



Washington County
Department of Land Use and Transportation
Current Planning Services
155 N First Ave, Suite 350
Hillsboro, OR 97124

RECOMMENDATION & STAFF REPORT

PROCEDURE TYPE: III

CPO: 5 COMMUNITY PLAN:
Washington County Comprehensive Framework
Plan for the Urban Area

LAND USE DISTRICT:
Future Development 20-acre (FD-20)

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 2S134C
TAX LOT#: 01300
SITE SIZE: 4.64 acres
ADDRESS: 11500 SW Tonquin Road

CASEFILE: L2400150-D

APPLICANT:
Tonquin Road, LLC
PO Box 1130
Wilsonville, OR 97070

APPLICANT'S REPRESENTATIVE:
AKS Engineering
Attn: Marie Holladay
12695 SW Herman Road, #100
Tualatin, OR 97062

OWNER:
Tonquin Road, LLC
PO Box 1130
Wilsonville, OR 97070

LOCATION:
On the south side of SW Tonquin Road,
approximately 210 feet east of the intersection
with SW 124th Avenue/SW Basalt Creek Parkway.

PROPOSED DEVELOPMENT ACTION: Development Review for a Contractor's Establishment
in the FD-20 District.

August 15, 2024

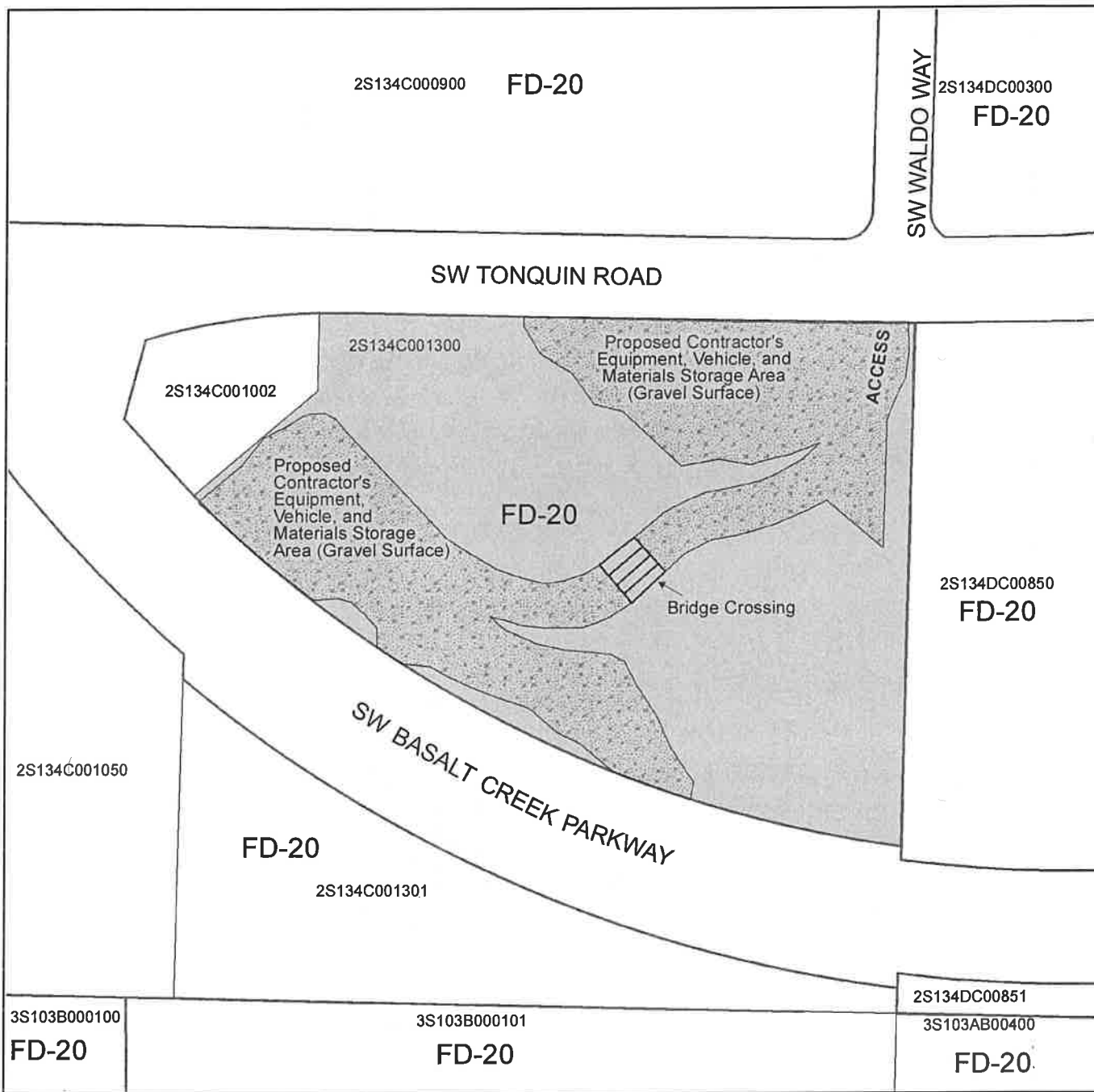
RECOMMENDATION:

