



**ARCHITECTURAL REVIEW DECISION
 PGE TONQUIN SUBSTATION (AR 23-0002)**

April 11, 2023

Case #:	AR 23-0002
Project:	PGE Tonquin Substation
Location:	12340 SW Blake Street; Tax ID: 2S127C000551
Applicant:	Clinton “CJ” Doxsee, MIG APG
Owner:	Portland General Electric Company (PGE)

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

I. INTRODUCTION

A. Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.020: Architectural Review
- TDC 33.110: Tree Removal Permit/Review
- TDC 63: Industrial Uses and Utilities and Manufacturing Zone—Environmental Regulations
- TDC 64: Manufacturing Business Park Zone (MBP)
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvement Requirements
- TDC 75: Access Management

B. Site Description

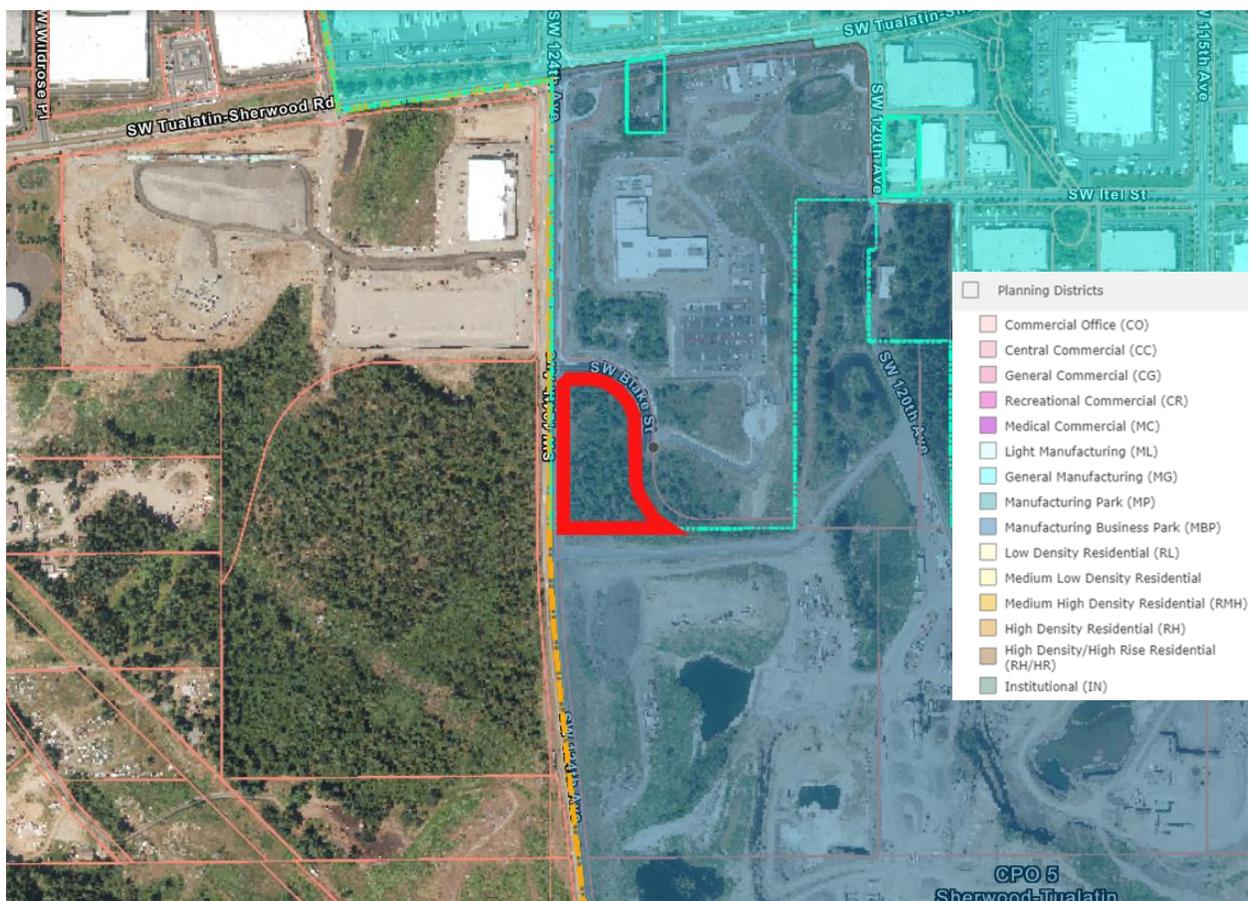


Figure 1 Aerial view of site with zoning (TualGIS)

The PGE Tonquin Substation site is proposed to be located at 12340 SW Blake Street, south and west of SW Blake Street and east of SW 124th Avenue. The subject property is 4.2 acres in area and is zoned Manufacturing Business Park (MBP). The site is currently vacant with trees and brush covering most of the property. The topography of the site generally slopes downward from the SW 124th Avenue right-of-way to the east. The highest approximate point is 254 feet in the southern portion of the site along SW

124th Avenue to the lowest point of about 238 feet in the northeast portion of the site. The Tonquin Substation development site abuts PGE's Integrated Operations Center (IOC), local file# AR19-0005, which was approved on July 24, 2019 by the Architectural Review Board and has been constructed.

C. Proposed Project

MIG|APG, on behalf of Portland General Electric Company (PGE), is requesting approval of a Type II Architectural Review and a Tree Removal Permit for construction of the Tonquin Substation. The Tonquin Substation is a facility that will convert high voltage (115,000 volts) transmission level electricity travelling on high voltage lines down to a lower voltage (13,000 volts) so that electricity can be distributed to homes and businesses via local distribution lines. According to the applicant, the development of the substation is necessary to add capacity to the power delivery system, increase system reliability, meet the demands of growth, and continue to provide reliable and safe power to serve Tualatin and surrounding areas into the future. Additionally, the Tonquin Substation is needed to support the Willamette Water Supply Project treatment plant located directly west of the site.

