



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: May 17, 2010

SUBJECT: Work Session for May 24, 2010

5:00 p.m. (30 min) – Executive Session – Labor Relations – ORS 192.660(2)(d).

5:30 p.m. (30 min) – Council Meet & Greet Program. As part of the last goal-setting retreat the Council discussed creating an informal opportunity to meet with residents on a regular basis. There are a variety of ways such a program could be structured and before moving forward, staff is looking for direction from the Council as to how best to structure the program. Staff researched several other cities in Oregon who have such a program; that information is included in the attached report from Carina.

6:00 p.m. (25 min) – Historic Regulations Update. Council has had several discussions about updating the historic regulations section of the code. Attached is a memo from Colin; at the top of page 2 is a recap of the latest direction that Council gave last September. Staff has worked with the Tualatin Historical Society on this and would like to update the Council on the progress and feedback of the historical society before finalizing a code amendment.

6:25 p.m. (20 min) – Land Use Notification. Based on Council's direction, staff worked through TPAC on expanding public notification for land use issues. The Plan Text Amendment, modifying the code is on tonight's Council agenda. The purpose of this work session item is to review the sign and postcard design templates and to clarify any issues on the PTA before the public hearing at the Council meeting. Attached is a memo from Colin that includes some sample templates and post cards.

6:45 p.m. (10 min) – Council / Commission Meeting Agenda Review, Communications & Roundtable. This is the opportunity for the Council to review the agenda for the May 24th City Council and Development Commission meetings and take the opportunity to brief the rest of the Council on any issues of mutual interest.

Upcoming Council Meetings & Work Sessions: Attached is a three-month look ahead for upcoming Council meetings and work sessions. If you have any questions, please let me know.

Dates to Note: Attached is the updated community calendar for the next three months.

As always, if you need anything from your staff, please feel free to let me know.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Carina Christensen, Assistant to the City Manager 

DATE: May 24, 2010

SUBJECT: MEET 'N GREET PROGRAM FOR TUALATIN CITY COUNCIL

ISSUE BEFORE THE COUNCIL:

Review the ideas presented for a possible Meet 'n Greet Program for the Tualatin City Council and provide direction on moving forward with a program and how it should be structured. Specifically address the following aspects of a program:

- Individual councilors vs. multiple councilors present
- Informal chat vs. topic-based
- One-on-one vs. town-hall type forum
- Preference on location: Library, coffee shop?.
- Utilize summer events already planned, such as Movies on the Commons?

BACKGROUND:

The topic of a Meet 'n Greet program arose during the Council's goal setting retreat in November 2008. The program was stated as a performance objective of goal number eight.

- Goal No. 8: Continue to develop and expand opportunities for citizen awareness and active civic involvement in Tualatin, both at the community and neighborhood levels.
 - Performance Objective: Implement regular Meet-n-Greet Program.

Staff is prepared to move forward with implementation of such a program once direction has been received on the points mentioned in the "Issue Before the Council" section above.

DISCUSSION:

Staff researched other cities that have implemented various types of Meet 'n Greet programs. The following cities provided information:

MEMORANDUM: Meet 'n Greet Program

May 24, 2010

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City	Type of Activity	Notes
Bend, OR	Quarterly meetings: "Open Line with City Council"	Meetings target specific interests with the whole council present. Format is 30 min. of meet and greet. Staff wanders around to note hot topics that come up and then choose 3 of those topics for the next 30 min. discussion.
Corvallis, OR	"Government Corner:" At the library.	Program is once a month, on a Saturday morning, in the library. Councilors take turns sitting at a table for a couple of hours and talk to whoever shows up. Councilors then normally include any news about what they heard or were asked about under city council reports at the next meeting. No staff, just the councilor.
Damascus, OR	"Coffee with a Councilor"	Once a month. No more than three councilors attend so they don't have a quorum. Used to be sparsely attended but now it is very well attended. Public likes the informal format.
Tigard, OR	Informal gathering at the library.	Any number of councilors can attend. Staff get commitments from councilors and space them out in the lobby at different tables or couches and chairs so that they are not acting as a quorum (if enough are present for a quorum). Staff ensures that one of the councilors present reminds councilors not to get together on questions and make decisions. The City provides coffee and some type of snack/pastry for residents. They have had positive feedback. Residents like the informal atmosphere. Councilors take notes on questions that they may need to follow up on with staff. This is currently a monthly event.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *CL*

FROM: Doug Rux, Community Development Director *DR*
Colin Cortes, Assistant Planner *C.C.*

DATE: May 24, 2010

SUBJECT: HISTORIC PRESERVATION HOLISTIC REVIEW (PTA-09-03)

ISSUE BEFORE THE COUNCIL:

The issue before the Council is amending the historic preservation ordinance and how to do so.

POLICY CONSIDERATIONS:

During the December 8, 2008 work session, the Council desired that an ideal historic preservation program:

- Allow for reconstruction of a structure, including partial reconstruction or a replica; reuse of materials, including facades and architectural details (on or within a replacement building or another building on or off-site); and incorporation of a structure into a new structure.
- Define more terms to facilitate ordinance implementation, including to specify the roles of sites and view corridors or view sheds in addition to structures.
- Rely primarily on economic incentives and less on regulatory mandates.
- Designate a limited set of identified structures for highest priority for preservation and draft a list based on the written recommendations of the Tualatin Historical Society (THS).
- Recognize a secondary tier of structures and accord lesser preservation priority; these structures would be subject to less stringent preservation as suggested in the first bullet above.
- Make historic preservation attractive to owners of candidate structures and publicize historic preservation among the general public.
- Have outside parties fund the vast majority of historic preservation.
- Whenever possible, obtain support for historic designation by owners of candidate structures.
- Cease owner negligence of historic structures by adopting minimum maintenance standards and enforcing them.

During the September 28, 2009 work session, the Council emphasized previous points and added new ones:

- Designate a limited set of identified structures for highest priority for preservation and draft a list based on the written recommendations of the Tualatin Historical Society (THS).
- Allow for reconstruction of a structure, including partial reconstruction or a replica; reuse of materials, including facades and architectural details (on or within a replacement building or another building on or off-site); and incorporation of a structure into a new structure.
- Allow for a fund, analogous to environmental "off-site mitigation," to which applicants for demolition of a given historic landmark would contribute to fund maintenance and rehabilitation of other landmarks.
- Require that landmark designations be recorded on property deeds through the Counties.
- Clarify whether a building, site, or object is designated.

Attachment A is the excerpted minutes of the December 8, 2008 work session, and Attachment B is the excerpted minutes of the September 28, 2009 work session. Attachment C is Tualatin Development Code (TDC) Chapter 68, the historic preservation ordinance.

BACKGROUND:

The Council expressed the desire to take a holistic review of the Tualatin historic preservation program following PTA-08-03, an approved Plan Text Amendment regarding historic demolition criteria. Based on initial evaluation, staff provided an overview of the City's current historic preservation program and possible improvements to the program for the Council work session on December 8, 2008. The Council sketched the first outlines of a desired program and directed staff to return to help further define what the historic preservation program could be.

Staff met with the board of the Tualatin Historical Society (THS) on January 5, 2009 to solicit its comments on historic preservation in Tualatin. Yvonne Addington, President, emailed comments on April 21, 2009. Staff returned with these comments and research to a second work session on September 28, 2009. The Council emphasized financial mitigation of demolition by an owner, ranking landmarks and delisting others based on THS comments, reusing main facades and ornament following demolition, clarifying that designation applies to a structure or object, not property, and requiring minimum maintenance standards to cease demolition by neglect.

Staff met with three THS board members on February 12, 2010: Karen Lafky Nygaard, Loyce Martinazzi, and Yvonne Addington. Staff presented a first draft of amendments to Tualatin Development Code (TDC) Chapter 68, which is the historic preservation ordinance, that reflected Council direction. Attendees went through the list of existing landmarks, and the members verbally ranked each on a preservation priority scale of 1 to 3 (high to low). Additionally, staff noted additional landmarks that the attending members of the Society would like to see added to the landmark list. Doug and Yvonne discussed

the City of Tualatin Historic Resource Technical Study and Inventory 1992/1993 that forms the basis of TDC 68; that most of the suggested additional landmarks were inventoried yet not found significant enough for designation; and, that some buildings not originally inventoried would require inventory per present state rules regarding Oregon Statewide Planning Goal 5 – work that should be done by THS instead of City staff.

The meeting concluded with an understanding that the attending members would involve the rest of the THS board in drafting a document for the City confirming the priority ranking of listed landmarks; listing suggested additional landmarks; and, commenting on the first draft amendments to the ordinance.

THS later mailed a letter dated March 20, 2010 to Mayor Ogden and the City Council and e-mailed a copy to staff. The letter ranks both listed and additional landmarks and lists other priorities of the Society. Refer to Attachment D.

GOALS:

The relevant strategies in the Tualatin Tomorrow Community Vision & Strategic Action Plan (June 2007) are:

Strategy PRN 10: Natural and Cultural History Preservation.

- Preserve and celebrate Tualatin's natural history through public awareness activities, events and community facilities.

Strategy GLC 10: Community Information.

- Work to maximize community resources to keep community members informed through regular, consistent, dedicated sources of information.

The relevant objective in the Strategic Management Plan (2009) is:

Goal No. 2

- Manage development, redevelopment, and projected change that will occur within the city to maintain Tualatin's quality and what the citizens value as a community.
- Two-year Performance Objective 9 (Objective 2.9).
- Review the historic ordinance.

DISCUSSION:

In its letter, the Tualatin Historical Society (THS) stated that the Council ought to:

Buildings

- Consider historical sites as well as building structures for preservation.
- Consider additional restrictions to prevent the destruction of historic structures through lack of upkeep.
- Consider not delisting historic structures because they have been upgraded.
- Rank existing landmarks and designate additional ones as shown in Attachment E.

There are 26 designated landmarks in TDC 68.040. Of these, four (4) are demolished or being demolished, leaving 22 standing. Of these, THS ranks 13 as high priority. THS proposes designating 15 additional buildings as landmarks, of which 5 the THS ranks as high priority.

Areas and Markers

- Continue designation of historical sites with historical and interpretive signs regarding pre-history, Atfalati Native Americans, and pioneers and settlers.
- Consider additional locations to post signs:
 - Tualatin Commons Park (referenced as “Tualatin Triangle”), for the “Valley of the Giants” prehistoric beasts.
 - South of Fred Meyer, for the mastodon excavation.
 - Ki-a-kuts Pedestrian Bridge, for the excavation of Harlan’s Ground Sloth.
 - SW Herman Road area, north of Tigard Sand & Gravel, and along future extension of SW 124th Avenue, for erratic, which are large lithic remnants of the Missoula Floods, which occurred over 2,000 years from 13,000 to 11,000 B.C.
 - Along the Tualatin River, for Atfalati campsites.
 - Along SW 65th Ave (a.k.a. Meridian Road), for significant pioneer sites.
 - Former school sites.

Town Center

Consider designating an “Old Town” area to:

- Encourage the use of red brick architecture in the downtown area as proposed in the original Central Urban Renewal Plan (CURP).
- Adding ornamental signs to street name signs to further distinguish Old Town.
- Establish a single area for the possible relocation of landmarks and coalescing of a historic district.

As did the City of Tualatin Historic Resource Technical Study and Inventory 1992/1993, any newly designated landmarks would have to go through a compliance process for Statewide Planning Goal 5, “Open Spaces, Scenic and Historic Areas and Natural Resources.” Essentially, the work that went into each landmark in the original inventory would need to be mimicked for newly designated landmarks. It has not been resolved who would do this inventory work. City staff has indicated a preference for THS to do the Goal 5 inventory. The Council might want to consider amending the designation criteria to ease designation the additional landmarks that THS recommended in its letter. Attachment G diagrams the Goal 5 compliance process that the 1992/1993 inventory underwent. While the process has changed, it remains substantially the same.

Staff shared copies of a draft ordinance amending the historic preservation ordinance with THS for the February 12, 2010 meeting and has not received any written communication from THS on the ordinance following the meeting.

Looking to how other Oregon cities allows for comparison and contrast with historic preservation in Tualatin and provides new ideas for Tualatin. Staff compared the historic

preservation programs of four Oregon cities: Eugene, Jacksonville, Springfield, and Tigard.

Eugene

Information about the program is courtesy of Ken Guzowski, Senior Planner and head of the preservation program, by phone on April 30, 2010. Eugene has over 300 designated landmarks out of 5,000 originally inventoried.

Historic preservation implementation is through a subcommittee of the Planning Commission, the Historical Review Board (HRB), the establishment of which allowed the State Historic Preservation Officer (SHPO) to recognize Eugene as a certified local government (CLG) eligible for state financial assistance with historic preservation.

Eugene has no historic preservation fund and does not require that landmark designations be recorded on property deeds. However, the City uses its permit database so that any request for a permit relating to a property with a historic structure automatically puts the request on hold, flags it, and alerts Mr. Guzowski. This encourages and reinforces owner awareness of historic designation. To promote preservation, the City promulgates advisory design guidelines for landmark owners. This has been very successful for proper changes to facades.

Regarding demolitions, Eugene is of the opinion that requests for demolitions can be delayed but not denied. Because the City highly discourages demolition, few demolitions have occurred. Mostly district-based, designations are ranked as primary, secondary, or non-contributing (to a district), based on the guidelines of the Secretary of the Interior. The criteria for demolition remain fluid and are set case by case, and the City can postpone approvals for up to 60 days. Because there is no landmark ranking in the context of demolition, and demolition is virtually non-existent, there are no corresponding tiers of demolition criteria or emphasis on preservation or reuse of façades and ornament. Similar to Tualatin, the City can require an applicant for demolition to post a landmark for sale, advertise it for 90 days, and create a photographic record.

To designate additional landmarks, Eugene defaults to the criteria established by the Secretary of the Interior and establishes no additional local criteria. The City is expecting additions of landmarks dating from an early Modern period from 1935 into the 1960s.

Jacksonville

Though the least populous of the three with 2,665 inhabitants as of 2009, Jacksonville has a strongly protective and effective program. Information about the program is courtesy of Colin May, Planning Technician and Aaron Reyna, Historic Preservation Intern by phone on May 3, 2010.

Jacksonville has a Historic Preservation Fund. Initially funded in 2004 through the bequests of two widows' estates (in the form of monies, not lands) to the City, the fund is a simple bank savings account with capital and an interest rate sufficient to generate

\$25,000 to \$27,000 in annual interest. This generated interest funds grants and will soon fund low-interest loans.

Presently, an owner of a landmark may apply for a matching grant of up to \$5,000 for exterior maintenance, rehabilitation, and repair. The City set a cap of \$5,000 per applicant per year based on the number of applicants in past years. During the last fiscal year, 8 applicants applied. During the same period, the City advised 16 potential applicants during pre-application meetings and had to decline about a half dozen potential applicants who missed the application deadline for the year. A total of over two dozen potential applicants expressed interest.

Implementation is through the Historical and Architectural Review Commission (HARC), the establishment of which allowed the SHPO to recognize Jacksonville as a CLG. The City Council has annual pro forma involvement by allocating the total funds available to the Historic Preservation Fund, though HARC does have a Council liaison. The HARC has used the fund as leverage to obtain matching funds from SHPO.

The Jacksonville program is district based. Because of this, landmarks are ranked as primary, secondary, or non-contributing (to the district), based on the guidelines of the Secretary of the Interior. A change to a structure within a district goes through one of three possible levels of review, depending on the degree of change. Because the program is district based and the town is small, the City does not require that landmark designations be recorded on property deeds.

Regarding demolitions, the working policy of the City is to obviate demolition requests and deny those that arise. The City has regulations that it has not yet had the need to enforce that allow the City to place a lien on a property undergoing demolition by neglect. However, staff indicated that the state of some downtown structures may force the City's hand in the near future. Attachment F is the Jacksonville "Encouragement of Affirmative Maintenance" portion of its municipal code. Because there is no landmark ranking and demolition is virtually non-existent, there are no corresponding tiers of demolition criteria or emphasis on preservation or reuse of façades and ornament.

Jacksonville has three demolition criteria:

1. That the building in question is not designated on the Landmark List.
2. That the building in question is not structurally sound, or has been condemned and cannot, in the opinion of the HARC, be restored for costs comparable to a new building of the same size and value; and
3. The existing configuration of the house and the uses permitted in the zone make the retention of the structure unfeasible and an unreasonable hardship on the property owner (MC 18.26).

In addition, prior to approval HARC can stay demolition for up to 180 days and require that an applicant do all of the following:

- Provide mailed notice of the intended demolition or removal to the Southern Oregon Historical Society and SHPO.
- Acknowledge awareness of information relative to financial incentives available for the renovation of historic structures.
- Utilize all available means to solicit broad public involvement in the preservation of the historic structure or property by posting notice in a newspaper of general circulation, on the property and in prominent locations throughout the city.
- Seek purchasers of the building or structure which will result in structural renovation through repeated newspaper listing, on-site sign posting, providing a financial prospectus upon request, and listing the property in at least two preservation newspapers or magazines with sufficient time for response.
- Prepare for City record a thorough photographic and architectural record of the building and site.
- Solicit public funds for the acquisition of fee or less than fee ownership of the building or structure (MC 18.26).

