



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, June 14, 2010

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 4:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

**Council President Chris Barhyte
Councilor Monique Beikman
Councilor Joelle Davis**

**Councilor Jay Harris
Councilor Donna Maddux
Councilor Ed Truax**

WELCOME! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda – Item C, following Presentations, at which time citizens may address the Council concerning any item not on the agenda, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the world wide web at www.ci.tualatin.or.us, at the Library located at 18878 SW Martinazzi Avenue, and are also on file in the Office of the City Manager for public inspection. Any person who has any question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised “live” on the day of the meeting on Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org.

Your City government welcomes your interest and hopes you will attend the City of Tualatin City Council meetings often.

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A “legislative” public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. The Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, deny, or “continue” the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A “quasi-judicial” public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. The Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report to the Council.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. The Council then asks questions of staff, the applicant or any member of the public who testified.
5. When the Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either approve, approve with conditions or deny the application, or “continue” the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

Executive session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* the employment of personnel; *ORS 192.660(2)(b)* the dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 92.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



A. CALL TO ORDER
Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Page No.

- 1. Youth Advisory Council Annual Report and Year End Award Ceremony.....6
- 2. Tualatin Tomorrow Presentation – *Governance, Leadership & Community Engagement - Ed Casey*
- 3. Supplemental Nutrition Assistance Program (SNAP) Presentation – *Judith Auslander, "Partners for a Hunger-free Oregon"*
- 4. Commuter Rail and High Speed Rail Updates

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Commission regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA (Item Nos. 1 – 10)

Page No.

The Consent Agenda will be enacted with one vote. The Mayor will first ask the staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

- 1. Approval of the Minutes of the Work Session and Meetings of April 12, 201025
May 10, 2010, and May 24, 2010
- 2. Resolution No. 4978-10 Approving and Authorizing the Provision of Workers..... 52
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Repealing Resolution No. 4902-09
- 3. Resolution No. 4979-10 Amending Sewer and Surface Water Management Rates Inside54
the City of Tualatin and Rescinding Resolution No. 4888-09
- 4. Resolution No. 4980-10 Certifying City of Tualatin Municipal Services.....58
- 5. Resolution No. 4981-10 Amending an Intergovernmental Agreement between.....60
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Maintenance Responsibilities in Association with
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- 6. Resolution No. 4982-10 Accepting Public Improvements for Construction of Phase 1 Park65
Improvements Associated with the Lower Tualatin Pump Station

D. CONSENT AGENDA (Item Nos. 1-10) [continued from previous page] Page No.

- 7. Resolution No. 4983-10 Modifying Establishment of Regular Meetings of the City70
 Council and Advisory Committees of the City and Repealing
 Resolution No. 4950-10

- 8. Resolution No. 4984-10 Canvassing Results of the Authorization to Annex into the73
 Clackamas County Library District to the Voters of the
 Primary Election in the City of Tualatin, Washington and
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- 9. Resolution No. 4985-10 Authorizing Changes to the Adopted 2009/2010 Budget.....75

- 10. Community Involvement Committee Appointments78a
 - Dawn Upton – Arts Advisory Committee, partial term ending 03/31/2013
 - Dennis Wells – Parks Advisory Committee, partial term ending 2/28/11

- G.2 Ordinance No. 1303-10 Adopting the 2010 Edition of the Oregon Structural Specialty141
 Code, the 2010 Oregon Mechanical Specialty Code, the 2010
 Oregon Fire Code, and the 2010 Oregon Manufactured Dwelling
 Installation Specialty Code
[moved to Consent during Work Session]

- G.3 Ordinance No. 1304-10 Increasing Land Use Public Notification Requirements; and.....145
 Amending Tualatin Development Code (TDC) 1.031, 31.063,
 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060,
 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200,
 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.340,
 37.020, 68.020, 68.050, 68.080, 68.090, and Adding TDC
 31.064 (PTA-09-07)
[moved to Consent during Work Session]

E. PUBLIC HEARINGS – Legislative or Other (Item Nos.1 - 3) Page No.

- 1. Resolution No. 4986-10 Declaring the City’s Election to Receive State Revenue79
 Sharing Funds During Fiscal Year 2010-2011

- 2. Public Hearing to Consider a Resolution Adopting the City of Tualatin Budget for82
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 Resolution No. 4987-10 Adopting the City of Tualatin Budget for the
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- 3. Public Hearing to Consider an Ordinance Amending the General Commercial92
 (CG) Planning District to Allow “Doggie Day Care” and Amending TDC 31.060;
 54.020 and 54.030 (PTA-10-01) **[CONTINUED from May 24, 2010]**

 Ordinance No. 1305-10 Amending the General Commercial (CG) Planning
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F. PUBLIC HEARINGS – Quasi-Judicial

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1. Authorizing the Use of City Resources and Facilities by the Chamber of Commerce131
for the Annual Crawfish Festival

2. Ordinance No. - - - Adopting the 2010 Edition of the Oregon Structural Specialty141
Code, the 2010 Oregon Mechanical Specialty Code, the 2010
Oregon Fire Code, and the 2010 Oregon Manufactured Dwelling
Installation Specialty Code
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Amending Tualatin Development Code (TDC) 1.031, 31.063,
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37.020, 68.020, 68.050, 68.080, 68.090, and Adding TDC
31.064 (PTA-09-07)
[moved to Consent during Work Session]

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Chairman may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT



CITY COUNCIL SIGN-UP SHEET

PLEASE COMPLETE TO GIVE TESTIMONY

DATE:

June 24, 2010 pg 1

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	FOR CARNILLES	9825 SW CHAZMAN TUALATIN, OR		(Carnilles for Congress)	
2.	PAUL BURGESS	10225 SW OAKSIDE CT TUALATIN, OR			E-3
3.	Joseph Schwabe	1211 SW 5th Ave, Suite 1900 Portland, OR 97204	j.schwabe@schwabe.com	Osung's Investors	E-3
4.					
5.					
6.					
7.					
8.					



CITY COUNCIL SIGN-UP SHEET

PLEASE COMPLETE TO GIVE TESTIMONY

DATE:

June 24, 2010 pg 1 of 2

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	FOR GARNILLES	9825 SW SPALDIN TUALATIN, OR		Garnilles for Congress	
2.	Phil BURRELL	10225 NW OAKSIDE CT TUALATIN, OR			E-3
3.	Joseph Schwabe	1211 SW 5th Ave, Suite 1900 Portland, OR 97204	jschwabe@schwabe.com	Group's Investors	E-3
4.	Dolores Hurtado	8685 SW Burnside St. Tualatin, OR 97062	dohurtado@ povarret.com		
5.					
6.					
7.					
8.					

JOIN US EACH FRIDAY STARTING JUNE 25TH!

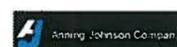
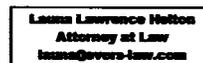
4 - 8 PM

ON THE COMMONS

THROUGH SEPTEMBER 24TH



PRESENTED BY



FOCUS ON TUALATIN LATINOS

Bienvenidos Amigos!

Tualatin Tomorrow is forming a Latino Outreach Committee to provide a forum for addressing the needs of Latino residents and encouraging their involvement in planning for our future.

Tualatin is a wonderful place to live. It has beautiful parks, quiet streets, riverside walks, shopping, good schools, and medical services. It also has a growing Latino population who choose to live here for the quality of life and the jobs found in Tualatin's light industry and agriculture. We have seen several new businesses opened by Latinos in spite of our recent economic downturn and they are a strong customer base for local shopping centers," according to Linda Moholt, Tualatin Chamber of Commerce.



Latinos were 11.9% of our population in the 2000 Census; but current school populations range from 42% to 74%, indicating a major population increase in this decade.

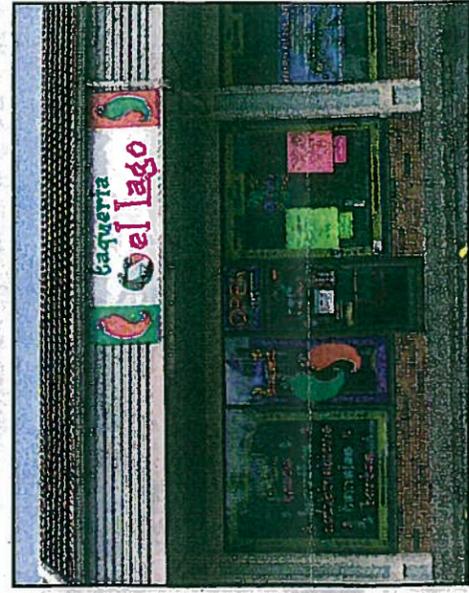
The population changes have been noted by the City which is making an effort to identify and recruit bilingual staff and by the Library which has programs, ESL classes and materials in Spanish and many Latino volunteers. Building on these efforts, Tualatin Tomorrow is launching the Latino Outreach Committee chaired by Beverly Robinson. According to Robinson, "One goal is to encourage Latino involvement on city committees and in the strategic planning process. We want to identify leadership and mentor and support diversity in our Tualatin Community."

Much like the outreach committee formed in Hillsboro, Tualatin Tomorrow Latino Outreach Committee wants to strengthen communication with Latinos. Working with established groups in schools and at the Library, the Committee will identify issues of relevance to Latinos, support local businesses owned or managed by Latinos, form a speaker's bureau, and support diversity efforts and special events in Tualatin.

The community based, volunteer led Tualatin Tomorrow has many strategies and action steps relating to Latinos. However, it has not had a coordinated process for achieving these action steps. Now it has.

To learn more about the Latino Outreach Committee, please contact Beverly Robinson at robinvas@comcast.net or pick up information at the Tualatin Public Library. For more information about Tualatin Tomorrow see www.tualatintomorrow.org.

envision



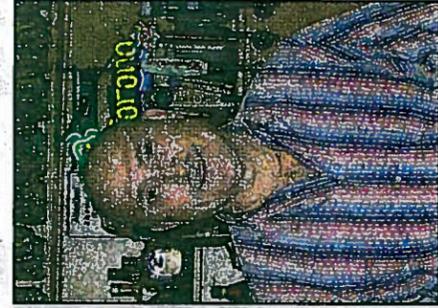
El Sol Latino

Antonio purchased the store in 2003 and changed the name to El Sol Latino from Mercado Latino. He did this because in Mexico he worked for a newspaper called El Sol. He wanted a business so he'd have time to raise his daughter and assist with her education.



Antonio Zavala, proprietor of El Sol Latino

Antonio loves Tualatin because it has the tranquility of a suburb, but the many services and comforts of a larger city. He offers excellent, attentive service and specialty items not found in many area stores.



Olegario Soltero, proprietor of Juan Colorado

Juan Colorado

Olegario Soltero began his growing chain of restaurants in 1989 with El Ranchito in Lake Oswego. Currently there are 8 Juan Colorado restaurants, but the Tualatin location is the strongest of the eight.



Maria Barragan, Manager of Juan Colorado delivering food

Tualatin's Changing Latino Community

WRITTEN BY: OMITHIA GANE

Latinos are quickly becoming an integral part of our community. In addition to more local business ownership, more Latinos are becoming visible and active members of our community.

By simply observing the many new thriving businesses catering to Latinos, it is clear that they are an important segment of Tualatin's consumer base. Tualatin has seen a significant increase in Latino specialty stores, Mexican restaurants, and acknowledgment by area retailers like Fred Meyer, K-Mart, Haggen and others as they expanded their Mexican specialty sections over the last few years to accommodate.

While the term Latino or Hispanic is more politically correct, most of Tualatin's Latino base is from Mexico. Specifically two States in Mexico, Guerrero and Oaxaca, but there are also many from Jalisco, Michoacán, and Guanajuato. Antonio Zavala, owner of El Sol Latino market in Tualatin, said that Latino is a general term for those who speak a Latin based language, but says that includes the people of Spain; many South American Countries and is "technically accurate" but that overwhelmingly his customers are from Mexico.

It is now commonplace to see bilingual tellers at area banks. Our Library has significantly increased its array of books and films in Spanish. Tualatin Tomorrow has launched an outreach program to find ways to be more inclusive to our Latino community. Tualatin High School has programs to assist with Mexican Americans appreciate their proud heritage while effectively assimilating to American culture. This year's Crawfish Festival will be dubbed, "Fiesta" to honor our Mexican/American community as well as invite them to be a part of our local culture.

We can expect more people of Mexican descent to be increasingly active members of our community and take their place among our business, civic and professional leaders.

Taquería El Lago

Taquería El Lago opened one year ago and many local people appreciate their fresh food, home-made tortillas, authentic Mexican food and specials every day of the week. They have received a great deal of praise for their home-made, fresh food.



Jose Garcia, partner/proprietor with two co-workers.



Officer Guadalupe (Tony) Villa has been an Officer with the Tualatin Police Department since 2008.



Another Perspective from a Tualatin Resident



The Hispanic community in Tualatin has increased in population during the 10 years that I have been a Tualatin resident. I have seen the Hispanic community put forth their part in building this city and calling it a home away from home.

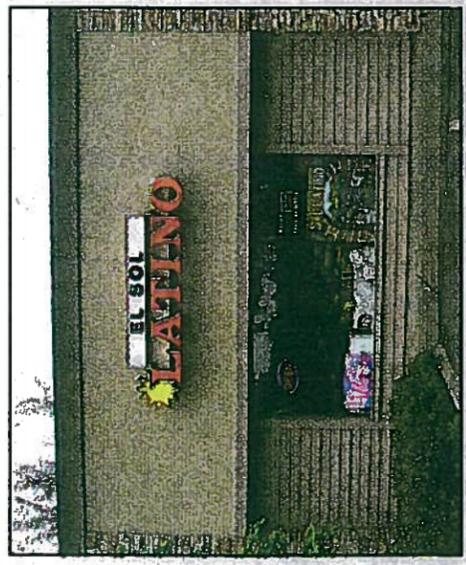
I have been a Tualatin resident for 10 years. I attended Tualatin High School and was a part of a club named M.E.Ch.A. Club (Mexican Student Movement of Aztlan). It has been part of Tualatin High School for years and is growing strong. M.E.Ch.A. teaches unity, empowerment and leadership through education and political action. They participate in several events through out the school year including the homecoming parade each fall. It's a great club to get involved with. I gained knowledge of my Hispanic roots and leadership skills from it. Back when I attended High School it was somewhat smaller but M.E.Ch.A. helped me learn unity.



The Hispanic involvement doesn't stop at TuHS. Most of us have eaten at Juan Colorado's on the corner of Boones Ferry Rd and Lower Boones Ferry Rd. Juan Colorado's Restaurant has been part of our community for many years. They have a great menu with delicious Mexican dishes that most all our Tualatin residents enjoy.

Since Juan Colorado's a few other taqueria's and Hispanic shops have opened for business. The most recent being El Lago Taqueria, which is located right off the Tualatin Common's El Lago stands for "The Lake". I have also seen El Ranchito Allegre expand and now offer a great restaurant a Hispanic grocery store where they sell Hispanic pastries, fresh vegetables and other great Hispanic products.

I believe having Hispanic Restaurants and Shops in Tualatin encourage local shopping for the Hispanic community. I will continue to shop locally and encourage everyone to shop locally no matter what ethnicity you are. Tualatin is such a diverse community and welcomes everyone equally.



Tualatin Tomorrow has six Focus Areas with many actions and strategies in place to help make Tualatin a great place to live today and tomorrow. Join the effort and help shape our future.

Other Goals:

- Strengthen communication with the City of Tualatin
- Support established groups in schools and at the library
- Identify and support local businesses owned or managed by Latinos
- Become involved in special events hosted by the city
- Host a forum for Latino issues
- Create a Latino Speakers Bureau to increase cross-cultural knowledge and sensitivity
- A Latino City Council member within 10 years

**Tualatin
Tomorrow**

**Latino
Outreach
Committee**

**Serving Tualatin Area
Residents**

For more information, please
contact Beverly Robinson at:
robinbev43@yahoo.com



Tualatin Tomorrow

18880 SW Martinazzi Ave.
Tualatin, OR 97062

Phone: 503.691.3009

Tualatin Tomorrow, a citizen led visioning organization, is forming a Latino Outreach Committee to provide a forum for addressing the needs of Latino Residents and encouraging their involvement in planning our future.

Our main goal is to encourage participation by the Latino community in civic organizations, like city planning and advisory committees and the strategic planning process. We want to identify leadership and mentoring opportunities and support diversity in the Tualatin community.

In order to make the community a better place for our children to live and work, we must all be involved in the process!

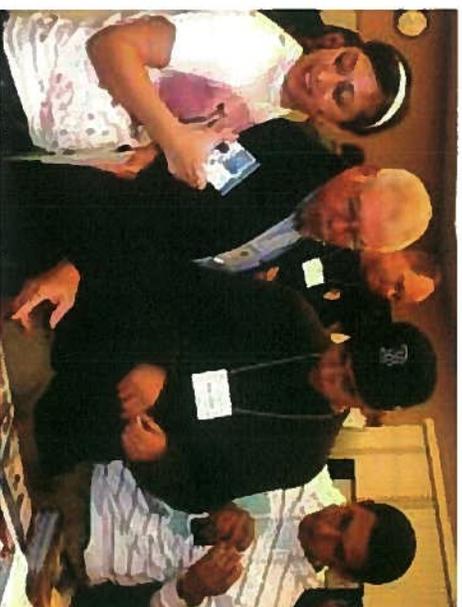


Tualatin Tomorrow, organización visionaria conformada por ciudadanos, está formando un Comité Latino de Acercamiento para proveer un espacio que sirva para exponer las necesidades de los Residentes Latinos y motivar su participación en la planeación de nuestro futuro.



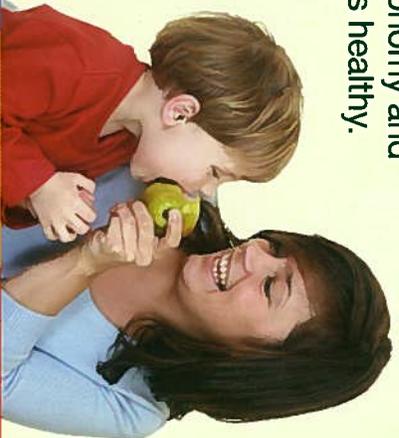
Nuestra meta principal es motivar el involucramiento de la Comunidad Latina en organizaciones cívicas como la planeación de la ciudad, comités de asesoramiento y en el proceso de planeación estratégica. Queremos identificar oportunidades de liderazgo e instrucción y apoyar la diversidad en la comunidad de Tualatin.