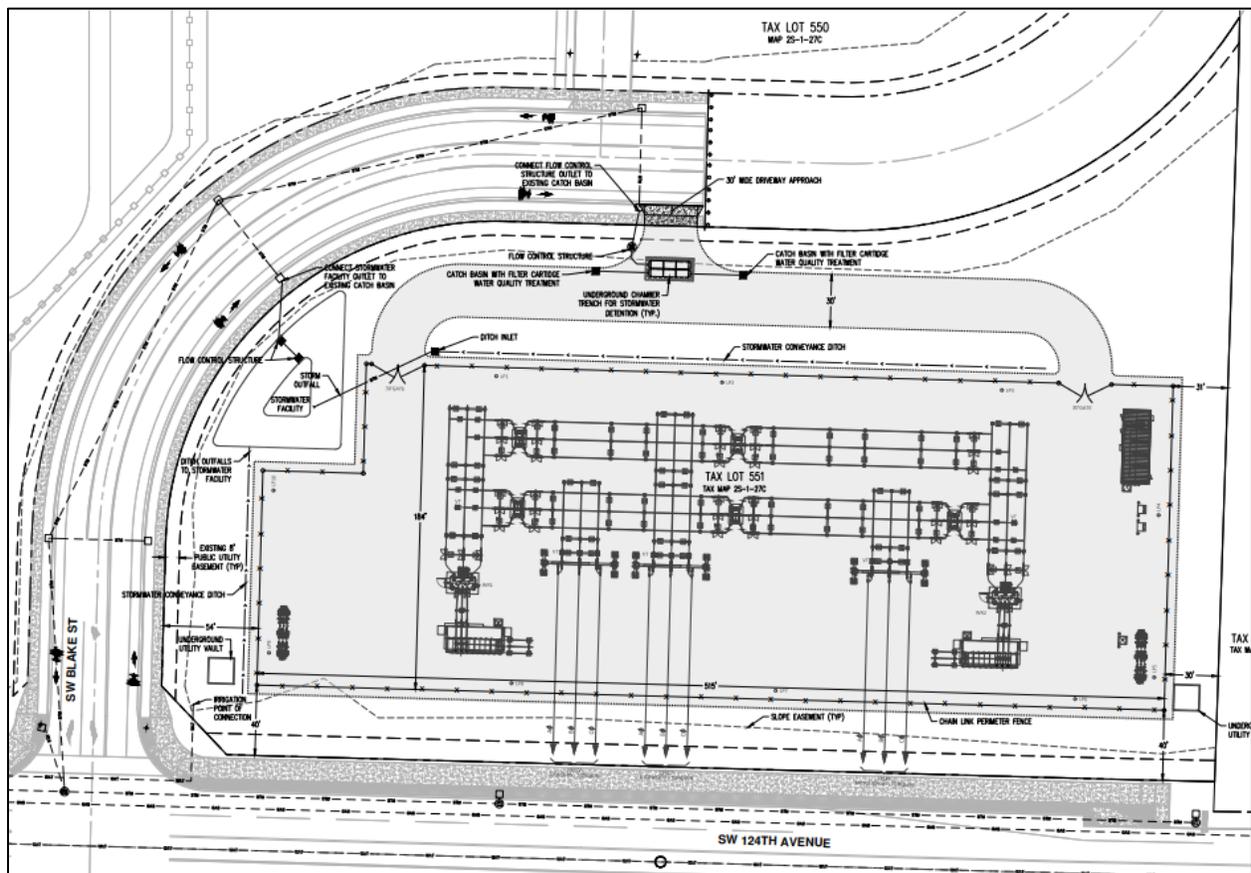


Figure 2 PGE Tonquin Substation Site Plan

The site will be accessed from SW Blake Street. SW Blake Street has been partially constructed as part of the construction of PGE's Integrated Operations Center (IOC) to the north and east of the site. Perimeter site landscaping will be provided with the facility being fenced for security purposes. A variance, VAR21-0002, approved a 10-foot fence setback from the required 50-foot setback. This will be an unmanned basic utility facility that will be accessed infrequently for routine maintenance and repairs.

D. Previous Land Use Actions

- ANN18-0002 – Property annexed from Washington County into the City of Tualatin
- CUP19-0002 – Conditional Use Permit approval for a Wireless Communications Facility

- VAR19-0001 – Variance approved a Wireless Communication Facility with a height up to 140-feet and a 20-foot setback for fences.
- AR19-0005 – Architectural Review approval for the PGE Integrated Operations Center (IOC)
- VAR21-0002 – Variance approved a 10-foot fence setback from the required 50-foot setback

E. Surrounding Uses

Surrounding uses include:

- North: Manufacturing Business Park (MBP)
- PGE IOC property (north of Blake Street)
- South: Washington County Future Development (FD-20)
- Gravel Pit (Tigard Sand and Gravel)
- West: City of Sherwood Employment Industrial (EI)
- SW 124th Avenue
 - Industrial
- East: General Manufacturing (MG) and Washington County Future Development (FD-20)
- Vacant
 - PGE IOC property

F. Exhibit List

- A: Application Materials
 - A1. Narrative
 - A2. Plan Set, Elevations and Arborist Report
 - A3. Geotechnical Report
 - A4. Preliminary Stormwater Report
 - A5. Supporting Documents
- B: Public Noticing
- C: Public Comment
- D: Agency Comment
- E: Clean Water Services Memorandum
- F: Figure 73-2 Clear Vision Area

II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented herein, AR 23-0002 is **approved** subject to the following conditions:

GENERAL:

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

PRIOR TO EROSION CONTROL, FLOOD HAZARD AREA DEVELOPMENT, AND WATER QUALITY PERMIT ISSUANCE:

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

- A2. The applicant must apply for applicable Engineering Erosion Control, Water Quality, and Public Works permits:
- a. Apply using [eTrakit](#). With the initial Engineering permit(s) application(s) include:
 - i. One combined set of 24"x36" plans including all applicable Engineering permits attached to one Engineering permit. Include a note on other Engineering permits stating which application includes the set; and,
 - ii. Payment for an Erosion Control permit fee per the [fee schedule](#); and,
 - iii. Engineering estimate and deposit for each Water Quality or Public Works permit per the [fee schedule](#); and,
 - b. Deliver two 24"x36" hard copies of the combined Engineering permit plan sets to:

City of Tualatin
Attn: Engineering Division c/o Principal Engineer
10699 SW Herman Road
Tualatin, OR 97062