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 be in compliance 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.

Attachments: A. -- Vicinity Map
B. -- **RECOMMENDED CONDITIONS OF APPROVAL**
C. -- Staff Report

TAX MAP/LOT NO. 2S1 34 C0 01300



↑ NORTH

NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:

Future Development 20-Acre District (FD-20)



AREA OF CONSIDERATION

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

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. Obtain a Grading Permit from the Washington County Building Services Division.

NOTE: The Grading Permit application must follow the grading submittal package checklist from the Building Services Division. Grading plans prepared by civil engineer for the proposed development are required.
 - B. Provide drainage analysis report stamped by a civil engineer that shows that the proposed work will not impact the surrounding properties negatively per WCC 14.12.310. This requirement is satisfied if the proposed project storm lateral connects directly to a public storm sewer. Please note that discharging through roadside curb weephole does not meet the direct connection requirements.
 - C. Provide a site specific geotechnical engineering report with recommendations for the developing of the site is required. The report should be stamped and signed (electronic signature accepted) by an Oregon registered engineer.
 - D. Provide a private road/parking area structural detail on the plans per site specific geotechnical engineering recommendations.
 - E. Submit structural design calculations and details and a completed building permit application for the private vehicular bridge shown on the plans.
 - F. Comply with all the requirements given on the Building Services Grading Permit application forms.
 - G. Provide written evidence from the State Department of Environmental Quality (DEQ) that a 1200-C permit has been obtained or is not required.
- III. PRIOR TO FINAL APPROVAL (WITHIN FOUR YEARS OF OBTAINING PRELIMINARY APPROVAL):
 - A. Submit to Current Planning Services, Public Assurance Staff (503-846-3842):
 1. Completed "Design Option" form.
 2. \$18,000 Administration Deposit.

NOTE: The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review

*and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. **PLEASE NOTE:** Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

3. Once items (1) and (2) above have been received and processed, you will receive an invitation to our Electronic Plan Review (EPR) system, ProjectDox. Please follow the instructions in the e-mail regarding uploading plans and documents properly. In short: (a) Upload plans into the "Plans" folder, and (b) Upload documents into the "Document" folder; reference Washington County Road Engineering Plan Submittal Checklist, preliminary completeness verification matrix, for a complete list of required documents.

Upload documents into the "Document" folder; reference Washington County Road Engineering Plan Submittal Checklist, preliminary completeness verification matrix, for a complete list of required documents.

Upon final compliance review you will receive an e-mail with final instructions; i.e. download, print and sign the engineers seal for final plan approval.

The engineering plans will need to address the following public improvements:

- a. **SW Tonquin Road:** Construct a sidewalk to county standards along the street frontage.
- b. Provide adequate illumination at the eastern shared access on SW Tonquin Road. Direct technical questions concerning this condition or the current Roadway Illumination Standards to Traffic Engineering, at (503) 846-7950.
- c. All other accesses shall be closed.

NOTE: *These improvements shall be constructed in accordance with the requirements of the Washington County Uniform*

Road Improvement Design Standards and Roadway Illumination Standards.

Direct technical questions concerning street lighting or the current Roadway Illumination Standards to the Traffic Engineering Division at 503-846-7950.

These improvements shall be completed and accepted by the County prior to final building inspection approval or occupancy, unless otherwise specified in the Public Improvement Contract.

4. Engineer's construction cost estimate (to be submitted with final set of approved plans for public facility improvements).

