



WASHINGTON COUNTY

Dept. of Land Use & Transportation
Current Planning
155 N. 1st Avenue, #350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
www.washingtoncountyor.gov

CASEFILE: L2400256-D/M

APPLICANT:

Josue Hernandez
7218 NW Sandy Blvd Ste 4
Portland, OR 97213

**STAFF REPORT &
RECOMMENDATION**

PROCEDURE TYPE: III

CPO: 5

COMMUNITY PLAN: Comprehensive
Framework Plan for the Urban Area

LAND USE DISTRICT: FD-20 District (Future
Development 20-Acre)

PROPERTY DESCRIPTION:

ASSESSOR MAP NO.: 2S121B0
TAX LOT NO: 00801
SITE SIZE: 3.63 acres
SITE ADDRESS(ES): 18989 SW Cipole Rd

APPLICANT'S REPRESENTATIVE:

NW Engineers
Matt Newman
2920 SE Brookwood Ave Ste G
Hillsboro, OR 97124

PROPERTY OWNER(S):

Hernandez Service Corp
15885 SW Stratford Lp Apt A
Tigard, OR 97224

PROPERTY LOCATION:

On the southwest corner of the intersection of
SW Cipole Road and SW Pacific Highway
99W.

PROPOSED DEVELOPMENT ACTION: Development Review for a Contractor's Establishment
in the FD-20 District and Miscellaneous Review for Exceptions to Public Facility & Service
Standards.

December 19, 2024

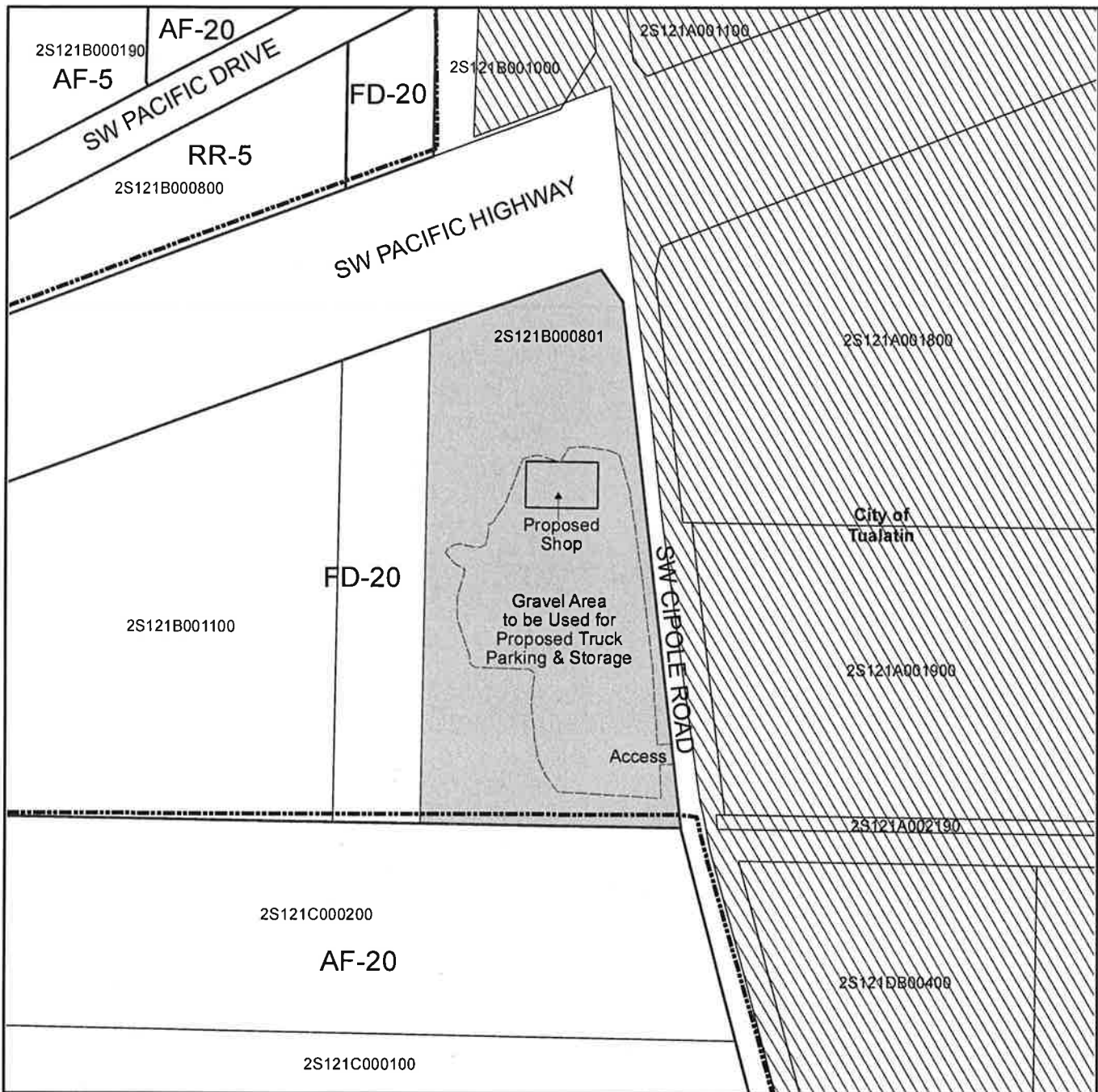
RECOMMENDATION:

Staff recommends the Hearing's Officer approve the applicant's request, subject to the Conditions of Approval set forth in Attachment B of this report.