- A3. The applicant must submit Final Street Improvement Plans for SW 124th Avenue and SW Blake Street adjacent to the lot in accordance with applicable sections of Tualatin Development Code (TDC) 74 and 75 and Public Works Construction Code (PWCC) that show:
- a. For any private trees within ten feet of the Public Utility Easements, a root control system at the edge of the easement in accordance with PWCC 203.2.16(d).
- A4. The applicant must submit Final Stormwater System Calculations and Plans in accordance with Tualatin Development Code (TDC) 74.630 and 74.650, Tualatin Municipal Code (TMC) 3-5-200 through 3-5-430, Public Works Construction Code (PWCC), and Clean Water Services' (CWS) Design & Construction Standards (D&CS) Chapter 4 stamped by an Oregon registered, professional engineer in accordance with TMC 3-5-390(1) that:
- a. Include pretreatment prior to the private extended dry pond in accordance with CWS D&CS 4.04.3.c.1.
 - b. Include cleanouts adjacent to right-of-way for private stormwater laterals connecting to the public system in accordance with PWCC 206.10.00.
 - c. Provide a downstream analysis, including but not limited to erosion, and include solutions within final plans for ¼ mile downstream from the release from the private

- development through the public stormwater system, in accordance with TMC 3-5-210(4); and,
 - i. Accommodate up to a 25-year storm event within the City of Tualatin’s public stormwater system with a maximum capacity of 82% for Tualatin’s lines in accordance with TDC 74.640, CWS D&CS 5.05.2.d, and the City Engineer; and,
 - e. Address runoff from all new and modified private and public impervious areas; and,
 - g. Prove gravity flow five feet to the public stormwater system or as otherwise approved by the City Engineer, in accordance with CWS D&CS 1.03.39 and 5.09.3(a) (1) and (4); and,
 - h. Discharge to an approved public system; and,
 - i. Treat new and modified impervious areas in accordance with CWS D&CS 4.08.1.d meeting phosphorous removal in accordance with TMC 3-5-350 per the design storm in accordance with TMC 3-5-360 and CWS D&CS 4.08.2; and,
 - j. Prove infiltration rates as needed in accordance with CWS D&CS 4.08.03; and,
 - k. Detain as required for conveyance with the City of Tualatin’s stormwater system in accordance with TMC 3-5-220, TMC 3-5-230, and CWS D&CS 4.08; and,
 - l. Accommodate hydromodification including post-development runoff rates not exceeding pre-development runoff rates for ½ the 2-year storm event and the 5-year and 10-year storm events for proposed new and modified impervious areas in accordance with CWS D&CS 4.03.5; and,
 - m. In accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d), comply with:
 - i. The submitted Clean Water Services’ Service Provider Letter CWS File Number 22-003252 dated December 28, 2022 conditions to obtain a Stormwater Connection Permit Authorization Letter, and,
 - ii. Requirements stated within the Clean Water Services’ Memorandum dated March 8, 2023; and,
 - n. Financial assurance for construction performance in accordance with TMC 3-390(3), PWCC 102.14.00, and amount per CWS D&CS 2.07 Table 2-1; and,
 - m. A copy of the recorded private stormwater maintenance agreement in accordance with TMD 3-5-390(4). The agreement must assure the owner as responsible for maintenance of the constructed portions of private stormwater systems within their lot. The identified system must include all conveyance, detention, hydromodification, and treatment.

- A5. The applicant must submit Final Erosion Control Plans in accordance with Tualatin Development Code (TDC) 74.640, Tualatin Municipal Code (TMC) 3-5-050 and 3-5-060, Public Works Construction Code (PWCC), and Clean Water Services’ (CWS) Design & Construction Standards (D&CS) Chapters 2 and 6 that:
 - a. Minimize the impact of stormwater from the development to adjacent properties; and,
 - b. Are sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality if disturbance is between 1 and 5 acres.

PRIOR TO BUILDING PERMIT ISSUANCE:

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

- A6. The applicant must obtain:
- a. A National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality, and,
 - b. A Washington County Right-of Way Permit(s) for all work proposed within the right-of-way of SW 124th Avenue, if proposed.
 - c. Erosion Control, Public Works, and Water Quality Permits from the City of Tualatin.

Submit to the Planning Division (Keith Leonard, 503.691.3029 or kleonard@tualatin.gov) for review and approval:

- A7. The applicant must submit a Final Site Plan Set (in PDF format) to the Planning Division that is in substantial conformance to the submitted site plans and includes:
- a. Trees identified in Tree Assessment Report (Exhibit A2) must be identified on the landscaping and grading plan, consistent with TDC 73B.080 (3). Tree protection fencing and other preservation measures recommended by the Arborist must also be specified on the grading plan.
 - b. The applicant must provide a site plan that clearly illustrates compliance with minimum setbacks listed in Table 64-2 of the TDC.

DURING CONSTRUCTION ACTIVITY:

- A8. The applicant must install tree protection fencing consistent with the Tree Assessment Report submitted as Exhibit A3 and Section 73B.080(3). Please contact the Planning Division to schedule an inspection with a minimum of 48 hours' notice. Where site conditions make grading or other similar encroachment upon a preserved tree's drip-line area, such grading or similar encroachment must only be permitted under the direction of a qualified arborist.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR CERTIFICATE OF COMPLETION:

- A9. Areas impacted by grading and all areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped, pursuant to TDC 73B.040(1)(a).
- A10. The applicant must submit documentation from Washington County that verifies existing Sight Distance at the intersection of Blake/SW 124th Avenue has been maintained.
- A11. The applicant must complete all the private stormwater and public improvements as shown on the approved permit plans. All improvements must also be accepted by the City in accordance with Tualatin Development Code (TDC) 74.120.
- A12. The applicant must submit paper and electronic as-builts of the Engineering permits along with maintenance bonds and any final fees for public and water quality improvements.

- A13. The applicant must construct all proposed site improvements as illustrated on the approved Final Site Plan Set.

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

- A14. All site, building exterior, and landscaping improvements approved through the AR process must be continually maintained, so as to remain substantially similar to original approval through the AR process, except as permitted under TDC 33.020(7) *Modifications to Previously Approved Final Architectural Review Decisions*.
- A15. Site landscaping must be maintained to meet the vision clearance requirements of TDC Figure 73-2.
- A16. The proposed development must comply with the Environmental Regulations of TDC 63.

III. FINDINGS

Findings reference the Tualatin Development Code, unless otherwise noted.

Chapter 32: Procedures

[...]