- B. Obtain Departmental approval, provide financial assurance and obtain a Facility Permit for construction of the public improvements listed in Conditions III.B.**

NOTE: *The Public Assurances staff of Current Planning Services will send the required forms to the applicant's representative after submittal and approval of the public improvement plans.*

- C. As applicable, ensure the maintenance and power costs of streetlight facilities through the petition for service and formation of a Service District for Lighting (SDL) assessment area or other funding method approved by the County. This requirement must be satisfied prior to plat recordation or acceptance of the public improvements.**

NOTE: *Contact Administrative Services, 503-846-3679. The formation process takes approximately 4 to 6 weeks. You must also establish a job with PGE by contacting 503-323-6700.*

- D. Submit Final Approval Application to Land Development Services, Project Planner (Paul Schaefer, 503-846-3832), 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 illustrating the following:
 - a. Closure of the western access to SW Tonquin Road.
4. Written certification from an engineer that the truck parking area has been constructed in accordance with the requirements of Section 413-4.4.

IV. PRIOR TO OCCUPANCY OF THE IMPROVED GRAVEL PARKING AREAS:

- A. Obtain Final Approval in accordance with Condition III.D.**
- B. All public improvements shall be completed and accepted by the County (Conditions of Approval III.A.3.)**
- C. Complete all required on-site improvements and obtain final sign-off by Project Planner, Paul Schaefer. Please contact staff a minimum of 48 hours in advance of the requested final Current Planning inspection.**

V. OPERATIONAL LIMITATIONS FOR THE CONTRACTOR'S ESTABLISHMENT:

This approval is limited to the vehicles, equipment, and operation as outlined in the Staff Report. The addition of other uses or structures may require subsequent approval through the land use application process.

VI. 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 from the road right-of-way (and on site).**
- B. This development shall be constructed in accordance with the conditions of this decision, the approved final plans and the standards of the Community Development Code (Section 207-5).**
- C. All conditions of approval shall be binding upon all heirs, successors and assigns (Section 207-5).**
- D. Transferability of this Development Permit shall be in accordance with Section 201-8.**

Attachment C STAFF REPORT

I. APPLICABLE STANDARDS

- A. Washington County Comprehensive Plan
- B. Washington County Community Development Code:
 - 1. Article II, Procedures:
 - Section 202-3 Type III Procedure
 - Section 207-5 Conditions of Approval
 - 2. Article III, Land Use Districts:
 - Section 308 FD-20 District
 - 3. Article IV, Development Standards:
 - Section 403 Applicability
 - Section 407 Landscape Design
 - Section 408 Neighborhood Circulation
 - Section 410 Grading and Drainage
 - Section 413 Parking and Loading
 - Section 414 Signs
 - Section 418 Setbacks
 - Section 419 Height
 - Section 423 Environmental Performance Standards
 - Section 426 Erosion Control
 - 4. Article V, Public Facilities and Services:
 - Section 501 Public Facility and Service Requirements
- C. Ordinance No. 793-A - Washington County Transportation Development Tax

II. AFFECTED JURISDICTIONS

Streets: Washington County
Fire Protection: Tualatin Valley Fire & Rescue
Police Protection: Washington County Sheriff

III. FINDINGS

Background Information:

1. The applicant is requesting development review approval for a new contractor's establishment (Tonquin Road, LLC) in the FD-20 District. The site is currently undeveloped. The applicant intends for the site to be used to store and maintain equipment and materials typically associated with construction contractor operations, including heavy machinery, excavators, semi-trucks and vehicles such as trucks, trailers and vans. The site could also be used for storage of materials such as rock, gravel, soil, piping, concrete blocks. All vehicles, equipment, and material storage will be uncovered as no buildings are proposed at this time. Subsequent land use and Building Department approval will likely be required if the applicant proposes to construct any office or storage buildings.

2. The ITE Trip Generation Manual does not include trip generation data for contractor's establishments. The applicant stated that the proposed use will not generate many trips. This is due in part to the absence of any office or storage buildings on the site. The applicant stated that the proposed use will not generate more than 14 ADT and further opined that the proposed use is anticipated to generate 4 ADT. Staff concurs with the applicant's findings that the proposed use will be a low trip generator.
3. 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 that result in changes to uses not consistent with the uses as described in this application may require additional review. To set a baseline of current conditions if approved by the Hearings Officer, staff has included a recommended condition of approval in Attachment B of this staff report limiting approval to the vehicles, equipment, and operation of the contractor's establishment as described in this application. The addition of other uses and features may require subsequent approval through the land use application process.
4. A public hearing notice was mailed for this project in accordance with County requirements. No letters were received in response to the public notice prior to completion of this report.
5. Comments were received from the Washington County Building Division and county Engineering (see Casefile). Where appropriate, the recommendations proposed in these letters are included as Conditions of Approval in Attachment B of this report.
6. Application Submitted: May 2, 2024
Application Deemed Complete: June 11, 2024
Public Hearing Date: August 15, 2024
120 Day Clock: October 9, 2024