Con el fin de hacer de la comunidad un lugar mejor para nuestros niños, para vivir y trabajar, ¡todos debemos involucrarnos en el proceso!



Facts about the Supplemental Nutrition Assistance Program (SNAP)

- Oregon has joined 26 other states in changing the Food Stamp program's name to the Supplemental Nutrition Assistance Program. The new name emphasizes that nutritious and healthy foods are within reach of low-income households.
- Over half of all adults will use food benefits in their lifetime.
- Food benefit dollars are provided on a food benefit card. It works like a bank debit card at grocery stores and some farmers' markets.
- Families who get food benefits may also qualify for help from the Women, Infants and Children Program (WIC), school meals and phone bill aid programs.
- SNAP brings millions of federal tax dollars back to Oregon to keep our economy and families healthy.



www.snap.oregon.gov

This document can be provided upon request in alternative formats for individuals with disabilities. Other formats may include (but are not limited to) large print, Braille, audio recordings, Web-based communications and other electronic formats.

E-mail fspolicy@dhs.state.or.us, call 503-378-3486 (voice) or 503-378-3523 (TTY), or fax 503-373-7690 to arrange for the alternative format that will work best for you.



Partners for a
Hunger-Free Oregon

Ending hunger before it begins.



Oregon Department
of Human Services

USDA is an equal opportunity provider and employer.

DHS 9221 3/2010



YOUR GUIDE TO

Putting healthy food within reach.

SUPPLEMENTAL NUTRITION
ASSISTANCE PROGRAM
FORMERLY THE FOOD STAMP PROGRAM



WWW.SNAP.OREGON.GOV

1-800-SAFENET

 DHS | Independent. Healthy. Safe.

Many people are surprised to find out they can get SNAP.

If you know people going through hard times who need help putting healthy food on the table, tell them about SNAP. They may be surprised to learn they can get food benefits from the Supplemental Nutrition Assistance Program (SNAP).

INCOME LIMITS MAY BE HIGHER THAN THEY THINK:

Household size	Monthly income
1	\$1,670
2	\$2,247
3	\$2,823
4	\$3,400
5	\$3,976
6	\$4,553

Add \$555 for each additional person

Income guidelines updated annually

Assets such as a house, a car or money in the bank won't be counted for most people.



What can I do to help?

Talk to friends and family who need help. Let them know they can apply at any food benefits office.

Call Safenet at 800-SAFENET (800-723-3638) or visit www.oregonsafenet.org to find out:

- the location of the nearest office;
- the answers to eligibility questions; *and*
- what types of verification they will need in order to apply.

MOST PEOPLE WILL NEED TO SHOW:

- Identification (such as a driver's license);
- Social Security numbers for everyone they are applying for;
- Proof of income (such as check stubs);
- Non-citizens will need to show proof of the legal immigrant status of household members applying for food benefits.

USE THE INTERNET TO LEARN ABOUT FOOD BENEFITS:

Visit www.snap.oregon.gov or www.oregonhelps.org for answers to their questions and to see a list of programs that may help them.



Oregonians look out for each other.

That's just what we do. That's why we want you to know about the Supplemental Nutrition Assistance Program (SNAP).

When people are going through tough times, SNAP can help them buy the food they need to stay healthy. And when they use their food benefit card to buy groceries, they aren't just helping themselves. They are also supporting local grocers and the local economy.





Partners for a
Hunger-Free Oregon

JUDITH AUSLANDER, MA
*SNAP Senior
Outreach Specialist*

712 SE Hawthorne Blvd. #202
Portland, Oregon 97214
PHONE: 503-595-5501, x7
FAX: 503-595-5504
judith@oregonhunger.org
www.oregonhunger.org

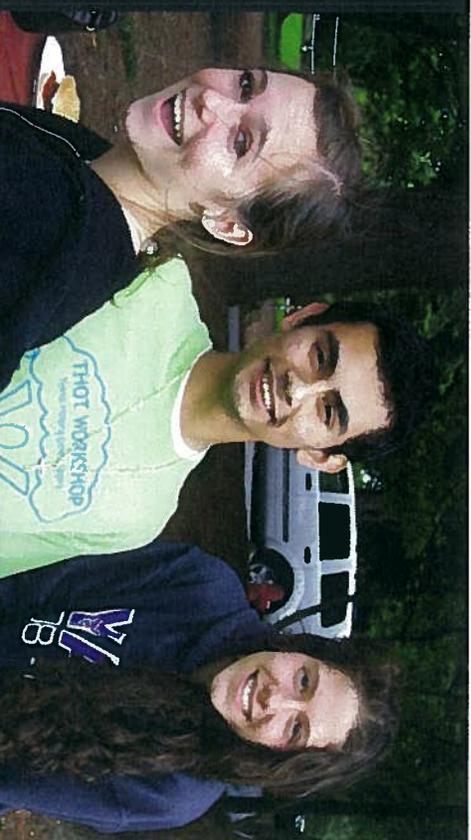


Tualatin Youth Advisory
Council

2010 Annual Report

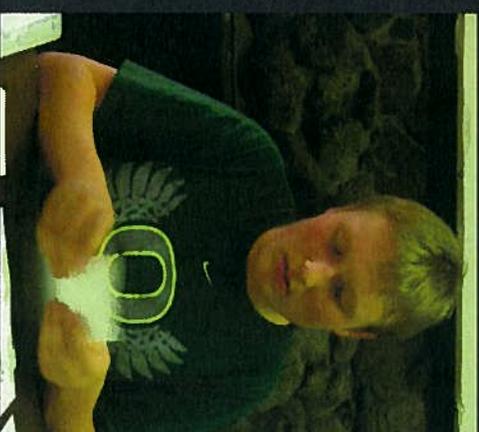
YAC Seniors

- Nichole Abbey
- Matthew Banse-Fay
- Jose Barragan
- Kris Grambow
- Laura Houlberg
- Caitlyn Hunsdon
- Becca Koessler
- Lindsey Pozo
- Natalie Pozo



YAC Juniors

- Erich Helmreich
- Mackenzie Humble
- Maddie Willon



YAC Members

- 8th – 10th grade
 - Sam Banse-Fay
 - Sam Ford
 - Megan Schucht
 - Malory Turner
 - Valerie Tsai
 - Ryan Houlberg
 - Bella Koessler
 - Libby Banse-Fay
 - Miranda Saari



YAC Goals:

- Advise the Tualatin City Council on issues that affect youth in the community
- Serve as a communication link for youth to government, business, and the community on a variety of subjects
- Identify and advocate for the needs of youth in our community
- Identify and carry out events and activities for the community, which are important to youth

We strive to meet these goals in three main ways.....

How we meet our goals:

- Staying connected to the city
- Addressing issues of importance to youth
- Hosting youth events and activities



Staying Connected to the City

- Monthly council updates
- Providing youth perspective on issues
- Volunteering at city events



Staying Connected to the City...

- YAC members take turns presenting monthly reports to City Council
- YAC members attended meetings on the Central Urban Renewal District and provided a youth perspective on the issues



Staying Connected to the City.....

- YAC members volunteer at many city events, including the Pumpkin Regatta, Starry Nights and Holiday Lights, and Pedaling in the Park



Addressing issues of importance to youth

- Washington County Youth Summit Grant
- Fit City Challenge team
- National League of Cities Congress of Cities



Washington County Commission on Children and Families: Youth Summit Grant Project



Project

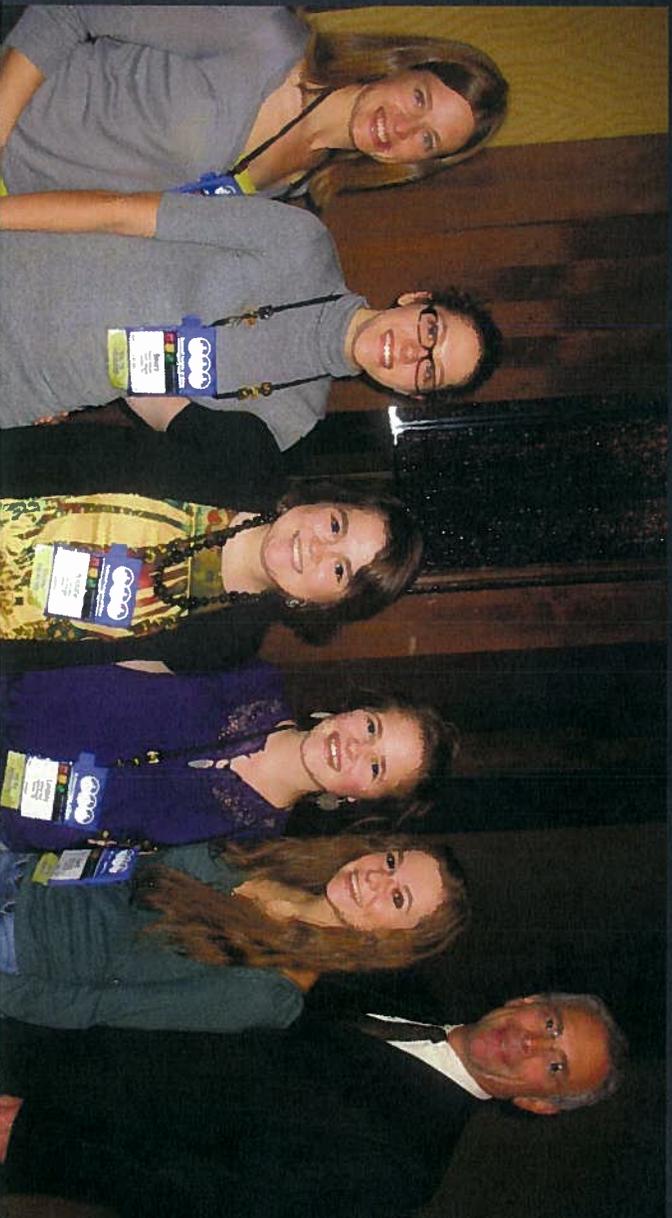
F.R.I.E.N.D.S

Project F.R.I.E.N.D.S.



National League of Cities 2010 San Antonio, Texas

- YAC members Laura Houlberg, Lindsey Pozo, Becca Koessler and Nichole Abbey attended conference workshops and youth-oriented events.



Hosting Youth Events & Activities

- TualalaFest – Battle of the Bands
- Movies on the Commons
- Annual Haunted House
- Teen Extravaganza



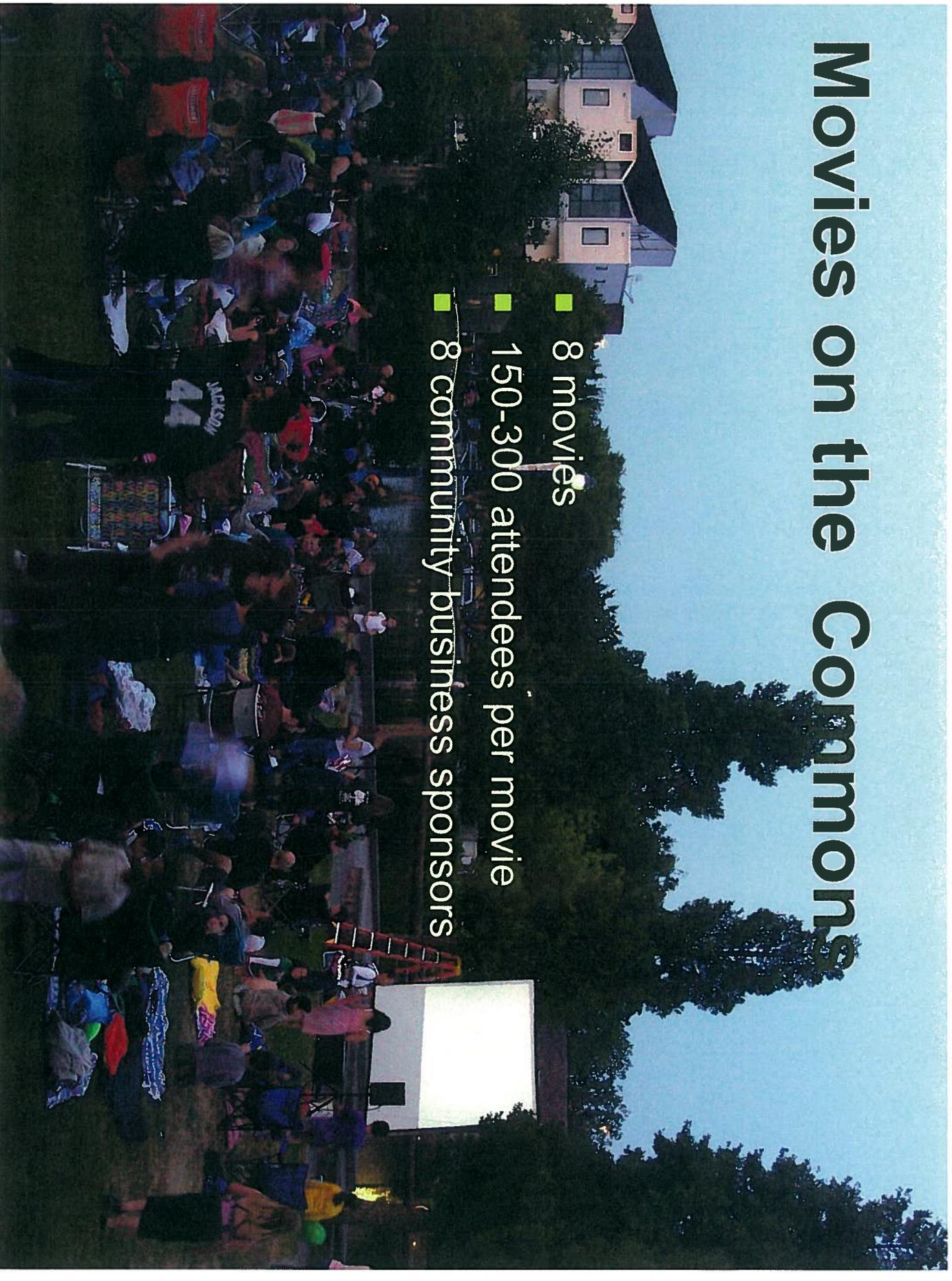
TualalaFest 2009!

- Provide a forum for local teen bands to showcase their talents
- Three bands competed this year for a Guitar Center gift certificate and studio time
- Day of music, food, prizes, and sunshine!



Movies on the Commons

- 8 movies
- 150-300 attendees per movie
- 8 community business sponsors



Haunted House 2009

- Four nights
- 250 attendees
- A super scary good time!
- 100% cost recovery



Other Volunteer Work/Activities

- Heritage Center Harvest Festival
 - Library Foundation Auction
 - Walk + Bike to School Day
 - League of Oregon Cities Conference
 - Starry Nights and Holiday Lights
 - Fit City Challenge 5K
 - Arbor Day Ad-Hoc Committee
 - Pedaling in the Park
-

Thank You!



- We're looking forward to the challenges and rewards of the upcoming year!



**SURFACE WATER
MANAGEMENT (SWM)
AUDIT OF
IMPERVIOUS
SURFACE AREA**

JUNE 14, 2010

History of SWM Program

- Program started in 1990 by Unified Sewerage Agency (now Clean Water Services)

 Tualatin has never taken a comprehensive look at the SWM information in the utility data base that is used to issue monthly utility bills

Status of SWM Program

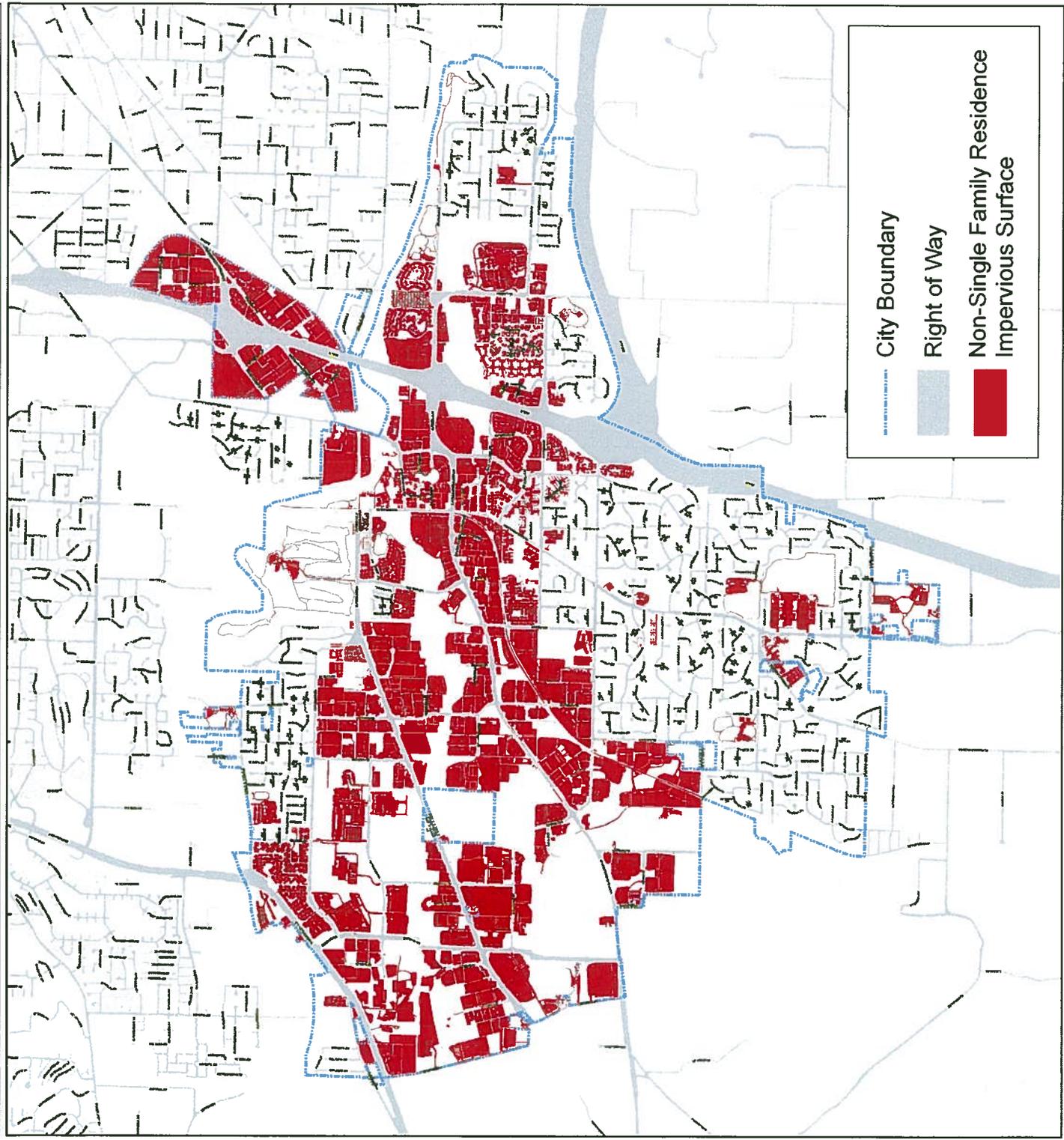
- This is a good time to update the existing information because:
 - Starting in 09/10 and continuing in 10/11 the Engineering Division is updating the storm drain data so that the Storm Water Master Plan can be updated by a consultant. Water quality is an important part of the Master Plan. Accurate impervious area is necessary.
 - Tualatin is now setting its own rates on the local portion of the monthly SWM fee and an accurate data base will assist in accurate revenue forecasting
 - CWS is currently reviewing the SWM program: methodology, rates, etc.