Section 32.010 – Purpose and Applicability.

[...]

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

[...]

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

[...]

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

Table 32-1 – Applications Types and Review Procedures

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
Architectural Review						
Architectural Review (except as specified below) (limited land use)	II	CM	CC	Yes	Yes	TDC 33.020
[...]						
Tree Removal Permit	II	CM	CC	Yes	Yes	TDC 33.110
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

TDC 32.020. - Procedures for Review of Multiple Applications.

Multiple applications processed individually require the filing of separate applications for each land use action. Each application will be separately reviewed according to the applicable procedure type and processed sequentially as follows:

- (1) Applications with the highest numbered procedure type must be processed first;
- (2) Applications specifically referenced elsewhere in the TDC as to the particular order must be processed in that order; and
- (3) Where one land use application is dependent on the approval of another land use application, the land use application upon which the other is dependent must be processed first (e.g., a conditional use permit is subject to prior approval before architectural review).

Finding:

The submitted Architectural Review application proposed development is classified as “General Development” under TDC 33.020(3)(f) and therefore is subject to the Type II review procedure according to Table 32-1. The applicant has submitted a Tree Removal Permit in conjunction with the Architectural Review application. The two applications will be reviewed at the same time as provided by TDC 32.020. These applications have been processed according to the applicable code requirements for Type II and multiple applications review procedures. These standards are met.

Section 32.030 – Time to Process Applications.

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

Finding:

The application was deemed complete on February 2, 2023. The 120th day will be June 2, 2023. The final action on this application must take place within the 120 days unless the applicant requests an extension in compliance with ORS 227.178. This standard is met.

Section 32.110 – Pre-Application Conference.

- (1) **Purpose of Pre-Application Conferences.** Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (2) **When Mandatory.** Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.
- (3) **Timing of Pre-Application Conference.** A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.
- (4) **Application Requirements for Pre-Application Conference.**
 - (a) **Application Form.** Pre-application conference requests must be made on forms provided by the City Manager.
 - (b) **Submittal Requirements.** Pre-application conference requests must include:
 - (i) A completed application form;

- (ii) **Payment of the application fee;**
 - (iii) **The information required, if any, for the specific pre-application conference sought; and**
 - (iv) **Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.**
- (5) Scheduling of Pre-Application Conference.** Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- (6) Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences.** A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:
- (a) **An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;**
 - (b) **The proposed use, layout, and/or design of the proposal have significantly changed; or**
 - (c) **The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.**

Finding:

A pre-application conference is mandatory and was held on November 4, 2020 with a follow up preapplication meeting on July 20, 2022. The applicant continued project discussions with staff prior to submitting their application on January 17, 2023. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

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

and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and

(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

(c) The City will provide the applicant with labels for mailing for a fee.

(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

(6) **Neighborhood/Developer Sign Posting Requirements.** The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

(7) **Neighborhood/Developer Meeting Requirements.** The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Finding:

The applicant has provided evidence that a Neighborhood/Developer meeting was held virtually on December 10, 2020 at 6 pm to accommodate the social distancing efforts in response to COVID-19 and declared State of Emergency (Resolution No. 5488-20). The applicant has provided documentation of sign posting and notification in compliance with this section in Exhibit A5. These standards are met.

Section 32.130 – Initiation of Applications.

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

(a) The owner of the subject property;

(b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;

(c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or

(d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[...]

Finding:

The applicant has provided a title report within Exhibit A5 showing Portland General Electric Company (PGE) to be the current owner of the subject property. The application has been signed by Meredith Armstrong who is authorized to sign land use applications for PGE. This standard is met.

Section 32.140 – Application Submittal.

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

(a) A completed application form. The application form must contain, at a minimum, the following information:

- (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor’s map and tax lot number;
 - (iii) The size of the subject property;
 - (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application(s);
 - (vi) A brief description of the proposal; and
 - (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (b) A written statement addressing each applicable approval criterion and standard;
- (c) Any additional information required under the TDC for the specific land use action sought;
- (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
- (e) Recorded deed/land sales contract with legal description.
- (f) A preliminary title report or other proof of ownership.
- (g) For those applications requiring a neighborhood/developer meeting:
- (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
- (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
- (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) **Application Intake.** Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) **Administrative Standards for Applications.** The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Finding:

The applicant submitted an application for AR 23-0002 on January 17, 2023 with subsequent submittals on January 25, 2023, February 1, 2023 and February 13, 2023. The application was deemed complete on February 2, 2023. The general land use submittal requirements were included with this application. These standards are met.

Section 32.150 - Sign Posting.

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

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

- (a) Waterproof sign materials;
- (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and
- (c) Sign text must be at least two (2) inch font.

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

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

- (a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or
- (b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Finding:

The applicant provided certification within Exhibit A5 that signs in conformance with sign posting requirements of this section of the Tualatin Development Code (TDC) were posted on the subject site. These standards are met.

Section 32.160 – Completeness Review.

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

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

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

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

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

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

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

Finding:

The applicant, MIG|APG, on behalf of Portland General Electric Company (PGE), has submitted an application, AR 23-0002, on January 17, 2023. The application was deemed incomplete on January 27, 2023. The applicant submitted the missing information and the application was then deemed complete on February 2, 2023. These standards are met.

TDC 32.170. - Revised Applications.

Revisions or alterations of an application may be made following the determination that an application is complete, provided such revisions or alterations do not render the application incomplete and do address applicable requirements. When revisions or alterations are desired by the applicant or required by the City, the applicant must provide fully revised application materials and clearly identifying those application materials which are revised.

Finding:

The applicant originally submitted an application for AR 23-0002 on January 17, 2023 with the project being deemed complete on February 2, 2023. The applicant submitted additional information on February 13, 2023, which is after the application was deemed complete. The information submitted after the application was deemed complete did not render the application incomplete and does address applicable requirements. This standard is met.

[...]

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

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

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

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

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

(a) Recipients:

(i) The applicant and the owners of the subject property;

(ii) All property owners within 1,000 feet measured from the boundaries of the subject property;

(iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;

(iv) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;

(v) Any person who submits a written request to receive a notice;

(vi) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; where the project site would access a County road or otherwise be subject to review by the County, then the County; Clean Water

Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code; and
(vii) Utility companies (as applicable).

