

MACKENZIE.

ARCHITECTURAL REVIEW – TYPE III

To
City of Tualatin

For
Lam TUX

Dated
July 8, 2024
(Revised October 1, 2024)
(Revised November 1, 2024)

Project Number
2240022.00



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1. Land Use Application Form
2. Plans (revised 10-1-2024)
3. Title Report
4. Hydraulic Modeling Worksheet
5. Service Provider Letter (CWS)
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7. Service Provider Letter (TVF&R)
8. Documentation of Neighborhood Meeting
9. Transportation Impact Analysis
10. Stormwater Report
11. Tree Removal and Protection Plan (Arborist Report)



I. PROJECT SUMMARY

| | |
|-------------------------------|---|
| Applicant: | Lam Research Corporation |
| Owner: | Lam Research Corporation 11155 SW Leveton Drive Tualatin, OR 97062 |
| Site Address: | 11155-11361 SW Leveton Drive (West of SW 108th Avenue between SW Tualatin Road and SW Leveton Drive) |
| Assessor Site Acreage: | 2S122AA00500 – 15.75 acres 2S122AA00800 – 15.03 acres 2S122AB00100 – 27.23 acres (to be 29.52 acres as proposed through concurrent PLA) 2S122BA00100 – 17.95 acres (to be 15.66 acres as proposed through concurrent PLA) Total: 75.96 acres (not affected by concurrent PLA) |
| Zoning: | Industrial, Manufacturing Park (MP) |
| Comprehensive Plan: | Manufacturing Park (MP) |
| Adjacent Zoning: | Industrial, Manufacturing Park (MP) Industrial, Light Manufacturing (ML) Low Density Residential (RL) Medium-Low Density Residential (RML) Medium-High Density Residential (RMH) High Density Residential (RH) |
| Request: | Approval of Type III Architectural Review for a new office building (“T”), central utility building (“U”), lab building (“X”), expanded bulk gas yard, and associated parking, circulation, and landscaping. |
| Project Contact: | Suzannah Stanley Mackenzie 1515 SE Water Avenue, Suite 100 Portland, OR 97214 971-346-3808 sstanley@mcknze.com |

II. INTRODUCTION

Description of Request

The applicant is requesting approval of a Type III Architectural Review for a new office building (“T”), central utility building (“U”), lab building (“X”), expanded bulk gas yard, and associated parking, circulation, and landscaping on this previously developed site, located in the Leveton Industrial District and the Manufacturing Park (MP) Planning District.

Site and Surrounding Land Use

The site consists of four lots containing several buildings and associated facilities, parking areas, and landscaping. There are three main driveways into the campus from SW Leveton Drive, three driveways on SW 108th Avenue, and one additional driveway entrance from SW Tualatin Road. To the west and south are additional MP-designated lots. On the southeast corner and to the east are Light Manufacturing (ML)-designated lots. To the north, across SW Leveton Drive, there is residential development in the Low Density Residential (RL) Planning District, and in the Medium High Density Residential (RMH) District to the northwest.

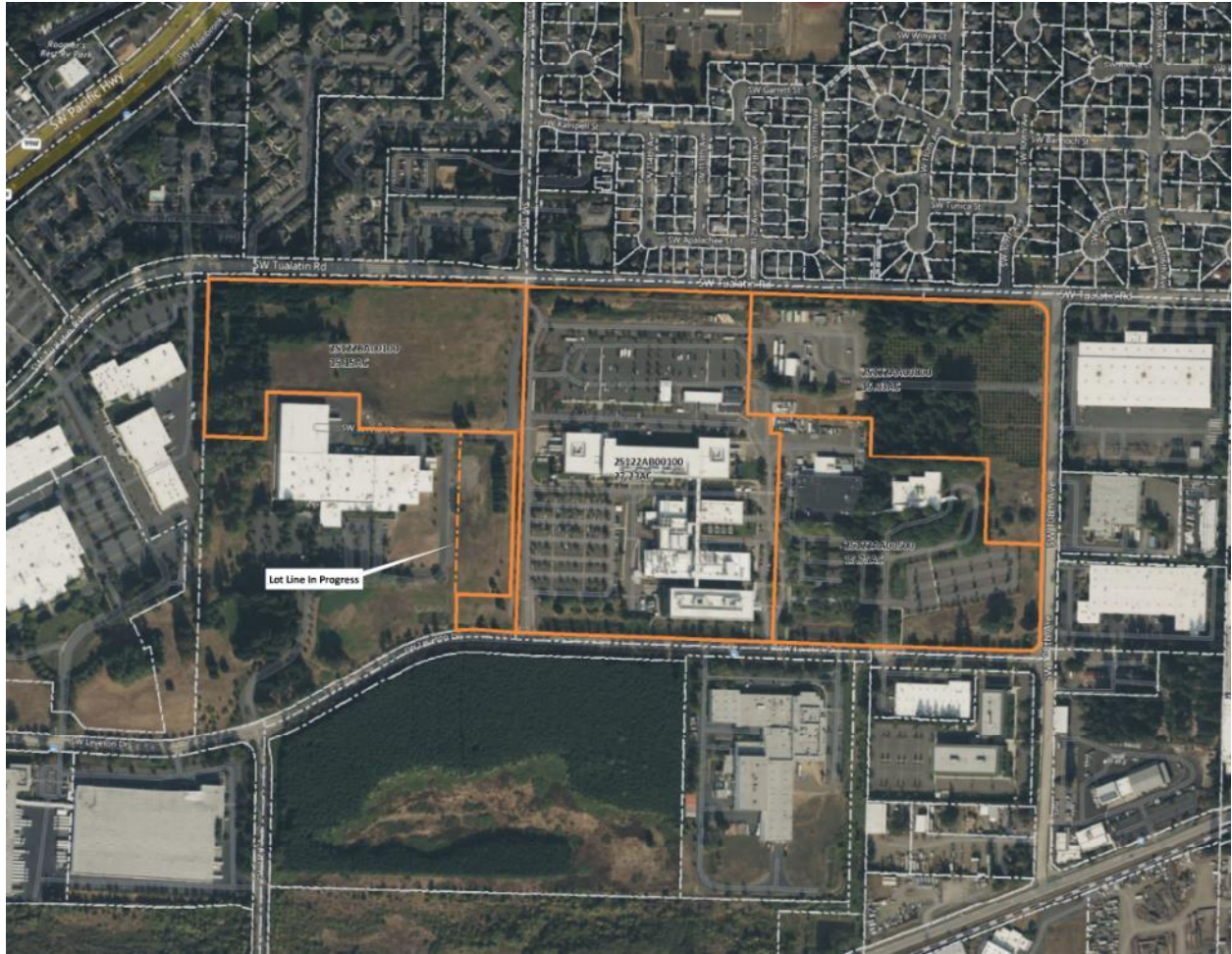
Description of Proposed Development

The proposal is for three new buildings in the southwestern portion of the campus. The buildings would be connected to each other and existing buildings via sky bridges. An existing parking area would be relocated and expanded along the northern boundary of the site. The existing landscape berm along the north property line would be extended to the west to buffer the expanded parking area. The access to SW Tualatin Road, which is currently limited to truck access to the adjacent JAE lot and gated emergency access to the Lam campus, would be widened and opened to serve the expanded parking area. A new traffic signal is expected to be required be installed at this intersection, as identified in the City of Tualatin’s Transportation System Plan (TSP).

As depicted on the site plans in Attachment 2 (Sheets ZA0-0001 and ZA0-0002), the proposed development will occur in two phases. Phase 1 will involve construction of Building T, Building U, a portion of Building X, the expanded bulk gas yard, and a portion of the parking and landscaping. Phase 2 will complete the buildout of Building X and full extent of proposed parking and landscape improvements. Notably, the parking associated with Phase 2 will accommodate the addition of approximately 240 employees, as well as overflow spaces to accommodate future need. Also of note, the site plans depict 128 spaces which were previously approved under AR 22-0006 but have not yet been constructed, so they have been removed from AR 22-0006 and are included again in this request (127 of them). These spaces will be constructed with Phase 1. The net increase in total Lam campus parking spaces associated with Phase 1 is 483; Phase 2 will add an additional 351 spaces.

Construction of Phase I is anticipated to begin with site grading in March of 2025, followed by building foundations and walls beginning in the third quarter of 2025, with final build-out completed by the second quarter of 2027. Construction of Phase II will be deferred to a later date following completion and occupancy of Phase I. Public improvements are not proposed to be phased.

Aerial Image – Project Site



III. ARCHITECTURAL REVIEW APPROVAL CRITERIA

This application addresses the necessary approval standards of the Tualatin Development Code relevant to Architectural Review for industrial development. As described in the following narrative, the proposal meets the standards of TDC *Chapter 62: Manufacturing Park Planning District (MP)*, *Chapter 73: Community Design Standards*, *Chapter 74: Public Improvement Requirements*, *Chapter 75: Access Management*, and specific standards applicable to the subject property proposed through the concurrently reviewed Industrial Master Plan.

Chapter 32 - Procedures

Section 32.120. – Neighborhood/Developer Meetings.

- (1) *Purpose. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.*
- (2) *When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.*
- (3) *Timing. A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.*
- (4) *Time and Location. Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:*
 - (a) *If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.*
 - (b) *If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.*
- (5) *Notice Requirements.*
 - (a) *The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.*
 - (b) *The applicant must mail notice of a neighborhood/developer meeting to the following persons:*
 - (i) *All property owners within 1,000 feet measured from the boundaries of the subject property;*
 - (ii) *All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and*
 - (iii) *All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.*
 - (c) *The City will provide the applicant with labels for mailing for a fee.*
 - (d) *Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.*

- (6) *Neighborhood/Developer Sign Posting Requirements.* The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.
- (7) *Neighborhood/Developer Meeting Requirements.* The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Response: A Neighborhood/Developer Meeting was held at the Juanita Pohl Center in Tualatin at 6:00 PM on June 5, 2024. Mailed notice was provided to surrounding property owners using a mailing list prepared by City staff, and the required meeting notice signs were posted on the subject site on May 22, 2024. A sign-in sheet was provided for attendees to provide their contact information. Meeting notes were recorded to document the substance of the meeting and neighbor comments. All documentation of the Neighborhood/Developer Meeting can be found in Attachment 8, demonstrating the requirements of this section have been met.

A board member of the Riverpark CIO, Janine Wilson, attended the Neighborhood/Developer Meeting. Ms. Wilson was concerned that residents of the apartment buildings near the Lam campus did not receive notice of the neighborhood meeting and expressed interest in assisting the project team contact those residents for future meetings and public hearings on the proposal. She provided her name and email address to the project team for this purpose. The project team sent emails to Ms. Wilson on June 10 and June 12 to request coordination but did not receive any response or further communication.

Section 32.130. – Initiation of Applications.

- (1) *Type I, Type II, Type III, and Type IV-A Applications.* Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:
- (a) *The owner of the subject property;*
 - (b) *The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;*
 - (c) *A lessee in possession of the property, when the application is accompanied by the owners' written consent; or*
 - (d) *The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.*
- (2) *Type IV-A or B Applications.* Type IV-A or B applications may be initiated by the City.

Response: This Type III application has been submitted by Mackenzie on behalf of the property Owner, Lam Research Corporation. The application form has been signed by Lam's Senior Director of Real Estate and Construction, Ajay Changaran. This standard is met.

Section 32.150. – Sign Posting.

