



## TUALATIN CITY PLANNING COMMISSION MEETING

WEDNESDAY, FEBRUARY 19, 2025

TUALATIN CITY SERVICES  
10699 SW HERMAN ROAD  
TUALATIN, OR 97062

*Bill Beers – Chair*  
*Janelle Thompson – Vice Chair*  
*Randall Hledik Zach Wimer*  
*Brittany Valli Ursula Kuhn*  
*Allan Parachini*

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### **Join Zoom Meeting**

<https://us02web.zoom.us/j/82199021482?pwd=iDvL9L47SjUJTbkpmHx9wWoaeCogDc.1>

Meeting ID: 821 9902 1482

Passcode: 190416

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### **CALL TO ORDER & ROLL CALL**

### **ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION**

### **APPROVAL OF MINUTES**

- [1.](#) Review of November 20, 2024 minutes and December 18, 2024 minutes.

### **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**

Limited to 3 minutes

### **ACTION ITEMS**

- [1.](#) Consideration of a Conditional Use Permit (CUP24-0002) for “building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials” on a 1.44 acres site in the Light-Manufacturing (ML) zone and specifically located at 18520 SW 108th Avenue (Tax Lot: 2S122AD 00100).

### **COMMUNICATION FROM CITY STAFF**

### **FUTURE ACTION ITEMS**

### **ADJOURNMENT**

## Tualatin Planning Commission

### MINUTES OF November 20, 2024 (UNOFFICIAL)

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#### **TPC MEMBERS PRESENT:**

William Beers, Chair  
 Janelle Thompson, Vice Chair  
 Brittany Valli, Commissioner  
 Allan Parachini, Commissioner  
 Randall Hledik, Commissioner  
 Ursula Kuhn, Commissioner  
 Zach Wimer, Commissioner

#### **STAFF PRESENT:**

Steve Koper, Asst. Community Development Director  
 Lindsey Hagerman, Office Coordinator  
 Madeleine Nelson, Assistant Planner

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#### **CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 6:30 p.m. and roll call was taken. All the Commissioners were present. None were absent.

#### **ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION**

Chair Beers went through the hearing script. The Commissioners all stated they have shopped and have been to Cabela's/Bass Pro Shop.

#### **COMMUNICATION FROM STAFF**

- 1. Staff presented consideration of a Sign Variance application (SVAR24-0001) for a sign package proposal located at the Cabela's/Bass Pro Shops retailer at 7555 SW Nyberg Street (Tax Lot: 2S124A003100).**

Madeleine Nelson, Assistant Planner, presented an overview of the project, which included site background, approval criteria, and decision. She provided a brief overview of the site background and the sign variance proposal.

She discussed the objective of the meeting, which was to seek the Planning Commission's recommendation on a sign variance request to place a total of 601.9 square feet of signage on the southern elevation to replace the existing 361.79 square feet of signage.

Ms. Nelson explained each of the six sign variance requests in overall increase in size, height and area proposed. She provided images showing each sign proposed.

Ms. Nelson spoke about the applicant's identified reasons for hardship. She explained the hardship cannot be not a result of action by the applicant, owner or previous owner. The applicant stated the described hardships are also not a result of the financial situation of the applicant, owner, or company or from the regional economic conditions. The Nyberg Rivers

shopping mall was reviewed under Architectural Review 13-07 via the Architectural Review Board. The site was previously developed prior to Cabela's/Bass Pro Shops taking interest in the site and the location of the Cabela's/Bass Pro Shops retailer. The road locations and thus the bifurcation of the site were due to the Tualatin Transportation System Plan and are out of the control of the applicant team.

Ms. Nelson shared the applicant's narrative describes the requested variances are the minimum remedy necessary to maintain adequate visibility for the business. The minimum remedy to integrate the proposed signs with the architectural scale of the façade without creating sign clutter. The proposed signage would be integrated into the entry way sign so that it would appear expected and familiar rather than out of place or out of scale.

She shared site photos provided by the applicant with the current signs and location. She noted the code states the variance must be necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same zone however, nonconforming or illegal signs on the subject property or on nearby properties does not constitute justification to support a variance request.

Ms. Nelson explained the variance must not be detrimental to any applicable Comprehensive Plan goals and polices. She shared the applicant's narrative requests in how they follow these goals. The applicant referenced enhancing the quality of streetscapes, architecture, landscaping, and urban character. The materials also referenced protecting and enhancing the City's economy and property values.

Ms. Nelson asked The Planning Commission to make a decision on SVAR24-0001 for approval either as proposed or with modifications, denial or continue the hearing to a later date for further consideration.

Ms. Nelson opened the floor to questions.

Commissioner Hledik asked how many signs would be allowed with the code. Ms. Nelson answered each wall sign in a commercial central zone can have three signs if the wall size is greater than or equal to 5,000 sq. ft.

Commissioner Wimer asked about the proposed design that could work with current code with pre-existing variance. Ms. Nelson answered this is the only proposal the applicant team submitted at this time.

Commissioner Valli asked if in 2014 there was an approval for a sign variance. Ms. Nelson answered affirmatively.

Commissioner Kuhn asked verification on sign illumination. Ms. Nelson answered she cannot recall but the applicant team could follow up with the question.

Frank Moore, representing the applicant from Meyer Sign Company of Oregon, thanked the staff and provided an update on their project, which has been underway for a year and a half. He explained that the project involves a rebranding from Cabela's to Bass Pro Shops. Moore noted that the client is seeking to increase the size of the signage and introduce a new layout. He added that while this update is part of a nationwide effort, Tualatin is one of five locations currently undergoing the transition.

Chair Beers opened the floor to questions for the applicant.

Commissioner Wimer asked about the previously granted variance. Mr. Moore answered the signs are different than what was previously proposed with a different footprint.

Commissioner Hledik asked clarification on the sign location. Mr. Moore answered they do not want signs facing the apartment complex.

Commissioner Hledik asked if the hardship has changed since 2015 when the initial variance was granted. Mr. Moore answered he couldn't say that it has due to not working on the past variance.

Commissioner Valli asked if sign variance is a typical permit process reviewed by the city. Steve Koper, Assistant Community Development Director answered no. The most recent sign variance to date was bundled with Cabela's and LA Fitness in 2015.

The applicant waived the seven-day waiting period.

The Commissioners internally discussed the proposed sign variance application.

Chair Beers commented Commissioner Hledik and Commissioner Wimer had similar thoughts about the project and would like to see the signs proposed with the current variance in place.

Commissioner Wimer shared his thoughts about current remedies and wanted to see a different version for this project.

Chair Beers asked Mr. Koper for clarification if there is anything preventing the applicant from operating under the current variance to change the sign to meet the current variance. Mr. Koper answered in the affirmative.

Commissioner Wimer noted interest in the trestle architecture of the Cabela's storefront. They asked if it was considered under the previous variance.

Commissioner Kuhn, Commissioner Wimer and Commissioner Hledik spoke about pre-existing sign dimensions with square footage being allowed currently with the proposed sign variance.

Commissioner Hledik spoke about the applicant has the right in persevering their property rights. He spoke about the size of each sign and square footage.

Commissioners discussed having a sign that is legible from the street but still fits in the current sign variance code.

Commissioner Hledik contemplated whether the proposal meets the minimum variance requirements.

Commissioners discussed an option to have conditions of approval. Commissioner Hledik made a motion for a condition for the southern elevation to allow five signs. The Cabela's channel letters and the Tracker ATVs & Boats are to be no higher than 4 ft. and an area of 150 sf each. The Johnny Morris, Outdoor World and Bass Pro Shops are not to exceed a total height of 16 ft. for all three signs. The total area of signs on the southern elevation is not to exceed 601 sf. Commissioner Hledik proposed denying the variance request on the eastern elevation and impose the existing variance of 8 ft. in height and an area of 227 sf. This motion failed due to the lack of a second.

Chair Beers made a motion to continue the sign variance hearing to December 18, 2024. Commissioner Wimer seconded this motion. The Commissioners unanimously approved. (7-0)

**2. Plan Map Amendment: The applicant, Westlake Consultants, Inc. requested approval of a Plan Map Amendment (PMA) from Institutional (IN) to Medium Low Density Residential (RML) for an 8.3-acre site located at 23370 SW Boones Ferry Road .**

Ms. Nelson presented an overview of the plan map amendment proposal. The summary included the project description and the existing and proposed zoning. She shared the applicable approval criteria in TDC 33.070.

Ms. Nelson explained that granting the amendment serves the public interest by meeting a range of standards. She outlined various factors including the city's characteristics, land development trends, property values, and natural resources. She highlighted that the decision-making body must also assess whether the school district has provided evidence that future students can be accommodated under the plan. Additionally, the approval criteria require that the amendment align with Oregon Statewide Planning Goals, Oregon Administrative Rules, including the Transportation Planning Rule, and Metro's functional plan.

Ms. Nelson stated the application would satisfy several existing Comprehensive Plan policies and goals. She shared the proposal is consistent with the Oregon Statewide Planning Goals and Administrative Rules, including compliance with the Transportation Planning Rule. The applicant provided a review of Oregon's Transportation Planning Rule and a trip generation analysis by Lancaster Mobley, which was included in Exhibit C.

The Planning Commission was asked to make a recommendation to city council on PMA 24-0004. The options before the Planning Commission included, approval as proposed or with modifications, denial, or neither approval nor denial and issue a neutral recommendation to City Council.

Ken Sandblast with Westlake Consultants, Inc. spoke on behalf of the applicant to share a roadmap of their project. He provided an overview of the project site.

Ken Allen shared his personal journey into land development. He emphasized the importance of community engagement in shaping the direction of a project. To gather input, over six community meetings were held at the Marquis Senior Center, with attendance varying from small groups of 10-12 to larger gatherings of up to 30 participants. A dedicated website was also launched to share the insights and findings from these meetings. The first session adopted a "blank sheet of paper" approach, where attendees were encouraged to imagine their ideal vision for the site, taking into account factors like the surrounding forest, traffic patterns, and other local challenges.

Participants were given the opportunity to provide input, essentially acting as "developers," to express their ideal vision for the property. The team then reviewed each of the identified constraints and prioritized them. Sustainable principles were discussed, including walkability, tree preservation, and stormwater management.

Mr. Allen discussed the importance of preserving the tree grove along Norwood Road and outlined the steps they plan to take to protect the trees. He highlighted that the project would involve coordination with multiple jurisdictions, including the city, county, and Portland General Electric.

Anna Thompson with Milbrandt Architects introduced herself and gave background on her experience. She spoke about neighborhood visioning with obtaining community feedback. She highlighted feedback they received from the community voices and what they would like to see in a desirable neighborhood.

Ms. Thompson explained that the proposal is a direct response to community feedback, designed to create a desirable neighborhood for individuals looking to downsize from long-term homes. She pointed out the lack of suitable housing options for this group in the surrounding suburban areas.

She emphasized that the team adopted a holistic approach, considering the overall design, including amenities, space organization, and building layout. A key concept is the development of a central amenity space for residents, fostering a walkable community that allows residents to stay within their neighborhood without needing to cross major roads like Boones Ferry or Norwood.

Ms. Thompson spoke about retaining and emphasizing tree preservation for the community. She highlighted types of homes and having a common community green space with mix of visual variety of builds. She shared examples of concept plan of potential design of homes and included site plan map.

Mr. Allen discussed traffic and transportation, highlighting the diverse housing options in their proposal and the reasons behind their request for a plan map amendment. He spoke about the community roadmap, explaining how they are collaborating with the city on a zone change, while also emphasizing the flexibility offered by the proposed RML zoning.

Applicant team opened the floor for questions from the Planning Commission.

Commissioner Parachini asked for the applicant's background with large residential developments.

Mr. Allen answered he has worked on over 5,000 multi-family housing developments and was with commercial developer. He currently is working on two residential projects in Tualatin and Durham and on a sustainable development in Lake Oswego. He noted their sustainable and environmental approach to residential developments.

Ms. Thompson answered she has had 16 years of experience with a variety of residential projects. She mentioned her focus on the site plan visioning process from the groundwork plans package and thought process. Ken Sandblast answered he has been an APA certified planner for 30 years.

Vice Chair Thompson shared that she noticed from a previous submission the need for a traffic signal. Ms. Lancaster answered they would not need one at this time for this concept plan and shared would do a traffic study under a subsequent application submittal.

Commissioner Parachini asked for clarification about whether a trip cap was needed. Jennifer Danziger of Lancaster Mobley answered changing zoning in this case did not require the imposition of a trip cap.

Commissioner Hledik asked for clarification on the size of the cottage clusters. Ms. Johnson answered the cottages would be approximately 2,000 sq. ft.

Commissioner Hledik asked for clarification on the need of more housing in RML zone. Mr. Sandblast spoke about the needs identified in the Housing Production Strategy and the Housing Needs Analysis.

Commissioner Wimer asked for clarification on the affordability of the development. Mr. Allen explained that the cost of construction and price per square foot play a key role in their efforts to create smaller housing units. Mr. Sandblast further clarified that the land's serviceability is

being evaluated. He pointed out that a nearby development is already addressing the area's affordability needs.

Chair Beers opened the floor to public comments.

Stan Russell spoke in favor of the application and his gratitude with the City and the time taken to speak with the community. He shared his thoughts on the past application with a different designer and contractor.

Beth Yancey spoke in favor of the application and shared her story living in Tualatin community. She spoke about the growth she has seen and wants to share opportunities for other families to live in the community.

Commissioner Wimer shared his opinion on the application. He felt they provided a well thought out application and design.

Vice Chair Thompson commented that she felt the application really represented the community.

Commissioner Hledik shared his support for the application for a recommendation of approval.

Commissioner Wimer made a motion to make a recommendation of approval. This motion was for seconded by Commissioner Hledik. The Commissioners unanimously voted to forward a recommendation of approval of the application to the City Council (7-0).

#### **COMMUNICATION FROM CITY STAFF**

Steve Koper, Assistant Community Development Director, spoke about the upcoming meeting in April, which will include an Industrial Master Plan application made by Lam.

#### **ADJOURNMENT**

A motion to adjourn was made by Vice Chair Thompson. The motion was seconded by Chair Beers. The Planning Commissioners unanimously voted to adjourn the meeting at 8:45 p.m



## Tualatin Planning Commission

**MINUTES OF December 18, 2024 (UNOFFICIAL)****TPC MEMBERS PRESENT:**

William Beers, Chair  
 Janelle Thompson, Vice Chair  
 Brittany Valli, Commissioner  
 Allan Parachini, Commissioner  
 Randall Hledik, Commissioner  
 Ursula Kuhn, Commissioner  
 Zach Wimer, Commissioner

**STAFF PRESENT:**

Steve Koper, Asst. Community Development Director  
 Lindsey Hagerman, Office Coordinator  
 Madeleine Nelson, Assistant Planner

**CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 6:30 p.m., and roll call was taken. All the Commissioners were present. None were absent.

**ANNOUNCEMENTS & PLANNING COMMISSION COMMUNICATION**

Chair Beers went through the hearing script. The Commissioners all stated they have shopped and have been to Cabela's/Bass Pro Shop.

**COMMUNICATION FROM STAFF**

- 1. Staff presented continuance consideration of a Sign Variance application (SVAR24-0001) for a sign package proposal located at the Cabela's/Bass Pro Shops retailer at 7555 SW Nyberg Street (Tax Lot: 2S124A003100).**

Madeleine Nelson, Assistant Planner, provided an update on the continued sign variance application. She reviewed the project, the site background, and details about the subject property.

Ms. Nelson highlighted key requirements from TDC 38.220 and discussed the variance requests, including the proposed reduction in square footage for the sign package proposal as compared to the one presented at the previous hearing. She also addressed the specifics of Sign 2, the Outdoor World Wall Cabinet, explaining its size, overall increase, and location.

She briefly covered the approval criteria related to hardships, outlining the factors that need to be considered. She asked The Planning Commission to make a decision on SVAR24-0001 for approval as proposed or with modifications, denial, or continuation of the hearing to a later date.

Commissioner Hledik asked for clarification on height requirements. Ms. Nelson answered the code allows if the permitted area square footage is half of the allowable area, the height requirement can be doubled.

Commissioner Parachini asked if there are any other sign variances in the shopping center. Ms. Nelson answered the previous Cabela's variance and LA Fitness.

Frank Moore, representing the applicant from Meyer Sign Co. of Oregon, Inc. spoke about their request and shared an image of the proposed signs. He explained the size of the proposed signs, dimensions and how they will look visually. He explained the square footage is under what was originally approved.

Commissioner Kuhn asked for clarification for the sign location on the building. Mr. Moore answered the proposed sign would be located on the timber frame on the front of the building façade.

Commissioner Parachini asked how important visibility is and if the store will be called Bass Pro Shop moving forward. Mr. Moore answered it is due to the aesthetic factor of the size of the building and all the Cabela's stores are changing to Bass Pro Shops.

Chair Beers opened the floor to The Commissioners for discussion.

Commissioner Kuhn inquired whether, if this variance is approved, any future signs falling under its scope would be permitted. Steve Koper, Assistant Community Development Director, answered yes, explaining that it would be binding unless a new sign variance application is submitted.

Commissioner Parachini spoke about the importance of this request to the applicant.

Commissioner Hledik shared that he agreed that there is a significant change but expressed concern on the proposed height.

Commissioner Valli shared that she wanted to thank the applicant team and show that the Planning Commission is supportive of businesses in Tualatin.

Commissioner Parachini made a MOTION to approve the request. This motion was seconded by Commissioner Kuhn. The Commissioners approved the motion. (6-1).

**COMMUNICATION FROM CITY STAFF**

Mr. Koper spoke about the potential of meetings in February and March.

**ADJOURNMENT**

Vice Chair Thompson made a MOTION to adjourn. Chair Beers seconded this motion. The Planning Commissioners unanimously voted to adjourn the meeting at 9:05 p.m. (7-0).



## CITY OF TUALATIN Staff Report

**TO:** Tualatin Planning Commissioners  
**THROUGH:** Steve Koper, Assistant Community Development Director  
**FROM:** Keith Leonard, Associate Planner  
**DATE:** February 19, 2025

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### **SUBJECT:**

Consideration of a Conditional Use Permit (CUP24-0002) for “building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials” on a 1.44 acres site in the Light-Manufacturing (ML) zone and specifically located at 18520 SW 108th Avenue (Tax Lot: 2S122AD 00100).

### **RECOMMENDATION:**

Based on the analysis and findings, as well as the application materials demonstrating compliance with the applicable review criteria, staff respectfully recommends approval of the subject Conditional Use Permit application (CUP 24-0001), subject to the recommended conditions of approval in the attached written order:

- CUP – 1** The approved CUP is limited to building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials as described in TDC 39.400 and listed in TDC Table 60-1.
- CUP – 2** All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading with all other site activities conducted in compliance with TDC 60.310 (1).
- CUP – 3** The proposed development must comply with the Environmental Regulations of TDC 63.
- CUP – 4** An approved Architectural Review application matching the site plan (Exhibit A2) and meeting current TDC requirements at the time the application is submitted must be obtained for use of the site and site development.
- CUP – 5** A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained prior to any site grading and/or earth removal work on this site. This Authorization is required prior to issuance of an Erosion Control Permit for changes to land which include, but are not limited to, grading, excavating, filling, working of land, logging or stripping of soil or vegetation from land in accordance with Clean Water Services' Design and Construction Standards 2.03.4.

### **EXECUTIVE SUMMARY:**

- The subject proposal is a Type-III land use application.
- The hearing is a quasi-judicial procedure.
- The subject site is approximately 1.44 acres. The property takes access from SW 108<sup>th</sup> Avenue via two existing driveways.

- The Applicant, CIDA, on behalf of the property owner Ascentec Engineering, is requesting approval of a Conditional Use Permit (CUP) for a “general contractor offices and associated storage”. The ML zoned property allows the Use Category of “building, heating, plumbing and electrical contractor’s offices, with on-site storage of equipment or materials” with an approved CUP.
- The applicant has provided draft site plan of how they would like to utilize this property with a future Architectural Review application.
- The actual area allowing the proposed CUP would be the development area depicted on the site plan (Exhibit A2) which is approximately 165’ x 212’ of the western portion of the lot. The eastern portion of the lot would remain as is and not allow the use requested in the CUP application.
- The existing site does not contain paved parking, site landscaping or other improvements typical with surrounding development.
- The proposed use would be in character with the surrounding industrial development.

**OUTCOMES OF DECISION:**

Approval of the subject Conditional Use Permit (CUP 24-0002) will allow for the use of this site as a “building, heating, plumbing and electrical contractor’s offices, with on-site storage of equipment or materials”.

**ALTERNATIVES TO RECOMMENDATION:**

The Planning Commission may alternately:

- Approve CUP 24-0002 with further amendments or conditions;
- Deny CUP 24-0002; or
- Continue the hearing to a later date.

**FINANCIAL IMPLICATIONS:**

No financial impact is expected.

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**ATTACHMENTS:**

- Attachment A – Presentation
- Attachment B – Findings and Analysis
  - Exhibit A1 – Applicant’s Narrative
  - Exhibit A2 – Site Plan
  - Exhibit A3 – Supporting Documents
  - Exhibit A4 – Traffic Memorandum
  - Exhibit B – Public Notice
  - Exhibit C – Agency Comment Clean Water Services
  - Exhibit D – Final Order



# ESSEX General Construction Conditional Use Permit (CUP 24-0002)

February 19, 2025

# *Project Description*



CIDA, on behalf of Ascentec Engineering, is requesting approval of a Conditional Use Permit (CUP) to allow a “building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials” located at 18520 SW 108<sup>th</sup> Avenue (Tax Lot: 2S122AD00100).



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# CUP 24-0002 Subject Site



The existing site is 1.44 acres and has two existing metal buildings, two driveways, gravel parking and no landscaping



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# Conditional Use Permits (CUP)



## CUP Purpose:

- To provide standards for conditional uses of land/structures which, because of their unique characteristics relative to location, design, size, operation, circulation and public interest, require special consideration.



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# *Procedures (TDC 32.230)*



## Type III Conditional Use Permit Review:

- Application submitted on December 10, 2024, deemed complete on December 20, 2024
- Notice of Hearing sent December 27, 2024
- Public Hearing February 19, 2025
- Final Decision required by Monday April 21, 2025



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# Conditional Use Request

## CUP 24-0001:

- Consideration of a Conditional Use Permit for “building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials”
- Essex General Construction is planning on constructing a 12,000 square foot office building with onsite storage of equipment and materials. Future construction will require an approved Architectural Review.

**Table 60-1 Use Categories in the ML Zone**

### Industrial Use Categories

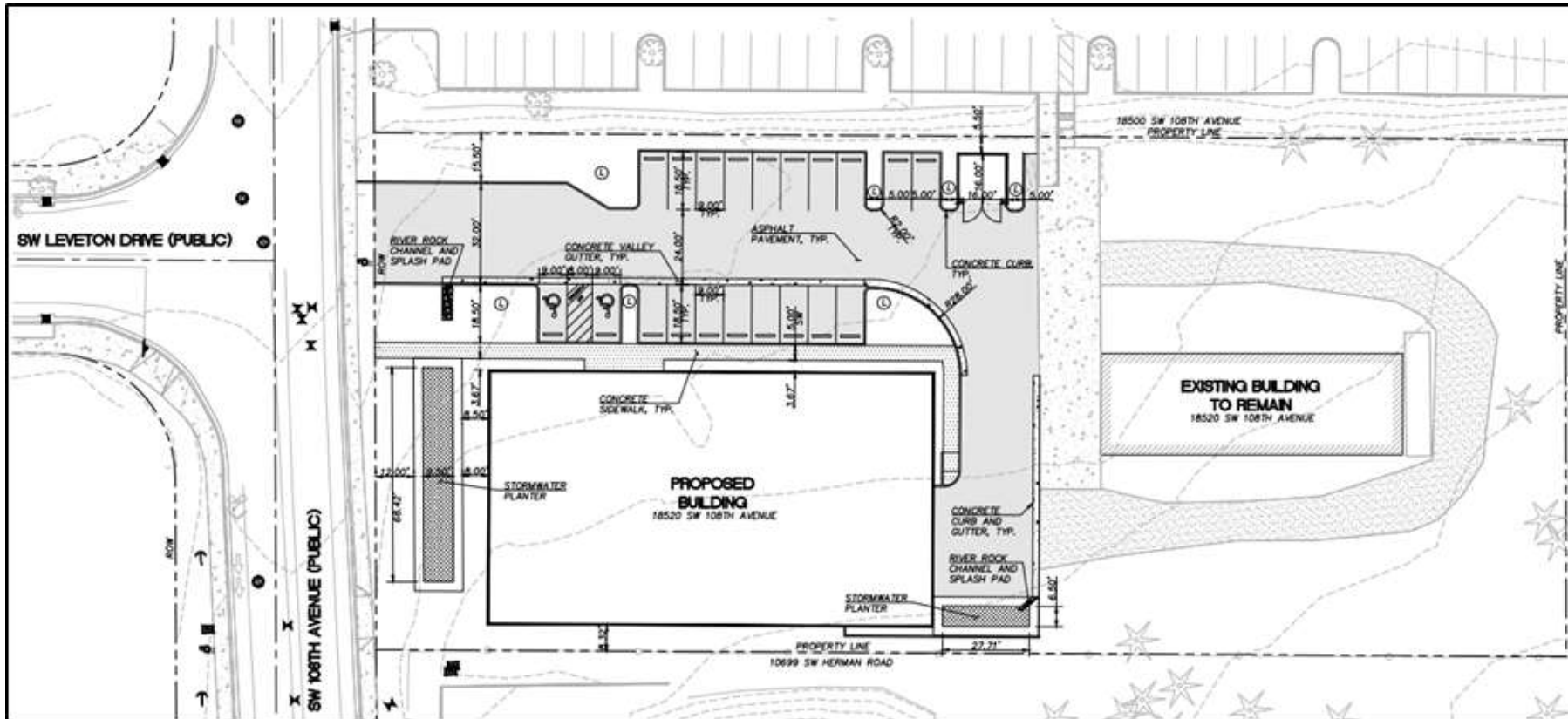
<b>Light Manufacturing</b>	P/C(L)	Conditional uses limited to: <ul style="list-style-type: none"><li>• Machine shop over 7,500 square feet;</li><li>• Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials;</li><li>• Casting or fabrication of metals.</li></ul> All other uses permitted outright.
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60.210 (7) Spacing Requirement for Conditional Uses. A conditional use must not be located closer than 300 feet to any residential planning district boundary. This requirement does not apply to schools or transportation facilities and improvements.



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# Project Overview



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# Approval Criteria



## TDC 33.040(5) – CUP Approval Criteria:

- (a) The use is listed as a conditional use in the underlying zone;
- (b) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features;
- (c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;
- (d) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone; and



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# Approval Criteria



(e) The proposal satisfies those objectives and policies of the Tualatin Comprehensive Plan that are applicable to the proposed use.

## Community Involvement

GOAL 1.1 Implement community involvement practices in line with Statewide Planning Goal 1.

POLICY 1.1.3 Conduct the planning process with adequate input and feedback from citizens in each affected neighborhood.

## Economy, Commercial & Industrial Development

GOAL 4.2 - Support business retention, growth, and attraction in ways that strengthen the local tax base and support Tualatin's industrial lands as a major local and regional employment center.

POLICY 4.2.2 Fully develop planned industrial areas, providing full transportation, sewer, and water services prior to or as development occurs.

POLICY 4.2.4 Support growth of existing businesses, including growth and retention of entrepreneurial businesses, in Tualatin.



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# Approval Criteria



(e) The proposal satisfies those objectives and policies of the Tualatin Comprehensive Plan that are applicable to the proposed use.

Transportation

GOAL 8.5 ECONOMY. Support local employment, local businesses, and a prosperous community while recognizing Tualatin's role in the regional economy.

