



Land Use Application

Project Information		
Project Title: Grimm's Fuel Storage Yard		
Brief Description: Type II Architectural Review for vehicle storage within the Light Manufacturing (ML) Zone.		
Estimated Construction Value: \$100,000 - 499,999.99		
Property Information		
Address: No situs (near 18850 SW Cipole Road)		
Assessor's Map Number and Tax Lot(s): 2S121A; Tax Lot 2100		
Applicant's Consultant		
Name: Marie Holladay	Company Name: AKS Engineering & Forestry, LLC	
Address: 12965 SW Herman Road, Suite 100		
City: Tualatin	State: OR	ZIP: 97062
Phone: (503) 563-6151	Email: holladaym@aks-eng.com	
Property Owner / Applicant		
Name: Grimm's Fuel Co. (Attn: Haley Grimm)		
Address: 18850 SW Cipole Road		
City: Tualatin	State: OR	ZIP: 97062
Phone: Please contact Applicant's Consultant, above	Email: Please contact Applicant's Consultant, above	
Property Owner's Signature: (Note: Letter of authorization is required if not signed by owner)		Date: 8/29/24

AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.	
Applicant's Signature:	Date: 8/29/24

Land Use Application Type:

- | | | |
|---|---|---|
| <input type="checkbox"/> Annexation (ANN)
<input checked="" type="checkbox"/> Architectural Review (AR)
<input type="checkbox"/> Architectural Review—Single Family (ARSF)
<input type="checkbox"/> Architectural Review—ADU (ARADU)
<input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Historic Landmark (HIST)
<input type="checkbox"/> Industrial Master Plan (IMP)
<input type="checkbox"/> Plan Map Amendment (PMA)
<input type="checkbox"/> Plan Text Amendment (PTA)
<input type="checkbox"/> Tree Removal/Review (TCP) | <input type="checkbox"/> Minor Architectural Review (MAR)
<input type="checkbox"/> Minor Variance (MVAR)
<input type="checkbox"/> Sign Variance (SVAR)
<input type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Other _____ |
|---|---|---|

Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	

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Exhibits

- Exhibit A:** Preliminary Plans
 - Exhibit B:** Application Form
 - Exhibit C:** Ownership Information
 - Exhibit D:** Washington County Assessor’s Map
 - Exhibit E:** Mailing Labels
 - Exhibit F:** Pre-Application Meeting Notes
 - Exhibit G:** Neighborhood Meeting Materials
 - Exhibit H:** Preliminary Stormwater Report
 - Exhibit I:** Service Provider Letters
 - Exhibit J:** FEMA FIRMette Map
 - Exhibit K:** Trip Generation and Distribution Memorandum
 - Exhibit L:** Preliminary Natural Resources Assessment
 - Exhibit M:** Fire Hydrant Flow Test Report
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SW 128th Avenue Vehicle Storage Architectural Review

Submitted to:	City of Tualatin Planning Division 10699 SW Herman Road Tualatin, OR 97062
Applicant:	Haley Grimm 18850 SW Cipole Road Tualatin, OR 97062
Property Owner:	Grimm's Fuel Co. 18850 SW Cipole Road Tualatin, OR 97062
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Marie Holladay Email: holladaym@aks-eng.com Phone: (503) 563-6151
Site Location:	18867 SW 128 th Avenue, Tualatin, OR 97062; a portion of the property located east of SW 128 th Avenue.
Washington County Assessor's Map:	Map 2S121A, Tax Lot 2100
Site Size:	±10.7 acres (of the total ±28.24-acre tax lot)
Land Use Districts:	Light Manufacturing (ML)



I. Executive Summary

This application involves Architectural Review to facilitate the operations of a vehicle storage facility on a ±10.7-acre site in the City of Tualatin's (City) Light Manufacturing (ML) zoning district. The project area is limited to ±2.3 acres in the northwest corner of the property, near SW 128th Avenue. Planned improvements include a paved towing yard and vehicle storage area, a new stormwater facility, the retention of an existing mobile office, and a designated employee parking area. Additional improvements include sight-obscuring fencing, a trash and recycling area, and on-site landscaping, including new plantings and retained vegetation. Utilities are available to serve the site within SW 128th Avenue, though utility connections are not necessary or planned as part of this application.

Tualatin Development Code (TDC) 31.060 does not provide a definition for "vehicle storage." Additionally, while TDC 39.430 provides characteristics and examples of vehicle storage uses, a definition for "vehicle storage" is not included in this section either. With that considered, Tualatin Municipal Code (TMC) Chapter 8-05 addresses towing operations in the City and defines a "storage facility" as "any property used for the storage of motor vehicles towed from a private parking facility." This definition is consistent with the description of a vehicle storage use in TDC 39.430 and refers to a vehicle storage facility/operation/use separately and distinctly from a parking area. Therefore, the planned towing and vehicle storage facility is considered a "storage facility" and not a "parking area" or "parking lot" for the purposes of this land use application.

Additionally, the site is associated with an existing unpermitted gravel storage area on the west portion of the site. To begin the mitigation process, a land use application form and fee were submitted to the City of Tualatin on September 3, 2024 (Local File No. AR24-0006). A subsequent notice from the City was received on September 30, 2024, that identified completeness items; this submittal package is intended to provide the requested information and materials to establish a complete application.

This application includes the forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The subject site is the eastern portion of Tax Lot 2100 of Washington County Assessor's Map 2S121A that is bisected by SW 128th Avenue. The subject site is ±10.7 acres of the larger ±28.24-acre property, and the project area is limited to ±2.3 acres in the northwest corner near SW 128th Avenue. The site is located within the ML zoning district. The site is bordered by an industrial property to the north, the unimproved right-of-way of SW Cummings Street to the south, SW 128th Avenue to the west, and SW 124th Avenue to the east. The site contains an existing graded gravel area in the west portion of the site that is planned to be improved to City standards as part of this application. The majority of the east and south portions of the site contain natural resources that are planned to be protected and not impacted by the planned improvements.

III. Applicable Review Criteria

CITY OF TUALATIN DEVELOPMENT CODE

CHAPTER 32 – PROCEDURES

TDC 32.010. Purpose and Applicability.



- (1) *Purpose.* The purpose of this Chapter is to establish standard procedures for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Chapter is intended to enable the City, the applicant, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 32-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- (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
Architectural Review	II	City Manager	City Council	Yes	Yes

Response: This application includes site improvements on a vacant property in the City’s ML zoning district. The Preliminary Plans (Exhibit A) indicate that modifications to the site will include a new vehicle storage area and affiliated stormwater facility. Per Tualatin Development Code (TDC) Table 60-1, Vehicle Storage is permitted outright in the ML zoning district. TDC 33.020(2)(b) requires that new vehicle storage facilities be reviewed through an Architectural Review application. TDC Table 32-1 requires that applications for Architectural Review follow the Type II procedure. Therefore, this application will be reviewed following the City’s Type II procedure.

TDC 32.110. Pre-Application Conference.

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- (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.

Response: A pre-application conference regarding this project was held on January 31, 2024. The project design has not substantially changed since the meeting. This requirement is satisfied. See Exhibit F for materials from the pre-application conference.

TDC 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.

Response: Consistent with the requirements in TDC 32.120, a neighborhood meeting was held regarding this project on February 19, 2025. A meeting notice was mailed to the relevant parties on February 4, 2025, at least 14 days before the meeting, consistent with TDC 32.120(5)(a) and (b). A sign was posted on the site per TDC 32.120(6). The requisite affidavits and meeting materials are included in Exhibit G.

TDC 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:
(...)
 - (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;

Response: The subject site is within the MI zoning district and the planned use is an industrial use. The subject site is not located within the boundaries of a City-recognized Citizen Involvement Organization (CIO). A neighborhood meeting was held on February 19, 2025, where members of the community were welcome to provide feedback on the planned improvements. No members of the public attended the neighborhood meeting. Therefore, the Applicant’s team made reasonable efforts to provide opportunities for public comment, given the subject site is not within a CIO boundary.

CHAPTER 33 - APPLICATIONS AND APPROVAL CRITERIA

TDC 33.020. Architectural Review.

- (1) *Purpose.* The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and the lack of proper attention to site development and landscaping, in the business, commercial, industrial, and certain residential areas of the City hinders the harmonious development of the City; impairs the desirability of residence, investment or occupation in the City; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the City; and destroys a proper relationship between the taxable value of property and the cost of municipal services therefore. The purposes and objectives of community design standards are to:
 - (a) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of development.
 - (b) Discourage monotonous, drab, unsightly, dreary and inharmonious development.
 - (c) Promote the City's natural beauty and visual character and charm by ensuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain, natural environment, and landscaping. Exterior appearances of structures and other improvements should enhance these qualities.
 - (d) Encourage site planning and development to incorporate bikeways, pedestrian facilities, greenways, wetlands, and other natural features of the environment and provide incentives for dedication of access easements and property to the public through shift of residential density, system development charge credits, landscaping credits and setback allowances.
 - (e) Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
 - (f) Stabilize and improve property values and prevent blighted areas and thus increase tax revenues.
 - (g) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.
 - (h) Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.

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- (i) Sustain the comfort, health, safety, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City.
 - (j) Determine the appropriate yard setbacks, building heights, minimum lot sizes when authorized to do so by City ordinance.
 - (k) Ensure all public facilities including right-of-way, water, sewer, and storm systems are adequate to serve the development.

Response: This section is a purpose statement and does not include criteria or standards. The provided exhibits and responses to code sections within this written narrative demonstrate how this project is compatible with the purposes and objectives of the community design standards listed in TDC 33.020(1)(a) through (k).

(2) **Applicability.**

(a) The following types of development are subject to Architectural Review:

- (i) Any exterior modifications to improved or unimproved real property;
- (ii) Any remodeling that changes the exterior appearance of a building;
- (iii) Any site alteration which alters the topography, appearance or function of the site; and
- (iv) Any change in occupancy from single family use to commercial or industrial use.

Response: This application involves improvements to a vacant property in the City's ML zoning district. The Preliminary Plans (Exhibit A) demonstrate that modifications to the site will include paving for a towing and vehicle storage area. Per the applicability standards in TDC 33.020(2)(a), an Architectural Review application is required.

(3) **Types of Architectural Review Applications—Procedure Type.**

(...)

(f) *General Development.* All development applications, (except Single Family Dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster, Clear and Objective and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.

Response: The definition of "development" in TDC 31.060 is: "a planning or construction project involving property improvement, or a change of land-use character within the site; the act of using land for building or extractive purposes." This application includes improvements that meet the definition of "development" on an industrially designated property. Therefore, this application is being processed through a Type II review procedure.

(4) *Application Materials.* The application must be on forms provided by the City. In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:

- (a) The project name and the names, addresses, and telephone numbers of the architect, landscape architect, and engineer on the project;

Response: The project name and applicant team information are provided on the land use application form and on the Preliminary Plans (Exhibit A). This requirement is met.