 GIS used aerial photography to measure each non-single family residential property's impervious surface area and compare it to the current billing data

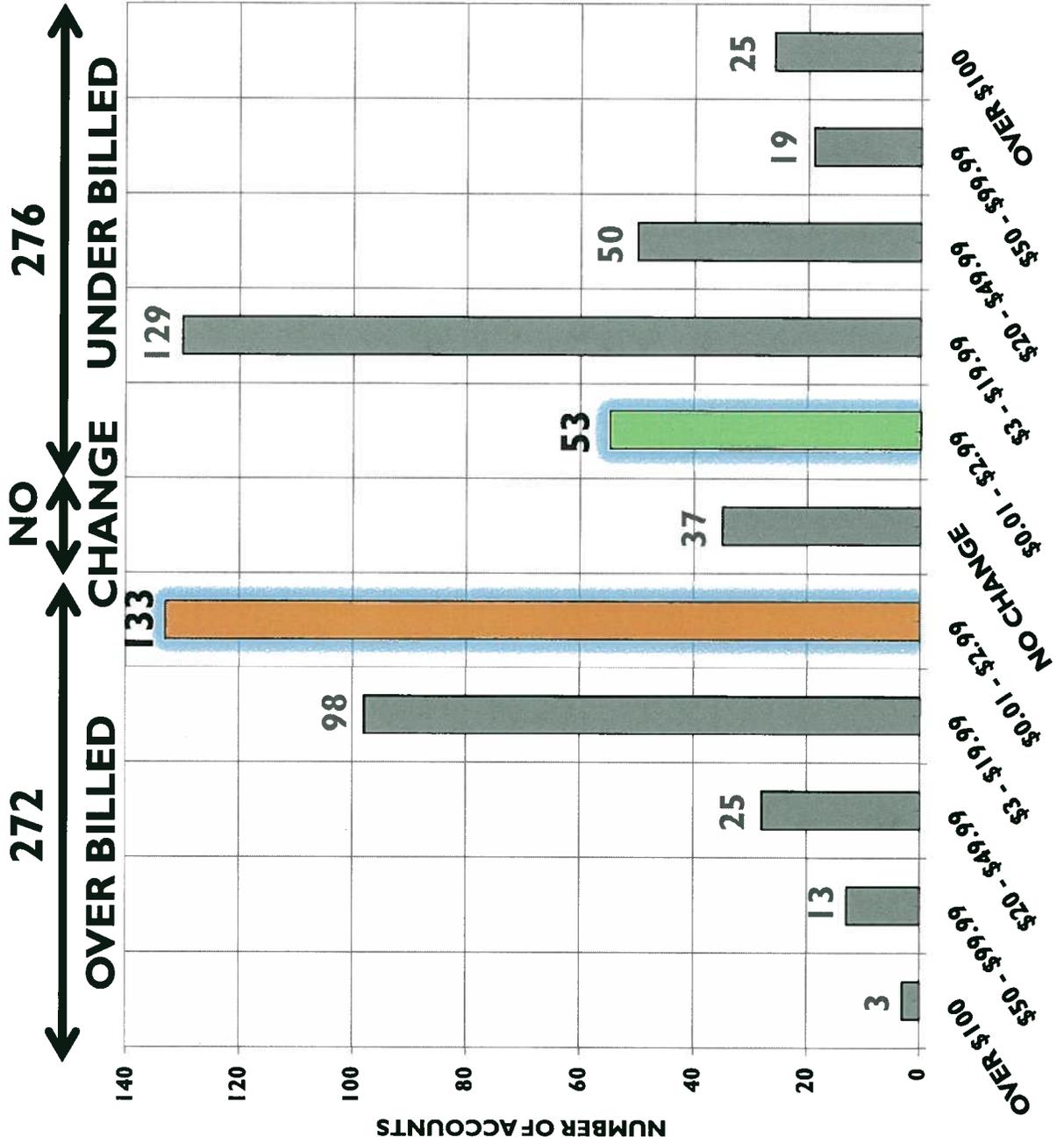
Rule Changes

- Over the years CWS has made changes to the rules. This is the first time we have revisited the entire system to implement the changes.
 - 1990:
 - Compacted dirt and gravel were considered 100% impervious surface area
 - The rule for rounding ESUs was to round up to the next whole number (Equivalent Surface Unit = 2,640 square feet; one average house)
 - 2010:
 - Compacted dirt and gravel parking lots and equipment storage areas count as 40% impervious surface
 - Compacted dirt and gravel storage areas count as 20% impervious surface
 - The rule for rounding is to use the most accurate calculation method available. HTE is able to accept one or two decimal places in the ESU number

Mapped Impervious Surface



SWM AUDIT ON NON-SINGLE FAMILY ACCOUNTS

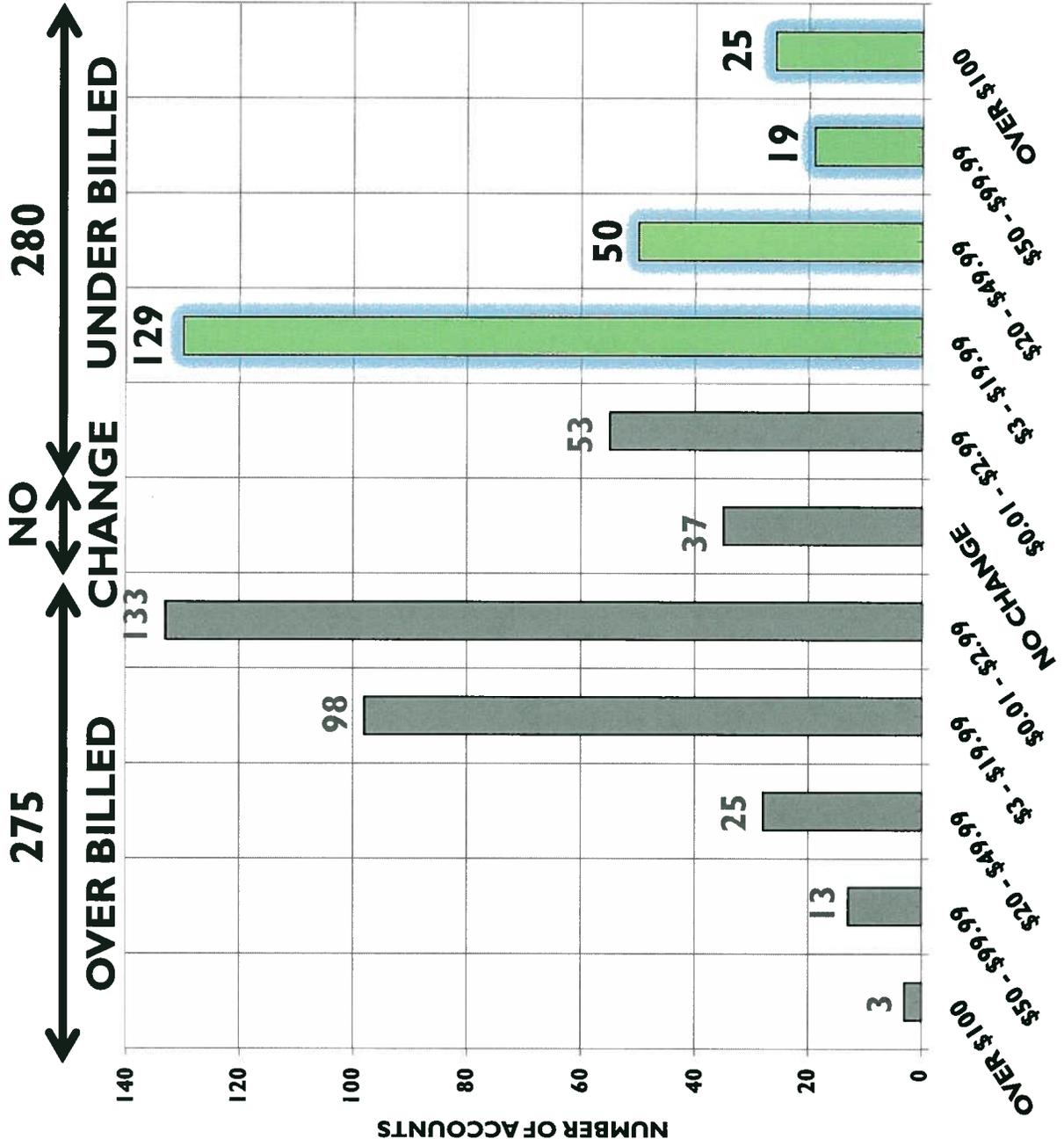


Policy Questions:

\$0 - \$2.99 Change/Month

- There are 133 accounts that are being over-billed between \$0 and \$2.99 per month (mostly due to the change in rounding rules)
 - Should the City issue credits to these customers?
 - Should the City issue refunds to these customers?
 - Should the City set a limit on the number of years eligible for credit or refund?
- There are 53 accounts that are being under-billed between \$0 and \$2.99 per month (due mostly to the change in rounding rules)
 - Should the City back-bill these customers?
- City Engineer's recommendation is to
 - Leave everything in the past alone
 - Notify the customers of the changes by letter
 - Change account information for the next bill

SWM AUDIT ON NON-SINGLE FAMILY ACCOUNTS



Policy Questions:

\$3 - \$99.99/month Under-Billed

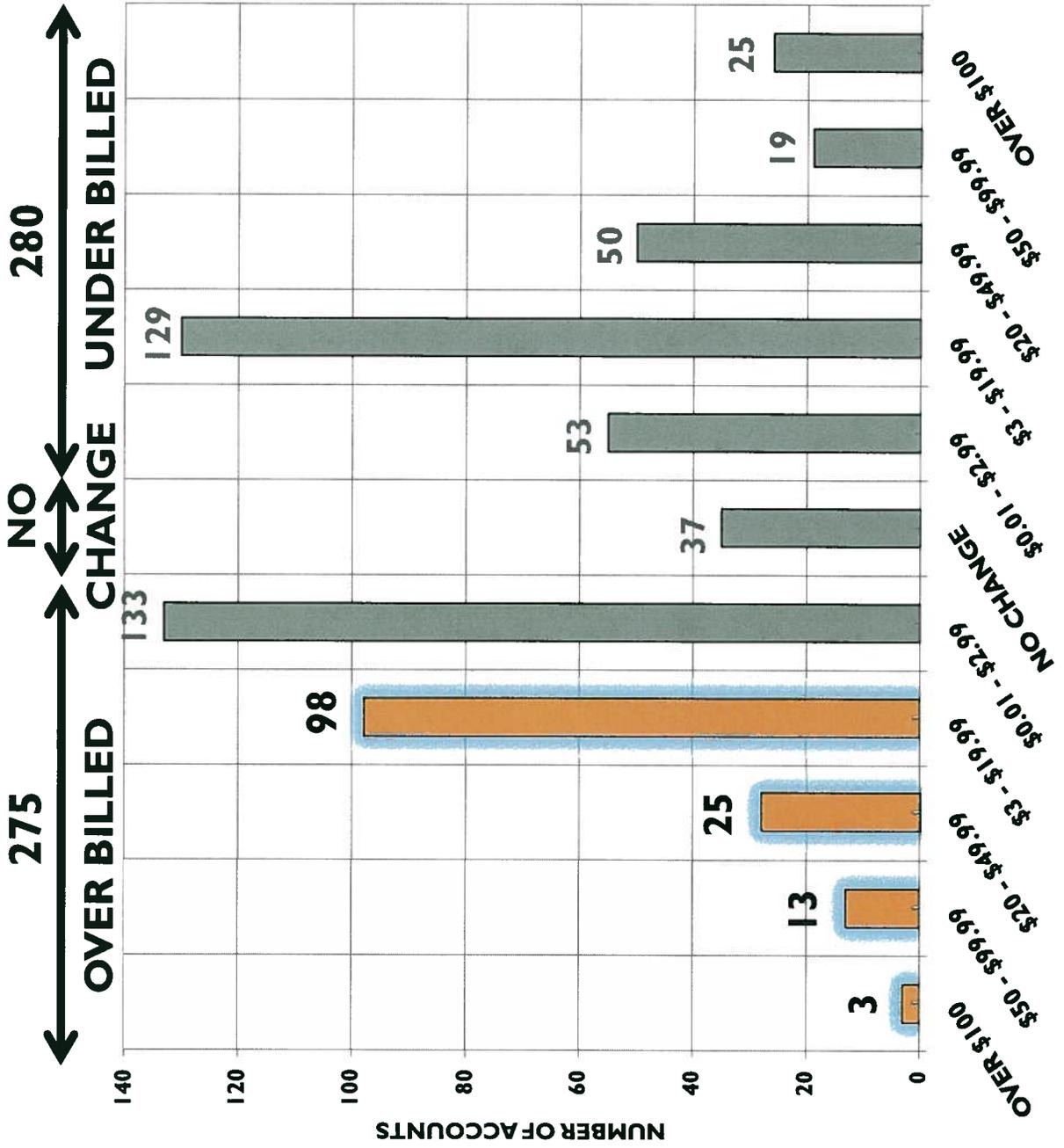
- There are 129 accounts that are being under-billed between \$3.00 and \$19.99 per month
- There are 50 accounts that are being under-billed between \$20.00 and \$49.99 per month
- There are 19 accounts that are being under-billed between \$50.00 and \$99.99 per month
 - Should the City back-bill these customers?
- City Engineer's recommendation is to leave everything in the past alone and set a new start date for the changes to take effect
 - Send a letter to each customer explaining audit
 - Explain the current billing amount and the new billing amount
 - Tell them changes will take effect in 60 days
 - Work with the customers to phase-in increases if they request it

Policy Questions:

Over \$100/month Under-Billed

- There are 25 accounts that are being under-billed \$100 per month or greater
 - Should the City back-bill these customers?
- City Engineer's recommendation is to leave everything in the past alone and set a new start date for the changes to take effect
 - Make personal contact with the customers explaining the audit and the findings for their property
 - Explain the current billing amount and the new billing amount
 - Work with the customers to phase-in increases if they request it
 - Set a date six months in the future for increases to be completed

SWM AUDIT ON NON-SINGLE FAMILY ACCOUNTS



Policy Questions:

\$3 – over \$100/month Over-Billed

- There are 98 accounts that are being over-billed between \$3.00 and \$19.99 per month
 - There are 25 accounts that are being over-billed between \$20.00 and \$49.99 per month
 - There are 13 accounts that are being over-billed between \$50.00 and \$99.99 per month
 - There are 3 accounts that are being over-billed more than \$100 per month
 - Should the City issue refunds/credits to these customers?
- City Engineer's recommendation is to leave everything in the past alone and set a new start date for the changes to take effect
- Send a letter to each customer explaining audit
 - Explain the current billing amount and the new billing amount
 - Tell them changes will take effect on the next billing

How will the SWM data be kept current?

- New water quality permit applications that are submitted will provide impervious surface area information that can be used when the project doesn't go through the building permit process.
- Upon project completion building plans will be given to GIS for preliminary measuring of impervious surface area.
- When the new aerial photos are available from Metro each year the construction projects completed that year will be measured and the number of ESUs verified/changed as needed.
- Project information from AR decisions will NOT be used for utility billing.

What are the next steps?

- **Get Council endorsement of methods for**
 - Notifying customers of changes to their accounts
 - Handling credits/refunds/back-bills
- **Send notice to affected customers**
- **Establish an internal process to handle customer questions**
- **Train staff that will be answering phone calls about the billing changes**
- **Continue system audits**
 - SWM – single-family properties for ESU and billing accuracy
 - Road Utility Fee – for building square footage and ITE code accuracy
 - Water – for meter sizes and fire service line sizes



APPROVED BY TUALATIN CITY COUNCIL

Date June 14, 2010

Recording Secretary g. Kerby

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager *SL*

DATE: June 14, 2010

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSIONS AND MEETINGS OF APRIL 12, 2010, MAY 10, 2010, AND MAY 24, 2010

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Sessions and Meetings of April 12, 2010, May 10, 2010 and May 24, 2010.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A. Minutes



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF APRIL 12, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux and Ed Truax [*arrived at 6:27 p.m.*]; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike McKillip, City Engineer; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Dan Boss, Operations Director; Kaaren Hofmann, Civil Engineer; Chanda Stone, Volunteer Assistant; Victoria Eggleston, Volunteer Coordinator; Nancy McDonald, Human Resources Director; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: None.

A. CALL TO ORDER

Mayor Ogden called the Work Session to order at 5:00 p.m. and immediately went into executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations.

The Work Session continued at 6:04 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Citizen Survey Results

Assistant to the City Manager Carina Christensen said Tualatin contracted with a company to conduct a statistically valid resident survey, and introduced Tom Miller, president of National Research Center Inc. The survey was done in January of this year and is the first step in the City's public information process. Ms. Christensen said the survey results will also be presented at tonight's Council meeting.