Project Planner: Cassandra O'Donnell, 503-846-8170

Attachments:

- A. Vicinity Map
- B. Recommended Conditions of Approval
- C. Staff Report



↑ NORTH



AREA OF CONSIDERATION

NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:

Future Development 20-Acre District (FD-20)

City of Tualatin

Urban Growth Boundary

AF-20 District (Agriculture and Forest)

AF-5 District (Agriculture and Forest)

RR-5 (Rural Residential 5 ac. min.)

REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation System Plan
- D. Washington County Community Development Code:
 - ARTICLE I, Introduction & General Provisions
 - ARTICLE II, Procedures
 - ARTICLE III, Land Use Districts
 - ARTICLE IV, Development Standards
 - ARTICLE V, Public Facilities and Services
 - ARTICLE VI, Land Divisions & Lot Line Adjustments
 - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Road Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

ATTACHMENT B RECOMMENDED CONDITIONS OF APPROVAL

- I. **THIS APPROVAL SHALL AUTOMATICALLY EXPIRE FOUR YEARS FROM THE DATE OF THIS APPROVAL, UNLESS DEVELOPMENT HAS COMMENCED, AN APPLICATION FOR AN EXTENSION IS FILED, OR THIS APPROVAL IS REVOKED OR INVALIDATED (SECTION 201-4).**

- II. **PRIOR TO COMMENCING ANY ON-SITE IMPROVEMENTS, INCLUDING GRADING, EXCAVATION AND/OR FILL ACTIVITIES, THE APPLICANT SHALL:**
 - A. **Submit to Building Services (503-846-3470) for review and approval grading plans meeting the standards of CDC Sections 410 and 426 and consistent with the preliminary plan approved via this land use review. The grading permit application shall include at a minimum the following information/reports:**
 1. The proposed development site has been known to cause flooding on SW Cipole Road due to past unpermitted grading work at the site. A detailed drainage analysis report shall be required. The report shall consider all past grading work and fill importation to the site and shall bear the stamp and signature of a civil engineer. The report at a minimum shall show that the proposed grading, including the past cumulative site work, will not impact SW Cipole Road and the surrounding properties negatively per WCC 14.12.310.
 - a. Note that any proposal to connect the proposed building(s) roof, driveway, and other hardscape areas to impervious stormwater runoff should be directly connected to a public storm sewer via a private storm lateral. Using any existing landscape filter strip system or something similar that is not directly connected to a public storm sewer cannot be approved per WCC 14.12.310 provisions.
 2. Site-specific geotechnical engineering report with recommendations for the proposed use is required. The report shall be stamped and signed (electronic signature accepted) by an Oregon registered engineer.
 3. Provide a parking lot/driveway structural detail on the plans per site-specific geotechnical engineering recommendations.
 4. Beside the above items, comply with all requirements given on the Building Services Grading Permit application forms.

- III. **PRIOR TO FINAL APPROVAL, THE APPLICANT SHALL:**
 - A. **Conduct a Preliminary Design Consideration by County Engineer for access lighting.**
 1. If required, install access lighting as required by R&O 86-95.
 - B. **Dedicate right-of-way to 37 feet from legal centerline on SW Cipole Rd. Right-of-way dedication shall be provided using a document prepared and approved by the County Surveyor's Office and recorded prior to Final Approval.**
 - C. **Submit Final Approval Application to Land Development Services, Project Planner (Cassandra O'Donnell, 503-846-8170), including the following:**
 1. Final Approval form (Type I procedure; two copies).

***NOTE:** The final approval application shall contain a written statement and complete evidence/documentation that all Conditions of Approval have been met.*

2. Final Approval fee.
3. Final plans in conformance with the plans stamped "preliminary approval" in the casefile, which illustrate the following:
 - a. Six-foot high sight-obscuring fence or landscape screening along the perimeter of outdoor storage areas consistent with the requirements of Section 423-9.
4. Written certification from an engineer that the vehicle parking area and access has been designed in accordance with the requirements of Sections 413-4 and 413-5.

***NOTE:** In accordance with Section 413-4.4, the area proposed for storage of heavy equipment or vehicle parking area may consist of a gravel surface with a minimum four (4) inches of base rock with two (2) inches of three-quarter (3/4) inch minus leveling course.*

5. Evidence of an issued right-of-way permit for the access to SW Cipole Rd. The right-of-way permit shall confirm the access is constructed to current commercial standards and that sight distance is met at the point of access. Right-of-way permit requirements may include improvements to the existing driveway approach to bring it into compliance with current standards such as vegetation removal, culvert repair/replacement, and/or paving of the driveway approach as determined by the Operations Division (503-846-7623) (Section 501-9.6).

IV. PRIOR TO THE SUBMITTAL OF A BUILDING PERMIT, THE APPLICANT SHALL:

A. Obtain Final Approval.

V. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, THE APPLICANT SHALL:

A. Submit to Building Services (503-846-3470) site plans showing:

1. Submit building plans and building code summary (using the current building code) prepared by a registered architect to Building Services (503-846-3470).
2. Final site and landscaping plans & details required by Condition of Approval III.C.3.