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- (b) Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;

Response: The Preliminary Plans in Exhibit A include an Existing Conditions Plan, Preliminary Demolition Plan, Preliminary Grading and Erosion and Sediment Control Plan, Preliminary Site Plan and Stormwater Plan, and Preliminary Landscape Plan. Each sheet identifies the applicable engineering scale. This requirement is met.

- (c) A building materials plan that includes a written description and image representation of facade, windows, trim, and roofing materials, colors, and textures;

Response: This application involves a towing and vehicle storage area and does not include new structural improvements. Therefore, this requirement is not applicable.

- (d) Title report; and

Response: A Preliminary Title Report is included in Exhibit C. This requirement is met.

- (e) A Service Provider Letter from Clean Water Services.

Response: Service provider letters (SPLs) from Clean Water Services (CWS), Republic Services, and Tualatin Valley Fire & Rescue (TVF&R) are provided in Exhibit I. The requirement is met.

- (5) Approval Criteria.

(...)

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

Response: Responses throughout this written narrative and the provided exhibits demonstrate how this project meets the applicable standards and objectives outlined in TDC Chapters 73A through 73G. The criterion in TDC 33.020(5)(c) is satisfied.

(...)

- (6) Conditions of Approval.

- (a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:

- (i) Implement identified public facilities and services needed to serve the proposed development;
- (ii) Implement identified public facilities and services needed to be altered or increased attributable to the impacts of the proposed development; and
- (iii) Implement the requirements of the Tualatin Development Code.

Response: It is understood at the above conditions may be applied to this application. The availability and adequacy of public improvements as well as the additional requirements of the development code are addressed herein.

TDC 33.110. Tree Removal Permit/Review.

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

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements require the removal of ±11 trees on the site that are not within the public right-of-way. Therefore, the standards of this section are applicable.

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

Response: This application does not include an exemption to the tree removal standards of this section.

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

Response: This application includes tree removal and is being submitted with an Architectural Review application. Therefore, tree removal can be assessed in conjunction with the Architectural Review decision.

- (5) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), an applicant must submit the following:

- (a) *Tree Preservation Plan.* A tree preservation plan drawn to scale must include:
- (i) The location, size, species, and tag identification number of all trees on-site eight inches or more in diameter;
 - (ii) All trees proposed for removal and all trees proposed to be preserved;
 - (iii) All existing and proposed structures;
 - (iv) All existing and proposed public and private improvements; and
 - (v) All existing public and private easements.

Response: The required items listed above are provided in the Preliminary Plans (Exhibit A). This requirement is met.

- (b) *Tree Assessment Report.* A tree assessment prepared by a certified arborist must include:
- (i) An analysis as to whether trees proposed for preservation may be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved;
 - (ii) An analysis as to whether any trees proposed for removal could reasonably be preserved in light of the development proposed and health of the tree;
 - (iii) A statement addressing the approval criteria set forth in TDC 33.110(5);
 - (iv) The name, contact information, and signature of the arborist preparing the report; and
 - (v) The tree assessment report must have been prepared and dated no more than one calendar year preceding the date the development or Tree Removal Permit application is deemed complete by the City.

Response: The planned improvements include a paved towing yard and vehicle storage area. The trees planned to be removed are necessary in order to facilitate the planned site paving and associated improvements. Trees planned for removal would inhibit the planned use of the site if retained and would present a hazard to vehicles stored on the site. This narrative addresses the standards of TDC 33.110(5). Tree removal information is provided in the Preliminary Plans (Exhibit A) and is signed and stamped by a licensed surveyor. Therefore, the requirements of the tree assessment report are provided, as applicable.

- (c) *Tree Tags.* All trees on-site must be physically identified and numbered in the field with an arborist-approved tagging system that corresponds to the Tree Preservation Plan and Tree Assessment Report.

Response: The trees on the subject site have been identified and numbered in accordance with the Preliminary Plans in Exhibit A. This requirement is met.

(6) **Approval Criteria.**

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

(...)

- (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.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements that are subject to Architectural Review require the removal of ±11 trees. Therefore, this criterion is met.

(...)

- (7) *Emergencies.* If emergency conditions occur requiring the immediate cutting or removal of trees to avoid danger or hazard to persons or property, an emergency permit must be issued by the City Manager without payment of a fee and without formal application, provided the owner provides enough information to the City Manager to document that an emergency exists. If an emergency exists and the City Offices are closed, the emergency condition may be abated provided the person files information documenting the emergency and necessity of immediate removal of the tree as soon as practical after the City Offices reopen. An "emergency condition" for purposes of this section is when a tree presents an immediate danger of collapse, and represents a clear and present hazard to persons or property. For the purposes of this section, "immediate danger of collapse" means that the tree is already leaning, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree cutting permit could be obtained through the nonemergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment. Examples of emergency conditions include:

- (a) A tree leaning on a structure;
- (b) A tree leaning on another tree and there is a significant likelihood that the tree will topple or otherwise fail; or
- (c) If a utility service has been interrupted and repairs cannot be completed without the removal of a tree.

Response: This application does not include removal of trees for emergency conditions described above. This standard is not applicable.

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- (8) *Conditions of Approval.* Any tree required to be retained must be protected in accordance with the TDC 73B and 73C.

Response: This standard is understood.

- (9) *Permit Expiration.* A Tree Removal Permit is valid for one year from the date of issue. A Tree Removal Permit approved in conjunction with an Architectural Review, Subdivision, or Partition decision is valid as provided in the terms of the Architectural Review, Subdivision, or Partition decision.

Response: This standard is understood.

- (10) *Tree removal in violation of Zone Standards.*
- (a) In addition to any applicable civil violation penalties, any property owner who removes, or causes to be removed, one or more trees in violation of applicable TDC provisions must pay an Enforcement Fee and a Restoration Fee to the City of Tualatin, as follows:
- (i) Enforcement Fee of \$837.00 per incident, plus \$10.00 for each tree removed; and
- (ii) Restoration Fee of \$2,000.00 per tree removed.
- (b) The City Manager may administratively reduce or waive these fees based upon a demonstration of hardship, adequate mitigation, or other good cause shown.

Response: This standard is understood.

CHAPTER 60 - LIGHT MANUFACTURING ZONE (ML)

TDC 60.100. Purpose.

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

Response: As demonstrated by the application materials and discussed herein, the subject site is planned for an industrial use and is not adjacent to commercial or residential uses. The planned industrial use (a towing yard and vehicle storage facility) does not pose an environmental hazard to the environment, life, and safety. As discussed below, the planned industrial use is a permitted use in the ML zoning district. Therefore, the planned site improvements meet the intended purpose of the ML zoning district.

TDC 60.200. Use Categories.

- (1) Use Categories. Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the ML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 60-1 and restrictions identified in TDC 60.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

- (2) Use Categories in the Limited Commercial Setback. Commercial uses may be further restricted within the Limited Commercial Setback, see TDC 60.210(4).
- (3) Overlay Zones. Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 60-1 Use Categories in the ML Zone	
Vehicle Storage	P (L) Vehicle storage not permitted within the Limited Commercial Setback. Vehicles sales not permitted. All other uses permitted outright in other locations.

Response: This project will establish a towing and vehicle storage facility that is consistent with characteristics and examples of light manufacturing uses listed in TDC 39.400. According to Tualatin’s geographic information system (GIS), the subject property is in the ML zoning district. Per TDC Table 60-1, vehicle storage is permitted in the ML zoning district.

TDC 60.300. Development Standards.

Development standards in the ML zone are listed in Table 60-2. Additional standards may apply to some uses and situations, see TDC 60.310.

Table 60-2 Development Standards in the ML Zone		
STANDARD	REQUIREMENT	LIMITATIONS AND CODE REFERENCES
LOT SIZE		
Minimum Lot Size	20,000 square feet	
LOT DIMENSIONS		
Minimum Lot Width	100 feet	When lot has frontage on public street, minimum lot width at the street is 100 feet. When lot has frontage on cul-de-sac street, minimum lot width at the street is 50 feet.
Infrastructure and Utilities Uses	—	As determined through the Subdivision, Partition, or Lot Line Adjustment process
Flag Lots	—	Must be sufficient to comply with minimum access requirements of TDC 73C.

Response: The ±10.7-acre site is a portion of a ±28.24-acre property within the City’s ML zoning district. This application will not result in alterations to the existing property configuration. The lot size and dimension standards in TDC Table 60-2 are met.

MINIMUM SETBACKS		
Front	30 feet	
Front Setback Adjacent to Residential or Manufacturing Park Zone	50 feet	
Side	0-50 feet	Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Side Setback Adjacent to Residential or Manufacturing Park Zone	50 feet	
Rear	0-50 feet	Determined through Architectural Review process. No minimum setback if adjacent to railroad right-of-way or spur track.
Rear setback adjacent to Residential or Manufacturing Park Zone	50 feet	
Parking and Circulation Areas	5 feet	No minimum setback required adjacent to joint access approach in accordance with TDC 73C.
Parking and Circulation Areas Adjacent to Residential or Manufacturing Park (MP) District	10 feet	
Fences	10 feet	From public right-of-way.

Response: Per TDC Table 60-2, the setback requirements for the ML zoning district are generally determined by the surrounding uses or through the Architectural Review process. The objective standards are limited to the front setback, parking area setback, and setbacks for fences from the right-of-way. Based on the City’s definition of “setback” and “front lot line” in TDC 31.060, the subject property has a front lot line along SW 128th Avenue (“If two or more lot lines abut a street, the shortest of the lot lines is the front lot line...”). The ±10.7-acre subject site is bordered by SW 128th Avenue to the west, SW 124th Avenue to the east, the unimproved right-of-way of SW Cummings Street to the south, and an industrial property to the north. Therefore, based on the definitions in TDC 31.060, the site has one front lot line (west), two side lot lines (north and south), and one rear lot line (east).

Access to the subject site is provided via an existing driveway onto SW 128th Avenue. As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include the retention of an existing mobile office structure on the subject site. The planned mobile office is set back ±23 feet from the right-of-way of SW 128th Avenue. The south and east portions of the subject site contain significant wetlands that limit the developable area of the site. Therefore, this application includes a setback reduction for development adjacent to natural areas. See findings in response to TDC 60.310(4) below for additional findings.

The portion of the subject site lying west of SW 128th Avenue as well as abutting properties to the south carry a General Manufacturing (MG) zoning designation, while properties to the east (across SW 124th Avenue) are designated Manufacturing Park (MP).

Adjoining property to the north shares the ML zoning designation. The rights-of-way of SW 124th and 128th Avenues are fully improved where they abut the subject site. The unimproved right-of-way of SW Cummings Street along the south boundary of the site is not necessary or planned to be improved as part of this application. As such, it is anticipated that no additional setbacks will be applied to other project features through the discretionary Architectural Review procedure. The minimum setback requirements in TDC Table 60-2 are met.

STRUCTURE HEIGHT		
Maximum Height	50 feet	May be increased to 85 feet if yards adjacent to structure are not less than a distance equal to the height of the structure. Measured at the 50-foot setback line, includes flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot setback line at a slope of 45 degrees extending away from the 50-foot setback line. Flagpoles may extend to 100 feet.
Maximum Height Adjacent to Residential Zone	28 feet	

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements do not include a new permanent structure. An existing mobile office on the site is planned to be retained and is less than 50 feet tall. The planned improvements do not abut a residential zone. Therefore, the standards above are met.