A. Washington County Comprehensive Framework Plan:

STAFF: 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 located within Area of Special Concern No. 6, as designated on Map C of Policy 41. Area of Special Concern No. 6 is subject to the following:

6. *Area of Special Concern 6 is comprised of approximately 264 acres of land located generally west of Coffee Creek Correctional Facility in the*

City of Wilsonville. The boundary of ASC 6 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted on June 24, 2004), and were designated as Industrial land on Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.*
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:*
 - 1) Day care facilities, cemeteries, religious institutions and schools are prohibited due to the area's designation as an Industrial Area.*
- c) The Title 11 planning required by Metro shall:*
 - 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.*
 - 2) Incorporate the general location of projected right-of-way location alignment for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.*

Metro identified the Basalt Creek Planning Area in 2004 as a "good candidate" for industrial development due to its proximity to I-5 and Wilsonville's industrial area to the south. This area also contained large, flat sites which are well-suited for industrial users. In order to ensure a sufficient regional supply of land for employment growth over the next twenty years, Metro passed an ordinance in 2004 to include land into the Urban Growth Boundary (UGB) which included the Basalt Creek Planning Area (Ordinance No. 04-1040B). This area was expected to accommodate about 1,200 new housing units and 2,300 mostly industrial new jobs.

Land brought into the UGB is required to be concept planned for land use and transportation by the city intended to provide urban services, per Title 11 of Metro's Regional Functional Plan. The Basalt Creek Concept Plan was developed by both the Cities of Tualatin and Wilsonville to meet this requirement and provide a roadmap for development of the area consistent with state, regional and local land use planning laws.

The development site is located on the south side of SW Tonquin Road, between SW 124th Avenue/SW Basalt Creek Parkway and SW Grahams Ferry Road. The site is within the City of Tualatin's Basalt Creek Concept Planning Area, specifically in the West Railroad Area and also designated in the Tualatin Future Annexation Area. SW Basalt Creek Parking provides the jurisdictional boundary between Tualatin (to the north) and Wilsonville (to the south). The Basalt Creek Planning Area is further described as follows:

"The Basalt Creek Planning Area consists of 847 acres located in Washington County between the Cities of Tualatin and Wilsonville. The Planning Area is irregularly shaped, generally oriented east-west with an extension southward at the western edge, which is commonly referred to as the West Railroad Area. The West Railroad Area is divided from the rest of the Planning Area by the Portland and Western Railroad (PNWR) and the Coffee Creek Correctional Facility. The rest of the Basalt Creek Planning Area is bound by Norwood and Helenius Roads to the north, Interstate 5 (I-5) to the east, Coffee Lake Creek to the west, and Day Road to the south until it reaches Coffee Creek Correctional Facility, where the boundary turns north on Graham's Ferry and then westward again on Clay Road. The area also has distinctive natural features, particularly its namesake - Basalt Creek - and the surrounding wetlands habitat running north-south through the eastern half of the Planning Area. The primary existing land uses in Basalt Creek are rural agriculture, industrial, and rural residential consisting of low-density single-family housing. Washington County recently completed construction of a portion of the Basalt Creek Parkway, extending 124th Avenue and connecting Tualatin-Sherwood Road to Grahams Ferry Road. In the future, the Parkway will run east-west across the Planning Area between Grahams Ferry Road and Boones Ferry Road, and eventually extend over I-5. The parkway will be a high-capacity major freight arterial with limited access to local streets providing industrial access from the Tonquin, Southwest Tualatin, and Basalt Creek Planning Areas."

City of Tualatin Ordinance No. 1418-19 (Exhibit 11) designated this site, the parcel to the east and the FD-10 and FD-20 lands to the north as Manufacturing Business Park (MBP). The Basalt Creek Concept Plan was adopted by Tualatin on August 13, 2018, and by Wilsonville on August 6, 2018. Upon annexation into Tualatin, the MBP designation would apply, until then development is subject to the FD-20 District

(CDC Section 308). Development of a Contractor's Establishment as proposed (i.e., without buildings/structures) will not adversely affect future development of the site with a Manufacturing Business Park should the site annex into Tualatin.