B. Pay all applicable System Development Charges (SDCs) and Transportation Development Tax (TDT).

***NOTE:** Transportation Development Tax shall be required as determined by Ordinance #793-A.*

VI. PRIOR TO BUILDING OCCUPANCY AND/OR FINAL BUILDING INSPECTION APPROVAL:

- A. Evidence of a six-foot high sight-obscuring fence along the perimeter the outdoor storage areas consistent with the requirements of Section 423-9.**

VII. OPERATIONAL LIMITATIONS FOR THE CONTRACTOR'S ESTABLISHMENT

- A. This approval is limited to the storage of vehicles and materials associated with HSC Contractors LLC as outlined in this Staff Report. The addition of other uses to this operation, change of ownership, or change of use at this site may require subsequent approval through the land use application process. In particular, no change in gravel/paved storage area, no change in the limited approved uses of this staff report, and no new structures shall be permitted without approval. (Section 207-5)**
- B. The applicant shall limit site access to contractor employees and restrict access by customers and the general public.**

VIII. ADDITIONAL CONDITIONS

- A. Adequate sight distance shall be continuously maintained by the property owner(s). This may require the property owner(s) to periodically remove obstructing vegetation.**
- B. All conditions of approval shall be binding upon all heirs, successors, and assigns (Section 207-5).**
- C. Transferability of this Development Permit shall be in accordance with Section 201-8.**

ATTACHMENT C STAFF REPORT

I. APPLICABLE STANDARDS

- A. Washington County Comprehensive Framework Plan for the Urban Area
- B. Washington County Community Development Code (CDC)
 - 1. Article II, Procedures
 - Section 202-3 Type III Procedure
 - Section 203-3 Neighborhood Meeting
 - Section 207-5 Conditions of Approval
 - Section 215 Code Compliance
 - 2. Article III, Land Use Districts
 - Section 308 Future Development 20-Acre District (FD-20)
 - 3. Article IV, Development Standards
 - Section 403 Applicability
 - Section 404 Master Planning
 - Section 406 Building, Siting and Architectural Design
 - Section 407 Landscape Design
 - Section 408 Neighborhood Circulation
 - Section 410 Grading and Drainage
 - Section 411 Screening and Buffering
 - Section 413 Parking and Loading
 - Section 414 Signs
 - Section 416 Utility Design
 - Section 417 Irrigation
 - Section 418 Setbacks
 - Section 419 Height
 - Section 421 Floodplain and Drainage Hazard Area Development
 - Section 422 Significant Natural Resources
 - Section 423 Environmental Performance Standards
 - Section 426 Erosion Control
 - 4. Article V, Public Facilities and Services
 - Section 501 Public Facility and Service Requirements
- C. Resolution and Order No. 86-95 – Determining Traffic Safety Improvements Under the Traffic Impact Fee Ordinance - Process Documentation
- D. Ordinance No. 691-A – Transportation Development Tax

II. AFFECTED JURISDICTIONS

Sewer:	Washington County Health and Human Services
Streets:	Washington County Dept. of Land Use and Transportation
Drainage:	Washington County Dept. of Land Use and Transportation
Water:	District 18 Watermaster
Fire Protection:	Tualatin Valley Fire & Rescue
Police Protection:	Washington County Sheriff

Schools: Sherwood School District
Transit: Tri-Met

III. FINDINGS OF FACT

BACKGROUND FINDINGS

1. The applicant requests development review for a contractor's establishment in the FD-20 District, located on tax lot 2S121B000801. The applicant proposes to use the site to store vehicles, equipment, and materials for HSC Contractors LLC, a Residential General Contractor (CCB License # 243144). The contractor's establishment is proposed to operate on the existing graveled areas in the southern two-thirds of the property. An approximately 4,000 square foot structure is also proposed for use as part of the contractor's establishment.
2. The applicant also requests a miscellaneous review for exceptions to public facility and service standards per section 501-6, including water, sewer, and stormwater management standards. See Section 501-6 below.
3. The property is currently vacant except for a number of concrete blocks and a large gravel area. A number of vehicles and semi-trailers are present on the site in association with the proposed contractor's establishment.
4. A land use violation case (UV190015) is active on the property and indicates that a right-of-way access permit is needed, and that unpermitted fill was performed on the property. See Attachment B for permitting requirements to resolve these violations.
5. The property takes access from SW Cipole Rd, a Collector. As noted above, this access is unpermitted at this time. Access to SW Pacific Highway is not proposed. If access is proposed in the future, access would require approval by ODOT.
6. According to the Flood Insurance Rate Map for Washington County, the southwest corner of the property lies within a 100-year floodplain. See Section 421 for floodplain development standards.
7. According to Map B of Policy 41 of the Comprehensive Framework Plan for the Urban Area, the west portion of the property contains Water Areas and Wetlands. See Section 422 for standards related to this area.
8. Staff notes that if the Hearings Officer approves this application, the approval will be based on evidence in the record for this use. Transfer of the property or business to another owner could result in changes to the use that are not consistent with the use as described in this application. Therefore, staff has included a recommended condition of approval in Attachment B, limiting approval to the vehicles, equipment, and operation of the contractor's establishment as described in this application. The addition of other uses or any expansion of any uses approved by the Hearings Officer under this review may require subsequent approval through the land use application process. Further, staff recommends that the applicant be conditioned to limit site access to contractor employees and to restrict customers and the general public from site access.
9. Comments were received from the Washington County Building Division, Clean Water Services, County Floodplain Manager, and the Washington County Engineering Division (see Casefile). Where appropriate, recommendations

proposed in these letters are included as Conditions of Approval in Attachment B of this report.

10. A public notice advertising the scheduled public hearing was mailed on November 27, 2024 for this project in accordance with County requirements. No letters of comment were received prior to the writing of this Staff Report. Letters received after the packet is provided to the Hearings Officer (seven days prior to the hearing) will be provided to the Hearings Officer at the hearing.

A. WASHINGTON COUNTY COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA

The goals and policies which relate to the development of land are implemented by the Washington County Community Development Code (the Code). The applicant is not required to address, consider, or implement any goal, policy, or strategy of the Plan except where required by the Code. In accordance with Section 308-3 of the Code, the proposed use is subject to Policy 41 of the Comprehensive Framework Plan for the Urban Area.