TDC 60.310. 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.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a paved towing yard and vehicle storage area within perimeter fencing. As described above, the planned improvements constitute a permitted outdoor use. This standard is met.

(...)

(4) *Setback Reduction for Developments Adjacent to Greenways and Natural Areas.* To preserve natural areas and habitat for fish and wildlife, the decision-making authority may provide a front, side, or rear yard setback reduction for developments that are adjacent to Greenways or Natural Areas that dedicate land for conservation or public recreational purposes, in accordance with the following standards:

(a) *Setback Reduction.* All permitted uses may be allowed a reduction of up to 35 percent of the front, side, or rear yard setbacks, as determined through the Architectural Review process, if as a result the buildings are farther away from fish and wildlife habitat areas.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site contains significant wetlands on the south and east portions of the site that limit the developable area of the property. The subject site contains an existing mobile office on the west portion of the

site that is planned to be retained as part of this application. The mobile office is planned to remain in its current location in order to avoid additional impacts to the identified natural resources on the site. Moving the structure further east (in order to meet the standard 30-foot front setback) would impede circulation in the towing yard/vehicle storage area and require expansion of the paved area to the east, creating additional impacts to the wetland. Therefore, reducing the front setback to allow the mobile office to remain “as-is” will protect the existing natural resources on-site.

The minimum front setback in the ML zoning district is 30 feet. The mobile office is planned to be located ±23 feet from the front property line. This represents a ±23 percent setback reduction and is an allowable setback reduction under the provisions of this section. Therefore, this standard is met.

- (b) *Location of Greenway or Natural Area Lot.* A portion of the parcel must be located in one of the following conservation or protection areas:
 - (i) Natural Resource Protection Overlay (NRPO) District (TDC Chapter 72); or
 - (ii) Clean Water Services Vegetated Corridor.

Response: As demonstrated by the Preliminary Plans (Exhibit A) and described herein, the subject site contains portions of the Wetland Conservation Natural Area (WCNA) and the CWS Vegetated Corridor. See findings in response to TDC Chapter 72 below for additional information. This standard is met.

- (c) *Ownership of Greenway or Natural Area Lot.* The ownership of each Greenway or Natural Area Lot must be one of the following:
 - (i) Dedicated to the City at the City's option;
 - (ii) Dedicated in a manner approved by the City to a non-profit conservation organization; or
 - (iii) Retained in private ownership.

Response: The natural area on the subject site is retained in private ownership and protected through a permanent conservation easement (Document No. 2010-040750). This standard is met.

- (d) *Ownership Considerations.* The decision-making authority must consider, but is not limited to, the following factors when determining the appropriate ownership of the Greenway or Natural Area Lot:
 - (i) Does the Park and Recreation Master Plan designate the lot for a greenway, pedestrian or bike path, public park, recreation, overlook or interpretive facility, or other public facility;
 - (ii) Does the lot include one or more designated Heritage Trees, or one or more significant trees;
 - (iii) Does the lot provide a significant view or esthetic element, or does it include a unique or intrinsically valuable element;
 - (iv) Does the lot connect publicly owned or publicly accessible properties;
 - (v) Does the lot abut an existing park, greenway, natural area or other public facility;

-
- (vi) Does the lot provide a public benefit or serve a public need;
 - (vii) Does the lot contain environmental hazards;
 - (viii) Geologic stability of the lot; and
 - (ix) Future maintenance costs for the lot.

Response: The ownership consideration factors above are understood, although it is not anticipated that ownership of the significant natural area on the site needs to be changed.

CHAPTER 63 - INDUSTRIAL USES AND UTILITIES AND MANUFACTURING ZONES—ENVIRONMENTAL REGULATIONS

TDC 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.

Response: This application includes a new paved outdoor vehicle storage area on a property in the ML zoning district. Therefore, the requirements of this section are applicable.

TDC 63.051. Noise.

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

TDC 63.052. Vibration.

- (1) **Restrictions.** All uses and development must not cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section.
 - (a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district must not exceed 0.01 inches per second (0.00025 meters per second) RMS velocity.
 - (b) Ground vibration as measured at a common property boundary of any two properties within any industrial planning district must not exceed 0.1 inches per second (0.0025 meters per second) RMS velocity.
- (2) **Method of Measurement.** Vibration measurement procedures must conform to the methods described in this section and to procedures approved by the Oregon Department of Environmental Quality.
 - (a) Instrumentation must be capable of measuring RMS value of the vibration velocity over the frequency range of ten to 1,000 hertz.
 - (b) Measurement values must be recorded for a sufficient period of observation to provide a representative sample.
 - (c) Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of nine inches (22.9 cm.) in length, driven flush with the ground surface.
- (3) **Exemptions.** The requirements of TDC 63.052(1) do not apply to:
 - (a) Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad;
 - (b) Vibration resulting from the operation of any road vehicle;

-
- (c) Vibration resulting from construction activities and use of construction equipment; and(d)Vibration resulting from roadway maintenance and repair equipment.

TDC 63.053. Air Quality.

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

TDC 63.054. Odors.

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

Response: The site complies with Oregon Department of Environmental Quality (DEQ) provisions in regard to elements of air quality and odor. Noise levels typical of paved towing yard and vehicle storage area occur and are expected to occur. Some amount of noise and vibration are typical of land uses involving towing yards and vehicle storage of vehicles, and these land uses will comply with the applicable local standards and hours of operation. Uses that could generate ground vibration, such as operating tow trucks, will not cause vibration perceptible beyond the property lines due to topography. The criteria are met.

TDC 63.055. Heat and Glare.

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

Response: The planned improvements include a towing yard and vehicle storage facility and will not generate heat and glare. These regulations are not applicable.

TDC 63.056. Storage and Stored Materials.

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a ±6-foot-tall, slatted chain-link fence to screen the planned towing yard and vehicle storage facility from the adjacent right-of-way and abutting properties. These regulations are met.

TDC 63.057. Liquid or Solid Waste Materials.

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

Response: This regulation is understood and planned to be met. See the SPL from Republic Services in Exhibit I for authorization of the planned solid waste disposal facilities.

TDC 63.058. Dangerous Substances.

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

Response: The planned improvements do not include the storage, transfer, or processing of hazardous, toxic, or radioactive waste. This regulation is met.

CHAPTER 70 - FLOODPLAIN DISTRICT (FP)

GENERAL PROVISIONS

TDC 70.040. Lands to Which This Chapter Applies.

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

Response: As demonstrated by the Federal Emergency Management Agency (FEMA) FIRMette Map (Exhibit J), the subject site contains land identified with special flood hazard area. Therefore, the requirements of this chapter are applicable.

(...)

ADMINISTRATION

TDC 70.110. Development Permit Required.

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements are not located within an area of special flood hazard. The base flood elevation falls within the on-site pond. Therefore, a development permit for improvements within the floodplain is not required.

(...)

CHAPTER 72 - NATURAL RESOURCE PROTECTION OVERLAY DISTRICT (NRPO)

TDC 72.011. Criteria for Determining Significant Natural Resources.

- (1) The Significant Resource Criteria in Subsections (2-3) must be considered when determining whether a natural resource site is a Significant Natural Resource or is not significant.
- (2) Significant Resource Criteria—Wetlands Not in Riparian Corridors.
 - (a) *Exclusions.* Wetland natural resources are not significant if they fall within any one of the following categories:
 - (i) Wetlands artificially created entirely from upland that are:

- (A) Created for the purpose of controlling, storing or maintaining stormwater; or
 - (B) Active surface mining or active log ponds; or
 - (C) Ditches without a free and open connection to natural waters of the state (as defined in OAR 141-85-010(9) and which do not contain food or game fish (as defined in ORS 496.009); or
 - (D) Less than one acre in size and created unintentionally as the result of irrigation water overflow or construction activity not related to compensatory mitigation for permitted wetland impacts; or
 - (E) Of any size and created for wastewater treatment, farm or stock watering, settling of sediment, cooling industrial water, or as a golf course hazard.
- (ii) Wetlands or portions of wetlands that are contaminated by hazardous substances, materials or wastes as per the following conditions:
- (A) The wetland is documented as contaminated on either the U.S. Environmental Protection Agency's (EPA) National Priority List, or the Department of Environmental Quality's (DEQ) Inventory of Hazardous Substance Sites (ORS 465.225).
 - (B) Only the portion of the wetland affected by such hazardous substances shall be excluded from significance analysis.

Response: The wetlands located on the subject site do not fall within the exceptions listed above.

- (b) A Wetland natural resource is a Significant Natural Resource if it meets one or more of the following criteria:
- (i) The site has a rating of "High" in at least one of the following environmental categories in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) Wetland and Natural Areas Inventory Environmental and Social Value Assessment:
 - (A) *Fish Habitat Value.* The assessment values use the low-medium-high rating for a site based on the modified fish habitat and wildlife habitat assessment methods used in the City of Tualatin Natural Resource Inventory. Fish habitat rates high if potential fish habitat exists.
 - (B) *Wildlife Habitat Value.* Evaluates habitat diversity. Areas with permanent or seasonal water, diverse vegetation and structure, and interspersed plant communities rate high. Wildlife habitat value also increases with the size of the site and linkage to open space habitat.
 - (C) *Hydrologic Control, Water Quality Protection, and Water Quality Potential.* Resource sites that provide or have the potential to provide water quality protection to receiving streams or stormwater detention within the watershed are important and are rated high.
 - (ii) The wetland or a portion of the wetland occurs within a horizontal distance of less than one-fourth mile from a water body listed by the Oregon Department of Environmental Quality (DEQ) as a water

quality limited body [303(d) list) and the wetland' s water quality protection or potential function is described as High or Medium in the Wetlands and Natural Areas Assessment.