The Jacksonville criteria to designate additional landmarks are:

1. Designation is consistent with applicable historic preservation policies contained in the Jacksonville Comprehensive Plan.
2. The proposed historic landmark has integrity of location, design, setting, materials or workmanship.
3. The proposed historic landmark has historic significance.
4. The value of preserving the property, structure, landscape feature, object or site as a historic landmark outweighs the value of using the property, structure, landscape feature, object or site for the identified conflicting use, taking into consideration the economic, social, environmental and energy consequences of each alternative (MC 18.35).

Criteria 2 and 3 have associated sets of factors to guide consideration.

Springfield

Information about the program is courtesy of Tara Jones, Planning I by phone on May 4, 2010.

Historic preservation implementation is through the Historical Commission, which is apart from and makes recommendations to the Planning Commission. Springfield has no historic preservation fund and having a mostly district-based program does not require that landmark designations be recorded on property deeds. The City does request SHPO funds, offering the value of its staff time as local matches.

Being a district-based program, landmarks are ranked as primary, secondary, or non-contributing to the district, based on the guidelines of the Secretary of the Interior. A few landmarks are designated outside the district yet are subject to the same protections.

Because there is no landmark ranking that is not district-based, and demolition is virtually non-existent with only one in the past several years, there are no corresponding tiers of demolition criteria or emphasis on preservation or reuse of façades and ornament.

The Springfield demolition criteria are that:

1. The condition of the Historic Landmark Site or Structure constitutes a serious and immediate threat to the safety of the public or occupants that cannot be eliminated without repairs that would exceed 50 percent of the value of the structure itself.
 - a. A MIA-certified appraisal shall be required to determine the value of the Historic Landmark Structure.
 - b. At least 2 bids from qualified contractors shall be required to determine the cost of repairs to the Historic Landmark Structure.
2. The property owner has demonstrated that there would be no reasonable, long-term economic benefit from preservation of the Historic Landmark Site or Structure. In making this determination, the owner shall demonstrate that all potential uses or adaptive uses for the Historic Landmark Site or Structure have been thoroughly examined. For example:
 - a. The fact that a greater economic return would result from demolition than preservation is insufficient to meet this criteria.
 - b. A lack of adequate funds to pursue potential uses or adaptive uses is insufficient to meet this criteria (i.e., selling the Historic Landmark Site or Structure is an option that shall be considered) (SDC 3.3-950).

Springfield has separate criteria (SDC 3.3-925) that allows removal of landmark designation following approval of demolition or if the original criteria were applied in error.

The Springfield criteria to designate additional landmarks are:

1. The following criteria shall be considered by the Historical Commission or Planning Commission in establishing sites or structures on the Historic Landmark Inventory. In each case the approval authority shall determine whether the Historic Landmark Site or Structure is:
 - a. Associated with historic or famous events;
 - b. Old (usually at least 50 years old);
 - c. Representative of a period or style of architecture or method of construction;
 - d. Recognized as having architectural merit, by reason of unusual or extraordinary design, detail, use of materials or craftsmanship;
 - e. Identified as the work of an architect, designer, or master builder whose individual work has influenced development in the City, State or Nation;
 - f. Included in the National Register of Historic Places;
 - g. Related to the broad cultural history of the City, State or Nation;
 - h. Identified with a person or persons, organizations or events that have contributed significantly to the history of the City, State or Nation; or
 - i. Identified as a unique aesthetic or educational feature of the City.

2. If at least 2 of the criteria specified in Subsection A., above apply, and the Historic Landmark Site or Structure is not in an advanced state of deterioration, the Planning Commission upon the recommendation of the Historical Commission may add the Historic Landmark Site or Structure to the Historic Landmark Inventory.

Tigard

Information about the program is courtesy of Dwayne Roberts in Long Range Planning by phone on May 11, 2010. Unlike the other examined cities and in common with Tualatin, Tigard has no historic districts and has identified individual landmarks only. The regulations do allow Tigard to create one or more districts as overlays if it so chose. Otherwise, an individual building or site has an overlay limited to itself. Tigard has no historic preservation fund and does not require that landmark designations be recorded on property deeds. There is no ranking of landmarks.

Mr. Roberts stated the historic preservation program is inoperative because the Tigard city attorney interpreted Oregon Revised Statutes (ORS) 197.772 such that Tigard could neither enforce an existing landmark designation against an owner's will nor deny a request for demolition. There has been at least one instance where an owner requested a demolition and Tigard then granted the request based on the attorney's direction. For full context, the statute is reproduced below. Subsection (3) is the most relevant.

ORS 197.772 Consent for designation as historic property.

1. Notwithstanding any other provision of law, a local government shall allow a property owner to refuse to consent to any form of historic property designation at any point during the designation process. Such refusal to consent shall remove the property from any form of consideration for historic property designation under ORS 358.480 to 358.545 or other law except for consideration or nomination to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).
2. No permit for the demolition or modification of property removed from consideration for historic property designation under subsection (1) of this section shall be issued during the 120-day period following the date of the property owner's refusal to consent.
3. A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government. [1995 c.693 §21; 2001 c.540 §19]

The Tigard demolition criteria are that:

1. The purpose of this chapter as set forth in Section 18.740.010;
2. The criteria used in the original designation of the district in which the property under consideration is situated;
3. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to similar features of the other buildings within the district, and the position

of the building or structure in relation to public rights-of-way, and to other buildings and structures in the area;

4. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district which cause it to possess a special character or special historical or aesthetic interest or value;
5. Whether denial of the permit will subject the City to potential liability, involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this title (Tigard DC 18.740.040(E)).

The regulations specify a standard condition of approval of demolition that as much as feasible, the applicant must donate to the Washington County Museum a pictorial and graphic history of the landmark and worthy artifacts from it. There are no specific regulations regarding the preservation, replication, or reuse of facades.

The Tigard criteria to designate additional landmarks are:

1. Approval of an historic overlay district designation shall be made by means of a Type III-PC procedure, as governed by Section 18.390.050, when the Historic Sites and Districts Committee finds that any of the following criteria have been met:
 - a. The proposed district or landmark would serve the purpose of the historic overlay district as stated in Section 18.740.010, Purpose;
 - b. The site or area proposed for the designation reflects the broad cultural or natural history of the community, state or nation;
 - c. The site or area is identified with historic personages, or with important events in national, state or local history;
 - d. The site or area proposed for the designation embodies the distinguishing characteristics of an architectural specimen inherently valuable for a study of a period, style or method of construction; or
 - e. The proposed site or area is a notable work of a master builder, designer or architect.
 - f. Historic Overlay 18.740-3 11/26/98
2. The age of a specific building is not sufficient in itself to warrant designation as historic (Tigard DC 18.740.040(A)).

RECOMMENDATION:

Staff recommends that Council provide direction to staff.

- Attachments:**
- A. Excerpted Minutes from the December 8, 2008 Work Session
 - B. Excerpted Minutes from the September 28, 2009 Work Session
 - C. Tualatin Development Code (TDC) Chapter 68.
 - D. "City Priorities of Tualatin Historical Society" Letter
 - E. Table of THS Landmark Rankings
 - F. Jacksonville Municipal Code Section 18.36 "Encouragement of Affirmative Maintenance"
 - G. Statewide Goal 5 Model (1992/1993)



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF DECEMBER 8, 2008

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Bob Boryska, Jay Harris, Donna Maddux, and Ed Truax; Councilor-elect Joelle Davis; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Kent Barker, Police Chief; Carina Christensen, Assistant to the City Manager; Colin Cortes, Assistant Planner; Will Harper, Associate Planner; Eric Underwood, Development Coordinator, Clayton Reynolds, Facilities Manager; and Maureen Smith, Recording Secretary

ABSENT: None.

*[Unless otherwise noted, **MOTION CARRIED** indicates all in favor.]*

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:04 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Historic Preservation Program Review

City Manager Sherilyn Lombos gave an introduction on the historic preservation program, and Council's desire to take a more holistic review of the ordinance.

Assistant Planner Colin Cortes began with a PowerPoint presentation on the existing historic program and possible improvements that can be made to the program. Policy considerations were reviewed as to whether the City should reevaluate and modify the program, strengthen or loosen regulatory framework, and make the regulations clearer.

Council briefly reviewed the Landmark Inventory in Chapter 68.040 of the Development Code. There are 26 landmarks, 18 located in residential planning districts, five in commercial districts, and three in industrial, which are mostly located in or near the town center area. Because of the changed status of three landmarks the inventory will need to be updated. The Tualatin Historical Society (THS) has also requested that the inventory be updated and include additional inventory. A map was displayed of landmark inventory in Tualatin.

Council discussion followed on the value of preserving the historic look of Tualatin and the exterior of the buildings. Council recognized the importance of historic preservation if there is available funding, but also how to balance the rights of property owners with the economic reality. If historic preservation is to be voluntary, and if not, how to enforce, having a program that gives tax incentives to property owners to encourage maintenance of the structure, look at grant programs, and reuse of materials were mentioned. Also discussed is the need to come up with a manageable inventory. Prioritization of certain properties was also discussed.

City Manager Lombos said staff will go back and review the issues raised on options on preservation, creating incentives, and how they could work into the current ordinance. Examine a tiered approach, and if it not workable, how can a site be memorialized, such as with a plaque. Staff will also meet with the Tualatin Historical Society, and work on a prioritization list.

2. *Historic Preservation Ordinance Revisions*

Community Development Director Doug Rux and Assistant Planner Colin Cortes presented information on the review of and revisions to the historic preservation ordinance. Included in the staff memorandum to Council are policy considerations.

Staff has met with the Tualatin Historical Society for comments on historic preservation and a map is provided showing the locations of structures suggested by the THS. Staff also researched possible options, as outlined in the memorandum provided, such as drafting more definitions, allowing for reconstruction, rely primarily on economic incentives and less on regulatory mandates, designate a limited number of structures for highest priority, and a secondary tier of structures with lesser preservation priority, subject to less stringent preservation, and cease owner negligence of historic structures.

Mr. Rux said there is not a huge dynamic of historical structures in Tualatin. By doing this program, it would require an Historic Preservation Committee, which the City did have at one time, but was disbanded. Preserving a structure with economic incentives was discussed and what approaches could be taken. Other cities in the U.S. allow for reconstruction. Most states do not mandate preservation as does Oregon, and many cities have historic guidelines rather than regulations. Staff looked at four cities that could be models for Tualatin, as outlined in the memorandum.

Discussion followed on the approach in addressing historic structures. Mr. Rux mentioned the Tualatin Historical Society and what they may be willing to do as the City is not in a position to do. Discussion came around again to what is Council trying to accomplish with the discussion. It was asked and answered how structures are placed on the City's historic listing, and anything that is 50 years or older was determined to be historic.

Allowing for reconstruction and reuse of materials was suggested and the possibility of incorporating the façade into the new structure. Requiring off-site mitigation was also suggested, and to talk with the THS about the concept. Be clear on what would be included - whole "site" or the "structure" and maintenance provisions that could be done. Also coming up with a ranking list was suggested.

Ms. Lombos said staff will be back before Council at a future work session with more information from what was discussed at this work session.

Chapter 68

Historic Preservation

Sections:

- 68.010 Purpose.**
- 68.020 Landmark Designation or Removal of Landmark Designation.**
- 68.030 Criteria For Designation of a Landmark.**
- 68.040 Landmark Inventory.**
- 68.050 Demolition and Relocation Applications.**
- 68.060 Demolition Criteria.**
- 68.070 Relocation Criteria.**
- 68.080 Demolition and Relocation Approval Process.**
- 68.090 Alteration and New Construction Applications.**
- 68.100 Alteration and New Construction Criteria.**
- 68.110 Alteration and New Construction Approval Process.**
- 68.120 Appeals.**
- 68.130 Conformance.**
- 68.140 Time Limit of Approval.**

Section 68.010 Purpose.

It is the purpose of this chapter to establish procedures and standards to preserve, protect, maintain and enhance those landmark resources which represent or reflect elements of the City's cultural, social, economic, political and architectural history and to provide educational value, enjoyment and economic diversification as well as beautification of the City and enhancement of property values.

Section 68.020 Landmark Designation or Removal of Landmark Designation.

(1) The process for designating a landmark or removing a landmark designation shall be through the plan amendment process as described in TDC 31.080.

(2) Notice of the public hearing and property owner identification shall be as described in TDC 31.081.

(3) In making their decision the Council shall use the criteria of TDC 31.082 and additional cri-

teria pertaining specifically to landmark designation in TDC 68.030.

(4) The following information shall be required in an application for landmark designation or request for removal of a landmark designation:

(a) The applicant's name and address.

(b) The property owner's name(s) and address(s), if different from the applicant's and a statement of authorization to act on behalf of the owner signed by the owner. City initiated applications do not require a property owner signature.

(c) The street address or other easily understood geographical reference to the property.

(d) A drawing or site map illustrating the location of the structure on the property.

(e) A statement explaining compliance or non-compliance with the applicable approval criteria contained in TDC 31.082 and 68.030.

(f) A list of owners of property (fee title) within 300 feet of the subject property together with their current mailing addresses.

(g) Any other information deemed necessary by the Planning Director.

(5) The burden of proof in all cases is upon the applicant seeking approval. Failure to provide a complete application is sufficient reason to deny the application.

Section 68.030 Criteria For Designation of a Landmark.

(1) The City Council shall consider the following criteria in determining whether to approve, approve with conditions or deny an application for landmark designation or a request to remove a landmark designation:

(a) Approval criteria of TDC 31.082.

(b) The site or structure shall have a primary or secondary ranking. A structure less than 50 years of age may be designated a landmark upon application by the owner; and

(c) The site or structure shall meet one or more of the following:

(i) The resource is listed on the National Register of Historic Places;

Tualatin Development Code

(ii) The site or structure is associated with the life of a person significant in local, state or national history;

(iii) The site or structure is associated with events that have significantly affected past social or economic activities in the community, state or nation;

(iv) The structure is in its original setting and remains substantially as originally constructed;

(v) The structure embodies the distinctive characteristic of a type, period or method of construction that was used in the past;

(vi) The structure's original workmanship and material remain to show the construction technique and stylistic character of a given period;

(vii) The structure represents the work of a master, i.e., is a noteworthy example of the work of a craftsman, builder, architect or engineer significant in local, state or national history;

(viii) The structure possesses high artistic values in its workmanship and materials;

(ix) The immediate setting of the site retains the planting scheme, plant materials or land uses of the relevant historic period or the landscaping is consistent with that period;

(x) The site or structure yields or may be likely to yield information important in history or prehistory; or

(xi) The site or structure is significant as a visual landmark.

Section 68.040 Landmark Inventory.

Each site, structure, building or object designated a landmark as provided herein shall be included on the Landmark Inventory and shall be subject to the provisions of this chapter.

Landmark Inventory

Luster House (c.1857) 9030 SW Sagert Street (2S126AB, 102)

Sweek House (1858) 18815 SW Boones Ferry Road (2S123, 300)

Byrom House (1878) 9385 SW Arikara Street (2S126CD, 5600)

Jurgens Barn (c.1880) 17700 SW Shasta Trail (2S114CD, 9700)

Francis House (1885) 8430 SW Avery Street (2S125BC, 5401)

Zeke Eddy House (c.1890) 9005 SW Avery Street (2S126AA, 700)

Little White House (c.1890) 8570 SW Cherokee Street (2S123AA, 1500)

Wesch House (c.1890) 18400 SW 86th Avenue (2S123AA, 1601)

Smith/Boone House (c.1895) 18815 SW Boones Ferry Road (2S123, 300)

Barngrover Barn (c.1899) 20130 SW 65th Avenue (2S1E30B, 600)

Winona Cemetery (1900) 9900 SW Tualatin Road (2S123BA, 2700)

Black House (1900) 11640 SW Myslony Street (2S122C, 1500)

Nyberg House (1905) 7445 SW Nyberg Street (2S124A, 2502)

Richardson House (1910) 20195 SW Boones Ferry Road (2S126AA, 2000)

Robinson Store (1912) 18810 SW Boones Ferry Road (2S124BC, 3001)

Elmer House (1914) 11450 SW Elmer Court (2S114DC, 1100)

Wager House (1915) 12075 SW Tualatin-Sherwood Road (2S127B, 300)

Minnie Skog House (1916) 6001 SW Borland Road (2S1E19C, 1700)

Logan House (1917) 19930 SW Boones Ferry Road (2S123DD, 1600)

(1918) 11325 SW Tualatin-Sherwood Road (2S127B, 700)

Sherburn House (1925) 19840 SW Boones Ferry Road (2S123DD, 1400)

Methodist Church (1926) 19100 SW Boones Ferry Road (2S124CB, 900)

(c.1930) 6825 SW Childs Road (2S124AA, 2400)

Avery Chicken Hatchery (1939) 8385 SW Avery Street (2S125BB, 601)

Tualatin Grade School (1939) 19945 SW Boones Ferry Road (2S123DD, 500)

Winona Grange (1940) 8340 SW Seneca Street (2S124BC, 4700)

(Ord. 1109-02, Amended, 04/22/2002.)

