

Chapter 18.650
DURHAM ADVANCED WASTEWATER TREATMENT FACILITY PLAN DISTRICT

Sections:

18.650.010	Purpose
18.650.020	Where These Regulations Apply
18.650.030	Uses
18.650.040	Development Standards
18.650.050	Buffering and Screening Standards
18.650.060	Connectivity Standards
18.650.070	Off-Site Impact Standards
18.650.080	Discretionary Review
18.650.090	Additional Standards for Conditional Uses Within the Administrative Subdistrict
18.650.100	Temporary Off-Site Impact Permit

18.650.010 Purpose

The purpose of this district is to regulate the development of Clean Water Services (CWS) Durham Advanced Wastewater Treatment Facility (Durham facility) in such a manner that the Durham facility is able to grow and adapt to new regulatory and environmental conditions, while avoiding or mitigating negative off-site impacts to adjacent land uses. The Durham Advanced Wastewater Treatment Facility Plan District (plan district) is intended to provide land use regulations that accomplish the following:

- A. Allow expansion of the Durham facility to accommodate regional urban growth;
- B. Allow modification and adaptation of the Durham facility to satisfy changes in environmental or regulatory standards and to incorporate new technology and methods in wastewater treatment, waste-handling and processing, and wastewater, energy, and nutrient recovery;
- C. Require avoidance, management, and/or mitigation of negative off-site impacts on land uses adjacent to the Durham facility, recognizing that certain impacts are inherent in the operation of a regional wastewater treatment facility and that such impacts should be balanced with the overall community benefit such facilities provide;
- D. Regulate land uses, site and building design, and environmental impacts from new development within the plan district, taking into account the specialized operational requirements and the regional service nature of the Durham facility;
- E. Address transportation system impacts from future changes at the Durham facility;
- F. Establish specific land use and permitting processes for the Durham facility that will allow permit issuance on a timely basis; and
- G. Ensure Clean Water Services is able to comply with state and federal regulations pertaining to wastewater treatment and to utilize the most efficient and timely technology available. (Ord. 13-04 §1)

18.650.020 Where These Regulations Apply

- A. Boundaries. The regulations of this chapter apply to the Durham Advanced Wastewater Treatment Facility Plan District. The boundaries of this plan district, and the subdistricts therein, are shown on Map 18.650.A at the end of this chapter, and on the official zoning map.
- B. Subdistricts. The three sub-areas identified on Map 18.650.A and described below have different land use and development regulations, as set forth in Sections 18.650.030 through 18.650.100.
1. Administrative subdistrict. This area is primarily intended to accommodate the administrative offices, laboratories and other support functions of the treatment plant in an office park setting that is compatible with proximate residential and civic land uses to the north, east and west. The subdistrict also contains open space features that are intended to provide a buffer between wastewater treatment operations to the south and impact sensitive land uses and transportation facilities to the north.
 2. Operations subdistrict. This area is intended for the continued operation and expansion of the wastewater treatment facilities and accessory land uses. Wastewater treatment processes and accessory resource extraction and processing activities are expected and allowed by right in this area within an industrial setting.
 3. Floodplain subdistrict. This area is within the 100-year floodplain and is constrained by the presence of locally significant inventoried wetlands, buffers, and vegetated corridors. Activities with minimal disturbance such as wastewater conveyance facilities and community recreation uses are allowed within this area. (Ord. 13-04 §1)

18.650.030 Uses

- A. Types of uses. For the purposes of this chapter, uses are regulated within each subdistrict of the plan district in the following four ways:
1. A permitted (P) use is a use which is permitted outright within the applicable subdistrict, but subject to all of the applicable provisions of this title.
 2. A restricted (R) use is permitted outright within the applicable subdistrict, providing it is in compliance with special requirements, exceptions, or restrictions.
 3. A conditional (C) use is a use the approval of which is at the discretion of the hearings officer. The approval process and criteria are set forth in Chapter 18.330 of this title.
 4. A prohibited (N) use is one which is not permitted within the applicable subdistrict under any circumstances.
- B. Use table. Permitted uses within the Durham Facility Plan District are limited to those set forth in Table 18.650.1 of this chapter. Use classifications identified in Chapter 18.130 but not included in Table 18.650.1 are not allowed within the Durham Facility Plan District. Unanticipated land uses are subject to the provisions of Section 18.130.030.