- (iii) The site has a presence of one or more rare or locally unique plant communities that are relatively undisturbed with few or no non-native plants.
 - (iv) The site has a presence of a plant or animal species that is state or federally listed as sensitive, rare, threatened or endangered, or is a critical habitat for such listed species, unless the appropriate state or federal agency indicates that the wetland is not important for the maintenance of the species.
- (3) Significant Resource Criteria—Streams, riparian corridors, forests, meadows and geologic features. A stream, riparian corridor, forest, meadow or geologic feature site is a significant resource site if it meets one or more of the following criteria:
- (a) The site has a presence of a plant or animal species that is state or federally listed as sensitive, rare, threatened or endangered, or is a critical habitat for such listed species;
 - (b) The site has a presence of a physical feature that is designated as a scenic river or natural or geologic resource by county or regional government, or state or federal agencies. This includes but is not limited to designation as a significant natural resource or geologic area. Physical features do not include buildings or other constructed features.
 - (c) The site has a presence of one or more relatively undisturbed native plant communities with few or no non-native plants.
 - (d) The site has a rating of "High" in at least one of the following environmental categories in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) Wetland and Natural Areas Inventory Environmental and Social Value Assessment:
 - (i) *Fish Habitat Value.* The assessment values use the low-medium-high rating for a site based on the modified fish habitat and wildlife habitat assessment methods used in the City of Tualatin Natural Resource Inventory. Fish habitat rates high if potential fish habitat exists.
 - (ii) *Wildlife Habitat Value.* Evaluates habitat diversity. Areas with permanent or seasonal water, diverse vegetation and structure, and interspersions of plant communities rate high. Wildlife habitat value also increases with the size of the site and linkage to open space habitat.
 - (iii) *Hydrologic Control, Water Quality Protection, and Water Quality Potential.* Resource sites that provide or have the potential to provide water quality protection to receiving streams or stormwater detention within the watershed are important and are rated high.
 - (iv) *Ecological Integrity.* Sites are rated high if they provide ecosystem linkage or continuity, allow wildlife passage between larger habitat units or genetic flow between plant populations, provide critical habitat for certain life history stages of sensitive fish and wildlife species, or other watershed or ecosystem functions. This criterion regards the both the ecological integrity and connectivity assessments of the site.
 - (v) *Uniqueness.* Site contains fish and wildlife species, wildlife habitat, plant communities or geologic features that are unique in the

Tualatin area. Uniqueness is a consideration of the quantity and quality of a particular resource site relative to other resources in the Tualatin area.

- (e) A non-wetland site has a rating of "High" in at least two of the following social categories in the City of Tualatin Natural Resource Inventory (December, 1995) Wetland and Natural Areas Inventory Environmental and Social Value Assessment:
 - (i) *Educational Value and Scientific Research.* Sites are rated high if they provide potential educational opportunities for local schools or parks and recreation programs or research opportunities for the scientific community. This value is dependent on access and distance from schools.
 - (ii) *Aesthetic or Scenic Qualities, or Visual or Noise Buffering Qualities.* Rating aesthetic or scenic quality is based on visual characteristics. Buffering qualities refer to the site's ability to serve as a buffer to unattractive or noisy areas such as the interstate freeways.
 - (iii) *Opportunity for Passive Recreation.* Rating for recreational opportunity is based on a combination of the availability of public access, environmental value, aesthetic and/or scenic value, and low probability for recreational uses that will adversely affect environmental, aesthetic or scenic values.
- (f) Meets the definition of a riparian corridor in OAR-660-090-(5) and any other criteria in subsections (3)(a-e) and (3)(g).
- (g) In addition to (a)—(f) above, a final decision to determine whether a resource site is significant or not significant shall consider information about the resource site from all available sources, including but not limited to property owners and interested citizens, and may use factors not listed in criteria (a)—(f) above provided that it is shown the factor(s) address the issue of whether or not the site is significant.

Response: As depicted by the table in TDC Section 72.013 below, the subject site contains portions of a wetland identified in the City of Tualatin Local Wetland Inventory of 1995 (Wetland W38) and a non-wetland resource (uplands) identified by the City’s 1995 Environmental and Social Values Assessment (F25). The wetland has a rating of “high” in wildlife habitat value, water quality protection, and hydrologic control. The uplands have a rating of “high” in aesthetic quality. Therefore, the wetland and non-wetland resources on the site are considered Significant Natural Resources.

TDC 72.013. Significant Natural Resources.

The following natural resource sites identified in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) are Significant Natural Resources:

Unit #	Resource #	Assessors Map and Tax Lot
		(Unit C: Cummins Creek; H: Hedges Creek; N: Nyberg Creek; S: Saum Creek; SD: Seeley Ditch; T: Tualatin River)
C1	F25	2S121A002100
C1	W38	2S121A002100

Response: The sites listed in the table above are identified in the City of Tualatin Natural Resource Inventory and are located on the subject site.

(...)

TDC 72.040. Natural Areas.

- (1) Natural Areas are the wetlands and upland open space areas on Map 72-1. They provide flood control, water quality, erosion control, fish and wildlife habitat, and valuable scenic qualities. Natural Areas may include restored and enhanced wetlands, park sites and other areas accessible by the public for passive recreation.
- (2) Wetland Natural Areas.
 - (a) Wetland Preservation Natural Areas (NRPO-WPNA) are shown on Map 72-1. They include all land within a delineated wetland boundary.
 - (b) Wetland Conservation Natural Areas (NRPO-WCNA) are shown on Map 72-1. Except as provided in Subsection (c), they include all land within a delineated wetland boundary.
 - (c) For uses not permitted in TDC 72.060(3), excavation, fill or removal in a NRPO-WCNA is allowed subject to the Oregon Division of State Lands (DSL) requirements and the following standards:
 - (i) The wetland acreage affected by the excavation, fill or removal shall not exceed 30 percent of the subject property's delineated wetland acreage. The wetland acreage affected shall include excavation, fill or removal activities conducted since March 1, 1996.
 - (ii) The excavation, fill or removal shall not reduce or block water features such as springs, drainage courses and streams.
 - (iii) The wetland's functions and values listed in the City of Tualatin Natural Resource Inventory and Local Wetlands Inventory (December, 1995) shall be retained or improved through mitigation and/or enhancement. The wetland's functions and values may be assessed using the Oregon Freshwater Wetland Assessment Methodology (DSL, 1996, as amended).
 - (iv) Mitigation shall be conducted either on the subject property or within the same stream watershed as the subject wetland unless the applicant demonstrates the impracticality of doing so.

Response: As discussed above and demonstrated by Map 72-1, the subject site contains a Wetland Conservation Natural Area (NRPO-WCNA). Therefore, standards related to wetland natural areas are applicable.

(...)

TDC 72.056. Vegetated Corridors of Sensitive Areas.

Lands subject to these regulations are also subject to the regulations in Clean Water Services Design and Construction Standards.

Response: This standard is understood. An SPL from CWS is included in Exhibit I.

TDC 72.060. Development Restrictions in Greenways and Natural Areas.

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements are not located within the designated natural resource area on the site. The planned improvements do not include or require the above activities within the NRPO-WCNA area. Therefore, this provision is met.

-
- (2) The following uses, activities and types of development are permitted within Riverbank, Creek and Other Greenways, and Wetland and Open Space Natural Areas provided they are designed to minimize intrusion into riparian areas:
- (a) Public bicycle or pedestrian ways, subject to the provisions of TDC 72.070.
 - (b) Public streets, including bridges, when part of a City approved transportation plan, and public utility facilities, when part of a City approved plan and provided appropriate restoration is completed.
 - (c) Except in Wetland Natural Areas, private driveways and pedestrian ways when necessary to afford access between portions of private property that may be bisected by a Greenway or Open Space Natural Area.
 - (d) Except in Creek Greenways and Wetland Natural Areas, outdoor seating for a restaurant within the Central Urban Renewal District, but outside of any sensitive area or its vegetated corridor.
 - (e) Public parks and recreational facilities including, but not limited to, boat ramps, benches, interpretive stations, trash receptacles and directional signage, when part of a City-approved Greenway or Natural Area enhancement plan.
 - (f) Landscaping, when part of a landscape plan approved through the Architectural Review process. City initiated landscape projects are exempt from the Architectural Review process. Landscaping in Greenways and Natural Areas shall comply with the approved Plant List in the Parks and Recreation Master Plan. When appropriate, technical advice shall be obtained from the Oregon Department of Fish and Wildlife, U.S. Soil Conservation Service, or similar agency, to ensure the proposed landscaping will enhance the preservation of any existing fish or wildlife habitats in the vicinity.
 - (g) Wildlife protection and enhancement, including the removal of non-native vegetation and replacement with native plant species.
 - (h) Except in Wetland Natural Areas, public boating facilities, irrigation pumps, water-related and water-dependent uses including the removal of vegetation necessary for the development of water-related and water-dependent uses, and replacement of existing structures with structures in the same location that do not disturb additional riparian surface.
 - (i) In Wetland Natural Areas, perimeter mowing and other cutting necessary for hazard prevention.

Response: The planned improvements do not include the activities listed above. This provision is not applicable.

- (3) The City may, through the subdivision, conditional use, architectural review, or other development approval process, attach appropriate conditions to approval of a development permit. Such conditions may include, but are not limited to:
- (a) Use of Greenways and Natural Areas for storm drainage purposes;
 - (b) Location of approved landscaping, pedestrian and bike access areas, and other non-building uses and activities in Greenways and Natural Areas;
 - (c) Setback of proposed buildings, parking lots, and loading areas away from the Greenway and Natural Area boundary.

Response: This provision is understood.

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site does not feature an access easement owned by the City within the on-site natural area. This provision is not applicable.

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

Response: This application does not include the dedication of a greenway or natural area to the City. This provision is not applicable.

TDC 72.120. Wetlands Protection District.

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

Response: The subject site does not contain land within the Wetlands Protection District. This section is not applicable.

TDC 72.130. Floodplain District.

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

Response: This provision is understood. The standards of Chapter 70 are addressed previously in this narrative.

TDC 72.150. Modifications for Storm Drainage Improvements.

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements do not include the alteration, enlargement, straightening, piping, or modification to a creek channel. This provision is not applicable.

CHAPTER 73A - SITE DESIGN STANDARDS

TDC 73A.110. General Design Standards.

The following standards are the minimum requirements for nonresidential development in all zones, except the Mixed-Use Commercial (MUC) and Basalt Creek Employment (BCE) zones, which have separate standards:

- (1) *Walkways.* Development must provide walkways as follows:
 - (a) Walkways must have a minimum width of;
 - (i) Six feet for commercial and institutional uses; and
 - (ii) Five feet for industrial uses.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a towing yard and vehicle storage facility. The site is planned to be used and accessed by vehicles and tow trucks entering and leaving the site. There is an existing sidewalk along SW 128th Avenue along the site's west boundary that meets the standards above and is not planned to be altered by the planned improvements. Considering the nature of this land use, the planned improvements do not include a pedestrian entrance, and pedestrians are not anticipated to access the site. People who visit and/or are employed at the establishment generally travel in passenger or service vehicles and generally do not arrive by foot. Additionally, as discussed in response to Section 73C.090 below, pedestrian walkways are not required for the planned vehicle storage use. Therefore, the walkway standards of this section are not applicable.

(...)

(2) **Accessways.**

(a) ***When Required.*** Accessways are required to be constructed when a multi-family development is adjacent to any of the following:

Response: This application does not include multi-family development, and the subject site does not abut multi-family development. These standards are not applicable.

(3) ***Drive-up Uses.*** When permitted, drive-up uses must comply with the following:

Response: This application does not include drive-up uses. These standards are not applicable.

(4) ***Safety and Security.*** Development must provide safety and security features as follows:

(a) **Locate windows and provide lighting in a manner that enables tenants, employees, and police to watch over pedestrian, parking, and loading areas;**

(b) **Locate windows and interior lighting to enable surveillance of interior activity from the public right-of-way;**

(c) **Locate, orient, and select exterior lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas;**

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

(e) **Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations must provide a minimum six foot tall security fence or wall.**

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a towing yard and vehicle storage area. The adjacent right-of-way of SW 128th Avenue includes streetlights that illuminate the driveway access onto the site. The planned improvements also include a mobile office. The mobile office accommodates interior and exterior building-mounted lighting to illuminate the office entrance and to provide surveillance of the office on- and off-site. Appropriate wayfinding signage/identification of the mobile office can be provided, as necessary. The new towing and vehicle storage facility is planned to be paved and used for flexible parking and storage of tow trucks and vehicles. On-site lighting for the storage area is not planned or required. Therefore, this standard is met as applicable.