- (1) *When Signs Posted.* Signs in conformance with these standards must be posted as follows:
- (a) *Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and*
 - (b) *Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.*

- (2) *Sign Design Requirements. The applicant must provide and post a sign(s) that conforms to the following standards:*
 - (a) *Waterproof sign materials;*
 - (b) *Sign face must be no less than 18 inches by 24 inches (18" x 24"); and*
 - (c) *Sign text must be at least two inch font.*
- (3) *On-site Placement. The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs.) The applicant cannot place the sign within public right-of-way.*
- (4) *Removal. If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within 40-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than 14 days after:*
 - (a) *The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or*
 - (b) *The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.*

Response: The required signs providing notice of the Neighborhood/Developer Meeting for this application were posted on the subject site’s street frontages in accordance with these requirements. The signs were removed within 14 days after the meeting. A Certification of Sign Posting is included in Attachment 8. This standard is met.

Section 32.230. – Type III Procedure (Quasi-Judicial Review – Public Hearing).

Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.

- (1) *Submittal Requirements. Type III applications must include the submittal information required by TDC 32.140(1).*
- (2) *Determination of Completeness. After receiving an application for filing, the City Manager will review the application will for completeness in accordance with TDC 32.160.*
- (3) *Written Notice of Public Hearing—Type III. Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.*
 - (a) *Recipients:*
 - (i) *The applicant and, the owners of the subject property;*
 - (ii) *All property owners within 1,000 feet measured from the boundaries of the subject property;*
 - (iii) *All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;*

- (iv) *All recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;*
 - (v) *All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;*
 - (vi) *Any person who submits a written request to receive a notice;*
 - (vii) *Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code;*
 - (viii) *Utility companies (as applicable); and,*
 - (ix) *Members of the decision body identified in Table 32-1.*
- (b) *The Notice of a Public Hearing, at a minimum, must contain all of the following information:*
- (i) *The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;*
 - (ii) *The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;*
 - (iii) *The type of application and a concise description of the nature of the land use action;*
 - (iv) *A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;*
 - (v) *Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;*
 - (vi) *The date, time and location of the hearing;*
 - (vii) *Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;*
 - (viii) *The name of a City representative to contact and the telephone number where additional information may be obtained; and*
 - (ix) *Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and*
 - (x) *Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.*
- (c) *Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.*
- (4) *Conduct of the Hearing—Type III. The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial*

hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:

- (a) At the commencement of the hearing, the person chairing the hearing must state to those in attendance all of the following information and instructions:
 - (i) The applicable substantive criteria;
 - (ii) That testimony, arguments and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - (iii) That failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue;
 - (iv) At the conclusion of the initial evidentiary hearing, the decision body must deliberate and make a decision based on the facts and arguments in the public record; and
 - (v) Any participant may ask the decision body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the decision body grants the request, it will schedule a date to continue the hearing as provided in TDC 32.230(4)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.230(4)(f).
- (b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing *ex parte* (outside the hearing) contacts as reasonably possible. Where questions related to *ex parte* contact are concerned, members of the decision body must follow the guidance for disclosure of *ex parte* contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the decision body must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the decision body must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.
- (c) Presenting and receiving evidence.
 - (i) The decision body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;
 - (ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
 - (iii) Members of the decision body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
- (d) The decision body, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow

persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

- (e) *If the decision body decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.*
 - (f) *If the decision body leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:*
 - (i) *When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;*
 - (ii) *An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030, unless the applicant waives his or her right to a final decision being made within the required timeframe; and*
 - (iii) *If requested by the applicant, the decision body must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.*
- (5) *Notice of Adoption of a Type III Decision. Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption must contain all of the following information:*
- (a) *A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;*
 - (b) *The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;*
 - (c) *A statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;*
 - (d) *The date the decision becomes final, unless a request for appeal is submitted; and*
 - (e) *The notice must include an explanation of rights to appeal the decision to the City Council in accordance with TDC 32.310.*
- (6) *Appeal of a Type III Decision. Appeal of an Architectural Review Board or Planning Commission Type III Decision to the City Council may be made in accordance with TDC 32.310.*
- (7) *Effective Date of a Type III Decision.*
- (a) *The written order is the final decision on the application.*
 - (b) *The mailing date is the date of the order certifying its approval by the decision body.*
 - (c) *A decision of the Architectural Review Board or Planning Commission is final unless:*
 - (i) *a written appeal is received at the City offices within 14 calendar days of the date notice of the final decision is mailed; or*
 - (ii) *The City Manager or a member of the City Council requests a review of the decision within 14 calendar days of the date notice of the final decision is mailed.*

Response: This section defines the City’s requirements for a Type III application review procedure, hearing, decision, and appeal process. This matter will be heard by the Architectural Review Board, which will issue a decision that can be appealed to the City Council by any party with standing. The applicant acknowledges understanding of the procedural requirements for a Type III review.

Chapter 33 - Applications and Approval Criteria

Section 33.020. - Architectural Review.

(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.*
- (b) *Examples of development subject to Architectural Review, include but are not limited to the following:*
 - (i) *New buildings, condominiums, townhouse, single family dwellings, or manufactured dwelling park;*
 - (ii) *Construction, installation, or alteration of a building or other structure;*
 - (iii) *Landscape improvements;*
 - (iv) *New, improved, or expanded parking lots;*
 - (v) *New, or alterations to, above ground public utility facilities, pump stations, pressure reading stations, water reservoirs, electrical substations, and natural gas pumping stations;*
 - (vi) *New wireless communication facilities, and new attached wireless communication;*
 - (vii) *Installation of decorative lighting; and*
 - (viii) *Exterior painting, awnings, or murals.*

Response: The proposal will include improving real property, altering the site, and adding three new buildings, an expanded bulk gas yard, landscape improvements, and parking. See project description for detail. Therefore, the proposal is subject to Architectural Review.

(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.*
- (g) *Large Commercial, Industrial, and Multifamily Development. Development applications that propose any of the following are subject to Type III Review by the Architectural Review Board as the hearing body:*
 - (i) *New Commercial Buildings 50,000 square feet and larger;*
 - (ii) *New Industrial Buildings 150,000 square feet and larger; and*
 - (iii) *New Multifamily Housing Projects with 100 units or more units (or any number of units abutting a single family district).*

Response: The proposed office building (“T” – approximately 164,00 SF), central utilities building (“U” – approximately 55,000 SF), and lab building (“X” – approximately 205,000 SF) for Lam’s manufacturing use fall into the Large Industrial category, requiring a Type III review.

(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;*
- (b) *Existing conditions plan, site plan, grading plan, utility plan, landscape plan, and lighting plan all drawn to scale;*
- (c) *A building materials plan that includes a written description and image representation of facade, windows, trim, and roofing materials, colors, and textures;*
- (d) *Title report; and*
- (e) *A Service Provider Letter from Clean Water Services.*

Response: All available required forms, information, plans, reports, and service provider letters as described above are attached and submitted with this narrative or will be provided with this application. This standard 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.*
- (d) *Large Commercial, Industrial, and Multifamily Development. Applications for Large Commercial, Industrial, and Multifamily Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.*

Response: As shown in this narrative, the proposed new development complies with the applicable standards of TDC Chapter 73A through 73G. The applicable approval criteria are met.

(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.*
- (b) *Types of conditions of approval that may be imposed include, but are not limited to:*
 - (i) *Development Schedule. A reasonable time schedule placed on construction activities associated with the proposed development, or portion of the development.*
 - (ii) *Dedications, Reservation. Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title or easements to the City or a non-profit conservation organization, or a homeowners' association.*
 - (iii) *Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.*
 - (iv) *Plan Modifications. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this chapter.*

- (v) *Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities, or consultants, may be required for all or any part of the proposed development.*
- (vi) *Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.*

Response: These provisions authorize the City to impose conditions of approval on Architectural Review approvals and require no evidence submittal or response from the applicant.

- (7) *Modifications to Previously Approved Final Architectural Review Decisions. An applicant who wishes to modify a previously approved final Architectural Review decision may utilize one of the following procedures: ...*

Response: The subject property is the site of multiple AR approvals under which all the existing buildings and other improvements have been constructed; however, the proposed buildings and site improvements are in a site sub-area that will be redeveloped. Because the sub-area was not the subject of any specific requirements in previous AR approvals, it is not necessary or appropriate to process this application as a modification of any existing AR decision. It is preferable to process this application as a new AR for the sub-area, while ensuring that the review and approval are informed by and consistent with existing AR approvals for the property as a whole. As noted above, the scale of the proposed development requires Type III review.

- (8) *Effective Date. The effective date of an Architectural Review decision or Minor Architectural Review decision is the date the notice of decision is mailed.*
- (9) *Permit Expiration. Architectural Review decisions (including Minor Architectural Review decisions) expire two years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.*

Response: These provisions govern the validity period of an AR approval and require no evidence or response from the applicant.

- (10) *Extension of Permit Expiration...*

Response: This request is not an application for an extension. These provisions may become applicable if the applicant needs to request an extension following approval.

Section 33.030. - Permit for New Driveway Approach and Closure Decisions.

All requests for driveway approaches and closures are as provided in TDC 75.020 and TDC 75.030.

Response: See the responses to Chapter 75 below.

Section 33.050. - Industrial Master Plans.

Response: The original Industrial Master Plan for the Lam Campus was approved in 2001 (IMP 00-01) and modified in 2022 (IMP 22-0001). A new IMP modification request is submitted concurrently with this application to modify setbacks, building height, and parking lot landscaping standards.

Section 33.080. – Signs—Permits, Design Review, and Variances.

- (1) *Purpose.* To implement the standards of TDC Chapter 38. Sign Variance review provides a public hearing process to review special situations that are not anticipated by the Sign Regulations in TDC Chapter 38, including TDC 38.100, 38.110, 38.120 and 38.140-38.240.
- (2) *Applicability.* The requirements of this section apply to sign permits, sign design review and sign variances as required in accordance with TDC Chapter 38.
- (3) *Procedure Type.* Sign permits, sign design review and variances are processed in accordance with the procedures in TDC Chapter 32 as follows:
 - (a) Sign Permits are subject to Type I review.
 - (b) Sign Design Reviews are subject to Type I review.
 - (c) Sign Variances are subject to Type III review.
- (4) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the information required by TDC 38.070 (Sign Permit Process).
- (5) *Approval Criteria.*
 - (a) A Sign Permit may be granted if the City Manager finds that the proposed sign is in compliance with the regulations in TDC Chapter 38.
 - (b) Sign Design Review may be approved if the City Manager finds that the proposed sign is in compliance with the regulations in TDC Chapter 38 and the clear and objective standards in TDC 38.075.
 - (c) Sign Variances. All six of the following criteria must be met before a variance can be granted:
 - (i) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone, and such conditions are a result of lot size or shape or topography over which the applicant or owner has no control;
 - (ii) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances, or from the financial situation of the applicant or owner or the company, or from regional economic conditions;
 - (iii) The variance is the minimum remedy necessary to eliminate the hardship;
 - (iv) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same zone however, nonconforming or illegal signs on the subject property or on nearby properties does not constitute justification to support a variance request;
 - (v) The variance must not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity; and
 - (vi) The variance must not be detrimental to any applicable Comprehensive Plan goals and policies.

Response: New signage will likely be limited to building identification and wayfinding signage. The applicant will obtain the appropriate sign permits prior to installing any new signs.

Section 33.110. - Tree Removal Permit/Review.