The subject site is not located within an Area of Special Concern. The project has been reviewed for conformance with the applicable policies. By demonstrating in this report that the request complies with the standards of the Code and the Community Plan, the Plan requirements will be satisfied.

B. WASHINGTON COUNTY COMMUNITY DEVELOPMENT CODE (CDC)

1. Article II, Procedures

Section 202 Procedure Types and Determination of Proper Procedure

202-3 Type III Procedure

202-3.1 Type III actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgment when applying the development criteria contained in this Code or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.

STAFF: This request is being processed through the Type III procedure of the Community Development Code, pursuant to Section 308-4.6. In accordance with Type III procedural requirements, public notice was sent to surrounding property owners 20 days prior to the hearing. No letters of comment were received prior to the writing of this report, as described in Background Findings above.

Section Processing Type I, II and III Development Actions

203-3 Neighborhood Meeting

203-3.2 The following application types shall be subject to the neighborhood meeting requirements:

A. Inside the UGB:

- ***Type II or III Development Review - Commercial, Industrial, or Institutional (required only when the parcel subject to the application is within 125 feet of a Residential District).***

STAFF: The proposed Contractor's Establishment is a Type III use in the FD-20 District. A Neighborhood Meeting was held on February 1, 2024. The applicant submitted all information required under this section (See Casefile).

Section 207 Decision

207-5 Conditions of Approval

207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.

STAFF: Recommended Conditions of Approval are included in Attachment B of this report. The applicant shall comply with all Conditions of Approval of the Hearings Officers Final Decision.

Section 215 Code Compliance

215-2 No building or development permit shall be issued unless it has first been determined whether there are existing violations on the property. A building or development permit may be denied where there is an existing violation or may include a condition addressing any existing violation. In addition to any other materials required by law, applications for building permits shall be accompanied by a valid development permit or a statement specifying the applicable exemption.

STAFF: A use violation case (UV190015) is active on the property noting that a right-of-way access permit is needed, and that unpermitted fill was performed on the property. See Attachment B for permitting requirements to resolve these violations.

2. Article III, Land Use Districts

Section 308 Future Development 20-Acre District (FD-20)

308-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area. These uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

308-4.5 Contractor's Establishment.

STAFF: The proposed contractor's establishment is permitted in the FD-20 District through a Type III procedure. The applicant proposes to utilize the graveled area and proposed structure to store vehicles, equipment, and materials. Staff recommends that the applicant be conditioned to limit site access to contractor employees and to restrict customers and the general public from site access.

308-5 Prohibited Uses

308-5.4 *The outdoor parking or storage of any five or more vehicles on a single lot or parcel for more than 48 hours, except as approved in conjunction with a development or as allowed under Section 201-2 (Exclusions from Permit Requirement).*

308-5.9 *Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.*

STAFF: As part of the contractor's establishment, the applicant proposes to park and/or store vehicles and heavy equipment on the site. Approval of this request constitutes development approval, thereby permitting the storage of the above vehicles and heavy equipment on the site, as specified in this request.

308-6 Dimensional Requirements

308-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty-foot front yard;*
- B. Ten-foot side yard;*
- C. Thirty-foot street side yard;*
- D. Twenty-five-foot rear yard;*
- E. Additional setbacks may be required as specified in Sections 411 and 418; and*
- F. Required yards shall be horizontally unobstructed except as provided by Section 418.*

STAFF: The proposed structure is located with the following approximate setbacks:

- Front (North): 170 feet
- Side (West): 100 feet
- Street Side (East): 40 feet
- Rear (South): 350 feet

These criteria are satisfied.

308-6.3 Height:

- A. The maximum height for structures shall be 35 feet, except as modified by other Sections of this Code.*

STAFF: The proposed structure is 25 feet in height. This criterion is satisfied.

308-7 Additional Standards

308-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.

STAFF: This approval is in line with future City of Tualatin General Manufacturing (MG) Zone as shown in the Tualatin Comprehensive Plan Map 10-1. While development of the site and public facilities would be required, nothing about this approval would preclude future conversion to urban densities or uses.

308-8 Access

All lots in this District shall either:

308-8.1 Abut a public street; or

STAFF: The property abuts two public streets: SW Cipole Rd and SW Pacific Hwy. This criterion is satisfied.

3. Article IV, Development Standards

Section 403 Applicability

STAFF: The applicant provided a site plan and written information to address the Development Review standards of Article IV.

403-3 Additional Standards Inside the UGB

403-3.1 Type III development, except those detailed in Section 403-3.2, may be denied based on the following:

A. The proposed development will have significant adverse impacts on property values in the area;

STAFF: Staff is not aware of any known significant adverse impacts on property values as a result of this request. Further, staff believes that the recommended Conditions of Approval ensure that the proposed use will not adversely impact surrounding properties.

B. The proposed development will unduly conflict with the character of an area not otherwise in transition; or

STAFF: Staff finds that the development site is located within an area in transition. The site is designated as a future General Manufacturing (MG) Zone by the City of Tualatin. The proposed contractor's establishment is generally in character for the intended industrial use.

C. The public interest is not served by permitting the proposed development to occur on the proposed site at the proposed time. Development proposed to serve significant portions of the county may be evaluated for its impacts on the entire area to be served.

STAFF: The proposed use can benefit the public interest by supporting the economic growth that development and construction provide to the local area as well as the region as a whole. The proposed use also allows active use on industrial land that would otherwise be undevelopable due to a lack of urban services. Moreover, existing and proposed uses and structures on site are not necessarily an impediment to more intensive redevelopment. Staff finds that the greater public interest can be served by the proposed development.