Objective - Consider positive and negative effects of alternatives on adjacent residential and business areas.

POLICY AREA 8.10 ACCESS MANAGEMENT POLICIES.

The following establish the City's policies on access management.

POLICY 8.10.5 Look for opportunities to create joint accesses for multiple properties, where possible, to reduce the number of driveways on arterials.



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# Recommended Conditions of Approval

- CUP - 1 The approved CUP is limited to building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials as described in TDC 39.400 and listed in TDC Table 60-1.
- CUP - 2 All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading with all other site activities conducted in compliance with TDC 60.310 (1). .
- CUP - 3 The proposed development must comply with the Environmental Regulations of TDC 63.
- CUP - 4 An approved Architectural Review application matching the site plan (Exhibit A2) and meeting current TDC requirements at the time the application is submitted must be obtained for use of the site and site development.
- CUP - 5 A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained prior to any site grading and/or earth removal work on this site. This Authorization is required prior to issuance of an Erosion Control Permit for changes to land which include, but are not limited to, grading, excavating, filling, working of land, logging or stripping of soil or vegetation from land in accordance with Clean Water Services' Design and Construction Standards 2.03.4.



CITY of  
TUALATIN



# TPC ACTION



The Planning Commission is asked to make a decision on CUP 24-0002. The TPC may issue:

- *Approval either as proposed or with modifications;*
- *Denial; or*
- *Continue the hearing to a later date for further consideration*





**CITY** *of*  
**TUALATIN**



**ANALYSIS AND FINDINGS**  
**ESSEX GENERAL CONSTRUCTION CONDITIONAL USE PERMIT (CUP 24-0002)**

February 19, 2025

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Case #:	CUP 24-0002
Project:	ESSEX General Construction Contractor’s Office with Onsite Equipment and Materials Storage
Location:	18520 SW 108 <sup>th</sup> Ave., Tax Lot: 2S122AD00100
Applicant:	CIDA
Owner:	Ascentec Engineering LLC

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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

### Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.040: Conditional Use Permits
- TDC 39.400: Light Manufacturing
- TDC 60: Light Manufacturing (ML)
- TDC 63: Industrial Uses and Manufacturing Zones – Environmental Regulations
- TDC 74: Public Improvement Requirements

### Site Description



Figure 1 Aerial view of site with zoning (TualGIS)

The site at 18520 SW 108<sup>th</sup> Avenue (Tax Lot: 2S122AD00100) is approximately 1.44 acres and zoned Light Manufacturing (ML). Current development on the site consists of two existing pole barn buildings, two ingress/egress gravel driveways that take access from SW 108<sup>th</sup> Avenue and unimproved parking areas. There is no existing site or building landscaping. The topography is relatively flat.

### Proposed Project

CIDA, on behalf of Ascentec Engineering LLC, is requesting approval of a Conditional Use Permit (CUP) to allow a “general construction contractor’s office with onsite equipment and materials storage” or as stated in the Tualatin Development Code (TDC) “building, heating, plumbing and electrical contractor's

offices, with on-site storage of equipment or materials". As described in the applicant's narrative, Exhibit A1, the "...intended use of the site is to have it be the base of their Portland operations. It will house personnel and other support and storage improvements to support the operation of their business in the Portland metro area." The applicant has indicated that future development of the site will include demolishing the western-most existing building and replacing it with new construction of a 12,000 square foot office building with storage, parking, landscaping, stormwater facilities and other site improvements (Figure 2). The existing building on the eastern portion of the site will remain as is and is not part of this CUP application. There are currently two driveways accessing this property, which would be reduced to a single driveway. Any site development will require a Type II Architectural Review process and approval.

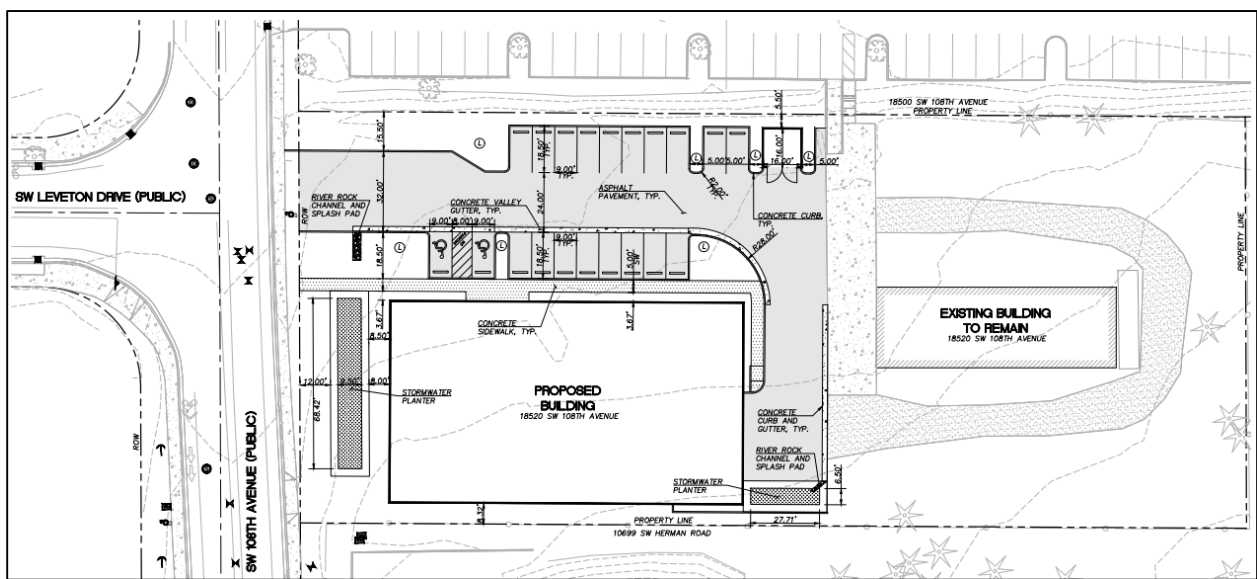


Figure 2 Site Plan Overview of future development

### Previous Land Use Actions

- ANN77-07: the property was annexed into the City of Tualatin.

### Surrounding Uses

Surrounding areas are primarily utilized for industrial uses. Adjacent land uses include:

North: Light Manufacturing (ML)

- Warehousing
- Light Industrial

South: Institutional (IN)

- City of Tualatin City Services

West: Light Manufacturing (ML) & Manufacturing Park (MP)

- Lam Research Campus

East: Institutional (IN)

- City of Tualatin Services

**Exhibit List**

- A. Applicant's Materials
  - A1. Applicant's Narrative
  - A2. Site Plan
  - A3. Supporting Documents
  - A4. Traffic Memorandum
- B. Public Notice
- C. Clean Water Services Memorandum
- D. Final Order

## II. PLANNING FINDINGS

Findings reference the Tualatin Development Code (TDC), 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).

[...]

**(c) Type III Procedure (Quasi-Judicial Review—Public Hearing).** Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.

[...]

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

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

Application / Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
<b>Architectural Review</b>						
<b>Conditional Use Permit</b>	III	PC	CC	Yes	Yes	<b>TDC 33.040</b>
[...]						
* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).						

#### **Finding:**

*The proposed Conditional Use Permit (CUP) application would allow for building, heating, plumbing and electrical contractor’s offices, with on-site storage of equipment or materials” as described TDC 39.400. The eventual use of the site will be for Essex General Construction office and storage of materials and equipment related to construction. According to Table 60-1, a CUP is required for the proposed use. Table 32-1 lists CUPs as a Type III review procedure requiring the Planning Commission to conduct a public*

*hearing and make the final decision on the application. The application has been processed according to the applicable section of the TDC for Type III review procedures. This standard is met.*

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

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

[...]

**(3) Time Periods.** "Days" means calendar days unless otherwise specified. In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins is not included. The last day of the period is included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or City recognized legal holiday.

**Finding:**

*The application was deemed complete on December 20, 2024. The final action on this application must take place within 120 days unless the applicant requests an extension in compliance with ORS 227.178. The 120<sup>th</sup> day would be Sunday April 19, 2025. Per TDC 32.030 (3), a final decision must be issued by 5 pm on Monday April 21, 2025. 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. The applicant participated in a pre-application conference on July 24, 2024. The application for the proposed CUP was submitted December 10, 2024, within six months of the pre-application conference. 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 provided evidence that a Neighborhood/Developer Meeting was held on December 4, 2024. The applicant has provided documentation of sign posting and mailed notification in compliance with this section of the TDC, sign-in sheet and notes from the meeting (Exhibit A3). 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 A3 showing Ascentec Engineering as the current owner of the subject site. The land use application has been signed by Kim Brady of Ascentec Engineering. 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 a CUP on December 10, 2024, which was deemed complete on December 20, 2024. The general land use and CUP 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 A3 that signs in conformance with this section of the TDC were placed on 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 submitted an application for CUP 24-0002 on December 10, 2024. The application was deemed complete on December 20, 2024. These standards are met.*

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

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

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

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

**Finding:**

*After application submittal and completeness review as required by this section, notice for the Type III Planning Commission public hearing regarding this application, CUP 24-0002, was mailed by city staff on December 27, 2024, and contained the information required by this section (Exhibit B). One Agency*

*Comment from Clean Water Services was received (Exhibit C). No public comments were received. With Condition of Approval CUP-5, these standards are met.*

- (4) Conduct of the Hearing—Type III.** The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:
- (a) At the commencement of the hearing, the person chairing the hearing must state to those in attendance all of the following information and instructions:**
    - (i) The applicable substantive criteria;**
    - (ii) That testimony, arguments and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;**
    - (iii) That failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue;**
    - (iv) At the conclusion of the initial evidentiary hearing, the decision body must deliberate and make a decision based on the facts and arguments in the public record; and**
    - (v) Any participant may ask the decision body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the decision body grants the request, it will schedule a date to continue the hearing as provided in TDC 32.230(4)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.230(4)(f).**
  - (b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the decision body must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the decision body must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the decision body must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.**
  - (c) Presenting and receiving evidence.**
    - (i) The decision body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;**
    - (ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and**
    - (iii) Members of the decision body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information**

relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

- (d) The decision body, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
- (e) If the decision body decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.
- (f) If the decision body leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:
  - (i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
  - (ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030, unless the applicant waives his or her right to a final decision being made within the required timeframe; and
  - (iii) If requested by the applicant, the decision body must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

**Finding:**

*The Planning Commission will follow the hearing requirements set forth by this section. These standards will be met.*

- (5) **Notice of Adoption of a Type III Decision.** Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption must contain all of the following information:
  - (a) A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
  - (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;
  - (c) A statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;
  - (d) The date the decision becomes final, unless a request for appeal is submitted; and



- (e) The notice must include an explanation of rights to appeal the decision to the City Council in accordance with TDC 32.310.
- (6) **Appeal of a Type III Decision.** Appeal of an Architectural Review Board or Planning Commission Type III Decision to the City Council may be made in accordance with TDC 32.310.
- (7) **Effective Date of a Type III Decision.**
  - (a) The written order is the final decision on the application.
  - (b) The mailing date is the date of the order certifying its approval by the decision body.
  - (c) A decision of the Architectural Review Board or Planning Commission is final unless:
    - (i) a written appeal is received at the City offices within 14 calendar days of the date notice of the final decision is mailed; or
    - (ii) The City Manager or a member of the City Council requests a review of the decision within 14 calendar days of the date notice of the final decision is mailed.

**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**

**TDC 33.040. - Conditional Use Permit.**

[...]

- (2) **Applicability.** A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit may be initiated by a property owner or the owner's authorized agent.

**Finding:**

*CIDA, on behalf of the property owner, Ascentec Engineering, has submitted this CUP application for review and consideration by the Planning Commission. This standard is met.*

- (3) **Procedure Type.** Conditional use permits are processed in accordance with the Type III review procedures in Chapter 32.

**Finding:**

*According to Table 60-1 in TDC 60.200, "building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials" requires a CUP and follows a Type III review procedure as described in TDC 32.230. This standard is met.*

- (4) **Specific Submittal Requirements.** In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the following additional information and materials:
  - (a) Project title;
  - (b) The architect, landscape architect and engineer;
  - (c) A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development;
  - (d) A Service Provider Letter from Clean Water Services (CWS) indicating that a "Stormwater Connection Permit Authorization Letter" will likely be issued; and

- (e) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application and the City must notify the ODOT Rail Division and the railroad company that the application has been received.**

**Finding:**

*The submitted CUP application includes the above required materials. These standards are met.*

- (5) Approval Criteria. The applicant must provide evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:**

- (a) The use is listed as a conditional use in the underlying zone;**

**Finding:**

*Table 60-1 in TDC 60.200 lists "building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials" as a conditional use in the Light Manufacturing (ML) Zone. This criterion is met.*

- (b) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features;**

**Finding:**

*The site characteristics are suitable for the proposed use. The site is zoned Light Manufacturing (ML) and "building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials" is considered an appropriate use with an approved CUP. The property is rectangular in shape and has the approximate dimensions of 165' x 380' for a total area of 1.44 acres. The actual area allowing the proposed CUP would be the development area depicted on the site plan (Exhibit A2) which is approximately 165' x 212' of the western portion of the lot. The eastern portion of the lot would remain as is and not allow the use requested in the CUP application. Any expanded area of the proposed CUP would require a new CUP application and approval. Access is provided from SW 108<sup>th</sup> Avenue, a "minor arterial" from the center of the SW Leveton Drive intersection with SW 108<sup>th</sup> Avenue south to SW Herman Road. North of the SW Leveton Drive/SW 108<sup>th</sup> Avenue intersection to SW Tualatin Road is considered a "minor collector". TDC 60.210 (7) requires that conditional uses be located no closer than 300 feet to any residential planning district or zone. The subject property is located over 1,300 feet from the nearest residential planning district to the north. The topography is generally flat with some sloping downward from the northwest to southeast. The site is fully serviced by utilities. This criterion is met.*

- (c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;**

**Finding:**

*This area of Tualatin is developed with other industrial uses and is fully developed with utilities and transportation system. Staff have determined a 12,000 square foot contractor's office would likely not cause the need for upsizing of either the existing water or sanitary sewer lines. The applicant is illustrating two onsite stormwater detention facilities. Staff have reviewed the applicant's Traffic Memorandum, Exhibit A4, and determined that no additional traffic analysis is warranted. The public*

*facilities are adequate to service the proposed use of "building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials" and future redevelopment of the site. Additional analysis will take place when the more detailed Architectural Review application is submitted. This criterion is met.*

- (d) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone; and**

**Finding:**

*The proposed use would blend well with the Tualatin City Services site to the south, light industrial building and use to the north and Lam Research west of across SW 108<sup>th</sup> Avenue. The site currently contains two older metal storage buildings, a strip of concrete between the two buildings with the remainder of the site being unpaved with no existing landscaping or other improvements typically found within surrounding developed industrial sites. The applicant has provided drawings for a future new building footprint and site development (Exhibit A2). Any future construction would require improvements that meet current TDC requirements and would be required to go through the Type II Architectural Review process with notice to the public. The existing conditions of this site are out of character with the surrounding developed areas. Development to the north, south and west are more aesthetically pleasing with professional landscaping and modern building construction. Redevelopment of this site will provide for a more attractive site that will meet City development standards and blend well with the surrounding development. This criterion is met.*

- (e) The proposal satisfies those objectives and policies of the Tualatin Comprehensive Plan that are applicable to the proposed use.**

**Finding:**

*There are several goals, objectives and policies that are relative to the proposed CUP application including the following:*

*Community Involvement*

*GOAL 1.1 Implement community involvement practices in line with Statewide Planning Goal 1.*

*POLICY 1.1.3 Conduct the planning process with adequate input and feedback from citizens in each affected neighborhood.*

*Economy, Commercial & Industrial Development*

*GOAL 4.2 - Support business retention, growth, and attraction in ways that strengthen the local tax base and support Tualatin's industrial lands as a major local and regional employment center.*

*POLICY 4.2.2 Fully develop planned industrial areas, providing full transportation, sewer, and water services prior to or as development occurs.*

*POLICY 4.2.4 Support growth of existing businesses, including growth and retention of entrepreneurial businesses, in Tualatin.*

*Transportation*

*GOAL 8.5 ECONOMY. Support local employment, local businesses, and a prosperous community while recognizing Tualatin's role in the regional economy.*

*Objective - Consider positive and negative effects of alternatives on adjacent residential and business areas.*

*POLICY AREA 8.10 ACCESS MANAGEMENT POLICIES.*

*The following establish the City's policies on access management.*

*POLICY 8.10.5 Look for opportunities to create joint accesses for multiple properties, where possible, to reduce the number of driveways on arterials.*

*Light Manufacturing Planning District (ML)*

*Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke. Also suitable, with appropriate restrictions, are the retail sale of products not allowed for sale in General Commercial areas, subject to applicable zoning overlay standards. Also suitable are accessory commercial uses subject to area limitations for the sale of products manufactured, assembled, packaged or wholesaled on the site.*

*The purpose of this district is to provide sites for manufacturing uses that are more compatible with adjacent commercial and residential uses and would serve to buffer heavy manufacturing uses. The purpose is also to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site subject to area limitations. Certain heavier manufacturing uses may be allowed as conditional uses.*

*The proposed use, a contractor's office, is an industrial use which is compatible with other surrounding industrial uses, and is therefore consistent with the above goals, objectives, and policies. This criterion is met.*

- (6) *Conditions of Approval.*** The Hearing Body may impose, in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. In no event will this Chapter be used as a means to exclude multi-family housing from the City.
- (7) *Compliance with Conditions and Revocations.***
  - (a)** Any previously granted conditional use permit may be revoked by the Planning Commission, after a hearing conducted in the manner required for approval of a conditional use permit initially, upon the following grounds:
    - (i)** Failure to comply with the conditions of approval;
    - (ii)** Discontinuance of the use for a period in excess of two years;
    - (iii)** Failure to comply with other applicable provisions of the Tualatin Comprehensive Plan regarding design, dimensional or use requirements; or
    - (iv)** A change in the Tualatin Comprehensive Plan or Zone Standards of the zone within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such zone.
  - (b)** Revocations initiated under TDC 33.040(7)(a)(i) or (ii) above must not be initiated for at least six months after approval of the conditional use permit. Revocations initiated under TDC 33.040(7)(a)(i), (ii) and (iii) above has the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under TDC 33.040(7)(a)(iv) above has the effect of making the previously granted conditional use a nonconforming use.

**(8) Automatic Termination of Conditional Use; Request for Extension.**

(a) Unless otherwise provided by the Planning Commission in the written decision granting approval of the conditional use permit, a conditional use permit automatically is null and void two years after the effective date upon which it was granted, unless the applicant, or successor in interest, has done one of the following within two years of the effective date of the conditional use permit:

(i) Secured a building permit and commenced construction of the building or structure in conformance of the building permit and conditional use permit.

(ii) Commenced the activity or installation of the facility or structure authorized by the conditional use permit.

(iii) Submitted a request for an extension of time on the conditional use permit to avoid the permit's becoming null and void.

(b) A request for an extension must be submitted prior to the expiration date of the conditional use permit, as established by the Planning Commission in granting the conditional use permit.

(c) Upon receipt of the request for an extension of time, the Planning Commission will hear the matter under the quasi-judicial procedures in TDC 32.230. The Planning Commission may grant or deny the extension of time, provided the extension of time does not exceed two years.

**Finding:**

*Staff have recommended Conditions of Approval that are found in Section III of this report. The Planning Commission will make the final decision on any recommended conditions, may add or delete conditions and will make a final decision on this application. Any approved CUP must abide by this section. These standards are met and will be abided by.*

**CHAPTER 39 - USE CATEGORIES**

**TDC 39.400. - Light Manufacturing.**

**(1) Characteristics.** Light Manufacturing is the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activity takes place, and where such processes are housed entirely within a building. Light Manufacturing also includes the repair and/or servicing of industrial, business, or consumer machinery, equipment, products or by-products, or in training or instruction of such repair or servicing. Products are generally not displayed or sold on site, but if so, sales and display are accessory to the primary use and subject to restrictions, such as size, set forth in the planning district in which the use will be located. All industrial uses must continually comply with the Environmental Regulations specified in TDC Chapter 63.

**(2) Examples of Uses.**

- Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials.
- Food, beverage, and related product processing and packaging.
- Laundry, dry cleaning, dyeing or rug cleaning plant (non-retail).
- Machine shop, including automotive and truck machine shop.
- Manufacture, packaging, processing or assembly of small instruments, equipment, devices, and components, such as audio, video, and computer equipment; hand tools; hearing aids; musical instruments; office equipment; optical goods; scientific instruments or equipment; and sporting goods.
- Manufacture of cabinets, furniture, and mattresses.

- **Printing and publishing shops (non-retail).**
- **Processing, assembly, packaging, and other treatment of small products manufactured from the following prepared or semi-finished materials: bone, hair, fur, leather, feathers, textiles, plastics, glass, wood, paper, cork, wire, rubber, and rubber compounds, precious or semi-precious stones, and similar small products composed of previously prepared or semi-finished materials.**
- **Production of artwork, toys, novelties, pottery and ceramics (using only previously pulverized clay).**
- **Production of textiles or apparel.**
- **Research and development laboratories.**
- **Trade or industrial schools where industrial vehicles and equipment are operated.**

**(3) Exceptions.**

- **Certain manufacturing uses are classified exclusively as Heavy Manufacturing.**
- **Structural-mechanical testing laboratories are classified as Heavy Manufacturing.**
- **Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Services.**
- **Compost production and rendering plants are classified as Solid Waste Treatment and Recycling.**
- **The following uses are prohibited in all zones:**
  - **Auto wrecking.**
  - **Creosote treatment of products.**
  - **Distillation of bones.**
  - **Distillation of oil, coal, wood or tar compounds.**
  - **Fat rendering.**
  - **Forge plants.**
  - **Storage, transfer, or processing of hazardous, toxic, or radioactive waste.**
  - **Junk or salvage yard.**
  - **Manufacturing of the following products: acid; ammonia; bleaching powder; celluloid pyroxylin; cement, lime, gypsum and plaster of paris; chlorine gas; creosote; disinfectant; dye stuffs; explosives; fertilizer; herbicides; insect poison; radioactive materials; soap; sodium compounds; tar roofing, water-proofing and other tar products.**
  - **Rolling mills or saw mills.**
  - **Rock crushing.**
  - **Slaughter of livestock or poultry.**
  - **Primary processing of organic materials such as tanning of leather.**

**Finding:**

*The applicant's narrative describes the proposed use of the property as "general contractor's office and storage" or as stated in TDC 39.400(2) and Table 60-1 "building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials". The proposed use is considered a "Light Manufacturing" use that requires an approved CUP in the ML Zone. If a CUP is approved then the applicant will be required to go through the Architectural Review process for any future site and building development. As proposed, the use of this site as a "building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials" meets the description of TDC 39.400(2) and is listed as a conditional use. The actual area allowing the proposed CUP would be the development area depicted on the site plan (Exhibit A2) which is approximately 165' x 212' of the western portion of the lot. The eastern portion of the lot would remain as is and not allow the use*

*requested in the CUP application. Any expanded area of the proposed CUP would require a new CUP application and approval.*

## **Chapter 60: Light Manufacturing (ML) Zone**

### **Section 60.200 - Use Categories.**

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

[...]

<b>Table 60-1: Use Categories in the ML Zone</b>		
<b>USE CATEGORY</b>	<b>STATUS</b>	<b>LIMITATIONS AND CODE REFERENCES</b>
<b>INDUSTRIAL USE CATEGORIES</b>		
Light Manufacturing	P/C (L)	Conditional uses limited to: <ul style="list-style-type: none"> <li>• Machine shop over 7,500 square feet;</li> <li>• Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials;</li> <li>• Casting or fabrication of metals.</li> </ul> All other uses permitted outright.

#### **Finding:**

*The project area is within the Light Manufacturing (ML) Zone. The applicant's narrative, Exhibit A1, states that the proposed use will be a "general contractor's office and storage" or as listed in Table 60-1 a "building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials", which is considered an industrial use that requires an approved CUP.*

### **TDC 60.210. - Additional Limitations on Uses.**

[...]

**(7) Spacing Requirement for Conditional Uses.** A conditional use must not be located closer than 300 feet to any residential planning district boundary. This requirement does not apply to schools or transportation facilities and improvements.

**(a) Measurement.** The spacing standard is measured from the closest point on the building to the residential planning district boundary and does not include setbacks, parking areas, circulation areas and landscaping.

**(b) Modification of Existing Uses.** New buildings, expansions, or additions to existing buildings, except for office uses related to on-site operations, must be sited in the following locations, in order of priority, as site conditions permit:

**(i) Must be greater than 300 feet from any residential district;**

**(ii) Must be the opposite side of existing buildings from any residential district; and**

**(iii) Must not be closer than existing buildings to any residential district.**

- (c) Definition of Existing Uses. For purposes of this section, buildings approved through the Architectural Review process as of September 24, 1990, in accordance with Ordinance 812-90, are considered existing buildings.**

**Finding:**

*According to Tualatin's GIS, the northern property line of the site is setback approximately 1,300 feet from nearest Low-Density Residential (RL) zoned area to the north. Any future construction on this site would be located a greater distance than minimum standard of a CUP being no closer than 300 feet to a residential planning area. These standards are met.*

**Section 60.300 – Development Standards.**

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

**Finding:**

*The Development Standards listed for ML zoned property will apply to any future development of the site through an Architectural Review process and meet all TDC standards. The standards listed in Table 60-2 in TDC 60.300 do not apply to this CUP application and Section 60.310 is discussed below.*

**Section 60.310 - Additional Development Standards.**

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

[...]

**Finding:**

*Any future use of the property must comply with this section of the TDC. With recommended Condition of Approval CUP-2, this standard is met.*

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

[...]

**Section 63.020 – Applicability.**

**The regulations of this Chapter apply to:**

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

**TDC 63.051. - Noise.**

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

**TDC 63.052. - Vibration.**

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



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

**TDC 63.053 - Air Quality.**

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

**TDC 63.054. - Odors.**

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

**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.

**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.**

**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.

**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 site is located in the Light Manufacturing (ML) Zone, an Industrial Zone. Any future use of the property must comply with Chapter 63. With recommended Conditions of Approval CUP-3 and CUP-5, these standards are met.*

**Chapter 74: Public Improvement Requirements**

[...]

**Section 74.440 - Streets, Traffic Study Required.**

- (1) The City Manager may require a traffic study to be provided by the applicant and furnished to the City as part of the development approval process as provided by this Code, when the City Manager determines that such a study is necessary in connection with a proposed development project in order to:**
  - (a) Assure that the existing or proposed transportation facilities in the vicinity of the proposed development are capable of accommodating the amount of traffic that is expected to be generated by the proposed development, and/or**
  - (b) Assure that the internal traffic circulation of the proposed development will not result in conflicts between on-site parking movements and/or on-site loading movements and/or on-site traffic movements, or impact traffic on the adjacent streets.**
- (2) The required traffic study must be completed prior to the approval of the development application.**
- (3) The traffic study must include, at a minimum:**
  - (a) An analysis of the existing situation, including the level of service on adjacent and impacted facilities.**
  - (b) An analysis of any existing safety deficiencies.**
  - (c) Proposed trip generation and distribution for the proposed development.**
  - (d) Projected levels of service on adjacent and impacted facilities.**
  - (e) Recommendation of necessary improvements to ensure an acceptable level of service for roadways and a level of service of at least D and E for signalized and unsignalized intersections respectively, after the future traffic impacts are considered.**

**(f) The City Manager will determine which facilities are impacted and need to be included in the study.**

**(g) The study must be conducted by a registered engineer.**

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

[...]