- (2) *Applicability.* No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.
- (3) *Exemptions.* The following actions are exempt from the requirements of a tree removal permit.
 - (a) *General Exemption.* Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, if the tree is:

- (i) *Not located in the Natural Resource Protection Overlay District (NRPO);*
 - (ii) *Not located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);*
 - (iii) *Not a Heritage Tree; and*
 - (iv) *Not previously required to be retained or planted under an approved Architectural Review decision.*
- (b) *Forest Harvesting Exemption. Forest Harvesting Uses, as provided by Agricultural Uses in TDC 39.300 are exempt.*
 - (c) *Orchard Exemption. Orchards Uses, as provided by Agricultural Uses in TDC 39.300, are exempt.*
 - (d) *Public Property Exemption. Tree removal on federal, state, county, or City property is exempt from the requirements of a tree removal permit. This exemption includes, but is not limited to road, improvements and maintenance to City parks, rights-of-way, water, sanitary sewer, and stormwater facilities. (Removal of trees from public right-of-way are governed by TDC Chapter 74.)*

Response: The proposal does not fall under a subparagraph (3) exemption. This section applies.

- (3) *Procedure Type. Tree Removal Permit applications are subject to Type II Review in accordance with TDC Chapter 32. Tree Removal Permit applications submitted with an Architectural Review, Subdivision, or Partition application will be processed in conjunction with the Architectural Review, Subdivision, or Partition decision.*
- (4) *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.*
 - (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.*
 - (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: Existing trees are identified in Attachment 2, sheets ZC0-06A0 through ZC0-06F0, and in the Tree Removal and Protection Plan, Attachment 11, which was prepared by a certified arborist and addresses Section 33.110. While the proposed development requires removal of 175

existing trees, the proposed landscaping plan includes 335 new trees for a net increase of 160 trees. A Tree Removal Permit application will be submitted separately from this Architectural Review application. These standards will be met by obtaining a Tree Removal Permit prior to construction of the proposed development.

(5) *Approval Criteria.*

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

(i) *The tree is diseased and:*

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

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

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

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

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

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

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

Response: Tree removal will be necessary to construct proposed improvements to the site, consistent with the anticipated development pattern proposed in the IMP reviewed concurrently with this AR. Refer to the Tree Removal and Protection Plan, Attachment 11, and Sheets ZC0-06A0 through ZC0-06F0, Attachment 2. The removal is necessary for the efficient use of the site. Criterion (a)(iii) is satisfied.

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

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

(A) *Trunk Condition—extensive decay and hollow; or*

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

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

(A) *Trunk Condition—extensive decay and hollow;*

(B) *Crown Development—unbalanced and lacking a full crown; or*

(C) *Structure—Two or more dead limbs.*

Response: Condition TDC 33.110(5)(a)(iii) is met as noted above. This standard does not apply.

(6) *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: No emergency tree conditions exist. This standard does not apply.

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

Response: All trees required to be retained will be protected in accordance with TDC 73B and C. Refer to the Tree Removal and Protection Plan, Attachment 11. This standard is met.

- (8) 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: Any tree removal will be completed within a year of the Tree Removal Permit issuance. This standard is met.

- (9) 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 Section provides guidance and penalties for enforcement actions and requires no response from the applicant. No tree removal in violation of Zone Standards is proposed.

Chapter 62: Manufacturing Park Planning District

Section 62.200. - Use Categories

- (1) Use Categories. Table 62-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MP zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 62-1 and restrictions identified in TDC 62.210. 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) Overlay Zones. Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.*

Table 62-1: Use Categories in the MP Zone (Excerpt)

| <i>Use Category</i> | <i>Status</i> | <i>Limitations and Code References</i> |
|--|---------------|---|
| Commercial Use Categories | | |
| <i>Commercial Parking</i> | <i>P</i> | — |
| <i>Commercial Recreation</i> | <i>P (L)</i> | <i>Permitted uses limited to a health or fitness facility as a limited use subject to TDC 62.210(4).</i> |
| <i>Eating and Drinking Establishments</i> | <i>P (L)</i> | <i>Permitted uses limited to a restaurant or deli as a limited use and subject to TDC 62.210(4).</i> |
| <i>Marijuana Facilities</i> | <i>P (L)</i> | <i>Subject to TDC Chapter 80.</i> |
| <i>Office</i> | <i>P (L)</i> | <i>Permitted uses limited, see TDC 62.210(2).</i> |
| <i>Other Educational and Vocational Services</i> | <i>P (L)</i> | <i>Permitted uses limited to:</i> <ul style="list-style-type: none"> • <i>Correspondence, trade, or vocational school as a limited use subject to TDC 62.210(4);</i> • <i>Job training or related services as a limited use subject to TDC 62.210(4).</i> |
| <i>Retail Sales and Services</i> | <i>P (L)</i> | <i>Permitted uses limited to:</i> <ul style="list-style-type: none"> • <i>Sale of goods produced on-site subject to TDC 62.210(1);</i> • <i>Child day care center, subject to TDC 34.200;</i> • <i>Food or convenience store, mailing operations, reproduction or photocopying services, bank, and medical services as limited uses subject to TDC 62.210(2).</i> |
| Industrial Use Categories | | |
| <i>Light Manufacturing</i> | <i>P (L)</i> | <i>Permitted uses limited to:</i> <ul style="list-style-type: none"> • <i>Manufacture or assembly of electronic or optical instruments, equipment, devices; musical instruments; toys; and sporting goods.</i> • <i>Production of textiles or apparel;</i> • <i>Printing, publishing, and lithography shops; and</i> • <i>Research and development laboratories.</i> <i>Primary processing of organic materials, such as tanning of leather, is prohibited.</i> |
| INFRASTRUCTURE AND UTILITIES USE CATEGORIES | | |
| <i>Basic Utilities</i> | <i>P</i> | — |

Table 62-1: Use Categories in the MP Zone (Excerpt)

| <i>Use Category</i> | <i>Status</i> | <i>Limitations and Code References</i> |
|--|---------------|--|
| <i>Greenways and Natural Areas</i> | <i>P</i> | — |
| <i>Public Safety Facilities</i> | <i>C (L)</i> | <i>Conditional uses limited to a fire station.</i> |
| <i>Transportation Facilities</i> | <i>P</i> | — |
| <i>Wireless Communication Facility</i> | <i>P (L)</i> | <i>Subject to maximum height and minimum setback standards defined by TDC Chapter 73F.</i> |

Response: The proposed buildings within a large manufacturing campus site will be accessory to the primary use of the property for a permitted Manufacturing Planning (MP) District use (i.e., *Light Manufacturing*: “Manufacture or assembly of electronic or optical instruments, equipment, devices”). See TDC 62.210 below for detailed discussion of how applicable standards are met.

Section 62.210. - Additional Limitations on Uses

(2) *Offices. Office uses are a permitted as specified below.*

(a) *Permitted Uses. The following are permitted uses:*

- (i) *Offices for chemical and physical sciences, engineering, cartography, or other research functions;*
- (ii) *Shared service facilities (as defined by TDC 31.060); and*
- (iii) *Corporate, regional, or district headquarter offices if:*
 - (A) *The headquarters is for a permitted use in this Code;*
 - (B) *The offices occupy at least 20,000 square feet; and*
 - (C) *Manufacturing is not conducted, unless the manufacturing is a permitted use in the MP zone.*

Response: As noted above, the proposed office building (“T”) will be used in conjunction with a permitted *Light Manufacturing* use in the MP zone: “[m]anufacture or assembly of electronic or optical instruments, equipment, devices...” Therefore, the office use is permitted.

(b) *Accessory Uses to an Industrial Use. Office uses accessory to a permitted industrial use are permitted.*

Response: The proposed office building is accessory to the existing permitted industrial use. This standard is met.

(c) *Limited Uses. Offices located on the same site as a permitted industrial use may be permitted, subject to TDC 62.210(4).*

Response: The proposed office building is located on the same site as existing manufacturing buildings and meets standards of TDC 62.210(4), which is addressed below. This standard is met.

(4) *Limited Commercial Uses. Commercial uses permitted as limited uses, as specified in Table 62-1, must be located on the same site as a permitted industrial use. The site must be used primarily for industrial purposes and the commercial use is subject to the following limitations. The office, retail, and service uses may be located in a stand-alone building or combined in a building with other permitted uses.*

(a) *Offices. Office uses must not exceed 25 percent of the total gross floor area of all buildings on the site...*

Response: The subject site has an approved IMP (22-0001). The use allowances and limitations of this section are superseded by the IMP. This standard does not apply.

Section 62.300. - Development Standards

Development standards in the MP zone are listed in Table 62-2. Additional standards may apply to some uses and situations, see TDC 62.310.

| Table 62-2: Section 62.300 Development Standards | | | | |
|---|-------|---|---|--|
| MP District Standards | | | Proposed IMP Conditions | Proposed for TUX |
| Setback Requirements | | | | |
| Minimum Building setback for Yards Adjacent to Streets or Alleys, North of SW Leveton Drive | 100' | | No change to current IMP condition of 68' from Leveton Drive and 98' from 108th Avenue. | 80' from Leveton Drive and over 500' from 108th Avenue. COMPLIES. |
| Minimum Setback for Side and Rear Yards not Adjacent to Streets or Alleys, north of SW Leveton Drive | 50' | No minimum setback if adjacent to railroad right-of-way or spur track. | 0 feet from side and rear yards under common ownership. From other lots: Subject to Table 62-2 Development Standards in the MP Zone. | 70' from west side yard. Over 400' from rear yard. COMPLIES. |
| Parking and Circulation Areas Adjacent to Public Right-of-Way | 50' | No minimum setback required adjacent to joint access approach in accordance with TDC 73C. | No change to current IMP condition of 108' from Leveton Drive and 43' from 108th Avenue. | 60' to SW Tualatin Road. 120' to SW Leveton Drive. COMPLIES. |
| Parking and Circulation Areas Adjacent to Private Property Line | 5-25' | Determined through Architectural Review Process. No minimum setback required adjacent to joint access approach in accordance with TDC 73C. | 0 feet from property lines under common ownership. 10 feet from other lots. | 10' to west property line. COMPLIES (through approval of proposed IMP standard). |

| | | | | |
|--|-----|--|------------|---|
| <i>Fences</i> | 50' | <i>From public right-of-way.</i> | No change. | No proposed fences. COMPLIES. |
| Structure Height | | | | |
| <i>Maximum Height</i> | 70' | <i>May be increased to 85 feet if yards adjacent to structure are not less than a distance equal to one and one-half times the height of the structure.</i> | 85' | Building X will be 85' to the top of the parapet. Buildings T and U will be 70' or less. COMPLIES (through approval of proposed IMP standard). |
| <i>Maximum Height Adjacent to Residential District</i> | 28' | <i>Measured at the required 50-foot or 100-foot setback line, includes flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot or 100-foot setback line at a slope of 45 degrees extending away from the setback line.</i> | No change. | No structures are proposed within 100 feet of a property line adjacent to a residential district. COMPLIES. |

Response: As shown in the table above, all standards from Table 62-2 (Development Standards) are met, with the exception of standards which have been or are proposed to be modified through the IMP. With approval of the proposed IMP modifications and PLA, the proposed development will comply with all applicable standards and conditions of approval.

Section 62.310. - Additional Development Standards

(1) *Industrial Master Plan. Minimum lot size, setbacks, maximum height, and other development standards may be modified by submittal of an Industrial Master Plan application. See TDC 33.050.*

Response: An IMP application is being submitted concurrent to this AR to modify the prior IMP 22-0001 standards for setbacks, building height, and parking lot landscaping. The proposed development has been designed to comply with applicable standards, including the proposed IMP amendments.