Section 404 Master Planning

STAFF: The applicant has submitted materials showing on-site topography and tax lot lines, as well as roadways in proximity to the site. This information adequately represents the Master Planning requirements of Section 404.

Section 406 Building, Siting and Architectural Design

STAFF: The proposed structure meets setback and height requirements of the FD-20 District as described in Section 308 above. The applicant has submitted materials showing building design, orientation, and siting. This information adequately demonstrates compliance with the standards of this section.

Section 407 Landscape Design

407-1 Minimum Landscape Standards

407-1.4 Commercial, Industrial and Institutional Districts:

- A. *For new development, the minimum area required for landscaping shall be 15% of the land area.*

STAFF: Submitted plans indicate that over 15% of the land area is currently landscaped. No changes to landscaping are proposed at this time. Existing landscaping is sufficient to satisfy this criterion.

407-7 Urban Street Tree Standards

Inside an urban growth boundary, when fronting on public or private roadways or access drives, new structures including a Single Detached Dwelling Unit or Duplex on an existing lot or parcel, or Middle Housing, and any Standard Land Division or Middle Housing Land Division, shall be required to plant street trees in accordance with the following standards:

STAFF: The applicant proposes a single structure for storage of vehicles, equipment, and materials. No public improvements are required at this time. The property is designated for future development and will remain viable for such development in the future. Public improvements associated with future development would necessitate removal of any street trees planted at current road width. For these reasons, staff recommends deferring street tree planting until further development is proposed on the property.

Section 408 Neighborhood Circulation

408-2 Applicability

408-2.1 Notwithstanding the requirements of Section 408-10, within an urban growth boundary the requirements of 408-4 - 408-9 shall apply as follows:

- B. *To all Type II and Type III development except for the uses listed below:*

STAFF: The proposed Type III development is subject to the requirements of Sections 408-4 – 408-9.

408-4 Circulation Analysis

STAFF: The applicant has submitted materials showing on-site topography and tax lot lines, as well as roadways in proximity to the site. The site is a corner lot, with streets along the north property line (SW Pacific Highway) and east property line (SW Cipole Road). The site is also bordered on the west by land owned & maintained by Bonneville Power Administration. This information adequately demonstrates compliance with this section.

408-5 Review Standards for Development on Lands Not Designated on the Community Plan Local Street Connectivity Maps or on Lands Not Designated as a Pedestrian/Bicycle District

The following review standards shall: 1) Be used to provide a generally direct and uncluttered pattern of streets and accessways to ensure safe and convenient access for motor vehicles, pedestrians, bicyclists, and

transit users; and 2) To ensure that proposed development will be designed in a manner which will not preclude properties within the circulation analysis area from meeting the requirements of Section 408-5. These standards are applicable to all lands that are not designated on a Community Plan's Local Street Connectivity map or as a Pedestrian/Bicycle District on the Transportation System Plan Pedestrian System map.

408-5.3 For all development which is not single-family or Duplex residential, on-site streets and/or trails shall connect to all existing or approved stub streets or trails which abut the development site;

STAFF: No existing or approved stub streets or trails abut the development site. However, alignment for the Ice Age Tonquin Trail is proposed along the west side of Cipole Road in the county's Transportation Plan. Scoping and funding for trail initiation has not been determined at this time and any on and/or off-site trail development is not required at this time.

408-5.4 For all development which is not single-family or Duplex residential, an on-site pedestrian and bicycle circulation system shall be provided which meets the following:

A. Trails, accessways and internal pedestrian walks within the site as required by Sections 408-9.13, 408-9.14, 408-9.17, and 408-10;

STAFF: No trails, accessways, or internal pedestrian walks are required under these Sections at this time.

B. Accessways shall provide future connection to abutting underdeveloped and undeveloped property for each abutting parcel where the property line exceeds 100 feet. Where abutting property lines exceed 400 feet, additional accessways may be required by the Review Authority based on expected pedestrian demand. Where the main building on the site is setback 50 feet or less, the Review Authority may modify the accessway requirement to abutting properties based on a determination that the sidewalk or trail in the public right-of-way provides a reasonably direct route.

(1) Accessways are not required to abut underdeveloped or undeveloped properties that have an industrial land use designation or to abut undeveloped or underdeveloped residential property less than 1 acre in size.

STAFF: The abutting property to the west is designated FD-20 with a future City of Tualatin land use designation of General Manufacturing. This property may be considered industrial and is therefore exempt from the accessway standard.

The abutting property to the south is designated AF-20 and located outside of the UGB. This site contains a single dwelling unit and is developed with agricultural uses (wholesale landscape contractor's yard) and may therefore be considered fully developed for purposes of this Code section.

No accessways are required under this standard at this time.

C. Trails and accessways shall connect with all existing or approved trails or accessways which abut the development site;

- D. *Accessways shall provide direct access to nearby pedestrian oriented uses which are not served by a direct street connection from the subject property;*
- E. *Direct connection of cul-de-sacs and dead-end streets to the nearest available street or pedestrian oriented use;*
- F. *Accessways may be required to stub into adjacent developed property if the Review Authority determines that existing development patterns or other constraints do not physically preclude future development of an accessway on the developed property and current or probable future use of the adjacent property will generate pedestrian or bicycle trips that are likely to use the accessway. Construction of a trail identified on the Transportation System Plan Pedestrian System map may substitute for such an accessway; and*
- G. *Trails identified on the Transportation System Plan shall be consistent with the identified alignment and may be required. Regional Trail Refinement Areas identified on the Transportation System Plan shall consider potential trail alignments and not preclude implementation of the trail. Construction of the Regional Trail identified by the refinement area may be required.*

STAFF: No existing or approved trails or accessways abut the development site; however, as noted above, the Ice Age Tonquin Trail alignment is proposed for the west side of Cipole Road, abutting the property frontage (See Section 501-6 below). The property is not in a Regional Trail Refinement Area. Currently, no pedestrian-oriented uses are located near the property. No cul-de-sacs or dead ends are present or proposed on the property. Existing and probable future development patterns do not include accessways and none are required under these standards at this time.