Further, no land division is proposed nor does the application involve development review for commercial retail uses. For further information, see Section 308 of this report. In addition, according to Map B of Policy 41, there are no designated significant natural resources on the subject property. The area is mapped with Mineral and Aggregate District B; however, the proposed use is not considered a use sensitive to noise from quarrying activities (e.g., not residential) and findings for the requirements of CDC Section 379 (Mineral and Aggregate Overlay District) are not required for this report.

C. Washington County Community Development Code:

1. Article II, Procedures:

Section 202 Procedure Types and Determination of Proper Procedure

202-3 Type III Procedures

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 308-4.5 of the Code. In accordance with the Type III procedural requirements, public notice was sent to surrounding property owners within 20 days of the scheduled August 15, 2024, hearing.

203-3 Neighborhood Meeting

STAFF: The proposed use is a Type III use in the FD-20 District but is not a type of application for which a neighborhood meeting is required, per Section 203-3.2.A. The site is not within 125 feet of a residential land use district or zone. Staff notes that the applicant may hold such a meeting but is not required to do so by the Community Development Code.

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: The applicant shall comply with all applicable Code regulations, conditions of approval, and agency requirements upon any approval by the Hearings Officer.

2. **Article III, Land Use Districts:**

Section 308 FD-20 District:

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: As stated previously, the proposed Contractor's Establishment will be limited to the storage and maintenance of contractor equipment, including heavy machinery, excavators, semi-trucks and other vehicles associated with the proposed use. The site could also be used to store materials such as rock, gravel, soil, piping, concrete blocks. No buildings are proposed at this time. Future expansion to include buildings for office or storage may require land use review.

The site will not be open to customers or the public. No letters of comment have been received requesting specific hours of operation. Staff notes, however, that the Washington County Noise Ordinance requires the applicant limit hours of operation of the site to between 7am and 7pm, Monday through Saturday. Noise associated with the proposed use is not expected to generate negative off-site impacts.

308-5 Prohibited Uses

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 proposed contractor's establishment, the applicant will have some of the equipment listed in this section on the site. Approval of this request constitutes development approval, thereby permitting the storage of the above heavy equipment on the site, as specified in this application.

308-6 Dimensional Requirements

308-6.1 *Lot Area:*

- A. *The minimum lot area shall be 20 acres unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area, or as provided below.*
- B. *Standard Partitions or property line adjustments to create or reconfigure parcels less than 20 acres may be allowed for public facilities and services associated with the provision of sewer, water, school, fire, and park and recreation services. If the Partition is required to accommodate the sale of land for the noted public facilities and services, application submittal materials shall include the following in order to demonstrate proof of a qualified service provider's intent to purchase the parcel(s) created through such a Partition:*
 - (1) *A letter of intent to purchase or signed purchase agreement from the applicable service provider for the proposed parcel(s), and*
 - (2) *Application by all the owners of the subject property and the service provider(s) intending to purchase the proposed parcel(s), or any person authorized in writing to act as agent of the owners or service providers.*

STAFF: The existing lot is about 4.64 acres in size. The application does not include any adjustments to the lot dimensions, including lot area.

308-6.2 *Yard Requirements:*

The minimum yard requirements shall be:

- A. *Thirty (30) foot front yard;*
- B. *Ten (10) foot side yard;*
- C. *Thirty (30) foot street side yard;*
- D. *Twenty-five (25) 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.*

308-6.3 *Height:*

STAFF: No buildings or any structures are proposed, and yard requirements are not applicable with this application.

308-6.4 *Lot Dimensions:*

- A. *The minimum lot width at the street shall be forty (40) feet;*
- B. *The minimum lot width at the building line shall be seventy (70) feet; and*
- C. *The minimum lot depth shall be one-hundred (100) feet.*

STAFF: The dimensions of the 4.64 acre site greatly exceed the applicable requirements of this section.

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.*
- 308-7.2 *Lawful nonconforming uses in the FD-20 District may be expanded or rebuilt to the limit of available services, through a Type II procedure when in conformance with the adopted Comprehensive Plan for the area. Expansion or replacement shall be subject to the provisions of development review and shall not include new uses.*
- 308-7.3 *Property in an Area of Special Concern on the Future Development Areas Map in the Comprehensive Framework Plan for the Urban Area is subject to the applicable Area of Special Concern provisions in Plan Policy 41.*

STAFF: The proposed outdoor storage yards to be used by the Contractor's Establishment is not expected to interfere with future conversion of the site to planned urban densities, expected future zoning, and/or future uses and is consistent with the applicable requirements of Policy 41 of the Comprehensive Framework Plan for the Urban Area.