Section 68.050 Demolition and Relocation Applications.

(1) The Planning Director and City Council shall have the authority to issue a Certificate of Appropriateness regarding demolition or relocation of designated landmarks. Only after issuance of a Certificate of Appropriateness stating approval or approval with conditions, compliance with imposed conditions and approval from other applicable historic preservation reviews shall a demolition or relocation permit be issued by the Building Official.

(2) Applications for demolition or relocation shall be on forms provided by the Planning Director and be accompanied by an application fee in accordance with 31.100.

(3) Applications for relocation of landmarks to sites other than in a Low Density Residential (RL) Planning District shall require Architectural Review approval in addition to a relocation certificate of appropriateness.

(4) Relocated landmarks, which also are to be altered, shall also obtain alteration approval as per 68.090, 68.100 and 68.110.

(5) The following information shall be required in an application for demolition or relocation of a landmark:

(a) The applicant's name and address.

(b) The property owner's name(s) and address(s), if different from the applicant's, and a statement of authorization to act on behalf of the owner signed by the owner.

(c) The street address or other easily understood geographical reference to the landmark property.

(d) A drawing or site map illustrating the location of the landmark.

(e) A statement explaining compliance with the applicable approval criteria (68.060 or 68.070, as appropriate).

(f) Five sets of plan drawings to include site, landscaping and elevations, drawn to scale.

(g) Photographs of the landmark which show all exterior elevations.

(h) A list of owners of property (fee title) within 300 feet of the subject property together with their current mailing addresses.

(i) Any other information deemed necessary by the Planning Director.

(6) For the purpose of identifying property owners, the requirements of 31.071(8) shall apply.

(7) At the time a demolition or relocation application is made, the Planning Director shall review alternatives to demolition or relocation with the owner of the landmark, including local, state and federal preservation programs.

Section 68.060 Demolition Criteria.

(1) In determining whether or not a request for demolition of a landmark shall be approved or approved with conditions, the Community Development Director shall find that one of the criteria (a), (b), or (c) has been met. If the request meets none of the criteria, the Community Development Director shall deny the request.

(a) The landmark is no longer historically significant.

(b) The landmark is no longer architecturally significant.

(c) The benefits of demolishing the landmark and the construction of the identified conflicting permitted use(s) outweigh the value to the community of preserving the landmark.

(2) The following factors shall be used by the Community Development Director in making a decision on demolitions:

(a) The information used in the original designation of the landmark;

(b) Any evidence the applicant or property owner has provided demonstrating that there would be no reasonable, long-term economic benefit to the property owner from preservation of the landmark. In making this determination, the owner must show that all uses or adaptive uses of the landmark have been thoroughly examined. For example:

(i) The fact that a higher economic return would result from demolition than preservation on its own is insufficient to meet criterion (b).

(ii) A lack of adequate funds to pursue potential uses or adaptive uses is insufficient to meet the criterion (i.e., selling, partially

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preserving, or moving the landmark are options that shall be considered).

(c) Whether issuance of a Certificate of Appropriateness approving the demolition request would act to the detriment of the public welfare;

(d) The Economic, Social, Environmental and Energy consequences to the community of demolishing the landmark as compared to preserving it; and

(e) The physical condition of the landmark.

(f) Whether the landmark is identified as a primary or secondary resource. Additional importance shall be accorded to preserving landmarks with a primary designation. [Ord. 1268-08 §1,

Amended, 08/11/08.]

Section 68.070 Relocation Criteria.

(1) In determining whether a request for relocation of a landmark shall be approved, approved with conditions or denied the Planning Director shall make a decision that:

(a) The proposed relocation site will not compromise the historical and architectural significance of the landmark, and

(b) Relocation is the only alternative for preservation of the landmark.

(2) The following factors shall be used by the Planning Director in making a decision on relocation:

(a) The information used in the original designation of the landmark.

(b) Whether the landmark is within a Planning District that allows higher density or intensity of development than currently exists on the site, or is on land that is needed to accommodate the planned widening or realignment of a public road or transportation facility.

(c) Whether the landmark can reasonably be used in conjunction with a use permitted in the Planning District.

(d) Whether the continued location of the landmark on a proposed development site precludes development of other uses permitted on the site.

(e) Whether the designated landmark is structurally capable of relocation.

(f) Whether the proposed relocation site is an appropriate setting for the designated landmark.

(g) Whether the proposed relocation site is within the City limits or preferably within the neighborhood within which it is currently located.

(h) The Economic, Social Environmental and Energy consequences to the community of relocating the landmark as compared to preserving it.

Section 68.080 Demolition and Relocation Approval Process.

(1) The Planning Director shall issue a Certificate of Appropriateness within 30 days of receipt of a complete application regarding a demolition or relocation request unless the applicant consents to an extension of time. The Planning Director's decision shall become final ten (10) City business days after the date the notice of decision is given unless within said ten (10) days the Planning Director receives a written request for review.

(2) Notice of a decision by the Planning Director concerning demolitions and relocations shall conform to the requirements of 31.074(2), (3) and (4).

(3) The burden of proof in all cases is upon the applicant seeking approval. Failure to provide a complete application is sufficient reason to deny the application.

(4) The Planning Director may approve, approve with conditions or deny the demolition or relocation request after considering the applicable criteria and factors in TDC 68.060 or 68.070, as appropriate.

(5) As conditions of approval for demolition the applicant shall:

(a) List the landmark for sale with a real estate agent for a period of not less than 90 days. The landmark shall be advertised in at least one local or state newspaper of general circulation in the City for a minimum of 10 days over a 5-week period. A copy of the advertisement shall be submitted to the Planning Department prior to is-

suance of a demolition permit from the Building Official.

(b) Post a notice provided by the City offering the building "For Sale" as follows: HISTORIC BUILDING TO BE DEMOLISHED - FOR SALE. The sign shall be posted by the applicant in a prominent and conspicuous place within ten feet of a public street on the parcel on which the landmark is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with (a) above. Marketing conducted by the applicant or property owner prior to application for demolition or relocation which meets requirements of 5(a) and (b) above may be applied towards meeting the requirements.

(c) Prepare and make available through the City any information related to the history and sale of the property to all individuals, organizations and agencies who inquire.

(d) Prepare photographic documentation, architectural drawings, and other graphic data or history as deemed necessary by the Planning Director to preserve an accurate record of the landmark. The basic format to be followed will be guidelines from the Historic American Building Survey (HABS, December 1973). The historical documentation materials shall be the property of the City or other party determined appropriate by the Planning Director.

(6) As conditions of approval for relocation the applicant shall comply with 68.080(5)(c) and (d).

(7) When a landmark is approved for demolition it shall automatically be deleted from the Landmark Inventory and shall not require approval through 68.020 and 68.030.

(8) When a landmark is relocated to another site within the City limits the landmark status is automatically retained for that landmark at the new site unless an application for landmark designation removal is submitted and approved by the City Council under 68.020 and 68.030.

(9) This ordinance shall not be construed to make it unlawful for any person, without prior approval of the Planning Director, to comply with an order by the City Council to remove or demol-

ish any landmark determined by the City Council to be dangerous to life, health, or property.

(10) In addition to any other persons entitled to notice, the Community Development Director or designee shall mail notice of application to demolish a landmark to the president of the Tualatin Historical Society. Such notice shall begin a comment period of two weeks. [Amended, Ord. 1268-08 §2, 08/11/08.]

Section 68.090 Alteration and New Construction Applications.

(1) The Planning Director and City Council shall have the authority to issue a Certificate of Appropriateness regarding alteration or new construction of designated landmarks. Only after issuance of a Certificate of Appropriateness stating approval or approval with conditions, compliance with imposed conditions and approval from other applicable historic preservation reviews shall a building permit be issued by the Building Official.

(2) Applications for alteration and new construction shall be on forms provided by the Planning Director and be accompanied by an application fee in accordance with 31.100.

(3) Applications for new construction on landmark sites other than in a Low Density Residential (RL) Planning District shall require Architectural Review approval in addition to an alteration Certificate of Appropriateness.

(4) The following information shall be required in an application for alteration or new construction of a landmark:

(a) The applicant's name and address.

(b) The property owner's name(s) and address(s), if different from the applicant's and a statement of authorization to act on behalf of the owner signed by the owner.

(c) The street address or other easily understood geographical reference to the landmark property.

(d) A drawing or site map illustrating the location of the landmark.

(e) A statement explaining compliance with the applicable approval criteria (68.100(3) or (4)), as appropriate.

Tualatin Development Code

(f) Five sets of plan drawings to include site, landscaping and elevations, drawn to scale.

(g) Photographs of the landmark which show all exterior features.

(h) A list of owners of property (fee title) within 300 feet of the subject property together with their current mailing addresses.

(i) Any other information deemed necessary by the Planning Director.

(5) For the purpose of identifying property owners, the requirements of 31.071(8) shall apply.

Section 68.100 Alteration and New Construction Criteria.

(1) Nothing in this section shall be construed to prevent the maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature or which the Building Official shall determine is required for the public safety due to an unsafe or dangerous condition.

(2) Maintenance and repair are not subject to TDC 68.090 or 68.100 and include, but are not limited to:

(a) Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match either existing materials or those that were typically used on similar style buildings;

(b) Repairing, or providing a new foundation that does not result in raising or lowering the building elevation unless the foundation materials and craftsmanship contributes to the historical and architectural significance of the landmark;

(c) Replacement of wood siding, when required due to deterioration of material, with wood material that matches the appearance of the original siding;

(d) Repair and/or replacement of roof material with the same kind of roof materials existing, or with materials which replicate the original roof;

(e) Installation of storm windows and doors made with wood, bronze or flat finished anodized aluminum or baked enamel frames

which complement or match the color, detail and proportions of the building;

(f) Replacement of wood sashes with wood sashes, or the addition of wood sashes when such is consistent with the original historic appearance; and

(g) Painting and related preparation.

(3) In determining whether a request for alteration of a landmark shall be approved, approved with conditions or denied, the Planning Director shall make a decision that:

(a) The alteration will not diminish the historical significance of the landmark; and

(b) The alteration will not diminish the architectural significance of the landmark.

(4) In determining whether a request for new construction on a landmark site shall be approved, approved with conditions or denied the Planning Director shall make a decision that:

(a) The design of the proposed structure is compatible with the design of the landmark resource on the site considering scale, style, height, architectural detail, materials and colors.

(b) The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site considering setbacks, distances between structures, location of entrances and similar siting considerations.

(5) The following factors are to be used by the Planning Director in making a decision on alterations and new construction:

(a) The use of the landmark, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in preservation of the landmark;

(b) The value and significance of the landmark;

(c) The physical condition of the landmark;

(d) The United States Department of the Interior's Secretary of the Interior Standards:

(i) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(ii) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(iii) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural elements from other buildings, shall not be undertaken.

(iv) Most properties change over time; those changes that have acquired significance in their own right shall be retained and preserved.

(v) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(vi) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(vii) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(viii) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(ix) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

(x) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the

essential form and integrity of the historic property and its environment would be unimpaired.

Section 68.110 Alteration and New Construction Approval Process.

(1) The Planning Director shall issue a Certificate of Appropriateness within 30 days of receipt of a complete application regarding an alteration or new construction request unless the applicant consents to an extension of time. The Planning Director's decision shall become final ten (10) City business days after the date the notice of decision is given unless within said ten (10) days the Planning Director receives a written request for review.

(2) Notice of a decision by the Planning Director concerning alteration and new construction shall comply with the requirements of 31.074(2), (3) and (4).

(3) The burden of proof in all cases is upon the applicant seeking approval. Failure to provide a complete application is sufficient reason to deny the application.

(4) The Planning Director may approve, approve with conditions or deny the alteration or relocation request after considering the applicable criteria and factors in TDC 68.100.

Section 68.120 Appeals.

(1) A decision by the Planning Director to approve, approve with conditions or deny issuance of a demolition, relocation, alteration or new construction Certificate of Appropriateness may be appealed to the City Council. An appeal shall be in conformance with TDC 31.076 and 31.077. If no appeal is filed in accordance with 31.076, the Planning Director's decision will be final.

Section 68.130 Conformance.

No designated landmark of significance, or part thereof, shall be demolished, relocated or altered, nor shall any new construction take place on a landmark site except in conformity with this chapter.

Section 68.140 Time Limit of Approval.

Historic preservation approvals shall be void after one year unless:

Tualatin Development Code

(1) A building permit has been issued and substantial construction pursuant thereto has taken place as defined by the state Uniform Building Code; or

(2) The Planning Director finds that there have been no changes in any ordinances, standards, regulations or other conditions affecting the previous approval so as to warrant a new review.

[Chapter 68 added by Ord. 844-91, Sec. 7, passed October 14, 1991; amended by Ord. 894-93, Sec. 5-9, passed May 24, 1993.]



Tualatin Historical Society

Tualatin Heritage Center

Established in 1986 to preserve, promote and interpret the rich and colorful history of Tualatin

REC'D
CITY OF TUALATIN

MAR 24 2010

MAYOR _____ COUNCIL _____ POLICE _____ ADM _____
FINANCE _____ COMM DEV _____ LEGAL _____ OPER _____
COMM SVCS _____ ENG & BLDG _____ LIBRARY _____

March 20, 2010

Mayor Lou Ogden and City Council
City of Tualatin
Tualatin, Oregon 97062

City Priorities of Tualatin Historical Society

Honorable Mayor and City Council:

In 2008, at the request of the City, the Tualatin Historical Society (THS) presented a list of historical preservation projects and identified priorities for partnership with the City. Most of the projects were completed and we sincerely appreciate them very much.

Historical Society Co-founders Loyce Martinazzi and Karen Lafky Nygaard, and I recently met with city officials Sherilyn Lombos, Doug Rux and Colin Cortes to update our priorities. A list is attached for your consideration. Thank you again for your continued cooperation.

Very truly yours,

Yvonne L. Addington
Yvonne L. Addington, President

Att.

Attachment D
"City Priorities of Tualatin Historical
Society" Letter

2010 TUALATIN HISTORICAL SOCIETY PRIORITY PROJECTS

CITY OF TUALATIN

1. **Historical Building Preservation:** The following THS priorities were indicated for the Landmark Inventory section 68.030 Criteria of the Tualatin Development Code:
 - a. Consider historical sites as well as building structures for preservation.
 - b. Consider additional restrictions to prevent the destruction of historic structures through lack of upkeep, abandonment, noxious weeds, fire hazards, illegal occupancy, etc. Consider and do not eliminate historic structures from preservation protection because they have been upgraded
 - c. THS_Priorities for Preservation (High priority, Medium Priority, Low Priority)
City Landmark Inventory:
High Priority: (2) Sweek House (3) Byrom House (5) Francis House (8) Wesch House (9) Smith/Boone House (10) Klinger/Barngrover Barn (11) Winona Cemetery (13) Robinson's Store (14) Elmer House (17) Logan House (19) Sherburn House (20) Methodist Church a.k.a. Tualatin Heritage Center (24) Winona Grange.
Additional high priority properties (over 50 years old): Wiggins/Van Raden Center; Dexter House; Bither House; Blank Barn; Mack House; Cipole Grade School; Pennington/Pohl House; Davis House; Tualatin Country Club grounds; Missoula Flood erratics property south of Tualatin-Sherwood Road.

Medium Priority: (1) Luster House (4) Jurgens Barn (6) Zeke Eddy House (7) Little White House (12) Black House (16) Skog House (22) Avery Chicken Hatchery . Additional medium priority (over 50 years old): Casteel House; Jurgens House; Pennington/Pohl House; Daufel House; Bither House; Cole House (1 & 2); Raeburn House;

Low priority: (15) Wager; (18) unnamed House-11325 SW Tual-Shwd) ; Jurgens House; Saum Barn; Brakebush House (21) Childs Rd house-gone) Nyberg House-gone)
2. **Historical Areas and Markers:** The continued designation of historical sites with historical and interpretive signs will help tell Tualatin's story regarding 1) prehistoric times, 2) Atfalati Indians and 3) Pioneers and Settlers. Locations for new signs are suggested: Entering Tualatin Triangle-perhaps a general description of the Valley of the Giants (prehistoric animals in and around Tualatin River Valley, etc.; Site of Mastodon excavation (south of Fred Meyers); site of Harlan's Ground Sloth (near Ki-a-kuts pedestrian bridge); locations of Missoula Flood

pathway and identified iceberg erratics (Herman Road-moved 3 multi-ton erratics from Tualatin to West Linn) untouched grounds of erratics lying north of Tigard Sand and Gravel and future 124th Ave. extension. Campsites of Atfalati Indians along Tualatin River and elsewhere; Significant pioneer locations-Meridian Road/Meridian Line/Donation Land Claims information along SW 65th; former school sites.