Table 18.650.1: Use Table

Land Use	Administrative Subdistrict	Subdistricts Operations Subdistrict	Floodplain Subdistrict
Waste Related	N	P	N
Office	P	P	N
Basic Utilities	P	P	P
Utility Corridors	P	P	P
Industrial Services	C ¹	P	N
General Industrial	N	R ²	N
Community Recreation	P	P	P
Wireless Communication Facilities	P	P	P

- 1 Restricted to support facilities that are clearly accessory to and support the wastewater treatment facility, and conducted entirely indoors with the exception of parking. Support facilities are permitted conditionally within the administrative subdistrict.
- 2 Restricted to industrial land uses that are clearly accessory to the wastewater treatment facility and utilizing raw materials recovered, diverted, and/or produced by the collection and treatment of wastewater.

(Ord. 13-04 §1)

18.650.040 Development Standards

Development within the plan district is subject to the following development standards. Relief or variation from the applicable requirements of this title may be requested through an adjustment or variance, as set forth in Chapter 18.370 (Variances and Adjustments).

- A. Setbacks. Development within the plan district shall be subject to the following setback standards in order to reduce off-site impacts to adjoining uses and public facilities:
 1. Development shall maintain a 50-foot setback from the perimeter of the plan district, except as set forth in paragraphs 2 through 5 of this subsection A.
 2. Development within the administrative subdistrict shall be subject to a setback from Durham Road and 85th Avenue rights-of-way as measured from the southeastern edge and easternmost point of the main ornamental fountain, as set forth in Map 18.650.B.
 3. Development located entirely underground is exempted from setback requirements provided all other requirements of this title are satisfied, including buffering and screening standards.
 4. Venting facilities related to odor control systems are allowed within the required setback area provided they are flush or nearly flush with finished grade; integrate with existing landscaping through the use of a cover composed of gravel, sand, bark, living groundcover, or similar materials; and comply with all other requirements of this title including off-site impact standards. Ancillary equipment servicing the venting facilities, such as irrigation control panels and enclosed fans, are allowed provided they are low profile or flush with the ground, designed to integrate with existing landscaping, and comply with all other requirements of this title including off-site impact standard.

5. New structures fronting a public road shall maintain a setback of not less than 1/2 of the projected ultimate road width as measured from centerline of the adjacent roadway, utilizing street width set forth in Section 18.810.030, Street Standards, of this title.
- B. Height limits. Development shall meet the following subdistrict height requirements in order to reduce off-site impacts to adjoining uses and public facilities:
1. Development within the administrative subdistrict shall be subject to a 45-foot height limit.
 2. Development within the operations subdistrict shall be subject to a 50-foot height limit.
 3. Development within the floodplain subdistrict shall be subject to a 30-foot height limit.
- C. Lot coverage and landscaping. Development within the plan district shall be subject to the following lot coverage and landscaping standards: Development within the administrative and operations subdistricts shall be subject to a maximum lot coverage of 75%, inclusive of all buildings and impervious surfaces, and a minimum landscape requirement of 25%.
- D. Accessory structures. Accessory structures shall be subject to the following standards:
1. Accessory structures are permitted and shall meet all applicable development standards.
 2. All freestanding and detached towers, antennas, wind-generating devices, and TV receiving dishes, except as otherwise regulated by Chapter 18.798, Wireless Communication Facilities, shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments.
- E. Signs. Signage within the plan district shall be subject to the same regulations as that of the I-P Industrial Park Zoning District.
- F. Lot size. Development within the plan district shall be subject to the following lot size and width regulations:
1. Development within the plan district shall not be subject to a minimum lot size.
 2. Development within the plan district shall be subject to a 50-foot minimum lot width. (Ord. 13-04 §1)

18.650.050 Buffering and Screening Standards

New development must conform to the requirements of landscaping and screening (see Chapter 18.745), subject to the following exceptions to buffering and screening standards set forth in Tables 18.745.1 and 18.745.2:

- A. New development within the administrative subdistrict shall meet buffer standard D along the eastern boundary of the subdistrict, as set forth in Table 18.754.2. No buffering or screening is required along the northern and southern boundaries of the subdistrict.