Section 410 Grading and Drainage

STAFF: The applicant submitted preliminary details as required by this section, including preliminary grading and drainage plans. Washington County Building Engineers have reviewed the preliminary details and determined the plans meet the requirements of Section 410-1.1. A Grading Permit meeting the requirements of Section 410 shall be obtained prior to any on-site work and shall comply with the Conditions of Approval of this Casefile.

Pursuant to Resolution and Order No. 19-5, Clean Water Services (the District) has the responsibility for review and approval of storm drainage plans as well as erosion control plans. The subject site is not currently in the District boundary and does not require District review at this time.

Section 411 Screening and Buffering

STAFF: The applicant has proposed a contractor's establishment on the site, which has a land use designation of FD-20. The Code includes no specific provisions for screening and buffering on FD-20 uses, with required screening and buffering to be determined by the review authority. Inside the UGB, Code provisions specifically require screening and buffering when commercial and industrial uses adjoin residential uses.

The majority of surrounding properties are vacant, in industrial use, or in agricultural use. The AF-20 district property to the south, contains a manufactured dwelling

which appears to be in commercial use. No other residences are present on neighboring properties.

Approximately 40 feet of vegetation is present between the southern property line and the southern edge of the gravel area proposed for contractor's establishment use. The proposed structure is planned to be over 300 feet from the south property line. The applicant proposes to construct a chain-link fence along the site's perimeter (an S-1 structure). Section 423 further requires a sight-obscuring fence or landscape screening to contain storage areas (see below). For these reasons, staff finds that additional screening and buffering pursuant to this section is not necessary at this time.

Section 413 Parking and Loading

STAFF: Section 413 does not contain specific parking requirements for a contractor's establishment. The applicant notes that all vehicles accessing the property will be stored on-site. Per section 413-4.4, for the purpose of storage of heavy equipment or vehicles in the Industrial District, an appropriate gravel surface may be approved. No specific number or location of spaces are proposed. Given the nature of the use and minimal development proposed, staff recommends finding that the proposed gravel storage area sufficient for Section 413, subject to certification that the parking area has been designed in accordance with the requirements of Sections 413-4.

Section 414 Signs

STAFF: The applicant has not proposed a sign at this time. If the applicant proposes to erect or otherwise locate any signs on the subject site, a sign permit is required from Washington County Current Planning Services.

Section 416 Utility Design

STAFF: No modifications are proposed to existing utilities. New utilities, as necessary, shall be placed underground pursuant to Section 416-1. The location, design, and installation of new utilities (if any) shall be coordinated with the applicable service provider and carried out with minimum site disturbance. Utility easements shall be provided in accordance with Section 416-1.3.

Section 417 Irrigation

STAFF: The applicant proposes to utilize existing landscaping to satisfy condition(s) in Section 207. New landscaping in need of irrigation is not proposed.

Section 418 Setbacks

STAFF: Section 308 establishes setback requirements for structures and buildings on properties designated FD-20. Section 418 applies to yard obstructions, corner vision and fences and retaining walls. Fences required under Section 423 shall comply with this section. As proposed, the pending structure exceeds district setback requirements. These standards will be reviewed further at time of Building Permit submittal.

Section 419 Height

STAFF: Section 308 establishes height requirements for buildings within the FD-20 District. Section 419 applies to fences and retaining walls and establishes height requirements for properties that abut properties in different districts. Fences required under Section 423 shall comply with this section. These standards, including height of the propose building, will be reviewed further at time of Building Permit submittal.

Section 421 Floodplain and Drainage Hazard Area Development

421-3 Submittal Requirements

In addition to the requirements of Sections 203-4 and 410, an application for a floodplain or drainage hazard area alteration shall contain the following information for the area proposed to be disturbed. This information shall be prepared by a licensed professional engineer and may be submitted with or be made part of a site plan or grading plan for the proposed development.

- 421-3.1 *Recognizing that the scale may be such that the true and accurate floodplain or drainage hazard area boundaries cannot be determined from the maps referenced in Sections 421-1.1 and -1.2 alone, all persons seeking a development permit for lands within said areas and within 250 feet of the map boundary of a floodplain or drainage hazard area identified in Sections 421-1.1 and -1.2, except as noted below for Land Divisions and property line adjustments, shall submit with the development permit application:*
- A. *A delineation of the floodplain and the floodway boundaries, established by a registered engineer or a registered surveyor from the surface elevations for the floodplain based upon maps or other data sources referenced in Section 421-1.1; and*

STAFF: The southwest corner of the property lies partially within the 100-year floodplain. The applicant's preliminary site plan shows the delineated 100-year floodplain, prepared by a registered engineer. No development is proposed in or in proximity to the floodplain at this time and further review of this section is not required.

Section 422 Significant Natural Resources

422-2 Lands Subject to this Section

Those areas identified in the applicable community plan or the Rural/Natural Resource Plan Element as Significant Natural Resources and areas identified as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map.