(2) *Spur Rail Tracks. Spur rail tracks are not permitted within 200 feet of an adjacent residential district.*

Response: No spur rail tracks are present on the site nor being proposed. This standard does not apply.

(3) *Wetland Conservation Lots. Minimum lot size, width, or frontage requirement do not apply to wetland conservation lots.*

Response: The site is not a Wetland Conservation Lot. This standard does not apply.

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

Section 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.

Response: The proposed new development will comply with all DEQ and City of Tualatin noise standards. This standard is met.

Section 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. (Shortened for brevity)*

Response: The proposed new development will not cause or permit ground vibration as described and measured in this section. This standard is met.

Section 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. (Shortened for brevity)*

Response: The proposed development will comply with the most recent air quality standards adopted by DEQ. This standard is met.

Section 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 proposed development is not anticipated to create nuisance odors. This standard is met.

Section 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: All operations producing heat and glare will be conducted within an enclosed building, and all exterior lighting will be directed away from residential planning districts. This standard is met.

Section 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: All materials, including wastes, will be stored appropriately and will be screened from public view. This standard is met.

Section 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: No waste will be disposed onto the site or in any way that violates local, state, or federal regulations. This standard is met.

Section 63.058. - Dangerous Substances.

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

Response: No storage, transfer, or processing of hazardous, toxic, or radioactive waste is proposed as part of this development. This standard is met.

Chapter 73A: Site Design Standards

Commercial Design Standards

Section 73A.300. - Commercial Design Standards

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

- (1) *Walkways. Commercial development must provide walkways as follows:*
 - (a) *Walkways must be a minimum of six feet in width;*
 - (b) *Walkways must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or bark chips are not acceptable;*
 - (c) *Walkways must meet ADA standards applicable at time of construction or alteration;*
 - (d) *Walkways must be provided between the main building entrances and other on-site buildings, accessways, and sidewalks along the public right-of-way;*
 - (e) *Walkways through parking areas, drive aisles, and loading areas must be of a different appearance than the adjacent paved vehicular areas;*
 - (f) *Bikeways must be provided that link building entrances and bike facilities on the site with adjoining public right-of-way and accessways; and*
 - (g) *Outdoor Recreation Access Routes must be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.*

Response: Proposed walkways will be a minimum of 6' in width and constructed of concrete, as shown on Sheet ZC0-1100, Attachment 2. All new walkways will meet current ADA standards. Walkways are provided between the proposed new primary building entrances and other on-site buildings, accessways, and sidewalks. New walkways through parking areas will have a different appearance than the paving of the parking areas. Bicycle facilities have been provided near the entrance of Building T, near sidewalks and drive aisles with easy access to public right-of-way. See Sheet ZA0-0002 and TA0-0009, Attachment 2. No parks, bikeways, or greenways about this property. Applicable elements of these standards are met.

- (2) *Accessways.*
- (a) *When Required. Accessways are required to be constructed when a multi-family development is adjacent to any of the following:*
- (i) *Residential property;*
 - (ii) *Commercial property;*
 - (iii) *Areas intended for public use, such as schools and parks; and*
 - (iv) *Collector or arterial streets where transit stops or bike lanes are provided or designated.*

Response: The proposal is not for a multifamily development. This standard does not apply.

- (3) *Drive-up Uses. Drive-up uses must comply with the following:*
- (a) *Must provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:*
- (i) *Banks—each lane must be 100 feet long;*
 - (ii) *Restaurants—each lane must be 160 feet long; and*
 - (iii) *Other uses—each lane must be between 80 and 160 feet long, as determined by the City.*

Response: No drive-up uses are proposed. This standard does not apply.

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

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

Response: Windows and lighting are provided in accordance with this standard. Refer to the architectural elevations included in Attachment 2. This standard is met.

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

Response: Windows and lighting are provided in accordance with this standard. Refer to the architectural elevations included in Attachment 2. This standard is met.

- (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;*

Response: Exterior lighting will be located and oriented in accordance with this standard. See sheet [TBD], Attachment 2. This standard is met.

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

Response: The identification system for the proposed buildings and their entries will be consistent with the existing buildings on the site, which have been designed in accordance with this standard. This standard is met.

- (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: No new above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, or above ground natural gas pumping stations are proposed. This standard does not apply.

(5) *Service, Delivery, and Screening. Commercial 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;*

Response: All roof-mounted mechanical and electrical equipment will be screened with louver screen walls (Building X) or metal panel screen walls (Building T). The Building T loading area and ground-mounted electrical equipment will be screened with metal panel screen walls. The CUB yard (Building U) will be screened with an 8' concrete wall. The proposed bulk gas yard expansion will be naturally screened from public rights-of-way by topography and vegetation; however, a 20' precast concrete screen wall may be installed voluntarily. Refer to the architectural drawings included in Attachment 2 (Sheets ZA0-0003 through TA0-0009). This standard is met.

(b) *Outdoor storage must be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping; and*

Response: New outdoor storage is limited to waste and recycling enclosures at Building X and Building T, which will be screened with 8' concrete walls. Refer to the Sheets XA0-0004 and TA0-0009 in Attachment 2. This standard is met.

(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: No new above-ground pumping stations, pressure reading stations, water reservoirs, electrical substations, or above ground natural gas pumping stations are proposed as part of this application. This standard does not apply.

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

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

Response: There is a Tualatin Shuttle (Blue Line) stop across the street from the main driveway entrance on SW Leveton Drive, with connecting public sidewalks. There are public sidewalks on all public street frontages. There is no other plan in place for additional transit along the site's frontages. This standard is met.

(b) *Development abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) must:*

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

(ii) *Provide a reasonably direct pedestrian connection between the major transit stop and a building entrance on the site;*

(iii) *Provide a transit passenger landing pad accessible to disabled persons;*

(iv) *Provide an easement or dedication for a passenger shelter as determined by the City; and*

(v) *Provide lighting at the major transit stop.*

Response: The proposed development does not abut any major transit stops. This standard does not apply.

Chapter 73B: Landscaping Standards

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

The following are the minimum areas required to be landscaped for each use and zone: (excerpt)

| Zone | Minimum Area Requirement* | Minimum Area Requirement with dedication for a fish and wildlife habitat* |
|---|--|---|
| (5) IN, CN, CO/MR, MC and MP zones— All uses | 25 percent of the total area to be developed | 22.5 percent of the total area to be developed |

Response: As shown on Sheet SLA-00100, Attachment 2, 27% of the area to be developed as part of this project will be landscape area. This standard is met.

Section 73B.040. - Additional Minimum Landscaping Requirements for Commercial Uses

(1) *General. In addition to requirements in TDC 73B.020, commercial uses, except those located in the Mixed-Use Commercial (MUC) zone, 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: All areas in the proposed development not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas will be landscaped. See landscape plans, sheets SLA-0001 through SLA-16F3, Attachment 2. This standard is met.

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

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

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

(c) *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: There are three buildings proposed. One of the building perimeters, the southern façade of Building T, and the southeastern corner, will be viewable from the public right-of-way. As shown on sheets SLA-0001 through SLA-16F3, Attachment 2, landscaping wider than 5' is proposed around the southern perimeters and southeast corner and pedestrian plaza extends north along the eastern side (some of this will be viewable from the public right-of-way). This standard is met.

None of the other building perimeters will be viewable from the public right-of-way; on the west side, a large retaining wall and the developed adjacent property will block the view from SW Leveton Drive. On the north, the existing and new landscaped berms, parking lot landscaping, and a significant distance setback will block the buildings from view of SW Tualatin Road.

Neither will the other building perimeters be viewable by the general public from parking lots, as the parking lots north of the buildings are and will be for employee use. Visitors and the general public who park at Lam will park on the opposite side of the campus, north of Building G, after entering the campus from the main entrance on SW Leveton Drive. This entrance is emphasized with signage and landscaping and is near the office buildings, and is clearly meant for visitors. This standard does not apply to Building U or other portions of the new buildings, other than described above for the southern edge and southeastern corner of Building T.

(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 proposed development abuts MP-zoned land to the east, west, and south of the subject property. There is RL-zoned property to the north of the Lam property, on the opposite side of SW Tualatin Road. A landscape plan is included in this AR application, which maintains and extends the existing landscaped buffer and berm between the site and the residential area to the north. See sheets SLA-0001 through SLA-16F3, Attachment 2. This standard is met.

(2) Manufacturing Park (MP)—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:...

Response: No wetland buffers exist on the site. This standard does not apply.

Section 73B.080. - Minimum Landscaping Standards for All Zones

The following are minimum standards for landscaping for all zones.

| | |
|--|--|
| <p><i>(1) Required Landscape Areas</i></p> | <ul style="list-style-type: none"> • <i>Must be designed, constructed, installed, and maintained so that within three years the ground must be covered by living grass or other plant materials.</i> • <i>The foliage crown of trees cannot be used to meet this requirement.</i> • <i>A maximum of ten percent of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone.</i> • <i>Must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Part 1) (Latest Edition).</i> • <i>Must be controlled by pruning, trimming, or otherwise so that:</i> <ul style="list-style-type: none"> ○ <i>It will not interfere with designated pedestrian or vehicular access; and</i> ○ <i>It will not constitute a traffic hazard because of reduced visibility.</i> |
| <p>Response:</p> | <p>Landscape areas will be designed, constructed, installed, and maintained so that within three years, the ground will be covered with living grass or other plant material. Less than 10% of the landscaped area will be covered with bark chips, rock, or stone. All landscaping will be installed in accordance with the provisions of ANSI A300. All will be controlled with pruning and trimming. No landscaping will interfere with pedestrian or vehicular access and will not create reduced visibility for traffic. These are all shown in landscape plans and discussed in Planting Notes on sheet SLA-0001. This standard is met.</p> |

| | |
|------------------------------|---|
| <p>(2) Fences</p> | <ul style="list-style-type: none"> • <i>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.</i> |
| <p>Response:</p> | <p>No landscape fencing is proposed. This standard does not apply.</p> |
| <p>(3) Tree Preservation</p> | <ul style="list-style-type: none"> • <i>Trees and other plant materials to be retained must be identified on the landscape plan and grading plan.</i> • <i>During construction:</i> <ul style="list-style-type: none"> ○ <i>Must provide above and below ground protection for existing trees and plant materials identified to remain;</i> ○ <i>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;</i> ○ <i>If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist;</i> ○ <i>Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved;</i> ○ <i>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</i> ○ <i>Tree root ends must not remain exposed.</i> • <i>Landscaping under preserved trees must be compatible with the retention and health of the preserved tree.</i> • <i>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.</i> • <i>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</i> |
| <p>Response:</p> | <p>Trees and plant materials to be retained are identified in Attachment 2, sheets ZC0-06A0 through ZC0-06F0. A Tree Removal and Protection Plan prepared by a certified arborist addressing Section 33.110 is also included (see Attachment 11). During construction, all preservation standards will be followed. Landscaping under preserved trees will be compatible with the preserved tree. Tree removal will only be necessary for the proposed building and parking areas. All landscaping requirements will be followed for these areas in accordance with the TDC landscaping standards. See sheets SLA-1600 through SLA-16F0. This standard is met.</p> |
| <p>(4) Grading</p> | <ul style="list-style-type: none"> • <i>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.</i> • <i>All planting areas must be graded to provide positive drainage.</i> |

| | |
|--|---|
| | <ul style="list-style-type: none"> • <i>Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways.</i> • <i>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.</i> |
| Response: | <p>After grading, topsoil will be restored to provide a suitable base for seeding and planting. All planting areas will be graded to provide positive drainage. Soil, water, plant material, and mulch will not be allowed to wash across roadways and walkways. Impervious surface drainage will be directed away from walkways, buildings, outdoor shared areas, and landscape areas. See proposed grading plan, sheet SCI-1000, Attachment 2. This standard is met.</p> |
| (5) Irrigation | <ul style="list-style-type: none"> • <i>Landscaped areas must be irrigated with an automatic underground or drip irrigation system.</i> |
| Response: | <p>Landscape areas will be irrigated with an automatic underground or drip irrigation system, as shown in landscape notes on sheet SLA-0001. This standard is met.</p> |
| (6) Re-vegetation in Un-landscaped Areas | <ul style="list-style-type: none"> • <i>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.</i> • <i>Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.</i> • <i>The use of native plant materials is encouraged to reduce irrigation and maintenance demands.</i> • <i>Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.</i> |
| Response: | <p>As shown in landscape notes on sheet SLA-1600, vegetation will be replanted in areas where it was removed or damaged. Plant materials will be watered to ensure survival and growth for at least two growing seasons. Disturbed soils will be amended to the original or higher level of porosity to regain infiltration and stormwater storage capacity. This standard is met.</p> |

Section 73B.090. - Minimum Standards Trees and Plants

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

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

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

Response: All proposed trees, groundcover, and lawn meet the standards of the trees and plants table above, as shown in the planting schedule on sheet SLA-0100. This standard is met.