Mr. Miller began by noting Ms. Christensen was a big part of the process and thanked her for her assistance. He continued with a PowerPoint presentation on the citizen survey and said he has comparison data from across the country and for local governments. Results can be used for various reasons to assist with benchmarks, etc. Mr. Miller explained the scientific survey process and that people are selected at random. A typical amount of the survey was received back, with a 5% margin of error. In general, residents that returned the survey had trust in local government, and on average gave favorable ratings to a majority of local government services. Discussion followed and questions were asked and explained about various ratings and percentages and the benchmark comparisons.

2. *Outstanding Volunteer Selection*

City Manager Sherilyn Lombos said April is national volunteer month and noted the City has an outstanding group of volunteers that have contributed many hours last year. There will be a volunteer appreciate event held awarding several "outstanding volunteer" awards.

Volunteer Coordinator Victoria Eggleston reviewed her memorandum that explained the process and how nominees were chosen. There were 30 submittals, with five different categories and Ms. Eggleston reviewed their recommended choices.

It was asked and answered that the nominations will be part of the Governor's Award volunteer program. It was suggested a letter of support from the Mayor and Councilor go along with the nomination submittals to the state. Council reviewed and accepted the suggested nominations. The Volunteer Barbeque event is on April 22, 2010, 5:30 p.m. at Hazelbrook Middle School.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda. Item D-1 was removed from the agenda in its entirety, and Item D-7 was added to the agenda.

E. PUBLIC HEARINGS – *Legislative or Other*

N/A

F. PUBLIC HEARINGS – *Quasi-Judicial*

N/A

G. GENERAL BUSINESS

2. Ordinance No. 1297-10 Relating to Motion Picture and Film Production; Establishing Permit Requirements; and Adding a New Chapter, 9-7 to the Tualatin Municipal Code

MOTION by Councilor Harris, SECONDED by Councilor Truax for a first reading by title only. MOTION by Councilor Harris, SECONDED by Councilor Maddux for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Councilor Harris, SECONDED by Councilor Truax to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

3. Ordinance No. 1298-10 Relating to the Farmers Market; and Amending TMC 5-3-050

MOTION by Councilor Truax, SECONDED by Councilor Maddux for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Harris for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Councilor Truax, SECONDED by Councilor Harris to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

4. Ordinance No. 1299-10 Regarding Basketball Hoops in the Public Right of Way and Amending 8-4-040
-

MOTION by Councilor Barhyte, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Barhyte, SECONDED by Councilor Harris for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Councilor Barhyte, SECONDED by Councilor Harris to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

5. Ordinance No. 1300-10 Adopting the Core Area Parking District Tax Rate and Credit – Fiscal Year 2010/11
-

MOTION by Councilor Truax, SECONDED by Councilor Harris for a first reading by title only. MOTION by Councilor Truax, SECONDED by Councilor Harris for a second reading by title only. MOTION CARRIED. The poll was unanimous. MOTION by Councilor Truax, SECONDED by Councilor Harris to place adoption of the ordinance on the Consent Agenda. MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations was held at the beginning of the Work Session.

K. ADJOURNMENT

The work session recessed at 6:56 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith





TUALATIN CITY COUNCIL MEETING MINUTES OF APRIL 12, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Kathy Kaatz, Acting Operations Director; Carina Christensen, Assistant to the City Manager, Maureen Smith, Recording Secretary

ABSENT: None.

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:04 p.m.

The Pledge of Allegiance was led by Councilor Maddux.

Mayor Ogden noted an item was moved up from the General Business portion of the agenda.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tualatin Youth Advisory Council Update*
Representatives from the Youth Advisory Council (YAC) were present and gave a PowerPoint presentation on the Project F.R.I.E.N.D.S. program and other various upcoming events.
2. *Proclamation Declaring April 22, 2010 as "Earth Day"*
Councilor Davis read the proclamation proclaiming April 22, 2010 as "Earth Day" in the City of Tualatin.
3. *Proclamation Declaring April 18 – 24, 2010 as "Volunteer Appreciation Week"*
Councilor Truax read the proclamation proclaiming April 18 – 24, 2010 as "Volunteer Appreciation Week" in the City of Tualatin.
4. *Proclamation Declaring April 11 – 17, 2010 as "National Library Week"*
Councilor Harris read the proclamation proclaiming April 11 – 17, 2010 as "National Library Week" in the City of Tualatin.
5. *Third Annual Health and Safety Fair April 17, 2010*
Joe Lipscomb, Linda Moholt and Ed Casey were present and gave a brief presentation of the third annual Health and Safety Fair. A PowerPoint was displayed and the activities and event for the day were reviewed, and over 22 vendors will be presenting information.

6. *2010 Crawfish Festival Announcement – Chamber of Commerce*
Linda Moholt announced this is the 60th year for the Crawfish Festival event. This year's theme is "Crawfish Fiesta" and are excited to recognize the growing Latino community in Tualatin. Ms. Moholt reviewed the various activities that will take place at this year's festival. Ms. Moholt also announced the Chamber's "Celebrate Tualatin" event will be held on April 22, 2010.

7. *Commuter Rail Update*
City Engineer Mike McKillip gave an update on the commuter rail train horn noise mitigation by noting work is proceeding on schedule and on budget. It was asked and answered that most all traffic signals will be converted to protected permissive left-turn signals in the next few months. It was suggested to have an article in the City's newsletter to remind residents about how to use "protected permissive" left-turn signals.

8. *Presentation on Survey Results by National Research Center [Item moved from General Business]*
Assistant to the City Manager Carina Christensen said the City contracted with the National Research Center to do a statistically valid survey. The company was chosen for its excellent reputation, and is part of a proven performance measure program used nationwide and also the hundreds of jurisdictions that have used this survey.

Tom Miller, president of National Research Center Incl. Presented a PowerPoint on the survey and explained the survey methods used and how the results were arrived at. Ms. Christensen noted the information and findings will be available on the City's website at www.ci.tualatin.or.us.

C. CITIZEN COMMENTS

Steve Titus, 10107 SW Sedlak Court, Tualatin, OR, commented on the survey portion relating to crime. Also with regard to the citizen survey, he commented about what the number of surveys were sent and the areas of town they were sent to, how many households are in each area of where the surveys were sent to, and how many went to each area.

Dolores Hurtado, 8685 SW Chinook Street, Tualatin, OR, thanked Council for their action on removing the park bridge from the urban renewal proposal. She felt it was responsive to the concerns of a lot of people who enjoy, appreciate, and support that park. Ms. Hurtado asked that Council take a vote on removing the controversial "bridge" as it still is part of Metro's Regional Transportation Plan (RTP), and is perceived that Tualatin is supportive of the bridge in the plan.

Mayor Ogden explained how the process will work to be able to remove it from Metro's RTP, and suggested a letter be sent to Metro acknowledging Tualatin's position on not having the bridge in the RTP.

Richard Davis, 7995 SW Mohawk, Tualatin, OR, spoke about public safety and concern for pedestrians and encouraged the Police Department to look at crosswalk traffic, mostly along Boones Ferry Road. Mayor Ogden asked for an update on pedestrian traffic enforcement issues and Police Chief Barker was present and said he will look into pedestrian traffic issues and where and when patrols have taken place.

Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR, spoke on her belief about the lack of usefulness of the City's Transportation System Plan (TSP), and questioned how the bridge over the park became part of the plan without public involvement.

Mayor Ogden explained there has been considerable conversations of late on issues regarding extending the Central Urban Renewal District (CURD). Mayor Ogden said since there is a substantial change of vote thought it proper to get the information out to the public. The Legislative hearing is continued to April 26, 2010 and not subject to ex parte contact.

Council was uncertain on the validity of holding this discussion now rather than waiting until the Development Commission meeting. Councilor Harris asked for "Point of Order" and said it appears to be deliberation. City Attorney Braden explained parameters for this discussion.

Discussion followed. A 20% increase has been discussed, although the logistics of how a 20% increase would work has not been determined as yet, according to Mayor Ogden. Council noted frustration at not being able to anticipate what the increase would entail, looking at key projects and what it would take to finish those projects, what would be the impacts to the taxing districts with the 20% option, etc. It was mentioned having a work session and invite property owners and taxing authorities, although concurrence is not needed from taxing districts on the 20% option. Also discussed was the logistics and timelines of the 20% option and what would be needed to get there.

Understanding the desire to discuss this issue, Council continued to express concern of holding this discussion at this meeting. It was suggested and agreed to proceed with the hearing, take a vote, and then determine what to do. Having the community involved in the planning process is also important. Mayor Ogden said his desire was to have transparency, but also to have feedback from Council to be able to address it more fully at the next Council meeting.

Mayor Ogden reiterated how the process may happen if Council chooses not to continue with an extension and if it is reasonable to expect to have a discussion at the April 26, 2010 meeting and may continue to May 10, 2010. City Manager Lombos added this has been difficult process and information trickling down, and legislation on this issue is not clear on what is required.

D. CONSENT CALENDAR

Item D-1 was removed from the Consent Agenda in its entirety at Work Session. Item D-4 was removed from the Consent Agenda at the request of Richard Davis. Items G-2, G-3, G-4, and G-5 were adopted and added to the Consent Agenda at Work Session. Item G-5 was removed from the Consent Agenda at the request of Steve Titus.

MOTION by Councilor Maddux, SECONDED by Councilor Barhyte to adopt the Consent Agenda as amended and read:

1. ~~Minutes — REMOVED FROM THE AGENDA IN ITS ENTIRETY~~
2. Approval of a New Liquor License Application for Mio Gelato Restaurant
3. Resolution No. 4967-10 Authorizing to Renew an Intergovernmental Agreement between the Tri-County Metropolitan Transportation District of Oregon, and the City of Portland for Transit Police Services
5. Resolution No. 4969-10 Authorizing the Mayor and City Recorder to Sign the First Amendment to the Water Supply Agreement between the City of Tualatin, City of Sherwood, and Tualatin Valley Water District

6. Resolution No. 4970-10 Adopting the April 2010 Update to the Public Works Construction Code
7. Community Involvement Committee Appointments
- G-2. Ordinance No. 1297-10 Relating to Motion Picture and Film Production; Establishing Permit Requirements; and Adding a New Chapter, 9-7 to the Tualatin Municipal Code
- G-3. Ordinance No. 1298-10 Relating to the Farmers Market; and Amending TMC 5-3-050
- G-4. Ordinance No. 1299-10 Regarding Basketball Hoops in the Public Right of Way and Amending 8-4-040

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

1. Public Hearing to Consider a Resolution Approving the Proposed Supplemental Budget and Changes to the Adopted 2009-2010 Budget

Mayor Ogden opened the public hearing.

Finance Director Don Hudson presented proposed changes to the budget. He explained a supplemental budget is required when adjusting budgeted funds exceed 10%. Four funds are proposed to be adjusted, as stated in the staff report.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION – None.

Mayor Ogden closed the oral testimony of the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Harris, **SECONDED** by Councilor Maddux to adopt the proposed supplemental budget. MOTION CARRIED.

2. Public Hearing to Consider an Ordinance Amending the General Commercial (CG) Planning District to Allow "Doggie Day Care" and Amending TDC 54.020 and 54.030 (PTA-10-01)

Mayor Ogden opened the public hearing and noted it is a legislative hearing.

Associate Planner Will Harper presented the public hearing and entered the entire staff report into the record. Also noted was the addition of a letter from Group Mackenzie regarding PTA-10-01. This is a proposal to allow a "Doggie Day Care" in the General Commercial (CG) Planning District at the corner of SW 63rd Avenue and SW Boones Ferry Road.

Staff recommends the City Council consider the staff report and supporting attachments and provide direction.

APPLICANT

Joseph Schaefer, 1211 SW Fifth Avenue, Portland, OR, applicant representative said the Tualatin Planning Advisory Committee (TPAC) meeting went well, and said the question of trip generations won't cause any more than a fast food business. Mr. Schaefer added the Tualatin Development Code does not address "doggie day care" businesses.

PROPONENT(S)

Linda Moholt, Chamber of Commerce, 18791 SW Martinazzi Avenue, Tualatin, OR, spoke in support of this concept. Tualatin doesn't have a dog park and she believes they have addressed the aesthetics.

OPPONENTS – None.COUNCIL DISCUSSION

Questions were asked and discussion held about the noise ordinance in relation to barking dogs and how to resolve enforcement. Also discussed was the issue of "waste" and how it would be addressed. The amount of asphalt versus grass was also mentioned.

Council discussed traffic issues and the amount of dogs that would be allowed. It was noted that this hearing is for a Plan Text Amendment (PTA) but the applicant has also applied for a Conditional Use Permit (CUP) which describes how they will operate and many of the issues being discussed by Council could be addressed at the CUP hearing.

Council discussed with staff what types of conditions could be placed on the doggie day care to address noise, waste, and odor problems.

APPLICANT

Mr. Schaefer spoke again with regards to sanitation, and said they will address the asphalt area, and noise issues and the amount of dogs allowed. He noted there are some noisy businesses that are allowed in the Development Code.

Discussion followed and Council was in general agreement of "doggie day care" as long as the issues raised can be addressed. Also mentioned was the Tualatin Planning Advisory Committee (TPAC) took a great deal of time reviewing this issue and voted unanimously to send to Council. Addressing the conditional use process was also mentioned.

Mayor Ogden closed the oral testimony of the public hearing.

COUNCIL DELIBERATIONS

Council said noise and odor mitigation measures should be incorporated in the design of an outdoor service. City Engineer McKillip is Council if Council is addressing those issues, suggested adding something regarding water quality issue.

It was asked if it was acceptable to the applicant to continue the hearing to more fully address the issues brought up at this hearing, of which Mr. Schaefer agreed.

MOTION by Councilor Harris, SECONDED by Councilor Maddux to continue the hearing, given the identification of the mitigation criteria, and look at noise and mitigation measures and incorporate on the outdoor areas and how it relates to Clean Water Services.

Discussion on the Motion

It was asked and discussed about the differences of raising issues under a plan text amendment and being able to establish criteria in the conditional use process.

MOTION CARRIED. [Vote: 7-0]

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS

Items adopted and placed on the Consent Agenda at Work Session.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

D-4. Resolution No. 4968-10 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 4884-09

Richard Davis, 7995 SW Mohawk, Tualatin, OR, said in looking at the fee schedule he doesn't believe Council is looking at the big picture of what's happening in the current economic environment. His business is in employment and doesn't appear appropriate to increase fees.

City Manager Lombos explained the fee schedule is updated on a rotating basis and a process was put into place a few years back to look at a third of the fees each year. Except for two new planning fees, no increases were being made.

Council discussed the fee schedule process and clarified what was determined at work session. It was mentioned if adopting the fee schedule should be put off. Brief discussion followed.

MOTION by Councilor Truax, SECONDED by Councilor Beikman, to adopt the resolution amending the City of Tualatin Fee Schedule and rescind Resolution No. 4884-09.

MOTION CARRIED. [Vote: 6-1-1 YES – Ogden, Barhyte, Beikman, Davis, Truax; NO – Harris; ABSENT: Maddux]

G-5. Ordinance No. 1300-10 Adopting the Core Area Parking District Tax Rate and Credit – Fiscal Year 2010/11

Steve Titus, 10107 SW Sedlak Court, Tualatin, OR, commented regarding the public involvement portion of the staff report and the two notices sent to businesses regarding the proposed tax rate and credit. He was surprised that there was not any comments received from businesses or that no one came to either of the meetings.

Development Coordinator Eric Underwood noted there were two meeting notices, and there are business owners on the Core Area Parking District Board.

Notification in the core area was discussed and explained by staff. It was discussed ways to better reach businesses, and also explained how the tax fee is charged. Discussion followed.

MOTION by Councilor Beikman, SECONDED by Councilor Maddux to adopt the ordinance establishing a new Core Area Parking District tax rate of \$155.34 for Fiscal Year 2010/11 and that the tax credit remain unchanged.

Discussion on Motion

Councilor Harris noted a lengthy discussion about community outreach and is in favor of getting more information out to the public.

MOTION CARRIED. [Vote: 6-1; YES – Ogden, Barhyte, Beikman, Davis, Maddux, Truax; NO - Harris.]

I. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations was held at the beginning of the Work Session.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor Maddux, SECONDED by Councilor Barhyte to adjourn the meeting at 10:51 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith





City of Tualatin

www.ci.tualatin.or.us

APPROVED BY TUALATIN CITY COUNCIL

Date June 14, 2010

Recording Secretary J. Kerby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF MAY 10, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike McKillip, City Engineer; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Brad King, Police Captain; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Will Harper, Associate Planner; Dayna Johnson, Project Engineer; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: None.

A. CALL TO ORDER

Mayor Ogden called the work session to order at 6:11 p.m. and Council went into executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations.

The work session recessed at 7:03 p.m. and reopened at 8:45 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. High Speed Rail Update and Discussion

City Engineer Mike McKillip presented a PowerPoint and gave a presentation regarding high speed passenger rail in Oregon. City Engineer McKillip noted the PowerPoint information was put together by the Oregon Department of Transportation (ODOT) including presentations from Cascadia High Speed Rail, designed and produced by Randy Niederer and Brad Perkins, and Passenger Rail Solutions – Balanced Approach produced by Brock Nelson, Director of Public Affairs for Union Pacific Railroad Western Region. Benchmarks were reviewed noting the major one is to reduce the amount of time to travel by rail from Eugene to Portland.

The two proposed rail lines and locations were displayed and discussion followed. Council expressed concerns such as the proposed route, congestion, and other associated issues that would affect the city. City Engineer McKillip suggested meeting with other local area elected officials would be beneficial for all to know exactly how this will end up. If high speed rail does end up happening and is proposed to pass through Tualatin, Tualatin needs to be prepared as much as possible.

Discussion continued and it was suggested starting some type of discussions if at all possible, before the open houses begin. Getting feedback from the community with as much information as is known at this point was also suggested and that something be put in the City's newsletter and on the website.

City Engineer McKillip said it was important to share this information and make sure we are prepared. He will continue to participate and attend the meetings, and suggested Councilor Maddux represent the Council on this issue.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda at the beginning of the work session with no changes.

E. PUBLIC HEARINGS – *Legislative or Other*

N/A

F. PUBLIC HEARINGS – *Quasi-Judicial*

N/A

G. GENERAL BUSINESS

N/A

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(d) to discuss labor relations was held at the beginning of the work session.