Significant Natural Resources have been classified in the Community Plans or the Rural/Natural Resource Plan Element by the following categories:

- 422-2.1 *Water Areas and Wetlands. 100-year floodplain, drainage hazard areas and ponds, except those already developed.*

422-3 Criteria for Development

- 422-3.1 *The required master plan and site analysis for a site which includes an identified natural resource shall:*
- A. *Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);*

- B. *Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1 B. shall be consistent with the program decision for the subject natural resource; and*

STAFF: The southwest portion of the property is identified as Water Areas and Wetlands on Washington County Goal 5 Map. The applicant provided a delineation of the 100-year floodplain, as described in Section 421. Per Section 422-2.1, the 100-year floodplain is equivalent to the Water Areas and Wetlands area on this property. No development or alteration is proposed in or in proximity to this area at this time and further review of this section is not required.

Section 423 Environmental Performance Standards

423-9 Storage

- 423-9.1 *All materials, including wastes, shall be stored and all grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.*
- 423-9.2 *No open storage of materials and equipment shall be permitted unless contained by a site obscuring fence or landscaped screening.*
- 423-9.3 *Fencing will be allowed between the required landscaping and use where necessary to protect the property concerned or to protect the public from a dangerous condition subject to the following provisions:*
- A. *No fence shall be constructed in the required setback from the public road right-of-way.*
- B. *Fences shall be constructed as required through development review.*
- C. *Fencing or sight obscuring screening for storage areas must be at least 6 feet, but no more than 10 feet high.*

STAFF: The applicant proposes storage of equipment and materials. None of the materials are expected to attract or aid the propagation of insects or rodents or create a health hazard. Staff recommends that, as a condition of approval, the applicant be required to install a six-foot high sight-obscuring fence or landscape screening along the perimeter the outdoor storage areas consistent with the requirements of Section 423-9.

Section 426 Erosion Control

STAFF: As a Recommended Condition of Approval in Attachment B, the applicant/property owner shall submit sedimentation/erosion control plans prior to any site disturbances and issuance of a building permit. The applicant will be required to submit plans showing compliance with Section 426 and all grading shall be conducted using erosion control which meets the provisions of Chapter 14.12 of the Washington County Code (adopted by Ordinance No. 689).

4. Article V, Public Facilities and Services

Section 501 Public Facility and Service Requirements

501-7 Levels of Public Facilities and Services

501-7.1 *Implementation strategies of the Comprehensive Plan have placed Public Facilities and Services into three categories for development:*

- A. *Critical Services. Public water, public sewer, fire protection, drainage and access on Local and Neighborhood Route roads;*
- B. *Essential Services. Schools, Arterial (including State highways) and Collector roads, Regional Trails identified on the Transportation System Plan Pedestrian System map, transit improvements, police protection, street lighting and on-site pedestrian and bicycle facilities in the public right-of-way; and*

501-6 *Exceptions for Critical and Essential Services*

501-6.1 *Development proposals that cannot ensure critical and essential services applicable to the development, other than those required by Sections 501-8.1 B (9) or 501-8.2 G. (Half-street improvements), within the required time frames shall be denied unless all of the following findings can be made:*

- A. *The particular inadequate facility(ies) or service(s) is not necessary for the particular proposal within the time period identified by the service provider;*
- B. *The approval of the development application will not substantially interfere with the ability to later provide the particular inadequate facility(ies) or service(s) to anticipated uses in the vicinity of the subject property;*
- C. *The approval of the development application without the assurance of the particular inadequate facility(ies) and service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and*
- D. *It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provisions of the unacceptable facility(ies) and service(s).*

STAFF: In accordance with Section 501-7.1 A of the Code, the following facilities and services are considered critical:

- Public Water
- Public Sewer
- Fire protection
- Drainage
- Access

Public Water: The site is located outside an established water district. No improvements requiring water service or use of well water are proposed at this time. Timeframes for the provision of urban water services to the site are unknown. Water service will be provided by the City of Tualatin if and when the site annexes into the city. The proposed use does not interfere with the future provision of this service.

Public Sewer: The subject site is currently outside of an established sanitary sewer district. No bathrooms or other improvements requiring sanitary sewer service are

proposed at this time. Timeframes for the provision of sanitary sewer service to the site are unknown. Sanitary sewer service will be provided by the City of Tualatin if and when the site annexes into the city. The proposed use does not interfere with the future provision of this service.

Fire Protection: The applicant has provided an approved service provider letter from Tualatin Valley Fire & Rescue, dated April 16, 2024.

Drainage: The subject site is outside of a service district for drainage, stormwater, and surface water management. Timeframes for the provision of these services are unknown. These services will be provided by Clean Water Services (CWS) if and when the site annexes into the CWS District. The proposed use does not interfere with the future provision of these services. The applicant is required to provide evidence relating to compliance with appropriate on-site surface water management and drainage. Address of site drainage is conditioned under Attachment B of this report.

Access: Sufficient access is provided via frontage on SW Cipole Rd. The property will not be required to join the Urban Road Maintenance District at this time per Policy 41 of the Washington County Comprehensive Framework Plan for the Urban Area.

In accordance with 501-7.1 B of the Code, the following facilities and services are considered essential:

- Schools
- Arterial and Collector Roads
- Regional Trails Identified on the Transportation System Plan
- Transit Improvements
- Police Protection
- Street Lighting
- On-Site Pedestrian and Bicycle Facilities in the Public Right-of-Way

School: An adequate level of school service is not applicable to this development application for a contractor's establishment.

Arterial and Collector Roads: The property takes access from SW Cipole Rd, a collector, and has frontage on SW Pacific Hwy, an arterial. No future alignments for arterials or collectors cross the property.