3. **“Old Town” Designation:** Using red brick architecture in the downtown area was proposed in the original urban renewal plan and now provides a pleasant old town atmosphere in places such as coming into downtown from the Tualatin River Bridge on Boones Ferry Road. (original red clay brick factory was in downtown area). THS encourages continuation of this type of architecture in downtown Tualatin and the designation of an “old town” district with street trees and “old town” signs at the top of existing street signs-- from Tualatin River Bridge, along Boones Ferry Road, Tualatin Road to west side of Tualatin Country Club property and north to Tualatin River. This area includes historic Robinson’s store; Sweek House; Sweek Pond; Hedges Creek; Smith/Boone House; WES station (same location as original depot); Wiggins/Van Raden Community Center; Wesch House; Mack House; Little White House; Tualatin Country Club grounds (est. ca. 1918) This same area, with enhancement of possible financing sources from urban renewal funds, life estates, donations, grants and other sources could also allow purchasing and/or moving threatened historic structures to this area rather than destruction of same.

PTA-09-03 ATTACHMENT E:

TABLE OF THS LANDMARK RANKINGS

This table lists landmarks by order of listing within the Tualatin Development Code (TDC), their designation status and ranking, and THS proposed ranking.

<i>TDC Order</i>	<i>Landmark Name</i>	<i>Designation Status</i>	<i>TDC Rank</i>	<i>THS Rank</i>
2	Sweek House	Designated	Primary	High
3	Byrom House	Designated	Primary	High
5	Francis House	Designated	Primary	High
8	Wesch House	Designated	Primary	High
9	Smith/Boone House	Designated	Primary	High
10	Barngrover/Klinger Barn	Designated	Primary	High
11	Winona Cemetery	Designated	Secondary	High
15	Robinson Store	Designated	Secondary	High
16	Elmer House	Designated	Secondary	High
19	Logan House	Designated	Secondary	High
21	Sherburn House	Designated	Secondary	High
22	Methodist Church	Designated	Secondary	High
26	Winona Grange	Designated	Secondary	High
1	Luster House	Designated	Primary	Medium
4	Jurgens Barn	Designated	Primary	Medium
6	Zeke Eddy House	Designated	Primary	Medium
7	Little White House	Designated	Primary	Medium
12	Black House	Designated	Secondary	Medium
18	Minnie Skog House	Designated	Secondary	Medium
24	Avery Chicken Hatchery	Designated	Secondary	Medium
17	Wager House	Designated	Secondary	Low
20	Unnamed House	Designated	Secondary	Low
14	Richardson House	Designated	Secondary	n/a; delisted
13	Nyberg House	Designated	Secondary	n/a; demolished
23	Unnamed House	Designated	Secondary	n/a; demolished
25	Tualatin Grade School	Designated	Secondary	n/a; demolished
n/a	Davis House	Undesignated	n/a	High
n/a	Van Raden House	Undesignated	n/a	High
n/a	Blank Barn	Undesignated	n/a	High
n/a	Mack House (the vet)	Undesignated	n/a	High
n/a	Cipole School	Undesignated	n/a	High
n/a	Casteel House	Undesignated	n/a	Medium
n/a	Merrill Pennington House	Undesignated	n/a	Medium
n/a	Saum Barn	Undesignated	n/a	Medium
n/a	Brakebush House	Undesignated	n/a	Medium
n/a	Harry Cole House	Undesignated	n/a	Medium
n/a	Daufel House	Undesignated	n/a	Medium
n/a	Raeburn House	Undesignated	n/a	Medium
n/a	Saum Barn	Undesignated	n/a	Low
n/a	Brakebush House	Undesignated	n/a	Low
n/a	Henry Jurgens House	Undesignated	n/a	Medium and Low*

*The letter references the Jurgens House twice in error.

CHAPTER 18.36: ENCOURAGEMENT OF AFFIRMATIVE MAINTENANCE

Section

18.36.010	Encouragement of affirmative maintenance
18.36.020	Purpose
18.36.030	Investigation and inspection
18.36.040	Findings
18.36.050	Notice of Report
18.36.060	Hearing and Notice of Hearing
18.36.070	Legal Notice Requirement
18.36.080	Hearing on Report
18.36.090	Notice of HARC Action
18.36.100	Remedial work and Compliance
18.36.110	Intentional Neglect
18.36.120	Public safety exclusion
18.36.130	Safeguards from Undue Economic Hardship
18.36.140	Enforcement and Penalties

§18.36.010 ENCOURAGEMENT OF AFFIRMATIVE MAINTENANCE.

(A) No owner or custodial manager of property may permit a structure listed on the City's Landmark List to degrade through neglect to the point where its structural or historical integrity is or may be threatened. It shall be the duty of the owner or person in charge of the property to maintain the structure as often as needed to prevent the degradation of its integrity.

DEMOLITION BY NEGLIGENCE: "*Demolition by neglect*" means neglect in maintaining, repairing, or securing an historic landmark or a building or structure listed on the City's Landmark List that results in deterioration, potentially beyond the point of repair, so as to threaten the historic character of the property or the district, the structural integrity of the structure or its relevant architectural detail such that the structure and its character may potentially be lost to current and future generations.

(B) The owner of an historic landmark or a contributing building or structure within a Historic Character Units (HCU), Section 18.01.010 or within a proposed Historic Character Units (HCU), Section 18.01.010 shall comply with all applicable codes, laws, and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of buildings and structures designated as contributing or significant and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings or structures shall be preserved against such decay and deterioration and free from structural defects through prompt corrections of any of the following defects:

1. Facades which may fall and injure persons or property.
2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
6. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

(C) Any owner who fails to maintain their building or structure in compliance with this section shall be subject to the remedial procedures of section I. Remedial work and Compliance as well as the penalties under section M. Enforcement and Penalties.

(D) Upon a finding by an Agent of the City that an historic landmark or a contributing building or structure within a Historic Character Units (HCU), Section 18.01.010 or within a proposed Historic Character Units (HCU), Section 18.01.010 is threatened by demolition by neglect, the Agent of the City may do either of the following:

1. Require the owner to repair all conditions contributing to demolition by neglect.
2. If the owner does not make repairs within a reasonable period of time the Agent of the City may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of such work shall be charged to the owner, and may be levied by the City of Jacksonville as a special assessment against the property. The Agent of the City may enter the property for purposes of this section upon obtaining an order from the City of Jacksonville.

The following procedures are incorporated to identify and protect resources from potential demolition resulting from the deliberate or inadvertent neglect of the owner or owners.
(Ord. 584, passed 12-2-2008)

§ 18.36.020 PURPOSE.

All resources as defined in Title 18 Historic Protection And Design Regulations of the City of Jacksonville within an Historic Character Units (HCU), Section 18.01.010 or historic overlay zone, including the exterior features of any building or structure (inclusive of, but not limited to, walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant feature), or any type of outdoor advertising sign either designated as an historic resource or found to have significance, or any archeological resource shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects. The owner, or other person having such legal possession, custody, and control, shall repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property; or features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to any of the following defects:

1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

2. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing or buckling.
3. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
4. Deterioration or crumbling of exterior plasters or mortars or the deterioration or crumbling or spalling of exterior bricks.
5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
6. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
7. Rotting, holes, and other forms of decay.
8. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes de-lamination, instability, loss of shape and form, or crumbling.
9. Heaving, subsidence, or cracking of sidewalks, steps or pathways.
10. Deterioration of fences, gates, and accessory structures.
11. Deterioration that has a detrimental effect upon the historic character of the district or overlay zone as a whole or the unique attributes and character of the resource.
12. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.
13. Any other deficiencies or defects that may constitute or contribute to the decay or deterioration of any resource or property.

§ 18.36.030 INVESTIGATION AND INSPECTION.

(A) Any citizen who believes demolition by neglect is occurring with respect to any particular property in the Historic Character Units (HCU), Section 18.01.010 may make a written complaint to the Planning Department. Such a complaint must include a clear description of the property and the nature of the deterioration claimed to constitute demolition by neglect.

(B) If the condition of any resource as contemplated in paragraph A above is suspected of being destroyed, damaged, or lost through or by neglect of the owner of the resource, the City Building Inspector shall conduct an investigation and inspection of the resource.

(C) Prior to the issuance of a written notice, the Historical and Architectural Review Commission (HARC) may request the Historic Preservation Officer establish a record of demolition by neglect. Such a record may include dated materials such as photographs and/or written reports of the condition of the property so as to record and/or measure the deterioration.

Prior to conducting any investigation or inspection, the City Building Inspector shall:

1. Request, within fifteen (15) days of the identification of any suspected defects, permission from the owner of the resource to have full access to the resource.
2. Consult with the Historic Preservation Officer about any suspected deficiencies or defects outlined in paragraph A above.

§ 18.36.040 FINDINGS.

The City Building Inspector shall prepare, within fifteen (15) days of the completion of his investigation and inspection, a written report of his findings on the condition of the resource which report may identify, but is not limited to, the following:

1. That there is no action required by the owner or owners.
2. That minimum maintenance of the resource is required to protect, preserve, and/or stabilize the resource.
3. That the resource is being demolished by neglect.
4. That the resource may be demolished, vacated, or stabilized. Reference Chapter 18.26, Demolition Standards.

§ 18.36.050 NOTICE OF REPORT.

A copy of any report shall be sent by certified mail, return receipt requested, to the owner of the resource and a copy provided to the HARC and may include any recommendations including a time frame to remedy minimum maintenance or other work necessary to stop the demolition by neglect, stabilize the resource, vacate the property, or demolish the resource. The notice shall provide that corrective action shall commence within thirty (30) days of the receipt of said notice and be completed within a time defined by the HARC in consultation with the property owner. The notice shall state that the owner(s) of record of the property or any person(s) of record with any right, title or interest therein, may, within ten (10) days after the receipt of the said notice, request a hearing on the necessity of the items and conditions contained in said notice. In the event a public hearing is requested, it shall be held by the HARC upon thirty (30) day's written notice being mailed to all persons of record with any right, title or interest in the property and to all citizens and organizations which the HARC determines may have an interest in the proceedings. If, after the public hearing, the HARC determines that the corrective actions remain necessary, the HARC may request the City Council to issue a Final Notice to be mailed to the owner(s) of record and all parties of record with any right, title or interest in the subject property, advising them of the items of repair and maintenance necessary to correct or prevent further deterioration. The owner(s) shall institute corrective action to comply with the Final Notice within thirty (30) days of receipt of the revised notice. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action(s) specified in the Final Notice, within the time allotted, the HARC may request that the City Council institute any of the remedies and penalties provided by section M. Enforcement and Penalties.

§ 18.36.060 HEARING AND NOTICE OF HEARING.

Upon receipt of any written report in which the City Building Inspector has found that there is minimum maintenance required, demolition by neglect, or the resource can or should be demolished, the Historic Preservation Officer shall cause to be scheduled a hearing before the HARC to review and take action based on the report from the City Building Inspector. The owner of the resource shall be served with written notice of the time and date of the hearing not less than ten (10) days prior to the hearing.

§ 18.36.070 LEGAL NOTICE REQUIREMENT.

Any notice required herein shall be considered delivered if sent by certified mail, return receipt requested and mailed to the last known address of the record owner or owners as listed on the city and/or county tax rolls or by other methods allowed by law.

§ 18.36.080 HEARING ON REPORT.

At the hearing the HARC shall receive evidence on the issue of whether the subject resource should be repaired, vacated, stabilized, or can be demolished. The owner or owners may present competent evidence in rebuttal thereto. At the conclusion of the hearing, the HARC may make, but shall not be limited to, one of the following determinations:

1. That there is no action required by the owner or owners.
2. That minimum maintenance is required and requiring the owner to present a plan to the Historic Preservation HARC within thirty (30) days from the receipt of notice of the HARC's determination as to the steps the owner must undertake to correct minimum maintenance issues. The owner or owners or their agents may be required to submit an application for a Certificate of Appropriateness and/or Project Approval for all proposed work. The HARC must review and act on all such applications before the issuance of a building permit. All work shall be completed within ninety (90) days of the approval from the HARC. The HARC may grant up to two (2) extensions of ninety (90) days each due to inclement weather or other unforeseen difficulties. Should the HARC find that the owner or owners have not pursued the necessary repairs with reasonable diligence; the Historic Preservation HARC may request that the City cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.
3. Demolition by neglect is occurring and requiring the owner to present a preliminary plan including a timetable to the HARC within thirty (30) days generally identifying the work necessary to abate the demolition by neglect. The owner or owners or their agents shall submit an application for a Certificate of Appropriateness and/or Project Approval for all proposed work. The HARC must review and act on all applications and must also approve all timetables for work required to abate the demolition by neglect before issuance of a building permit. The HARC may grant up to two (2) ninety (90) day extensions due to inclement weather or other unforeseen difficulties. Should the HARC find that the owner or owners have not pursued the necessary repairs with reasonable diligence; the HARC may request that the City cause the required work to thereto attach to the property as a tax lien.
4. Condemnation of the resource and allow for its demolition in compliance with all local, state, and federal laws, rules, and regulations, reference Chapter 18.26, Demolition Standards. Within thirty (30) days the owner shall present a plan to the HARC identifying the necessary recordation which, along with the demolition shall be completed within ninety (90) days. Recordation must be reviewed and acted upon by the HARC before a demolition permit is issued. The HARC may grant up to two (2) ninety (90) day extensions due to inclement weather or other unforeseen difficulties. Should the HARC find that the owner or owners have not undertaken recordation and demolition with reasonable diligence, the HARC may request that the City cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.

§ 18.36.090 NOTICE OF HARC ACTION.

The Historic Preservation Officer shall notify the owner in writing of the determination of the HARC and the action required of the owner within ten (10) days of the hearing. Such notice shall identify and provide clear instructions to the owner as to the remedial work required by the HARC.

§ 18.36.100 REMEDIAL WORK AND COMPLIANCE.

Upon the completion of any minimum maintenance work, recordation work, or other work required by the HARC, the owner shall notify the Historic Preservation Officer of the completed work. The City Building Inspector, along with the Historic Preservation Officer, and any other professional deemed necessary by the Historic Preservation Officer shall inspect, within fifteen (15) days of notification, the completed work and shall cause, within fifteen (15) days of the inspection, the issuance of a written report to be submitted to the owner and the HARC to determine if the work completed is in compliance with City codes and ordinances and meets the requirements of the HARC. The HARC must review and act upon all such reports. All remedial work required by the HARC must be completed in compliance with such plans approved by the HARC.

§ 18.36.110 INTENTIONAL NEGLIGENCE.

Intentional neglect shall be defined as willful actions perpetrated by the owner or owners or their agents that result in damage to a resource. Such actions may include, but are not limited to, intentional running of water taps, hoses, or other man-made water devices resulting in flooding, erosion, or other water damage to the resource; intentional exposure of the resource to natural elements of wind, rain, snow, or other precipitation through the opening of windows, doors, skylights, or other moveable features of a resource; intentional drilling, boring, or cutting of holes in the roof, exterior walls or supporting members of a resource. In the event any resource shall be damaged by intentional neglect by the owner or owners or their agents; penalties, as defined in section M. Enforcement and Penalties, may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this chapter.

§ 18.36.120. PUBLIC SAFETY EXCLUSION.

In the event any resource shall be damaged by flood, fire, or other catastrophe or unforeseen event that results in damage or possible loss of a resource, and the City Building Inspector, with the concurrence of the Historic Preservation Officer, deems the resource to present an immediate threat to public safety, the Historic Preservation Officer shall call an emergency meeting before the City Council, which shall take place within seventy-two (72) hours of the event. At such meeting, evidence shall be presented regarding the seriousness of the damage and the threat to public safety and any evidence in rebuttal thereto may also be presented. In the event the danger to public safety is imminent, the owner or owners shall stabilize and protect the resource pending consideration by the City Council. The City Council shall, based on the evidence presented, determine the course of action to be taken.

§ 18.36.130 SAFEGUARDS FROM UNDUE ECONOMIC HARDSHIP.

(A) Undue economic hardship is defined as the property owner's financial inability to make the repairs specified in section A. A claim of undue economic hardship must be made, in writing, by filing a request for such a determination with the Planning Department within the time period specified for in section D. The determination of undue economic hardship will be made by the HARC on a case by case basis.

(B) When a claim of undue economic hardship is made owing to the effects of this article, Planning Department staff shall notify the HARC within five (5) business days following the Planning Department's receipt of the written request for a determination of undue hardship. The HARC shall, at its next regular meeting, schedule a hearing on the request within the limitations of its procedures for application deadlines. The petitioner shall present the information provided under subsection (a) below to the HARC at or prior to the hearing. The HARC may require that an owner and/or parties in interest furnish such additional information as the HARC may reasonable conclude is relevant to its determination of undue economic hardship, and allow the owner or party in interest a reasonable period of time (to be established by the HARC) to furnish the requested additional information.