K. ADJOURNMENT

The work session adjourned at 9:29 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith





TUALATIN CITY COUNCIL MEETING MINUTES OF MAY 10, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Dan Boss, Operations Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Carina Christensen, Assistant to the City Manager, Maureen Smith, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:05 p.m.

The Pledge of Allegiance was led by Councilor Truax.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tualatin Youth Advisory Council – Project F.R.I.E.N.D.S. Update*
Members of the Youth Advisory Council (YAC) gave a PowerPoint presentation on upcoming activities, and showed a short video relating to the Project F.R.I.E.N.D.S. event on Friday. The program assists 5th graders with the transition to middle school.
2. *“Pedaling in the Park” Bicycle Event Presentation*
Parks and Recreation Manager Carl Switzer presented a PowerPoint presentation on the upcoming “Pedaling in the Park” event on the Sunday, May 23, 2010 at Tualatin Commons.
3. *Walk + Bike to School Day Event*
Recreation Program Specialist Julie Ludemann presented information on the recent Walk + Bike to School Day, which had over 300 kids from Bridgeport and Byrom Elementary Schools this year, with Bridgeport doubling their participation from last year. This event is in conjunction with National Walk + Bike to School Week.
4. *New Employee Introductions – David Valenzuela, Operations*
Operations Director Dan Boss introduced new employee David Valenzuela.
5. *Proclamation Designating the Month of May 2010 as “National Community Action Month” in the City of Tualatin*
Councilor Beikman read the proclamation proclaiming May 2010 as National Community Action month in the City of Tualatin.

6. *Proclamation Designating May 16 – 22, 2010 “Public Works Week” in the City of Tualatin*
Councilor Harris read the proclamation declaring May 16 – 22, 2010 as “Public Works Week” in the City of Tualatin.
7. *Proclamation Designating the Week of May 16 – 22, 2010 as “Emergency Medical Services Week” in the City of Tualatin – MetroWest Ambulance Representative Justin Scott*
Councilor Joelle Davis read the proclamation declaring the week of May 16 – 22, 2010 as “Emergency Medical Services Week” in the City of Tualatin.

MetroWest Ambulance representative Justin Scott presented Council with a plaque for Tualatin’s continued support of emergency medical services. MetroWest has been serving the area since 1953.

8. *Library Food for Fines with Tualatin School House Pantry*
Library Manager Abigail Elder noted this week is the annual “Food for Fines” event, an opportunity to bring in food to receive credit for overdue fines, and partnering with Tualatin Schoolhouse Food pantry.
9. *Commuter Rail / High Speed Rail Update*
City Engineer Mike McKillip said on the work continues on the crossings on the train horn noise mitigation project. Staff has been participating on a number of occasions to review details and finalize.

The Oregon Department of Transportation (ODOT) has been taking the lead on looking at high speed rail from Eugene to Portland. ODOT is in the process of putting out “draft” goals, mostly related to more trains, more frequency, etc, and lower travel time. A series of open houses will be held in the region to get feedback on goals related to service.

Council expressed concerns about how it would affect Tualatin, and that ODOT did not have an open house scheduled in Tualatin to allow citizens to address their concerns, in light of the train horn noise issue with commuter rail in Tualatin.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

MOTION by Councilor Maddux, SECONDED by Councilor Barhyte to adopt the Consent Agenda as read:

1. Resolution No. 4973-10 Awarding the Bid for the Aquifer Storage and Recovery Well Rehabilitation

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

1. Public Hearing to Consider an Ordinance Relating to Sign Design Standards and 26 Review for Freestanding Signs in Commercial Planning Districts and Non-Conforming Signs; Amending Provisions and TDC 20; 31.071; 35.200; and 38.220 and Adding a New Section 38.075 (PTA-08-06)

Mayor Ogden opened the public hearing, and noted it is a legislative hearing.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. This is a plan text amendment (PTA) which would add provisions for design standards and review process for freestanding signs in the Central Commercial (CC) and General Commercial (CG) Planning Districts, restricting freestanding pole signs to Collector and Local Commercial streets, and revisions to nonconforming freestanding signs. The proposed amendment will apply to new or modified existing freestanding signs in the CC and CG Planning Districts. The process began in December 2008 with meetings held with owners, property owners, etc. and four Tualatin Planning Advisory Committee (TPAC) meetings to review this issue.

Staff recommends Council consider the staff report and supporting attachments and provide direction.

PROPOSERS – None.

OPPOSERS

Bob Durgan, 6712 N. Cutter Circle, Portland, OR, managing partner of Zian Partnership, was present and asked about how this affects signage on Tualatin-Sherwood Road, and said he wasn't clear on how this fits into their property.

Associate Planner Harper said he is familiar with the Hedges Creek Retail signage that has a pylon sign on the corner of the property. As it stands currently it is a legal sign with provisions recommended in this proposed amendment. The only issue is a pylon sign on an arterial street would be nonconforming with respect to its style and height. Associate Planner Harper continued explaining that it would not be required that it be removed, however if it were modified it would follow under the provisions of transition to fit into conformance.

COUNCIL DISCUSSION

Questions were asked and discussed regarding what would constitute nonconformance, such as if a sign is repaired but not removed it could be done without losing nonconformance as long as the basic shape and structure is retained. Removal of a sign to replace with a new one is where the "transition percentage" would come into play, and also this would allow for relocation. Discussion continued and it was asked and clarified that the information presented does not put a burden on existing businesses unless there is "total" replacement.

Mr. Durgan spoke again about when the Hedges Creek retail center was built which originally allowed placement of two pylon signs. Associate Planner Harper explained how the current Development Code would allow a freestanding sign in the southeast corner of the center, but would need to be a monument sign. It was asked and staff replied that some research would have to be done to determine if that sign could be built now and if there are time limitations. Brief discussion followed.

Mayor Ogden closed the public input portion of the hearing.

COUNCIL DELIBERATION

MOTION by Councilor Barhyte, SECONDED by Councilor Truax, to approve the staff report and supporting attachments and adopt a resolution granting PTA-08-06.

MOTION CARRIED.

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS

1. Ordinance No. 1301-10 Establishing a Transportation Development Tax; and Adding a New Chapter 2-8, to the Tualatin Municipal Code

MOTION by Councilor Truax, SECONDED by Councilor Maddux for a first reading by title only. MOTION by Councilor Truax, SECONDED by Council Maddux for a second reading by title only. The poll was unanimous. MOTION CARRIED. MOTION by Councilor Truax, SECONDED by Councilor Maddux to adopt the ordinance. MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations was held at Work Session.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Beikman reminded everyone about the annual *Tualatin Tomorrow* event Tuesday, May 11, 2010 at the Juanita Pohl Center .

Councilor Harris reminded everyone about the upcoming May 18, 2010 primary election and the Clackamas County library measure on the ballot. Councilor Harris explained the measure.

Mayor Ogden reported at the last Council meeting on April 26, 2010, Council determined to draft a letter to Metro regarding withdrawing Project No. 10731 from the Regional Transportation Plan (RTP), which will be forwarded to Metro as soon as possible.

K. ADJOURNMENT

MOTION by Councilor Harris, SECONDED by Councilor Beikman to adjourn the meeting at 8:38 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith





City of Tualatin

www.ci.tualatin.or.us

APPROVED BY TUALATIN CITY COUNCIL

Date June 14, 2010

Recording Secretary J. Kerby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF MAY 24, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike McKillip, City Engineer; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; and Maureen Smith, Recording Secretary

ABSENT: Councilors Maddux* and Truax* [** denotes excused*]

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:05 p.m. and Council went into executive session pursuant to ORS 192.660(2)(d) to discuss labor relations.

Council continued with the regular portion of the work session at 5:45 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Council Meet & Greet Program

Assistant to the City Manager Carina Christensen began discussion on a meet and greet program, part of the Council's Strategic Plan. Staff is ready to implement the program but is seeking some feedback beforehand from Council.

Council discussed the program and ways to structure how it might work. One suggestion was sit in the library and "wait" for people to come in. Attending neighborhood association meetings was also mentioned as a way to reach out to neighborhoods, but was determined to have a more informal way to meet with citizens. It was mentioned that the Tigard Council holds an informal chat in their library. Discussion followed on the logistics of how to adequately reach citizens.

City Manager Lombos said from a staff perspective having something structured is preferable. It was suggested having something like "Second Saturday" set up on a regular basis.

City Manager Lombos summarized and suggested trying a "Second Saturday" for the summer and keep it informal but with some structure. Have the first be a "chat session" and hold it around event happening in the library.

Also mentioned is during the "Citizen Comment" portion of a Council meeting when citizens speak on an issue if there is a way to get back to Council about what happened.

2. *Historic Regulations Update*

Assistant Planner Colin Cortes presented an update on historic regulations. Staff is looking to seek more information from Council and to provide direction.

Discussion followed. Having some type of tax abatement and whether it would sufficient enough was mentioned, also having maintenance standards. Not having the funds to be able to save structures and whether to have something in the statute to save part of the structure was discussed. Moving a structure was also mentioned, as was done with the church that is now the Heritage Center. It was suggested having different levels of criteria for decision-making to arrive at a acceptable solution. It was asked what might happen if a landowner buys a property with a structure and the liability of the landowner if the structure deteriorates.

[Mayor Ogden was absent from the meeting from 6:21 p.m. to 6:36 p.m.]

Tualatin Historical Society (THS) president Yvonne Addington was present and said there are a few properties now that could be acquired by the City. Affirmative maintenance was mentioned as done in another city. Ms Addington said they are discouraged about trying to save any buildings in Tualatin and see problems with the ordinance. Discussion followed on how to structure an adequate tax abatement for a property owner to keep up the structure.

It was mentioned about Tigard's regulations and if other cities are doing the same. Community Development Director Rux said a way to distill the information down is the issue on priority and rankings, and to look at the 15 additional buildings the THS has designated. If it is determined to add the 15 buildings, then take a look at the designation criteria, and whether to use what we already have or something else. Discussion followed.

City Manager Lombos said staff can get together some bullet points and come back with more information on tax abatement, and some proposed language for the Development Code.

3. *Land Use Notification*

Discussion on this item will be held at the regular meeting.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda with no changes.

E. PUBLIC HEARINGS – *Legislative or Other*

N/A

F. PUBLIC HEARINGS – *Quasi-Judicial*

N/A

G. GENERAL BUSINESS

N/A

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(d) to discuss labor relations was held at the beginning of the work session.

K. ADJOURNMENT

The work session adjourned at 7:04 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

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TUALATIN CITY COUNCIL MEETING MINUTES OF MAY 24, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, and Jay Harris; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Kathy Kaatz, Acting Operations Director; Carina Christensen, Assistant to the City Manager, Maureen Smith, Recording Secretary

ABSENT: Councilors Maddux* and Truax* [* denotes excused]

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:07 p.m.
The Pledge of Allegiance was led by Councilor Davis.

Mayor Ogden acknowledged Boy Scouts in the audience and welcomed them to present the flag salute at a future meeting.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Science and Technology Scholarship Recipients Presentation*
Councilor Monique Beikman introduced scholarship recipients Emily Doherty and Peter Oliver. Councilor Beikman noted the members of the selection team and said it was a difficult process to choose from all the worthy applicants.

2. *Report on Volunteer Appreciation Week Activities and Awards*
Volunteer Coordinator Victoria Eggleston presented a PowerPoint on recognizing City volunteers during National Volunteer Appreciation Week. Ms. Eggleston noted various events and activities that took place and awards given during the volunteer appreciation dinner.

Councilor Davis attended the Volunteer Luncheon and said it was fantastic and thanked all City volunteers. Councilor Barhyte also mentioned another upcoming volunteer event, the ArtSplash 2010 at the Commons.

3. *Upcoming Summer Youth and Recreation Activities*
Parks and Recreation Coordinator Carl Switzer began with information about upcoming summer youth and recreation activities.

Volunteer Coordinator Victoria Eggleston spoke on TEAM Tualatin. They are excited about this year's program and it is a great opportunity for kids and their parents.

Tualatin Police School Resource Officer Brian Struckmeier spoke about the G.R.E.A.T. program, Tualatin's premiere middle school program. All student entering middle school are eligible and sessions start June 28, 2010.

Library Manager Abigail Elder spoke about the Library summer reading program. This year's theme is "Make a *Splash*." There is also teen programs, and an adult summer reading program this year.

Parks Program Coordinator Becky Savino spoke on the arts program. It is the 16th season of the "Concerts on the Commons" program. Also this summer will be the 15th annual ArtSplash show and sell, and 55 artists are participating this year.

Parks and Recreation Coordinator Carl Switzer presented information on the upcoming summer recreation programs. There are a number of activities for kids, teens and adults, and older adults are invited to have lunch at the Juanita Pohl Center. He also mentioned there are over 100 new programs this year and encouraged everyone to check out the *Get Out program guide* and the City's website at www.ci.tualatin.or.us for more information.

Council thanked staff and everyone in the organization for the work that has gone into the programming and it was asked and answered that there is financial assistance available for those that are unable to pay.

4. *Proclamation Declaring May 2010 as National Bike Month in the City of Tualatin*
Hal Ballard, representing the Washington County Bicycle Transportation Coalition, said May is National Bicycle Month and on Sunday May 23, 2010 Tualatin celebrated with an inaugural event "Pedaling in the Park." Mr. Ballard said the response was excellent and is looking forward to Tualatin's second annual "Pedaling in the Park" event.

Councilor Beikman noted a bike and walk challenge was held this month with schools, and at Byrom Elementary alone, students have logged over 900 walk or bike trips to school.

Councilor Beikman read the proclamation declaring May 2010 as *National Bike Month* in the City of Tualatin.

C. CITIZEN COMMENTS

Linda Moholt, Chamber of Commerce, 18791 SW Martinazzi Avenue, Tualatin, OR spoke on Fit City programs and mentioned a 5K run was held in the fall and donations collected to award scholarships to Tualatin High School students. Ms. Moholt also mentioned this fall had a run, and will be awarding scholarships to Tualatin High School students, and proud that this community was able to provide three \$2,500 scholarships.

Ms. Moholt said the annual "Crawfish Festival" is just three months away This year's theme is "Crawfish Fiesta" celebrating its 60th year, and the Parade Grand Marshals are representatives from the VFW, the original creators of the festival.

Ms. Moholt also encouraged all to attend open houses held by ODOT on "high speed rail." It is something we should be very open to and could be a tremendous opportunity for Tualatin.

D. CONSENT CALENDAR

MOTION by Councilor Barhyte, SECONDED by Councilor Beikman to adopt the Consent Agenda as read:

1. Approval of 2010 Liquor License Renewal Late Submittal – World in a Glass Wine
2. Resolution No. 4974-10 Authorizing an Intergovernmental Agreement between Washington County and the City of Tualatin for Towing Coordination Services

MOTION CARRIED.

E. PUBLIC HEARINGS – *Legislative or Other*

1. Public Hearing to Consider an Ordinance Increasing Land Use Public Notification Requirements; and Amending Tualatin Development Code (TDC) 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.230, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; and Adding TDC 31.064 (PTA-09-07)

Mayor Ogden opened the public hearing and noted it is a legislative hearing.

Assistant Planner Cortes presented the staff report and entered the entire staff report into the record. This is regarding notifications and other notices created to get information out and how better to notify the public about upcoming land use applications. Assistant Planner Cortes explained the process that has been redone to address notification to residents, and goes along with an amendment to the Tualatin Development Code (TDC). Among other ways to disburse information, sending postcards is proposed that will have information on where to get additional information, such as the City's website, etc. Assistant Planner Cortes said there will continue to be print copies available for those that require them. Also the actual amendment is increasing notification from 300 feet to 500 feet, and an addition for any instance where there is a buffer will include the adjoining subdivision.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION

Council discussed the subdivision part of the ordinance and how the notification would work. The design of the land use notice signage and what type of information should be included was discussed. Providing information in "layman's terms" was suggested.

Council continued discussion on the 500 foot notification and whether it would be adequate. Costs associated with sending postcards to all residents was mentioned with the cost borne by the developer.

Staff noted there is information now on Facebook, Twitter, etc. and looking to also have residents sign up for information on a particular project. City Manager Lombos explained staff is looking at a subscription service that would be able to accomplish this.

Council discussion continued about increasing the notification to 1,000 feet in the hopes of notifying as many people as possible.

Mayor Ogden closed the testimony part of the public hearing.

COUNCIL DELIBERATIONS

Councilor Barhyte in favor of changing to 1,000 foot notification and keeping the subdivision language in the ordinance. Councilor Harris could be in favor of the language, and why he is in favor of the 1,000 foot notification. Councilor Davis said she is okay with keeping the 500 foot notification and subdivision language. Councilor Barhyte said his concern is still do not adequately notify. Councilor Beikman said she can agree to the 1,000 foot notification and believes it would be adequate, but is not certain about the subdivision language.

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adopt an ordinance with the change from 500 foot to 1,000 foot notification, change the land use requirements and leave subdivision language in the Tualatin Development Code. MOTION CARRIED.
[Vote: 5-0-2; Maddux, Truax absent]

Staff noted an ordinance will come back before Council at the next meeting.

The meeting recessed from 8:45 p.m. 8:58 p.m.

This item has been moved from Quasi-Judicial Hearing to Legislative Hearings on the Agenda.

2. Public Hearing to Consider an Ordinance Amending the General Commercial (CG) Planning District to allow "Doggie Day Care" and Amending TDC 54.020 and 54.030 (PTA-10-01)
-

Mayor Ogden reopened the public hearing and staff noted the applicant has requested the public hearing be continued to June 14, 2010.

MOTION by Councilor Beikman, SECONDED by Councilor Harris to continue the hearing to June 14, 2010. MOTION CARRIED.

F. PUBLIC HEARINGS – Quasi-Judicial

1. Public Hearing to Consider a Resolution for a Conditional Use Permit for a Bus Maintenance and Storage Facility for Sherwood School District in the General Manufacturing (MG) Planning District at 20250 SW Cipole Road (Tax Lot 2S1 28A 103); (CUP-10-03)
-

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.763(5) and (6)] and opened the public hearing. No bias or ex parte contact noted.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report into the record. Assistant Planner Cortes briefly gave a summary on the conditional use permit.