Chapter 73C: Parking Standards

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

- (1) *Applicability. Off-street parking and loading is required to be provided by the owner and/or developer, in all zones, whenever the following occurs:*
- (a) *Establishment of a new structure or use;*
 - (b) *Change in use; or*
 - (c) *Change in use of an existing structure.*

Response: The proposal includes the net addition of approximately 438 parking spaces in conjunction with the new buildings, split over two phases. The standards for parking will be met as shown in the following sections.

- (2) *General Requirements. Off-street parking spaces, off-street vanpool and carpool parking spaces, off-street bicycle parking, and off-street loading berths must be as provided as set forth in TDC 73C.100, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process.*
- (a) *The following apply to property and/or use with respect to the provisions of TDC 73C.100:*
- (i) *The requirements apply to both the existing structure and use, and enlarging a structure or use;*
 - (ii) *The floor area is measured by gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading;*
 - (iii) *Where employees are specified, the term applies to all persons, including proprietors, working on the premises during the peak shift;*
 - (iv) *Calculations to determine the number of required parking spaces and loading berths must be rounded to the nearest whole number;*
 - (v) *If the use of a property changes, thereby increasing off-street parking or loading requirements, the increased parking/loading area must be provided prior to commencement of the new use;*
 - (vi) *Parking and loading requirements for structures not specifically listed herein must be determined by the City Manager, based upon requirements of comparable uses listed;*
 - (vii) *When several uses occupy a single structure, the total requirements for off-street parking may be the sum of the requirements of the several uses computed separately or be computed in accordance with TDC 73.370(1)(m), Joint Use Parking;*

Response: The parking requirements for the site were most recently confirmed by IMP 22-0001. The entire campus is to be parked to meet the Manufacturing minimum ratio of 1.6 spaces per 1,000 SF of gross floor area. The proposed development would increase the total gross floor area of the Lam campus to 990,467, which would require at least 1,585 off-street parking spaces. New parking will be constructed in two phases. The second phase will accommodate the addition of approximately 240 employees and provide overflow spaces for future flexibility. Also of note, the site plans depict 128 spaces which were previously approved under AR 22-0006 but have not yet been constructed. Therefore, these spaces are included with this application and will be constructed with Phase 1 of this proposal. The net increase in total Lam campus parking spaces associated with Phase 1 is 483; Phase 2 will add a net of 351 additional spaces. See sheets ZA0-0001 and ZA0-0002, Attachment 2, which illustrate the proposed phasing plan.

A summary of existing and proposed building area and number of parking spaces is provided below.

| | Existing | Proposed | Total |
|-------------------------|------------|------------|------------|
| Gross Floor Area | 566,467 SF | 424,000 SF | 990,467 SF |

| | | | |
|-----------------------|-------|-----------|--------------|
| Parking Spaces | 1,754 | 432 (net) | 2,186 spaces |
|-----------------------|-------|-----------|--------------|

As shown in the table, the proposed amount of parking satisfies the minimum parking requirement. No maximum applies. Additional standards of this chapter are addressed below.

(viii) *Off-street parking spaces for dwellings must be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located must be in the same ownership as the structure;*

Response: The proposal does not include dwelling units. This standard does not apply.

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

Response: All proposed parking will be available for automobiles of customers, patrons, and employees. They will not be used for storage of vehicles or materials, or for the parking of trucks used in conducting the business. This standard is met.

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

Response: No on-street parking is proposed. This standard does not apply.

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

Response: All vanpool and carpool parking spaces will be 9' in width. This standard is met.

(xii) *Where uses are mixed in a single building, parking must be a blend of the ratio required less ten percent for the minimum number of spaces. The maximum number of spaces must be ten percent less than the total permitted maximum for each use; and*

Response: No mixed-use buildings are proposed with this application. This standard does not apply.

(xiii) *If the applicant demonstrates that too many or too few parking spaces are required, applicant may seek a variance from the minimum or maximum by providing evidence that the particular use needs more or less than the amount specified in this Code.*

Response: No variance is requested as part of the proposed development. This standard does not apply.

Section 73C.020. - Parking Lot Design Standards

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

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

Response: This standard applies and will be met as shown in the following sections of Chapter 73C. The exception in subparagraph (a) is not applicable as no parking structures or underground parking are proposed.

- (2) *Parking lots and parking areas must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel is not an acceptable material;*

Response: All proposed parking areas will be constructed of asphalt. This standard is met.

- (3) *Parking stalls must be constructed of asphalt, concrete, pervious concrete, pavers, or grasscrete. Gravel or woody material are not an acceptable materials. Pavers, pervious concrete, or grasscrete are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas, or in a Clean Water Services Vegetated Corridor;*

Response: Parking stalls will be constructed of asphalt. There is no Natural Resource Protection Overlay, Natural Area, or CWS Vegetated Corridor present on the site. This standard is met.

- (4) *Parking lots must be maintained adequately for all-weather use and drained to avoid water flow across sidewalks;*

Response: New stormwater basins and swales will be located near the new parking areas. The proposed drainage plan avoids water flow across sidewalks. This standard is met.

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

Response: Vertical curbs are proposed along all landscaped and pedestrian areas adjacent to the proposed parking. This standard is met.

- (6) *Disability parking spaces and accessibility must meet ADA standards applicable at time of construction or alteration;*

Response: Final plans submitted for building permit review will demonstrate compliance with applicable ADA standards. This standard is met.

- (7) *Parking stalls for sub-compact vehicles must not exceed 35 percent of the total parking stalls required by TDC 73C.100. Stalls in excess of the number required by TDC 73C.100 can be sub-compact stalls;*

Response: The proposal does not include sub-compact parking stalls. This standard does not apply.

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

Response: None of the proposed parking will require maneuvering within a street right-of-way (see sheet ZC0-1100). This standard is met.

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

Response: Proposed drives have been designed by certified civil engineers in coordination with the City. This standard is met.

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

Response: All proposed drive aisles are a minimum of 24' wide. This standard is met.

- (11) *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: No proposed lighting will shine or create direct glare on adjacent properties, street rights of way, a Natural Resource Protection Overlay District, Other Natural Areas, or a Clean Water Services Vegetated Corridor. This standard is met.

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

Response: See section 73C.200 responses. This standard is met.

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

Response: The SW Tualatin Road frontage is across the street from a residential area. The existing landscaped berm along this frontage will be maintained and extended to the west to buffer the proposed expanded parking areas, which will minimize disturbance to residents. This standard is met.

Section 73C.030. - Shared Parking Requirements

Parking facilities may be shared by users on adjacent parcels if the following standards are met:

...

Response: The site is part of an IMP which includes four lots, all of which are under the same ownership and are used as an industrial campus for Lam Research. Existing and proposed parking facilities meet all standards, and shared parking facilities are not needed. This standard does not apply.

Section 73C.040. - Joint Use Parking Requirements

Response: As mentioned above, the site is part of an IMP which includes four lots under the same ownership in use as an industrial campus for Lam Research. This standard does not apply.

Section 73C.050. - Bicycle Parking Requirements and Standards

- (1) *Requirements. Bicycle parking facilities must include:*
- (a) *Long-term parking that consists of covered, secure stationary racks, lockable enclosures, or rooms in which the bicycle is stored;*
 - (i) *Long-term bicycle parking facilities may be provided inside a building in suitable secure and accessible locations.*

- (b) *Short-term parking provided by secure stationary racks (covered or not covered), which accommodate a bicyclist's lock securing the frame and both wheels.*

Response: The Lam Research campus currently has 70 short-term and 46 long-term bicycle parking spaces. The proposed TUX development will increase the total floor area of buildings on the campus to approximately 1,168,906 SF. Based on the minimum requirements for bicycle parking, this would require the campus to have a total of 117 spaces, with at least 36 being long-term spaces. This proposal includes 12 new short-term spaces (six staple racks), which will bring the site to a total of 128 spaces, including 46 existing long-term spaces. This exceeds the minimum requirements. See sheet ZA0-0002 and TA0-0009 for location and details of the proposed short-term spaces. This standard is met.

- (2) *Standards. Bicycle parking must comply with the following:*
 - (a) *Each bicycle parking space must be at least six feet long and two feet wide, with overhead clearance in covered areas must be at least seven feet;*
 - (b) *A five-foot-wide bicycle maneuvering area must be provided beside or between each row of bicycle parking. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;*
 - (c) *Access to bicycle parking must be provided by an area at least three feet in width. It must be constructed of concrete, asphalt, or a pervious hard surface such as pavers or grasscrete, and be maintained;*
 - (d) *Bicycle parking areas and facilities must be identified with appropriate signing as specified in the Manual on Uniform Traffic Control Devices (MUTCD) (latest edition). At a minimum, bicycle parking signs must be located at the main entrance and at the location of the bicycle parking facilities;*
 - (e) *Bicycle parking must be located in convenient, secure, and well-lighted locations approved through the Architectural Review process. Lighting, which may be provided, must be deflected to not shine or create glare into street rights-of-way or fish and wildlife habitat areas;*
 - (f) *Required bicycle parking spaces must be provided at no cost to the bicyclist, or with only a nominal charge for key deposits, etc. This does not preclude the operation of private for-profit bicycle parking businesses;*
 - (g) *Bicycle parking may be provided within the public right-of-way in the Core Area Parking District subject to approval of the City Engineer and provided it meets the other requirements for bicycle parking; and*
 - (h) *The City Manager or the Architectural Review Board may approve a form of bicycle parking not specified in these provisions but that meets the needs of long-term and/or short-term parking pursuant to Architectural Review.*

Response: All bicycle spaces will be 6' long and 2' wide with 5' maneuvering space. All access will be at least 3' in width and located on hard surface. The bike spaces will be conveniently located near entrances and sidewalks. Signs will be located at the main entrances and at the location of the bike parking itself. This standard is met.

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

- (1) *The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except these standards do not apply in the Core Area Parking District. The Core Area Parking District standards are in TDC 73C.110.*

Response: As described above in the response to 73C.010, the parking requirements for the site were confirmed most recently by IMP 22-0001. Per that IMP, the entire campus was to be parked at the Manufacturing ratio of 1.6 spaces per 1,000 SF of gross floor area. Based on that approach, the minimum required parking associated with the new buildings is 679 spaces.