(C) The HARC may direct its staff to furnish additional information, as the HARC believes is relevant. The HARC shall also state which form of financial proof it deems relevant and necessary to a particular case.

In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained.

1. When a claim of undue economic hardship is made owing to the effects of this article, the owner and/or parties in interest must provide evidence during the hearing upon the claim, describing the circumstances of hardship. The minimum evidence shall include for all property:
 - (a) Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control.
 - (b) Financial resources of the owner and/or parties in interest.
 - (c) Cost of repairs.
 - (d) Assessed value of the land and improvements.
 - (e) Real estate taxes for the previous two (2) years.
 - (f) Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.
 - (g) Annual debt service, if any, for previous two (2) years.
 - (h) Any listing of the property for sale or rent, price asked, and offers received, if any.

For income-producing property:

- (i) Annual gross income from the property for the previous two (2) years.
- (j) Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.
- (k) Annual cash flow, if any, for the previous two (2) years.

2. Within sixty (60) days of the HARC's hearing on the claim, the HARC shall make a determination of undue or no undue economic hardship and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the HARC shall report such finding to the Planning Department staff, and the Planning Department staff shall cause to be issued an order for such property to be repaired within the time specified.
3. In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under Oregon law, loans or grants from the City, the County, or other public, private, or nonprofit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations, or relaxation of the provisions of this article sufficient to mitigate the undue economic hardship. The HARC shall report such finding and plan to the Planning Department staff. The Planning Department staff shall cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.

§ 18.36.140 ENFORCEMENT AND PENALTIES.

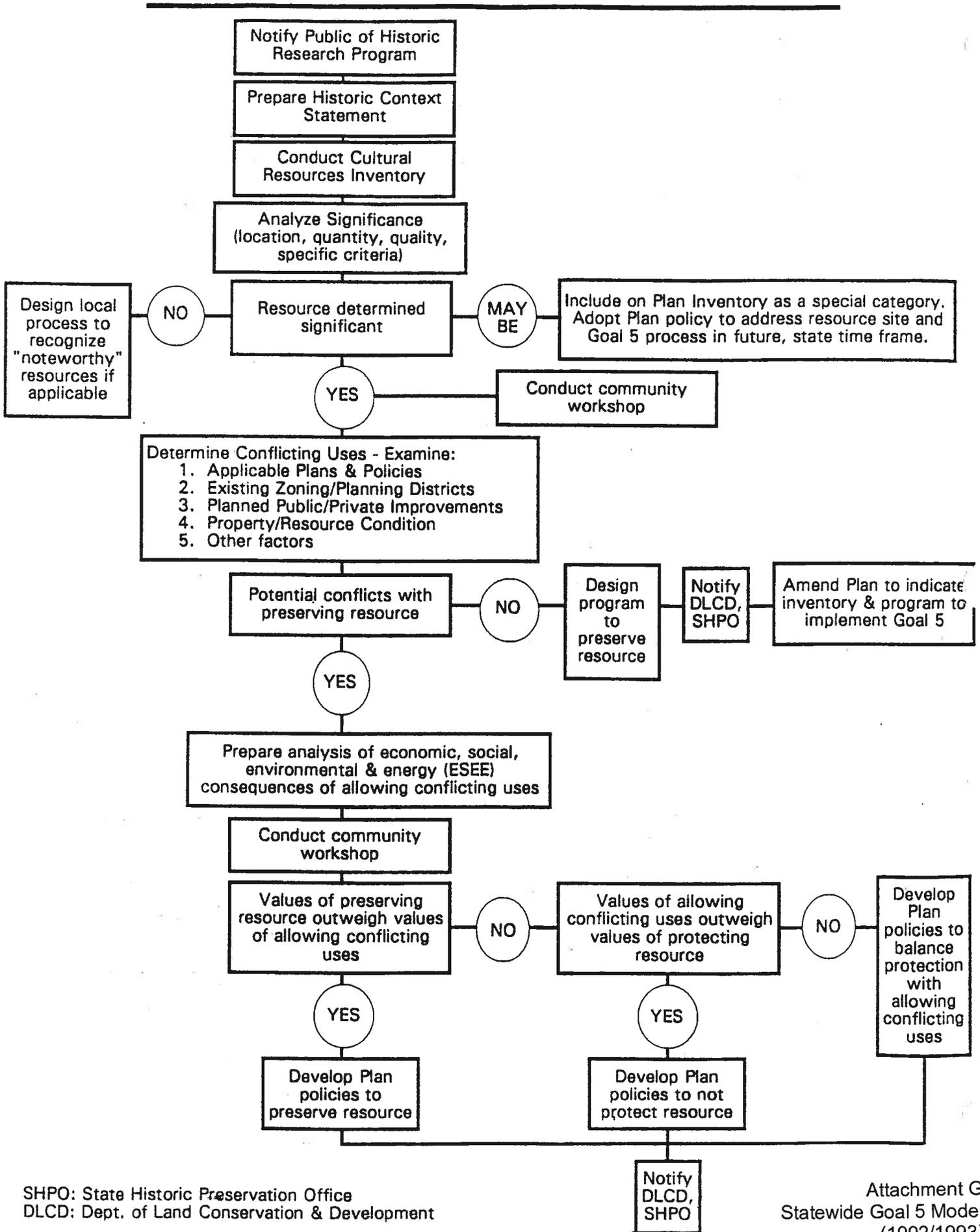
The following penalties may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this chapter.

1. Failure to institute corrective action in compliance with the Final Notice shall result in the City levying fines totaling one hundred (\$100.00) dollars per day for each day of non-compliance.
2. Any person who constructs, alters, relocates, or demolishes any building or resource in violation of this chapter or causes any building or resource to be constructed, altered, relocated, or demolished in violation of this chapter may be required to restore the building or resource to its appearance or setting prior to the violation. Failure to restore the building or resource to its appearance or setting prior to the violation will result in a fine of one thousand (\$1,000.00) dollars for the first offense, five thousand (\$5,000.00) dollars for a second offence, and ten thousand (\$10,000) dollars for each offence thereafter. Fines shall be allocated to the Historic Preservation Fund. Any action to enforce this provision shall be brought by the City. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.
3. If demolition of a building or resource occurs without a Certificate of Appropriateness, or Project Approval, this shall be considered malicious intent and the violation will result in a fine of one thousand (\$1,000.00) dollars for the first offense, five thousand (\$5,000.00) dollars for a second offence, and ten thousand (\$10,000) dollars for each offence thereafter. Fines shall be allocated to the Historic Preservation Fund. Any permits on the subject property, with the exception of a permit to restore the building or resource as set forth above, may be denied for a period of ten (10) years. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.

3. If any other undertaking or project other than the demolition of a building or resource occurs without a required Certificate of Appropriateness or Project Approval, then any permits on the subject property, with the exception of a permit to restore the building or resources as set forth above, may be denied for a period of five (5) years. If a neglect situation reaches a point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.
5. If any resource found to be in a state of demolition by neglect as outlined in section A should be allowed by the owner or owners to remain in a state of demolition by neglect, then any permits for any property issued to the owner or owners, with the exception of those permits expressly for the necessary repairs to restore the resource to a safe and sound condition, may be denied for a period of ten (10) years or until such time as the resource has been returned to a safe and sound condition, whichever is shorter. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.

(Ord. 584, passed 12-2-2008)

Illustration 1: STATEWIDE GOAL 5 MODEL
as it pertains to Historic Resources



SHPO: State Historic Preservation Office
 DLCD: Dept. of Land Conservation & Development

Attachment G
 Statewide Goal 5 Model
 (1992/1993)



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 
Colin Cortes, Assistant Planner 

DATE: May 24, 2010

SUBJECT: INCREASING LAND USE PUBLIC NOTIFICATION
REQUIREMENTS (PTA-09-07)

ISSUE BEFORE THE COUNCIL:

City Council consideration of modification of land use notification requirements, specifically related to mailing distance and signs.

POLICY CONSIDERATIONS:

- Do the proposed land use sign and postcard design templates created as part of PTA-09-07 meet the intent and past direction of the Council?
- The Council may proceed to adopt PTA-09-07 during the public hearing this evening whether or not it directs staff to modify the proposed design templates.

DISCUSSION:

Increasing land use public notification requirements via PTA-09-07 is scheduled for tonight's public hearing by the Council. The purpose of it returning as a work session item on the same date is to provide an opportunity for the Council to review the comments and feedback on the signs and postcards of the Tualatin Planning Advisory Committee (TPAC) and to verify that the proposed design templates for land use notices are to Council's liking.

PTA-09-07 sets the minimum sizes of a sign and its copy, otherwise allowing the City design leeway. The transition from letters to postcards for mailed notice and postcard design isn't part of PTA-09-07 and need not be codified within the Tualatin Development Code (TDC). The TDC establishes minimum information for mailed notice, not the physical form of mailed notice. If the Council so directs, staff can modify the design templates independent of the amendment adoption.

Staff has attached scaled reproductions of blank and completed sign templates for neighborhood/developer meetings and land use application types that would require signs

(Attachment A) and postcard templates for land use application types that would require notices of public hearing or notice of application for public comment (Attachment B). Staff will bring and show some of these examples in full-size and stand-alone form during the work session.

Staff used Microsoft PowerPoint to create the sign templates and Microsoft Publisher to create the postcard templates. For the postcards, staff created a master template for notice of application and another for notice of hearing. Additionally, each land use application type has a template. Staff also applied the same logic in creating templates for signs.

The postcards and notice of application signs direct readers to the City website. Staff would post and update a hyperlinked list of land use applications at www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm and create prominent hyperlinks to this webpage on other webpages, such as the City homepage. The neighborhood/developer meeting signs would provide the contact information for potential applicants. Staff would continue to make print copies of land use applications available at the Planning Division and also provide copies for viewing at the public library.

The basic logic of using postcards for notices of application and public hearing is to spend less money by using less paper and postage while still providing notice to a greater number of residents. The present method is to use City letterhead and City envelopes for notices of application, plus a number of pages for a complete copy of a land use application. The postcards would be 6 x 9 inches, which the United States Postal Service (USPS) classifies as first-class mail large postcards requiring postage identical to first class letters, presently 44¢. A notice of application presently includes a cover sheet and a copy of the application, which taking an Architectural Review (AR) as an example can be many pages and cost more in postage as first class mail. A notice of hearing comes on City letterhead in a City envelope with either a pre-printed address or more often separately printed labels. Based on a price quote from www.perforatedpaper.com, 1,000 sheets of cardstock perforated at 6 x 9 inches would cost approximately 10¢ each. In contrast, present paper and envelop costs are .008¢ per sheet and 13¢ per envelop respectively for each piece of mail. This is a savings of about 3¢ per mailing. Additionally, dollars are saved in copying costs for application notices such as an Architectural Review where many pages are sent to recipients within the notification area.

Additionally, staff created a revised form for affidavit of sign posting based on the one presently used for Architectural Review (AR) applications. Refer to Attachment C.

RECOMMENDATION:

Staff recommends that Council provide direction to staff.

- Attachments:**
- A. Sign Template Examples
 - B. Postcard Template Examples
 - C. Affidavit of Sign Posting



City of Tualatin

LAND USE NOTICE



Call 503-691-30__ or visit

www.ci.tualatin.or.us



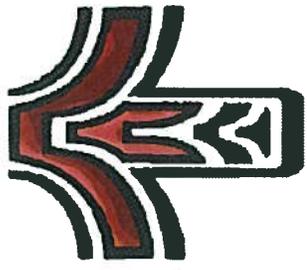
City of Tualatin

LAND USE NOTICE

ANN-10-57

Call 503-691-3026 or visit

www.ci.tualatin.or.us



City of Tualatin

LAND USE NOTICE

AR-10-57

Call 503-691-3026 or visit

www.ci.tualatin.or.us



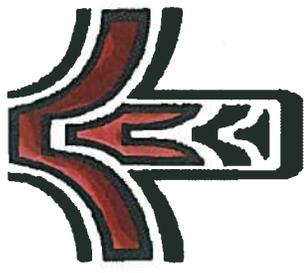
City of Tualatin

LAND USE NOTICE

CUP-10-57

Call 503-691-3026 or visit

www.ci.tualatin.or.us



City of Tualatin

LAND USE NOTICE

HIST-10-57

Call 503-691-3026 or visit

www.ci.tualatin.or.us



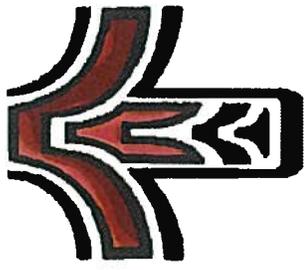
City of Tualatin

LAND USE NOTICE

IMP-10-57

Call 503-691-3026 or visit

www.ci.tualatin.or.us



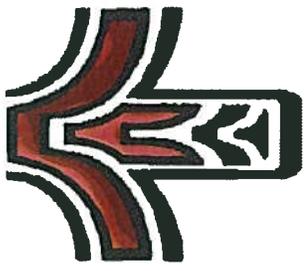
City of Tualatin

LAND USE NOTICE

PAR-10-57

Call 503-691-3031 or visit

www.ci.tualatin.or.us



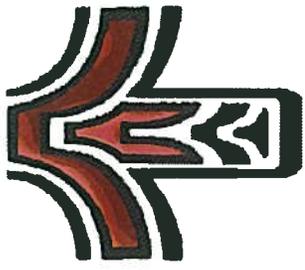
City of Tualatin

LAND USE NOTICE

PMA-10-57

Call 503-691-3026 or visit

www.ci.tualatin.or.us



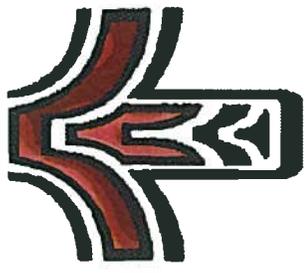
City of Tualatin

LAND USE NOTICE

PTA-10-57

Call 503-691-3026 or visit

www.ci.tualatin.or.us



City of Tualatin

LAND USE NOTICE

SB-10-57

Call 503-691-3031 or visit

www.ci.tualatin.or.us



City of Tualatin

LAND USE NOTICE

TUP-10-57

Call 503-691-3026 or visit

www.ci.tualatin.or.us



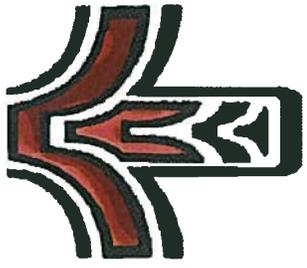
City of Tualatin

LAND USE NOTICE

TRRP-10-57

Call 503-691-3026 or visit

www.ci.tualatin.or.us



City of Tualatin

LAND USE NOTICE

VAR-10-57

Call 503-691-3026 or visit

www.ci.tualatin.or.us

NEIGHBORHOOD/ DEVELOPER MEETING

___/___/20___:___:___m.

Call ___-___-___.

NEIGHBORHOOD/ DEVELOPER MEETING

10/10/2010 6:00 p.m.

Rezoning / Bldg Expansion

Call 503-555-5555.



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council:

**7:00 p.m.
Monday, May 12, 2008
Council Building
18880 SW Martinazzi Ave
Tualatin, OR 97062**

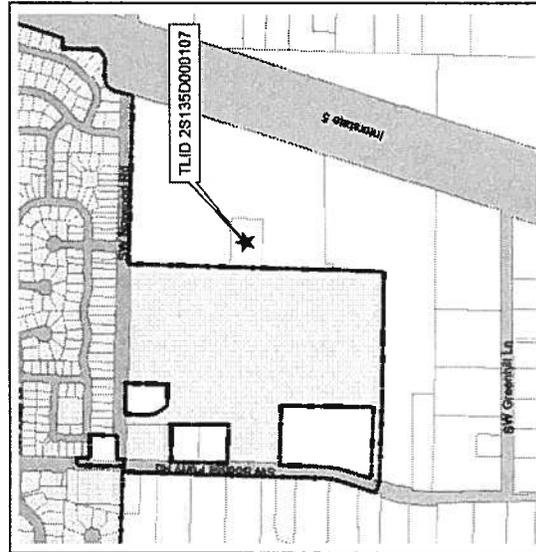
**To consider:
ANN-08-01 – ANNEXING TERRITORY COMPRISING APPROXIMATELY 1.4 ACRES (TAX MAP 2S135D, TAX LOT 107) AT 8930 SW NORWOOD ROAD UPON WHICH EXISTS A MUNICIPAL RESERVOIR INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT**

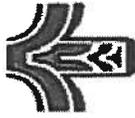
**The property is located at:
8930 SW Norwood Road
(TLID 2S135D000107)**

The hearing is about annexing 1.4 acres of land with a municipal reservoir on it to the City of Tualatin. The expedited annexation process allowed by ORS 222.125 and Metro Code 3.09.045 is being followed. The decision will not authorize or prevent any specific use of land on the property.