(b) The mailed notice of pending Type II Decision, at a minimum, must contain all of the following information:

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;**
- (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;**
- (iii) The proposed site plan;**
- (iv) Statement noting if a railroad-highway grade crossing provides or will provide the only access to the subject property;**
- (v) The type of application and a concise description of the nature of the land use action;**
- (vi) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;**
- (vii) Brief summary of the local decision making process for the land use decision being made;**
- (viii) The date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;**
- (ix) A statement indicating that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and local appeal body to respond to the issue;**
- (x) Statement that after the comment period closes, the City will issue its decision and the decision will be mailed to the applicant, property owner, anyone who submitted written comments on the application, and to anyone else is otherwise legally entitled to notice;**
- (xi) A statement that comments received after the close of the public comment period will not be considered;**
- (xii) The name of a City representative to contact and the telephone number where additional information may be obtained; and**
- (xiii) Statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost from the City.**

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

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

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

- (a) Explains the criteria and standards considered relevant to the decision;**
- (b) States the facts relied upon in issuing the decision; and**
- (c) Explains the justification for the decision based on the criteria, standards and facts set forth.**

Finding:

After submittal and completeness review as required by this section, notice for the Type II application for AR 23-0002 was mailed by city staff on February 2, 2023 and contained the information required by this section, as attached in Exhibit B. One public comment was received and is attached in Exhibit C. The

public comments did not support or oppose the construction and operation of the substation, instead the public comment were directed toward the use of the property to the south of the subject site. Washington County and Tualatin Valley Fire and Rescue have also provided comment letters that are located within Exhibit D. These standards are met.

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

- (a) A description of the applicant’s proposal and the City’s decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
- (c) A statement a statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
- (d) The date the decision becomes final, unless an appeal is submitted; and
- (e) A statement that all person entitled to notice of the decision may appeal the decision in accordance with TDC 32.310.

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

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

Finding:

A final decision and any appeal will follow the requirements of this section. These standards will be met.

Chapter 33: Applications and Approval Criteria

[...]

Section 33.020 Architectural Review

[...]

(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.

(5) Approval Criteria.

[...]

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

Finding:

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

(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.

Finding:

Conditions of approval have been drafted in compliance with this section of the TDC in order to implement identified public facilities and services needed by the proposed development and meet other requirements of the TDC. These standards will be met.

[...]

(9) Permit Expiration. Architectural Review decisions (including Minor Architectural Review decisions) expire two (2) years from the effective date unless the applicant has received a building, or grading permit submitted in conjunction with a building permit application, substantial construction has occurred pursuant to the building permit, and an inspection has been performed by a member of the Building Division.

(10) Extension of Permit Expiration.

- (a) An Architectural Review approval may be extended if the applicant, or successor interest, submits a written request for an extension of time within two (2) years of the effective date.**
- (b) A Minor Architectural Review approval may not be extended. A new application is required if the permit expires.**
- (c) Upon receipt of a request for an extension of time, the City will process the extension request as follows:**

- (i) If the City Manager approved the Architectural Review, then the City Manager will decide the extension request under the Type II procedures in TDC 32.220.
- (ii) If the Architectural Review Board (ARB) approved the Architectural Review, then the ARB will decide the extension request under the Type III quasi-judicial procedures in TDC 32.230.
- (d) The City must provide notice of the extension request to past recipients of the Architectural Review notice of decision and the applicant must post a sign pursuant to TDC 32.150.
- (e) The City Manager or Architectural Review Board, as applicable, may grant the extension of time upon finding the following:
 - (i) The applicant submitted a written extension request prior to the expiration date;
 - (ii) There have been no significant changes in any conditions, ordinances, regulations or standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for Architectural Review;
 - (iii) If the previously approved application included a special study, the applicant provided a status report includes a letter from a recognized professional that states that conditions have not changed after the original approval and that no new study is warranted; and
 - (iv) If the site has been neglected so as to allow the site to become blighted, the deciding party must factor this into its decision.
- (f) The City Manager or Architectural Review Board, as applicable, may grant or deny the extension request. The decision must be in writing and must be made within sixty (60) days of receipt of the request for extension. If the decision is to grant the extension, the extension can be no more than a single one-year extension.
- (g) Upon making the decision, the City must provide notice of the extension decision as provided in TDC 32.220 for Type II decisions made by the City Manager and TDC 32.230 for Type III decisions made by the Architectural Review Board.

Finding:

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

Section 33.110 Tree Removal Permit/Review

- (1) **Purpose.** To regulate the removal of trees within the City limits other than trees within the public right-of-way which are subject to TDC Chapter 74.
- (2) **Applicability.** No person may remove a tree on private property within the City limits, unless the City grants a tree removal permit, consistent with the provisions of this Section.
[...]
- (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.

Finding:

The applicant has submitted a Type II Tree Removal Permit in conjunction with a Type II Architectural Review. Sheets P5, P6 and P7 of Exhibit A2 contains the Tree Preservation Plan and Tree Assessment Report in compliance with the Section of the TDC. These standards are met.

(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.

(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.

[...]

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

(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.

[...]

Finding:

Sheets P5, P6 and P7 of Exhibit A5 and the applicant’s narrative, Exhibit A2, addresses the requirements of this section of the TDC. The applicant proposes to remove 222 non-exempt trees and 84 exempt trees from the site to construct the proposed substation. A tree Preservation Plan is located on Sheet P5 of Exhibit A2 illustrates which trees are proposed for removal and which trees are proposed for preservation. The table on Sheets P6 and P7 provide additional details pertaining to each surveyed tree. Of the on-site trees proposed for removal, the majority are to be removed to construct the proposed improvements in accordance with criterion 33.110(5)(a)(iii). With Conditions of Approval A7.a. and A9 related to tree removal as well as tree protection, these standards are met.

CHAPTER 63 – Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations

[...]

TDC 63.020. - Applicability.

The regulations of this Chapter apply to:

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

Finding:

The applicant proposed use is considered a “basic utility”, therefore TDC Chapter 63 is applicable for review of the proposed PGE Substation.

TDC 63.051. - Noise.

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

Finding:

The applicant’s narrative, Exhibit A1, states that the proposed substation will comply with this section of the TDC. With Condition of Approval A16, these standards are met.

TDC 63.052. - Vibration.

(1) Restrictions. All uses and development must not cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section.