- (5) *Service, Delivery, and Screening.* Development must provide service, delivery, and screening features as follows:
 - (a) Above grade and on-grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners must be screened with sight obscuring fences, walls or landscaping;
 - (b) Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and
 - (c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations must be screened with sight-obscuring fences or walls and landscaping.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the new towing and vehicle storage facility and affiliated on-site improvements are planned to be screened from the adjacent right-of-way and neighboring properties by a sight-obscuring fence. Therefore, these standards are met.

- (6) *Adjacent to Transit.* Development adjacent to transit must comply with the following:
 - (a) Development on a transit street illustrated on Comprehensive Plan Map 8-5 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.

Response: As demonstrated by Comprehensive Plan Map 8-5, the subject site abuts a transit street (SW 124th Avenue) along its east boundary. However, as shown on the Preliminary Plans (Exhibit A), the easterly portion of the site is encumbered with protected natural resources (wetlands) and is not planned to be improved. Therefore, a transit stop is not practicable along the site's SW 124th frontage. The site does not abut any other transit streets. Therefore, this standard is not applicable.

(...)

CHAPTER 73B - LANDSCAPING STANDARDS

TDC 73B.010. Landscape Standards Purpose and Objectives.

- (1) *Purpose.* The purpose of this Chapter is to establish standards for landscaping within Tualatin in order to enhance the environmental and aesthetic quality of the City.

(...)

TDC 73B.020. Landscape Area Standards Minimum Areas by Use and Zone.	
(3) CO, CR, CC, CG, ML and MG zones except within the Central Tualatin Overlay—All uses	15 percent of the total area to be developed

Response: The subject site is located in the ML zoning district. Therefore, per TDC 73B.020, 15 percent of the project area is required to be landscaped. Fifteen percent of the ±101,375-square-foot project area is ±15,207 square feet. As shown in the Preliminary Plans (Exhibit A), the landscaped areas on the subject site exceed the minimum landscaping requirement in the ML zoning district. Therefore, the requirements of TDC 73B.020 are satisfied.

Table 73B-1 Required Landscape Buffer Between Uses					
Proposed Improvement					
	Residential	Commercial	Institutional	Parking Lots 4—50 spaces	Parking Lots 50+ spaces Residential
Abutting	Industrial	D	A	D	—

Response: As noted throughout this written narrative, the subject site is within the ML zoning district and occupied by existing industrial uses. The subject site is planned to be used for a vehicle storage use. Per Table 73B-1, this project requires buffering from the adjacent industrial properties. Therefore, the standards of this section are applicable and addressed below.

TDC 73B.040. Additional Minimum Landscaping Requirements for Nonresidential Uses.

- (1) *General.* In addition to requirements in TDC 73B.020, nonresidential uses, except those located in the Mixed-Use Commercial (MUC) zone which has its own standards, must comply with the following:
 - (a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.
 - (i) This standard does not apply to areas subject to the Hedges Creek Wetlands Mitigation Agreement.

Response: As demonstrated by the Preliminary Plans (Exhibit A), areas on the subject site that are not included in the planned improvements are planned to be or will remain landscaped. This requirement is met.

- (b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way, but the following may be used instead of the 5-foot-wide landscaped area requirement:
 - (i) Pedestrian amenities such as landscaped plazas and arcades; and
 - (ii) Areas developed with pavers, bricks, or other surfaces, for exclusive pedestrian use and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies.
- (c) Five-foot wide landscaped area requirement does not apply to:
 - (i) Loading areas;
 - (ii) Bicycle parking areas;
 - (iii) Pedestrian egress/ingress locations; and
 - (iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site is planned to be screened from the adjacent public-right-of-way by a sight-obscuring fence. The new towing and vehicle storage facility is not intended to be accessible by the general public and will be used by the business and its employees only. The existing mobile office to be retained is located within the planned paved area. Areas directly adjacent to the mobile office are planned to be paved to allow employee access. Additionally, the slope between the mobile office and the fence along the western boundary is planned to be paved to

prevent erosion. The area between the sight-obscuring fence and the property line is planned to be landscaped. Therefore, the requirements above are not applicable.

- (d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.

Response: The subject site abuts the MP zoning district along its eastern boundary. It is separated from the MP zoning district by a preserved wetland area that is not planned to be improved and the right-of-way of SW 124th Avenue. Therefore, this requirement is met.

- (e) Landscape screening provisions are superseded by the vision clearance requirements of Figure 73B-4.

Response: This requirement is understood.

(2) *Wetland Buffer.* Wetland buffer areas up to 50 feet in width may be counted toward the required percentage of site landscaping, subject to the following:

- (a) Area counted as landscaping is limited to a maximum of two and one-half percent (of the total land area to be developed;
- (b) Area to be counted as landscape must be within the boundaries of the subject property;
- (c) No credit may be claimed for wetland buffer areas lying outside the lot lines of the subject parcel;
- (d) Where wetlands mitigation in the buffer has not yet occurred at the time of development, the developer must perform, or bear the cost of, all necessary mitigation work in the course of site development, in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers and the Clean Water Services; and
- (e) Where wetlands mitigation in the buffer has already been performed in accordance with a Removal/Fill Permit or permits issued by the Oregon Division of State Lands and the US Army Corps of Engineers, the developer must include an enhanced mitigation plan approved by the Oregon Division of State Lands and the Clean Water Services as part of the Architectural Review submittal. The developer must complete all work required by the enhanced wetland mitigation plan in conjunction with development of the site.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site contains an existing wetland. The 50-foot boundary around the wetland is not planned to be counted towards the minimum landscape requirements of this code. Therefore, this requirement is not applicable.

TDC 73B.060. Minimum Landscaping Standards for All Zones.

The following are minimum standards for landscaping for all zones.

Table 73B-2 Minimum Landscape Standards	
(1) Required Landscape Area	<ul style="list-style-type: none"> • Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials. <ul style="list-style-type: none"> • The foliage crown of trees cannot be used to meet this requirement. • A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.

**Table 73B-2
Minimum Landscape Standards**

	<ul style="list-style-type: none"> • Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition). • Must be controlled by pruning, trimming, or otherwise so that: • It will not interfere with designated pedestrian or vehicular access; and • It will not constitute a traffic hazard because of reduced visibility.
(2) Fences	<ul style="list-style-type: none"> • 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.
(3) Tree Preservation	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. <ul style="list-style-type: none"> • During construction: <ul style="list-style-type: none"> ◦ Must provide above and below ground protection for existing trees and plant materials identified to remain; ◦ Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; ◦ If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; ◦ Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; ◦ Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and ◦ Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. <ul style="list-style-type: none"> • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100 percent 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
(4) Grading	<ul style="list-style-type: none"> • After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. <ul style="list-style-type: none"> • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.
(5) Irrigation	<ul style="list-style-type: none"> • Landscaped areas must be irrigated with an automatic underground or drip irrigation system.
(6) Revegetation of Un-landscaped Areas	<ul style="list-style-type: none"> • Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.

Response: The above standards of Table 73B-2 are understood and planned to be met.

Table 73B-3 Landscape Buffer Between Uses	
Existing/Abutting Districts	Industrial
Industrial	N/A
Arterial Streets	A

Response: The subject site is within the ML zoning district and abuts adjacent industrially zoned properties, industrial uses, and an Arterial street (SW 124th Avenue). Therefore, the A Buffer standards are applicable.

Table 73B-4 Landscaping and Screening					
	Options	Width (feet)	Trees (per linear feet of buffer)	Shrubs or groundcovers	Screening
A	N/A	10	N/A	Lawn/living groundcover	N/A

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site abuts SW 124th Avenue along its eastern boundary. The subject site includes a wetland area between the planned improvements and its eastern boundary that meets the landscaping and screening standards of Table 73B-4 above. Therefore, these standards are met.

TDC 73B.070. Minimum Standards Trees and Plants.

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

Table 73B-5 Minimum Standards for Trees and Plants	
(5) Groundcovers	<ul style="list-style-type: none"> • Fully rooted; • Well branched or leafed; • Healthy, disease-free, damage-free, well-branched stock, characteristic of the species; and • English ivy (<i>Hedera helix</i>) is prohibited.
(6) Lawn	<ul style="list-style-type: none"> • Consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry; • 100 percent coverage and weed free; and • Healthy, disease-free, damage-free, characteristic of the species.

Response: These standards are understood and planned to be met where trees and plants are provided. See the Preliminary Landscape Plan in the Preliminary Plans (Exhibit A) for additional detail.

CHAPTER 73C - PARKING STANDARDS

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

(...)

(2) *Applicability.* The off-street parking and loading provisions of this chapter apply to all new development and modifications to existing development, including changes of use, unless otherwise stated in this chapter.

Response: This project involves a new towing yard and vehicle storage facility. The planned improvements include a new designated employee parking area adjacent to the existing

mobile office that is planned to be retained. Therefore, the standards of this chapter are applicable.

TDC 73C.020. Calculating Parking Lot Area.

Parking lot area shall be based on the cumulative area measured around the perimeter of all parking spaces, vehicle maneuvering areas, interior walkways, and interior landscaping areas. This requirement applies to parking areas scattered throughout a property or that span multiple lots but serve a common use or uses.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a towing yard and vehicle storage facility. The establishment is planned to be paved in accordance with City standards for vehicle storage uses.

Tualatin Municipal Code (TMC) Chapter 8-05 addresses towing operations in the City and defines a “storage facility” as “any property used for the storage of motor vehicles towed from a private parking facility.” This definition refers to a vehicle storage facility/operation/use separately and distinctly from a parking area and is consistent with the description of a vehicle storage use in TDC 39.430. Therefore, the planned towing and vehicle storage facility is not considered a “parking area” or “parking lot area” for the purposes of this section.

As discussed in response to Table 73C-1 below, the towing and vehicle storage use is exempt from the minimum parking requirements of this chapter. The planned improvements include ±7 employee parking spaces that are being provided voluntarily for employees only. Therefore, only the perimeter around these spaces is considered “parking lot area” for the purposes of this section.

TDC 73C.030. Parking Lot Design Requirements.

All development where new parking is provided, must comply with the following:

- (1) **Parking Space and Aisle Dimensions.** Off-street parking lot design must comply with the dimensional standards set forth in Figure 73-1.
 - (a) **Exception:** Parking structures and underground parking where space length and width requirements for a standard size space may be reduced by one-half feet and vehicular access at the entrance may be a minimum of 18 feet in width, if gated.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned parking spaces designated for employee use comply with the dimensional standards of Figure 73-1. This requirement is met.