308-8 Access

All lots in this District shall either:

- 308-8.1 *Abut a public street; or*
- 308-8.2 *Have an easement of record at least forty (40) feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.*

STAFF: The subject site abuts and derives access from SW Tonquin Road, a county Arterial. Access to SW Basalt Creek Parkway is not proposed or permitted. Staff notes an access easement (2021-130077) was recorded across the northeast corner of the site granting access to SW Tonquin Road for Tax Lot 2S134DC00850. The criteria above are met.

3. **Article IV, Development Standards:**

Section 403 Applicability

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

Section 407 Landscape Design

STAFF: The Code has no specific provisions for landscaping of a contractor's establishment, except subsection 407-1.4 B.(1), which requires 15% of the site to be landscaped for development proposed in industrial districts. The applicant's site plan (plan sheet P5) depicts areas of landscaping. This includes the existing natural landscaping that will be retained through the middle of the site extending from SW Tonquin Road to SW Basalt Creek Parkway and associated with an unnamed drainage channel. Further, according to the Natural Resources Map (Figure 13) of Tualatin's Basalt Creek Concept Plan there are wetlands associated with this drainage channel. However, the county's regulatory maps do not identify any Goal 5 Resources, including Metro's Title 13 Riparian Resources, on the site. It is worth noting that the applicant proposes to construct a bridge across this channel, which will limit impacts to the existing natural landscaping and natural resources. There are Title 13 Riparian Resources along either side of the off-site rail corridor to the east.

Upon completion of the construction (e.g., seeding sloped graded areas) the landscape areas will encompass about 55% of the site. The area of landscaping will greatly exceed the minimum 15% landscaping requirement in accordance with this section.

Section 408 Neighborhood Circulation

STAFF: The site is essentially a corner lot at the intersection of SW Tonquin Road and SW 124th Avenue/SW Basalt Creek Parkway. This Section requires the applicant to provide a circulation plan for the area based on the proposed development. The proposed project is not identified as a Local Street Connectivity Area; therefore, this project is subject to the requirements of Section 408-5.

Staff finds that the applicant should be granted a modification to the requirements of Section 408-5.4, based on the topography of the site, including SW Basalt Creek Parkway as it is elevated over the nearby rail line located just east of the site, and access restrictions on SW Basalt Creek Parkway (Arterial) and SW Tonquin Road (Collector) and the presence of natural resources and stream channel that flows through the middle of the site, from south to north.

The extension of streets and/or pedestrian and bicycle accessways from SW Tonquin Road through the site to the south and accessing SW Basalt Creek Parkway are not necessary or conducive to the day- to-day operations of the proposed Contractor's Establishment. Streets and/or pedestrian accessways are also not needed to extend through the site to connect the Collector and the Arterial. As stated

above, the existing constraints preclude any practical or feasible access through the site consistent with the modification criteria of Section 408-5.5.

Section 410 Grading and Drainage

STAFF: The current land development application requests approval to construct a contractor's establishment (storage and parking yard only). The applicant submitted preliminary details and grading and drainage plans as required by this section.

The Washington County Grading Engineer has reviewed the preliminary details and determined the submitted preliminary plans meet the requirements of Section 410-1.1. A Grading Permit shall be obtained prior to any on-site work and shall comply with conditions of approval of this Casefile. As a Recommended Condition of Approval, the applicant shall obtain a grading permit from the Washington County Building Services Division that meets applicable requirements of Section 410, as determined by the county Grading Engineer.

Section 413 Parking and Loading

STAFF: Section 413 does not contain specific parking requirements for a contractor's establishment. The most similar use is an "Industrial Establishment" (Section 413-7.5.A), which requires 1.6 spaces per each 1,000 square feet of gross floor area. No buildings are proposed at this time. Therefore, using this ratio, no parking spaces would be required. Staff also notes, per the applicant, the site will be closed to the general public and customers are not expected. Staff therefore finds no off-street parking is required under this section for the proposed Contractor's Establishment.

As stated previously, the site is intended to be used to store and maintain contractors' equipment, including heavy machinery, excavators, semi-trucks and other vehicles such as trucks, trailers and vans, and construction equipment. In accordance with Section 413-5.4 of the Code and based upon approval of a grading plan pursuant to Section 410, parking areas for the storage of heavy equipment or vehicles in the Industrial District 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.