Bicycle parking at the Manufacturing ratio requires 0.10 spaces per 1,000 SF of floor area with 30% being long-term spaces. The proposed TUX development will increase the total floor area of buildings on the campus to approximately 1,168,906 SF. Based on the minimum requirements for bicycle parking, this would require the campus to have a total of 117 spaces, with at least 36 being long-term spaces. The proposal includes the addition of 12 new short-term spaces (six staple racks), which will bring the site to a total of 128 spaces, including 46 existing long-term spaces. This exceeds the minimum requirements. See sheet ZA0-0002 and TA0-0009 for location and details of the proposed short-term spaces. The proposed provision of vehicle and bicycle parking is therefore consistent with the approved IMP.

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

| <i>Number of Required Parking Spaces</i> | <i>Number of Vanpool or Carpool Spaces</i> |
|--|--|
| <i>0 to 10</i> | <i>1</i> |
| <i>10 to 25</i> | <i>2</i> |
| <i>26 and greater</i> | <i>1 for each 25 spaces</i> |

Response: Based on the minimum parking standard of 1.6 spaces per 1,000 SF of gross floor area, the proposed buildings require 679 parking spaces. As such, 28 vanpool/carpool spaces are required to serve the new buildings. Final plans will include at least this number of vanpool/carpool spaces. This standard is met.

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

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

| <i>Use</i> | <i>Square Feet of Floor Area</i> | <i>Number of Berths</i> | <i>Dimensions of Berth</i> | <i>Unobstructed Clearance of Berth</i> |
|-------------------|----------------------------------|-------------------------|----------------------------|--|
| Commercial | <i>Less than 5,000</i> | <i>0</i> | <i>0</i> | <i>0</i> |
| | <i>5,000—25,000</i> | <i>1</i> | <i>12 feet × 25 feet</i> | <i>14 feet</i> |
| | <i>25,000—60,000</i> | <i>2</i> | <i>12 feet × 35 feet</i> | <i>14 feet</i> |
| | <i>60,000 and over</i> | <i>3</i> | <i>12 feet × 35 feet</i> | <i>14 feet</i> |
| Industrial | <i>Less than 5,000</i> | <i>0</i> | <i>0</i> | <i>0</i> |
| | <i>5,000—25,000</i> | <i>1</i> | <i>12 feet × 60 feet</i> | <i>14 feet</i> |
| | <i>25,000—60,000</i> | <i>2</i> | <i>12 feet × 60 feet</i> | <i>14 feet</i> |

| | | | | |
|--|-----------------|---|-------------------|---------|
| | 60,000 and over | 3 | 12 feet x 60 feet | 14 feet |
|--|-----------------|---|-------------------|---------|

Response: The existing site development includes numerous existing buildings and loading dock facilities, such that the property already complies with the minimum three loading berth requirement for industrial facilities exceeding 60,000 SF; however, additionally, the proposed new buildings will add 424,000 SF and will have four new loading berths (two at Building T, one at U, and one at X). Dimensions for each berth will be at least 12' x 60' with a minimum 14' of vertical clearance. This standard is met.

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

Response: Proposed loading berths do not use public right of way. This standard is met.

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

Response: The loading area on the west side of Building T will be screened from public view. Refer to the architectural elevations included in Attachment 2. This standard is met.

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

Response: Proposed loading facilities will be installed prior to final building inspection and will be permanently maintained. This standard is met.

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

Response: All proposed and existing off-street loading facilities associated with the proposed new buildings are on the same lot as the structure they will serve and are not part of the area used to satisfy off-street parking. See sheet ZC0-1100 for loading dock locations. This standard is met.

(6) *A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children must be located on the site of a school or child day care center having a capacity greater than 25 students.*

Response: The site does not have or propose a school or childcare center. This standard does not apply.

Section 73C.130. - Parking Lot Driveway and Walkway Minimum Requirements

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

(2) *Commercial Uses. Ingress and egress for commercial and institutional uses must not be less than the following:*

| <i>Required Parking Spaces</i> | <i>Minimum Number Required</i> | <i>Minimum Pavement Width</i> | <i>Minimum Pavement Walkways, etc.</i> |
|--------------------------------|--------------------------------|--|--|
| 1-99 | 1 | 32 feet for first 50 feet from ROW, 24 feet thereafter | Curbs required; walkway 1 side only |

| | | | |
|----------|-----------------------------|--|-------------------------------------|
| 100-249 | 2 | 32 feet for first 50 feet from ROW, 24 feet thereafter | Curbs required; walkway 1 side only |
| Over 250 | As required by City Manager | As required by City Manager | As required by City Manager |

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

| <i>Required Parking Spaces</i> | <i>Minimum Number Required</i> | <i>Minimum Pavement Width</i> | <i>Minimum Pavement Walkways, etc.</i> |
|--------------------------------|--------------------------------|--|--|
| 1-250 | 1 | 36 feet for first 50' from ROW, 24 feet thereafter | No curbs or walkway required |
| Over 250 | As required by City Manager | As required by City Manager | As required by City Manager |

Response: The proposal is for an office building, lab building, and utilities building, accessory to a permitted manufacturing use on an industrial site in the MP District, which will add a combined approximately 424,000 SF of floor area. The associated parking requirement exceeds 250 spaces. Driveways have been designed in coordination with City Engineering staff and have been sized to accommodate anticipated traffic. Proposed new driveways are more than 36' wide for the first 50' from ROW and more than 24' wide thereafter. See sheet ZC0-1100. This standard is met.

(4) *Institutional Uses. Ingress and egress must not be less than 24 feet. In all other cases, ingress and egress for institutional uses must not be less than the following: ...*

Response: No institutional uses are existing or proposed on the subject site. This standard does not apply.

(5) *One-way Ingress or Egress. When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements. However, the hard surfaced pavement of one-way drives must not be less than 16 feet for multi-family residential developments (as defined in TDC 31.060), commercial, or industrial uses.*

Response: A one-way ingress or egress is not proposed. This standard does not apply.

(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: No proposed driveways exceed 40' in width. This standard 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: All driveways will be more than 5' from an adjacent property line, except the joint access shared with the neighboring JAE property at SW Tualatin Road which straddles the existing

lot line but will be more than 5' from the relocated lot line proposed through concurrent PLA. This standard 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: No residential uses are proposed. This standard does not apply.

(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: All driveways are separated by 40' or more. This standard is met.

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

Response: The proposal complies with distance requirements of TDC 75. See Section 75. This standard is met.

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

Response: The proposal complies with the requirements of TDC 75. See Section 75. This standard is met.

Parking Lot Landscaping

Section 73C.220. - Commercial Parking Lot Landscaping Requirements

Response: The IMP under review concurrent with this AR proposes some site-specific parking lot landscaping requirements, based on the current TDC standards listed below. The intent is for the IMP to provide certainty that new parking areas proposed in this and future ARs can use the current standards.

Commercial uses must comply with the following landscaping requirements for parking lots in all zones:

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

Response: As shown on Landscape plans, sheets SLA-1600 through SLA-16F0, Attachment 2, landscaping or approved materials will be located in all areas not necessary for vehicular parking and maneuvering. This standard is met.

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

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

Response: Clear zones are present at the ends of all on-site drive aisles and driveway entrances between 30" and 8' from the ground level. See sheets SLA-1600 through SLA-16F0. This standard 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: More than 5' of perimeter landscaping is proposed around all parking, circulation, and loading areas, as shown on sheets SLA-0001 through SLA-16F3. Deciduous trees are located less than 30' apart on average, shrubs and ground cover will achieve 90% coverage within three years, and plantings with 30" mature height within three years will provide screening of vehicular light year around. See landscape plans. This standard is met.

- (4) *Landscape Island. Minimum 25 square feet per parking stall must be improved with landscape island areas and must comply with the following.*

- (a) *May be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping;*

Response: No below-grade islands are proposed. This option is not used.

- (b) *Must be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands;*

Response: All landscape islands will have curbs, as shown on sheets SLA-0001 through SLA-16F3. This standard is met.

- (c) *Islands must be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns;*

Response: Landscape islands are proposed at every aisle end. This standard is met.

- (d) *Landscape separation required for every eight continuous spaces in a row.*

Response: The south end of the site has landscape islands at least every 12 continuous spaces per the approved IMP 00-01 alternative method for parking lot landscaping. The north side of the site has landscape islands every 8 spaces. See Landscape plans, sheets SLA-0001 through SLA-16F3, Attachment 2. This standard is met.

- (e) *Must be planted with one deciduous shade trees for every four parking spaces; Required trees must be evenly dispersed throughout the parking lot;*

Response: Deciduous shade trees will be provided in accordance with this standard in proposed new parking areas. See Landscape plans, sheets SLA-0001 through SLA-16F3, Attachment 2. This standard is met.

- (f) *Must be planted with groundcover or shrubs;*

Response: All landscape islands are planted with groundcover and shrubs. See sheets SLA-0001 through SLA-16F3, Attachment 2. This standard is met.

- (g) *Native plant materials are encouraged;*

Response: The proposed landscape plans incorporate native plant materials throughout. See sheets SLA-0001 through SLA-16F3, Attachment 2. This standard is met.

- (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 island requirements do not apply to Duplexes and Townhouses; and*
- (ii) *Landscape square footage requirements do not apply to parking structures and underground parking.*

Response: As shown in the civil and landscape plans, Attachment 2, landscape islands will be at least 5' wide. This standard 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;*
 - (b) *Landscape area must extend 25 feet from the right-of-way line; and*
 - (c) *Exceptions: Does not apply to parking structures and underground parking which must be determined through the Architectural Review process.*

Response: All driveway accesses have more than 5' of landscape area on each side which extends more than 2' from the right-of-way line, as shown on sheets SLA-1600 through SLA-16F0, Attachment 2. This standard is met.

Chapter 73D: Waste and Recyclables Management Standards

Section 73D.020. - Design Methods

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

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

Response: The proposed new building will comply with the Waste Assessment Method of 73D.040 as discussed below. This standard is met.

Section 73D.040. – Waste Assessment Method

This method tailors the storage area size to a waste assessment and management program for the specific user of a new or expanded building. It is most appropriate when the specific use of a building is known and the type and volume of mixed solid waste to be generated can be estimated.

- (1) *A waste assessment form must be obtained from the City Manager. The form must be used to estimate the volumes of both mixed solid waste and source separated recyclables generated.*
- (2) *Techniques such as a compactor or cardboard baler may be implemented to minimize the square footage of the storage area.*
- (3) *The plans must identify the size and location of interior, or exterior storage area(s) or both, specialized equipment to be used, and collection schedule required to accommodate the volumes of waste projected in the waste assessment.*
- (4) *The application must demonstrate that the mixed solid waste and source separated recyclable volumes expected to be generated can be stored in less space than required by the Minimum Standards Method. If the application does not demonstrate that the waste assessment method requires less space, the minimum standards method will be required.*

Response: The Waste Assessment Method is appropriate because the proposed development is an expansion of an existing industrial campus for a specific user and specific building uses. A waste enclosure and trash compactor will be provided at Buildings T and X, sized based on the volume and type of waste produced at each building. A waste assessment form was not available as of the date of this narrative. The applicant will coordinate with staff to obtain the form and demonstrate the proposed amount of waste storage is adequate. This will additionally be supported by a Service Provider Letter from Republic Services. This standard is met.