**Finding:**

*Based on the Trip Generation Memorandum, Exhibit A4, the construction of a new 12,000 square foot building and use of a "general contractor's office with onsite storage" will generate 84 average daily trips. Further review of this site and future development will take place during the Architectural Review process. This standard is met for the CUP phase of review.*

### **III. RECOMMENDATION**

Based on the application materials and analysis and findings presented above, staff finds that the applicable criteria have been met relative to CUP24-0002, and therefore recommend approval of this application with the following Conditions of Approval:

- CUP – 1** The approved CUP is limited to building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials as described in TDC 39.400 and listed in TDC Table 60-1.
- CUP – 2** All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading with all other site activities conducted in compliance with TDC 60.310 (1).
- CUP – 3** The proposed development must comply with the Environmental Regulations of TDC 63.
- CUP – 4** An approved Architectural Review application matching the site plan (Exhibit A2) and meeting current TDC requirements at the time the application is submitted must be obtained for use of the site and site development.
- CUP – 5** A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained prior to any site grading and/or earth removal work on this site. This Authorization is required prior to issuance of an Erosion Control Permit for changes to land which include, but are not limited to, grading, excavating, filling, working of land, logging or stripping of soil or vegetation from land in accordance with Clean Water Services' Design and Construction Standards 2.03.4.

# ESSEX GENERAL CONSTRUCTION: TUALATIN OFFICE

18520 SW 108<sup>TH</sup> Avenue | Tualatin, Oregon | 97062

## CONDITIONAL USE NARRATIVE



RELEASE DATE: 12/10/2024  
CIDA PROJECT NUMBER: 240134.01



15895 SW 72ND AVE SUITE 200  
PORTLAND, OREGON 97224  
TEL: 503.226.1285  
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ARCHITECTURE  
ENGINEERING  
PLANNING  
INTERIORS

Part 1	General Information
Part 2	Introduction
Part 3	Compliance with Conditional Use Permit Approval Criteria
Part 4	Summary

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## Exhibits

Exhibit A	Application Form
Exhibit B	
Exhibit B.1	Neighborhood Meeting - Mailing List Buffer
Exhibit B.2	Neighborhood Meeting - Mailing List
Exhibit B.3	Neighborhood Meeting – Mailing List Receipt
Exhibit B.4	Neighborhood Meeting – Notice
Exhibit B.5	Neighborhood Meeting-Notice Affidavit
Exhibit B.6	Neighborhood Meeting – Sign-In Sheet
Exhibit B.7	Neighborhood Meeting – Meeting Minutes
Exhibit C	
Exhibit C.1	Sign – Notice of Meeting
Exhibit C.2	Sign – Affidavit and Photos
Exhibit D	Drawings – Preliminary Site Layout
Exhibit E	Service Provider Letter – Clean Water Services
Exhibit F	Title Report
Exhibit G	Traffic Memorandum
Exhibit H	Pre-Application Conference Notes

**POSITIVE IMPACT.  
BALANCED DESIGN.**

15895 SW 72<sup>ND</sup> AVE, STE 200  
PORTLAND, OR 97224  
PHONE: 503.226.1285

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WBE #10209

## I. Project Summary



ARCHITECTURE  
ENGINEERING  
PLANNING  
INTERIORS

### POSITIVE IMPACT. BALANCED DESIGN.

15895 SW 72<sup>ND</sup> AVE, STE 200  
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<b>Owner (Current):</b>	Ascentec Engineering 18500 SW 108 <sup>th</sup> Avenue Tualatin, Oregon 97062 Contact: Kim Brady E: <a href="mailto:kimbrady@ascenteceng.com">kimbrady@ascenteceng.com</a>
<b>Applicant / Owner (Purchaser):</b>	Essex General Construction 17400 SW 65 <sup>th</sup> Avenue, Suite 100 Lake Oswego, OR 97035 Contact: Bo Oswald E: <a href="mailto:bo.oswald@essexgc.com">bo.oswald@essexgc.com</a>
<b>Architect / Applicant's Representative:</b>	CIDA, Inc. 15895 SW 72 <sup>nd</sup> Avenue, Suite 200 Portland, OR 97224 Contact: Erik Winter, Architect E: <a href="mailto:erikw@cidainc.com">erikw@cidainc.com</a> T: (503) 226-1285
<b>Civil Engineer:</b>	Humber Design Group 110 SE Main Street Portland, OR 97214 Contact: Dave Humber E: <a href="mailto:dave.humber@hdgpdx.com">dave.humber@hdgpdx.com</a> T: (503) 946.5370
<b>Project Location:</b>	18520 SW 108 <sup>th</sup> Avenue Tualatin, OR 97062
<b>State ID No.:</b>	2S122AD00100 / R530125
<b>Lot Size:</b>	Approximately 62,725 square feet (1.44-acres)
<b>Zoning:</b>	Light Manufacturing (ML)
<b>Application Type:</b>	Conditional Use Permit
<b>Procedure Type:</b>	Type III Review
<b>Pre-Application Meeting Date:</b>	July 24, 2024
<b>Neighborhood Meeting Date:</b>	December 4, 2024
<b>Existing Structures:</b>	(2) existing, single level storage buildings. (1) existing structure will be removed as part of the proposed development.
<b>Proposed Scope of Work:</b>	The Project will include the development of a new 12,000 square foot contractors office building and associated site improvements. The program will generally include administrative office(s), a conference room, storage, and support space(s) for a general contractor's operations.



ARCHITECTURE  
ENGINEERING  
PLANNING  
INTERIORS

### About the Applicant.

This application requests Conditional Use Permit approval for the development of Essex General Construction's ("Applicant") new office building, and associated site improvements, at a site located at 18520 SW 108<sup>th</sup> Avenue, Tualatin, Oregon, 97062 ("Subject Site").

Essex General Construction is a commercial general contractor and founded in Eugene, Oregon in 1987. Today, Essex General Construction has offices in both Eugene and Portland, Oregon.

The applicant's intended use of the site is to have it be the base of their Portland operations. It will house personnel and other support and storage improvements to support the operation of their business in the Portland metro area.

### Existing Site Description and Surrounding Land Uses.

The approximately 1.44-acre site is currently in the process of being purchased by Essex General Construction, Inc., from Ascentec Engineering ("Property Owner"). The Project Site is currently located within City of Tualatin's jurisdiction and is generally flat, with a slope from the northwestern property line (high side) to the southeastern property line (low side).

The Project Site has frontage on one (1) right-of-way: SW 108th Avenue along the entire western property line – site access will be provided along this frontage. The project has existing mature trees on site. The proposed development may require the removal of existing trees along the western portion of the site; existing trees along southern and eastern portions of the site are expected to remain. The site contains no known wetlands, buffers, floor plains, or sensitive areas.

The site contains existing gravel surface parking and two existing pole barn shop buildings. The existing gravel parking and eastern most building will remain in place and are not part of this project's scope of work.

### Proposal.

This application requests approval of a Conditional Use Permit for the development of a general contractor's office, storage and associated site improvements located in the Light Manufacturing (ML) District. Chapter 39 of the Tualatin Development Code (TDC) identifies Light Manufacturing as the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activity takes place, and where such processes are housed entirely within a building. Light Manufacturing also includes the repair and/or servicing of industrial, business, or consumer machinery, equipment, products, or by-products, or in training or instruction of such repair or servicing. Products are generally not displayed or sold on site, but if so, sales and display are accessory to the primary use and subject to restrictions, such as size, set forth in the planning district in which the use will be located. Specifically, Section 39.400 – Light Manufacturing, identifies examples uses within this zone, including "Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials."

The applicant is a commercial general contractor who provides services throughout the Pacific Northwest region, thus meeting the definition of Light Manufacturing per TDC Chapter 39. Per TDC Section 60.200, Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials is a conditional use when located within the Light Manufacturing zone, requiring the Conditional Use Permit approval criteria in Section 33.040 be met.

The following is a brief summary of the proposed development. The Project will generally include the development of a new office building and associated site improvements, inclusive of the following program and assumptions noted below:

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1. **Site Improvements.** Site improvements include, but are not limited to, the following:
  - a. Development of the site to accommodate the proposed general contractor office building.
  - b. Below-grade utility routing from adjacent right-of-way(s) for the proposed general contractor building.
  - c. On-site stormwater treatment, and/or mitigation, as required.
  - d. On-site parking, sidewalks, and site lighting.
  - e. New exterior trash enclosure.
  - f. Landscape improvements / buffers as required.
  - g. Removal of hazardous trees, if determined to be present.
2. **Building Development.** Building Development includes, but are not limited to, the following:
  - a. Construction of (1) one, office building and attached warehouse consisting of approximately 12,000 total square feet.
  - b. Program will generally include administrative office(s), a conference room, storage, and support space(s) for a general contractor's operations.
  - c. Construction of site accessory structures to support the office building program, including but not limited to an exterior trash enclosure, exterior storage building(s), and bicycle storage (as required).

Though this application is for Conditional Use approval only, preliminary site, grading, and utility plans have been submitted for context (**Exhibit D**). An associated Architectural Review application with the same site plan will be submitted separately, the decision for which is contingent on Conditional Use approval. If approval of the requested Conditional Use is granted, and the Architectural Review approval is subsequently granted, it is the Applicant's intent to pursue construction of the proposed improvements the general contractor's office building. The remainder of the site, outside of the area of work, will be retained as existing use(s).

As described above and subsequently analyzed in Part 3. Compliance with Conditional Use Permit Approval Criteria of this narrative, the proposal meets the development standards applicable to the project.

A pre-application meeting for the project was held with the City of Tualatin on July 24, 2024, followed by a neighborhood/developer meeting on December 4, 2024; mailing labels, invitation letter, affidavit of mailing, certification of posting, and meeting sign-in sheet are attached to this application as **Exhibits B.1 – C.2**.

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Aerial Image [Source: Washington County GIS Intermap]



Street View [Source: Google Earth Pro]

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The project is subject to a Conditional Use Permit per TDC 60.200 Table 60-2. This narrative addresses all standards of the TDC relevant to Conditional Use Permit review, specifically those under Chapter 33, Section 33.040 TDC – Conditional Use Permit. Standards applicable to Architectural Review are not included with this application, as they are being applied and reviewed in a separate Architectural Review application. All applicable criteria and analysis of consistency with each criterion is set forth below.

#### Chapter 33 TDC: Applications and Approval Criteria

##### TDC Section 33.040 Conditional Use Permit.

(1) *Purpose.* It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics relative to locational features, design, size, operation, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:

- a) Allow practical latitude for utilization of land and structures, while maintaining adequate provision for the protection of the health, safety, convenience and general welfare of the community and adjacent properties; and
- b) Provide machinery for periodic review of conditional use permits to provide for further conditions to assure conformity of such uses more adequately to the public welfare.
- c) Provide siting criteria for the conditional uses specified herein and guidelines for the imposition of conditions to the end that such uses will.
  - i. Be consistent with the intent and purpose of the zone in which it is proposed to locate such use, meet the requirements of the Tualatin Comprehensive Plan with regard to providing benefit to the general welfare of the public, and fill a probable need of the public which can best be met by a conditional use at this time and in this place; and
  - ii. Comply with the requirements of the zone within which the conditional use is proposed and in accordance with conditions attached to such use under the authority of this chapter.

**Response:** The applicant proposes an Industrial use on the subject site, which is zoned Light Manufacturing (ML). As noted in Table 60-1 of TDC, Use Categories in the ML Zone, general contractor offices and associated storage is an Industrial use requiring Conditional Use Permit approval. Due to the nature of general contractor's business operations, which involves the delivery and storage of construction materials and equipment, the use is most practical and feasible in an industrial zone. The proposed subject site is bordered on all sides by industrial or institutional zoning and uses, thereby providing adequate buffering – by distance as well as intervening structures and uses – from less intense uses that may be sensitive to industrial operations. The closest residential development is at least 1,350' from the northern property boundary is separated by four separate parcels and (1) right-of-way. Because the residences are a considerable distance from the proposed development, and the surrounding uses are all industrial in nature, the proposed use will not alter the character of the surrounding area. The intent of the Conditional Use Permit Purpose is met.

(2) *Applicability.* A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit may be initiated by a property owner or the owner's authorized agent.

**Response:** Essex General Construction has been given permission by the current property owner, who intends to sell the property to Essex General Construction, to initiate this Conditional use Permit Application. Refer to land use application which includes the signature of the current property owner, authorizing for Essex General Construction to initiate this conditional application permit application. This standard is met.

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(3) *Procedure Type.* Conditional use permits are processed in accordance with the Type III review procedures in Chapter 32.

**Response:** As required per this Subsection, the subject application is being processed as a Type III review procedure, to be reviewed by the Planning Commission. This standard is met.

(4) *Specific Submittal Requirements.* In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the following additional information and materials:

a) *Project title;*

**Response:** The title of the proposed development is Essex General Construction Office – Tualatin. This standard is met.

b) *The architect, landscape architect and engineer;*

**Response:** The project team firms, including the architect and civil engineer, are identified in Section I – Project Summary Section of this Narrative and in the attached submitted plan set. This standard is met.

c) *A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development;*

**Response:** A site plan illustrating the dimensions and site layout of the proposed development is included on Sheet A1.0 of the submitted plan set (**Exhibit D**), set to a scale of 1/16" = 1'-0". Additional information and dimensions are included on the attached civil drawings, which are part of **Exhibit D**. This standard is met.

d) *A Service Provider Letter from Clean Water Services (CWS) indicating that a "Stormwater Connection Permit Authorization Letter" will likely be issued; and*

**Response:** A pre-screening form from Clean Water Services (CWS) regarding service to the site is included with this application submittal as **Exhibit E**. This standard is met.

e) *If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application and the City must notify the ODOT Rail Division and the railroad company that the application has been received.*

**Response:** Access to the site does not involve a railroad-highway grade crossing. This standard is therefore not applicable.

(5) *Approval Criteria.* The applicant must provide evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied and demonstrate that the proposed use also satisfies the following criteria:

a) *The use is listed as a conditional use in the underlying zone.*

**Response:** The applicant requests approval of a conditional use permit for a general contractor's office and storage use, at the subject site. Per TDC Section 60.20, general contractor's offices are permitted as a conditional use within the Light Manufacturing (ML) zone. This approval criterion is met.

b) *The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.*

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**Response:** The subject site is located on an 1.44-acre lot with SW 108<sup>th</sup> Avenue frontage along the entire western property boundary. SW 108<sup>th</sup> Avenue is considered a collector street per Washington County's May 2, 2024 Transportation System Plan. City of Tualatin Staff have identified the intersection of SW 108<sup>th</sup> Avenue and Leveton Drive as a potential future location of a signalized intersection. The proposed signalized intersection is included in the City of Tualatin's transportation plan and the design of the signalized intersection has not yet started (per City of Tualatin Staff). The proposed use at the subject site does not generate sufficient trip counts to cause or adversely impact the previously planned signalized intersection. The proposed site development will include a dedication along the frontage as well as an easement for the future signal equipment, both of which will be defined by City of Tualatin Transportation Engineering Staff. The proposed site access is located at the northwest corner of the subject site, aligning with Leveton Drive, as required by City of Tualatin Transportation Engineering Staff.

The minimum lot size in the ML zone is 20,000 square feet. The subject site is approximately 62,725 square feet (1.44-acres), exceeding the minimum lot size requirement. This criterion is met.

The minimum lot width is 100 feet when the lot has frontage on a public street. The lot width along the western property boundary, fronting SW 108<sup>th</sup> Avenue, is approximately 165', exceeding the lot size requirement. This criterion is met.

Topographically, the site is relatively flat, with a slight cross slope from the northeast corner of the site down to the southwest corner of the site. No notable or documented natural resources exist on site. Vegetation is limited to existing tree clusters along the northern, southern, and eastern property edges, as well as (3) existing trees along the western frontage. The latter (3) trees are planned to be removed as part of the proposed development.

Two single-story, existing storage buildings are currently located on the site. Both buildings are located centrally on the site, with existing gravel surface parking around the perimeter in a looped configuration. The western most building will be removed as part of the proposed redevelopment. The eastern most building will remain and not be affected by this project's scope of work.

The applicant proposes (1) new 12,000 square foot building. The building will generally include administrative office(s), conference and training rooms, storage, and support space(s) for a general contractor's operations.

The standards of this section are met.

*c) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use:*

**Response:** The site has frontage and access on SW 108<sup>th</sup> Avenue, which is under City of Tualatin's jurisdiction and designated as a collector street by Washington County. The Applicant has been advised that the intersection of SW 108<sup>th</sup> Avenue and SW Leveton Drive will potentially receive a traffic signal in the future. The design and details of this future signal have not yet been developed by the City of Tualatin Traffic Engineering Staff. The proposed use at the subject site does not generate sufficient trip counts to cause or adversely impact the previously planned signalized intersection. The proposed site development will include a dedication along the frontage as well as an easement for the future signal equipment, both of which will be defined by City of Tualatin Transportation Engineering Staff. The proposed site access is located at the northwest corner of the subject site, aligning with Leveton Drive, as required by City of Tualatin Transportation Engineering Staff.

A Traffic Impact Study memorandum was prepared, and attached (refer to **Exhibit G**) based on Staff's request. The analysis was based on the ITE land use (General Light Industrial #110) and trip counts noted in the 9<sup>th</sup> Edition of the Institute of Transportation Engineers Trip Generation. The findings have been shared with the City of Tualatin's Transportation Engineer, prior to the submittal of this application, who concurs with the applicant's findings.

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A topographic survey was completed and indicates public utilities available as noted below, in addition city master plans were consulted to confirm capacity.

Public sanitary service is available along the west side SW 108<sup>th</sup> Avenue in an existing service is 8-inch concrete sanitary pipe. The 2019 City sewer master plan indicates that this pipe is currently sized appropriately for this zone as no Capital Improvement project is noted in the vicinity of the project. Capacity is therefore available.

Public storm sewer is available along the west side of SW 108<sup>th</sup> Avenue in an existing 18-inch concrete storm pipe. The 2019 City storm sewer master plan indicates that this pipe is currently size appropriately for this zone as no Capital Improvement project is noted in the vicinity of the project. Capacity is therefore available.

Public water service is available along the east side of SW 108<sup>th</sup> Avenue in an existing 16-inch ductile iron water pipe. Project proposed to connect to an existing 8-inch stub out near the south end of the subject parcel. The 2023 City water system master plan indicates that this pipe is currently sized appropriately for this zone as no Capital Improvement project is noted in the vicinity of the project. Capacity is therefore available.

- d) *The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone; and*

**Response:** Surrounding zoning designations include Light Manufacturing (ML) to the north and west (opposite side of SW 108<sup>th</sup> Avenue). The zoning designation of the adjacent property fronting the southern and eastern boundaries is Institutional (IN) and is owned by the City of Tualatin. Neighboring uses predominantly include warehousing, manufacturing, and industrial offices.

The surrounding uses are industrial in nature, the proposed use will not alter the character of the surrounding area in any manner that limits, impairs, or prevents the use of surrounding properties from the primary uses listed in the underlying planning district. This approval criterion is met.

- e) *The proposal satisfies those objectives and policies of the Tualatin Comprehensive Plan that are applicable to the proposed use.*

**Response:** The Light Manufacturing Planning District (ML) land use designations and zoning definitions identified in the City of Tualatin's Comprehensive Plan 2040, define the ML zone as:

Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke. Also suitable, with appropriate restrictions, are the retail sale of products not allowed for sale in General Commercial areas, subject to applicable zoning overlay standards. Also suitable are accessory commercial uses subject to area limitations for the sale of products manufactured, assembled, packaged, or wholesaled on the site.

The purpose of this district is to provide sites for manufacturing uses that are more compatible with adjacent commercial and residential uses and would serve to buffer heavy manufacturing uses. The purpose is also to allow the retail sale of products manufactured, assembled, packaged, or wholesaled on the site subject to area limitations. Certain heavier manufacturing uses may be allowed as conditional uses. [Page 39 of Tualatin Comprehensive Plan 2040]

The applicants proposed use of the site is appropriate suited for this zone, is a defined use within the zone (subject to conditional use approval) and aligns with the description of the ML Planning District. proposed development satisfies the goals and objectives of the Tualatin Comprehensive Plan 2040. This approval criterion is met.

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#### Chapter 60 TDC: Light Manufacturing Zone (ML)

##### TDC Section 60.200 Use Categories.

- (1) *Use Categories.* Table 60-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the ML zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 60-1 and restrictions identified in TDC 60.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Use Categories in the Limited Commercial Setback.* Commercial uses may be further restricted within the Limited Commercial Setback, see TDC 60.210(4).
- (3) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

**Response:** This application is for use of a specific ML-zoned property for a general contractor's office and storage which is listed as a conditional use. The applicant is seeking approval of a Conditional Use Permit prior to developing the site, in accordance with TDC requirements.

TDC Chapter 39 – Use Categories identifies Light Manufacturing as the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activity takes place, and where such processes are housed entirely within a building. Light Manufacturing also includes the repair and/or servicing of industrial, business, or consumer machinery, equipment, products, or by-products, or in training or instruction of such repair or servicing. Products are generally not displayed or sold on site, but if so, sales and display are accessory to the primary use and subject to restrictions, such as size, set forth in the planning district in which the use will be located.

Examples of Uses per TDC 39.400(2) include "Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials". The proposed use at the subject site is a general contractor's office and storage. On the basis of this definition, the proposed use complies with the LM zoning use definition.

This standard is met.

##### TDC Section 60.300 Additional Limitations on Uses.

- (1) *Sale of Goods Produced On-Site.* The retail sale of goods produced on-site is permitted, provided that the retail sale area, including the showroom area, is no greater than five percent of the gross floor area of the building and does not exceed 1,500 square feet.

**Response:** This standard is not applicable because the proposed use and the applicant's intended use of the site does not include retail sales of goods produced on-site. This criterion is not applicable.

- (2) *Limited Commercial Uses.* Commercial uses permitted as limited uses, as specified in Table 60-1, must be located on the same site as a permitted industrial use. The site must be used substantially for industrial purposes and the commercial use is subject to the following limitations. The office, retail, and service uses may be located in a standalone building or combined in a building with other permitted uses.

- a) *Offices.* Office uses must not exceed 25 percent of the total gross floor area of all buildings on the site.
- b) *Retail Sales and Services, Eating and Drinking Establishments, or Other Educational and Vocational Services.* Permitted uses in these categories, as specified in Table 60-1, are subject to the following additional standards.

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- i. *Maximum Size. The use must not exceed 5,000 square feet for any individual use or a total of 20,000 square feet of all retail or service uses on the site.*
- ii. *Spacing Standard. Uses must not be located within 80 feet from any Residential Planning District and from the right-of-way of SW Tualatin-Sherwood Road.*
- iii. *Access Standard. If located in a standalone building, the uses must not have direct access onto any arterial or collector street.*

**Response:** The applicant is requesting conditional use approval for a primary use described under the Industrial Use Category listed in Table 60-1. Conditional uses permitted under the Light Manufacturing classification include "Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials." The proposed use(s) align with the permitted uses, with conditional use approval, as defined in TDC Table 60-1, and as defined in TDC 39.400 – Light Manufacturing. This application meets the criterion stated in TDC Table 60-1 and TDC 39.400.

This application is not requesting commercial use(s) be granted per TDC Table 60-1. The requirements and limitations of this section apply only to commercial uses, as defined within TDC Table 60-1. As such, this criterion, including the requirements and limitations noted, are not applicable.

(3) *Size Limitation on Commercial Uses. Commercial uses permitted outright or as a Conditional Use as the primary use of a site, as specified in Table 60-1, are subject to the following size limitations.*

- a) *Employment Areas or Corridors. Commercial uses on land designated as an Employment Area (EA) or Corridor (CO) Design Type on Comprehensive Plan Map 10-4 must not exceed 60,000 square feet of gross floor area per building or business.*
- b) *Industrial Areas. Commercial uses on land designated as an Industrial Area Design Type on Map 9-4 must not exceed 5,000 square feet for any individual use or a total of 20,000 square feet of all commercial uses on the site. Commercial uses permitted in the Limited Commercial Setback are exempt from this requirement.*

**Response:** The proposed development is for Light Manufacturing permitted use(s) described in TDC Table 60-1, as defined in TDC 39.400. The proposed use, building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials, requires conditional use approval in the ML District. The standards for commercial uses does not apply for this application because the application is not for a listed limited commercial use.

(4) *Limited Commercial Setback. The purpose of the Limited Commercial Setback is to restrict commercial uses from locating within 300 feet from the centerline of SW Tualatin Sherwood Road and SW 124th Avenue and 350 feet from the centerline of SW Pacific Highway 99W west of Cipole Road, as depicted in Comprehensive Plan Map 10-5.*

- a) *Restriction on Commercial Uses. No commercial uses, including parking or outdoor storage and display areas, are permitted outright in the Limited Commercial Setback.*
- b) *Conditional Uses. Quick Vehicle Service uses and the sale and service of manufactured dwellings are permitted as Conditional Uses in the Limited Commercial Setback.*

**Response:** This standard is not applicable because the proposed use is not a listed commercial use in TDC Table 60-1.

(5) *Additional Commercial Office Uses. As specified in Table 60-1, uses permitted in the CO district are permitted in ML if any portion of the lot is within 60 feet of the CO district boundary, subject to the following:*

- a) *Development Standards. Uses must comply with the CO district development standards.*



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- b) *Trip Generation Limit. The gross floor area of the use is limited based on vehicle trip generation. The limitation is determined through the Architectural Review process using the following formula:  $(A \times 24) / ITE = MTGSF$ , where:*
- i. *A = Developable area (in acres);*
  - ii. *24 = Vehicle trip generation cap for P.M. peak hour trips per acre of land (constant determined by city);*
  - iii. *ITE = Average vehicle trips per 1 000 square feet gross floor area on a weekday P.M. peak hour of the adjacent street as determined using the latest edition of the ITE Trip Generation Manual, or actual trip rate figures based on a traffic analysis approved by the City Engineer; and*
  - iv. *MTGSF = Maximum thousand gross square feet of floor area allowed on the developable area.*
- c) *Continuity Requirement. If CO use is located on a parcel in the ML district it must abut the CO district.*

**Response:** This standard is not applicable because the subject site is not located in the CO District.

- (6) *Automobile Service Stations. Automobile Service Station uses are subject to the following additional standards.*
- a) *Spacing Requirements. Automobile Service Station uses must not be located within the specified distance of the following uses:*
- i. *Existing Automobile Service Stations. No closer than 3,000 feet to another operating Quick Vehicle Service use, measured from the closest lot line of the two lots;*
  - ii. *Arterial Streets. No closer than 300 feet from centerline of SW 124th Avenue and 350 feet from the centerline of SW Pacific Highway (99W); and*
  - iii. *Day Care Centers. All exterior walls and pump islands must be a minimum distance of 400 feet from the exterior walls and outdoor play areas of any day care center or family day care provider, irrespective of any structures in between.*
- b) *Development Standards. Quick Vehicle Service Uses are subject to the following additional development standards.*
- i. *The minimum street frontage is 120 feet on corner lot and 150 feet on interior lot;*
  - ii. *The minimum building setback from any street right-of-way is 40 feet; and*
  - iii. *The minimum pump island setback from any lot line is 15 feet.*
- c) *Access Standards. In addition to access standards of [TDC Chapter 75](#), only two access points are allowed for an interior lot and one access point per street frontage for a corner lot or through lot.*
- d) *Accessory Uses. A minimart is permitted as an accessory use, except for at a cardlock station, provided the minimart does not exceed 3,500 square feet of gross floor area and no seating is provided.*
- e) *Outdoor Storage and Display. The outdoor storage and display of merchandise or vehicles is not permitted.*
- f) *Non-Conforming Uses or Structures. Those uses in operation or with a conditional use permit as of March 25, 2002 that do not meet the spacing or setback standards do not become non-conforming uses solely because of failure to meet spacing or setback standards.*

**Response:** This standard is not applicable because the proposed use is not an automobile service station.

- (7) *Spacing Requirement for Conditional Uses. A conditional use must not be located closer than 300 feet to any residential planning district boundary. This requirement does not apply to schools or transportation facilities and improvements.*
- a) *Measurement. The spacing standard is measured from the closest point on the building to the residential planning district boundary and does not include setbacks, parking areas, circulation areas and landscaping.*

### 3. Compliance with Conditional Use Permit Approval Criteria

---



ARCHITECTURE  
ENGINEERING  
PLANNING  
INTERIORS

- b) *Modification of Existing Uses. New buildings, expansions, or additions to existing buildings, except for office uses related to on-site operations, must be sited in the following locations, in order of priority, as site conditions permit:*
  - i. *Must be greater than 300 feet from any residential district;*
  - ii. *Must be the opposite side of existing buildings from any residential district; and*
  - iii. *Must not be closer than existing buildings to any residential district.*
  
- c) *Definition of Existing Uses. For purposes of this section, buildings approved through the Architectural Review process as of September 24, 1990, in accordance with Ordinance 812-90, are considered existing buildings.*

**Response:** This standard is not applicable because the subject property is not located within 300 feet of any residential planning district boundary.