PROPONENT

Keith Jones, Harper Houf Peterson Reghellis, 205 SE Spokane Street, Portland OR 97202, representing the owner and applicant, Sherwood School District was present and said the scope of project is limited as stated by staff. They agree with everything presented in the staff report.

OPPONENTS

None.

COUNCIL DISCUSSION

None.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Barhyte, SECONDED by Council Harris to approve the staff report and supporting attachments with no conditions, and adopt the resolution granting CUP-10-03. MOTION CARRIED. [Vote: 5-0-2; Maddux, Truax absent]

2. Public Hearing to Consider a Resolution for a Conditional Use Permit for General Auto Repair in the Light Manufacturing (ML) Planning District at 7335 SW Childs Road (Tax Map 2S1 13DC 2100) (CUP-10-04)
-

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.763(5) and (6)] and opened the public hearing. No bias or ex parte contact noted.

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. Associate Planner Harper said the application is for a small mechanical repair facility specializing in high end autos. The staff report lists the criteria and finds it suitable for this use. The Engineering Division reviewed the project and finds there is adequate facilities and the traffic impact will be minimal. Associate Planner Harper said the location is basically an area of mixed uses. Given its position of the property next to the church, staff looked at the compatibility of the auto use to church activities and recommended they keep all their work inside the facility.

Staff recommends Council consider the staff report and supporting documents and provide direction. If Council chooses to adopt a resolution, staff recommends one condition as stated in the staff report.

PROPONENTS

Michael Noble, 15644 SW 82nd Avenue, Tigard, OR 97224, applicant, said he appreciated the time given to review the application. The business would fit well and compliment the area. Mr. Noble said he did not have a problem with the condition recommended by staff.

Leann Bennett, 16840 SW Parrett Lane, Sherwood, OR, representing property owners John and Loretta Blaser, said she was part of the original property negotiations, and recommended Council approve the conditional use permit.

OPPONENTS – None.

COUNCIL DISCUSSION

Discussion by Council on the assurance of having adequate parking when taking into consideration the surrounding businesses. It was also asked and answered by Mr. Noble about the number of stalls that will be provided and the expectation of four to five clients a day. The sheet metal shop does not have a huge employee base and they have a spoken with the church and worked out a cooperative arrangement.

It was asked and indicated where the adjacent properties that are in Light Manufacturing (ML) Planning District as opposed to General Commercial (CG) are located and the reassurance there is no impacts to the underlying uses

Mayor Ogden closed the testimony portion of the public hearing.

COUNCIL DELIBERATION

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to approve the staff report and supporting attachments with one condition as noted in the staff report, and adopt a resolution granting CUP-10-04. MOTION CARRIED. [Vote: 5-0-2; Maddux, Truax absent]

G. GENERAL BUSINESS

1. Resolution No. 4977-10 Authorizing a New Picnic Shelter in Tualatin Community Park to be Named Trestle Shelter

Community Services Director Paul Hennon presented information on adopting the name of the new shelter in Community Park that was construction by Clean Water Services as part of the pump station project. Community Services Director Hennon noted there is a "naming policy" in place, and proposals were invited and 29 suggestions were received. The recommendation by the Tualatin Park Advisory Committee (TPARK) is "Trestle Shelter."

Discussion followed. Councilors Beikman and Davis said they were not in favor of the proposed name.

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to name the new shelter in Community Park *Trestle Shelter*. MOTION CARRIED. [Vote: 3-2-2; Beikman, Davis abstain; Maddux, Truax absent]

2. Ordinance No. 1302-10 Relating to Sign Design Standards for Freestanding Signs in Commercial Planning Districts; and Amending TDC 20.030; 31.071; 35.200; and 38.220; and Adding a New Section 38.075, to the TDC. (PTA-08-06)

MOTION by Councilor Harris, SECONDED by Councilor Beikman for a first reading by title only. MOTION by Councilor Harris, SECONDED by Councilor Beikman for a second reading by title only. MOTION CARRIED. The poll was unanimous. [Maddux, Truax absent.] MOTION by Councilor Harris SECONDED by Councilor Beikman to adopt the ordinance. MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(d) to discuss labor relations was held at the beginning of the work session.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Beikman noted it is Bike + Walk Month and Byrom Elementary is at 500+ kids participating in walking/biking to school. Councilor Barhyte also mentioned Bridgeport Elementary is also doing well. Mayor Ogden said 300 elementary students spent the day at the Tualatin Youth Advisory Council's Project F.R.I.E.N.D.S. event.

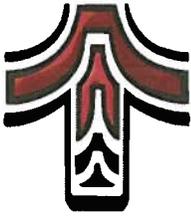
K. ADJOURNMENT

MOTION by Councilor Harris, SECONDED by Councilor Beikman to adjourn the meeting at 9:36 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

Maureen Smith



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date June 14, 2010

Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Nancy McDonald, Human Resources Director *NM*

DATE: June 14, 2010

SUBJECT: RESOLUTION APPROVING AND AUTHORIZING THE PROVISION OF WORKERS' COMPENSATION INSURANCE COVERAGE TO VOLUNTEERS AND REPEALING RESOLUTION NO. 4902-09

ISSUE BEFORE THE COUNCIL:

The City of Tualatin will provide for workers' compensation insurance coverage to classes of volunteer workers for policy year 2010-2011.

RECOMMENDATION:

Staff recommends the City Council adopt the attached resolution approving and authorizing the provision of workers' compensation insurance coverage to volunteers of the City of Tualatin and repeal Resolution No. 4902-09.

EXECUTIVE SUMMARY:

The City Council wishes to protect its volunteers from injuries arising out of, or in the scope of, their service to the City. The City elects, pursuant to ORS 656.031 to provide workers' compensation insurance coverage to volunteers listed on the electronically submitted CIS Volunteer Election form.

Attachments: Resolution

RESOLUTION NO. 4978-10

RESOLUTION APPROVING AND AUTHORIZING THE PROVISION OF
WORKERS' COMPENSATION INSURANCE COVERAGE TO VOLUNTEERS
OF THE CITY OF TUALATIN AND REPEALING RESOLUTION NO. 4902-09

WHEREAS the City of Tualatin elects the following:

WHEREAS pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers listed on the electronically submitted CIS Volunteer Election form; and

WHEREAS an assumed monthly wage of \$800 per month will be used for public safety volunteers; and

WHEREAS non-public safety volunteers will keep track of their hours and have their assumed payroll reported in the correct class code for the type of work being performed using Oregon minimum wage; and

WHEREAS court-mandated community service workers/inmates on work release may be covered for workers' compensation benefits by the sentencing court. Coverage will be determined prior to work inception and stipulated to in writing between the City of Tualatin and the respective sentencing court. Court-mandated volunteers will keep track of their hours and have their assumed payroll reported in Class Code 7720V using Oregon minimum wage; and

WHEREAS a roster of active volunteers will be provided to City/County Insurance Services (CIS) for their use during year-end audit; and

WHEREAS unanticipated volunteer projects or exposure not addressed herein will be added onto the City of Tualatin's coverage agreement (1) by endorsement, (2) with advance notice to CIS, and (3) allowing two weeks for processing. It is hereby acknowledged that coverage of this type cannot be backdated.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City of Tualatin provide for workers' compensation insurance coverage as indicated above for Policy Year 2010-2011.

Section 2. This resolution repeals Resolution No. 4902-09, dated June 22, 2009.

INTRODUCED AND ADOPTED this 14th day of June, 2010.

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

CITY OF TUALATIN, OREGON

BY 
Mayor

ATTEST:
BY 
City Recorder



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date June 14, 2010

Recording Secretary J. Kerby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Donald A. Hudson, Finance Director 

DATE: June 14, 2010

SUBJECT: RESOLUTION AMENDING SEWER AND SURFACE WATER MANAGEMENT RATES INSIDE THE CITY OF TUALATIN AND RESCINDING RESOLUTION 4888-09

ISSUE BEFORE THE COUNCIL:

Council will consider setting sewer and surface water management rates for service performed after June 30, 2010. The FY 10/11 Budget was prepared assuming the rates for service would be split between a Regional Rate, set by Clean Water Services (CWS), and a Local Rate, set by the City of Tualatin.

The monthly regional base sewer rate would increase from \$17.5058 per Dwelling Unit (DU) to \$18.7600/DU and the monthly regional use charge would increase from \$1.1783/CCF to \$1.2600/CCF. The local base rate and use charge would increase from \$3.5262/DU to \$4.2313/DU and from \$0.2373/CCF to \$0.2848/CCF, respectively. The Sewer System Development Charge would increase from \$3,600 per Dwelling Unit (DU) or Equivalent Dwelling Unit (EDU) to \$4,100/DU or EDU.

The monthly regional surface water management rate would increase from \$1.06 per Equivalent Service Unit (ESU) to \$1.19/ESU and the local rate would increase from \$3.30/ESU to \$4.00/ESU. There is no proposed change in the Surface Water Management System Development Charge..

RECOMMENDATION:

Staff recommends adopting the attached Resolution.

EXECUTIVE SUMMARY:

- This is not a public hearing.
- The FY 10/11 Budget was prepared using the CWS proposed regional increases, City of Tualatin local increases.

- This proposed increase covers:
 - Rising operating costs for utilities, chemicals and personnel used by CWS and the City of Tualatin.
 - Increasing federal water quality requirements.
 - Paying for the upgrade and expansion of CWS's four wastewater treatment facilities, pump stations and pipes.
 - The debt service payment on the bonds issues by CWS.

OUTCOMES OF DECISION:

Adoption of the attached resolution sets new rates effective July 1, 2010.

FINANCIAL IMPLICATIONS:

With the new rates, the average monthly Tualatin residential sewer and surface water management bill will increase from \$32.47 to \$35.91, an increase of \$3.44/month.

Attachments: A. Resolution

RESOLUTION NO. 4979-10

A RESOLUTION AMENDING SEWER AND SURFACE WATER MANAGEMENT RATES INSIDE THE CITY OF TUALATIN AND RESCINDING RESOLUTION 4888-09

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. System Development Charges.

(a) The schedule for the Sewer System Development Charges, per Equivalent Dwelling Unit (EDU), as of July 1, 2010 is as follows:

	System Development Charge
Regional Rate	\$ 3,936.70
Local Rate	\$ 163.30

(b) The Surface Water Management System Development Charge will remain at \$500 per Equivalent Service Unit (ESU).

Section 2. Monthly Rates.

(a) The schedule of monthly sewer rates is amended as follows:

	BASE CHARGE (per Dwelling Unit, or EDU)	USE CHARGE Per CCF (hundred cubic feet), winter average
Regional Rate	\$ 18.7600	\$ 1.2600
Local Rate	\$ 4.2313	\$ 0.2848

(b) The schedule of monthly surface water management rates is amended as follows, per ESU:

	BASE CHARGE
Regional Rate	\$ 1.19
Local Rate	\$ 4.00

(c) The rate changes in this section shall take effect for sewer and surface water management after June 30, 2010.

Section 3. Monthly Surcharges. The surcharges for sewer and surface water management were rescinded, effective July 1, 2009.

Section 4. Effective Date. The effective date of this resolution is July 1, 2010.

INTRODUCED AND ADOPTED this 14th day of June 2010.

CITY OF TUALATIN, OREGON

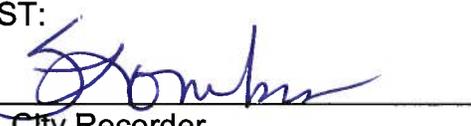
BY



Mayor

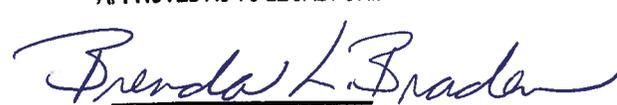
ATTEST:

BY



City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY



APPROVED BY TUALATIN CITY COUNCIL
Date June 14, 2010
Recording Secretary J Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Donald A. Hudson, Finance Director *DAH*

DATE: June 14, 2010

SUBJECT: RESOLUTION CERTIFYING CITY OF TUALATIN
MUNICIPAL SERVICES

ISSUE BEFORE THE COUNCIL:

To be eligible to receive state-shared revenues (cigarette, liquor and highway taxes), the City must certify it provides four or more of certain municipal services.

RECOMMENDATION:

Staff recommends that Council adopt the attached Resolution certifying City of Tualatin municipal services.

EXECUTIVE SUMMARY:

The State requires that cities located in a county having more than 100,000 inhabitants according to the most recent decennial census, must provide four or more of certain municipal services to receive state-shared revenues. The City provides six of the seven municipal services.

OUTCOMES OF DECISION:

If the Council approves the Resolution, the City will be eligible to receive state-shared revenues. If the Council does not approve the Resolution, the City will not receive state-shared revenues and we will need to reduce its expenditures or contingencies.

FINANCIAL IMPLICATIONS:

It is estimated, and budgeted, that the City will receive \$35,015 in Cigarette Taxes and \$365,820 in Liquor Taxes in the General Fund and \$1,300,000 in State Gas Taxes in the Road Operating/Gas Tax Fund.

Attachments: A. Resolution

RESOLUTION NO. 4980-10

RESOLUTION CERTIFYING CITY OF TUALATIN MUNICIPAL SERVICES

Oregon Revised Statutes (ORS) 221.760 provides that the officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police Protection
2. Fire Protection
3. Street Construction, Maintenance and Lighting
4. Sanitary Sewers
5. Storm Sewers
6. Planning, Zoning and Subdivision Control
7. Water Utility Services; and

WHEREAS the City Officials recognize the desirability of assisting the State officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City of Tualatin hereby certifies that it provides the following four or more services enumerated in Section 1, ORS 221,760:

1. Police Protection
2. Street Construction, Maintenance and Lighting
3. Sanitary Sewers
4. Storm Sewers
5. Planning, Zoning and Subdivision Control
6. Water Utility Services

INTRODUCED AND ADOPTED this 14th day of June, 2010.

CITY OF TUALATIN, OREGON

BY _____

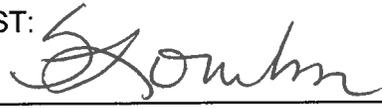

Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

BY _____


City Recorder



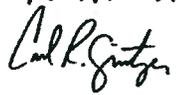
APPROVED BY TUALATIN CITY COUNCIL
Date June 14, 2010
Recording Secretary J. Kerby

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Paul Hennon, Community Services Department 
Carl Switzer, Parks and Recreation Coordinator 

DATE: June 14, 2010

SUBJECT: RESOLUTION AMENDING AN INTERGOVERNMENTAL AGREEMENT BETWEEN CLEAN WATER SERVICES AND CITY OF TUALATIN TO CLARIFY MAINTENANCE RESPONSIBILITIES IN ASSOCIATION WITH CONSTRUCTION OF A PUMP STATION AND PARK IMPROVEMENTS IN TUALATIN COMMUNITY PARK

ISSUE BEFORE THE COUNCIL:

Council will consider approval of an amendment to an Intergovernmental Agreement (IGA) with Clean Water Services (CWS) to clarify maintenance responsibilities in association with construction of the Lower Tualatin Pump Station and park improvements in Tualatin Community Park.

RECOMMENDATION:

Approve the attached resolution authorizing the City Manager to execute the IGA amendment No. 2.

EXECUTIVE SUMMARY:

Council authorized entering into an Intergovernmental Agreement (IGA) with Clean Water Services (CWS) to construct the Lower Tualatin Pump Station in Community Park in exchange for considerations including park improvements in Community Park on January 23, 2006.

This amendment clarifies maintenance roles and responsibilities and states that Tualatin will be responsible for on-going maintenance of the park facilities, and the

Staff Report: RESOLUTION AMENDING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN CLEAN WATER SERVICES AND CITY OF TUALATIN TO CLARIFY
MAINTENANCE RESPONSIBILITIES IN ASSOCIATION WITH CONSTRUCTION OF A
PUMP STATION AND PARK IMPROVEMENTS IN TUALATIN COMMUNITY PARK
June 14, 2010
Page 2 of 2

bioswale after the first two years. CWS will be responsible for on-going maintenance of the pump station, arcade structure, and the first two years of maintenance of the bioswale.

FINANCIAL IMPLICATIONS:

Prior to construction of the new park facilities, the City maintained the existing sports field, parking lot, and gravel path to the Ki-A-Kuts bridge. Funding for maintenance of the new and restored park improvements is included in the FY10/11 approved budget.

Attachments: A. Resolution with attached Amendment No. 1

- c:
1. Members of TPARK
 2. Nate Cullin and Steve Kebbe, Clean Water Services

RESOLUTION NO. 4981-10

RESOLUTION AMENDING AN INTERGOVERNMENTAL AGREEMENT BETWEEN CLEAN WATER SERVICES AND CITY OF TUALATIN TO CLARIFY MAINTENANCE RESPONSIBILITIES IN ASSOCIATION WITH CONSTRUCTION OF A PUMP STATION AND PARK IMPROVEMENTS IN TUALATIN COMMUNITY PARK

WHEREAS the City of Tualatin, hereinafter referred to as CITY, entered into an intergovernmental agreement (IGA), Resolution No. 4475-06, with the Clean Water Services, hereinafter referred to as DISTRICT, to construct the Lower Tualatin Pump Station and associated park improvements, hereinafter referred to as PROJECT; and

WHEREAS the provisions for maintenance in the IGA are general in nature and there is a need to clarify and document maintenance roles and responsibilities in a more specific manner; and

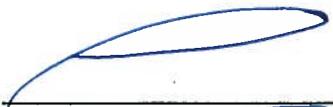
WHEREAS the DISTRICT agrees with the proposed IGA Amendment No. 2 for maintenance of the PROJECT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City manager is authorized to sign the attached Amendment No. 2 to the IGA between the CITY and DISTRICT for construction of a pump station and park improvements in Tualatin Community Park.

INTRODUCED AND ADOPTED this 14th day of June, 2010.

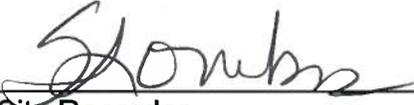
CITY OF TUALATIN, OREGON

By 
Mayer

ATTEST:

Approved as to Form:


City Attorney

By 
City Recorder

**AMENDMENT NO. 2 TO INTERGOVERNMENTAL AGREEMENT
BETWEEN CLEAN WATER SERVICES AND CITY OF TUALATIN**

This Amendment, dated June 14, 2010, is between Clean Water Services (District) and the City of Tualatin (City) and amends the parties Intergovernmental Agreement, dated January 27, 2006 as amended by Amendment 1 to the Intergovernmental Agreement dated July 10, 2007 (collectively, IGA).