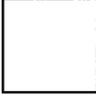
The Expedited Annexation criteria that apply to this case may be found in Metro Code 3.09.050(d). They are:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;
2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;
4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;
5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
6. If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;
7. Consistency with other applicable criteria for the boundary change in question under state and local law.





City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report, ordinance, and supporting documents will be available for inspection at no cost at the Tualatin Planning Division and Tualatin Library at least seven days prior to the hearing, and will be provided at reasonable cost.

To view the application materials visit www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm. This meeting and any materials being considered can be made accessible upon request. For additional information, contact Colin Cortes at 503-691-3024 or CCortes@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
City Recorder



Mailing Label



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council:

7:00 p.m.

Monday, December 14, 2009
Council Building
18880 SW Martinazzi Ave
Tualatin, OR 97062

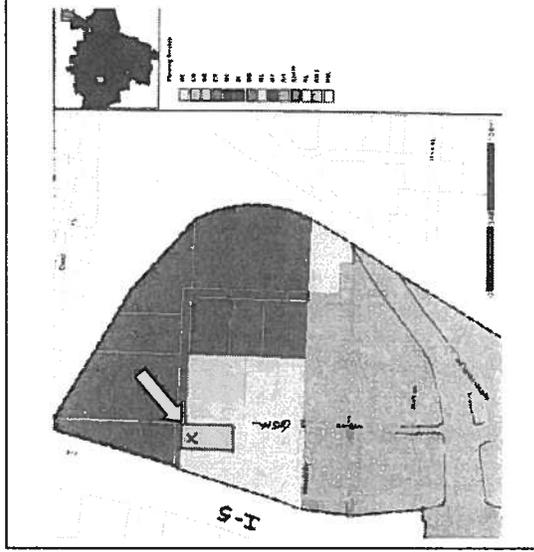
To consider:
CUP-09-04—CONDITIONAL USE PERMIT TO ALLOW FOR GLASS DOCTOR (OREGON CITY GLASS, INC.) CONTRACTOR'S SHOP & EQUIPMENT STORAGE IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 6510 SW ROSEWOOD STREET (TAX MAP 2S113AD, TAX LOT 100)

The property is located at:
6510 SW Rosewood Street
(TLID 2S113AD00100)

The hearing is to review a request for a Conditional Use Permit (CUP) that would allow a contractor's shop & equipment storage use by Glass Doctor at the Haltiner Building site in the Light Manufacturing (ML) Planning District.

In reviewing the conditional use the City Council must find that:

- (1) The use is listed as a conditional use in the underlying planning district;
- (2) The characteristics of the site are suitable for the proposed use;
- (3) The proposed use is timely;
- (4) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the uses of surrounding properties for the primary uses listed in the underlying planning district;



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

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.



City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report, resolution, and supporting documents will be available for inspection at no cost at the Tualatin Planning Division and Tualatin Library at least seven days prior to the hearing, and will be provided at reasonable cost.

To view the application materials visit www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm. This meeting and any materials being considered can be made accessible upon request. For additional information, contact Will Harper at 503-691-3027 or WHaper@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
City Recorder



Mailing Label



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council:

7:00 p.m.
Monday, February 9, 2009
Council Building
18880 SW Martinazzi Ave
Tualatin, OR 97062

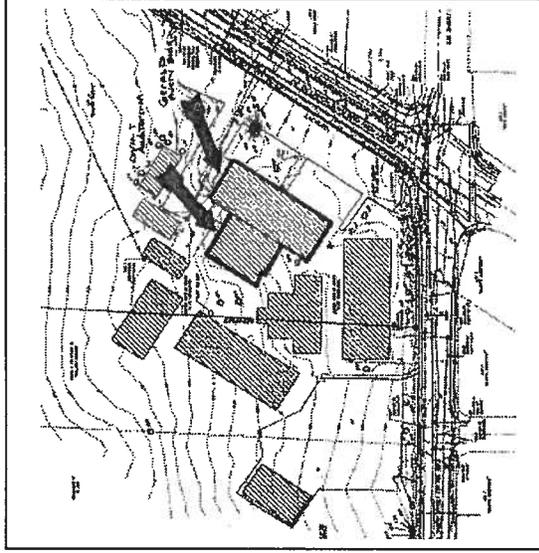
To consider:
REQUEST FOR REVIEW OF HIST-08-01 – THE HISTORIC LANDMARK DEMOLITION CERTIFICATE OF APPROPRIATENESS FINDINGS AND DECISION TO APPROVE WITH CONDITIONS THE DEMOLITION OF THE “GERALD AVERY BUILDING” (OLD TUALATIN ELEMENTARY SCHOOL) LOCATED AT 19945 SW BOONES FERRY ROAD (2S123DD 500). THE BUILDING IS IDENTIFIED IN THE TUALATIN DEVELOPMENT CODE (TDC) 68.040 LANDMARK INVENTORY AND IS SUBJECT TO THE PROVISIONS OF TDC CHAPTER 68, HISTORIC PRESERVATION. THE PROPERTY IS IN THE LOW DENSITY RESIDENTIAL (RL) PLANNING DISTRICT.

The property is located at:
19945 SW Boones Ferry Road
(TLID 2S123DD00500)

The hearing is to review the decision of the Community Development Director to grant a Historic Landmark Demolition Certificate of Appropriateness for demolition of the “Gerald Avery Building”, commonly known as the Old Tualatin Elementary school building, located on SW Boones Ferry Road.

A Request for Review of the Community Development Director’s Decision to grant Historic Landmark Demolition Certificate of Appropriateness for Demolition of the “Gerald Avery Building”, along with written comments, was filed on December 29, 2008, during the appeal period. The issues raised:

Whether the demolition is “...not necessary or essential to the development...” and development could be accommodated on other portions of the property.



Whether the property owner (Tigard-Tualatin School District) conducted “...pro-active efforts...” to retain the site and building for physical education facilities, sports facilities and open space.

Other issues that were raised include:

- Preserving and salvaging the building’s historical and original features.
- The Historic Landmark Demolition review process including notification and public involvement.

Before approving the Historic Landmark Demolition with regard to these issues, the City Council must find that the requirements of the Tualatin Development Code (TDC) Chapter 68, Historic Preservation; and Chapter 40, Low Density Residential (RL) Planning District are met.



City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report, resolution, and supporting documents will be available for inspection at no cost at the Tualatin Planning Division and Tualatin Library at least seven days prior to the hearing, and will be provided at reasonable cost.

To view the application materials visit www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm. This meeting and any materials being considered can be made accessible upon request. For additional information, contact Will Harper at 503-691-3027 or WHarper@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
City Recorder

Mailing Label



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council:

7:00 p.m.

Tuesday, May 26, 2009

Council Building
18880 SW Martinazzi Ave
Tualatin, OR 97062

To consider:

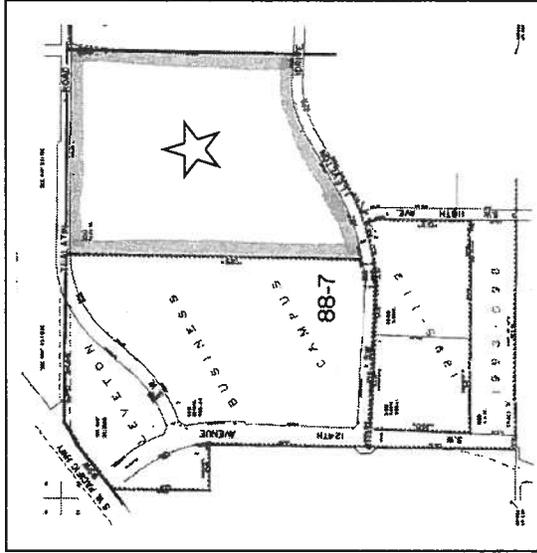
IMP-09-01—REQUEST FOR APPROVAL OF AN INDUSTRIAL MASTER PLAN IN A MANUFACTURING PARK (MP) PLANNING DISTRICT AT 11555 SW LEVETON DRIVE (TAX MAP 2S122B, TAX LOT 200)

The property is located at:
11555 SW Leveton Drive
(TLID 2S122B00200)

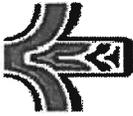
The hearing is to review a request for approval of an Industrial Master Plan (IMP) at the JAE Oregon, Inc., site in the Manufacturing Park (MP) Planning District. The existing development is on 40 acres and includes one building. The IMP proposes expansion of the existing building, two new (future) industrial buildings, and alternate development standards allowing shared loading & circulation, a new access driveway on SW Tualatin Road and a reduced minimum lot size to allow separate ownerships within the subject site.

Before approving the Industrial Master Plan, the City Council must find that:

- (1) Public facilities and services, including transportation, existing or planned, for the area affected by the use are capable of supporting the proposed development or will be made capable by the time development is completed.
- (2) The location, design, size, color and materials of the exterior of all structures for the proposed development and use is compatible with the character of other developments within the same general vicinity;
- (3) The internal circulation, building location and orientation, street frontage, parking, setbacks, building height, lot size, and access are in accordance with TDC Chapter 62 unless otherwise approved through the Industrial Master Plan.



All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals



City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



(LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

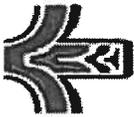
Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report, resolution, and supporting documents will be available for inspection at no cost at the Tualatin Planning Division and Tualatin Library at least seven days prior to the hearing, and will be provided at reasonable cost.

To view the application materials visit www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm. This meeting and any materials being considered can be made accessible upon request. For additional information, contact Will Harper at 503-691-3027 or WHarper@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
City Recorder

Mailing Label



NOTICE OF APPLICATION SUBMITTAL AND OPPORTUNITY TO COMMENT CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that the City of Tualatin Community Development Department, Planning Division, has received the following application, which will be reviewed under the limited land use process:

MVAR 06-01--TO ALLOW A 4-FOOT SIDE YARD SET-BACK WHERE 5 FEET IS REQUIRED IN A LOW DENSITY RESIDENTIAL (RL) PLANNING DISTRICT AT 20390 SW 86TH AVENUE (TAX MAP 21E 30BA, TAX LOT 1700)

The property is located at:
20390 SW 86TH AVENUE
(TLID 2S1E30BA01700)

The deadline for submitting comments on the proposed application is:

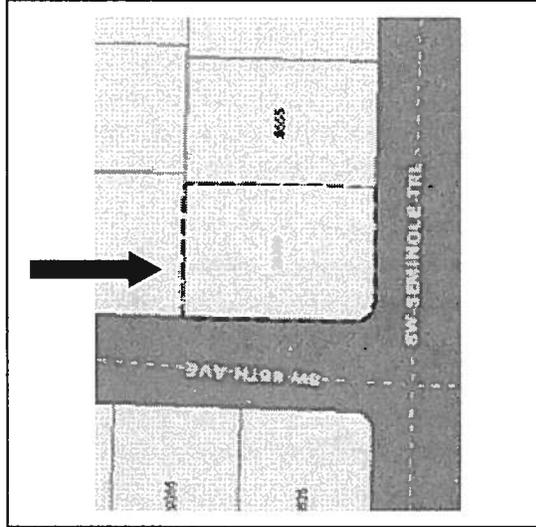
**5:00 p.m.
Tuesday, February 28, 2006**

Comments must be:

- (1) Made in writing, either by signed letter addressed to City of Tualatin, Planning Division, 18880 SW Martinazzi Avenue, Tualatin, OR 97062 or fax to (503) 692-0147 Attention: Planning Department (e-mails are not acceptable);
- (2) Raise issues with sufficient detail and clarity to enable the decision maker to respond to the issue; and
- (3) State how you may be adversely affected by the proposal.

Dale and Marianne Potts request a Minor Variance (MVAR) for a one-foot encroachment into the required 5-foot north side yard setback of their residence at 20390 SW 86th Avenue in the Residential Low Density (RL) Planning District.

In the limited land use process, the Planning Division mails this Notice of Application Submittal to the applicant, surrounding property owners within 500-feet of the subject property, neighborhood associations recognized by the City of Tualatin with boundaries encompassing the subject property, and affected government agencies.



Persons wishing to submit comments have 14 calendar days from the day this Notice was mailed to submit their comments to the Community Development Director. Only those persons who submitted written comments within the 14-day period and are adversely affected by the decision will receive a Notice of Decision and have standing to submit a Request for Review of the decision. A Request for



City of Tualatin
 18880 SW Martinazzi Ave
 Tualatin, OR 97062



Review of a Minor Variance application that is part of the Architectural Features of an Architectural Review application will be heard by the Architectural Review Board, with the ARB decision appealable to the City Council. All other Minor Variance decisions are appealable to the City Council.

Only persons who submitted comments within the specified time frame, with sufficient detail and clarity and who indicated how they may be adversely affected by the Notice of Decision made by the Community Development Director, may complete a Request for Review form. A Request for Review must be made on the proper form obtainable at the Planning Division, Tualatin Library or at www.ci.tualatin.or.us/departments/communitydevelopment/planning/docs/Variance_minor.pdf. Failure to raise an issue in writing, by signed letter or fax, or failure to provide sufficient detail and clarity to afford the decision-maker an opportunity to respond to the issue precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals. A request for review hearing is *de novo*. All requests of review are first heard by the City Council, except for the Architectural Features of a staff Architectural Review decision. The Oregon Land Use Board of Appeals hears appeals of City Council decisions.

Copies of all materials submitted by the applicant are available for review at no cost at the Tualatin Planning Division and Tualatin Library. Copies of application materials may be obtained at cost. Any materials being considered can be made accessible upon request. **To view the application materials visit www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm.** For additional information, contact Colin Cortes at 503-691-3024 or CCortes@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON
 By: Sherilyn Lombos
 City Recorder

Mailing Label



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council:

7:00 p.m.

Monday, July 13, 2015
Council Building
18880 SW Martinazzi Ave
Tualatin, OR 97062

To consider:
NCU-15-01—PERMIT TO REINSTATE A NONCONFORMING USE ON XYZ PROPERTY AT 2015 ANYWHERE STREET (TAX MAP 2S150XX00100)

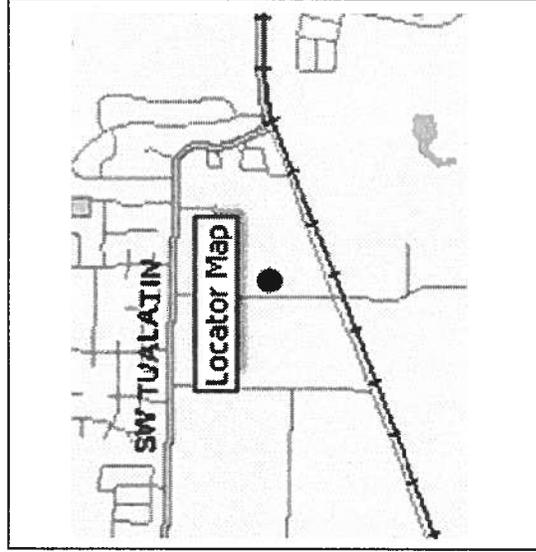
The property is located at:
2015 Anywhere Street
(TLID 2S150XX00100)

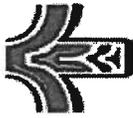
The hearing is to review an application to reinstate or re-establish a nonconforming structure or use of land on XYZ property. A nonconforming use or structure is one that was a lawful existing structure or use at the time the Tualatin Development Code (TDC) or any amendment thereto becomes effective, but which does not conform to the requirements of the Planning District in which it is located.

In reviewing the proposed reinstatement of nonconforming use the City Council must find that all the following conditions exist:

- (1) The nonconforming structure or use, if reinstated, will not be materially detrimental to the objectives of the Tualatin Community Plan.
- (2) The nonconforming structure or use, if reinstated, will not have an unreasonable detrimental effect upon the value or use of property located within 300 feet of the exterior boundaries of the property on which the reinstated nonconforming use or structure is sought.
- (3) The request for reinstatement of a nonconforming structure or use was filed with the Planning Department not more than 6 months from the date on which the nonconforming structure or use was discontinued.

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals





City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



(LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

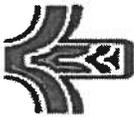
Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report, resolution, and supporting documents will be available for inspection at no cost at the Tualatin Planning Division and Tualatin Library at least seven days prior to the hearing, and will be provided at reasonable cost.