- (2) **Surface Materials.**
 - (a) Parking areas must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel is not an acceptable material;
 - (b) Pavers, pervious concrete, or grasscrete are encouraged for parking spaces in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor; and
 - (c) Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the vehicle storage area and designated employee new parking spaces are planned to be paved, and the drainage pattern will route water flow towards the planned stormwater facility. These requirements are met as applicable.

- (3) **Wheel Stops.** Parking bumpers, wheel stops, or curbing must be provided to prevent cars from encroaching on adjacent landscaped areas, or adjacent pedestrian walkways.

Response: The planned employee parking spaces are not adjacent to landscaped areas or pedestrian walkways due to the site's topography along the west boundary. Therefore, this requirement is not applicable.

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), the new employee parking area is planned to be accessed by an existing driveway onto SW 128th Avenue. The driveway is paved, meets the City's Public Works Design Standards and does not require backing movements within the public right-of-way. These requirements are met.

- (5) **Lighting.** Artificial lighting, 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.

Response: The planned improvements do not include exterior lighting. This requirement is not applicable.

- (6) **Screening.**
- (a) Parking lot landscaping must be provided pursuant to the requirements of TDC 73C.200-230; and
- (b) 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.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned parking area designated for employee use includes landscaping in accordance with the requirements of TDC 73C.200-230. The planned parking area is not adjacent to or within a residential zone or adjacent to a residential use. These requirements are met as applicable.

- (7) **Accessible Parking.** Accessible parking spaces must meet federal and state building code standards applicable at time of construction or alteration. Such parking spaces must be sized, signed, and marked in compliance with ORS 447.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned employee parking area includes an accessible parking space. The accessible parking space is planned to meet federal and state code standards and comply with Oregon Revised Statutes (ORS) 447. This requirement is met.

-
- (8) Compact Parking. Parking spaces for sub-compact vehicles must not exceed 35 percent of the total parking provided.

Response: The planned improvements do not include compact parking. This requirement is not applicable.

- (9) Employee Parking. New commercial, institutional, and/or industrial developments with more than 50 parking spaces, must provide preferential parking for carpools and vanpools. The number of carpool/vanpool parking spaces shall be at least ten percent of the amount of parking spaces provided.

Response: The planned improvements do not include a parking area with more than 50 spaces. This requirement is not applicable.

- (10) Electrical Service Capacity. Electrical service capacity, as defined in ORS 455.417 must be provided to new off-street parking spaces subject to the following standards. Variance requests to these standards are prohibited.

- (a) Non-residential development and residential or mixed use developments with less than five dwelling units must provide electrical service capacity to a minimum of 20 percent of all off-street vehicle parking spaces on the site.

(...)

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a new vehicle parking area designated for employees only. Electrical service capacity can be provided to 20 percent of the new spaces if required by the City. Please see the Preliminary Land Use Plans (Sheet P5) in Exhibit A for additional information.

- (11) Maximum Coverage. For developments with more than 65,000 square feet of floor area on site, the total area of surface parking must not exceed the total square footage of the floor area on that site.

Response: The planned improvements do not include more than 65,000 square feet of floor area. This requirement is not applicable.

- (12) Tree Canopy. Tree canopy must be provided over parking areas in compliance with the following standards.

- (a) Developments with off-street parking areas less than one-half acre (21,780 square feet) in size, as measured using the method provided in TDC 73C.020, must provide a minimum effective tree canopy coverage of 30 percent over all parking areas.

Response: This project involves an outdoor vehicle storage facility and is not defined as a parking lot. As demonstrated by the Preliminary Landscape Plan in the Preliminary Plans (Exhibit A), the planned employee parking area is less than one-half acre in size and includes ±7 stalls and is designed with landscape islands at either end of the parking row. Trees are planned to provide canopy coverage in accordance with the requirements of this section. Therefore, this standard is met as applicable.

(...)

- (c) Development of a tree canopy plan under this section shall be done in coordination with the local utility provider.

Response: This requirement is understood and planned to be met.

- (13) Climate Mitigation. Developments with off-street parking areas of one-half acre (21,780 square feet) or more, as measured using the method provided in TDC 73C.020, must provide at least one of the following:
- (...)

Response: The planned improvements involve a vehicle storage operation and do not include a parking area of greater than one-half acre. This requirement is not applicable.

TDC 73C.040. Off-Street Vehicle and Bicycle Parking Quantity Requirements.

- (1) *Parking Table.* Table 73C-1 lists the maximum permitted vehicle and minimum required bicycle parking requirements listed for land use types.
- (2) *Parking Categories.*
- (a) *Parking Zone A.* Parking Zone A reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone A areas include those parcels that are located within the town center (Comprehensive Plan Map 10-4), one-quarter mile walking distance of bus transit stops that have 20-minute peak hour transit service, or one-half mile walking distance of light rail station platforms that have 20-minute peak hour transit service.
- (b) *Parking Zone B.* Parking Zone B reflects the maximum number of permitted vehicle parking spaces allowed for each listed land use. Parking Zone B areas include those parcels that are located within one-quarter mile walking distance of bus transit stops, one-half mile walking distance of light rail station platforms, or both, and that have a greater than 20-minute peak hour transit service. Parking Zone B areas also include those parcels that are located at a distance greater than one-quarter mile walking distance of bus transit stops and one-half mile walking distance of light rail station platforms, or both,
- (c) *Dual Parking Zones.* If a parcel is partially located within Parking Zone A, then the use(s) located on the entire parcel shall observe the Parking Zone A ratios.

Response: The subject site is not within the town center, within one-quarter mile walking distance of a bus transit stop with 20-minute peak hour service, or within one-half mile of a light rail stop. Therefore, the subject site is within Parking Zone B.

- (3) *Ratios.* Calculations to determine the parking quantities must be rounded to the nearest whole number.

Response: This requirement is understood.

- (4) *Uses Not Listed.* For uses not specifically mentioned in Table 73C-1, a use determination may be requested as provided in TDC 31.070 for the purposes of determining off-street parking facilities for vehicles and bicycles.

Table 73C-1 Off-Street Vehicle and Bicycle Parking Quantity Requirements			
Use	Maximum Permitted Vehicle Parking (Zone A)	Minimum Permitted Bicycle Parking	Percentage of Bicycle Parking to be Covered
(f) Exempt Uses			
(ii) Fleet Parking	Exempt	Exempt	Exempt

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a towing yard and vehicle storage operation. Vehicle storage is not listed in Table 73C-1, but most closely resembles fleet parking. Fleet parking is exempt from the parking

standards of Table 73C-1. Parking spaces shown on the Preliminary Plans are designated for employees of the facility and the site is not accessible to the general public. Therefore, the planned improvements are exempt from the parking requirements of this section.

TDC 73C.050. Bicycle Parking Requirements.

(list omitted for brevity)

Response: As described in response to TDC 73C.040 above, the planned vehicle storage area is exempt from the minimum bicycle parking standards. Therefore, the standards of this section are not applicable, and bicycle parking is not required or provided.

TDC 73C.080. Off-Street Loading Facilities 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	Less than 5,000	0	0	0

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a mobile office that contains less than 5,000 square feet of floor area. Therefore, an off-street loading berth is not required, and the requirements of this section are not applicable.

(...)

TDC 73C.090. Parking Lot Driveway and Walkway Requirements.

Parking lot driveways and walkways must comply with the following requirements:

(...)

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

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), an existing driveway is provided to the subject site that meets the minimum pavement width requirement of this section. This standard is met.

(...)

(6) *Maximum Driveway Widths and Other Requirements.*

(a) Unless otherwise provided in this chapter, maximum driveway widths for Commercial, Industrial, and Institutional uses must not exceed 40 feet.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned driveway is not greater than 40 feet wide. This requirement is met.

(b) Driveways must not be constructed within five feet of an adjacent property line, unless the two adjacent property owners elect to provide joint access to their respective properties, as provided by TDC73C.040.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned driveway is not within 5 feet of an adjacent property. This requirement is met.

(c) The provisions of subsection (b) do not apply to townhouses, duplexes, triplexes, quadplexes, and cottage clusters which are allowed to construct driveways within five feet of adjacent property lines.

Response: This application does not include the residential uses listed above. This requirement is not applicable.

(d) There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.

Response: As demonstrated by the Preliminary Plans (Exhibit A), there is a single planned driveway access onto the subject property. Therefore, this requirement is not applicable.

(e) Must comply with the distance requirements for access as provided in TDC 75.

Response: As demonstrated by the Preliminary Plans (Exhibit A) and discussed in responses to TDC 75 below, the distance requirements for access are met. See responses below for additional findings.

(f) Must comply with vision clearance requirements in TDC 75.

Response: As demonstrated by the Preliminary Plans (Exhibit A) and discussed in responses to TDC 75 below, the vision clearance requirements are met. See responses below for additional findings.

(...)

TDC 73C.200 Tree Canopy Coverage.

When calculating tree canopy coverage, the following rules must be followed:

- (1) The expected diameter of the tree crown at 15 years must be used to calculate tree canopy coverage, regardless of if the tree is mature at that time;
- (2) Parking lot area under the canopy that is either paved surface or interior and perimeter parking lot landscaping will count towards meeting the required canopy coverage standard;
- (3) Trees located off-site, including those in the public right-of-way, do not count towards the canopy coverage standard;
- (4) Canopy that covers structures does not count towards the canopy coverage standard, unless the tree canopy covers an unenclosed carport; and
- (5) Canopy area with significant overlap does not count towards the canopy coverage standard. Significant overlap is defined as any overlap greater than five feet. The overlap measurement is the length of a line segment within the overlap area of a line between tree canopy trucks/centers. See Figure 73-3.

Response: The provisions above are understood and are intended to be met, as applicable.

TDC 73C.210. General Parking Lot Landscaping Requirements.

All development where new parking is provided, must comply with the following landscaping requirements:

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), landscaping affiliated with the new employee parking area is not located in areas necessary for vehicle parking and maneuvering. This requirement 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 eight feet as measured from the ground level.

(a) Exception: does not apply to parking structures and underground parking.

Response: The driveway access to the site is planned to include a clear vision zone and vertical improvements are not planned within this zone. This requirement is met.

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

(a) Deciduous trees located not more than 30 feet apart on average as measured on center;

(b) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years;

(c) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round;

(d) Native trees and shrubs are encouraged; and

(e) Exception: Not required where off-street parking areas on separate lots are adjacent to one another and connected by vehicular access.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a parking area for employees adjacent to the mobile office and within the towing yard and vehicle storage operation. The landscape islands within the employee parking area are planned to include landscaping in accordance with the requirements of this code. See the Preliminary Landscape Plan in Exhibit A for additional information. This requirement is met as applicable.

- (4) *Landscape Island.* Minimum 25 square feet per parking space 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 run-off 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 five 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
- (j) Exceptions:
 - (i) Landscape square footage requirements do not apply to parking structures and underground parking.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include landscape islands adjacent to the new employee parking area. The new landscape islands are planned to meet the standards listed above. See the Preliminary Landscape Plan in Exhibit A for additional details. Therefore, this requirement is met.