While the FD-20 district is not generally considered an industrial district, the applicant proposes an industrial use in an area identified in Policy 41 of the Comprehensive Framework Plan for the Urban Area as a future industrial area. As stated previously, the City of Tualatin Ordinance No. 1418-19 (Exhibit 11) designated this site as Manufacturing Business Park (MBP). The proposed Contractor's Establishment will not adversely affect the ability for the site to developed with a Manufacturing Business Park if the site is annexed into Tualatin.

Accordingly, prior to Final Approval, it is a Recommended Condition of Approval that the applicant provides written certification from an engineer that the truck parking areas have been constructed in accordance with the requirements of Section 413-4.4.

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 at a later time, a sign permit shall be required to be obtained from Washington County Current Planning Services.

Section 418 Setbacks

418-4 Fences and Retaining Walls

The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3:

- 418-4.1 *A fence, wall (includes retaining wall), screen or lattice work not more than seven (7) feet in height.*
- 418-4.2 *A fence, wall (includes retaining wall), screen or lattice work not more than eight (8) feet in height along a rear, side or front yard which abuts an arterial or limited-access highway.*
- 418-4.3 *A combination fence (not more than six [6] feet in height) and retaining wall structure (not more than four [4] feet in height) located in a side or rear yard (for design standards see Section 419-4).*
- 418-4.4 *Tiered retaining wall structures not exceeding seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.*

Section 419 Height

- 419-3 *A fence, lattice work, screen or wall (includes retaining wall) not more than 7 feet in height may be located in any required side, front or rear yard, except as required by Section 418-3 (corner vision). Where a rear, side or front yard abuts an arterial or limited access highway, fence height along the yard may be increased to 8 feet. Any fence over 7 feet in height requires a building permit. Any retaining wall over 4 feet in height requires a building permit (the height measurement of a retaining wall is from the bottom of footing to the top of the retaining wall).*

STAFF: No retaining wall are proposed to create large level parking and storage areas. According to the application, there are no fences currently existing on the site and no fences are planned at this time.

Section 423 Environmental Performance Standards

423-4 Air Quality

All development shall comply with the State Department of Environmental Quality Air Quality Standards.

423-5 Odor

All development shall comply with the State Department of Environmental Quality Standards pertaining to odor.

423-6 Noise

All development shall comply with Chapter 8.24 of the Washington County Code of Ordinances relating to noise control. Documentation required to demonstrate compliance may include analysis from a registered professional acoustical engineer.

423-7 Vibration

No development shall generate ground vibration which is perceptible by the Director beyond the property line of origin without use of instruments. Ground vibrations caused by motor vehicles, trains, aircraft, or temporary construction work are exempt from strict application of these standards, but good faith efforts to control such vibrations shall be made by the originator.

STAFF: The State Department of Environmental Quality (DEQ) standards pertaining to air quality apply to all land uses. No unusual air quality problems as regulated by DEQ are anticipated as a result of the proposed Contractor's Establishment. The proposed Contractor's Establishment expansion is expected to operate in compliance with DEQ standards.

The applicant stated that the proposed operation will comply with Department of Environmental Quality (DEQ) standards. In addition, some amount of noise will be generated involving the outdoor storage of equipment, vehicles and materials. However, no unusual problems with noise or vibration are anticipated with the proposed development. The applicant shall be required to comply with the Washington County Noise Ordinance at all times.

423-8 Heat and Glare

Heat and glare shall be limited as follows:

423-8.1 *Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.*

423-8.2 *Exterior lighting shall be directed entirely away from adjacent properties.*

STAFF: According to the applicant, the development will not include a building or include any business operation that would generate heat and/or glare.

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: As stated previously, the site to be used to store and maintain contractors' equipment, including heavy machinery, excavators, semi-trucks and other vehicles such as trucks, trailers and vans, and smaller construction equipment. The storage of materials such as rock, gravel, soil, piping, concrete blocks may also occur on site. All vehicle and equipment and material storage will be uncovered as no buildings are proposed at this time and none of the materials are expected to attract or aid the propagation of insects or rodents or create a health hazard. Lastly, fencing is not proposed at this time but could be installed later if the applicant chooses to fence the storage areas for security.