- B. The operations subdistrict shall meet buffer standards F along all boundaries of the subdistrict, as set forth in Table 18.754.2, with the exception of the boundary between the operations subdistrict and administrative subdistrict.
- C. The floodplain subdistrict shall be subject to buffer standard A as set forth in Table 18.745.2.
- D. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the director's approval as an alternative to the buffer area landscaping and screening standards, provided it affords the same degree of buffering and screening as required by the code. (Ord. 13-04 §1)

18.650.060 Connectivity Standards

New development must conform to the requirements of street and utility improvement standards (see Chapter 18.810), subject to the following exceptions:

- A. Development within the plan district is exempted from block standards set forth in Section 18.810.040.
- B. New development shall provide for emergency vehicle access drive between 85th Avenue and the eastern terminus of Waverly Drive. The access drive shall be improved with an all-weather fire-apparatus access road and key box access in accordance with Tualatin Valley Fire and Rescue Fire and Life Safety Requirements and the Oregon Fire Code. (Ord. 13-04 §1)

18.650.070 Off-Site Impact Standards

- A. Purpose. The purpose of this section is to establish standards for negative off-site impacts resulting from noise, odor, and light generated within the boundaries of the plan district. The standards provide a measurable way to control and regulate the specified off-site impacts, and protects the occupants and operators of land uses adjacent to the plan district.
- B. Exemptions. The off-site impact standards do not apply to machinery, equipment, facilities and operations that were on the site and in compliance with existing regulations at the effective date of this chapter, but do apply to new machinery, equipment, facilities, operations, and activities. Documentation is the responsibility of the proprietor of the use if there is any question about when equipment or land uses were brought to the site.
- C. Relationship to other regulations. The standards set forth in this section do not supersede or replace regulations of the Department of Environmental Quality and any applicable county, state, and federal regulations.
- D. Noise standards. Development within the plan district shall comply with the following noise standards:
 - 1. Statistical noise levels. Equipment, facilities, operations, or activities within the Durham Facility Plan District shall not produce sounds that exceed in any one hour the noise levels specified in Table 18.650.2, as measured at the plan district boundary or at the furthest boundary of adjacent industrially-zoned properties:

Table 18.650.2: Noise Standards

Allowable Statistical Noise Levels, dBA[1]	7 AM – 10 PM	10 PM – 7 AM
L ₅₀	55	50
L ₁₀	60	55
L ₁	75	60

[1] L_x – Noise level can be equaled or exceeded x% of the time.

2. Impulse sound. Equipment, facilities, operations, or activities within the plan district shall not produce any sounds emitted for a duration of less than one second which exceed the sound pressure level of 100 dB between the hours of 7 a.m. and 10 p.m., or 80 dB between the hours of 10 p.m. and 7 a.m. as measured at the plan district boundary or at the furthest boundary of adjacent industrially-zoned properties.
3. Measurement. Sound level instruments shall conform to Section 6.02.420 of this code.

E. Odor standards. Development within the Durham Facility Plan District shall comply with the following odor standards:

1. Equipment, facilities, operations, or activities shall not generate off-site facility odors detectable at the following scentometer levels using the Nasal Ranger® field scentometer or equivalent device, as measured at the plan district boundary:
 - a. Any one instantaneous measurement of 7 or greater dilutions to threshold (D/T); or
 - b. Ten consecutive readings equal to or greater than 4 D/T occurring over a minimum four-hour period, to a maximum one-week period.
2. If development is found to be noncompliant with the odor standards contained within paragraph E.1 above, Clean Water Services (CWS) shall be responsible for the following:
 - a. Every scentometer reading in excess of 4 D/T or greater shall be tracked to the source of the odor by a trained and certified scentometer operator; and
 - b. If the source of the odor is found to originate from equipment, facilities, operations, or activities within the Durham Facility Plan District, CWS shall submit a report within 90 days of the notice of violation that identifies the cause of the off-site odor and the steps required to stop, reduce, and/or mitigate the odors.

