

Chapter 18.630
DURHAM ADVANCED WASTEWATER TREATMENT FACILITY PLAN DISTRICT

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18.630.010 Purpose

A. Purpose. The purpose of this chapter 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 is intended to provide land use regulations that accomplish the following:

1. Allow expansion of the Durham facility to accommodate regional urban growth;
2. 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; processing; and wastewater, energy, and nutrient recovery;
3. Require avoidance, management, 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;
4. 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;
5. Address transportation system impacts from future changes at the Durham facility;
6. Establish specific land use and permitting processes for the Durham facility that will allow permit issuance on a timely basis; and
7. 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. 17-22 §2)

18.630.020 Applicability

- A. Applicability. The regulations of this chapter apply to the Durham Advanced Wastewater Treatment Facility Plan District. The boundaries of the plan district and the subdistricts are shown on Map 18.630.A, which is located at the end of this chapter, and on the official zoning map.
- B. Subdistricts. The three sub-areas identified on Map 18.630.A and described below have different land use and development regulations, as provided in Sections 18.630.030 through 18.630.100.
 - 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 special flood hazard area 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 Services uses are allowed within this area. (Ord. 17-22 §2)

18.630.030 Uses

General Provisions. A list of allowed, restricted, conditional, and prohibited uses in each subdistrict is provided in Table 18.630.1. The use categories in Chapter 18.60, Use Categories, that are not listed in Table 18.630.1, are not allowed within the plan district. Unanticipated or omitted uses are subject to the provisions of Section 18.60.030.

- A. Allowed (A). Uses that are allowed subject to all of the applicable provisions of this title.
- B. Restricted (R). Uses that are allowed provided they are in compliance with special requirements, exceptions, or restrictions.
- C. Conditional (C). Uses that require the approval of Hearings Officer using discretionary criteria. The approval process and criteria are as provided in Chapter 18.740, Conditional Uses.
- D. Prohibited (P). Uses that are not allowed under any circumstance.

**Table 18.630.1
Use Table**

Use Category	Subdistricts		
	<i>Administrative Subdistrict</i>	<i>Operations Subdistrict</i>	<i>Floodplain Subdistrict</i>
Waste Related	P	A	P
Office	A	A	P
Basic Utilities	A	A	A
Transportation/Utility Corridors	A	A	A
Industrial Services	C[1]	A	P
General Industrial	P	R[2]	P
Community Services	A	A	A
Wireless Communication Facilities	A	A	A

A=Allowed R=Restricted C=Conditional Use P=Prohibited

[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 allowed conditionally within the administrative subdistrict.

[2] Restricted to industrial uses that are clearly accessory to the wastewater treatment facility and utilizing raw materials recovered, diverted, or produced by the collection and treatment of wastewater. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.630.040 Development Standards

A. Setbacks. Development must comply with the following standards:

1. Development must maintain a 50-foot setback from the perimeter of the plan district, except as provided in Paragraphs 18.630.040.A.2 through 5.
2. Development within the administrative subdistrict is 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 shown in Map 18.630.B.
3. Development located entirely underground is exempted from setback requirements.
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 must maintain a setback of not less than 0.5 of the projected ultimate road width as measured from centerline of the adjacent roadway, utilizing street width provided in Section 18.910.030.

B. Height requirements. Development must comply with the following requirements:

1. The maximum height is 45 feet in the administrative subdistrict.
 2. The maximum height is 50 feet in the operations subdistrict.
 3. The maximum height is 30 feet in the floodplain subdistrict.
- C. Lot coverage and landscaping. Development is subject to the following lot coverage and landscaping standards: For development within the administrative and operations subdistricts the maximum lot coverage is 75 percent and the minimum landscape area is 25 percent.
- D. Accessory structures. Accessory structures must comply with the following standards:
1. Accessory structures are allowed and must meet all applicable development standards.
 2. Where freestanding private communication and utility facilities that are accessory to an allowed use and not subject to the provisions of Chapter 18.450, Wireless Communication Facilities, are proposed, such facilities must be set back from all property lines a distance equal to or greater than the height of the facility. Freestanding communication or utility facilities include, but are not limited to, wind turbines and communication towers, antennas, and receivers.
- E. Signs. Signage is subject to the same regulations as the I-P zone.
- F. Lot size. Development must comply with the following standards:
1. There is no minimum lot size.
 2. The minimum lot width is 50 feet. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.630.050 Landscaping and Screening Standards

