance with TDC 73D. If the minimum standards method is chosen, a minimum of 490 square feet of trash enclosure area must be shown on the plans. These facilities must comply with the location, design, and access standards in TDC 73D.070.
 - j. In accordance with IMP 22-0001, building materials must consist of, or be complimentary to: masonry, sandstone, architectural metal siding, and window glazing. Color palettes must remain complimentary to earth toned shades.

DURING CONSTRUCTION ACTIVITY:

- A12. The applicant must install tree protection fencing consistent with the Tree Assessment Report submitted as Exhibit A3 and Section 73B.080(3). Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice. Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- A13. Provide an identification system which clearly locates buildings and their entries for patrons and emergency services, pursuant to TDC 73A.300(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, be a minimum of 4 inches high, and have a minimum stroke width of 1/2 inch.
- A14. Areas impacted by grading and all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.040(1)(a).
- A15. The applicant must install required vanpool and carpool signage, pursuant to TDC 73C.010(2)(a)(xi) and bicycle parking signage per MUTCD standards, pursuant to TDC 73C.050(2)(d).
- A16. The applicant must construct proposed buildings and all site improvements as illustrated on the approved Final Site Plan and Final Color Architectural Elevations. The applicant must contact the Planning Division for a site inspection at least 72 hours prior to requesting a certificate of occupancy. This inspection is separate from inspection(s) done by the Building Division.

- A17. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.120.
- A18. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.

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

- A19. All uses must be conducted within a completely enclosed building, except off-street parking and loading, and basic utilities, pursuant to TDC 62.210(5).
- A20. The proposed development must comply with the Environmental Regulations of TDC 63.
- A21. All mechanical equipment must be screened in accordance with TDC 73A.300(5). Prior to approval of a mechanical permit, the applicant or property owner must submit scaled elevations illustrating that above-grade or on-grade equipment will be screened by parapet, sight-obscuring fence, landscaping, or other method.
- A22. All sign permits require separate sign permit approval per TDC Chapter 38. This approval does not constitute sign permit approval.
- A23. 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).
- A24. All parking spaces shall be continuously maintained in compliance with the dimensional standards specified in TDC Figure 73-1 (Exhibit H).
- A25. No vehicular parking, hedge, planting, fence, wall structure, or temporary/permanent physical obstruction is permitted between 30 inches and eight feet above the established height of the curb in the vision clearance area specified in TDC Figure 73-2 (Exhibit I).
- A26. Artificial lighting from parking areas, must be deflected to not shine or create direct glare on adjacent properties, street right-of-way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor, as required by TDC 73C.020(11).

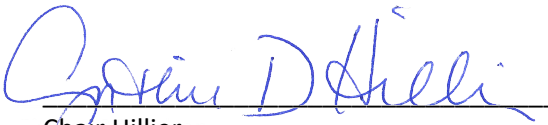
III. APPEAL

The applicant or any person who submitted written comments or testified orally or in writing at the Architectural Review Board hearing and who may be adversely affected by the Board's decision may file a request for review of the final decision of the Architectural Review Board to the City Council.

The Architectural Review Board's decision will be final after 14 calendar days from the mailing of this order, unless a written appeal is received by the **Tualatin Planning Division at 10699 SW Herman Road, Tualatin, Oregon, before 5:00 p.m., February 10, 2023. The appeal must be submitted on the City appeal form with all the information requested provided thereon, signed by the appellant, and include the applicable appeal fee.** The plans and appeal forms are available at the Planning Division offices. The appeal forms must include reasons, current appeal fee, and meet the requirements of Section 32.310 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 25 DAY OF JANUARY, 2023.

ARCHITECTURAL REVIEW BOARD
CITY OF TUALATIN

BY: 
Chair Hillier,
Architectural Review Board