To view the application materials visit www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm. This meeting and any materials being considered can be made accessible upon request. For additional information, contact Colin Cortes at 503-691-3024 or CCortes@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
City Recorder

Mailing Label



NOTICE OF APPLICATION SUBMITTAL AND OPPORTUNITY TO COMMENT CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that on July 13, 2009, the City of Tualatin Engineering & Building Department received an application for a proposed subdivision/partition to be known as:

PAR 09-04 JAE OREGON

The property is located at:
11555 SW Leveton Drive
(TLID 2S122B00200)

The deadline for submitting comments on the proposed application is:

**5:00 p.m.
Tuesday, July 28, 2009**

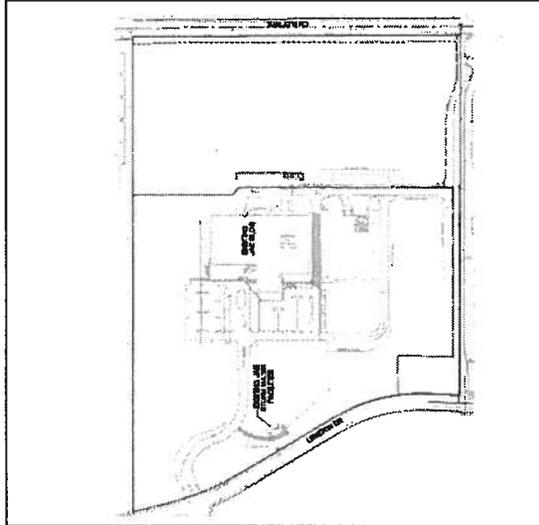
Those wishing to file written comments on the proposed subdivision/partition must submit comments to:

City Engineer
Attn: Tony Doran, EIT
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062-7092

The application is to request preliminary partition review of a two-lot partition of an existing 39.69-acre site in the Manufacturing Park (MP) Planning District. Parcel 1 of the partition would support existing and future JAE development and consist of approximately 24.59 acres, and Parcel 2 is planned for future development by a different user and will consist of approximately 15.1 acres.

In reviewing the subdivision/partition plan, the City Engineer must find that:

- (1) The subdivision/partition plan meets the requirements of the planning district:
 - minimum average lot area
 - minimum average lot width
 - minimum lot width
- (2) The subdivision/partition plan meets the requirements of the TDC:
 - Chapter 11, Transportation, regarding street width and volume;
 - Chapter 12, Water Service;
 - Chapter 13, Sewer Service;
 - Chapter 36, Subdividing, Partitioning and Property Line Adjustment Standards and Procedures;
 - Chapter 64, Erosion Control; and
 - Chapter 74, Public Improvement Requirements
- (3) The subdivision/partition plan meets the requirements of the Public Works Construction Code.





City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



Only persons who submitted comments within the specified time frame, with sufficient detail and clarity and who indicated how they may be adversely affected may appeal the final decision. Failure to raise an issue in writing, by signed letter or fax, or failure to provide sufficient detail and clarity to afford the decision-maker an opportunity to respond to the issue precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals (LUBA). A request for review hearing is *de novo*. All requests of review are first heard by the City Council. The Oregon Land Use Board of Appeals hears appeals of City Council decisions.

Copies of all evidence relied upon by the applicant are available for review and can be obtained at cost by contacting the Engineering Division. Any materials being considered can be made accessible upon request. **To view the application materials visit www.ci.tualatin.or.us/departments/engineeringandbuilding/engineering/CurrentApplications.cfm.** For additional information, contact Tony Doran at 503-691-3035 or TDoran@ci.tualatin.or.us.

Unless the City of Tualatin is otherwise advised, all future communications between the City and the applicant concerning the proposed subdivision/partition will be directed to:

Kelly Niemeyer
Group Mackenzie
1515 SE Water Avenue
Portland, OR 97293

CITY OF TUALATIN, OREGON
By: Tony Doran, EIT
Engineering Associate





NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council:

7:00 p.m.

Monday, September 28, 2009
Council Building
18880 SW Martinazzi Ave
Tualatin, OR 97062

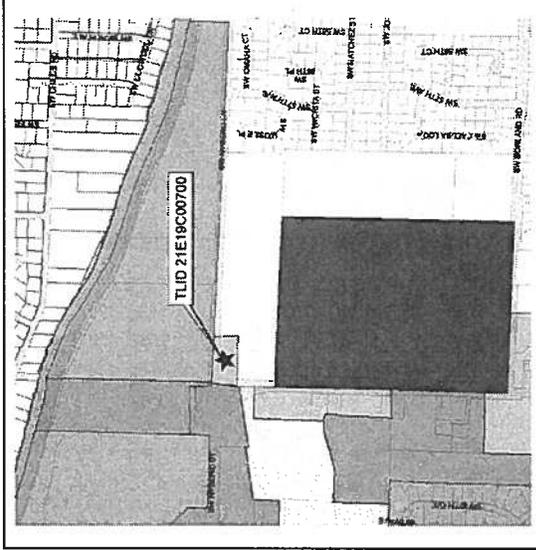
To consider:
PLAN MAP AMENDMENT (PMA) CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO OFFICE COMMERCIAL (CO) AT 6480 SW NYBERG LANE, TAX LOT 2S 1E 19C 700, AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-09-02)

The property is located at:
6480 SW Nyberg Lane
(TLID 2S1E19C00700)

The hearing is to review a request to change the Planning District designation of a 0.93-acre property located on the south side of SW Nyberg Street, east of SW 65th Avenue, from Low-Density Residential (RL) to Office Commercial (CO).

Before granting the proposed quasi-judicial amendment, the City Council must find that:

- (1) Granting the amendment is in the public interest;
- (2) The public interest is best protected by granting the amendment at this time;
- (3) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan;
- (4) The factors listed in Section 1.032(4) were consciously considered;
- (5) The Tigard Tualatin School District Facility Plan is considered;

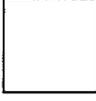


- (6) The amendment is consistent with Statewide Planning Goals;
- (7) The amendment is consistent with Metro's Urban Growth Management Functional Plan; and
- (8) Granting the amendment is consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals



City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



(LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report, ordinance, and supporting documents will be available for inspection at no cost at the Tualatin Planning Division and Tualatin Library at least seven days prior to the hearing, and will be provided at reasonable cost.

To view the application materials visit www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm. This meeting and any materials being considered can be made accessible upon request. For additional information, contact Colin Cortes at 503-691-3024 or CCortes@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
City Recorder

Mailing Label



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council:

7:00 p.m.
 Monday, October 26, 2009
 Council Building
 18880 SW Martinazzi Ave
 Tualatin, OR 97062

To consider:
PLAN TEXT AMENDMENT (PTA) 09-06—AN ORDINANCE EXTENDING THE APPROVAL PERIODS OF CERTAIN ARCHITECTURAL REVIEW DECISIONS, AND AMENDING TDC 73.056

The property is located at:
This Plan Text Amendment affects 59 Architectural Reviews (ARs) for various properties located throughout the City of Tualatin.

The hearing is about a City-initiated Plan Text Amendment (PTA) to amend Section 73.056 of the Tualatin Development Code (TDC) to provide for extension of all architectural reviews (ARs) that the City issued on or after January 1, 2007, through June 30, 2009, to December 31, 2012. The amendment affects 59 issued ARs. Of these, 41 are constructed or under construction, and one (1) was withdrawn by the applicant, leaving 17 that either expired or are at risk of expiration.

Before granting the proposed quasi-judicial amendment, the City Council must find that:

- (1) Granting the amendment is in the public interest;
- (2) The public interest is best protected by granting the amendment at this time;
- (3) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan;
- (4) The factors listed in Section 1.032(4) were consciously considered;
- (5) The Tigard Tualatin School District Facility Plan is considered;
- (6) The amendment is consistent with Statewide Planning Goals;
- (7) The amendment is consistent with Metro's Urban Growth Management Functional Plan; and
- (8) Granting the amendment is consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

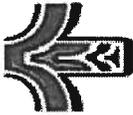
All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or

TABLE OF ALL ARs TO BE EXTENDED

The amendment covers all 59 ARs issued on or after January 1, 2007 through June 30, 2009, tabulated below, though 41 of the 59 are constructed or under construction and one was withdrawn by the applicant. Attachment D tabulates the remaining 17 ARs that are expired or at risk of expiration.

AR No.	Project	Expiration Date (Business Day)	Extension Date (Business Day)	Extension Inquiry or Request
AR02-23	01 Oak Henry	10/23/2008	10/23/2008	N/A. constructed / in court
AR02-24	Providence Baptist Health Ctr	10/23/2008	10/23/2008	N/A. constructed / in court
AR02-25	Emma's Diner (RBC Restaurant)	5/7/2008	N/A.	constructed / in court
AR02-26	LEFF, Laser & Engineering	3/1/2008	N/A.	constructed / in court
AR02-27	Tualatin Library	3/15/2008	N/A.	constructed / in court
AR02-01	Albina Pipe Bending Expansion	9/17/2008	9/17/2008	Requested 4/22/2009; no permit issuance expected
AR07-02	Broadway	10/7/2008	10/7/2008	N/A. constructed / in court
AR07-03	Tigard commuter rail (WES) station	9/28/2008	N/A.	constructed / in court
AR07-04	Mendota Park Recreation Overlook	3/21/2008	N/A.	constructed / in court
AR07-05	Clr. add	5/1/2008	N/A.	constructed / in court
AR07-06	Franklin Business Park Bldg E	5/15/2008	N/A.	constructed / in court
AR07-07	Columbia Roofing	5/3/2008	N/A.	constructed / in court
AR07-08	Cricket attached wireless antenna	9/23/2008	N/A.	constructed / in court
AR07-09	Highway Storage	7/20/2008	N/A.	constructed / in court
AR07-10	Mendota Business Ctr/Park Bldgs	6/5/2008	N/A.	constructed / in court
AR07-11	Tualatin Mini-Storage	5/25/2008	5/25/2008	Requested 4/15/2009; no permit issuance
AR07-12	Phogit Campus			Requested 4/15/2009; no permit issuance

...partial list...



City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

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To view the application materials visit www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm. This meeting and any materials being considered can be made accessible upon request. For additional information, contact Colin Cortes at 503-691-3024 or CCortes@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
City Recorder



Mailing Label



NOTICE OF APPLICATION SUBMITTAL AND OPPORTUNITY TO COMMENT CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that on November 20, 2006, the City of Tualatin Engineering & Building Department received an application for a proposed subdivision/partition to be known as:

SB-06-02

The property is located at:
**10475 SW Helenius Street
(TLID 2S135BC03200 & 3300)**

The deadline for submitting comments on the proposed application is:

**5:00 p.m.
Tuesday, December 20, 2006**

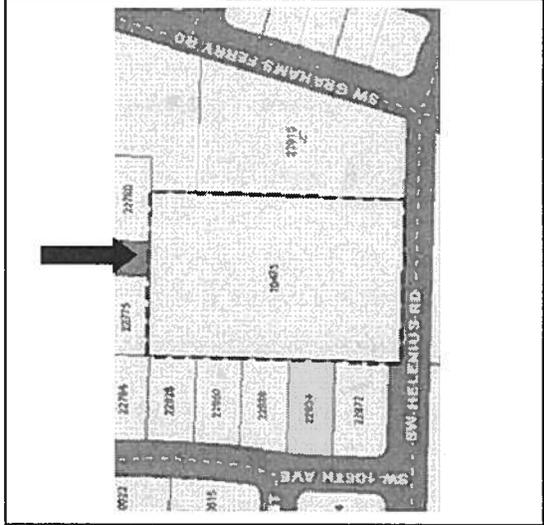
Those wishing to file written comments on the proposed subdivision/partition must submit comments to:

**City Engineer
Attn: Dayna Webb, PE
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062-7092**

The application is to request subdivision review of a 13-lot plan for the Amberstone Subdivision, located at 10475 SW Helenius Street, east of the Hedges Estates Subdivision and south of the Highland Terrace Subdivision. The site is located in the Low Density Residential (RL) Planning District and is 2.87 acres in size.

In reviewing the subdivision/partition plan, the City Engineer must find that:

- (1) The subdivision/partition plan meets the requirements of the planning district:
 - minimum average lot area
 - minimum lot width
- (2) The subdivision/partition plan meets the requirements of the TDC:
 - minimum lot width
- (3) The subdivision/partition plan meets the requirements of the Public Works Construction Code.





City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



Only persons who submitted comments within the specified time frame, with sufficient detail and clarity and who indicated how they may be adversely affected may appeal the final decision. Failure to raise an issue in writing, by signed letter or fax, or failure to provide sufficient detail and clarity to afford the decision-maker an opportunity to respond to the issue precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals (LUBA). A request for review hearing is *de novo*. All requests of review are first heard by the City Council. The Oregon Land Use Board of Appeals hears appeals of City Council decisions.

Copies of all evidence relied upon by the applicant are available for review and can be obtained at cost by contacting the Engineering Division. Any materials being considered can be made accessible upon request. **To view the application materials visit www.ci.tualatin.or.us/departments/engineeringandbuilding/engineering/CurrentApplications.cfm.** For additional information, contact Dayna Webb, PE, at 503-691-3036 or DWebb@ci.tualatin.or.us.

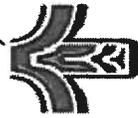
Unless the City of Tualatin is otherwise advised, all future communications between the City and the applicant concerning the proposed subdivision/partition will be directed to:

Harris-McMonagle Associates, Inc.
12555 SW Hall Boulevard
Tigard, OR 97223

CITY OF TUALATIN, OREGON
By: Dayna Webb, PE
Project Engineer

Mailing Label





NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council:

7:00 p.m.

Monday, October 12, 2009
Council Building
18880 SW Martinazzi Ave
Tualatin, OR 97062

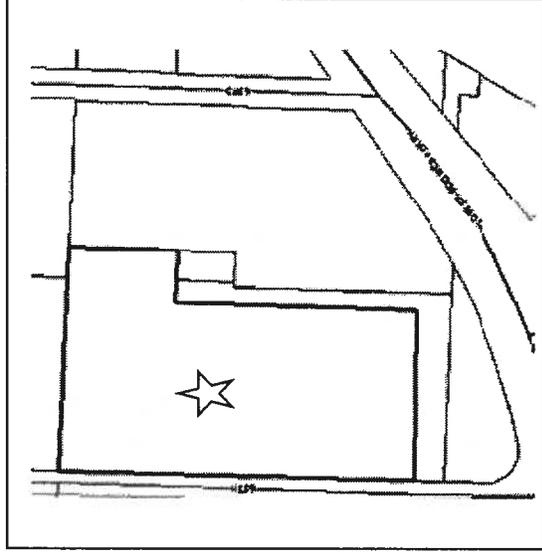
To consider:
SVAR-09-01—SIGN VARIANCE
FOR DICK'S SPORTING GOODS
STORE IN THE GENERAL COM-
MERCIAL (CG) PLANNING DIS-
TRICT AT 17799 SW LOWER
BOONES FERRY ROAD (TAX MAP
21E18BC, TAX LOT 1001)

The property is located at:
17799 SW Lower Boones Ferry
Road
(TLID 2S1E8BC01001)

The hearing is to review a request for a Sign Variance that would allow: (1) A wall sign with taller letters and increased sign face height from the maximum allowed in the General Commercial (CG) Planning District; (2) A wall sign with increased sign face area from the maximum 150 square feet allowed on a wall with an area greater than 5,000 sq. ft. in a CG Planning District.

Before granting the proposed sign variance, the City Council must find that the criteria (1)-(6) listed below are met:

- (1) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and the conditions are a result of lot size or shape or topography over which the applicant or owner has no control.
- (2) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or from the financial situation of the applicant or owner or the company, or from regional economic conditions.
- (3) The variance is the minimum remedy necessary to eliminate the hardship.
- (4) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district, however, nonconforming or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request.
- (5) The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity.
- (6) The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030.





City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

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To view the application materials visit www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm. This meeting and any materials being considered can be made accessible upon request. For additional information, contact Will Harper at 503-691-3027 or jwHarper@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
City Recorder





NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council:

7:00 p.m.
Monday, September 14 1992
Council Building
18880 SW Martinazzi Ave
Tualatin, OR 97062

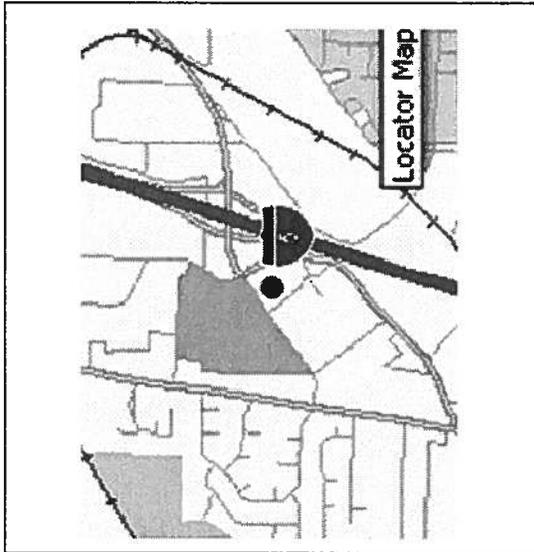
To consider:
TRP-92-01 – TRANSITIONAL USE PERMIT TO ALLOW WHOLESAL AND COMMERCIAL SALES OF SPECIALTY COUPLINGS AND HOSES IN A GENERAL COMMERCIAL (CG) PLANNING DISTRICT AT 7360 SW HAZELFERN ROAD (TAX MAP 2S113DB00701 & 800)

The property is located at:
7360 SW hazelfern Road
(TLID 2S113DB00701 & 800)

This hearing is to review an application for a Transitional Use permit to allow wholesale and commercial sales of specialty couplings and hoses at a business in the General Commercial (CG) Planning District. The purpose of the Transitional Use process is to allow, on a temporary basis and under certain conditions, a use that is otherwise illegal and to contribute to bringing the use into conformance with the Tualatin Development Code (TDC).