All new development must comply with the required landscaping and screening standards as provided in Sections 18.420.040 and 18.420.050, with the following exceptions:

- A. Development in the administrative subdistrict must provide the following screening along the eastern boundary of the subdistrict. Screening is not required along the northern and southern boundaries of the subdistrict.
1. A screen that is 20 feet in width, planted with a six-foot hedge, trees spaced at a minimum of 15 feet and maximum of 40 feet; and shrubs;
 2. A screen that is 15 feet in width with a six-foot sight-obscuring fence, and planted with trees spaced at a minimum of 15 feet and maximum of 40 feet, and shrubs; or
 3. A screen that is 10 feet in width, planted with a six-foot wall, trees spaced at a minimum of 15 feet and maximum of 40 feet; and shrubs.
- B. Development in the operations subdistrict is subject to a 40-foot wide screen with a six-foot hedge, sight-obscuring fence, or wall and be planted with trees, spaced at a minimum of 15 feet and maximum of 40 feet; and shrubs along all boundaries of the subdistrict, with the exception of the boundary between the operations subdistrict and administrative subdistrict.

- C. The floodplain subdistrict is subject to a 10-foot wide screen planted with grass or living groundcover.
- D. In lieu of these standards, a detailed landscaping and screening plan may be submitted for the Director's approval as an alternative to the landscaping and screening standards, provided it affords the same degree of screening as required by this chapter. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.630.060 Connectivity Standards

New development must comply with the requirements of Chapter 18.910, Improvement Standards, subject to the following exceptions:

- A. Development within the plan district is exempted from block standards, as provided in Section 18.910.040.
- B. New development must provide for an emergency vehicle access drive between 85th Avenue and the eastern terminus of Waverly Drive. The access drive must be improved with an all-weather fire-apparatus access road and key box access in compliance with Tualatin Valley Fire and Rescue Fire and Life Safety Requirements and the Oregon Fire Code. (Ord. 18-23 §2; Ord. 17-22 §2)

18.630.070 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 protect 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 provided 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 must comply with the following standards:
 - 1. Statistical noise levels. Equipment, facilities, operations, or activities within the plan district may not produce sounds that exceed in any 1 hour the noise levels specified in Table 18.630.2, as measured at the plan district boundary or at the furthest boundary of adjacent industrially-zoned properties.
 - 2. Impulse sound. Equipment, facilities, operations, or activities within the plan district must not produce any sounds emitted for a duration of less than 1 second that 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 must conform to Section 6.02.420 of the Tigard Municipal Code.

Table 18.630.2 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 percent of the time.

E. Odor standards. Development within the plan district must comply with the following standards:

1. Equipment, facilities, operations, or activities must 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 4-hour period, to a maximum 1-week period.
2. If development is found to be noncompliant with the odor standards provided in Paragraph 18.630.070.E.1, Clean Water Services (CWS) will be responsible for the following:
 - a. Every scentometer reading in excess of 4 D/T or greater must 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 plan district, CWS must 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, or mitigate the odors.

F. Glare standards. Glare sources must 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 apply at the time of development permit or a request for enforcement:

1. When reviewing a development permit, 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 must 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. 18-23 §2; Ord. 17-22 §2)

18.630.080 Discretionary Review

- A. Conditional uses. A use classified as a conditional use in Table 18.630.1 or meeting one or more of the following will be reviewed in compliance with Chapter 18.740, Conditional Uses.
 - 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.
- B. Development permits. Development not meeting the criteria of Subsection 18.630.080.A is exempted from site development review as provided in Chapter 18.780, Site Development Review. Review for compliance with applicable standards will be performed in conjunction with obtaining a development permit. (Ord. 18-23 §2; Ord. 17-22 §2)