F. Glare standards. Development within the Durham Facility Plan District shall comply with the following standards: Glare sources shall be hooded, shielded, or otherwise located to avoid direct or reflected illumination in excess of 0.5 foot candles, as measured at the plan district boundary or at the furthest boundary of adjacent industrially-zoned properties.

G. Documentation. The following provisions shall apply at the time of permit application or a request for enforcement:

1. When reviewing a permit application, the city may accept an evaluation and explanation certified by a registered engineer or architect, as appropriate, that the proposed development will meet the off-site impact standard or standards in question. The evaluation and explanation shall provide a

description of the use or activity, equipment, processes and the mechanisms, or equipment used to avoid or mitigate off-site impacts.

2. If the city does not have the equipment or expertise to measure and evaluate a specific complaint regarding off-site impacts, it may request assistance from another agency or may contract with an independent expert to perform the necessary measurements. The city may accept measurements made by an independent expert hired by the controller or operator of the off-site impact source. (Ord. 13-04 §1)

18.650.080 Discretionary Review

- A. Development classified as a conditional use in Table 18.650.1 shall be reviewed in accordance with the procedures and requirements set forth in Chapter 18.330, Conditional Use, of this title.
- B. Development meeting one or more of the following criteria shall be reviewed in accordance with the procedures and requirements set forth in Chapter 18.330, Conditional Use, of this title.
 1. An increase in vehicular traffic to and from the site in excess of 100 vehicles per day;
 2. The opening of a new access way onto Durham Road, or the improvement of the existing access way onto Waverly Drive for other than emergency vehicle access.
- C. Development not meeting the criteria of subsection A or B of this section is exempted from site development review as set forth in Chapter 18.360. Review for compliance with applicable standards shall be performed in conjunction with obtaining a building permit. (Ord. 13-04 §1)

18.650.090 Additional Standards for Conditional Uses Within the Administrative Subdistrict

- A. Purpose. Conditional uses are permitted within the administrative subdistrict, but have the potential to create unpleasant aesthetic impacts to nearby land uses and travelers upon Durham Road and Hall Boulevard. These standards are intended to reduce off-site impacts and ensure new development associated with these activities presents the appearance of a high quality office campus regardless of the interior activity.
- B. Standards. Conditional uses within the administrative subdistrict shall be subject to the following development standards in addition to those set forth in Sections 18.330.030 and 18.330.050:
 1. Outside storage. There shall be no outside storage of materials or equipment associated with a conditional use in the administrative subdistrict, other than incidental delivery and temporary staging of materials and equipment.
 2. Ground-floor windows. All street facing elevations along public streets shall include a minimum of 50% of the ground floor wall area with windows or glazed doorway openings. The ground floor wall area shall be measured from three feet above grade to nine feet above grade the entire width of the street facing elevation. Glazing covered with applied window film shall not be considered in the calculation to meet this standard.
 3. Building façades. Façades that face a public street shall extend no more than 50 feet without providing at least one of the following features: (a) variation in building materials; (b) a building off-set of at least one foot; (c) a wall area that is entirely separated from other wall areas by a

projection, such as an arcade; or (d) by other design features that reflect the building's structural system.

4. Building materials. Plain concrete block, plain concrete, corrugated metal, plywood, sheet press board, fiber cement products, or vinyl siding may not be used as exterior finish materials.
5. Roofs. Rooflines shall be designed as an extension of the primary materials used for the building and should respect the building's structural system and architectural style.
6. All roof-mounted equipment must be screened from view from adjacent public streets. Solar heating and photovoltaic panels are exempted from this standard. (Ord. 13-04 §1)