A. RECITALS

- A. District and City previously entered into the IGA.
- B. District and City wish to document maintenance responsibility for certain improvements in the Tualatin Community Park (Park) associated with the Lower Tualatin Pump Station and Forcemain Project (Project), which is described in the IGA.

Now, therefore, the parties do mutually agree to amend the IGA as follows:

B. CITY OBLIGATIONS

City shall have sole responsibility for maintenance of the following facilities constructed as part of the Project:

- 1. The fence along the western boundary of the Park.
- 2. All roads, trails, and parking areas.
- 3. The pedestrian undercrossing structure.
- 4. The bioswale except for the warranty period as defined in Part C, District Obligations.
- 5. All Park landscaping, except for the bioswale, during the warranty period as defined in Part C, District Obligations.
- 6. The picnic shelter.
- 7. The arcade – limited to cleaning, graffiti removal, and painting. Long-term maintenance is defined in Part C, District Obligations.
- 8. Interpretive signs.

C. DISTRICT OBLIGATIONS

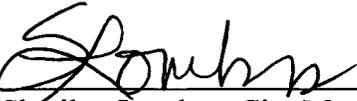
District shall have sole responsibility for maintenance of the following facilities constructed as part of the Project:

- 1. The pump station building.
- 2. The arcade – limited to repair and/or replacement as necessary during the normal course of the structure's life.

3. The bioswale during the warranty period, which is defined as a term of two years following final project completion in accordance with the Project contract documents.

Except as amended herein, the Intergovernmental Agreement shall remain in full force and effect.

CITY OF TUALATIN

By: 

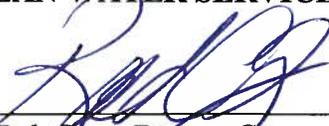
Sherilyn Lombos, City Manager

APPROVED AS TO FORM



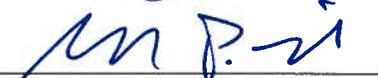
Brenda L. Braden
City Attorney

CLEAN WATER SERVICES

By: 

Bob Cruz, Deputy General Manager

APPROVED AS TO FORM



District Counsel



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Paul Hennon, Community Services Department *Paul Hennon*
Carl Switzer, Parks and Recreation Coordinator *Carl R. Switzer*

DATE: June 14, 2010

SUBJECT: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
FOR CONSTRUCTION OF PHASE 1 PARK
IMPROVEMENTS ASSOCIATED WITH THE LOWER
TUALATIN PUMP STATION

ISSUE BEFORE THE COUNCIL:

Council will consider a resolution accepting public improvements for construction of Phase 1 park improvements associated with the Lower Tualatin Pump Station, located in Tualatin Community Park, north of the railroad trestle at 8549 SW Tualatin Road.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution approving and accepting the constructed public improvements.

EXECUTIVE SUMMARY:

On March 26, 2007, following a recommendation of the Tualatin Park Advisory Committee (TPARK), Council approved the site plan and design of the Lower Tualatin Pump Station, picnic shelter, arcade, parking lot, pathways, sports field, and related facilities.

Under terms of an Intergovernmental Agreement with Clean Water Services (CWS), approved by Council January 23, 2006, CWS was authorized to construct the Lower Tualatin Pump Station in Community Park in exchange for the following considerations and park improvements in Community Park:

Staff Report: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR
CONSTRUCTION OF PHASE 1 PARK IMPROVEMENTS ASSOCIATED WITH THE
LOWER TUALATIN PUMP STATION

June 14, 2010

Page 2 of 3

- Contribute \$600,000 towards the cost of the Ki-A-Kuts bicycle and pedestrian bridge and assume all design and construction costs of the associated sanitary sewer pipes and pump station
- Construct the pump station with a railroad station theme following sustainable development principles (of LEED – Leadership in Energy and Environmental Design) and ensure that odors and sound are unnoticeable to park users
- Allow use of land owned by CWS located north of the river for Ki-a-Kuts bridge environmental permitting mitigation and flood area hazard permit balance cut and fill requirements
- Restore the sports field and related irrigation
- Construct a concrete pathway from the parking lot to the Ki-a-Kuts bridge
- Construct a picnic shelter in a railroad theme and reinstall the drinking fountain
- Expand and reconstruct the parking lot with permeable pavers and construct an associated water quality bioswale to treat rain runoff from hard surfaces
- Install landscaping and park signs, bike racks, trash cans and recycle bins, and install and complete required environmental mitigation and enhancement
- Install interpretive panels on Tualatin's history, regional trail map, and sustainable aspects of the pump station and other project elements
- Install a connection to CWS's reuse water pipeline for initially to serve the pump station and for future connection for Community Park irrigation uses
- Contribute a prorata share of on-going bridge maintenance and insurance costs with the cities of Tualatin, Durham, and Tigard; maintain the pump station and arcade structure; and maintain the water quality bioswale and environmental mitigation and enhancement areas for two years.

The park improvements are being constructed in two phases and work on the first phase is complete, have been inspected, and the City has received all required documents and materials. This includes all work except restoration of the sports field, installation of interpretive panels, and restoration of native plantings within a portion of the Tualatin River vegetated corridor (the wooded area north of the Rustic Shelter). The park facilities opened for public use during the week of June 7. The pump station has been in operation since December 2009.

The second phase of work will be completed during the summer and fall of 2010 and

**Staff Report: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR
CONSTRUCTION OF PHASE 1 PARK IMPROVEMENTS ASSOCIATED WITH THE
LOWER TUALATIN PUMP STATION**

June 14, 2010

Page 3 of 3

the sports field will be available for drop-in use during the summer of 2011 once the grass has grown in.

One change is that CWS has agreed to forgo some irrigation and soil compaction restoration work in exchange for funding fencing and other improvements to create a dog park at the north end of the sports field. This is scheduled to open late summer or fall 2010.

FINANCIAL IMPLICATIONS:

Under terms of the IGA, Tualatin will be responsible for on-going maintenance of the park facilities, and the bioswale after the first two years. CWS will be responsible for on-going maintenance of the pump station, arcade structure, and the first two years of maintenance of the bioswale and restoration area of the Tualatin River vegetated corridor.

Prior to construction of the new park facilities, the City maintained the existing sports field, parking lot, and gravel path to the Ki-A-Kuts bridge. Funding for maintenance of the new and restored park improvements is included in the FY10/11 approved budget.

Attachments: Resolution

- c:
1. Members of TPARK
 2. Nate Cullin and Steve Kebbe, Clean Water Services
 3. Natt McDougall, Natt McDougall Company

RESOLUTION NO. 4982-10

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR
CONSTRUCTION OF PHASE 1 PARK IMPROVEMENTS ASSOCIATED
WITH THE LOWER TUALATIN PUMP STATION

WHEREAS the City of Tualatin, hereinafter referred to as CITY, entered into an intergovernmental agreement (IGA), Resolution No. 4475-06, with the Clean Water Services, hereinafter referred to as DISTRICT, to construct the Lower Tualatin Pump Station and associated park improvements, hereinafter referred to as PROJECT; and

WHEREAS the IGA includes provisions for oversight, project management, and maintenance; and

WHEREAS the DISTRICT authorized the NATT MCDUGALL COMPANY, hereinafter referred to as CONTRACTOR, to construct improvements consisting of construction of a pump station and phase 1 park improvements (picnic shelter, arcade, parking lot, pathways, bioswale, irrigation and landscaping, and reuse water line), awarded in July 2008; and

WHEREAS CONTRACTOR has completed construction of the improvements, to standards required by CITY and DISTRICT, and now desires to have CITY accept said improvements; and

WHEREAS CITY and DISTRICT staff have inspected and recommends final acceptance of the improvements; and

WHEREAS it is in the public interest that CITY accept said improvements.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Lower Tualatin Pump Station Phase 1 park improvements (picnic shelter, arcade, parking lot, pathways, bioswale, irrigation and landscaping, and reuse water line) are approved and accepted by the CITY.

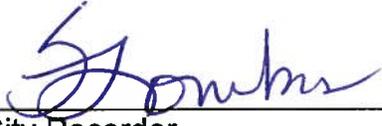
INTRODUCED AND ADOPTED this 14th day of June, 2010.

CITY OF TUALATIN, OREGON

By 

Mayor

ATTEST:

By 

City Recorder

Approved as to Form:



City Attorney



APPROVED BY TUALATIN CITY COUNCIL
Date June 14, 2010
Recording Secretary J. Kirby

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: June 14, 2010

SUBJECT: RESOLUTION MODIFYING ESTABLISHMENT OF REGULAR MEETINGS OF THE CITY COUNCIL AND ADVISORY COMMITTEES OF THE CITY AND REPEALING RESOLUTION NO. 4950-10

ISSUE BEFORE THE COUNCIL:

The issue before the Council is whether to repeal Resolution No. 4950-10 and modify establishment of regular meeting dates for the City Council and the various City advisory committees.

RECOMMENDATION:

Staff recommends that the Council adopt the attached resolution modifying the establishment of regular meetings of the City Council and the various City advisory committees.

EXECUTIVE SUMMARY:

The meeting times of the City Council and various advisory committees and boards remain the same except for the following:

1. The meeting of the Tualatin Planning Advisory Committee (TPAC) will be held at 7:00 p.m. on the first Tuesday of each and every month.

FINANCIAL IMPLICATIONS:

None.

Attachments: Resolution

RESOLUTION NO. 4983-10

RESOLUTION ESTABLISHING REGULAR MEETINGS OF THE
CITY COUNCIL AND ADVISORY COMMITTEES OF THE CITY
AND REPEALING RESOLUTION NO. 4950-10

WHEREAS it is a requirement that notice of regular meetings be given by Resolution.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN:

Section 1. During the calendar year 2010, the regular meeting of the City Council will be held at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday of December. A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, on the second and fourth Monday of each and every month, excluding the fourth Monday of December.

(1) The regular meeting of the Tualatin Planning Advisory Committee (*TPAC*) will be held at 7:00 p.m. on the first Tuesday of each and every month.

(2) The meeting of the Architectural Review Board (*ARB*) will be held, as needed, at 7:00 p.m. on a Wednesday not less than seven days nor more than 21 days after receiving a request for review or as requested by the Community Development Director.

(3) The regular meeting of the Tualatin Park Advisory Committee (*TPARK*) will be held at 6:00 p.m. on the second Tuesday of each and every month.

(4) The regular meeting of the Core Area Parking District Board (*CAPDB*) will be held as needed at 12:00 p.m. on the Wednesday following the third Monday of a month.

(5) The regular meeting of the Library Advisory Committee (*TLAC*) will be held at 6:30 p.m. on the first Tuesday of each and every month.

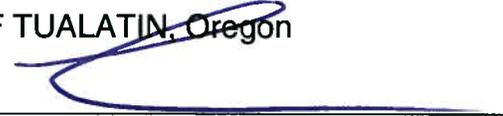
(6) The regular meeting of the Tualatin Arts Advisory Committee (*TAAC*) will be held at 6:30 p.m. on the third Tuesday of each and every month.

Section 2. Resolution No. 4950-10 is hereby repealed.

Section 3. The City Recorder be, and hereby is, instructed to post copies of this Resolution in accordance with the provisions of Section 2 of Ordinance No. 228-73.

INTRODUCED AND ADOPTED this 14th day of June, 2010.

CITY OF TUALATIN, Oregon

BY 

Mayor

ATTEST:
BY 

City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date June 14, 2010
Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: June 14, 2010

SUBJECT: RESOLUTION CANVASSING RESULTS OF THE AUTHORIZATION TO ANNEX INTO THE CLACKAMAS COUNTY LIBRARY DISTRICT TO THE VOTERS OF THE PRIMARY ELECTION IN THE CITY OF TUALATIN, WASHINGTON AND CLACKAMAS COUNTIES ON MAY 18, 2010

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to adopt the resolution canvassing results of annexing into the Clackamas County Library District at the Primary Election held on May 18, 2010.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached resolution canvassing results of authorization to annex into the Clackamas County Library District held in the City of Tualatin, Washington and Clackamas Counties, Oregon on May 18, 2010.

EXECUTIVE SUMMARY:

On May 18, 2010 a primary election was held with the following results:

Measure 34-177

Shall Tualatin Annex Into The Library District Of Clackamas County.

Yes
4032

No
1569

Certified results have been received from Washington and Clackamas Counties and are on file in the Office of the City Recorder.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A. Resolution

RESOLUTION NO. 4984-10

RESOLUTION CANVASSING RESULTS OF THE AUTHORIZATION TO ANNEX INTO THE CLACKAMAS COUNTY LIBRARY DISTRICT TO THE VOTERS OF THE PRIMARY ELECTION IN THE CITY OF TUALATIN, WASHINGTON AND CLACKAMAS COUNTIES ON MAY 18, 2010

WHEREAS an authorization to annex into the Clackamas County Library District was submitted to the voters on May 18, 2010, in the City of Tualatin, Washington and Clackamas Counties, Oregon; and

WHEREAS there is on file in the Office of the City Recorder, a certificate of election results filed by the County Clerks of Washington and Clackamas Counties and it is necessary that the Council canvass the results of said election; and

WHEREAS the Council hereby finds that the following summary constitutes a true and accurate statement of the election results and balloting.

Measure 34-177

Shall Tualatin Annex Into the Library District of Clackamas County.

Yes
4032

No
1569

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that:

Section 1. The Certificate of Election results files in the Office of the City Recorder by the Washington County and Clackamas County Clerks be and the same is hereby approved and that the results of said election as herein above set forth are accepted.

INTRODUCED AND ADOPTED this 14th day of June, 2010.

CITY OF TUALATIN, OREGON

BY



Mayor

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTEST:

BY



City Recorder



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date June 14, 2010
Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Donald A. Hudson, Finance Director 

DATE: June 14, 2010

SUBJECT: RESOLUTION AUTHORIZING CHANGES TO THE ADOPTED
2009 – 2010 BUDGET

ISSUE BEFORE THE COUNCIL:

Whether or not to approve changes to the Adopted 2009 – 2010 Budget.

RECOMMENDATION:

Staff recommends adopting the attached Resolution.

EXECUTIVE SUMMARY:

Occasionally, it becomes necessary after the budget is adopted to increase the total expenditures of a category within a fund. Oregon Revised Statutes (ORS) 294.450, *Transfers of appropriations within fund or from one fund to another; appropriation of pass-through revenues*, allows for the transfer of existing appropriations within the same fund. A transfer of appropriation is a decrease of one existing appropriation and a corresponding increase of another existing appropriation. In this case, the net effect to the fund is zero. To transfer an appropriation, the governing body must pass a resolution authorizing the transfer. An appropriation transfer does not require a public hearing be held.

Another allowed change to the adopted budget is covered under ORS 294.326(3), which allows for expenditures in the year of receipt of grants for a specific purpose to be made after an enactment of a resolution authorizing the expenditure.

During the past year, due to the staffing of Council meetings and work sessions, and the additional hours spent for these meetings, the overtime costs in the Administration Department has increased, as well and the budget needs to be adjusted for these additional costs. Also, at the time the budget was put together last year, it was not anticipated that we would be back in negotiations with the Tualatin Employees Association this year, so the legal budget in the Administration budget did not reflect the related costs for our labor attorney. The last change in Administration became

necessary when the laptop used to record minutes at Council meetings failed, so the decision was made to replace a desktop already on the replacement schedule and in the budget with a laptop. This additional cost is requested this evening. There are Contingency funds available to cover these unanticipated costs. The arts program is also requesting a contingency transfer to cover an error in the budgeted numbers from 09-10. Grant revenue of \$2,000 for the program was estimated during the budget process, and the grant was received, but there was not a corresponding increase in the budgeted expenditures. Therefore, a transfer from contingency is requested to expend the revenue that was received.

The Library applied for and received an LSTA grant in the amount of \$5,080 that was not known at the time of the budget process. Local Budget Law allows for the increase of expenditures for specific purpose grants received during the fiscal year by passage of a resolution of the Council. The increase in revenue and expenditures for this grant is included in Exhibit A of the attached resolution.

OUTCOMES OF DECISION:

Failure to pass the resolution puts the City in danger of not complying with Local Budget Law.

FINANCIAL IMPLICATIONS:

The net effect to the affected funds is zero, as it is simply a transfer of already approved appropriations, and additional revenue received.

- Attachments:**
- A. Resolution
 - B. Exhibit A to the Resolution

RESOLUTION NO. 4985-10

RESOLUTION AUTHORIZING CHANGES TO THE ADOPTED 2009 - 2010 BUDGET

WHEREAS after the budget process for the 2009-2010 fiscal year was completed, an occurrence or condition arose that could not have been ascertained at the time of the budget preparation; and

WHEREAS in order to lawfully comply with the requirements of Local Budget Law, increases in budgeted resources and requirements are necessary; and

WHEREAS Oregon Revised Statutes (ORS) 294.480 allows for the preparation and adoption of a supplemental budget.

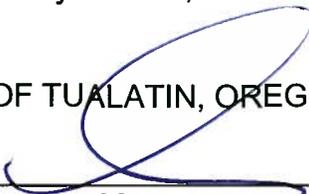
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council wishes to comply with Local Budget Law, and authorize spending of additional resources; and

Section 2. Increased resources and requirements should be made as detailed in Exhibit A to this Resolution.

INTRODUCED AND ADOPTED this 14th day of June, 2010.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:
BY  _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

Exhibit A-June

**City of Tualatin
Fiscal Year 2009 - 2010
Budget Changes, June 2010**

To	Amount	From	Amount	Notes
Salaries - Overtime	\$ 3,600			
Legal	\$ 20,000	Contingency - General Fund	\$ 26,100	
Personal Computer/Laptop	\$ 500	Misc Grants - Library	\$ 5,080	LSTA Grant
Arts Program	\$ 2,000			
Salaries - Temporary	\$ 2,680			
Office Supplies	\$ 600			
Printing & Postage	\$ 500			
Office Equipment/Furniture	\$ 500			
Consultant Services	\$ 600			
Administrative Expenses	\$ 200			



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date June 14, 2010
Recording Secretary J. Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Maureen Smith, Executive Assistant *Maureen Smith*

DATE: June 14, 2010

SUBJECT: COMMUNITY INVOLVEMENT COMMITTEE APPOINTMENTS

ISSUE BEFORE THE COUNCIL:

The City Council approve appointments to various Advisory Committees and Boards.