**POSITIVE IMPACT.  
BALANCED DESIGN.**

15895 SW 72<sup>ND</sup> AVE, STE 200  
PORTLAND, OR 97224  
PHONE: 503.226.1285

PO BOX 4746  
MEDFORD, OR 97501  
PHONE: 541.330.6322

INFO@CIDAINC.COM  
WWW.CIDAINC.COM  
WBE #10209



ARCHITECTURE  
ENGINEERING  
PLANNING  
INTERIORS

The applicant's development proposal of a building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials is classified under TDC 39.400 – Light Manufacturing. Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials requires conditional use approval in the Light Manufacturing (ML) District per TDC 60.200 – General Light Manufacturing Zone Use Categories, including TDC Table 60-1. This application requests Conditional Use Permit approval for the Essex General Construction operation and development at the subject site.

This application demonstrates that the proposed use meets all applicable Conditional Use standards and approval criteria, as well as the objectives and policies of the Tualatin Comprehensive Plan 2040, as described in this narrative. The development will improve an existing under-utilized site, be compatible with current and existing surrounding uses and is designed to comply with the zoning requirements of the Light Manufacturing Planning District; the actual site development plan will be detailed in a separate Architectural Review application. This application complies with City requirements, will result in economic growth for the area, and merits approval as requested.

**POSITIVE IMPACT.  
BALANCED DESIGN.**

15895 SW 72<sup>ND</sup> AVE, STE 200  
PORTLAND, OR 97224  
PHONE: 503.226.1285

PO BOX 4746  
MEDFORD, OR 97501  
PHONE: 541.330.6322

INFO@CIDAINC.COM  
WWW.CIDAINC.COM  
WBE #10209

# ESSEX GENERAL CONSTRUCTION: TUALATIN OFFICE CONDITIONAL USE PERMIT APPLICATION

TUALATIN, OREGON

## ESSEX GENERAL CONSTRUCTION, INC.

17400 SW 65TH AVENUE, SUITE 100  
LAKE OSWEGO, OREGON 97035  
(T): (503) 7470092  
CONTACT: BO OSWALD | bo.oswald@essexgc.com

## CIDA, INC.

15895 SW 72ND AVE, SUITE 200  
PORTLAND, OREGON 97224  
(T): (503) 226-1285  
CONTACT: ERIK WINTER | erikw@cidainc.com

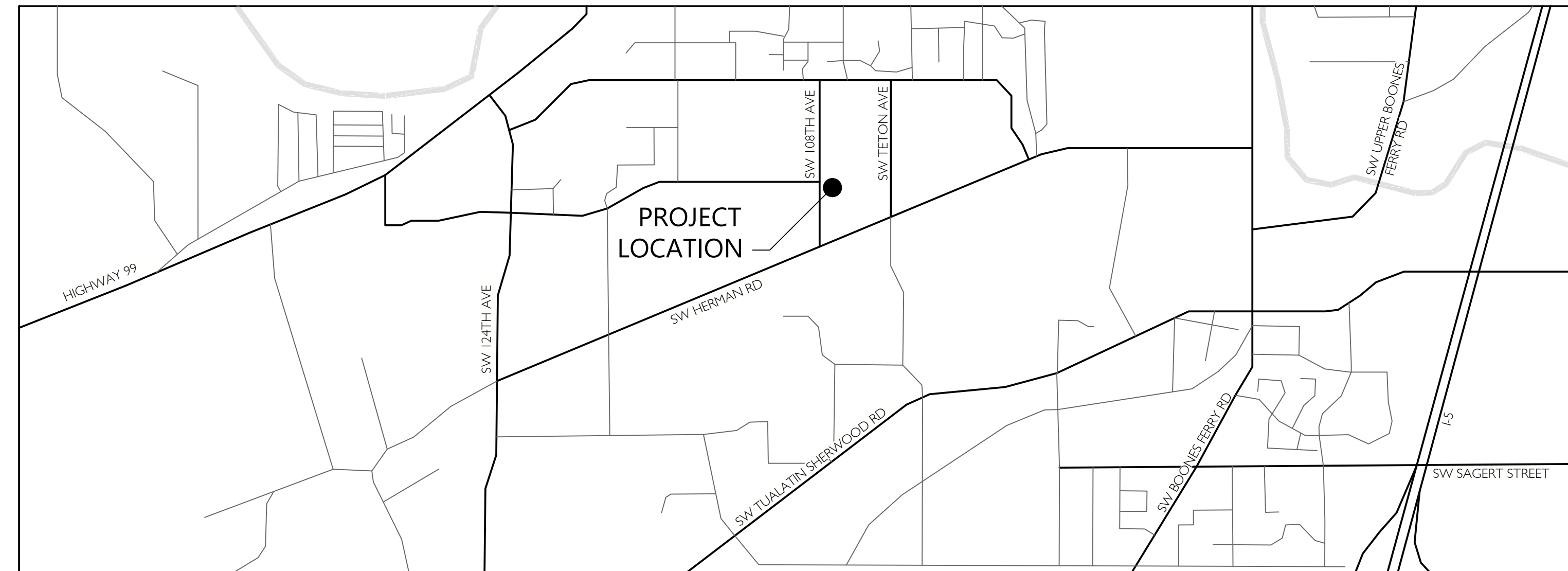
## HUMBER DESIGN GROUP

110 SE MAIN STREET  
PORTLAND, OREGON 97214  
(T): (503) 946-6690  
CONTACT: DAVE HUMBER | dave.humber@hdgpd.com

## TBD

## TBD

## TBD



### OWNER & GENERAL CONTRACTOR

CCB# OR 54531

### PROJECT DESCRIPTION

IN BRIEF AND WITHOUT FORCE AND EFFECT ON THE REQUIREMENTS OF THE CONTRACT DOCUMENTS, THE PROJECT CONSISTS OF THE FOLLOWING:

**CONSTRUCT A NEW 12,000 SQUARE FOOT, SINGLE STORY BUILDING, WITH MEZZANINE. THE DEVELOPMENT WILL GENERALLY INCLUDE ADMINISTRATIVE OFFICE(S), MEETING ROOMS, STORAGE, AND SUPPORT SPACE(S) FOR A GENERAL CONTRACTOR'S OPERATIONS. THIS PROJECT WILL ALSO CONSIST OF SITE CHANGES WHICH INCLUDE PARKING AND LANDSCAPE IMPROVEMENTS.**

### ARCHITECT & STRUCTURAL ENGINEER & INTERIOR DESIGN

### LEGAL DESCRIPTION AND ZONING SUMMARY

- SITE ADDRESS: 18520 SW 108TH AVENUE | TUALATIN, OREGON 97062
- LOT ID: 25122AD00100
- TAX/LOT MAP: 3402.00501W22AD--00000100
- CITY: TUALATIN (GOVERNING AUTHORITIES HAVING JURISDICTION)
- COUNTY: WASHINGTON
- ZONING DESIGNATION: LIGHT MANUFACTURING (ML)
- FIRE DISTRICT: TUALATIN VALLEY FIRE AND RESCUE (TVFR)
- LOT SIZE: 1.44 ACRES

### CIVIL ENGINEER

### BUILDING INFORMATION

- OCCUPANCY: B (BUSINESS) WITH ASSEMBLY (A), AND STORAGE (S) ACCESSORY USES
- CONSTRUCTION TYPE: V-B (ASSUMED)
- SPRINKLER TYPE: SPRINKLERED - NFPA 13 COMPLIANT - REFER TO DELEGATED DESIGN DRAWINGS
- BUILDING HEIGHT: TBD
- NUMBER OF STORIES: 1 STORY + MEZZANINE
- BUILDING AREA: ± 12,000 SF
- CURRENT DESIGN CODE(S): 2022 OREGON STRUCTURAL SPECIALTY CODE (OSSC)

### PRE-ENGINEERED METAL BUILDING

CONTRACTED DIRECTLY TO OWNER  
TBD

### DEFERRED SUBMITTAL (DELEGATED DESIGN)

**NOTE:** DEFERRED SUBMITTAL(S) INDICATED BELOW WILL BE PREPARED BY OTHERS AND SUBMITTED UNDER SEPARATE COVER.  
TBD

### LANDSCAPE ARCHITECT

CONTRACTED DIRECTLY TO OWNER

## TBD

### MECHANICAL ENGINEER

CONTRACTED DIRECTLY TO OWNER

### ELECTRICAL ENGINEER

CONTRACTED DIRECTLY TO OWNER

## TBD

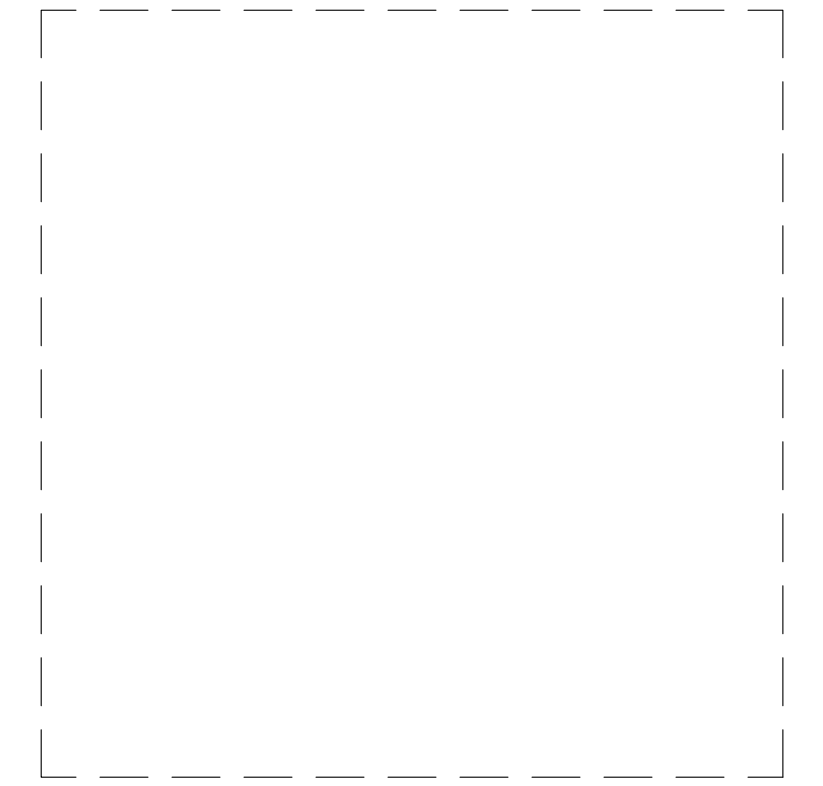
### LIGHTING ENGINEER

CONTRACTED DIRECTLY TO OWNER

### WORK UNDER SEPARATE CONTRACT(S) (BY OTHERS)

**NOTE:** DESIGN ELEMENTS INDICATED BELOW WILL BE PREPARED BY OTHERS AND SUBMITTED UNDER SEPARATE COVER.  
TBD

JURISDICTIONAL APPROVAL(S)



18589 DATE: 1/2024 12.10. CONDITIONAL USE APPLICATION (CUP)

CONDITIONAL USE PERMIT APPLICATION



15895 SW 72ND AVE SUITE 200  
PORTLAND, OREGON 97224  
TEL: 503.226.1285  
FAX: 503.226.1678  
WWW.CIDAINC.COM

NEW CONSTRUCTION FOR:  
**ESSEX GENERAL CONSTRUCTION: TUALATIN OFFICE**  
18520 SW 108TH AVENUE  
TUALATIN, OREGON

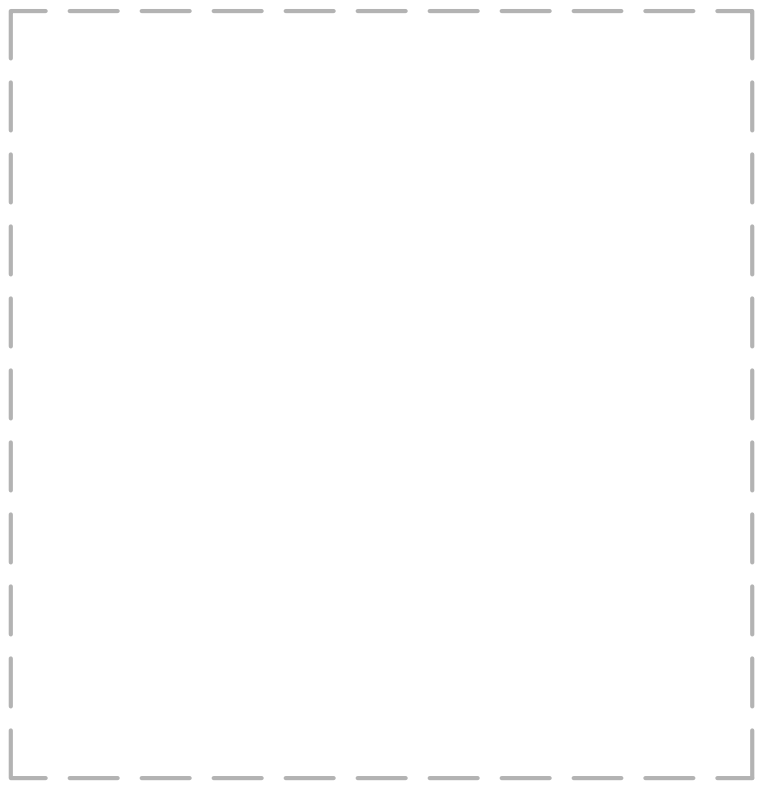
COVER SHEET

CSI

JOB NO. 240134.01

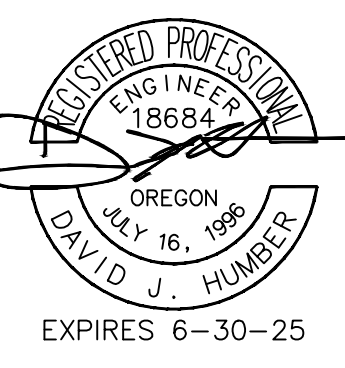
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2024.12.10. CONDITIONAL USE APPLICATION (CUP)									
10	9	8	7	6	5	4	3	2	1
<b>RELEASES</b>									
<ul style="list-style-type: none"> <li>• CURRENT RELEASE</li> <li>◻ CURRENT RELEASE - NO CHANGES</li> <li>◐ PRIOR RELEASE</li> <li>✗ SHEET REMOVED</li> </ul>									
<b>COVER SHEET</b>									
<ul style="list-style-type: none"> <li>• CS1 COVER SHEET</li> </ul>									
<b>CIVIL</b>									
<ul style="list-style-type: none"> <li>• C1.00 LAYOUT AND PAVING PLAN</li> <li>• C2.00 GRADING PLAN</li> <li>• C3.00 UTILITY PLAN</li> </ul>									
<b>LANDSCAPE</b>									
<b>ARCHITECTURAL</b>									
<ul style="list-style-type: none"> <li>• D0.1 SITE PLAN - OVERALL - DEMOLITION</li> <li>• A0.1 SITE PLAN - OVERALL - ARCHITECTURAL</li> </ul>									

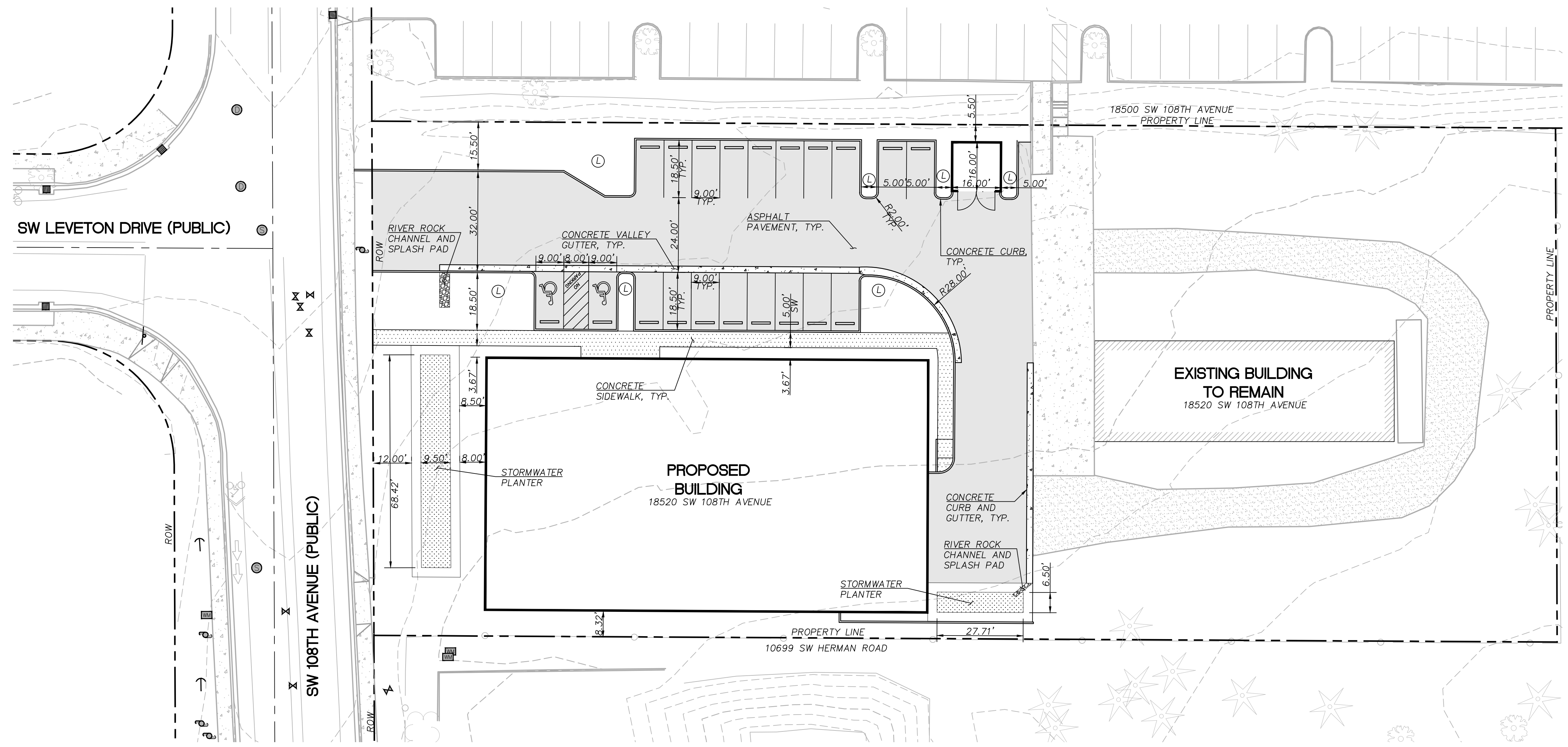


PRELIMINARY  
PLAN ONLY  
NOT FOR  
CONSTRUCTION

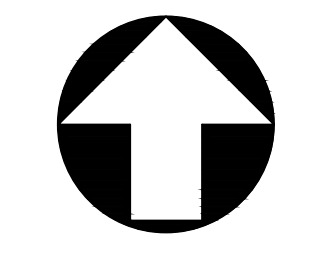
ISSUED DATE  
1 2024.12.10: CONDITIONAL USE APPLICATION (CUP)



ITEM	DESCRIPTION	REFERENCE
	CONCRETE SIDEWALK	
	CONCRETE VALLEY GUTTER	
	ASPHALT PAVEMENT	
	STORMWATER PLANTER	
	RIVER ROCK CHANNEL	
	CONCRETE CURB	
	LANDSCAPE	



LAYOUT AND PAVING PLAN  
SCALE: 1"=20'



GRAPHIC SCALE  
0 20 40  
1 inch = 20 ft.

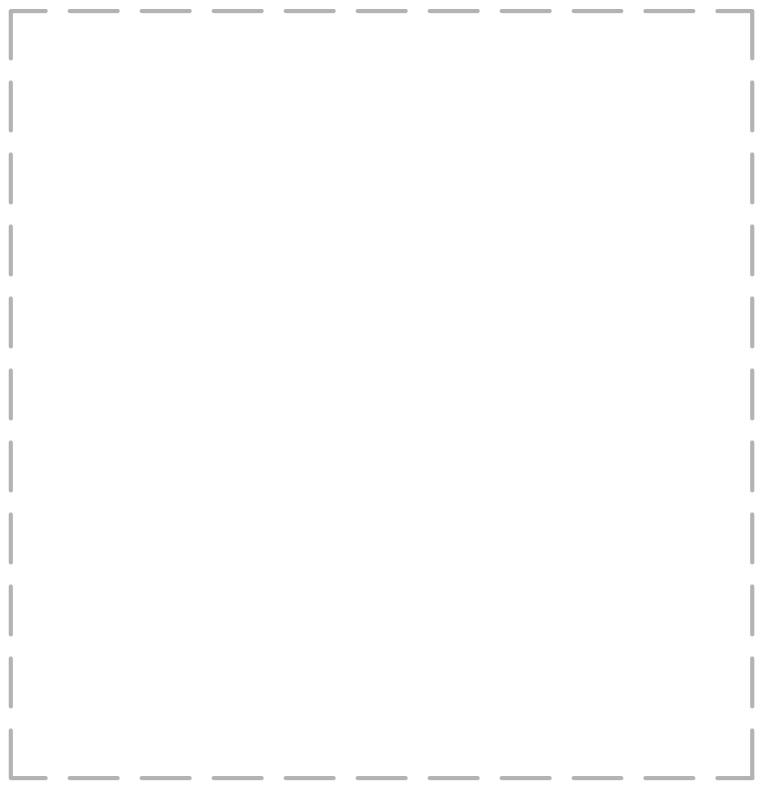


Humber  
Design  
Group, Inc.

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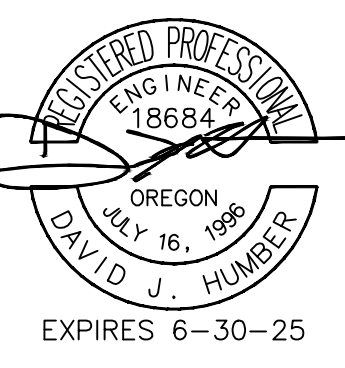
NEW CONSTRUCTION FOR:  
ESSEX GENERAL CONSTRUCTION: TUALATIN OFFICE  
18520 SW 108TH AVENUE  
TUALATIN, OREGON

C1.00

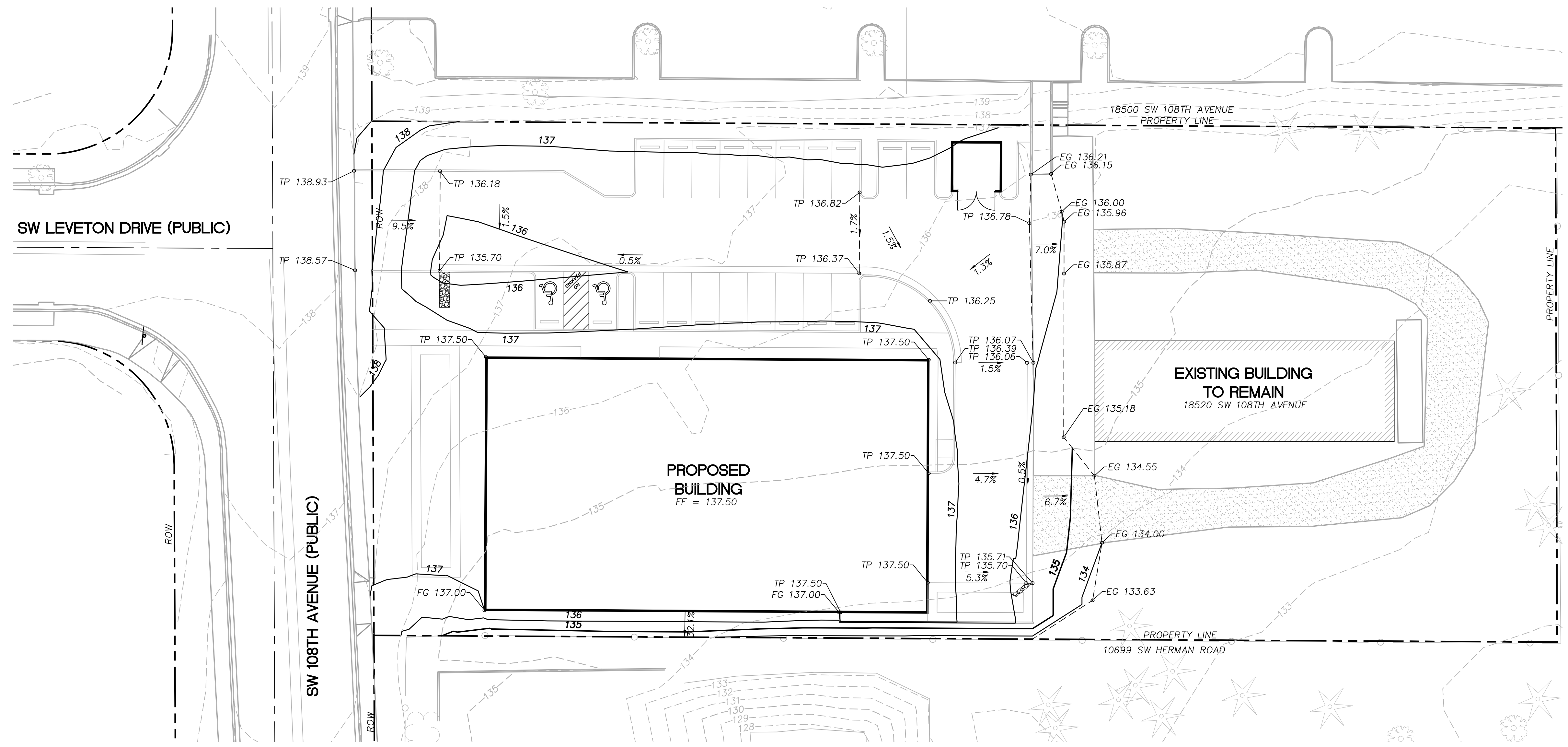


PRELIMINARY  
PLAN ONLY  
NOT FOR  
CONSTRUCTION

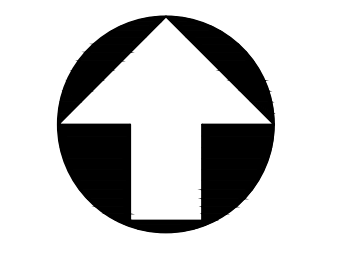
ISSUED DATE  
1 2024.12.10: CONDITIONAL USE APPLICATION (CUP)



ITEM	DESCRIPTION	REFERENCE
436	PROPOSED CONTOUR	
---436---	EXISTING CONTOUR	
TC XXX.XX	GRADE AT TOP OF CURB	
FG XXX.XX	FINISH GRADE	
TP XXX.XX	GRADE AT TOP OF PAVEMENT	
FF XXX.XX	FINISH FLOOR ELEVATION	
BW XXX.XX	GRADE AT BOTTOM OF WALL	
TW XXX.XX	GRADE AT TOP OF WALL	
G XXX.XX	GRADE AT GUTTER	
(E)	EXISTING	
X.X%	SLOPE ARROW	
GB	GRADE BREAK	



**GRADING PLAN**  
SCALE: 1"=20'



GRAPHIC SCALE  
0 20 40  
1 inch = 20 ft.