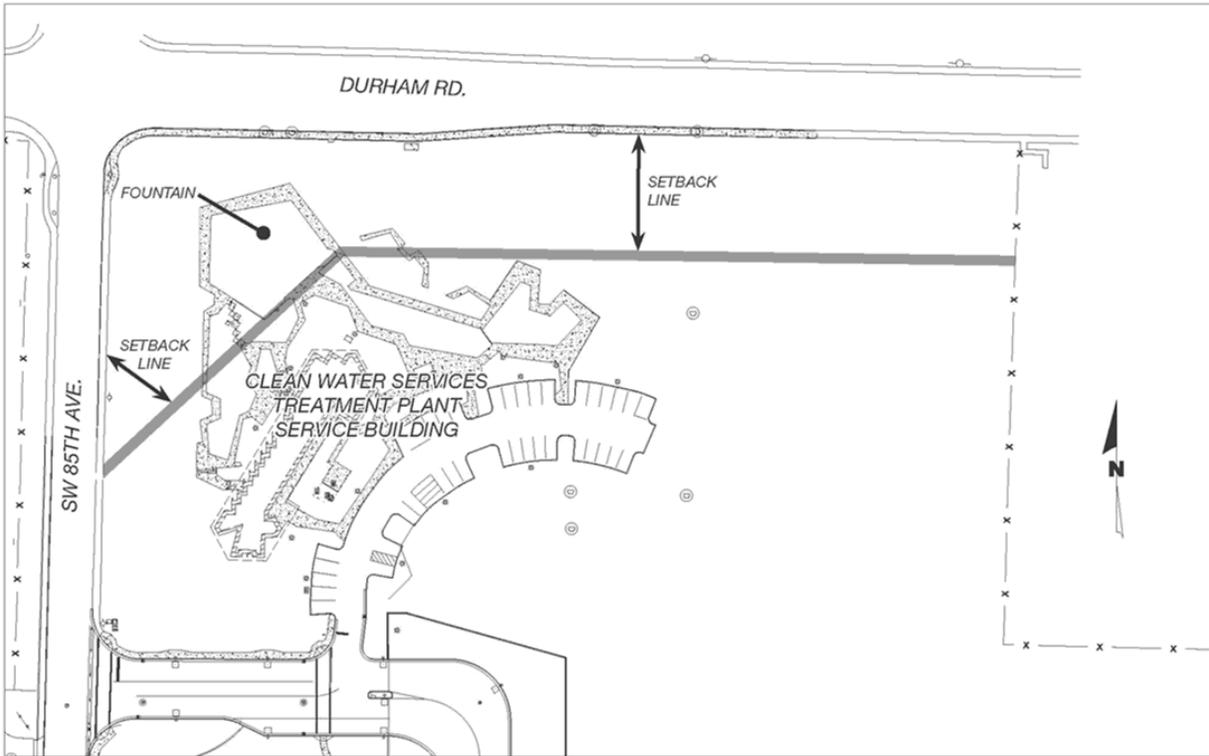
18.650.100 Temporary Off-Site Impact Permit

- A. Intent. Specific permits may be granted as deemed necessary to allow activities that protect the public health and welfare, and where strict compliance with noise, odor, and/or light standards may be inappropriate because of special circumstances that render strict compliance unreasonable, impractical, or would result in the reduction or cessation of wastewater treatment.
- B. Method of review. Temporary off-site impact permits to noise, odor, and/or light standards shall be processed as a Type I procedure as governed by Section 18.390.030, using approval criteria listed in subsection D of this section.
- C. Exceptions. Responses to an unexpected failure of a critical waste treatment process are exempted from the requirement for a temporary off-site impact permit for up to three business days, whereupon the facility operator shall submit a complete application for a temporary off-site impact permit.
- D. Approval criteria. The director shall approve, approve with conditions, or deny an application for a temporary off-site impact permit based on a finding that the following approval criteria are satisfied:
 1. The strict application of the noise, odor or light standards set forth in Section 18.650.070 is unreasonable, impractical, or threatens public health;
 2. A demonstration that consideration for impact sensitive land uses and appropriate mitigation measures have been incorporated into the request;
 3. A public outreach plan will be implemented, including a 24-hour telephone contact number for information and/or to lodge complaints about the project; and
 4. The off-site impact permit is limited in time and scope. (Ord. 13-04 §1)

Map 18.650.A: Plan District Boundaries and Subdistricts



**Map 18.650.B: Setback Line from Durham Road
Durham Facility Plan District**



(Ord. 13-04 §1) ■