Section 73D.070. - Location, Design and Access Standards

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

(1) Location Standards.

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

Response: Both of the proposed exterior storage areas will include space for recyclables and mixed solid waste. This standard is met.

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

Response: The proposal includes two exterior storage areas for waste and recyclables. One is located at Building T and one is located at Building X. This standard is 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: The proposed exterior storage areas are located according to these requirements. See site plans included in Attachment 2.

(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: The storage areas have been designed to accommodate the appropriate containers. A Service Provider Letter will be submitted to the City to confirm the proposal meets the requirements of the local hauler. This standard is met.

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

Response: The storage areas have been designed to comply with these requirements, which can be verified during building permit review. This standard is met.

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

Response: Storage areas will be enclosed by concrete walls that are 8' in height. Refer to Sheets XA0-0004 and TA0-0009 in Attachment 2. 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: The proposal is an industrial development. This standard does not apply.

(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: Gate openings are at least 10' wide and will be capable of being secured in a closed and open position. This standard is met.

(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: Storage areas have been designed with the appropriate horizontal and vertical clearances. Refer to the architectural elevations included in Attachment 2. This standard is met.

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

Response: The proposal is an industrial development. This standard does not apply.

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

Response: Storage area floor surfaces will be concrete or asphalt. This standard is met.

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

Response: The storage areas and containers will be clearly labeled, consistent with the labeling present on existing storage areas within the campus. This standard is met.

(3) *Access Standards.*

(a) *Storage areas must be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.*

Response: The storage areas will be accessible to Lam employees and hauler personnel at convenient and appropriate times of day. This standard is met.

(b) *Storage areas must be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access.*

Response: The storage areas have been designed to be easily accessible by the hauler's trucks and equipment. A Service Provider Letter will be submitted to the City to confirm the proposal meets the requirements of the local hauler. This standard is met.

(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.*

Response: Neither of the proposed storage areas will require backing out of a driveway onto a public street. Adequate area is provided to allow the hauler's trucks to maneuver within the site and safely exit the site in a forward motion. This standard is met.

(d) *Storage areas must located [SIC] so that pedestrian and vehicular traffic movement are not obstructed on site or on public streets adjacent to the site.*

Response: The proposed storage area locations are not in areas that would obstruct pedestrian or vehicular circulation on site or on adjacent public streets. This standard is met.

(e) *The following is an exception to the access standard:*

(i) *Access may be limited for security reasons.*

Response: Applicant acknowledges access to waste storage areas may be limited for security reasons.

Chapter 74: Public Improvement Requirements

Section 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: The proposed on-site development will occur in two phases as shown on sheets ZA0-0001 and ZA0-0002, Attachment 2. Construction of Phase I is anticipated to begin with site grading in March of 2025, followed by building foundations and walls beginning in the third quarter of 2025 with final build-out completed by the second quarter of 2027. Construction of Phase II, which will expand proposed Building X and add additional parking, will be deferred to a later date following completion and occupancy of Phase I. However, public improvements are not proposed to be phased.

Section 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: All public improvements will be installed at the expense of the applicant and constructed according to the Public Works Construction Code. Plans will be approved prior to construction. Any authorized modifications to street improvements will be followed. This standard is met.

Section 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: All private improvements will be maintained by property owner. This standard is met.

Section 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: All public and private improvements will be completed and approved before Certificate of Occupancy. This standard is met.

Right-of-Way

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

Response: The street rights-of-way surrounding the site meet the applicable minimum width requirements. No additional dedications are required or proposed. This standard is met.

Section 74.220. - Parcels Excluded from Development.

On subdivision development applications ...

Response: The proposal is not for a subdivision. This standard does not apply.

Easements and Tracts

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

Response: No greenway, natural area, bike, or pedestrian path dedications or easements are proposed. This standard does not apply.

Section 74.320. - Slope Easements.

Response: No new slope easements are required or proposed. This standard does not apply.

Section 74.330. - Utility Easements.

Response: No new easements for public utilities are required or proposed. This standard does not apply.

Section 74.340. - Watercourse Easements.

Response: No watercourse easements are proposed or required. This standard does not apply.

Section 74.350. - Maintenance Easement or Lots.

Response: Maintenance easements will be provided if required. This standard is met.

Section 74.410. - Future Street Extensions.

Response: No future street extensions are proposed or required. This standard does not apply.

Section 74.420. - Street Improvements.

When an applicant proposes to develop land adjacent to an existing or proposed street, including land which has been excluded under TDC 74.220, the applicant should be responsible for the improvements to the adjacent existing or proposed street that will bring the improvement of the street into conformance with the Transportation Plan (TDC Chapter 11), TDC 74.425 (Street Design Standards), and the City's Public Works Construction Code, subject to the following provisions:...

- (1) *For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.*
- (2) *The required improvements may include the rebuilding or the reconstruction of any existing facilities located within the right-of-way adjacent to the proposed development to bring the facilities into compliance with the Public Works Construction Code.*

- (3) *The required improvements may include the construction or rebuilding of off-site improvements which are identified to mitigate the impact of the development.*
- (4) *Where development abuts an existing street, the improvement required must apply only to that portion of the street right-of-way located between the property line of the parcel proposed for development and the centerline of the right-of-way, plus any additional pavement beyond the centerline deemed necessary by the City Manager to ensure a smooth transition between a new improvement and the existing roadway (half-street improvement). Additional right-of-way and street improvements and off-site right-of-way and street improvements may be required by the City to mitigate the impact of the development. The new pavement must connect to the existing pavement at the ends of the section being improved by tapering in accordance with the Public Works Construction Code.*
- (5) *If additional improvements are required as part of the Access Management Plan of the City, TDC Chapter 75, the improvements must be required in the same manner as the half-street improvement requirements.*
- (6) *All required street improvements must include curbs, sidewalks with appropriate buffering, storm drainage, street lights, street signs, street trees, and, where designated, bikeways and transit facilities.*
- (7) *For subdivision and partition applications, the street improvements required by TDC Chapter 74 must be completed and accepted by the City prior to signing the final subdivision or partition plat, or prior to releasing the security provided by the applicant to assure completion of such improvements or as otherwise specified in the development application approval.*
- (8) *For development applications other than subdivisions and partitions, all street improvements required by this section must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.*
- (9) *In addition to land adjacent to an existing or proposed street, the requirements of this section must apply to land separated from such a street only by a railroad right-of-way.*
- (10) *Streets within, or partially within, a proposed development site must be graded for the entire right-of-way width and constructed and surfaced in accordance with the Public Works Construction Code.*
- (11) *Existing streets which abut the proposed development site must be graded, constructed, reconstructed, surfaced or repaired as necessary in accordance with the Public Works Construction Code and TDC Chapter 11, Transportation Plan, and TDC 74.425 (Street Design Standards).*
- (12) *Sidewalks with appropriate buffering must be constructed along both sides of each internal street and at a minimum along the development side of each external street in accordance with the Public Works Construction Code.*
- (13) *The applicant must comply with the requirements of the Oregon Department of Transportation (ODOT), Tri-Met, Washington County and Clackamas County when a proposed development site is adjacent to a roadway under any of their jurisdictions, in addition to the requirements of this chapter.*
- (14) *The applicant must construct any required street improvements adjacent to parcels excluded from development, as set forth in TDC 74.220 of this chapter.*
- (15) *Except as provided in TDC 74.430, whenever an applicant proposes to develop land with frontage on certain arterial streets and, due to the access management provisions of TDC Chapter 75, is not allowed direct access onto the arterial, but instead must take access from another existing or future public street thereby providing an alternate to direct arterial access, the applicant must be required to construct and place at a minimum street signage, a sidewalk, street trees and street lights along that portion of the arterial street adjacent to the applicant's property. The three certain arterial streets are S.W. Tualatin-Sherwood Road, S.W. Pacific Highway (99W) and S.W. 124th Avenue. In addition, the applicant may be required to construct and place on the arterial at*

the intersection of the arterial and an existing or future public non-arterial street warranted traffic control devices (in accordance with the Manual on Uniform Traffic Control Devices, latest edition), pavement markings, street tapers and turning lanes, in accordance with the Public Works Construction Code.

- (16) *The City Manager may determine that, although concurrent construction and placement of the improvements in (14) and (15) of this section, either individually or collectively, are impractical at the time of development, the improvements will be necessary at some future date. In such a case, the applicant must sign a written agreement guaranteeing future performance by the applicant and any successors in interest of the property being developed. The agreement must be subject to the City's approval.*
- (17) *Intersections should be improved to operate at a level of service of at least D and E for signalized and unsignalized intersections, respectively.*
- (18) *Pursuant to requirements for off-site improvements as conditions of development approval, proposed multi-family residential, commercial, or institutional uses that are adjacent to a major transit stop will be required to comply with the City's Mid-Block Crossing Policy.*

Response: A traffic study is included with this application in Attachment 9. Based on the City's review, the applicant will coordinate with the City to determine whether any street improvements are required. This standard is met.

Section 74.425. - Street Design Standards.

- (1) *Street design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, and safety. They are necessary to ensure that the system of streets, as it develops, will be capable of safely and efficiently serving the traveling public while also accommodating the orderly development of adjacent lands.*
- (2) *The proposed street design standards are shown in Figures 72A through 72G. The typical roadway cross sections comprise the following elements: right-of-way, number of travel lanes, bicycle and pedestrian facilities, and other amenities such as landscape strips. These figures are intended for planning purposes for new road construction, as well as for those locations where it is physically and economically feasible to improve existing streets.*
- (3) *In accordance with the Tualatin Basin Program for fish and wildlife habitat it is the intent of Figures 74-2A through 74-2G to allow for modifications to the standards when deemed appropriate by the City Manager to address fish and wildlife habitat.*
- (4) *All streets must be designed and constructed according to the preferred standard. The City Manager may reduce the requirements of the preferred standard based on specific site conditions, but in no event will the requirement be less than the minimum standard. The City Manager must take into consideration the following factors when deciding whether the site conditions warrant a reduction of the preferred standard:...*

Response: A traffic study is included with this application in Attachment 9. Based on the City's review, the applicant will coordinate with the City to determine whether any street improvements are required. This standard is met.

Section 74.430. - Streets, Modifications of Requirements in Cases of Unusual Conditions.

Response: No modifications are proposed or required at this time.

Section 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:...

- (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.*

Response: The Transportation Impact Analysis is Attachment 9 and includes minimum requirements (a) – (g). This standard is met.

- (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: The applicant will implement required improvements. This standard is met.

Section 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: The site does not appear to abut or contain these features. This standard does not apply.

Section 74.460. - Accessways in Residential, Commercial and Industrial Subdivisions and Partitions.

Response: No accessways are proposed and the project is not a subdivision or partition. This standard does not apply.

Section 74.470. - Street Lights.

- (1) *Street light poles and luminaries must be installed in accordance with the Public Works Construction Code.*
- (2) *The applicant submit a street lighting plan for all interior and exterior streets on the proposed development site prior to issuance of a Public Works Permit.*

Response: No street lights are required. This standard does not apply.

Section 74.475. - Street Names.

Response: No new streets or street names are proposed. This standard does not apply.

Section 74.480. - Street Signs.

Response: No new street names signs are proposed. This standard does not apply.

Section 74.485. - Street Trees.