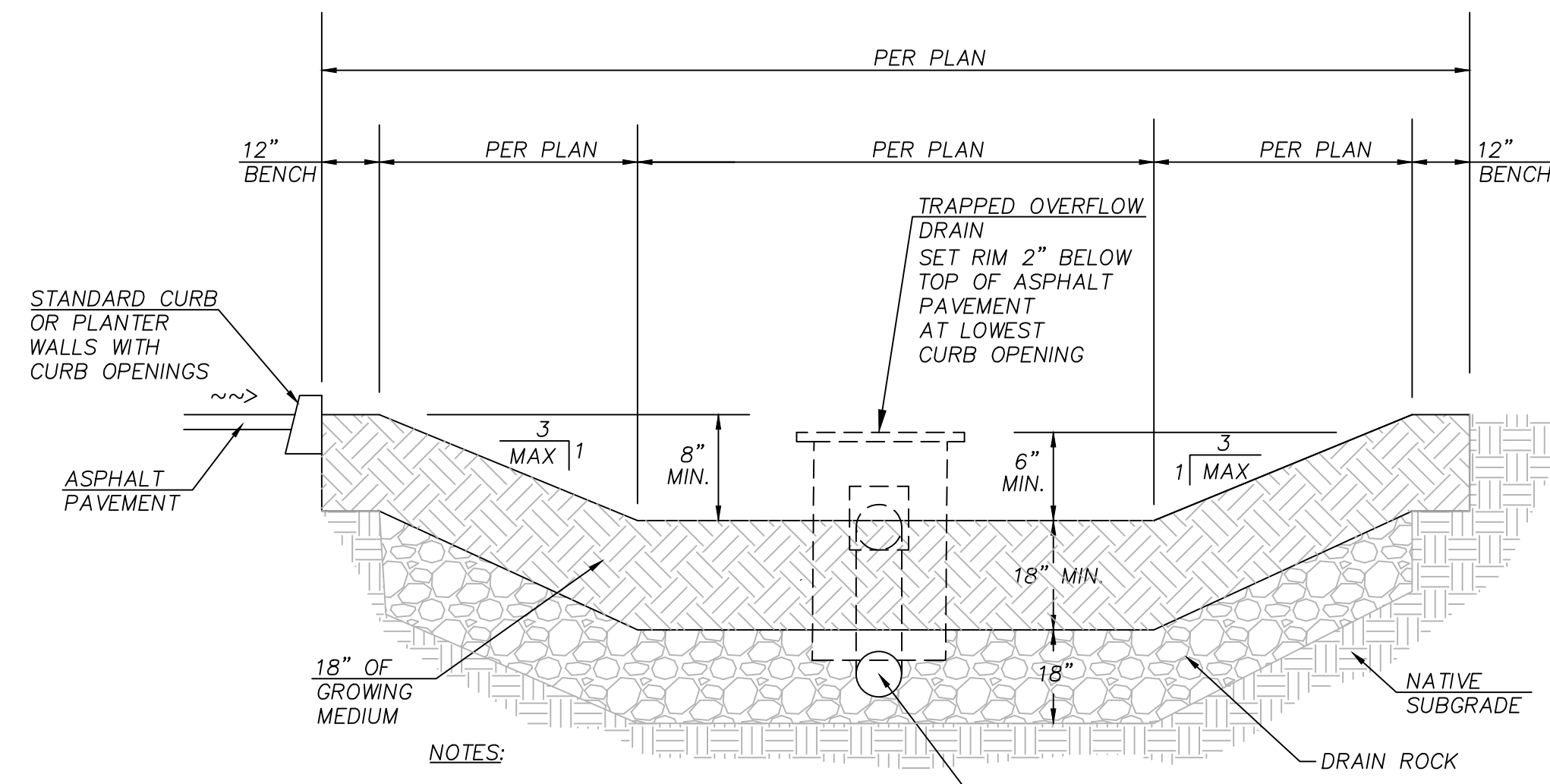


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NEW CONSTRUCTION FOR:  
**ESSEX GENERAL CONSTRUCTION: TUALATIN OFFICE**  
18520 SW 108TH AVENUE  
TUALATIN, OREGON

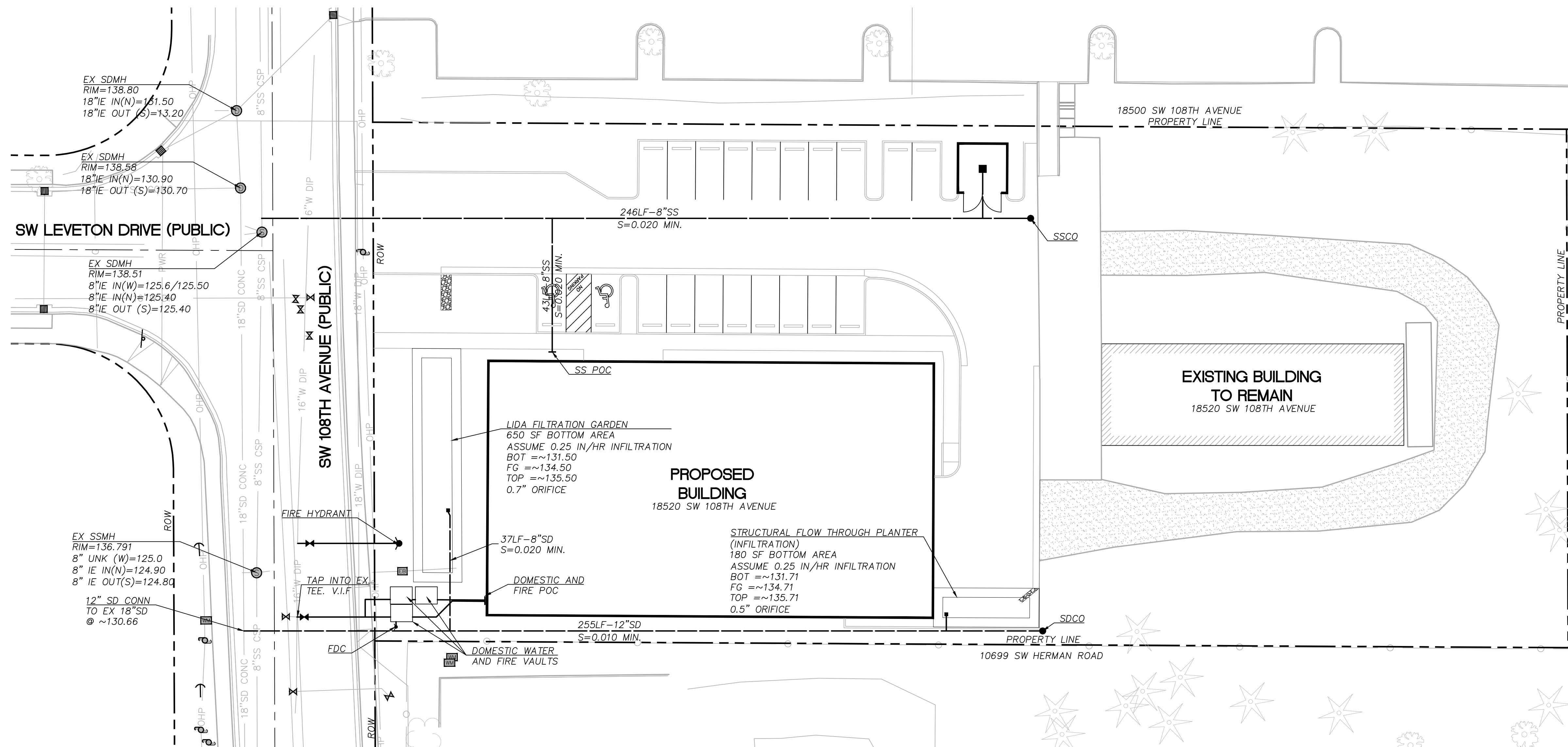
**C2.00**



NOTES:

1. VEGETATION PER CWS APPROVED PLANT LIST- STORM DRAIN
2. GROWING MEDIUM SHALL BE PER CWS STANDARDS SPECIFICATIONS.
3. CONSTRUCT ROCK SPILLWAY AT CURB OPENINGS TO PREVENT EROSION.
4. A BASIN HAS A FLAT BOTTOM AND A SWALE IS SLOPED FROM ONE END TO THE OTHER.

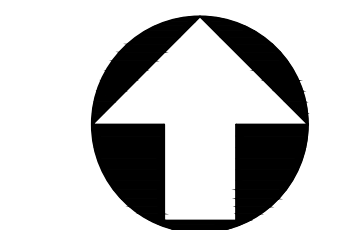
**1 FILTRATION RAINGARDEN**  
NTS



**UTILITY PLAN**  
SCALE: 1"=20'

JURISDICTIONAL APPROVAL(S)

ITEM	DESCRIPTION	REFERENCE
SD	STORM DRAIN	
SS	SANITARY SEWER	
W	DOMESTIC WATER	
□	WATER METER	
□	FIRE SERVICE VAULT	
■	TRAPPED CATCH BASIN	
▪	TRAPPED AREA DRAIN	
•	CLEANOUT	



GRAPHIC SCALE  
1 inch = 20 ft.



**Humber Design Group, Inc.**

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**PRELIMINARY PLAN ONLY NOT FOR CONSTRUCTION**

ISSUED DATE: 1 2024.12.10: CONDITIONAL USE APPLICATION (CUP)



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PORTLAND, OREGON 97224  
TEL: 503.226.1285  
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NEW CONSTRUCTION FOR:  
**ESSEX GENERAL CONSTRUCTION: TUALATIN OFFICE**  
18520 SW 108TH AVENUE  
TUALATIN, OREGON

**C3.00**

JOB NO. 240134.01

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**GENERAL SHEET NOTES**

- A. THESE DRAWINGS ARE INTENDED FOR CONDITIONAL USE PERMIT APPROVAL AND SHALL NOT BE USED FOR CONSTRUCTION PURPOSES.
- B. REFER TO GENERAL NOTES ON **CIVIL DRAWINGS** FOR ADDITIONAL REQUIREMENTS.
- C. COORDINATE DEMOLITION WITH NEW WORK NOTED ON **SHEET A0.1** AND CIVIL DRAWINGS.
- D. ALL INFORMATION SHOWN OR IMPLIED SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
- E. SITE WORK IS LIMITED TO THAT WHICH IS DESCRIBED WITHIN THESE DOCUMENTS.
- F. REFER TO CIVIL DRAWINGS FOR ADDITIONAL PARKING REQUIREMENTS, INCLUDING STRIPING AND SIGNAGE.
- G. REFER TO CIVIL DRAWINGS FOR ACCESSIBLE SLOPED WALKWAY AND RAMP INFORMATION, WHERE APPLICABLE.
- H. REFER TO CIVIL DRAWINGS FOR LOCATIONS OF DETECTABLE WARNINGS AND RAISED MARKED WALKWAYS, WHERE APPLICABLE.
- I. REFER TO CIVIL DRAWINGS FOR SITE, UTILITY AND STORM WATER IMPROVEMENTS.

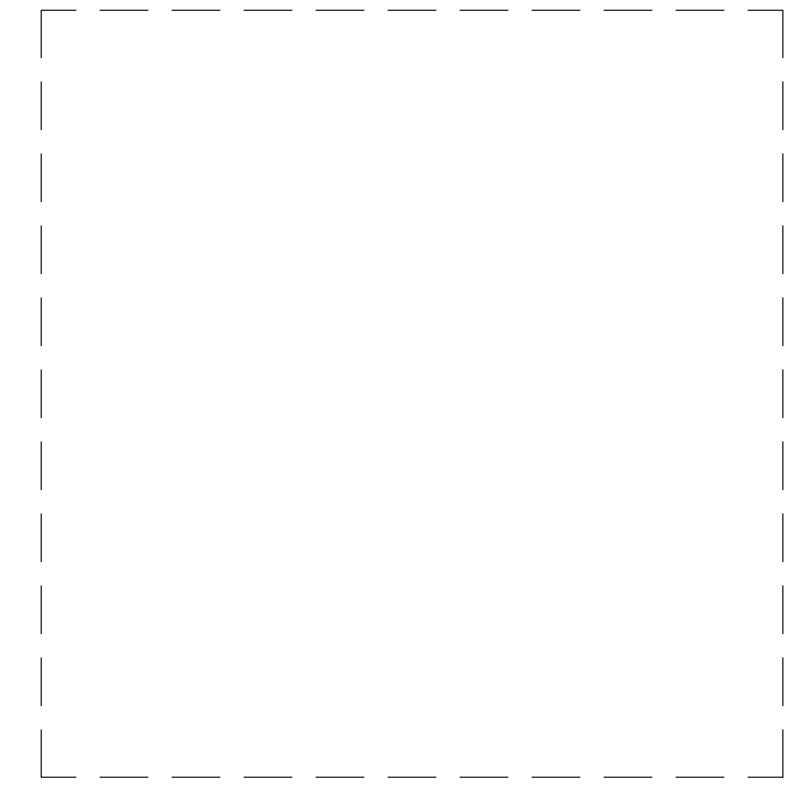
**LEGEND**

	PROPERTY LINE		DEMOLISH EXISTING ELEMENT / AREA
	SETBACK		NEW CONCRETE PAVING / SIDEWALK
	ITEM TO BE REMOVED / DEMOLISHED		NEW ASPHALT PAVING
	BUILDING OUTLINE		
	COMPACT PARKING STALL		
	COMPACT PARKING STALL		
	NEW ACCESSIBLE PARKING STALL		

**KEYNOTES**

- 1. EXISTING TREE TO REMAIN (N.I.C.)
- 2. EXISTING GRAVEL TO REMAIN (N.I.C.)
- 3. EXISTING VEGETATION / LANDSCAPING TO REMAIN (N.I.C.)
- 4. EXISTING CONCRETE WALKWAY TO REMAIN (N.I.C.)
- 5. EXISTING SITE STAIRS TO REMAIN (N.I.C.)
- 6. EXISTING SITE RAMP TO REMAIN (N.I.C.)
- 7. EXISTING SITE ENTRANCE - REMOVE EXISTING DRIVEWAY - PATCH AND REPAIR SIDEWALK.
- 8. NOT USED.
- 9. EXISTING GRAVEL SURFACE.
- 10. REMOVE EXISTING TREE.
- 11. NOT USED.
- 12. REMOVE EXISTING FENCING.
- 13. REMOVE EXISTING GRAVEL SURFACE - PREPARE FOR NEW SITE IMPROVEMENTS.

JURISDICTIONAL APPROVAL(S)



ISSUED DATE: 11/2024 12.10. CONDITIONAL USE APPLICATION (CUP)

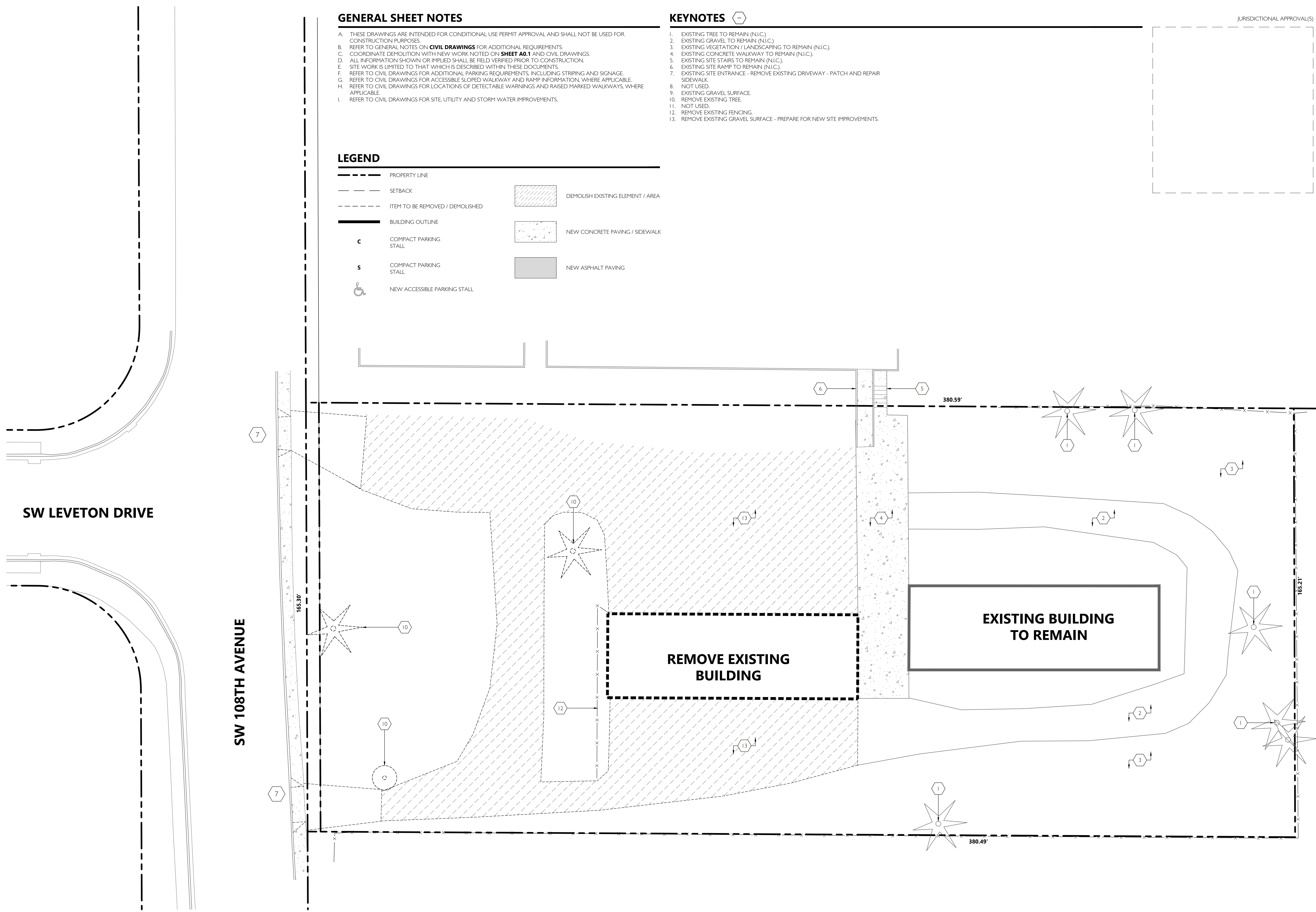
**CONDITIONAL USE PERMIT APPLICATION**

**CIDA**  
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15895 SW 72ND AVE SUITE 200  
PORTLAND, OREGON 97224  
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FAX: 503.226.1678  
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NEW CONSTRUCTION FOR:  
**ESSEX GENERAL CONSTRUCTION: TUALATIN OFFICE**  
18520 SW 108TH AVENUE  
TUALATIN, OREGON

SITE PLAN - OVERALL  
DEMOLITION  
**D0.1**  
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**GENERAL SHEET NOTES**

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- G. REFER TO CIVIL DRAWINGS FOR ACCESSIBLE SLOPED WALKWAY AND RAMP INFORMATION, WHERE APPLICABLE.
- H. REFER TO CIVIL DRAWINGS FOR LOCATIONS OF DETECTABLE WARNINGS AND RAISED MARKED WALKWAYS, WHERE APPLICABLE.
- I. REFER TO CIVIL DRAWINGS FOR SITE, UTILITY AND STORM WATER IMPROVEMENTS.

**LEGEND**

	PROPERTY LINE		DEMOLISH EXISTING ELEMENT / AREA
	SETBACK		NEW CONCRETE PAVING / SIDEWALK
	ITEM TO BE REMOVED / DEMOLISHED		NEW ASPHALT PAVING
	BUILDING OUTLINE		
	COMPACT PARKING STALL		
	COMPACT PARKING STALL		
	NEW ACCESSIBLE PARKING STALL		

**KEYNOTES**

- 1. EXISTING TREE TO REMAIN (N.I.C.)
- 2. EXISTING GRAVEL TO REMAIN (N.I.C.)
- 3. EXISTING VEGETATION / LANDSCAPING TO REMAIN (N.I.C.)
- 4. EXISTING CONCRETE WALKWAY TO REMAIN (N.I.C.)
- 5. EXISTING SITE STAIRS TO REMAIN (N.I.C.)
- 6. EXISTING SITE RAMP TO REMAIN (N.I.C.)
- 7. NEW MAIN SITE ENTRANCE
- 8. NEW CONCRETE SIDEWALK
- 9. NEW CONCRETE CURB
- 10. NEW ACCESSIBLE PARKING STALL
- 11. NEW WHEELSTOP, TYPICAL
- 12. NEW TRASH ENCLOSURE
- 13. NEW BUILDING MAIN ENTRANCE
- 14. NEW ON-SITE STORM WATER FACILITY - REFER TO CIVIL DRAWINGS.
- 15. NEW TREE
- 16. NEW LANDSCAPING
- 17. NEW FIRE TRUCK HAMMERHEAD.

JURISDICTIONAL APPROVAL(S)



ISSUED DATE  
11/2024 12.10. CONDITIONAL USE APPLICATION (CUP)

**CONDITIONAL USE PERMIT APPLICATION**



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TEL: 503.226.1285  
FAX: 503.226.1678  
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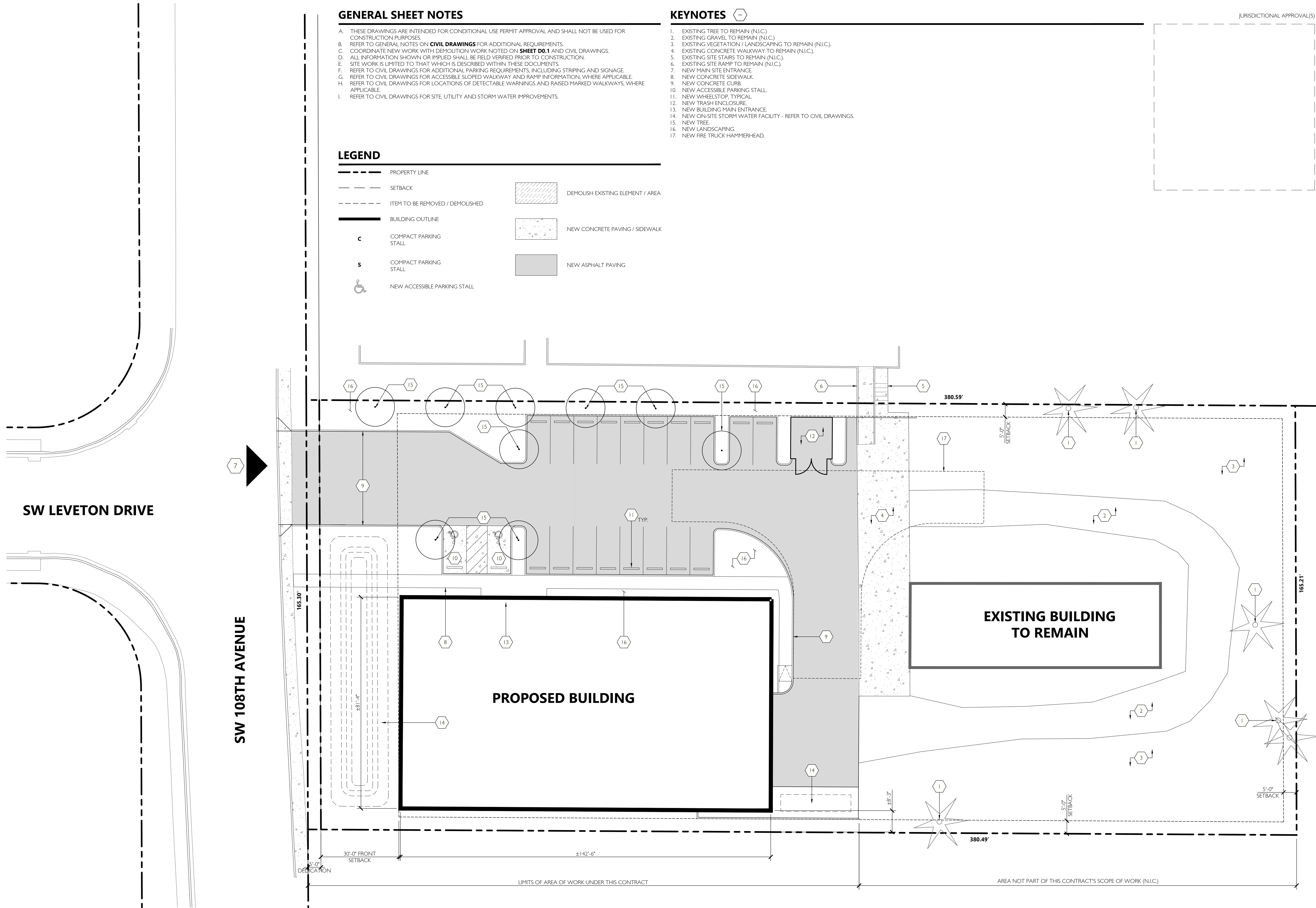
NEW CONSTRUCTION FOR:  
**ESSEX GENERAL CONSTRUCTION: TUALATIN OFFICE**  
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TUALATIN, OREGON

SITE PLAN - OVERALL

**A0.1**

JOB NO. 240134.01

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## Land Use Application

Project Information		
Project Title:	Essex General Construction - office	
Brief Description:	New construction and site development for a new office and storage building in Tualatin	
Estimated Construction Value:	\$1,500,000	
Property Information		
Address:	18520 SW 108th Ave, Tualatin, OR 97062	
Assessor's Map Number and Tax Lot(s):	2S122AD00100	
Applicant/Primary Contact		
Name: <b>Bo Oswald</b>	Company Name: <b>Essex General Construction, Inc.</b>	
Address: <b>17400 SW 65th Ave, Suite 100</b>		
City: <b>Lake Oswego</b>	State: <b>OR</b>	ZIP: <b>97035</b>
Phone: <b>503-803-6397</b>	Email: <b>bo.oswald@essexgc.com</b>	
Property Owner		
Name: <b>Kim Brady</b>		
Address: <b>18500 SW 108th Ave</b>		
City: <b>Tualatin</b>	State: <b>OR</b>	ZIP: <b>97062</b>
Phone: <b>503-925-1942</b>	Email: <b>KimBrady@ascenteceng.com</b>	
Property Owner's Signature: (Note: Letter of authorization is required if not signed by owner)		Date: <b>Nov 12, 2024</b>
<small>AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.</small>		
Applicant's Signature: <b>Bo Oswald</b>	<small>Digitally signed by Bo Oswald DN: cn=Bo Oswald, ou=Essex General Construction, cn=Bo Oswald, email=bo.oswald@essexgc.com</small>	Date: <b>11/12/24</b>

**Land Use Application Type:**

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

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

# SENSITIVE AREA PRE-SCREENING SITE ASSESSMENT

Clean Water Services File Number 24-002611

1. **Jurisdiction:** Tualatin

2. **Property Information** (example: 1S234AB01400)

Tax lot ID(s): \_\_\_\_\_  
2S122AD00100

**OR Site Address:** 18520 SW 108TH Avenue

City, State, Zip: Tualatin, Or, 97062

Nearest cross street: \_\_\_\_\_

3. **Owner Information**

Name: Kim Brady

Company: Ascentec Engineering, LLC

Address: 18500 SW 108th Avenue

City, State, Zip: Tualatin, Oregon, 97062

Phone/fax: 503-925-1942

Email: kimbrady@asceteceng.com

4. **Development Activity** (check **all** that apply)

- Addition to single family residence (rooms, deck, garage)
- Lot line adjustment       Minor land partition
- Residential condominium    Commercial condominium
- Residential subdivision      Commercial subdivision
- Single lot commercial        Multi lot commercial

Other Construction of new building.