(a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district must not exceed 0.01 inches per second (0.00025 meters per second) RMS velocity.

(b) Ground vibration as measured at a common property boundary of any two properties within any industrial planning district must not exceed 0.1 inches per second (0.0025 meters per second) RMS velocity.

(2) Method of Measurement. Vibration measurement procedures must conform to the methods described in this section and to procedures approved by the Oregon Department of Environmental Quality.

(a) Instrumentation must be capable of measuring RMS value of the vibration velocity over the frequency range of ten to 1,000 hertz.

(b) Measurement values must be recorded for a sufficient period of observation to provide a representative sample.

(c) Attachment of the vibration transducer to the ground must be by magnetic or screw attachment to a steel bar of a minimum of nine inches (22.9 cm.) in length, driven flush with the ground surface.

(3) Exemptions. The requirements of TDC 63.052(1) do not apply to:

- (a) Vibration resulting from the operation of any equipment or facility of a surface carrier engaged in interstate commerce by railroad;**
- (b) Vibration resulting from the operation of any road vehicle;**
- (c) Vibration resulting from construction activities and use of construction equipment; and**
- (d) Vibration resulting from roadway maintenance and repair equipment.**

Finding:

The applicant's narrative, Exhibit A1, states that the proposed substation will comply with this section of the TDC. With Condition of Approval A16, these standards are met.

TDC 63.053 - Air Quality.

(1) Restrictions. All uses and development must comply with the most recent air quality standards adopted by the Oregon Department of Environmental Quality. Plans of construction and operations must comply with the recommendations and regulations of the State Department of Environmental Quality.

(2) Method of Measurement. All measurements of air pollution must be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods or measurement approved by the City. Upon request of the City, persons responsible for a suspected source of air pollution must provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.

Finding:

The applicant's narrative, Exhibit A1, states that the proposed substation will comply with this section of the TDC. With Condition of Approval A16, these standards are met.

TDC 63.054. - Odors.

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

Finding:

The applicant's narrative, Exhibit A1, states that the proposed substation will comply with this section of the TDC. With Condition of Approval A16, these standards are met.

TDC 63.055. - Heat and Glare.

(1) All uses and development must conduct all operations producing heat or glare entirely within an enclosed building.

(2) All uses and development may utilize exterior lighting, but the exterior lighting must be screened, baffled or directed away from residential planning districts.

Finding:

The applicant's narrative, Exhibit A1, states that "for safety, reasons, substations are not within an enclosed building" and "will have exterior lighting for security purposes". The nearest residential home is approximately three-quarters of a mile from the location of the proposed substation. The applicant's narrative states that the proposed substation will comply with this section of the TDC. With Condition of Approval A16, these standards are met.

TDC 63.056. - Storage and Stored Materials.

(1) All uses and development must store all materials, including wastes, in a manner that will not attract or aid the propagation of insects or rodents, or in any other way create a health or safety hazard.

(2) All uses and development that utilize open storage that would otherwise be visible at the property line must conceal it from view at the abutting property line by a sight obscuring fence not less than six feet high and not accessible to the general public to protect public safety.

Finding:

The applicant has stated in their narrative, Exhibit A1, "...materials that are stored on site will be in a secure structure. No waste will be stored on site and no open storage of materials is proposed". The facility will be fenced and have perimeter landscaping (Exhibit A2). With Condition of Approval A16, these standards are met.

TDC 63.057. - Liquid or Solid Waste Materials.

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

Finding:

The applicant's narrative, Exhibit A1, states that "The proposed substation will not cause waste to be disposed on 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." With Condition of Approval A16, these standards are met.

TDC 63.058. - Dangerous Substances.

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

Finding:

The proposed use does not involved the storage, transfer, or processing of hazardous, toxic, or radioactive waste. With Condition of Approval A16, these standards are met.

CHAPTER 64 - MANUFACTURING BUSINESS PARK ZONE (MBP)

[...]

Section 64.200 Use Categories

(1) Use Categories. Table 64-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MBP zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 64-1 and restrictions identified in TDC 64.210. 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 64-1: Use Categories in the MBP Zone		
USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P	—

[...]

Finding:

The project site is within the Manufacturing Business Park (MBP) Planning District. “Basic Utilities” within the larger land use category of “Infrastructure and Utilities” and are permitted. TDC 39.620 lists the characteristics of these facilities as being “...local and regional infrastructure facilities that must be located in or near the area to which the infrastructure is provided. Utilities may be publicly or privately owned and operated. Most facilities have few or no on-site employees, although treatment plants may be staffed continuously.” This standard is met.

[...]

TDC 64.300. - Development Standards.

Development standards in the MBP zone are listed in Table 64-2. Additional standards may apply to some uses and situations, see TDC 64.310.

**Table 64-2
 Development Standards in the MBP Zone**

	Standard	Minimum Proposed
[...]		
Minimum Setbacks		
Front (SW 124th Ave.)	30-35 feet	<i>40 feet to fence</i>
Front (SW Blake St.)	30-35 feet	<i>78 feet to fence</i>
Side	0-15 feet	<i>None (road frontage on three sides of site)</i>
Rear	0-15 feet	<i>30 feet to south property line</i>
Parking and Circulation Areas <i>No minimum setback required adjacent to joint access approach in accordance with TDC 73C.</i>	5 feet	<i>No parking lot, unmanned site with maintenance vehicles accessing the facility</i>
Fence	50 feet (from public ROW)	<i>50 feet (varies)</i>
Structure Height		
Maximum Height	45 feet	<i>40 feet (equipment)</i>

Finding:

The subject property is a corner lot that has road frontage on three sides of the site. The proposed substation does not include the construction of a building but the equipment associated with the proposed substation will be enclosed by a perimeter security fence. The applicant obtained a variance (VAR 21-0002) approval to allow the placement of fences from a 50 feet setback to 10 feet. The fence setback will vary but in general is approximately 40 feet from SW 124th Avenue, at least 50 feet to SW Blake Street and 30 feet from the south property line (Exhibit A2). The maximum height of equipment within the facility will be 40 feet. With Condition of Approval A7.b., these standards are met.

[...]