- (5) *Driveway Access.* For lots with 12 or more parking spaces, site access from the public street must be defined by:
 - (a) Landscape area at least five feet in width on each side of the site access; and
 - (b) Landscape area must extend at the following lengths:
 - (i) Commercial and institutional development must extend 25 feet back from the right-of-way line.
 - (ii) Industrial development must extend 30 feet back from the right-of-way line.
 - (c) Exceptions: Does not apply to parking structures and underground parking which must be determined through the Architectural Review process.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site does not include 12 or more parking spaces. This requirement is not applicable.

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

Response: This application involves a new towing and vehicle storage operation in the ML zoning district. Therefore, the standards of this chapter are applicable.

TDC 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.

Response: The Applicant intends to comply with the minimum standards method of TDC 73D.030. See findings for that section below.

TDC 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 seven 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:
 - (...)
 - (v) All other uses—Four square feet/1,000 square feet GLA.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a new waste storage receptacle along the south boundary of the towing yard and vehicle storage facility. The planned waste receptacles are located in the paved vehicle storage area and are unenclosed to allow maximum access and circulation for site users and the waste service provider (Republic Services). The waste receptacles are planned to be screened from the public right-of-way and adjacent properties by a perimeter fence located around the boundary of the vehicle storage area. An SPL from Republic Services is included in Exhibit I. Therefore, this standard is met as applicable.

TDC 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.

Response: As demonstrated by the Preliminary Plans (Exhibit A), a waste storage area is planned to be provided adjacent to the new employee parking area along the south boundary of the vehicle storage area. The new waste storage area is planned in a single location. These standards are met.

-
- (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.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned waste storage area is located near the new employee parking area and is in a convenient location for business operations. The waste storage area is not within a required front yard or street side setback. Therefore, these standards are met.

(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.

Response: As demonstrated by the Preliminary Plans (Exhibit A) and described above, the planned waste storage area is not located within an enclosure and therefore provides adequate area for collection by local service providers. See the SPL from Republic Services in Exhibit I for additional information. This standard is met.

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

Response: This standard is understood and planned to be met.

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned waste storage area is located within the larger vehicle storage area. The vehicle storage area (and therefore, the waste storage area within it) are planned to be obscured from the public right-of-way and adjacent properties by a sight-obscuring fence. This standard is met.

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), the waste storage area is planned to be screened by a sight-obscuring fence that surrounds the boundary of the planned improvements. A trash enclosure is not planned, and therefore, evergreen plantings around the waste storage area are not required nor planned. This standard is not applicable.

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

Response: As demonstrated by the Preliminary Plans (Exhibit A), the new waste storage area is not planned to include a gate. A gate is planned at the driveway entrance to the site in accordance with the above standard. Therefore, this standard is met as applicable.

- (f) Horizontal clearance must be a minimum of ten feet and a vertical clearance of eight feet is required if the storage area is covered.

Response: Based on the Preliminary Site Plan (Exhibit A), the location of the waste storage area will provide adequate horizontal and vertical clearance. This standard is met.

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

Response: This application does not include a common wall, commercial, or institutional development. This standard is not applicable.

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

Response: As noted on the Preliminary Site Plan (Exhibit A), the waste storage area is planned to be paved. This standard is met.

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

Response: This requirement is understood.

(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.

Response: The Preliminary Plans (Exhibit A) depict the planned site layout and circulation. Based on the Preliminary Plans, the waste storage receptacle will be located near the new employee parking area and along the south boundary of the site. As shown on the plans, this location is in a paved area with direct access to provide adequate circulation and access to haulers. Additionally, an SPL from Republic Services is included in Exhibit I. Therefore, these standards are met as applicable.

CHAPTER 74 - PUBLIC IMPROVEMENT REQUIREMENTS

(...)

IMPROVEMENTS

TDC 74.110. Phasing of Improvements.

The applicant may build the development in phases. If the development is to be phased the applicant must submit a phasing plan to the City Manager for approval with the development application. The timing and extent or scope of public improvements and the conditions of development must be determined by the City Council on subdivision applications and by the City Manager on other development applications.

Response: This application does not include phasing. This requirement is not applicable.

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.
- (2) In accordance with the Tualatin Basin Program for fish and wildlife habitat the City intends to minimize or eliminate the negative impacts of public streets by modifying right-of-way widths and street improvements when appropriate. The City Manager is authorized to modify right-of-way widths and street improvements to address the negative impacts on fish and wildlife habitat.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site has frontage along SW 128th Avenue. SW 128th Avenue is fully improved and additional public improvements are not anticipated to be required along the property's frontage. Additionally, public utility improvements are not planned. Therefore, the standards of this section are not applicable.

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.

Response: The planned improvements include a private stormwater facility for runoff from the paved towing yard and vehicle storage area. This facility is planned to be owned and maintained by the property owner. This standard is understood.

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.

Response: These standards are understood.

RIGHT-OF-WAY

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

Response: As demonstrated by the Preliminary Plans (Exhibit A) and discussed herein, the subject site has frontage on SW 128th Avenue to the west and SW 124th Avenue to the east. SW 128th Avenue is designated as a Commercial/Industrial Connector street by the City of Tualatin Transportation System Plan (TSP) and is fully improved along the site's frontage. SW 124th Avenue is designated as a Major Arterial street and is likewise fully improved along the site's frontage. Additionally, the site abuts the unimproved right-of-way of SW Cummings Street along its south boundary. Improvements to SW Cummings Street are not required to facilitate the vehicle storage operation and are therefore not included with this application. The result of the planned improvements will not impede the future

construction of SW Cummings Street. Therefore, additional right-of-way dedication and street improvements are not required, and the standards of this chapter are not applicable.

(...)

EASEMENTS AND TRACTS

TDC 74.310. Greenway, Natural Area, Bike, and Pedestrian Path Dedications and Easements.

Response: This application does not require nor include dedications for greenways, natural areas, bike and pedestrian paths. The existing natural area on the subject site is located within an existing permanent conservation easement per Document No. 2010-040750 (see Exhibit A) and additional easements are not required. Therefore, this requirement is not applicable.

(...)

TDC 74.320. Slope Easements.

Response: The subject site does not include steep slopes. This requirement is not applicable.

(...)

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.

Response: As demonstrated by the Existing Conditions Plan in the Preliminary Plans (Exhibit A), the subject site contains existing easements for storm drainage. The planned improvements do not include utility improvements or necessitate additional easements. Therefore, the requirements of this section are not applicable.

TDC 74.340. Watercourse Easements.

(1) Where a proposed development site is traversed by or adjacent to a watercourse, drainage way, channel or stream, the applicant must provide a storm water easement, drainage right-of-way, or other means of preservation approved by the City Manager, conforming substantially with the lines of the watercourse. The City Manager must determine the width of the easement, or other means of preservation, required to accommodate all the requirements of the Surface Water Management Ordinance, existing and future storm drainage needs and access for operation and maintenance.

(...)

-
- (3) For all other development applications, any watercourse easement must be executed on a dedication form submitted to the City Manager; building permits must not be issued for the development prior to acceptance of the easement by the City.
 - (4) The storm water easement must be sized to accommodate the existing water course and all future improvements in the drainage basin. There may be additional requirements as set forth in TDC Chapter 72, Greenway and Riverbank Protection District, and the Surface Water Management Ordinance. Water quality facilities may require additional easements as described in the Surface Water Management Ordinance.

Response: The subject site does not contain a watercourse. Therefore, a watercourse easement is not required, and these requirements are not applicable.

TDC 74.350. Maintenance Easement or Lots.

A dedicated lot or easement will be required when access to public improvements for operation and maintenance is required, as determined by the City Manager. Access for maintenance vehicles must be constructed of an all-weather driving surface capable of carrying a 50,000-pound vehicle. The width of the lot or easement must be at least 15-feet in order to accommodate City maintenance vehicles. In subdivisions and partitions, the easement or lot must be dedicated to the City on the final plat. In any other development, the easement or lot must be granted to the City and recorded prior to issuance of a building permit.

Response: This application does not include public improvements that require an easement for operation and maintenance. Therefore, this requirement is not applicable.

TDC 74.410. Future Street Extensions.

- (1) Streets must be extended to the proposed development site boundary where necessary to do any one of the following:
 - (a) Give access to, or permit future development of adjoining land;
 - (b) Provide additional access for emergency vehicles;
 - (c) Provide for additional direct and convenient pedestrian, bicycle and vehicle circulation;
 - (d) Eliminate the use of culs-de-sac except where topography, barriers such as railroads or freeways, existing development, or environmental constraints such as major streams and rivers prevent street extension; and
 - (e) Eliminate circuitous routes. The resulting dead end streets may be approved without a turnaround. A reserve strip may be required to preserve the objectives of future street extensions.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site abuts and accesses SW 128th Avenue along its western boundary. The access provides direct access for emergency apparatus and vehicles. The street is fully improved along the entirety of the site's western boundary and further extension is not needed for any of the items listed above. Therefore, this provision is not applicable.

- (2) Proposed streets must comply with the general location, orientation and spacing identified in the Functional Classification Plan (Comprehensive Plan Map 8-1), Local Streets Plan (Comprehensive Plan Map 8-3) and the Street Design Standards (Figures 74-2A through 74-2G).

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site abuts the unimproved right-of-way of SW Cummings Street along its southern boundary. The

planned site improvements do not require an additional access on SW Cummings Street. Therefore, the requirements of this section are not applicable.

- (3) During the development application process, the location, width, and grade of streets must be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. The arrangement of streets in a subdivision must either:
 - (a) Provide for the continuation or appropriate projection of existing streets into surrounding areas; or
 - (b) Conform to a street plan approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical.

Response: This application does not include a subdivision. This requirement is not applicable.

- (4) The City Manager may require the applicant to submit a street plan showing all existing, proposed, and future streets in the area of the proposed development.

Response: The Preliminary Plans (Exhibit A) depict the existing and future planned streets adjacent to the subject site. This requirement is met.

- (5) The City Manager may require the applicant to participate in the funding of future off-site street extensions when the traffic impacts of the applicant's development warrant such a condition.

Response: This requirement is understood. As discussed in Exhibit K, the trips generated from this project fall below the threshold for a TIA. Additionally, as discussed herein, the planned improvements do not require street extensions. Therefore, this condition is not anticipated to be necessary.

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:

(list omitted for brevity)

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site abuts the future right-of-way of SW Cummings Street. SW Cummings Street is identified as a Future Commercial/Industrial Connector street in the City's Functional Classification and Traffic Signal Plan. The planned improvements include a towing yard and vehicle storage operation. As demonstrated by the Preliminary Plans, the new vehicle storage facility is planned to take access from SW 128th Avenue. Additionally, the eastern or southern portions of the site; these areas include an existing wetland and affiliated natural resources. As depicted in the Preliminary Plans, planned improvements include mitigation vegetation including replacement and enhancement of vegetation in this area. SW Cummings Street is identified along the southern boundary of the site (within the existing wetland) and is not needed to facilitate access to the site. Therefore, SW Cummings Street is not required nor planned to be improved as part of this application and the requirements of this section are not applicable.

TDC 74.425. Street Design Standards.