4. **Applicant Information**

Name: Erik Winter

Company: CIDA, Inc.

Address: 15895 SW 72nd Avenue, Suite 200

City, State, Zip: Portland, Oregon, 97224

Phone/fax: 503-226-1285

Email: erikw@cidainc.com

6. **Will the project involve any off-site work?**  Yes  No  Unknown

Location and description of off-site work: Possible frontage improvements, including dedication, sidewalk, curb and street tree improvements.

7. **Additional comments or information that may be needed to understand your project:** \_\_\_\_\_

**This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.**

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/type name Erik Winter

Print/type title Architect

Signature ONLINE SUBMITTAL

Date 11/12/2024

## FOR DISTRICT USE ONLY

- Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Based on review of the submitted materials and best available information sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, State and federal law.
- Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- THIS SERVICE PROVIDER LETTER IS NOT VALID UNLESS \_\_\_\_\_ CWS APPROVED SITE PLAN(S) ARE ATTACHED.**
- The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). **NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.**

Reviewed by Jessica Chaplen

Date 11/13/2024

Once complete, email to: [SPLReview@cleanwaterservices.org](mailto:SPLReview@cleanwaterservices.org) • Fax: (503) 681-4439

OR mail to: SPL Review, Clean Water Services, 2550 SW Hillsboro Highway, Hillsboro, Oregon 97123

# Preliminary Report

Fidelity National Title - Oregon  
900 SW 5th Avenue, Portland, OR 97204

Escrow Officer: Lori Medak  
Email: Lori.Medak@fnf.com  
Phone: 503-222-2424  
File No.: 45142404765

Property Address: 18520 SW 108th Ave, Tualatin, OR 97062

## Introducing LiveLOOK

LiveLOOK title document delivery system is designed to provide 24/7 real-time access to all information related to a title insurance transaction.

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**Effortless, Efficient, Compliant, and Accessible**



**Fidelity National Title**  
Company of Oregon

## **PRELIMINARY REPORT**

In response to the application for a policy of title insurance referenced herein Fidelity National Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a/an Florida corporation.

**Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

*Countersigned*

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Tara Waterman



# Fidelity National Title

Company of Oregon

900 SW 5th Avenue, Portland, OR 97204  
(503)222-2424 FAX (503)227-2274

## PRELIMINARY REPORT

**ESCROW OFFICER:** Lori Medak  
Lori.Medak@fnf.com  
503-222-2424

**ORDER NO.:** 45142404765

**TITLE OFFICER:** Robert Fleming

**TO:** Fidelity National Title Company of Oregon  
900 SW 5th Avenue  
Portland, OR 97204

**ESCROW LICENSE NO.:** 901000243

**OWNER/SELLER:** Ascentic Engineering, LLC

**BUYER/BORROWER:** Bo Oswald

**PROPERTY ADDRESS:** 18520 SW 108th Ave, Tualatin, OR 97062

**EFFECTIVE DATE:** May 23, 2024, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2021 Owner's Standard	\$ 1,500,000.00	\$ 2,850.00
OTIRO Endorsement No. 110		\$ 0.00
Government Lien Search		\$ 30.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Ascentec Engineering LLC, a Delaware limited liability company

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**EXHIBIT "A"**  
Legal Description

The North one-half of Lot 11, GLENMORAG PARK, in the City of Tualatin, County of Washington and State of Oregon.

EXCEPTING THEREFROM the East 247 feet thereof.

ALSO EXCEPTING THEREFROM that portion dedicated for street purposes, recorded May 18, 1990, as Fee No. 90-025380, Washington County Records.

**AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:**

**GENERAL EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or which may be asserted by persons in possession thereof.
3. Easements, or claims thereof, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien, or right to a lien, for services, labor, material or equipment rental, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

**SPECIFIC ITEMS AND EXCEPTIONS:**

6. City Liens, if any, in favor of the City of Tualatin. None found as of June 8, 2024.
7. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.
8. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
9. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.
10. Personal property taxes, if any.
11. The Company has on file a copy of the Operating Agreement for Ascentic Engineering LLC, a Delaware limited liability company, dated September 16, 2011. A copy of any amendments subsequent to the date of said Operating Agreement should be furnished for review prior to closing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

The Oregon Corporation Commission records show that as of June 8, 2024, Ascentic Engineering LLC is an active Delaware limited liability company and is currently in good standing.



12. Washington County Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges:

Warrant No.: 220022  
Amount: \$5,835.22  
Debtor: Ascentec Engineering LLC  
Recording Date: January 17, 2023  
[Recording No.:](#) [2023-001740](#)

13. Washington County Personal Property Tax Warrant for the amount herein stated, plus interest and statutory charges:

Warrant No.: 220022  
Amount: \$5,835.22  
Debtor: Ascentec Engineering LLC  
Recording Date: March 6, 2023  
[Recording No.:](#) [2023-008651](#)

14. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:

- a) The rights of tenants holding under unrecorded leases or tenancies
- b) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.
- c) Any facts which would be disclosed by an accurate survey of the Land

**ADDITIONAL REQUIREMENTS/NOTES:**

- A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2023-2024  
Amount: \$6,479.43  
Levy Code: 023.76  
[Account No.:](#) [R530125](#)  
Map No.: 2S122AD00100

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final ALTA Policy unless removed prior to issuance.

- C. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: Bo Oswald

- D. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, processing, manufacture, sale, dispensing or use of marijuana and psilocybin, the Company is not able to close or insure any transaction involving Land associated with these activities.

- E. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

F. Washington County imposes a transfer tax of \$1.00 per \$1,000 (or fraction thereof) of the selling price in a real estate transfer, unless the county approves an exemption application. Exemption criteria and applications are available at the county's website, see:  
<http://www.co.washington.or.us/AssessmentTaxation/Recording/TransferTaxExemption/index.cfm>.

G. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

H. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

I. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Multnomah	\$86.00	\$5.00
Washington	\$81.00	\$5.00
Clackamas	\$93.00	\$5.00

Note: When possible the company will record electronically. An additional charge may be applied.

Note: Please send any documents for recording to the following address:  
Portland Title Group  
Attn: Recorder  
1455 SW Broadway, Suite 1450  
Portland, OR. 97201

J. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

K. Note: This [map/plat](#) is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

L. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS

Fiscal Year:	July 1 <sup>st</sup> through June 30 <sup>th</sup>
Taxes become a lien on real property, but are not yet payable:	July 1 <sup>st</sup>
Taxes become certified and payable (approximately on this date):	October 15 <sup>th</sup>
First one third payment of taxes is due:	November 15 <sup>th</sup>
Second one third payment of taxes is due:	February 15 <sup>th</sup>
Final payment of taxes is due:	May 15 <sup>th</sup>

Discounts: If two thirds are paid by November 15<sup>th</sup>, a 2% discount will apply.  
 If the full amount of the taxes are paid by November 15<sup>th</sup>, a 3% discount will apply.

Interest: Interest accrues as of the 15<sup>th</sup> of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

M. Note: If an Owner's Title Insurance Policy is requested, the State of Oregon requires every ALTA Owner's Policy (07-01-2021) to include the OTIRO 110 Endorsement as a supplement to the definition of Insured in said Owner's Policy's Conditions to confirm coverage is the same for an Oregon Registered Domestic Partner as it is for a Spouse.

**EXHIBIT ONE**  
**2021 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (07-01-2021)**  
**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
    - i. the occupancy, use, or enjoyment of the Land;
    - ii. the character, dimensions, or location of any improvement on the Land;
    - iii. the subdivision of land; or
    - iv. environmental remediation or protection.
  - b. any governmental forfeiture, police, regulatory, or national security power.
  - c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
  3. Any defect, lien, encumbrance, adverse claim, or other matter:
    - a. created, suffered, assumed, or agreed to by the Insured Claimant;
    - b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
    - c. resulting in no loss or damage to the Insured Claimant;
    - d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or

- e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
  5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or Consumer Protection Law.
  6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
    - a. fraudulent conveyance or fraudulent transfer;
    - b. voidable transfer under the Uniform Voidable Transactions Act; or
    - c. preferential transfer:
      - i. to the extent the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
      - ii. for any reason not stated in the Covered Risk 13.b
  7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
  8. Any lien on the Title for real estate taxes or assessments imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
  9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

**2021 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (07-01-2021)**  
**EXCLUSIONS FROM COVERAGE**

The following matters are excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
    - i. the occupancy, use, or enjoyment of the Land;
    - ii. the character, dimensions or location of any improvement on the Land;
    - iii. the subdivision of land; or
    - iv. environmental remediation or protection;
  - b. any governmental forfeiture, police, regulatory, or national security power
  - c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
- Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
  3. Any defect, lien, encumbrance, adverse claim, or other matter:
    - a. created, suffered, assumed or agreed to by the Insured Claimant;
    - b. not known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
    - c. resulting in no loss or damage to the Insured Claimant;

- d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
  - e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
    - a. fraudulent conveyance or fraudulent transfer, or
    - b. voidable transfer under the Uniform Voidable Transactions Act; or
    - c. preferential transfer:
      - i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
      - ii. for any other reason not stated in Covered Risk 9.b.
  5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
  6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
  7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

## EXHIBIT ONE

### 2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - the occupancy, use, or enjoyment of the Land;
  - the character, dimensions or location of any improvement erected on the land;
  - the subdivision of land; or
  - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
  - created, suffered, assumed or agreed to by the Insured Claimant;
  - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
  - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
  - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
  - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
    - a fraudulent conveyance or fraudulent transfer, or
    - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
  - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

#### SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

### 2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - the occupancy, use, or enjoyment of the Land;
  - the character, dimensions or location of any improvement erected on the land;
  - the subdivision of land; or
  - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
  - created, suffered, assumed or agreed to by the Insured Claimant;

- not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - resulting in no loss or damage to the Insured Claimant;
  - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
    - a fraudulent conveyance or fraudulent transfer, or
    - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
  - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

#### SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



Inquire before you wire!

## WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.  
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**

<http://www.fbi.gov>

**Internet Crime Complaint Center:**

<http://www.ic3.gov>

## **FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE**

Effective December 1, 2023

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

### **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

### **Collection of Browsing Information**

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

### **Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

**Web Beacons.** We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

**Do Not Track.** Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for these main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.
- To provide reviews and testimonials about our services, with your consent.

### **When Information Is Disclosed**

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

### **Choices With Your Information**

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Connecticut Residents: For additional information about your Connecticut consumer privacy rights, or to make a consumer privacy request, or to appeal a previous privacy request, please email [privacy@fnf.com](mailto:privacy@fnf.com) or call (888) 714-2710.

For Colorado Residents: For additional information about your Colorado consumer privacy rights, or to make a consumer privacy request, or to appeal a previous privacy request, please email [privacy@fnf.com](mailto:privacy@fnf.com) or call (888) 714-2710.



For Nevada Residents: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: [aginquiries@ag.state.nv.us](mailto:aginquiries@ag.state.nv.us).

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Utah Residents: For additional information about your Utah consumer privacy rights, or to make a consumer privacy request, please call (888) 714-2710.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

For Virginia Residents: For additional information about your Virginia consumer privacy rights, or to make a consumer privacy request, or appeal a previous privacy request, please email [privacy@fnf.com](mailto:privacy@fnf.com) or call (888) 714-2710.

### **Information From Children**

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

### **FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

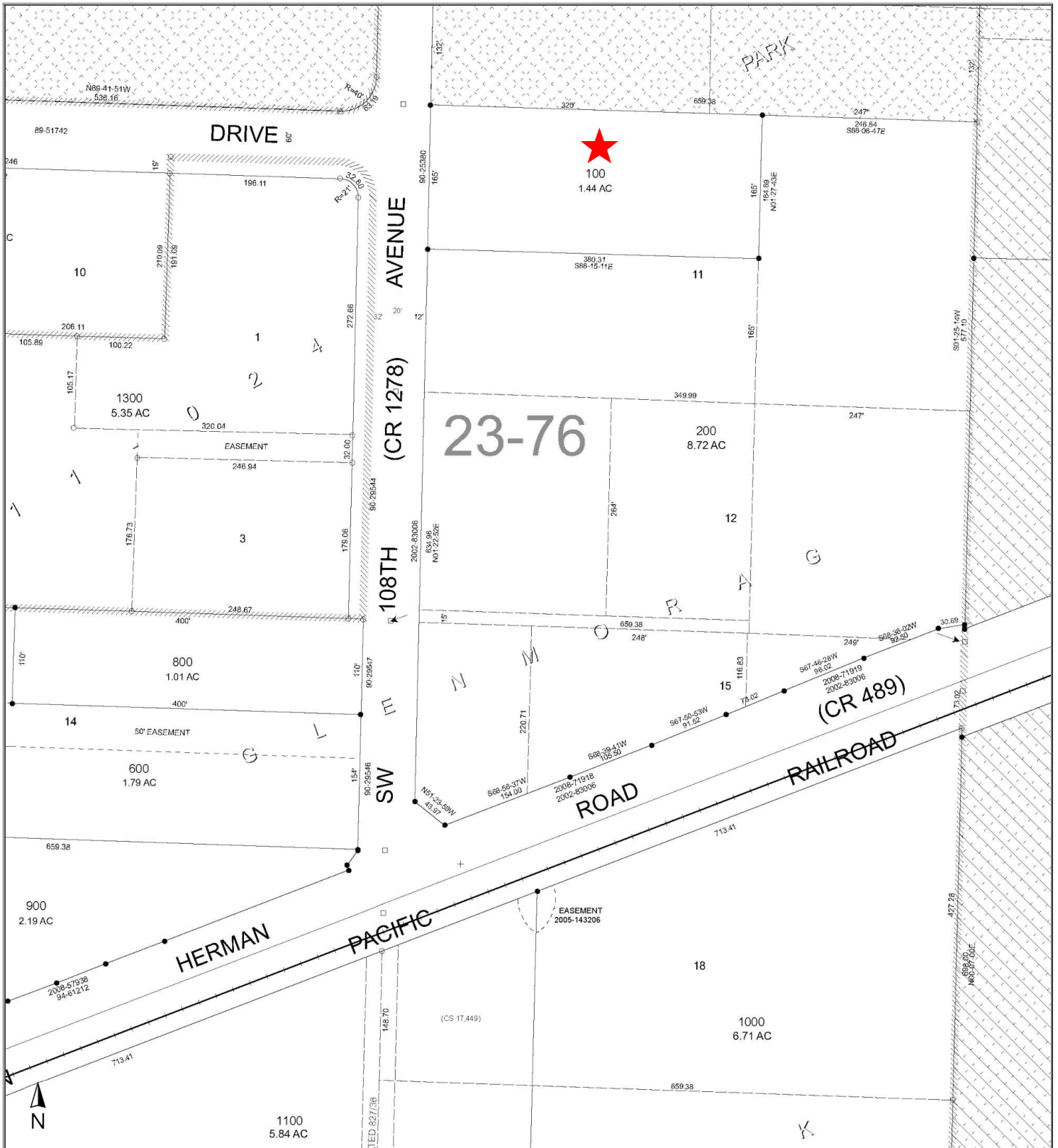
### **Your Consent To This Privacy Notice; Notice Changes**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

### **Accessing and Correcting Information; Contact Us**

If you have questions or would like to correct your Personal Information, visit FNF's [Privacy Inquiry Website](#) or contact us by phone at (888) 714-2710, by email at [privacy@fnf.com](mailto:privacy@fnf.com), or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer



**ParcelID: R530125**  
**Tax Account #: 2S122AD00100**  
**18520 SW 108th Ave, Tualatin OR 97062**

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



Planner: Keith Leonard  
 503-691-3029 or kleonard@tualatin.gov

# 108TH AVENUE (CONTRACTORS) OFFICE BUILDING

18520 SW 108<sup>th</sup> Ave.

Pre-Application Meeting Summary (PRE24-0011)

July 24, 2024

Thank you for discussing your proposed project. Below you will find a summary of our discussion points. If there is anything else from our meeting that you wish to document, please respond with your notes as well. Thank you.

**Please Note:** TDC 32.110. [...] 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.

**Applicant’s Description of Project Scope** – “The following is a brief summary of the proposed development at 18520 SW 108th Avenue, Tualatin, Oregon 97062 (“Project Site”). The Project will include the development of a new [10,000-15,000 sqft contractors] office building and associated site improvements.” In terms of use the applicant stated that the “program will generally include administrative office(s), conference and training rooms, storage, and support space(s) for a general contractor’s operations”. Also noted was an interest in “exterior lay down storage space”.

### Required Land Use Reviews

- First a Conditional Use Permit (CUP) must be obtained in order to permit “Building, heating, plumbing and electrical contractor’s offices, with on-site storage of equipment or materials
- A Type II Architectural Review for a building of 10,000-15,000 square feet.

Submit all application materials electronically via eTrakit: <https://permits.ci.tualatin.or.us/eTrakit/>.

### Conditional Use Permit (CUP)

A CUP is required per Tualatin Development Code (TDC) [60.200](#) Table 60-2 Use Categories in the ML Zone. As described above, the use would be considered “building, heating, plumbing and electrical contractor’s offices, with on-site storage of equipment or materials”, which requires an approved CUP.

Light Manufacturing	P/C (L)	<p><b>Conditional uses limited to:</b></p> <ul style="list-style-type: none"> <li>• Machine shop over 7,500 square feet;</li> <li>• Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials;</li> <li>• Casting or fabrication of metals.</li> </ul> <p>All other uses permitted outright.</p>
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- CUP Application packet:  
[https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5084/cup\\_app\\_02.23.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/5084/cup_app_02.23.pdf)
- Subject to a [Type III procedure](#)
- Requires written statements to address the approval criteria listed in [30.040\(5\)](#).
  - Examples of recent conditional use permit applications are found on our projects website:  
<https://www.tualatinoregon.gov/projects>
- Decided by Tualatin Planning Commission, meets on the third Wednesday of the month:  
<https://www.tualatinoregon.gov/tpc>
  - 30 day Completeness Review
  - Public Hearing typically scheduled within 60 days of application being deemed complete.
  - Notice of Hearing:
    - Staff sends notice 20 day prior to hearing
      - Those who comment gain standing for potential appeal
    - Notice of Decision:
      - 14 day appeal period – opportunity to appeal decision to City Council

### Architectural Review

Type II Land Use Decision – See Tualatin Development Code Section [32.220](#)

- For the proposed use the application must first obtain an approved CUP.
- Ministerial action decided by City Staff (Administrative Review)
- Completeness Review: 30 Days
  - **NOTE:** [32.160. \(2\) 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.*
- Staff issues Notice of Application after application is deemed complete:
  - 14 Day Comment Period
  - Those who comment gain standing for potential appeal
- Decision shared with applicant and property owner within approximately 60 days of an application being deemed complete.
  - Appeal Period: 14 Days
- Application Packet: <https://www.tualatinoregon.gov/planning/architectural-review-ar-instructions>
  - Architectural Review fees can be found in the [Fee Schedule](#)
- Examples of recent Architectural Review applications are found on the Projects Page: <https://www.tualatinoregon.gov/projects>

### Neighborhood/Developer Meeting Requirement

- Holding an in-person Neighborhood/Developer meeting is required prior to an application being submitted.
- The Conditional Use Permit (CUP) and Architectural Review (AR) could have separate Neighborhood/Developer Meetings or one meeting could be conducted for both applications. The

design proposed at this meeting should be the same that is ultimately submitted for CUP and AR approval.

- More detailed information about this meeting is online here: <https://www.tualatinoregon.gov/planning/neighborhood-developer-meetings>
- Applicants are responsible for mailing and posting notice of your Neighborhood Developer meeting, as well notifying Citizen Involvement Organizations by email. The City can provide a list of addresses for your notice letters. To request this service, please email us at [planning@tualatin.gov](mailto:planning@tualatin.gov).
- Neighborhood/Developer Meeting general information, notice content requirements, timing, location and other information can be found in [32.120](#).

#### **Sign Posting**

- One sign for Neighborhood/Developer Meeting [32.150](#) (1)(a) is required.
- A second sign for the Pending Land Use Application [32.150](#) (1)(b) is required.

#### **Criteria to address in the Architectural Review narrative submittal include:**

*Tualatin Development Code*

[32: Procedures](#)

[33.020: Architectural Review](#)

[33.040: Conditional Use Permit](#)

[33.110: Tree Removal](#)

[39: Use Categories](#)

[60: Light Manufacturing \(ML\) zone](#)

[63: Industrial Uses and Utilities and Manufacturing Zones—Environmental Regulations](#)

[73A: Site Design](#), [73B: Landscaping Standards](#), [73C: Parking Standards](#), and [73D: Waste and Recyclables Management Standards](#)

[74: Public Improvement Requirements](#)

[75: Access Management](#)

#### **Required Service Provider Letters**

Clean Water Services will comment on additional natural resources, through their Review process. The Service Provider Letter from CWS is a requirement of a complete land use or Engineering permit submittal. For more information, see <https://dynamic.cleanwaterservices.org/Forms/PreScreen>. This letter will specify any required wetland and buffer mitigation.

Coordination with Tualatin Valley Fire & Rescue, the City's emergency and fire protection services, is required as part of a complete land use process. To obtain a service provider letter for proposed development, please work directly with TVF&R: <https://www.tvfr.com/FormCenter/Public-Records-7/Service-provider-permit-for-Tualatin-73>

Coordination with Republic Services, the City's waste disposal service, is required as part of the Architectural Review process. To obtain a service provider letter for proposed development, please work directly with Kelly Herrod, Operations Supervisor; [kherrod@republicservices.com](mailto:kherrod@republicservices.com) (503) 404-4181.

#### **Tree Removal (if needed)**

- Tree removal, if proposed, is reviewed under the AR application.
- A tree preservation plan and a tree assessment report prepared by a certified arborist are required to address the approval criteria for tree removal found in [33.110\(5\)](#).

- Trees have been a major concern raised by community members and decision-makers. While our code is broadly permissive on the issue of tree removal, documenting compliance with section is likely to be especially important.

**Note:** During the preapplication meeting the property owner indicated that the site does not contain any trees so [33.110](#) may not be applicable.

### Highlighted Design Standards

- [Chapter 31](#) General Provisions
  - [31.060](#) Definitions
    - *“Developable Area. The privately owned land area upon which site improvements are to be placed, including, but not limited to, buildings, landscaping, parking, loading, vehicular circulation areas, outdoor storage, and water quality facilities. Developable areas do not include public rights-of-way and wetlands.”* You will need to clearly identify the “developable area”
 

**Note:** You will need to clearly define the “developable area” for each phase of development. The Site Concept Plan illustrates what appears to be a fire apparatus turnaround or other delineated turnaround area on what is noted as Phase 2. If the turnaround is part of Phase 1 then this area must meet TDC requirements including landscaping, etc. and be included in Phase 1.
- [Chapter 32](#) Procedures
  - [32.010](#) Purpose and Applicability
  - [32.020](#) Procedure for Review of Multiple Applications.
    - The CUP application would be processed first following the Architectural Review application. You can submit both application but the CUP must be the first application reviewed and if the Planning Commission approves it then the Architectural Review can go forward with the review.
  - [32.120](#) Neighborhood/Developer Meetings.
  - [32.130](#) Initiation of Applications
  - [32.140](#) Application Submittal
    - [32.140](#) (1) Submittal Requirements
    - [32.140](#)(1)(h), including a Citizen Involvement Organization (CIO) statement. More information pertaining to CIOs may be found here: <https://www.tualatincio.org/>
  - [32.150](#) Sign Posting. Required for both the Neighborhood/Developer meeting and a sign must be posted for the land use application.
  - [32.160](#) Completeness Review
  - [32.220](#) Type II Procedure (Administrative Review with Notice) for AR
  - [32.230](#) Type III Procedure (Quasi-Judicial – Public Hearing) for CUP
- Chapter 33 Application and Approval Criteria
  - [33.020](#) Architectural Review (AR)
    - *(3)(f) General Development. All development applications, (except Single Family Dwelling, duplex, townhouse, triplex, quadplex, or cottage cluster, Clear and Objective and Large Commercial, Industrial, and Multifamily Development) are subject to Type II Review.*
    - *(4) Application Materials*
    - *(5) Approval Criteria*
    - *(6) Conditions of Approval*

*(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*

*(iii) Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.*

**Note:** Please provide a description of the phased activities and schedule when a given activity is expected to be completed. Please include details regarding phasing of both private improvements and public improvements as required by [74.110](#). In lieu of a plan to phase the development, Section (iii) allows for the entirety of the development to be approved as a single phase and developed on a phased schedule subject to “security from the property owners in such an amount that will assure compliance with approval granted.”

- *(8) Effective Date*
- *(9) Permit Expiration*

○ [33.040](#) Conditional Use Permit (CUP)

(3) Procedure Type

(4) Specific Submittal Requirements

(5) Approval Criteria

**Note:** The area that will be utilized by this business must be clearly defined/delineated due to the land use requiring a CUP. If there is interest in using the rear portion or what is referred to as Phase 2 then make sure that you clearly define what use and where on the lot it will be located. Not adhering to the requirements of the CUP could jeopardize the ability of a property owner to utilize the property as a conditional use. Square footages for the individual uses like office, storage of equipment, etc...must be clearly described so that the Planning Commission can fully understand out the conditional use will function and occupy this property.

○ [33.110](#) Tree Removal Permit/Review

• [Chapter 39](#) Use Categories

○ [39.346](#) Office

*(1) Characteristics. Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals.*

*(2) Examples of Uses.*

- *Construction contracting offices without on-site storage of equipment or materials.*

*(3) Exceptions (excluding)*

- *If construction equipment and materials are stored on site, contracting firms are classified as Light or Heavy Manufacturing.*

**Note:** These requirement are for “commercial” land use category for office uses. There is no on-site storage of equipment or materials permitted for commercial offices of contractors.

○ [39.400](#) Light Manufacturing

*(1) Characteristics. Light Manufacturing is the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activity takes place, and where such processes are housed entirely within a building. Light*

Manufacturing also includes the repair and/or servicing of industrial, business, or consumer machinery, equipment, products or by-products, or in training or instruction of such repair or servicing. Products are generally not displayed or sold on site, but if so, sales and display are accessory to the primary use and subject to restrictions, such as size, set forth in the planning district in which the use will be located. All industrial uses must continually comply with the Environmental Regulations specified in TDC Chapter 63.

(2)Examples of Uses.

- Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials.

Note: This pertains to the "industrial" land use category in Table 60-1.

- [Chapter 60](#) Light Manufacturing (ML) zone
  - [60.100](#) "Purpose. The purpose of this zone is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The zone serves to buffer heavy manufacturing uses from commercial and residential areas. Industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. The zone is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The purpose is also to allow a limited amount of commercial uses and services and other support uses, including office uses in limited locations in close proximity to the Commercial Office (CO) district. Commercial uses are not permitted in the Limited Commercial Setback."
  - [60.200](#) Use Categories

Table 60-1 Use Categories in ML Zone

Commercial Use Categories		
Office	P(L)	Permitted uses limited to: <ul style="list-style-type: none"> <li>• Offices for executive, administrative, and professional uses related to the sale or service of industrial products;</li> <li>• Office uses if within 60 feet of the CO zone and subject to TDC <a href="#">60.210(5)</a>; and</li> <li>• Office uses including business and commercial offices, general offices, and real estate offices, but not governmental offices, are a limited use in all other locations, subject to TDC <a href="#">60.210(2)</a>.</li> </ul>
Industrial Use Categories		
Light Manufacturing	P/C (L)	Conditional uses limited to: <ul style="list-style-type: none"> <li>• Machine shop over 7,500 square feet;</li> <li>• Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials;</li> <li>• Casting or fabrication of metals.</li> </ul> All other uses permitted outright.