Chapter 73B: Landscaping Standards

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

Zone	Minimum Area Requirement*	Minimum Area Requirement with dedication for a fish and wildlife habitat*
[...]	[...]	[...]
(6) Industrial Business Park Overlay District and MBP—must be approved through Industrial Master Plans	20 percent of the total area to be developed	Not applicable
<p>* For properties within the Hedges Creek Wetland Protection District which have signed the "Wetlands Mitigation Agreement," the improved or unimproved wetland buffer area may reduce the required landscaping to 12.5 percent as long as all other landscape requirements are met.</p>		

[...]

Finding:

The subject site is located in the MBP zoning district and is 184,125 square feet in area. A minimum of 20% or 36,825 square feet of the site is required to be landscaped. The applicant is proposing 71,680 square feet or 39% of site to be landscaped (see Exhibit A2). This standard is met.

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

The following are minimum standards for landscaping for all zones.

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

As shown on the Landscape Plan included in Exhibit A2, and with Condition of Approval A15, these standards are met

(2) Fences	<ul style="list-style-type: none"> • Landscape plans that include fences must integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.
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Finding:

The applicant is proposing a needed security fence around the facility. The site is not located in a habitat area or animal crossing. This standard is not applicable.

<p>(3) Tree Preservation</p>	<ul style="list-style-type: none"> • Trees and other plant materials to be retained must be identified on the landscape plan and grading plan. • During construction: • Must provide above and below ground protection for existing trees and plant materials identified to remain; • Trees and plant materials identified for preservation must be protected by chain link or other sturdy fencing placed around the tree at the drip line; • If it is necessary to fence within the drip line, such fencing must be specified by a qualified arborist; • Top soil storage and construction material storage must not be located within the drip line of trees designated to be preserved; • Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment must only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met; and • Tree root ends must not remain exposed. • Landscaping under preserved trees must be compatible with the retention and health of the preserved tree. • When it is necessary for a preserved tree to be removed in accordance with TDC 33.110 (Tree Removal Permit) the landscaped area surrounding the tree or trees must be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, landscape materials. Native trees are encouraged • 100% 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
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Finding:

The applicant is proposing 222 non-exempt trees and 84 exempt trees for a total of 306 trees being removed for facility construction. Tree preservation measures are proposed (Exhibit A2) to protect 3 onsite trees and 27 offsite trees. The high voltage nature of substations requires clear access to the equipment so leaving trees within the fenced area would create a hazardous situation and likely interfere with the operation of the facility. With Conditions of Approval A7.a. and A8, these standards are met.

<p>(4) Grading</p>	<ul style="list-style-type: none"> • After completion of site grading, top-soil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting. • All planting areas must be graded to provide positive drainage. • Soil, water, plant materials, mulch, or other materials must not be allowed to wash across roadways or walkways. • Impervious surface drainage must be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.
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Finding:

The proposal includes grading, as shown in the Grading Plan Exhibit A2. Grading and erosion control is further addressed in Chapter 74. With Conditions of Approval A2 and A5, these standards are met.

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

As noted on the Landscape Plan in Exhibit A2, irrigation will be provided in landscaped areas. This standard is met.

<p>(6) Re-vegetation in Un-landscaped Areas</p>	<ul style="list-style-type: none"> • Vegetation must be replanted in all areas where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements. • Plant materials must be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons. • The use of native plant materials is encouraged to reduce irrigation and maintenance demands. • Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.
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Finding:

The applicant proposes to landscape all areas not otherwise proposed for development. Within the fenced area where the substation will be located there will be no landscaping due to electrical substations needing to be clear of obstructions for maintenance and upkeep of the facility. Exhibit A2 states the landscaping will be irrigated. With Condition of Approval A9, this standard is met.

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

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

Standard	
<p>(1) Deciduous Shade Trees</p>	<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; • Reach a mature height of 30 feet or more; • Cast moderate to dense shade in summer; • Live over 60 years; • Do well in urban environments, tolerant of pollution and heat, and resistant to drought; • Require little maintenance and mechanically strong; • Insect- and disease-resistant; • Require little pruning; and • Barren of fruit production.
<p>(2) Deciduous Ornamental Trees</p>	<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
<p>(3) Coniferous Trees</p>	<ul style="list-style-type: none"> • 5 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.
<p>(4) Evergreen and Deciduous Shrubs</p>	<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.
<p>(5) Groundcovers</p>	<ul style="list-style-type: none"> • Fully rooted;

	<ul style="list-style-type: none"> • 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.

Finding:

Per the plant schedule and details provided in Exhibit A2 and acknowledged in Exhibit A1, these standards are met.

Chapter 73C: Parking Standards

TDC 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.

Finding:

The applicant is proposing a new structure (equipment) and new use for the subject property. There will be no fully enclosed building constructed as part of this project. The substation will be unmanned with it only be accessed for maintenance and upkeep. "Basic Utility" uses are largely exempt from parking requirements listed in this Chapter of the TDC. These standards are applicable.

(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.

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;
- (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;

(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;

(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;

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

(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

(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.

Finding:

The substation will be unmanned and will not have onsite employees. Exhibit A1 states that the facility will be inspected twice per month which will produce minimal vehicle activity onsite. The applicant is not proposing onsite parking due to limited need to access the site. There will be a paved driveway along the SW Blake Street frontage that will be approximately 250 feet long by 30' wide. The paved driveway will be adequate for parking maintenance vehicles. These standards are met.

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:

[...]

Finding:

The applicant is not proposing a parking lot and one is not required for “basic utility” use. Vehicles providing routine maintenance will park on the paved driveway that accesses this unmanned facility. These standards do not apply.

Chapter 73D: Waste and Recyclables Management Standards

TDC 73D.010. - Applicability and Objectives.

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

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

Finding:

The PGE Tonquin Substation is an unmanned facility, and will not generate refuse or recycling on the site. Therefore, these standards are not applicable.

Chapter 74: Public Improvement Requirements

(1) Except as specially provided, all public improvements must be installed at the expense of the applicant. All public improvements installed by the applicant must be constructed and guaranteed as to workmanship and material as required by the Public Works Construction Code prior to acceptance by the City. Work must not be undertaken on any public improvement until after the construction plans have been approved by the City Manager and a Public Works Permit issued and the required fees paid.

Finding:

All public improvements will be installed by the applicant at their expense after approval of plans and issued Erosion Control, Water Quality, and Public Works Permits. With Conditions of Approval A11 and A12, this standard is met.

TDC 74.130 Private Improvements.