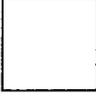
In reviewing the proposed transitional use the City Council must find that all the following standards are met:
(1) The use or structure must be consistent with the long-term objectives and spirit of the Tualatin Community Plan.

- (2) The use or structure must not create unreasonable adverse impact on abutting or surrounding properties;
- (3) By its nature, the use must be one which can be terminated and removed upon expiration of the Transitional Use Permit;
- (4) Relative to the prior use, the use or existing structures may not be intensified or expanded except for uses or structures in the ML or MG Planning Districts. This is applicable to original applications, renewals and substitute uses. In addition, no new structures except for structures in the ML or MG Planning Districts may be placed upon the subject property which may prolong or increase the economic hardship of the developer at the time of the expiration of the permit.
- (5) The permit shall be associated only with the specific structures in question and with the particular use or operation for which the application is made.
- (6) Uses and operations which may be considered nuisances due to smoke, glare, vibrations, odors, or unsightliness, shall not be permitted.





City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



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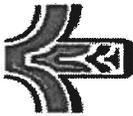
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CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
City Recorder



Mailing Label



NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council:

7:00 p.m.

Monday, February 26, 2001
 Council Building
 18880 SW Martinazzi Ave
 Tualatin, OR 97062

To consider:

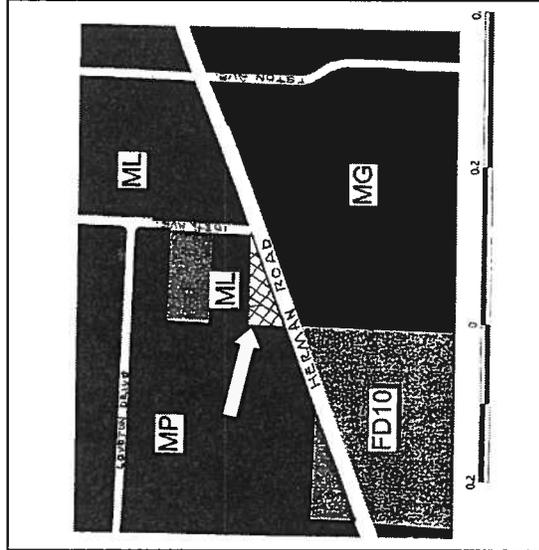
VAR-00-01—AN APPLICATION BY ROGER BROCKWAY OF ESI REQUESTING A VARIANCE FROM SECTION 60.070(2) OF THE TUALATIN DEVELOPMENT CODE (TDC) TO ALLOW A REDUCTION IN THE SIDE YARD SETBACK TO 5 FEET FOR A PROPOSED DEVELOPMENT. THE PROPERTY IS LOCATED AT 10875 SW HERMAN ROAD IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT.

The property is located at:
 10875 SW Herman Road
 (TLID 2S122A01201)

The hearing is to review a request by Roger Brockway of ESI who is requesting a variance from Section 60.070(2) of the Tualatin Development Code (TDC) to allow a reduction in the side yard setback to 5 feet for a proposed development. The existing standard requires a 50-foot setback when a side yard is adjacent to a property line in the Manufacturing Park (MP) District.

Before granting the proposed variance, the City Council must find that the criterion (1) listed below is met, and three of the four approval criteria (2)-(5) listed below are met:

- (1) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.
- (2) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.
- (3) The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same planning district or vicinity.
- (4) The variance shall not be detrimental to the applicable objectives of the Tualatin Community Plan and shall not be injurious to property in the planning district or vicinity in which the property is located.
- (5) The variance is the minimum remedy necessary to alleviate the hardship.





City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062



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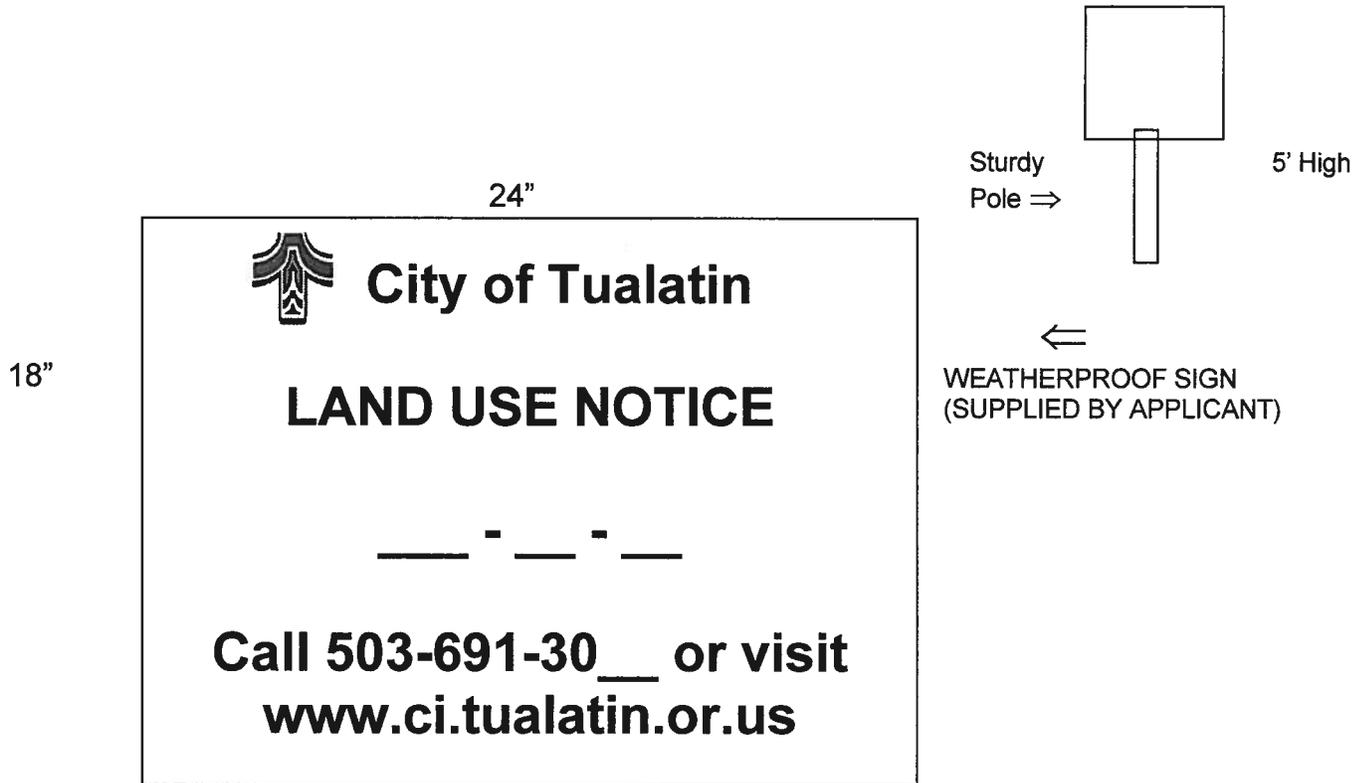
CITY OF TUALATIN, OREGON
By: Sherilyn Lombos
City Recorder



Mailing Label

LAND USE APPLICATION SIGN POSTING AFFIDAVIT

The applicant shall provide and conspicuously post a weatherproof sign pursuant to Tualatin Development Code (TDC) 31.064(2). Refer to this section for the full requirements. The sign shall display the application number and the phone number of the division office coordinator, which ends in "26" for Planning and "31" for Engineering.



NOTE: For larger projects, the Community Development Department may require the posting of additional signs in conspicuous locations.

As the applicant for the _____ project, I hereby certify that on this day, _____ sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: _____
(PLEASE PRINT)

Applicant's Signature: _____

Date: _____

WORK SESSION ITEMS

PowerPoint?

1. SWM Audit Discussion
2. TPAC Advice on Transportation Advisory Committee (Comm. Dev.)
3. Neighborhood Traffic Mitigation Process (*Stop Sign/Speed Hump Review*) (Engr)
4. Tonquin Employment Area Discussion
5. Proposed Park Charter Amendment discussion

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. YAC Update
2. Commuter Rail Update / High Speed Rail Update
3. Tualatin Tomorrow – Governance/Leadership/Community Engagement
4. Supplemental Nutrition Assistance Program (SNAP) Presentation – Judith Auslander, Partners for a Hunger-free Oregon

CONSENT CALENDAR ITEMS

1. Meeting Minutes
2. Resolution – Workers Comp Coverage Volunteers
3. Resolution - Du Jour Bonds (**TDC**) (Comm Dev)
4. Resolution – Sewer and Storm Drain Rates
5. Resolution – Certifying City Services
6. Resolution – Lower Tualatin Pump Station (LTPS) IGA Amendment No. 2
7. Resolution - LTPS Final Acceptance
8. Resolution – Changing TPAC meeting date
9. Resolution – Certifying Primary Election Results

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other *PowerPoint?*

1. Supplemental Budget (**Other hearing**)
2. State Revenue Sharing (**Other hearing**)
3. Public Hearing – Adoption of 2010/11 Budget (**Other hearing**)
4. Public Hearing – PTA-09-01 “Doggie Day Care” in CG District [*cont'd from 5/24/10*]

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Ordinance re parking citation increases

2. Approve uses of public facilities for Crawfish Festival

3. Ordinance – Adopting New Building Codes

4. Ordinance – Land Use Notification

EXECUTIVE SESSION ITEMS

1. Labor negotiations (TEA & TPOA)

MEETING CANCELLED

WORK SESSION ITEMS

PowerPoint?

- 1.
- 2.
- 3.
- 4.
- 5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

- 1.
- 2.
- 3.

CONSENT CALENDAR ITEMS

- 1.
- 2.
- 3.
- 4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

- 1.
- 2.
- 3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

- 1.
- 2.
- 3.

EXECUTIVE SESSION ITEMS

- 1.

WORK SESSION ITEMS

PowerPoint?

1. CUP list of uses update
2. Update on For Sale/Lease signs enforcement
3. Legislative Priorities--LOC
- 4.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. YAC Update
2. Commuter Rail Update
- 3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes
2. Authorization to Execute Collective Bargaining Agreements *[tentative]*
3. Resolution - Shelter Rental Fees
- 4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PMA-09-03 Meridian Park Hospital (*Quasi judicial*) (Comm. Dev.) *[continued from 3/8/10]*
2. PTA-09-08 Mitigation Impacts – Sewer, Water, Storm (*Legislative*) (Comm. Dev.)
3. CUP-10-01 Doggie Day Care (*Quasi*) – *Renoticed from 6/28/10* (Comm. Dev.)

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Tualatin Tomorrow Annual Report
2. Resolution Development Agreement Meridian Park Hospital (Comm. Dev.) *[continued from 3/8/10]*
3. Resolution – MOU re Basalt Creek Planning Area
- 4.
- 5.

EXECUTIVE SESSION ITEMS

1. Labor Negotiations

WORK SESSION ITEMS

PowerPoint?

1. Mitigation Impacts – Sewer / Water / Storm
2. WCCLS Levy discussion
- 3.
- 4.
- 5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. National Nite Out Presentation
- 2.
- 3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes
2. Resolution – Changes in Mgmt Compensation Plan
- 3.
- 4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

- 1.
- 2.
- 3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Accepting Southwest Concept Plan *[tentative]*
- 2.
- 3.
- 4.
- 5.

EXECUTIVE SESSION ITEMS

- 1.

May

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 6:00p CIC Meeting	4 11:30a - Tasty Tuesday (Famous Dave's) 7:00p ASR Open House (or 5/5/10)	5 7:30a - Walk + Bike to School Day 10:00a -Public Works Week Shadow Day @ OPS	6 5p Metro RTP Public Hearing 6:45p Clackamas County C-4 Meeting @ County Develop. Services Bldg.	7 7:30a Chamber Networking @ Edward Jones, 8117 SW Seneca	8 10-2:00p Bulky Waste Day @ Allied in Wilsonville
9	10 5:00p Work Session: 1st Budget Committee Mtg. 7:00p Council/TDC Mtg	11 5:30p-7:30p Tualatin Tomorrow Annual Event; Juanita Pohl Center	12 1:15-3:40p Public Works Week Fair Day @ Hazelbrook Middle School	13 7:00p TPAC Meeting, Council Chambers	14 7:30a Chamber Networking @ Corner Office, 8215 SW Tualatin-Sherwood Road #200 9:30a YAC Project F.R.I.E.N.D.S.	15 10-2:00p Yard Debris Drop Off Event @ Grimm's Fuel
16 7a-12p Tualatin Trail 10 Miller	17 Chamber Crawdaddy Open Golf Tournament Public Works Week 2010	18 7:00a Tigard Area Chamber Speed Networking Event @ Embassy Suites Washington Square Election Day (Primary)	19 8:00a Chamber new member breakfast @ Claim Jumper 12:00p Core Area Parking District Board, Council Chambers 5:30p Chamber Alive After Five @ Oil Can Henry's Corp. office, 19150 SW 90th Avenue	20	21 7:30a Chamber Networking @ Cheer Me Up Coffee, 7715 SW Nyberg 12:00-1:00p Public Works Week Picnic @ Comm Park	22
23 7a-12p 10 Cane 10k Run - Commons 9a-1p Pedaling in the Park event - Commons 7a-5p Electric Radio Controlled Unlimited (boats) - Lake of Commons	24 5:00p Work Session 7:00p Council/TDC Mtg	25 6:00p 2nd Budget Committee Meeting 6:30p Tualatin Tomorrow VIC Steering Committee, Library Community Room	26 5:30p Ribbon Cutting @ the Corner Office, 8215 SW Tualatin-Sherwood Road, Suite 200	27 11:30a Chamber Luncheon @ Hayden's 6:00p 3rd Budget Committee Mtg (if needed)	28	29
30	31 Memorial Day Holiday CITY OFFICES AND LIBRARY CLOSED					

2010

June

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
		1 6:00p TLAC @ Council Chambers Summer Reading Begins	2	3 6:45p Clackamas County C-4 Meeting @ County Develop. Services Bldg.	4 7:30a Chamber Networking PixelGigs @ Outdoor Kitchen World, 10800 SW Tualatin-Sherwood Road	5
6	7 6:00p CIC Meeting	8 6:00p TPARK @ Council Chambers	9	10 7:00p TPAC Meeting, Council Chambers	11 7:30a Chamber Networking, Int. Retail Solutions @ A Group Realty, 18662 SW Boones Ferry Road	12
13	14 5:00p Work Session 7:00p Council/TDC Mtg	15 6:00p TAAC @ Council Chambers	16 5:30p Chamber Alive After Five @ River Valley Landing	17	18 7:30a Chamber Networking sponsored by American Cancer Society; Location TBA	19 10a-4p Tualatin Riverkeepers' Discovery Day - Brown's Ferry Park (take-out)
20	21 CANCELLED 6:00p-Work Session 7:00p Council/TDC Mtg	22 6:30p Tualatin Tomorrow VIC Meeting @ Police Training Room	23	24 11:30a Chamber Luncheon @ Hayden's	25 5:45a Multi-Chamber Networking; Tigard Festival of Balloons @ Cook Park 4:00p Ribbon Cutting Ceremony; Farmers' Market @ Tualatin Commons	26 7a-5p Electric Radio Controlled Unlimited (boats) - Lake of Commons
27		29	30			

2010

July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 6:45p Clackamas County C-4 Meeting @County Develop. Services Bldg.	2 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	3 9:00p Movies on the Commons – Astro Boy
4	5 Independence Day Holiday CITY OFFICES CLOSED	6 6:00p TLAC @ Council Chambers 6:00p CIC Meeting <i>(tentative date)</i>	7	8 7:00p TPAC Meeting, Council Chambers	9 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	10 9:00p Movies on the Commons – The Spy Next Door
11	12 5:00p Work Session 7:00p Council/TDC Mtg	13 6:00p TPARK @ Council Chambers	14	15 7:00p Urban Renewal Advisory Committee, Council Chambers, 18880 SW Martinazzi Avenue	16 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	17 7a-5p Electric Radio Controlled Unlimited (boats) – Lake of Commons 10p-10p Relay for Life @ TuHS artificial turf field 9:00p Movies on the Commons – Shark Tale
18 8a-12p Relay for Life @ TuHS artificial turf field	19	20 6:00p TAAC @ Council Chambers	21	22	23 Artsplash 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	24 9:00p Movies on the Commons – Monsters vs. Aliens
25	26 5:00p Work Session 7:00p Council/TDC Mtg	27 6:30p Tualatin Tomorrow VIC Steering Committee @ Council Chambers	28	29	30 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	31 9:00p Movies on the Commons – Where the Wild Things Are

2010