**Note:** It was described in the applicant's project memorandum that the "Program will generally include administrative office(s), conference and training rooms, storage, and support space(s) for a general contractor's operations." "Light manufacturing" use listed within the "Industrial Use Categories" allows "on-site storage of equipment and materials" with an approved CUP. If "office" use within the "Commercial Use Categories" is the intended use of the land then "on-site storage of equipment and materials" would be prohibited per [39.346](#) and additional



restrictions on commercial uses noted in TDC 60.210 would apply. Please provide a clear description of all uses on the land and where that use will be located.

- [60.210](#) (2) Limited Commercial Uses. Commercial uses permitted as limited uses, as specified in Table 60-1, must be located on the same site as a permitted industrial use. The site must be used substantially for industrial purposes and the commercial use is subject to the following limitations. The office, retail, and service uses may be located in a standalone building or combined in a building with other permitted uses.
  - (a) Offices. Office uses must not exceed 25 percent of the total gross floor area of all buildings on the site.

**Note:** These standards would apply if “office” in the “commercial use categories” is the intended use of the land and listed as a commercial use permitted as limited uses in Table 60-1.
- [60.210](#) (3) Size Limitation on Commercial Uses. Commercial uses permitted outright or as a Conditional Use as the primary use of a site, as specified in Table 60-1, are subject to the following size limitations.
  - (b) Industrial Areas. Commercial uses on land designated as an Industrial Area Design Type on Map 9-4 must not exceed 5,000 square feet for any individual use or a total of 20,000 square feet of all commercial uses on the site. Commercial uses permitted in the Limited Commercial Setback are exempt from this requirement.

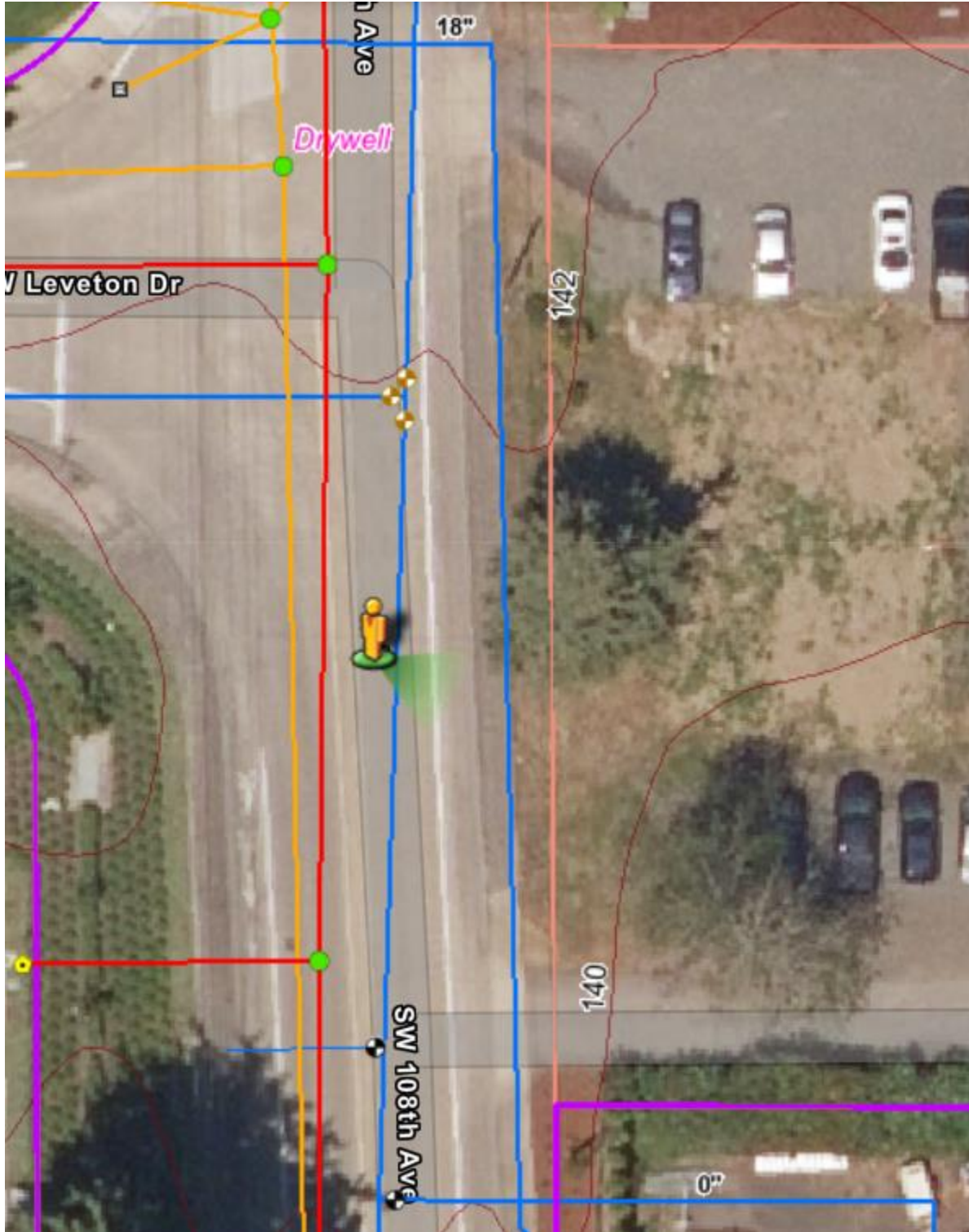
**Note:** These standards would apply if “office” in the “commercial use categories” is the intended permitted or conditional use. The property is located within the Industrial Areas on Map 10-4 (reference to Map 9-4 is incorrect). Here is a link to the Comprehensive Plan Maps including Map 10-4.  
[https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/4716/july\\_2024\\_supplemental\\_maps.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/planning/page/4716/july_2024_supplemental_maps.pdf)
- Table 60-2 Development Standards located in [60.300](#).
  - Building setbacks, fence setbacks, maximum building height and other development standard information is located within Table 60-2.
- [TDC 60.310: Additional Development Standards](#)
  - *(1) Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities and outdoor play areas of child day care centers as required by state day care certification standards.*
- [Chapter 63](#) Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations
- Subject to Industrial Design Standards found in 73A.110 (per [Ordinance 1486-24](#))  
Note: The design standards for all non-residential use have been consolidated via Ordinance 1486-24 as effective on July 10, 2024. These standards may not be on TDC 73A but will be once municode updates the online TDC.
- Subject to Landscaping Standards found in [TDC Chapter 73B](#)  
**Note:** Please see [Ordinance 1486-24](#) for updates to Chapter 73B.
- Subject to Parking Standards found in [Chapter 73C](#).  
**Note:** Please see [Ordinance 1486-24](#) for updates to Chapter 73C.
- Subject to Waste and Recycling Standards found in [TDC Chapter 73D](#).  
**Note:** Please see [Ordinance 1486-24](#) for updates to Chapter 73C.
- [TDC 74.110](#). - Phasing of Improvements.

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

**Note:** This is not an exhaustive list of TDC submittal requirements for completeness check or items that should or must be addressed in the submittal. Additional items may be needed to fully evaluate an applicant's land use application.

## Public Utilities and Other Site Development

Please contact Tony Doran, Engineering Associate, at 503.691.3035 or [tdoran@tualatin.gov](mailto:tdoran@tualatin.gov) with public facilities-related questions. The image below shows sanitary sewer in red, stormwater in orange, and water in blue. The west water main is available for connection.



Below is a summary of potential public facility requirements. Staff encourages the applicant to coordinate with engineering staff *before* submitting a land use application.

**Architectural Review Application Submittal Requirements:**

- Public Improvement Plans and narrative identifying existing and proposed public improvements and demonstrating compliance with applicable sections of TDC 74 and 75.
- A traffic study per TDC 74.400 and in conformance with the City’s traffic study guidelines: <https://www.tualatinoregon.gov/engineering/tualatin-traffic-study-requirements>. Coordination and scoping with the Engineering staff is required before submittal of the application.
  - Direct scoping proposals to Mike McCarthy, City Engineer, [mmccarthy@tualatin.gov](mailto:mmccarthy@tualatin.gov) (please copy [tdoran@tualatin.gov](mailto:tdoran@tualatin.gov))
  - Evaluate existing accesses remain in conformance with [TDC 75.040](#) measured at right-of-way and turning movements do not create unsafe conflicts.
    - Map 8-1 shows a future signal at the intersection of SW 108<sup>th</sup> Avenue and SW Leveton Drive:

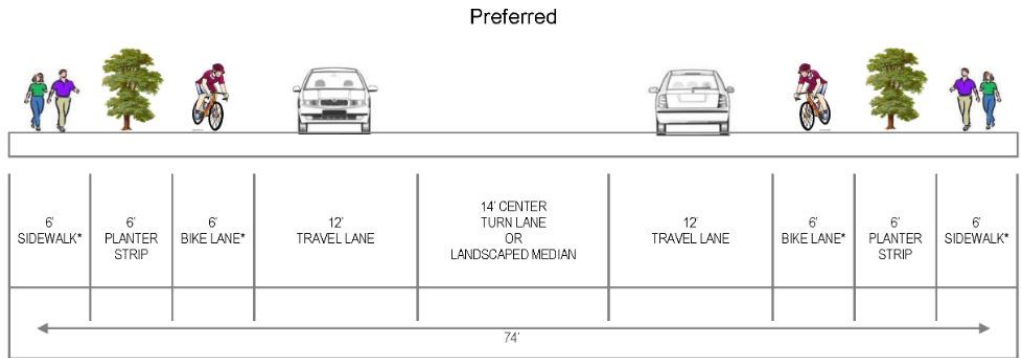


- Driveways must oppose intersections or be 150 feet from an intersection with a collector or arterial (SW 108<sup>th</sup> Avenue and SW Leveton Drive) unless otherwise approved by the City Engineer.
- One driveway must be 32 feet wide for commercial or 36 feet wide for industrial.
- Separation between driveways on the same lot are a minimum of 40 feet.
- There is a 5-foot setback from a property line unless a private shared access easement spans the lot line.

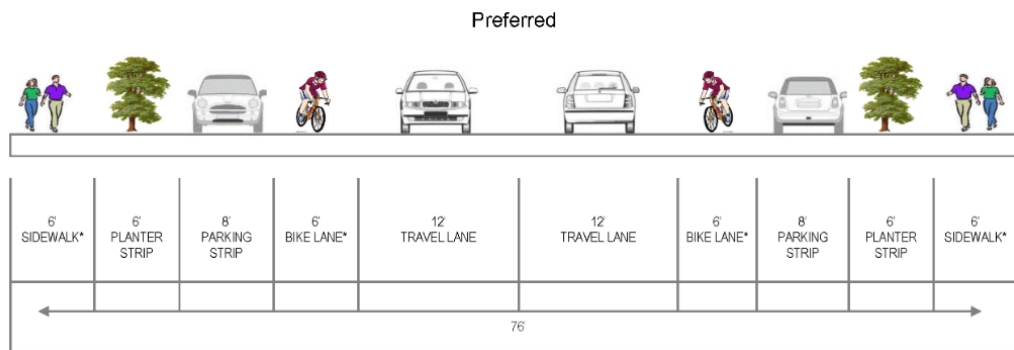
**Required Street Improvements:**

- Dedicate adequate right-of-way for
  - A future signal at the intersection of SW 108<sup>th</sup> Avenue and SW Leveton Drive in accordance with Map 8-3.

- A total of 37 feet from centerline for SW 108<sup>th</sup> Avenue which is a [Minor Arterial](#) adjacent to this lot's entire frontage:



- SW 108<sup>th</sup> Avenue transitions into a [Minor Collector](#) to the north of the intersection:



- Construction affecting any doweled concrete street panel requires replacement of the entire panel. Additional panels damaged during construction must be replaced.
- Assure adjacent public sidewalks, ramps, and driveways meet ADA/PROWAG guidelines. Propose repair of any out of conformance.
  - Propose street trees past the sidewalk outside of public utility and sanitary sewer easement. Root protection will be required to bound the tree roots outside of these easements. Final approval may result with creative solutions such as different tree species, unique spacing, and/or private trees acting as street trees potentially recorded within an easement to assure they are maintained appropriately.
  - Record an 8-foot-wide public utility easement adjacent to right-of-way.
  - Underground existing overhead utilities.
- Evaluate illumination to meet PGE LED Option A. If inadequate, propose upgrades and ask for a fee-in-lieu via the City for PGE to install.



○



**Required Water Improvements:**

- Assure any existing water services meet current code or construct separate service laterals for domestic per building and fire.
- Locate fire vaults at the right-of-way surrounded by 5 feet of public utility easement.
- Locate water meters for domestic services adjacent to right-of-way with appropriate backflow prevention.

**Required Sanitary Sewer Improvements:**

- Assure any existing sanitary sewer services meet current code or construct separate sanitary sewer laterals per building.
- Locate cleanouts for each lateral adjacent to the associated public easement.

**Required Stormwater Improvements:**

- An Oregon registered, professional engineer must stamp and sign stormwater plans and calculations in accordance with [TMC 3-5-390\(1\)](#) proving proposed systems:
  - Address runoff from all new and modified private and public impervious areas
  - Show stormwater runoff is addressed within private onsite facilities prior to direct connection to the public stormwater system for proposed new and modified impervious areas
    - Confirm capacity exists within the proposed private and public facilities to serve the site within storm drainage calculations
    - 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](#)
    - Detain up to the 25 year storm event in accordance with [TMC 3-5-220](#), [TMC 3-5-230](#), and [CWS D&CS 4.08](#)
    - Accommodate hydromodification in accordance with [CWS D&CS 4.03.5](#)
    - Show capacity up to a 25-year storm event with 100-year overland flow to the public stormwater system within conveyance calculations in accordance with [TDC 74.640](#) and [CWS D&CS 5.05.2.d](#)
      - A maximum of 82% capacity is allowed within public lines
    - If the proposed water quality facility includes infiltration in the design, a Geotech/soil/infiltration report proving infiltration rates must be submitted for a complete land use application in accordance with [CWS D&CS 4.08.3](#)
  - Demonstrate compliance with:
    - The [Clean Water Services' Service Provider Letter](#) conditions sufficient to obtain a Stormwater Connection Permit Authorization Letter in accordance with [TDC 74.650\(2\)](#) and [CWS D&CS 3.01.2\(d\)](#)

### Post-Land Use Permit Requirements

Submit Engineering Division permits after land use approval. Apply for Tualatin Engineering Division permits using eTrakit: <https://permits.ci.tualatin.or.us/eTrakit/>. Issued Engineering and associated agency permits (e.g. Clean Water Services) must be obtained prior to any Building Division's permit issuance.

Initial Engineering permit(s) application(s) and submittals must include:

- Use of NAVD 1988
- One combined 22" x 34" plan set of all applicable Engineering permits attached to one Engineering permit. Include a note with other associated Engineering permits indicating which application includes the set.
- Delivered Two 22" x 34" hard copies
- Pay fees per the [fee schedule](#) for any Erosion Control permit. This will be calculated after entering your square feet of disturbance within eTrakit.
- Pay a deposit per the [fee schedule](#) for each Public Works and Water Quality permit based on an engineering estimate

Obtain an Erosion Control permit for projects disturbing over 500 square feet. In addition to Tualatin's permit if the total disturbed area is:

- Between one and five acres, submit plans adequate 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

Obtain a Public Works Permit for construction involving public right-of-way, easements, and/or public utilities.

Obtain a Water Quality Permit for construction of new private and public plus modification of existing public impervious areas. Include:

- All wetland mitigation/revegetation required by your [Clean Water Services' Service Provider Letter](#),
- Tualatin Development Code (TDC) [74.630](#) and [74.650](#),
- Tualatin Municipal Code (TMC) Additional Surface Stormwater Management Standards and Permanent On-Site Water Quality Facilities [3-5-200 through 3-5-430](#),
- [Public Works Construction Code](#) (PWCC),
- [Clean Water Services' Design & Construction Standards](#) (CWS) (D&CS) including, but not limited to, Chapter 4 (PDF) – Runoff Treatment and Control, and
- Identify all new private stormwater facilities plus conveyance within a recorded maintenance agreement based on a staff provided template.

### Planning Division

- Keith Leonard is the planner who reviewed this project for the preapplication meeting. He can be contacted at 503-691-3029 or [kleonard@tualatin.gov](mailto:kleonard@tualatin.gov) . For general information please contact 503-691-3026 or [planning@tualatin.gov](mailto:planning@tualatin.gov)

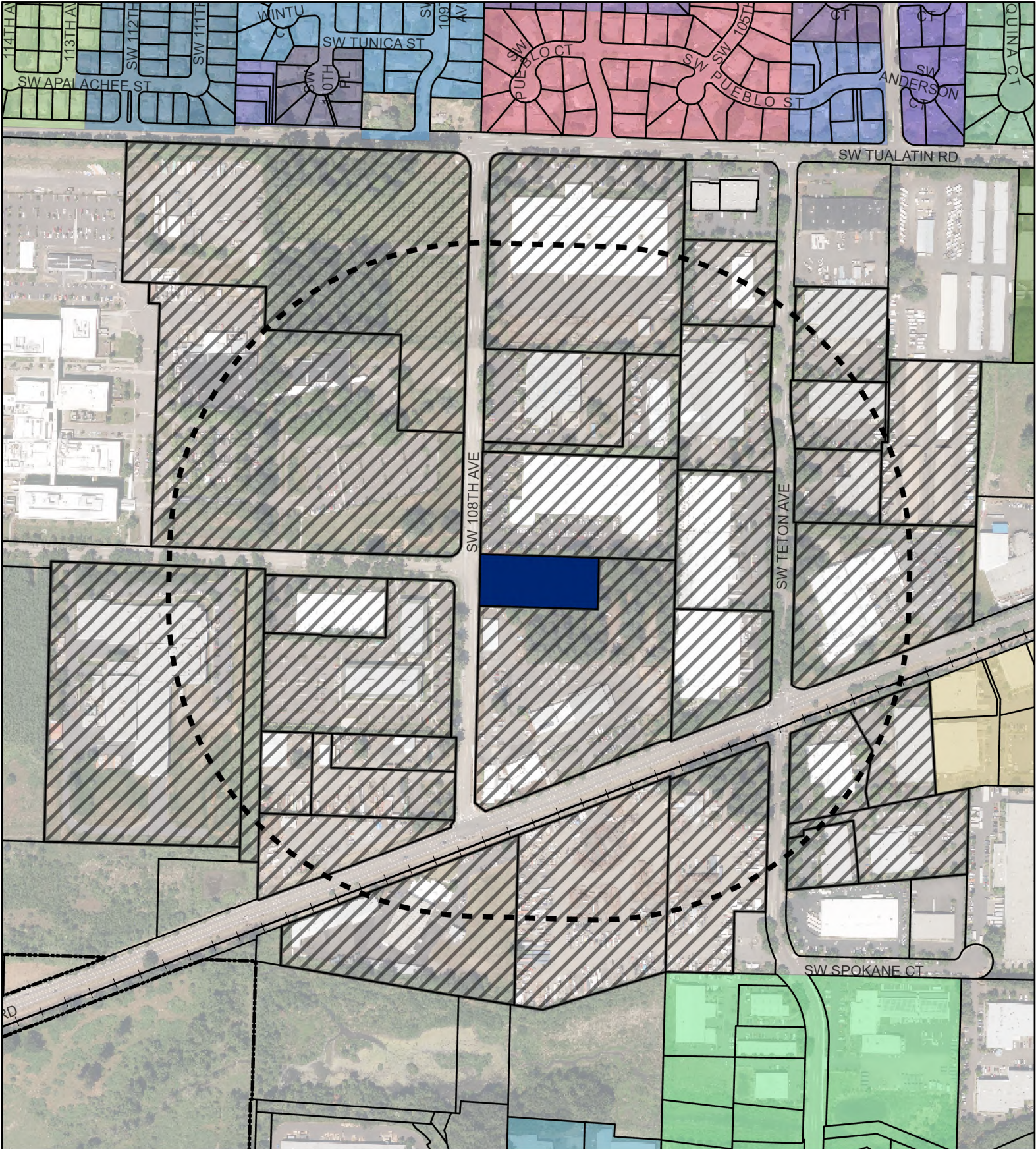
### Fire


- Alex McGladrey, Tualatin Valley Fire & Rescue (503) 259-1420; [alexander.mcgladrey@tvfr.com](mailto:alexander.mcgladrey@tvfr.com)
- Flow testing: Terrance Leahy, Water Division Manager, (503) 691-3095; [tleahy@tualatin.gov](mailto:t Leahy@tualatin.gov)

### Fees

- Current fee schedule: <https://www.tualatinoregon.gov/finance/fee-schedule>
- For calculating SDC fees, please work with Lauren Gonzalez, [lgonzalez@tualatin.gov](mailto:lgonzalez@tualatin.gov)





 1000' Buffer

 Selected Taxlots



TLID	OWNER1	OWNERADDR	OWNERADDR2	OWNERCITY	OWNERSTATE	OWNERZIP
2S123BB00501	18355 SW TETON AVENUE TUALATIN OR LLC	17455 SW RIDGEVIEW LN		LAKE OSWEGO	OR	97034
2S123BB00701	AAA OREGON/IDAHO	600 MARKET ST		PORTLAND	OR	97201
2S122AD01300	ABBOTT TUALATIN LLC	3030 BRIDGEWAY	STE 100	SAUSALITO	CA	94965
2S122AA00400	ASCENTEC ENGINEERING LLC	18500 SW 108TH AVE		TUALATIN	OR	97062
2S122AD00100	ASCENTEC ENGINEERING LLC	18500 SW 108TH AVE		TUALATIN	OR	97062
2S122AD00400	CALMAX TECHNOLOGY INC	3491 LAFAYETTE ST		SANTA CLARA	CA	95054
2S123B000600	CHAMBERLAIN HUSSA PROPERTIES	18755 SW TETON AVE		TUALATIN	OR	97062
2S122AD00900	FRANKLINIA LLC	6107 SW MURRAY BLVD #175		BEAVERTON	OR	97008
2S123BC00700	FUENTE ROSE LLC	33120 NE LESLEY RD		NEWBERG	OR	97132
2S1220000400	FUJIMI CORPORATION	11200 SW LEVETON DR		TUALATIN	OR	97062
2S122AD01100	GARSKE TRAVIS W	PO BOX 729		COLBERT	WA	99005
2S122AA00100	HELSEY LLC	PO BOX 1569		TUALATIN	OR	97062
2S122AA00600	HR LLC	18280 SW 108TH AVE		TUALATIN	OR	97062
2S123BC00600	JKLM INVESTMENT COMPANY LLC	18880 SW TETON AVE		TUALATIN	OR	97062
2S123B000701	KAI USA LTD	18600 SW TETON AVE		TUALATIN	OR	97062
2S122AA00500	LAM RESEARCH CORPORATION	2025 GATEWAY PL #228		SAN JOSE	CA	95110
2S122AA00800	LAM RESEARCH CORPORATION	2025 GATEWAY PL #228		SAN JOSE	CA	95110
2S122AA00700	LUMBER FAMILY CO LLC	PO BOX 1427		TUALATIN	OR	97062
2S123BB00600	MARKS 18200 LCC	18200 SW TETON AVE		TUALATIN	OR	97062
2S123BB01000	MARKS 18400 LLC	18200 SW TETON AVE		TUALATIN	OR	97062
2S123BB01101	MARKS 18400 LLC	18200 SW TETON AVE		TUALATIN	OR	97062
2S122AD01000	MARSHALL ASSOCIATED LLC	PO BOX 278		TUALATIN	OR	97062
2S123BC01000	MARSHALL ASSOCIATED LLC	PO BOX 278		TUALATIN	OR	97062
2S123BC00800	PACIFIC NW PROPERTIES LP	6600 SW 105TH AVE STE 175		BEAVERTON	OR	97008
2S123B000702	ROSEDALE PROPERTIES LLC	PO BOX 151		WEST LINN	OR	97068
2S123B000800	TOTE 'N STOW INC	PO BOX 25216		PORTLAND	OR	97298
2S1220000800	TUALATIN CITY OF DEVELOPMENT COMMISSION	18880 SW MARTINAZZI AVE		TUALATIN	OR	97062
2S122AD00200	TUALATIN CITY OF	PO BOX 723597		ATLANTA	GA	31139
2S123B000602	TUALATIN TETON LLC	621 SW ALDER ST STE 800		PORTLAND	OR	97205
2S123BC00900	UNITED STATES POSTAL SERVICE	160 INVERNESS DR W STE 400		ENGLEWOOD	CO	80112
2S122AD00600	WILLY LUMP LUMP LLC	4500 SW ADVANCE RD		WILSONVILLE	OR	97070
2S122AD00700	WILLY LUMP LUMP LLC	4500 SW ADVANCE RD		WILSONVILLE	OR	97070
2S122AD00800	WILLY LUMP LUMP LLC	4500 SW ADVANCE RD		WILSONVILLE	OR	97070



# Cash Register Receipt

City of Tualatin

**Receipt Number**  
**R9912**

DESCRIPTION	ACCOUNT	QTY	PAID
AECTRAK			\$37.85
AEC1336	Address: 15895 SW 72nd Ave	APN:	\$37.85
MAILING LABEL FEES			\$37.85
MAILING LIST LABELS	XA01	1	\$37.85
<b>TOTAL FEES PAID BY RECEIPT: R9912</b>			<b>\$37.85</b>

Date Paid: Thursday, October 10, 2024

Paid By: CIDA

Cashier: LHAG

Pay Method: ECREDIT CARD 02578Q

# NOTICE OF NEIGHBORHOOD MEETING

---



ARCHITECTURE  
ENGINEERING  
PLANNING  
INTERIORS

November 18, 2024

Essex Construction  
17400 SW 65th Avenue, Suite 100  
Lake Oswego, OR 97035

RE: Development at 18520 SW 108<sup>th</sup> Avenue  
CIDA No.: 240134.01

Dear Property Owner:

You are cordially invited to attend a meeting on **December 4th, 2024 at 6:00pm** at the Tualatin Library, located at 18878 SW Martinazzi Avenue. This meeting shall be held to discuss a proposed development located at 18520 SW 108<sup>th</sup> Avenue. The proposal is to construct a new 10-15,000 square foot building for Essex Construction's new Tualatin office. The development will generally include administrative office(s), conference and training rooms, storage, and support space(s) for a general contractor's operations. This project will also consist of site changes which include parking and landscape improvements.

This is an informational meeting to share the development proposal with interested neighbors. You will have the opportunity to review preliminary plans and identify topics of interest or consideration. Feel free to contact me with any questions or commentary.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erik Winter", with a long horizontal flourish extending to the right.