- (1) *Prior to approval of a residential subdivision or partition final plat, the applicant must pay the City a non-refundable fee equal to the cost of the purchase and installation of street trees. The location, placement, and cost of the trees must be determined by the City. This sum must be calculated on the interior and exterior streets as indicated on the final subdivision or partition plat.*
- (2) *In nonresidential subdivisions and partitions street trees must be planted by the owners of the individual lots as development occurs.*
- (3) *The Street Tree Ordinance specifies the species of tree which is to be planted and the spacing between trees.*

Response: The proposal is not for a subdivision. This standard does not apply.

Utilities

Section 74.610. - Water Service.

- (1) *Water lines must be installed to serve each property in accordance with the Public Works Construction Code. Water line construction plans must be submitted to the City Manager for review and approval prior to construction.*
- (2) *If there are undeveloped properties adjacent to the subject site, public water lines must be extended by the applicant to the common boundary line of these properties. The lines must be sized to provide service to future development, in accordance with the City's Water System Master Plan, TDC Chapter 12.*
- (3) *As set forth in TDC Chapter 12, Water Service, the City has three water service levels. All development applicants must be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant must be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.*

Response: New water services are proposed for the new buildings. Lines will be installed in accordance with the Public Works Construction Code and connected to appropriate water service levels. See sheets ZC0-0800 through ZC0-08F0, Attachment 2, for details. There are not undeveloped properties adjacent to the subject site. This standard is met.

Section 74.620. - Sanitary Sewer Service.

- (1) *Sanitary sewer lines must be installed to serve each property in accordance with the Public Works Construction Code. Sanitary sewer construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.*
- (2) *If there are undeveloped properties adjacent to the proposed development site which can be served by the gravity sewer system on the proposed development site, the applicant must extend public sanitary sewer lines to the common boundary line with these properties. The lines must be sized to convey flows to include all future development from all up stream areas that can be expected to drain through the lines on the site, in accordance with the City's Sanitary Sewer System Master Plan, TDC Chapter 13.*

Response: New sanitary sewer lines serving the three proposed buildings will be connected to the existing on-site sewer system. One new lateral to the public system is proposed at the southwest corner of the site on SW Leveton Drive. See sheets ZC0-0800 through ZC0-08F0, Attachment 2, for details. No undeveloped properties are adjacent. This standard is met.

Section 74.630. - Storm Drainage System.

- (1) *Storm drainage lines must be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.*
- (2) *The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City's Storm and Surface Water Regulations.*
- (3) *If there are undeveloped properties adjacent to the proposed development site which can be served by the storm drainage system on the proposed development site, the applicant must extend storm drainage lines to the common boundary line with these properties. The lines must be sized to convey expected flows to include all future development from all up stream areas that will drain through the lines on the site, in accordance with the Tualatin Drainage Plan in TDC Chapter 14.*

Response: New storm drain system components will be connected to the existing on-site storm system with modifications to accommodate needed drainage. Three new connections to the public system are proposed on SW Leveton Drive. See sheets ZC0-0900 through ZC0-09F0, Attachment 2, for details. No undeveloped properties are adjacent. This standard is met.

Section 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: The area proposed for development will be graded to minimize the impact of storm runoff. This application includes a grading plan on sheet ZC0-1000, Attachment 2, showing that the proposed development will not affect the drainage on adjacent properties. This standard is met.

Section 74.650. - Water Quality, Storm Water Detention and Erosion Control.

The applicant must comply with the water quality, storm water detention and erosion control requirements in the Surface Water Management Ordinance. If required:

- (1) *On subdivision and partition development applications...*

Response: The proposal is not for a subdivision. This standard does not apply.

- (2) *On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.*

Response: Existing and proposed stormwater facilities meet the requirements of the Surface Water Management Ordinance. See stormwater report, Attachment 10. A CWS permit will be obtained. This standard is met.

- (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: The required stormwater facility agreement and erosion control plan will be submitted with the construction permit. This standard is met.

Section 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: No new or modified above ground utilities are proposed as part of this application.

Section 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: There are no existing structures to be retained in the area of the proposed new development. This standard does not apply.

Section 74.700. - Removal, Destruction or Injury of Trees.

It is unlawful for a person, without a written permit from the City Manager, to remove, destroy, break or injure a tree, plant or shrub, that is planted or growing in or upon a public right-of-way within the City, or cause, authorize, or procure a person to do so, authorize or procure a person to injure, misuse or remove a device set for the protection of any tree, in or upon a public right-of-way.

Response: No trees or plants in the public right-of-way will be removed, destroyed, or broken during development. This standard is met.

Section 74.705. - Street Tree Removal Permit.

Response: No street trees are proposed to be removed. This standard does not apply.

Section 74.710. - Open Ground.

When impervious material or substance is laid down or placed in or upon a public right-of-way near a tree, at least nine square feet of open ground for a tree up to three inches in diameter must be provided about the base of the trunk of each tree.

Response: No impervious material is proposed to be laid down in the public right-of-way. This standard does not apply.

Section 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: Trees within public rights-of-way will be protected in accordance with these requirements. This standard is met.

Section 74.740. - Prohibited Trees.

It is unlawful for a person to plant a tree within the right-of-way of the City of Tualatin that is not in conformance with City standards, including Table 74-1. Any tree planted subsequent to adoption of this Chapter not in compliance with City standards, including Table 74-1, must be removed at the expense of the property owner.

Response: No trees are proposed to be planted within the public right-of-way. This standard does not apply.

Section 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.*

Response: No trees within the public right-of-way are proposed for removal. This standard does not apply.

- (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: No trees are proposed to be planted within the public right-of-way. This standard does not apply.

Section 74.765. - Street Tree Species and Planting Locations.

All trees, plants or shrubs planted in the right-of-way of the City must conform in species and location and in accordance with the street tree plan and City standards, including Table 74-1. If the City Manager

determines that none of the species in City standards, including Table 74-1 is appropriate or finds appropriate a species not listed, the City Manager may substitute an unlisted species.

Response: No trees are proposed to be planted within the public right-of-way. This standard does not apply.

Chapter 75: Access Management

Section 75.020. - Permit for New Driveway Approach

- (1) *Applicability.* A driveway approach permit must be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.
- (2) *Exceptions.* A driveway approach permit is not required for:
 - (a) *The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or*
 - (b) *The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.*
- (3) *Procedure Type.* A Driveway Approach Permit is processed as a Type II procedure under TDC 32.220 (Type II).

Response: A permit is required to modify the driveway on SW Tualatin Road. See responses to the relevant criteria below.

- (4) *Submittal Requirements.* In addition to the application materials required by TDC 32.140 (Application Submittal), the following application materials are also required:
 - (a) *A site plan, of a size and form and in the number of copies meeting the standards established by the City Manager, containing the following information:*
 - (i) *The location and dimensions of the proposed driveway approach;*
 - (ii) *The relationship to nearest street intersection and adjacent driveway approaches;*
 - (iii) *Topographic conditions;*
 - (iv) *The location of all utilities;*
 - (v) *The location of any existing or proposed buildings, structures, or vehicular use areas;*
 - (vi) *The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to TDC Chapter 73B or 73C; and*
 - (vii) *The location of any street trees adjacent to the location of the proposed driveway approach.*

Response: These items will be included with a future application for a driveway approach permit. This standard is met.

- (b) *Identification of the uses or activities served, or proposed to be served, by the driveway approach; and*
- (c) *Any other information, as determined by the City Manager, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.*

Response: See Traffic Study (Attachment 9) for more details regarding the proposed driveway modifications.

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

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

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

Response: The proposed driveway modifications meet standards of the TDC and the Public Works Construction Code and no site conditions have been found that prevent these modifications. This standard is met.

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

Response: The proposal would modify the existing driveway approach on SW Tualatin Road. No new approaches are proposed. This standard is met.

(d) *The proposed driveway approach, where possible:*

(i) *Is shared with an adjacent property; or*

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

Response: The driveway approach to be modified on SW Tualatin Road is shared with the adjacent JAE property. This standard is met.

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

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

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

Response: The future driveway approach permit application will be required to demonstrate these requirements are satisfied. Compliance is feasible because the proposed driveway approach is situated on a generally flat, linear segment of SW Tualatin Road that does not pose significant constraints, as supported by the Transportation Impact Analysis (see Attachment 9). This standard is met.

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

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

Response: A Transportation Impact Analysis is included in Attachment 9 and describes the impacts of the modified driveway approach on the south side of SW Tualatin Road, where the City's Transportation System Plan calls for a new signal. This application will likely trigger a requirement to install the signal. The applicant will coordinate with City staff to appropriately minimize impacts to the functionality of adjacent streets and intersections.

(6) *Effective Date. The effective date of a Driveway Approach Permit approval is the date the notice of decision is mailed.*

(7) *Permit Expiration. A Driveway Approach Permit approval expires one year from the effective date, unless the driveway approach is constructed within the one-year period in accordance with the approval decision and City standards.*

Response: These items are advisory and require no factual information from the applicant.

Section 75.030. - Driveway Approach Closure.

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

(a) *The driveway approach is not constructed in conformance with this Chapter and the Public Works Construction Code;*

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

Response: The City has not identified a requirement to close a driveway approach. This standard does not apply.

- (2) *Notice. Notice of driveway approach closure must be given in writing to the property owner and any affected tenants stating the grounds for closure, the date upon which the closure becomes effective, and the right to appeal.*
- (3) *Appeals. Any person entitled to notice under subsection (2) of this section may appeal the decision to the City Council.*
- (4) *Effect. Closure is effective immediately upon the mailing of notice of the decision. Unless otherwise provided in the notice, closure terminates all rights to continue the use the driveway approach for which the notice of closure has been issued.*
- (5) *Failure to Close Driveway. If the owner fails to close the driveway approach to conform to the notice within 90 days, the City Manager may cause the closure to be completed and all expenses assessed against the property owner.*

Response: These items provide procedural direction and require no factual information from the applicant.

Section 75.040. - Driveway Approach Requirements.

- (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: No new driveway approaches are proposed. All proposed driveway approach modifications will be authorized by the City before construction and maintained in accordance with the TDC. This standard is 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 existing driveway approach on SW Tualatin Road is shared with the adjacent JAE lot and includes appropriate legal agreements on file with the City Recorder. This standard is met.

- (3) *Joint and Cross Access....*

Response: Lam is owner of all joint and cross access; no additional access easements are needed. This standard is met.

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

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

Response: Per the IMP, all existing access points were found to provide reasonable access. The proposed new buildings and parking areas have been designed to accommodate the added traffic and parking. This standard is met.

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

Response: This provision is not applicable because the site is an industrial campus owned and operated by a single manufacturing user/tenant.

(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 site has three street frontages and multiple existing vehicle access points. No new access points are proposed. This standard is met.

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

Response: All driveway approaches connect directly with public streets. This standard 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: Sidewalks are provided along all street frontages. No improvements or dedications are required or proposed. This standard is met.

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

(9) *Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width): ... (Table withheld for brevity, Industrial standard minimum is 36' and maximum is 40')*

Response: The SW Tualatin Road driveway approach will be modified. The proposed width is 40'. This standard 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: All driveway approaches are separated more than 40'. This standard 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.*

(a) *At the intersection of collector or arterial streets, driveways must be located a minimum of 150 feet from the intersection.*

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

(c) *If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway must be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line.*

(d) *When considering a driveway approach permit, the City Manager may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision.*

Response: All driveways meet the minimum distance requirements described above. This standard 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).*

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

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

Response: All driveway approaches meet the vision clearance requirements described above. This standard is met.

IV. CONCLUSION

As demonstrated in the narrative above and referenced attachments, this AR application meets the relevant criteria and warrants approval.