All private improvements must be installed at the expense of the applicant. The property owner must retain maintenance responsibilities over all private improvements.

Finding:

All private improvements will be installed by the applicant at their expense and will require prior approval of plans and building permits. With recommended Conditions of Approval A11 and A12, this standard is met.

TDC 74.140 Construction Timing.

(1) All the public improvements required under this chapter must be completed and accepted by the City prior to the issuance of a Certificate of Occupancy.; or, for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

(2) All private improvements required under this Chapter must be approved by the City prior to the issuance of a Certificate of Occupancy.; or for subdivision and partition applications, in accordance with the requirements of the Subdivision regulations.

Finding:

All public and private improvements proposed and modified by conditions of approval will be completed and accepted by the City prior to receiving a Certificate of Occupancy. With recommended Conditions of Approval A11 and A12, these standards are met.

[...]

TDC 74.420 Street Improvements.

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

(1) For any development proposed within the City, roadway facilities within the right-of-way described in TDC 74.210 must be improved to standards as set out in the Public Works Construction Code.

[...]

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

[...]

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

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

(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.

[...]

Finding:

With Conditions of Approval A3, A6, A10, A11, and A12, these standards are met.

[...]

TDC 74.630 Storm Drainage System.

(1) Storm drainage lines must be installed to serve each property in accordance with City standards. Storm drainage construction plans and calculations must be submitted to the City Manager for review and approval prior to construction.

(2) The storm drainage calculations must confirm that adequate capacity exists to serve the site. The discharge from the development must be analyzed in accordance with the City's Storm and Surface Water Regulations.

[...]

TDC 74.640 Grading.

(1) Development sites must be graded to minimize the impact of storm water runoff onto adjacent properties and to allow adjacent properties to drain as they did before the new development.

(2) A development applicant must submit a grading plan showing that all lots in all portions of the development will be served by gravity drainage from the building crawl spaces; and that this development will not affect the drainage on adjacent properties. The City Manager may require the applicant to remove all excess material from the development site.

TDC 74.650 Water Quality, Storm Water Detention and Erosion Control.

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

[...]

(2) On all other development applications, prior to issuance of any building permit, the applicant must arrange to construct a permanent on-site water quality facility and storm water detention facility and

submit a design and calculations indicating that the requirements of the Surface Water Management Ordinance will be met and obtain a Stormwater Connection Permit from Clean Water Services.

(3) For on-site private and regional non-residential public facilities, the applicant must submit a stormwater facility agreement, which will include an operation and maintenance plan provided by the City, for the water quality facility for the City's review and approval. The applicant must submit an erosion control plan prior to issuance of a Public Works Permit. No construction or disturbing of the site must occur until the erosion control plan is approved by the City and the required measures are in place and approved by the City.

Finding:

The Preliminary Site Grading and Utility Plan and Preliminary Landscape Plan illustrates capturing stormwater runoff from the sites developed areas with conveyance discharging to an existing vegetated channel. The submitted stormwater memorandum prepared by AKS includes construction of new onsite stormwater facilities to provide treatment, hydromodification, and detention for all private impervious areas.

Final plans and stormwater calculations will demonstrate that the development has direct access by gravity to public stormwater systems with adequate infiltration and/or downstream capacity in accordance with City of Tualatin, Clean Water Services, and DEQ

The site disturbance is approximately 2.5 acres. Erosion and sediment control plans and permit applications conforming to the requirements of the City of Tualatin, CWS, and Oregon Department of Environmental Quality will be provided with the construction permit submittal documents. The applicant will obtain an erosion control permit from the City of Tualatin for disturbance greater than 500 square feet. In addition these plans must be sufficient to obtain a National Pollution Discharge Elimination System (NPDES) 1200-CN Stormwater Discharge Permit from Clean Water Services as an agent of Oregon Department of Environmental Quality if between 1 and 5 acres of disturbance or a National Pollution Discharge Elimination System (NPDES) 1200-C Construction Erosion Control permit from Oregon DEQ for over 5 acres.

A Clean Water Services' Service Provider Letter and Memorandum were received. After land use decision issuance the applicant will submit final plans complying with the Service Provider Letter conditions and CWS Memorandum that are sufficient to obtain a Stormwater Connection Permit Authorization Letter from Clean Water Services in accordance with TDC 74.650(2) and CWS D&CS 3.01.2(d). With Conditions of Approval A4, A5, A6, A11, and A12 these standards are met.

[...]

Chapter 75: Access Management

TDC 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).

(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.

(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.

(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;

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

(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;

(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;

(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.

(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.

[...]

TDC 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.

[...]

(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.

(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.

(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.

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

(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,

[...]

(9) Minimum driveway approach width for uses are as provided in Table 75-1 (Driveway Approach Width):

**TABLE 75-1
 Driveway Approach Width**

Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
Industrial	36 feet	Over 250 Parking Spaces = As Required by the City Manager, but not exceeding 40 feet

(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.

(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.

[...]

(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).

[...]

TDC 75.120. - Collector Streets Access Standards.

[...]

(2) Minor Collectors. Residential, commercial and industrial driveways where the frontage is greater or equal to 70 feet are permitted. Minimum spacing at 100 feet. Uses with less than 50 feet of frontage shall use a common (joint) access where available.

[...]

Finding:

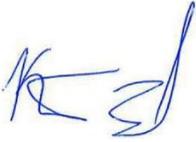
A new access is proposed to SW Blake Street in conformance with the above requirements, except as approved by the City Engineer. Vision clearance requirements will be met for the new access to SW Blake Street and for private vegetation south of the intersection of SW 124th Street and SW Blake Street. With Conditions of Approval A3, A6, A11, A12 and A15, these standards are met.

IV. APPEAL

This Architectural Review decision will be final after 14 calendar days after the date of mailing unless a written appeal is received by the **Community Development Department – Planning Division at 10699 SW Herman Road, Tualatin, Oregon 97062 / planning@tualatin.gov** before 5:00 p.m., April 26, 2023. **The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.**

The plans and appeal forms are available at the Community Development Department – Planning Division offices. Appeal of a Type II Architectural Review decision is reviewed by the City Council.

Submitted by:

A handwritten signature in blue ink, appearing to read 'K Leonard', with a stylized flourish at the end.

Keith Leonard, AICP
Associate Planner