Erik Winter  
Architect | Associate  
CIDA, Inc.  
503-226-1285, [erikw@cidainc.com](mailto:erikw@cidainc.com)

Enclosures:

- I. Proposed Site Plan

Cc:

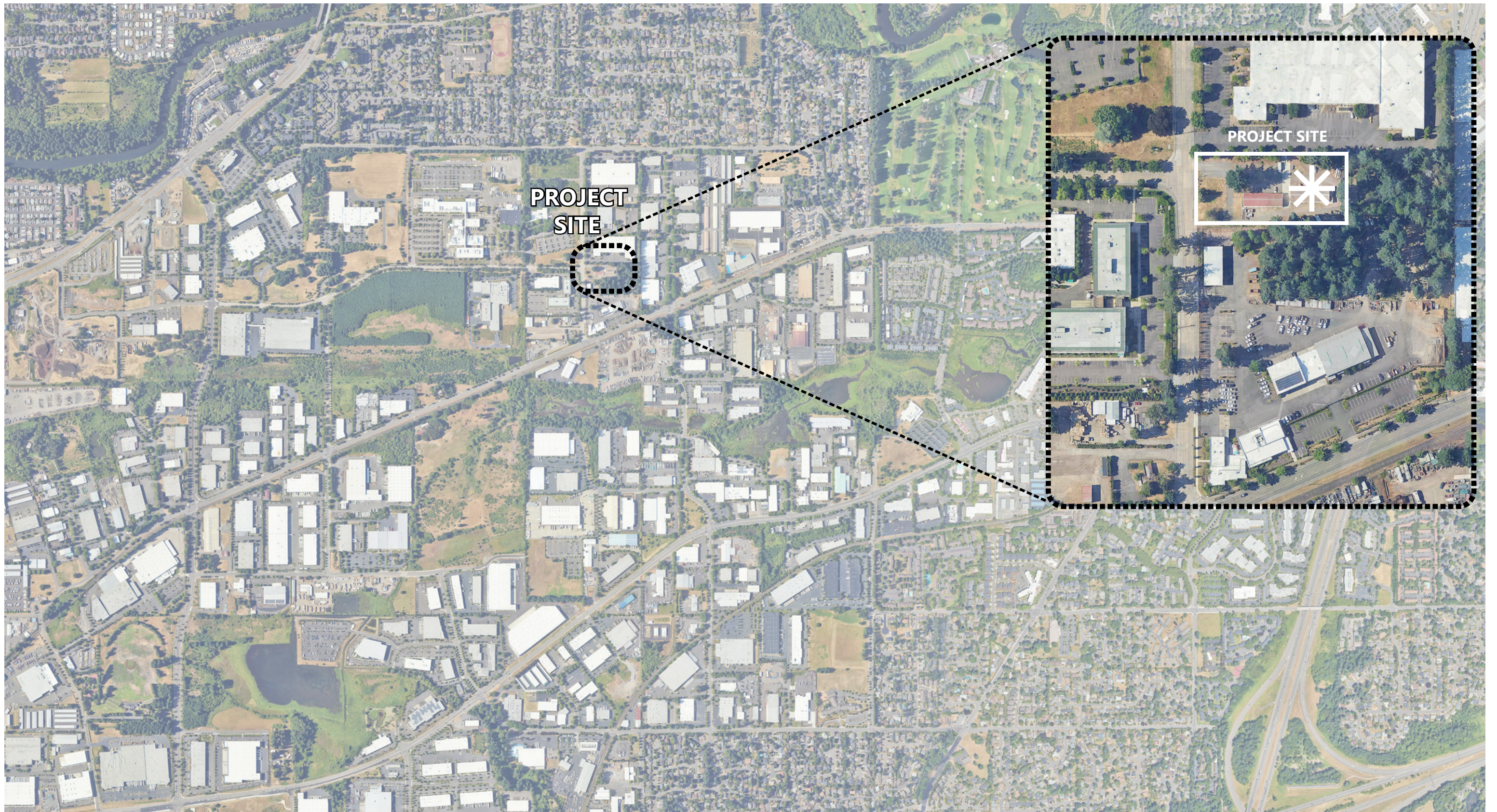
[planning@tualatin.gov](mailto:planning@tualatin.gov); Tualatin Community Development Department

**POSITIVE IMPACT.  
BALANCED DESIGN.**

15895 SW 72<sup>ND</sup> AVE, STE 200  
PORTLAND, OR 97224  
PHONE: 503.226.1285

PO BOX 4746  
MEDFORD, OR 97501  
PHONE: 541.330.6322

INFO@CIDAINC.COM  
WWW.CIDAINC.COM  
WBE #10209



**PROJECT  
SITE**

**PROJECT SITE**



# SITE PLAN - Context Map

15895 SW 72ND AVE SUITE 200  
 PORTLAND, OR 97224  
 TEL: 503.226.1285  
 FAX: 503.226.1670  
 WWW.CIDAINC.COM

**ESSEX GENERAL CONSTRUCTION, INC.**  
**18520 SW 108TH AVENUE | TUALATIN, OREGON 97062**

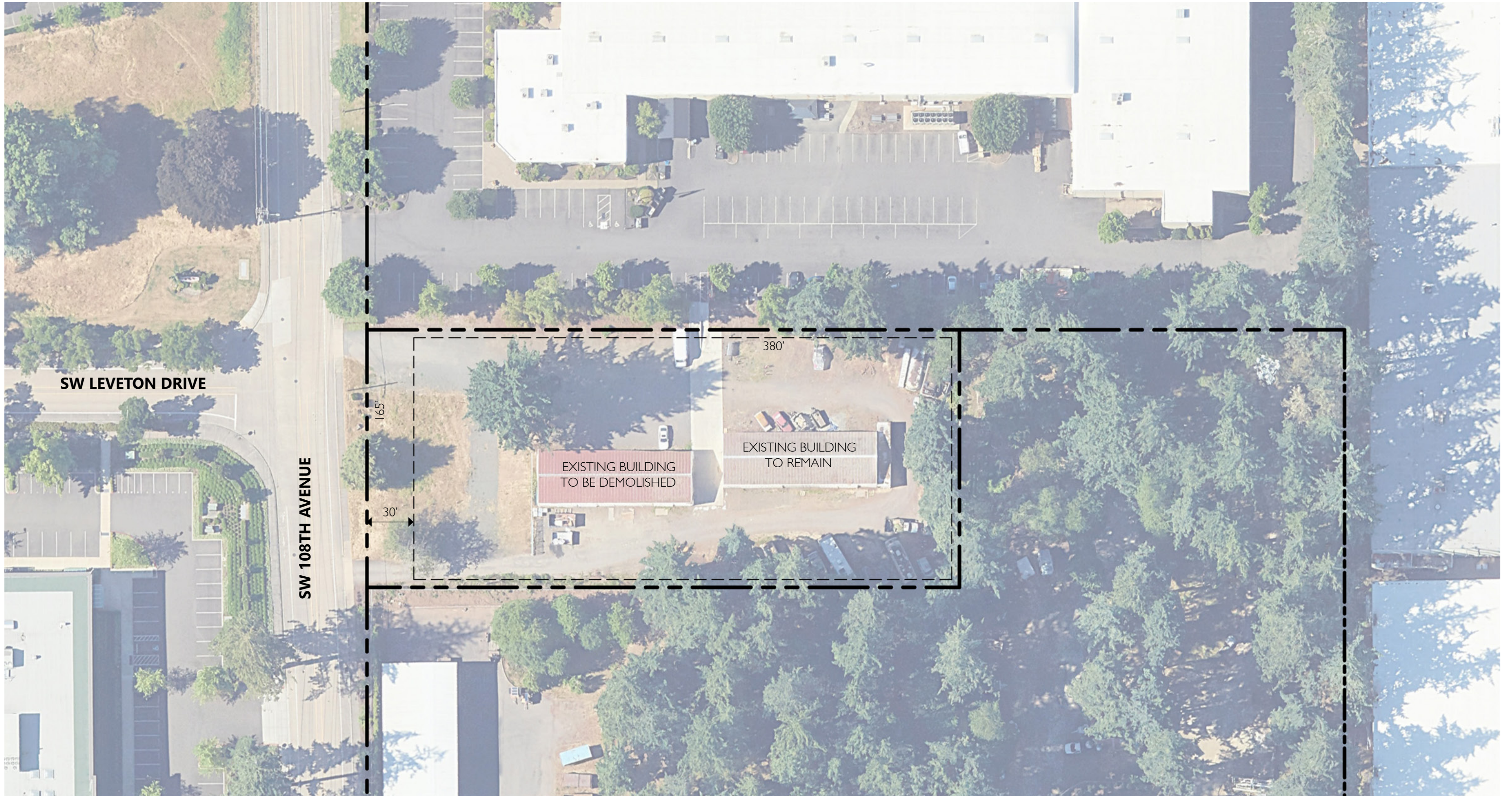
PRELIMINARY CONCEPT DESIGN DEPICTED ONLY - DESIGN IS NOT INTENDED FOR JURISDICTIONAL REVIEW AND/OR CONSTRUCTION



PREPARED BY: EJW  
 DATE: AUGUST 23, 2024  
 240134.00

REVISION: 03

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SW LEVETON DRIVE

SW 108TH AVENUE

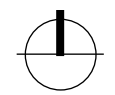
EXISTING BUILDING  
TO BE DEMOLISHED

EXISTING BUILDING  
TO REMAIN

380'

165'

30'



0 30' 60' 120'

# SITE PLAN - Existing Conditions

**ESSEX GENERAL CONSTRUCTION, INC.**  
**18520 SW 108TH AVENUE | TUALATIN, OREGON 97062**

PRELIMINARY CONCEPT DESIGN DEPICTED ONLY - DESIGN IS NOT INTENDED FOR JURISDICTIONAL REVIEW AND/OR CONSTRUCTION



15895 SW 72ND AVE SUITE 200  
 PORTLAND, OR 97224  
 TEL: 503.226.1285  
 FAX: 503.226.1670  
 WWW.CIDAINC.COM



PREPARED BY: EJW  
 DATE: AUGUST 23, 2024  
 240134.00

REVISION: 03

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SITE INFORMATION	
ZONING:	LIGHT MANUFACTURING (ML)
SITE AREA:	± 1.44 ACRES
PARKING (PROPOSED):	
PAVED:	± 20 STALLS

SW LEVETON DRIVE

SW 108TH AVENUE

TRASH ENCLOSURE

± 20 STALLS

NO SITE WORK THIS AREA

STORM WATER FACILITY

EXISTING BUILDING TO REMAIN

EXISTING BUILDING TO BE DEMOLISHED

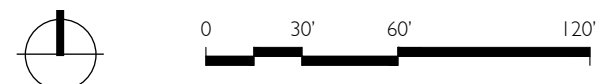
NEW BUILDING

30'

380'

165'

# SITE PLAN - Proposed Development



15895 SW 72ND AVE SUITE 200  
 PORTLAND, OR 97224  
 TEL: 503.226.1285  
 FAX: 503.226.1670  
 WWW.CIDAINC.COM

**ESSEX GENERAL CONSTRUCTION, INC.**  
**18520 SW 108TH AVENUE | TUALATIN, OREGON 97062**

PRELIMINARY CONCEPT DESIGN DEPICTED ONLY - DESIGN IS NOT INTENDED FOR JURISDICTIONAL REVIEW AND/OR CONSTRUCTION



PREPARED BY: EJW  
 DATE: AUGUST 23, 2024  
 240134.00

REVISION: 03



# AFFIDAVIT OF MAILING NOTICE


STATE OF OREGON            )  
  ) SS  
COUNTY OF WASHINGTON )

I, Erik Winter being first duly sworn, depose and say:

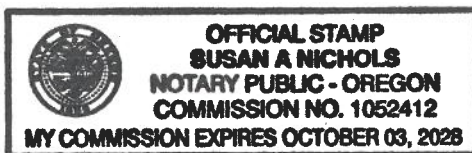
That on the 19 day of November, 2024, I will serve upon the persons shown on Exhibit "A" (Mailing Area List), attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer Meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

  
Signature

SUBSCRIBED AND SWORN to before me this 10th day of December, 2024.

  
Notary Public for Oregon  
My commission expires: October 03, 2028

RE: ESSEX GENERAL CONSTRUCTION  
CONDITIONAL USE PERMIT  
APPLICATION







ARCHITECTURE  
ENGINEERING  
PLANNING  
INTERIORS

ESSEX GENERAL CONSTRUCTION, INC. - TUALATIN OFFICE

NEIGHBORHOOD MEETING: SIGN-IN SHEET

MEETING DATE: December 4, 2024

MEETING TIME: 6:00 PM

MEETING LOCATION: Tualatin Public Library | 18878 SW Martinazzi Avenue | Tualatin, Oregon 97062

Attendee Name: Address: Phone No.: Email Address:

Bo Oswald 503 803 6397 bo.oswald@essexg.com

~~FRANKLIN~~ (CIDA)

KIM BRADY 847-910-7460 kimbrady@ascencceng.com

ascencceng.com



# Meeting Minutes

---

**Meeting Date:** December 4, 2024  
**Meeting Location:** Tualatin City Library, Community Room  
**Subject:** Neighborhood Meeting  
**Project Title:** Essex General Construction  
**Project No:** 240134.01  
**Issued By:** Erik Winter

---

15895 SW 72ND AVE  
SUITE 200  
PORTLAND, OR 97224  
PHONE: 503.226.1285  
FAX: 503.226.1670  
INFO@CIDAINC.COM  
WWW.CIDAINC.COM

## Attachments:

- I. Neighborhood Meeting Sign-In Sheet
- 

## Meeting Attendance:

- Bo Oswald (Essex General Construction)
- Erik Winter (CIDA, Inc.)
- Kim Brady (Neighboring Property Owner)

**Meeting Start Time: 6:00 PM**

## Meeting Items:

- One (1) neighboring property owner was in attendance.
- CIDA and Essex Construction representatives discussed:
  - The project, including building locations, site access and on-site improvements planned.
  - The preliminary timing associated with the Conditional Use Permit application process.
- No questions were asked.
- No concerns were noted.

**Meeting End Time: 6:25 PM**

---

End of Document

ARCHITECTURE  
ENGINEERING  
PLANNING  
INTERIORS

*Every effort has been made to accurately record this meeting. If any errors or omissions are noted, recipients are asked to please provide written response within five days of receipt.*



ARCHITECTURE  
ENGINEERING  
PLANNING  
INTERIORS

December 10, 2024

City of Tualatin  
Attn: Mike McCarthy, City Engineer  
10699 SW Herman Road  
Tualatin, Oregon 97062

RE: 18520 SW 108<sup>th</sup> Avenue – Trip Generation Memorandum  
CIDA #: 240134.01

Dear Mike,

Essex Construction is planning to re-develop the property located at 18520 SW 108<sup>th</sup> Avenue. The proposed work includes the demolition of the western-most existing structure and the construction of a new 12,000 square foot building, along with associated site improvements. The new building will serve as the local office for their construction activities, including approximately 15-20 staff employed at the building.

During the pre-application conference, it was noted by Staff that a new traffic signal is planned for the intersection of SW 108<sup>th</sup> Avenue and SW Leveton Drive. This traffic signal is part of the City of Tualatin's long-range transportation plan and not caused by or resulting from Essex Construction's proposed development. The design of this traffic signal and associated right-of-way improvements has not yet started.

The following is a summary of traffic counts based on the 9<sup>th</sup> Edition of the Institute of Transportation Engineers Trip Generation manual.

ITE Land Use Category: General Light Industrial (#110)

Average Daily Trips	=	6.97 trips / 1,000 gross square feet
AM Weekday Peak	=	1.01 trips / 1,000 gross square feet
PM Weekday Peak	=	1.08 trips / 1,000 gross square feet
Footage Proposed	=	12,000 square feet
Average Daily Trips	=	6.97 × 12 = <b>84 trips</b>
AM Weekday Peak	=	1.01 × 12 = <b>13 trips</b>
PM Weekday Peak	=	1.08 × 12 = <b>13 trips</b>

Based on the proposed use and ITE category rates, the proposed development does not trigger a traffic impact analysis / study given that the average daily trip volume is less than 100 trips and the daily AM / PM peaks are less than 25 trips.

If you have any questions, please feel free contact me.

Sincerely,

Erik Winter, AIA, NCARB  
Architect | Associate

**POSITIVE IMPACT.  
BALANCED DESIGN.**

15895 SW 72<sup>ND</sup> AVE, STE 200  
PORTLAND, OR 97224  
PHONE: 503.226.1285

PO BOX 4746  
MEDFORD, OR 97501  
PHONE: 541.330.6322

INFO@CIDAINC.COM  
WWW.CIDAINC.COM  
WBE #10209

Enclosures:

1. Pre-Application Conference Staff Notes (included by reference)

Cc:

1. CIDA File
2. Essex Construction
3. City of Tualatin, Planning Department (attn: Keith Leonard)
4. City of Tualatin, Engineering (attn: Tony Doran)



## AFFIDAVIT OF MAILING

STATE OF OREGON)

) ss

COUNTY OF WASHINGTON)

I, Lindsey Hagerman being first duly sworn, depose and say:

That on the 27 day of December, I served upon the persons shown on Exhibit A, attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing/Application/Decision marked Exhibit B, attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses reflect information received from the relevant party or agency, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, prepared to receive postage administered by city staff.

Dated this 27 of, December 2024

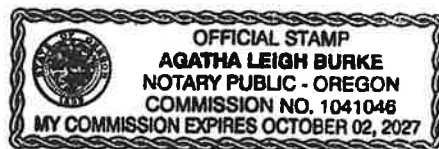
  
Signature

SUBSCRIBED AND SWORN to before me this 12/27/2024

  
Notary Public for Oregon

My commission expires: 10/02/2027

RE: CUP24-0002



TLID	OWNER1	OWNERADDR	OWNERCITY	OWNERSTATE	OWNERZIP
2S122AD00600	WILLY LUMP LUMP LLC	4500 SW ADVANCE RD	WILSONVILLE	OR	97070
2S122AD00700	WILLY LUMP LUMP LLC	4500 SW ADVANCE RD	WILSONVILLE	OR	97070
2S122AD00800	WILLY LUMP LUMP LLC	4500 SW ADVANCE RD	WILSONVILLE	OR	97070
2S123BC00900	UNITED STATES POSTAL SERVICE	160 INVERNESS DR W STE 400	ENGLEWOOD	CO	80112
2S1220000800	TUALATIN CITY OF DEVELOPMENT COMMISSION	18880 SW MARTINAZZI AVE	TUALATIN	OR	97062
2S122AD00200	TUALATIN CITY OF	PO BOX 723597	ATLANTA	GA	31139
2S123B000602	TUALATIN TETON LLC	621 SW ALDER ST STE 800	PORTLAND	OR	97205
2S123B000800	TOTE 'N STOW INC	PO BOX 25216	PORTLAND	OR	97298
2S123B000702	ROSEDALE PROPERTIES LLC	PO BOX 151	WEST LINN	OR	97068
2S123BC00800	PACIFIC NW PROPERTIES LP	6600 SW 105TH AVE STE 175	BEAVERTON	OR	97008
2S122AD01000	MARSHALL ASSOCIATED LLC	PO BOX 278	TUALATIN	OR	97062
2S123BC01000	MARSHALL ASSOCIATED LLC	PO BOX 278	TUALATIN	OR	97062
2S123BB00600	MARKS 18200 LCC	18200 SW TETON AVE	TUALATIN	OR	97062
2S123BB01000	MARKS 18400 LLC	18200 SW TETON AVE	TUALATIN	OR	97062
2S123BB01101	MARKS 18400 LLC	18200 SW TETON AVE	TUALATIN	OR	97062
2S122AA00700	LUMBER FAMILY CO LLC	PO BOX 1427	TUALATIN	OR	97062
2S122AA00500	LAM RESEARCH CORPORATION	2025 GATEWAY PL #228	SAN JOSE	CA	95110
2S122AA00800	LAM RESEARCH CORPORATION	2025 GATEWAY PL #228	SAN JOSE	CA	95110
2S123B000701	KAI USA LTD	18600 SW TETON AVE	TUALATIN	OR	97062
2S123BC00600	JKLM INVESTMENT COMPANY LLC	18880 SW TETON AVE	TUALATIN	OR	97062
2S122AA00600	HR LLC	18280 SW 108TH AVE	TUALATIN	OR	97062
2S122AA00100	HELSEY LLC	PO BOX 1569	TUALATIN	OR	97062
2S122AD01100	GARSKE TRAVIS W	PO BOX 729	COLBERT	WA	99005
2S1220000400	FUJIMI CORPORATION	11200 SW LEVETON DR	TUALATIN	OR	97062
2S123BC00700	FUENTE ROSE LLC	33120 NE LESLEY RD	NEWBERG	OR	97132
2S122AD00900	FRANKLINIA LLC	6107 SW MURRAY BLVD #175	BEAVERTON	OR	97008
2S123B000600	CHAMBERLAIN HUSSA PROPERTIES	18755 SW TETON AVE	TUALATIN	OR	97062
2S122AD00400	CALMAX TECHNOLOGY INC	3491 LAFAYETTE ST	SANTA CLARA	CA	95054
2S122AA00400	ASCENTEC ENGINEERING LLC	18500 SW 108TH AVE	TUALATIN	OR	97062
2S122AD00100	ASCENTEC ENGINEERING LLC	18500 SW 108TH AVE	TUALATIN	OR	97062
2S122AD01300	ABBOTT TUALATIN LLC	3030 BRIDGEWAY STE #100	SAUSALITO	CA	94965
2S123BB00701	AAA OREGON/IDAHO	600 MARKET ST	PORTLAND	OR	97201
2S123BB00501	18355 SW TETON AVENUE TUALATIN OR LLC	17455 SW RIDGEVIEW LN	LAKE OSWEGO	OR	97034
	CIDA	15895 SW 72ND AVE	PORTLAND	OR	97224



NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

CASE FILE: CUP24-0002 — Essex General Construction Conditional Use Permit (CUP)

NOTICE IS HEREBY GIVEN that an application for a Conditional Use Permit (CUP24-0001) will be heard by Tualatin City Planning Commission:

Wednesday, February 19, 2025 at 6:30 pm

Tualatin City Services Building
10699 SW Herman Road

To view the application materials visit:
www.tualatinoregon.gov/projects

TO PROVIDE COMMENTS OR IF YOU HAVE QUESTIONS:

Email: leonard@tualatin.gov
Mail: Planning Division
Attn: Keith Leonard
10699 SW Herman Road
Tualatin, OR 97062
Questions?: 503-691-3029

To attend the hearing, there are two options:

- Attend in person at the Tualatin City Services Building.
Zoom Teleconference. Details at: www.tualatinoregon.gov/meetings

CIDA, on behalf of Ascentec Engineering LLC, proposes a Conditional Use Permit application to allow a contractor's office, with on-site storage of equipment and materials in the Light Manufacturing (ML) zone located on a 1.44 acre lot located at 18520 SW 108th Avenue (Tax Lot: 2S122AD00100).



- Type III Conditional Use Criteria: Tualatin Development Code (TDC) Chapters 32, 33.040, 39.400, 60, 63, 74.
Application materials are public record and are available for review. Copies can be viewed online or obtained at a reasonable cost, by contacting the Planning Division.
Staff report will be available at least seven days before the hearing for inspection at no cost, and copies will be provided at a reasonable cost.
Individuals wishing to comment on the application must do so in writing to the Planning Division prior to the hearing, or in writing and/or orally at the hearing. Written comment must be received by February 10, 2025, to be included in the hearing packet.



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- **The public hearing process** begins with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. Individual testimony may be limited. At the conclusion of the hearing, the Planning Commission will deliberate and make a decision based on the facts and arguments in the public record. Before the hearing is closed, a participant may request that the record remain open for at least seven days after the hearing.
- **Everyone is invited to attend the hearing and comment** on the application's approval criteria. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.
- A copy of the staff report, exhibits, and findings for CUP24-0002 will be available one week before the hearing at: <https://www.tualatinoregon.gov/tpc>
- **Notice of the Decision** will only be provided to those who submit written comments regarding that application or testify at the hearing.

**For additional information contact:**

Keith Leonard, Associate Planner: kleonard@tualatin.gov, 503-691-3029

10699 SW Herman Rd, Tualatin, Oregon 97062 [TualatinOregon.gov](http://TualatinOregon.gov)



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**For additional information contact:**

Keith Leonard, Associate Planner: kleonard@tualatin.gov, 503-691-3029

10699 SW Herman Rd, Tualatin, Oregon 97062 [TualatinOregon.gov](http://TualatinOregon.gov)

## MEMORANDUM

**Date:** January 13, 2025

**To:** Keith Leonard, Associate Planner, City of Tualatin

**From:** Jackie Sue Humphreys, Clean Water Services (CWS)

**Subject:** Essex General Construction Conditional Use, CUP24-0002, 2S122AD00100

Please include the following comments when writing your conditions of approval:

### **PRIOR TO ANY WORK ON THE SITE**

A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained. Application for CWS Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22, or prior standards as meeting the implementation policy of R&O 18-28, and is to include:

- a. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit.
- b. Detailed plans showing the development having direct access by gravity to public storm and sanitary sewer.
- c. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 19-5, Section 4.04. Access shall be provided for maintenance of facility per R&O 19-5, Section 4.07.6.
- d. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.



- e. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- f. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- g. Application may require additional permitting and plan review from CWS Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.
- h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

## CONCLUSION

This Land Use Review does not constitute CWS approval of storm or sanitary sewer compliance to the NPDES permit held by CWS. CWS, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.



## NOTICE OF PLANNING COMMISSION DECISION

### \*\*APPROVAL WITH CONDITIONS\*\*

February 19, 2025

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Case #:	CUP 24-0002
Project:	ESSEX General Construction Contractor's Office with Onsite Equipment and Materials Storage
Location:	18520 SW 108th Ave., Tax Lot: 2S122AD00100
Applicant:	CIDA
Owner:	Ascentec Engineering LLC

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### I. FINDINGS

- A. An application for Conditional Use Permit (CUP 24-0002) was filed by CIDA on behalf of Ascentec Engineering for "building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials" in the Light Manufacturing (ML) Zone. "Building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials" are conditionally permitted in the Light Manufacturing (ML) Zone as identified in Tualatin Development Code (TDC) Table 60-1.
- B. The Tualatin Planning Commission (TPC) conducted a noticed quasi-judicial public hearing on February 19, 2025 in conformance with the laws of the State of Oregon and the City of Tualatin.
- C. The TPC found with Conditions of Approval in the Analysis and Findings for ESSEX General Construction contractor's office with onsite equipment and materials storage Conditional Use Permit, the use will comply with the standards of the TDC. The TPC find that the findings and analysis, the staff presentation, testimony at the public hearing, materials in the record, and discussion on the record, support the approval of CUP24-0002 with the conditions of approval CUP-1 through CUP-5.

### II. ACTION

The Tualatin Planning Commission approves CUP24-0002 and adopts the staff analysis and findings, dated February 19, 2025 with the following Conditions of Approval:

- CUP – 1** The approved CUP is limited to building, heating, plumbing and electrical contractor's offices, with on-site storage of equipment or materials as described in TDC 39.400 and listed in TDC Table 60-1.
- CUP – 2** All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading with all other site activities conducted in compliance with TDC 60.310 (1).
- CUP – 3** The proposed development must comply with the Environmental Regulations of TDC 63.



**CUP – 4** An approved Architectural Review application matching the site plan (Exhibit A2) and meeting current TDC requirements at the time the application is submitted must be obtained for use of the site and site development.

**CUP – 5** A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained prior to any site grading and/or earth removal work on this site. This Authorization is required prior to issuance of an Erosion Control Permit for changes to land which include, but are not limited to, grading, excavating, filling, working of land, logging or stripping of soil or vegetation from land in accordance with Clean Water Services’ Design and Construction Standards 2.03.4.

### **III. APPEAL**

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

The Tualatin Planning Commission’s decision will be final after 14 calendar days from the mailing of this order, unless a written appeal is received by the **Community Development Department Planning Division at 10699 SW SW Herman Road, Tualatin, Oregon, before 5:00 p.m., March 7, 2025. The appeal must be submitted on the City appeal form with all the information requested provided thereon, signed by the appellant, and include the applicable appeal fee.** The record and appeal forms are available at the Planning Division offices. The appeal forms must include reasons, current appeal fee, and meet the requirements of Section 32.310 of the Tualatin Development Code. The City Council will review and make a decision. The parties will be notified of the Council meeting date.

ADOPTED THIS 19<sup>th</sup> DAY OF FEBRUARY 2025.

PLANNING COMMISSION

CITY OF TUALATIN

BY:

\_\_\_\_\_  
Bill Beers, Chair  
Tualatin Planning Commission