423-9.4 *Storage of Hazardous Materials*

Developments which store hazardous materials must comply with State standards, OAR Chapter 340 Division 63, and the Federal standards, 40 CFR Part 262 and 264 and shall demonstrate such compliance. All hazardous materials must be stored above ground. Transport of and disposal of such materials shall be in conformance with all applicable local, State and Federal regulations with such compliance demonstrated.

STAFF: As stated previously, the site could also be used for storage of materials such as rock, gravel, soil, piping, concrete blocks. The contractor's establishment does not involve the storage, transport, or disposal of hazardous materials.

423-10 Drainage and Waste Water

All development shall comply with the State Department of Environmental Quality Water Quality Standards for all runoff, drainage and waste water.

STAFF: The applicant states that stormwater runoff, drainage, and wastewater management will be designed to comply with applicable Department of Environmental Quality (DEQ) water quality standards. Stormwater management is proposed to be met by providing two below-ground stormwater facilities and drainage swales. Compliance with this standard will be evaluated as part of County Grading Permit review. DEQ's website provides the following information regarding if a DEQ permit is required for construction activities:

"Construction activities that disturb one acre or more, including clearing, grading and excavation, are required to have a National Pollutant Discharge Elimination System general permit #1200-C. Projects that disturb one acre or more over a period of time or are part of a common plan are also required to apply for permit. This permit will require that erosion at the construction site be controlled to prevent sediment from entering waters of the state. An Erosion and Sediment Control Plan must be submitted to DEQ for approval prior to beginning construction."

As such, as a Recommended Condition of Approval, the applicant shall be required to provide evidence from the State DEQ that a 1200-C permit (construction stormwater permit) has been obtained or that it is not required.

423-11 Adequate Water Supply

All development shall be required to have an adequate water supply. Adequacy shall include:

423-11.1 Adequate supply for the use prior to issuance of a building permit (see Section 501-5.1, Critical Services).

STAFF: The applicant proposes to obtain water from sources presently available on site (an existing well). The existing well is adequate to serve the proposed use. Public water is not necessary given the fact that no buildings with habitable space are proposed. Approval of this application will not preclude the site's ability to obtain public water service from the City of Tualatin in the future. See findings for Section 501 below.

423-12 Radioactive Materials

The handling and storage of radioactive materials, the discharge of radioactive materials into air or water, and the disposal of radioactive waste in connection with all uses shall be in conformance with all applicable local, State, and Federal regulations with such compliance demonstrated.

423-13 Toxic or Noxious Matter

All development shall comply with the State Department of Environmental Quality standards pertaining to omission of toxic or noxious matter and such compliance shall be demonstrated.

STAFF: No radioactive, toxic or noxious materials are anticipated to be created or disposed of on-site.

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 shall obtain a grading permit and all grading shall be conducted using erosion control which meets the standards of the Washington County Erosion Control Plans Technical Guidance Book (January 1991).

4. Article V, Public Facilities and Services:

Section 501 Public Facility and Service Requirements

501-2 Application of the Public Facility and Service Standards Inside an Urban Growth Boundary

Application of the Public Facility and Service Standards (Section 501-1 through 501-13) shall apply to the Urban Unincorporated Area as follows:

501-2.3 *To any change in use, except when all of the following are met:*

A. Does not require a building permit;

STAFF: No buildings or structures are proposed under this application for a Contractor's Establishment. As a result, no building permits are required.

B. Does not, in itself, generate more than 14 additional vehicle trips per day as defined by the Institute of Transportation Engineers, Trip Generation Information Report;

STAFF: The applicant stated that the proposed Contractor's Establishment would generate less than 14 ADT and is anticipated to generate four ADT, significantly less than the threshold of 14 ADT as required above.

C. Has less than 12 additional fixtures attached to an existing, approved septic system or public sewer; and

STAFF: No buildings or structures exist or are proposed to be built to serve the proposed Contractor's Establishment: As a result, there are currently no fixtures on site, nor are any additional fixtures proposed.

D. Does not pose any unique public health or safety issues.

STAFF: Staff does not find that the proposed Contractor's Establishment poses as a unique public health or safety concern.

C. Ordinance No. 793-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 major collectors and arterial streets needed for development. This fee is based on the number of daily trips a site generates and is due at issuance of a building permit. TDT would be applicable if the Contractor's Establishment were expanded to include structure, such as buildings for offices or storage.

VI. SUMMARY AND RECOMMENDATION

The applicant has requested Development Review approval for a new Contractor's Establishment. 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 be in compliance 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 Recommended Conditions of Approval set forth in Attachment "B" of this report.