Response: As demonstrated by the Preliminary Plans (Exhibit A) and discussed herein, the subject site abuts SW 128th Avenue (a Commercial/Industrial Collector street) and SW 124th Avenue (a Major Arterial street), both of which are fully improved and are not anticipated to require additional improvements. As described in response to TDC 74.420 above, the future right-of-way of SW Cummings Street is not planned nor required to be improved as part of this application. Therefore, the street design requirements of this section are not applicable.

TDC 74.430. Streets, Modifications of Requirements in Cases of Unusual Conditions.

Response: As demonstrated by the Preliminary Plans (Exhibit A) and described herein, the planned improvements do not include or require street improvements. Therefore, the requirements of this section are not applicable.

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.

Response: A Preliminary Traffic Impact Memorandum from Lancaster Mobley is included as Exhibit K. The memorandum includes the elements required by this section and demonstrates that the existing street providing access to the site (SW 128th Avenue) can adequately

serve the traffic generated by the planned industrial use. Therefore, these requirements are met.

TDC 74.450. Bikeways and Pedestrian Paths.

- (1) Where proposed development abuts or contains an existing or proposed bikeway, pedestrian path, or multi-use path, as set forth in TDC Chapter 11, Transportation Figure 11-4, the City may require that a bikeway, pedestrian path, or multi-use path be constructed, and an easement or dedication provided to the City.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site is adjacent to SW 124th Avenue and SW 128th Avenue. Both roadways are fully improved with pedestrian and bicycle facilities to the degree required by City standards. According to TDC Chapter 11, Transportation Figure 11-4, additional pedestrian and bicycle improvements are not anticipated to be required on or abutting the site. Therefore, these requirements are not applicable.

(...)

TDC 74.470. Street Lights.

Response: As demonstrated by the Preliminary Plans (Exhibit A), there are existing streetlights along SW 124th Avenue and SW 128th Avenue in accordance with City standards. Additionally, as demonstrated by the Preliminary Plans and described herein, the site abuts the unimproved future right-of-way of SW Cummings Street. The planned improvements do not require or include improvements to Cummings Street. Therefore, this section is not applicable.

(...)

TDC 74.485. Street Trees.

Response: As described herein, the subject site abuts two existing and one future planned unimproved street: SW 124th Avenue, SW 128th Avenue, and SW Cummings Street, respectively. The adjacent streets include existing street trees. This application does not include a partition or subdivision and does not require nor include the construction of SW Cummings Street. Therefore, this section is not applicable.

UTILITIES

TDC 74.610. Water Service.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements do not require nor include a water service extension to the subject site. Water service is available within SW 128th Avenue in the event that it is required in the future. Therefore, this section is not applicable.

TDC 74.620. Sanitary Sewer Service.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements do not require nor include a sanitary sewer service connection. Sanitary sewer service is available within SW 128th Avenue in the event that it is required in the future. Therefore, this section is not applicable.

TDC 74.630. Storm Drainage System.

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- (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 adopted Stormwater Master Plan.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a new stormwater detention facility to accommodate runoff from the paved towing yard and vehicle storage operation. A Preliminary Stormwater Report is included in Exhibit H and describes how the planned improvements meet city public works standards. Adjacent properties are fully improved and do not need to access the stormwater facility planned on the subject site. Therefore, these standards are met as applicable.

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.

Response: As demonstrated by the Preliminary Plans (Exhibit A) and discussed in the Preliminary Stormwater Report (Exhibit H), the improvements are designed to direct stormwater runoff towards a new stormwater detention facility and will minimize impacts to adjacent sites. A grading plan is included with the Preliminary Plans and demonstrates that the planned improvements will not affect drainage on adjacent properties. Therefore, these standards are met.

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 Tualatin Municipal Code. 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 Tualatin Municipal Code will be met and obtain a Stormwater Connection Permit from Clean Water Services.

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- (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.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements include a stormwater detention facility to accommodate stormwater runoff generated by the new towing and vehicle storage operation. Design specifications and calculations are included with the Preliminary Stormwater Report (Exhibit H). Other required permits are planned to be obtained, as necessary. Therefore, these standards are met.

TDC 74.660. Underground.

- (1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.
- (2) Any existing overhead utilities may not be upgraded to serve any proposed development. If existing overhead utilities are not adequate to serve the proposed development, the applicant must, at their own expense, provide an underground system. The applicant must be responsible for obtaining any off-site deeds and/or easements necessary to provide utility service to this site; the deeds and/or easements must be submitted to the City Manager for acceptance by the City prior to issuance of the Public Works Permit.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site contains an existing power junction box that is served via an underground electrical service connection in SW 128th Avenue. If power is needed for the mobile office, power will be supplied from the nearest source in accordance with City of Tualatin Public Works standards. Additionally, any lines associated with the new stormwater facility are planned to be installed underground. Additional utility lines and connections are not planned with this application and the subject site does not contain overhead lines that require undergrounding. Therefore, these standards are met as applicable.

TDC 74.670. Existing Structures.

- (1) Any existing structures requested to be retained by the applicant on a proposed development site must be connected to all available City utilities at the expense of the applicant.
- (2) The applicant must convert any existing overhead utilities serving existing structures to underground utilities, at the expense of the applicant.
- (3) The applicant must be responsible for continuing all required street improvements adjacent to the existing structure, within the boundaries of the proposed development site.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the subject site contains an existing mobile office and other accessory structures that are planned to be retained. As described in response to TDC 74.660 above, the existing mobile office can be connected to electrical service at the nearest source, if necessary. Other accessory structures on the site do not require utility connections, and therefore, these connections are not planned. Overhead lines in need of undergrounding do not exist. The streets adjacent to the subject site (SW 124th Avenue and SW 128th Avenue) are fully improved, and SW Cummings Street (to the south of the site) is unimproved and does not need to be improved as part of this application. Therefore, these standards are met as applicable.

(...)

TDC 74.720. Protection of Trees During Construction.

- (1) During the erection, repair, alteration or removal of a building or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave a tree in or upon a public right-of-way in the vicinity of the building or structure without a good and sufficient guard or protectors to prevent injury to the tree arising out of or by reason of such erection, repair, alteration or removal.
- (2) Excavations and driveways must not be placed within six feet of a tree in or upon a public right-of-way without written permission from the City Manager. During excavation or construction, the person must guard the tree within six feet and all building material or other debris must be kept at least four feet from any tree.

Response: The planned improvements are located adjacent to SW 128th Avenue, which is currently improved with existing street trees within the public right-of-way. As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements will not impact the existing trees within the right-of-way. The driveway access to the site is not located within 6 feet of a street tree. Therefore, these standards are met as applicable.

(...)

TDC 74.745. Cutting and Planting Specifications.

The following regulations are established for the planting, trimming and care of trees in or upon the public right-of-way of the City.

- (1) When trees are cut down, the stump must be removed to a depth of six inches below the surface of the ground or finish grade of the street, whichever is of greater depth.
- (2) Trees must be planted in accordance with City standards, Table 74-1, except when a greater density is allowed under a special permit from the City Manager.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements require the removal of 11 trees. Tree stumps are planned to be removed to a depth of 6 inches below the surface in order to facilitate the planned improvements. Trees are planned to be planted in accordance with the standards of Table 74-1. Therefore, these standards are met as applicable.

(...)

CHAPTER 75 - ACCESS MANAGEMENT

(...)

TDC 75.040. Driveway Approach Requirements.

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- (1) The provision and maintenance of driveway approaches from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. No building or other permit may be issued until scale plans are presented that show how the driveway approach requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing driveway approach requirements, it is unlawful and a violation of this code to begin or maintain such altered use until the required increase in driveway approach is authorized by the City.

Response: This requirement is understood. The driveway approach to the subject site is depicted on the Preliminary Plans (Exhibit A) and illustrates that the standards of this code are met.

- (2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same driveway approach when the combined driveway approach of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts must be placed on permanent file with the City Recorder.

Response: The planned improvements do not include a joint driveway approach. This requirement is not applicable.

(...)

- (5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Manager.

Response: The subject site has frontages on SW 124th Avenue and SW 128th Avenue. As demonstrated by the City's Functional Classification and Traffic Signal Plan, SW 124th Avenue is designated as a Major Arterial street and SW 128th Avenue is designated as a Commercial/Industrial Connector street. As demonstrated by the Preliminary Plans (Exhibit A), the existing driveway accesses SW 128th Avenue, which is the lower classification of the two streets abutting the subject site. Therefore, this requirement is met.

- (6) Except as provided in TDC 53.100, all driveway approaches must connect directly with public streets.

Response: As demonstrated by the Preliminary Plans (Exhibit A), the driveway approach to the subject site connects directly to SW 128th Avenue. This requirement is met.

- (7) To afford safe pedestrian access and egress for properties within the City, a sidewalk must be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section must be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks must be constructed to a design and in a manner approved by the City Manager. Sidewalks approved by the City Manager may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks must provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction must include construction of the curb and gutter section to grades and alignment established by the City Manager.

Response: The subject site abuts SW 124th Avenue and SW 128th Avenue. The streets abutting the site are fully improved and include sidewalks that are constructed to City standards. Therefore, this requirement is met, as applicable.

- (8) The standards set forth in this Code are minimum standards for driveway approaches, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.

Response: This requirement is understood and can be met as applicable. The driveway approach is anticipated to be adequate as designed.

- (9) Minimum driveway approach width for uses are as provided in TDC 73C-090.

Response: As demonstrated by the Preliminary Plans (Exhibit A) and discussed in response to TDC 73C-090 above, the planned driveway meets the minimum width requirements of this Code. This requirement is met.

- (10) *Driveway Approach Separation.* There must be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Manager.

Response: The planned driveway access to the subject site is the only driveway along the eastern frontage of SW 128th Avenue and there are no other driveways within 40 feet of the planned driveway. Additionally, the planned driveway aligns with an existing driveway across SW 128th Avenue. Therefore, this requirement is met.

- (11) *Distance between Driveways and Intersections.* Except for single-family dwellings, duplexes, townhouses, triplexes, quadplexes, and cottage clusters, the minimum distance between driveways and intersections must be as provided below. Distances listed must be measured from the stop bar at the intersection.

(...)

- (b) At the intersection of two local streets, driveways must be located a minimum of 30 feet from the intersection.

(...)

Response: The nearest intersection to the subject site is between SW 128th Avenue and SW Leveton Drive, both of which are Commercial/Industrial Connector streets. The existing driveway access to the subject site is located greater than 30 feet from this intersection. Therefore, this requirement is met.

- (12) Vision Clearance Area.

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

(...)

- (c) *Vertical Height Restriction.* Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction must be permitted between 30 inches and

eight feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).

Response: The existing driveway access is located on SW 128th Avenue, which is a Commercial/Industrial Connector street. As demonstrated by the Preliminary Plans (Exhibit A), the planned improvements do not include vertical obstructions within the vision clearance area between the driveway and SW 128th Avenue. Therefore, these requirements are met.

IV. Conclusion

The required findings have been made, and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Tualatin Development Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this Architectural Review.