Regional Trails Identified on the Transportation System Plan: While the Ice Age Tonquin Trail is identified on the west side of SW Cipole Rd adjacent to the site, scoping and funding for trail initiation has not been determined at this time. Further, no pedestrian traffic to the site is proposed or anticipated in association with the proposed use at this time. Provision of trail service would therefore not be roughly proportional to the impact of the proposed development, and an adequate level of trail service is not applicable to this development application for a contractor's establishment. The site will be eligible for redevelopment when annexed into the City of Tualatin. The proposed use therefore does not interfere with the future provision of these facilities.

Transit Improvements: An adequate level of transit service is not considered applicable to this development application for a contractor's establishment, where transit use is not needed.

Police Protection: The applicant has provided a service provider letter from the Washington County Sheriff's Department establishing that police protection is available to the site. The site is not required to annex into the Sheriffs Enhanced Patrol District per Policy 41 of the Washington County Comprehensive Framework Plan for the Urban Area.

Street Lighting: The applicant shall be required to install Access lighting as required by R&O 86-95 (see Conditions of Approval).

On-Site Pedestrian and Bicycle Facilities in the Public Right-of-Way: No off-site road improvements are required at this time. Per 501-8.2 I, pedestrian and bicycle facilities are not required at this time.

- D. *It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provisions of the unacceptable facility(ies) and service(s).*

STAFF: As discussed above, there is no practical method to ensure provision of water, sewer, and drainage services to the site and it is unknown when these services will become available to the area. There is no known timeline for annexation of the site into the City of Tualatin or Clean Water Services boundaries. As such, the applicant is unable to practically ensure the provisions of the unacceptable services.

501-6.2 Exceptions to the Public Facility and Service Standards as provided under Section 501-6.1 will be reviewed through a Type III process.

STAFF: The request for exceptions to the Public Facility and Service Standards identified above is being reviewed through the Type III process.

501-8 Standards for Development

501-8.4 Dedication of Right-of-Way

Dedication of right-of-way shall be required as follows:

- A. *Pursuant to the classification of the facility as designated by the Washington County Transportation System Plan and based upon the county Road Standards; or*

STAFF: SW Cipole Rd is classified as a 2-3 lane Collector in the Transportation System Plan. Required right-of-way pursuant to the Transportation System Plan is 74 feet (37 feet from centerline). The majority of the site frontage lies at 20 feet from legal centerline. Approximately 17 feet of additional right-of-way dedication shall be required (see Conditions of Approval).

Dedication on SW Pacific Hwy 99W shall be as required by the Oregon Department of Transportation.

501-8.5 Access to Public Roads

- B. *Roadway Access:*

(3) *Collectors*

All commercial, industrial and institutional uses with 150 feet or more of frontage will be permitted direct access to a Collector.

Uses with less than 150 feet of frontage shall not be permitted direct access to Collectors. Interim access which does not preclude future common entrance with adjacent property may be permitted pursuant to the standards of Section 501-8.5 E. (Interim Access). Where a common access is available it shall be used, provided that such use will not result in serious operational or safety problems. No use will be permitted direct access to a Collector within 100 feet of any present Point "A"; or future "P.I." as designated in the Transportation System Plan (TSP). New Collector Street alignments identified in the TSP may be adjusted within the subject property, as approved by the County Engineer.

STAFF: The proposed contractor's establishment has over 600 feet of frontage and is therefore permitted direct access to SW Cipole Rd, a collector.

F. Sight Distance

The following specifies the minimum requirements for sight distance for roads intersecting each other and for driveways intersecting public roads. It is the intent of this section to regulate the creation of new access points to maximize the safety of access to public roads.

- (4) *Minimum intersectional sight distance shall be equal to ten times the vehicular speed of the road as determined by the standards of Section 501-8.5 F. (1) and (2) such as in the following table.*

INTERSECTIONAL SIGHT DISTANCE	
MPH	DISTANCE ALONG CROSSROAD (FT)
45	450

STAFF: SW Cipole Rd has a speed limit of 45 mph at the access point. The application included a Certification of Sight Distance at the access point to SW Cipole Rd. Sight distance to both the north and south is measured as 450 feet. Adequate sight distance is provided at the access point.

C. RESOLUTION AND ORDER NO. 86-95 – DETERMINING TRAFFIC SAFETY IMPROVEMENTS UNDER THE TRAFFIC IMPACT FEE ORDINANCE - PROCESS DOCUMENTATION

STAFF: This resolution and order establishes required traffic safety improvements for development proposals. Per D.1.2.2 6, the proposed access point shall be adequately illuminated with street lighting. See Conditions of Approval.

D. ORDINANCE NO. 691-A – TRANSPORTATION DEVELOPMENT TAX

STAFF: The Transportation Development Tax (TDT) is required of all new development and constitutes an assurance to satisfy a development's requirement to provide additional capacity to Collectors and Arterial streets needed for development. This tax is based on the number of daily vehicle trips a site generates and is due at issuance of a building permit.

IV. SUMMARY AND RECOMMENDATION

The applicant has requested Development Review for a Contractor's Establishment in the FD-20 District and Miscellaneous Review for Exceptions to Public Facility & Service Standards. The required findings have been made for the applicable Code sections. When implemented in accordance with the Recommended Conditions of Approval and the approved final plans, staff believes that the project will comply with the Washington County Comprehensive Framework Plan for the Urban Area and the Washington County Community Development Code.

Staff recommends the Hearing's Officer approve the applicant's request, subject to the Conditions of Approval set forth in Attachment "B" of this report.