18.630.090 Additional Standards for Conditional Uses Within the Administrative Subdistrict

- A. Purpose. Conditional uses are allowed 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 are subject to the following:
 - 1. Outside storage. 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, is prohibited.
 - 2. Ground-floor windows. All street facing elevations along public streets must include a minimum of 50 percent of the ground floor wall area with windows or glazed doorway openings. The ground floor wall area is measured from 3 feet above grade to 9 feet above grade the entire width of the street facing elevation. Glazing covered with applied window film will not be considered in the calculation to meet this standard.
 - 3. Building facades. Facades that face a public street and extend more than 50 feet must provide at least one of the following features:
 - a. Variation in building materials;
 - b. A building off-set of at least 1 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 are prohibited exterior finish materials.
5. Roofs. Rooflines must 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 to the S-1 standard as provided in Section 18.420.050. Solar heating and photovoltaic panels are exempted from this standard. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

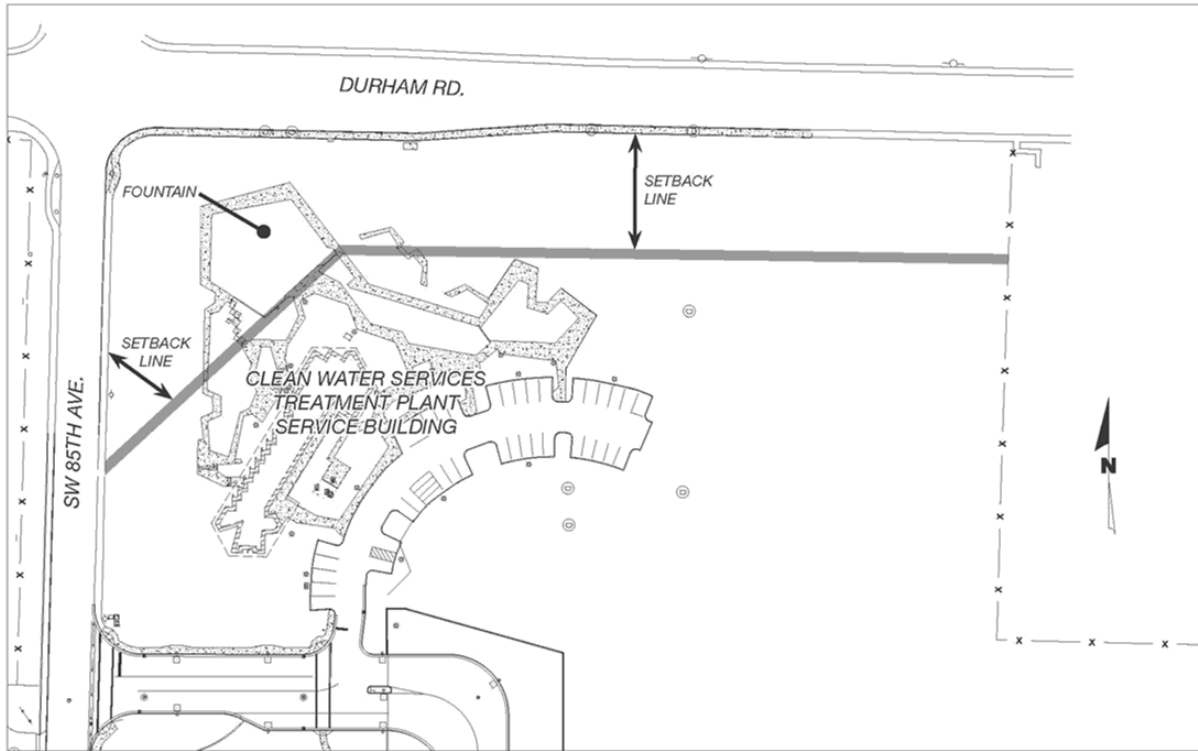
18.630.100 Temporary Off-Site Impact Permit

- 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, 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. Approval process. Temporary off-site impact permits to noise, odor, or light standards are processed through a Type I procedure as provided in Section 18.710.050, using approval criteria in Subsection 18.630.100.D.
- 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 3 business days, whereupon the facility operator must submit a complete application for a temporary off-site impact permit.
- D. Approval criteria. The approval authority will approve or approve with conditions an application for a temporary off-site impact permit when all of the following are met:
 1. The strict application of the noise, odor, or light standards as provided in Section 18.630.070 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 or to lodge complaints about the project; and
 4. The off-site impact permit is limited in time and scope.

Map 18.630.A: Plan District Boundaries and Subdistricts



**Map 18.630.B: Setback Line from Durham Road
Durham Facility Plan District**



(Ord. 18-23 §2; Ord. 17-22 §2) ■