RECOMMENDATION:

Staff recommends the City Council approve the Community Involvement Committee (CIC) recommendations and appoint the below listed individuals.

EXECUTIVE SUMMARY:

The Community Involvement Committee met and interviewed citizens interested in participating on City committees and boards. The Committee recommends appointing the following individuals:

Individual	Committee/Board	Term
Dennis Wells	Parks Advisory Committee	Partial Term Ending 02/28/11
Dawn Upton	Arts Advisory Committee	Partial Term Ending 3/31/13

FINANCIAL IMPLICATIONS:

Not applicable.



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date June 14, 2010

Recording Secretary J Kirby

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *mak*
Jim Sayers, Acting Building Official *JS*

DATE: June 14, 2010

SUBJECT: AN ORDINANCE ADOPTING THE 2010 EDITION OF THE OREGON STRUCTURAL SPECIALTY CODE, THE 2010 OREGON MECHANICAL SPECIALTY CODE, THE 2010 OREGON FIRE CODE, AND THE 2010 OREGON MANUFACTURED DWELLING INSTALLATION SPECIALTY CODE

ISSUE BEFORE THE COUNCIL:

Whether the Council should adopt the most recently approved Structural, Mechanical, Fire, and Manufactured Dwelling Installation codes to remain consistent with the State of Oregon code cycle by amending TMC 4-1-010.

RECOMMENDATION:

Staff recommends adopting the 2010 editions of the Oregon Structural Specialty Code, Oregon Mechanical Specialty Code, Oregon Fire Code, and the Oregon Manufactured Dwelling Installation Specialty Code by amending TMC 4-1-010 to include reference to the new codes.

EXECUTIVE SUMMARY:

On January 10, 2005, the City adopted the first series of International Codes that were new to Oregon. This marks the fourth code cycle that Oregon has joined with the other 49 states in support of the combined International Codes. Pursuant to state law, the State of Oregon adopts all new building-related codes statewide. Local jurisdictions must then adopt, by ordinance, the State code and certain appendices and sections not previously adopted by the State to enable the local jurisdictions to enforce the code within its corporate limits. These are administrative and specialty-type provisions.

Other section of TMC 4-1 are being updated to reflect the new code changes in administrative processes established by the City of Tualatin and the State of Oregon.

These are minor in nature. On April 1, 2010, the State of Oregon Building Codes Division implemented the enforcement of:

- The Oregon Manufactured Dwelling Installation Specialty Code

On June 1, 2010, the State of Oregon Building Codes Division will implement the enforcement of:

- The new International Building Code (IBC) with Oregon amendments
- The new International Fire Code (IFC) with Oregon amendments
- The new International Mechanical Code (IMC) with Oregon amendments

This ordinance will allow the new codes to be applied within the Tualatin city limits.

OUTCOMES OF DECISION:

If adopted, the City of Tualatin Building Division will remain current with State of Oregon adopted codes and rules.

If it is not adopted, the City of Tualatin will be out of compliance with the State Building Code.

FINANCIAL IMPLICATIONS:

No impact.

M/Staff Reports/Code Adoptions 061410.docx

Attachments: A. Ordinance

ORDINANCE NO. 1303-10

AN ORDINANCE RELATING TO BUILDING CODES, ADOPTING THE 2010 EDITIONS OF THE OREGON STRUCTURAL SPECIALTY CODE, MECHANICAL SPECIALTY CODE, & THE OREGON FIRE CODE AS AMENDED, THE 2010 EDITION OF THE OREGON MANUFACTURED DWELLING INSTALLATION SPECIALTY CODE

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 4-1-010 is amended to read as follows:

In addition to compliance with this and other ordinances of the City, building and related activities shall comply with the following additional requirements:

(1) Chapter 1 of the ~~2007~~2010 edition of the Oregon Structural Specialty Code, as adopted by the Administrator of the State Building Codes Division, also Section 115 and Appendices G (Flood-Resistant Construction), and H (Signs); and

(2) Chapter 1 of the ~~2007~~2010 edition of the Oregon Mechanical Specialty Code, as adopted by the Administrator of the State Building Codes Division, and Sections 104.2 and 106.5.3; and

(3) All chapters of the 2008 edition of the Plumbing Specialty Code, as adopted by the Administrator of the State Building Codes Division; and

(4) The ~~February 2004~~April 2010 edition of the Manufactured Dwelling Administrative Rules, as adopted by the Administrator of the State Building Codes Division; and

(5) The ~~2003~~2002 edition of the Administrative Rules governing Manufactured Dwelling Parks, as adopted by the Administrator of the State Building Codes Division; and

(6) The 2003 edition of the Recreational Parks and Organizational Camps Administrative Rules, as adopted by the Administrator of the Building Codes Division; and

(7) The ~~2002~~2010 edition of the Oregon Manufactured Dwelling Installation and Park Specialty Code, with Appendices A, and B, ~~and C~~, as adopted by the Administrator of the State Building Codes Division; and

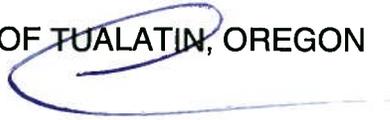
(8) The 2008 edition of the Oregon Residential Specialty Code, as adopted by the Administrator of the State Building Codes Division; and

(9) The ~~2007~~2010 State of Oregon Fire Code as adopted by the Oregon State Fire Marshall's office and Tualatin Valley Fire and Rescue Ordinance 07-01, which includes modifications to the State Fire Code adopted by the City.

No person shall conduct building or related activities without compliance with these standards.

INTRODUCED AND ADOPTED this 14 day of June, 2010.

CITY OF TUALATIN, OREGON

BY 
Mayor

ATTEST:

BY 
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Brenda Braden, City Attorney [Signature]

DATE: June 14, 2010

SUBJECT: AN ORDINANCE INCREASING LAND USE PUBLIC NOTIFICATION REQUIREMENTS; AND AMENDING TUALATIN DEVELOPMENT CODE (TDC) 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; AND ADDING TDC 31.064 (PTA 09-07)

ISSUE BEFORE THE COUNCIL:

The Council will consider an Ordinance that would increase land use public notification requirements from 300 feet to 1,000 feet and amend TDC 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; and add a new section, 31.064 to the TDC.

RECOMMENDATION:

Staff recommends that the City Council approve the Ordinance increasing land use public notification requirements and amending TDC 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; and add a new section, 31.064 to the TDC.

EXECUTIVE SUMMARY:

On May 24, 2010 the Council held a public hearing on the Ordinance to decide whether to approve the Ordinance increasing land use public notification requirements. At the conclusion of the public hearing, the Council approved the ordinance by a vote of 5-0 with councilors Maddux and Truax absent, and directed Staff to bring back the Ordinance for adoption, changing the new 500 foot notification requirement to 1,000 foot notification requirement. All other text remained unchanged.

Attachments: A. Ordinance

ORDINANCE NO. 1304-10

AN ORDINANCE INCREASING LAND USE PUBLIC NOTIFICATION REQUIREMENTS; AND AMENDING TUALATIN DEVELOPMENT CODE (TDC) 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.230, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; AND ADDING TDC 31.064 (PTA-09-07)

WHEREAS upon the application of the City of Tualatin, a public hearing was held before the City Council of the City of Tualatin on May 24, 2010, related to a Plan Text Amendment of the TDC; and amending TDC 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.230, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; and adding TDC 31.064 (PTA-09-07); and

WHEREAS notice of public hearing was given as required under the TDC by publication on in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on May 24, 2010, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [5-0] with Mayor Ogden and councilors Harris, Beikman, Barhyte, and Davis voting in favor; and councilors Maddux and Truax absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated May 24, 2010, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 1.031 is amended to read:

(1) Notice of the public hearing at which the Council shall consider the proposed amendments shall be given by publication in a newspaper of general circulation within the City not less than ten (10) City business days prior to the hearing and by posting in two (2) public and conspicuous places within the City not less than ten (10) City business days prior to the hearing. In the case of quasi-judicial text or map amendments, additional notice shall be given as follows: notice of the proposed amendment shall be mailed by ~~regular first class mail~~ to property owners of property and recognized neighborhood associations located within ~~300~~ 1,000 feet of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision, the notice area shall extend to include the entire subdivision of which the lots are a part, and the applicant shall identify these subdivisions for staff as part of the mailing notification list. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include additional phases. Notice of the public hearing for an amendment, either legislative or quasi-judicial, which affects the transportation system, shall be provided to ODOT and to Metro.

(2) Sign Posting: The applicant shall as follows both provide and post on the subject property a sign that conforms to the standard design established by the City for signs notifying the public of land use actions:

(a) Minimum Design Requirements: The sign shall be waterproof, and the face size shall be eighteen (18) by twenty-four (24) inches (18 x 24) with text being at least two (2) inches tall.

(b) On-site Placement: Prior to plan amendment submittal, the applicant shall place a sign along the public street frontage of the subject property or, if there is no public street frontage, along the public right-of-way (ROW) of the street nearest the subject property. A subject property having more than one public street frontage shall have at least one posted sign per frontage with each frontage having one sign. For a subject property that has a single frontage that is along a dead-end street, the applicant shall post an additional sign along the public ROW of the nearest through street. The applicant shall not place the sign within public ROW; however, for a subject property that has no public street frontage or that has a single frontage that is along a dead-end street, the applicant may place the sign within the public ROW of the nearest street.

(c) Proof of Posting: The applicant shall submit as part of the plan amendment submittal, an affidavit of posting to the Community Development Director or when applicable, the City Engineer.

(d) Removal: If the sign disappears prior to the final decision date of the plan amendment, the applicant shall replace it within forty-eight (48) hours. The

applicant shall remove the sign no later than fourteen (14) calendar days after the City makes a final decision on the subject land use application.

(3) For purposes of identifying the property owners to receive notification of hearing, the names and addresses of the owner or owners of record as shown in the current, or within thirty (30) days of a completed application, computer roll of the County Assessor shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, registered architect, landscape architect, engineer, surveyor, or attorney, or where the City is the applicant, the Planning Community Development Director. The list of property owners shall be updated not less than every ninety (90) days by the applicant, until a final decision is rendered.

(34) The City shall provide written notice to the Tigard-Tualatin School District not lessf fewer than ten (10) City business days prior to the hearing when considering a plan amendment or land use regulation amendment that significantly impacts school capacity.

Section 2. TDC 31.063 is amended to read:

(1) This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, except Level I (Clear and Objective) Single-family Architectural Review; Conditional Uses; Historic Landmark actions, including designation, removal of designation, demolition, relocation, or alteration or new construction; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; Tree Removal Permit; Transitional Use Permit; and Variances, except for variances to existing single family residences.

(2) Prior to the submittal of an application listed in TDC 31.063(1) and following a pre-application meeting held with the City, the developer shall host a meeting for the surrounding property owners. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(3) The Neighborhood/Developer Meeting shall be held on a weekday evening, or weekend no earlier than 10:00 a.m. and no later than 6:00 p.m., at a location within the City of Tualatin.

(4) The applicant shall at least 14 calendar days and no more than 28 calendar days prior to the meeting mail notice of the meeting pursuant to TDC 31.064(1) stating

the date, time and location of the meeting and briefly discussing the nature and location of the proposal.mail notice of meeting:

~~(a) at least 14 days and no more than 28 days prior to the meeting.~~

~~(b) to owners of properties within 300 feet of the subject property, any City recognized Neighborhood Associations under TDC 31.065 whose boundaries are within 300 feet of the subject property, and to the Community Development and City Engineer of Tualatin; and~~

~~(c) that states the date, time and location of the meeting and briefly discusses the nature and location of the proposal.~~

(5) Failure of a property owner to receive notice shall not invalidate the Neighborhood/Developer Meeting proceedings.

(6) The applicant shall at least 14 calendar days before the meeting post notice a sign pursuant to TDC 31.064(2). If the sign disappears prior to the meeting date, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) calendar days after the meeting date of the meeting by posting a waterproof sign on the subject property at least 14 days before the meeting. This sign shall be supplied by the applicant.

(7) The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and expressed.

(8) The applicant is required to hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.

(9) If an applicant fails to hold a neighborhood meeting, the application shall be deemed incomplete.

(10) The application shall include the following materials related to the Neighborhood/Developer meeting:

(a) the mailing list for the notice;

(b) a copy of the notice;

(c) an affidavit of the mailing and posting;

(d) the original sign-in sheet of participants;

(e) the meeting notes described in TDC 31.063(7).

(11) Applications shall be submitted to the City within 180 days of the Neighborhood/Developer meeting. If an application is not submitted in this time frame, the Developer shall be required to hold a new Neighborhood/Developer meeting.

Section 3. TDC 31.067 is amended to read:

(1) The purpose of this Section is to establish a procedure to be used in conjunction with Metro Code 3.09 and Oregon Revised Statutes for annexing territory to the City Limits.

(2) An applicant for an annexation to the City Limits shall discuss the proposed annexation with the Community Development Director, or designee, and City Engineer, or designee, in a pre-application conference prior to submitting an application. An applicant for an annexation shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063.

(3) Sign Posting: The applicant shall post a sign pursuant to TDC 31.064(2).

(4) After the pre-application conference, the applicant shall submit to the Community Development Department an Annexation Application which shall contain:

- (a) The Application For Annexation form;
- (b) The Petition To Annex To The City of Tualatin form;
- (c) A legal description of the subject territory including any abutting public street right-of-way that is not yet in the City Limits;
- (d) The Certification of Legal Description and Map form;
- (e) The Certification of Property Ownership form;
- (f) The Certification of Registered Voters form;
- (g) The Property Owner Information Sheet form;
- (h) The City application fee, and the Metro application fee in a separate check made payable to Metro;
- (i) The 3 column by 10 row matrix sheet listing the Assessors Map Number and Tax Lot Number, name and mailing address for:
 - (i) the owner (fee title) of the subject territory, and

(ii) ~~the owners (fee title) of the lots within 300 feet of the subject territory recipients pursuant to TDC 31.064(1) and the governing jurisdiction of~~, including any public street right-of-way to be annexed;

(j) The Request For Expedited Procedure form if the expedited process is desired by the applicant;

(k) The Annexation Property Information Sheet form;

(l) A copy of the County Assessors Maps showing the subject territory, any public street right-of-way to be annexed and the lots within ~~300~~1,000 feet of the subject territory including any public street right-of-way. The subject territory and right-of-way to be annexed shall be outlined with a wide, light colored ink marker;

(m) If necessary, a letter from the County or State Road Authority stating its consent to annex the right-of-way described in the legal description; and

(n) The Community Development Director may require information in addition to the above.

(o) The information on the Neighborhood/Developer meeting specified in TDC 31.063(10).

(p) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application and the City must notify ODOT Rail Division and the railroad company that the application has been received.

(45) The Community Development Director shall set the City Council public hearing date.

(a) For an Expedited Application the hearing shall be at least 20 days after the application is complete to allow for the Metro Code 3.09.045 comment period.

(b) For a Nonexpedited Application the hearing shall be at least 45 days after the application is complete to allow for the Metro Code 3.09.030 comment period and the date shall be determined within 30 days after the application is complete.

(56) The City Council shall conduct a quasi-judicial public hearing, or a legislative public hearing if the proposed annexation is a legislative action, and before granting the

annexation shall find the application conforms to TDC Objectives 4.050(20) and (21) and the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes.

(67) For quasi-judicial and legislative Expedited Annexation Applications public hearing notice shall be provided as follows:

(a) Mail notice at least 20 calendar days prior to the hearing to property owners (fee title) in accordance with TDC 31.077, City recognized neighborhood associations whose boundaries are within ~~300~~1,000 feet of the subject territory and to Necessary Parties as defined in Metro Code 3.09, and

(b) Post notice in two public and conspicuous places.

(78) For quasi-judicial and legislative Nonexpedited Annexation Applications public hearing notice shall be provided as follows:

(a) Mail notice at least 45 calendar days prior to the hearing to property owners (fee title) in accordance with TDC 31.077, City recognized neighborhood associations whose boundaries are within ~~300~~1,000 feet of the subject territory and to Necessary Parties as defined in Metro Code 3.09;

(b) Post notice in two public and conspicuous places and post 2 weatherproof notices at least 45 calendar days prior to the hearing along the subject territory's public street frontage, or if there is no public street frontage, along a public street right-of-way near the subject territory, and

(c) Publish one notice at least 17 calendar days prior to the hearing in a newspaper of general circulation in the affected territory.

(d) For quasi-judicial and legislative Nonexpedited Annexation Applications initiated by less than 100% of the owners and less than 50% of the electors in the territory, notice shall be provided in accordance with Oregon Revised Statutes, Chapter 222.

Section 4. TDC 31.071 is amended to read:

(1) An applicant for a building or other permit subject to architectural review, except Level I (Clear and Objective) Single-family Architectural Review, shall discuss preliminary plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for Architectural Review of a development in the Central Design District shall conduct a Neighborhood Meeting subject to TDC ~~73.071(5)~~31.071(5). An applicant for Architectural Review of a development in other parts of the City shall conduct a Neighborhood/Developer Meeting

subject to TDC 31.063. An applicant for Single-family Architectural Review shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to TDC 31.071(7). Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall submit to the Community Development Director an Architectural Review Plan application which shall contain:

- (a) The project title;
- (b) The names, addresses and telephone numbers of the property owners, applicants, architect, landscape architect and engineer;
- (c) The signatures of the property owners and applicants;
- (d) The site address and the assessor's map number and tax lot number;
- (e) A Service Provider Letter from the ~~Unified Sewerage Agency~~ Clean Water Services indicating a "Stormwater Connection Permit Authorization Letter" will likely be issued;
- (f) Any necessary wetland delineations applicable to the site;
- (g) Any Fill/Removal Permit issued by the Oregon Division of State Lands and the Army Corps of Engineers;
- (h) The application fee as established by City Council resolution;
- (i) A site plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped greenways, mixed solid waste and recyclables storage and railroad tracks. A site plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the Community Development Director. The site plan shall illustrate the location of existing structures, existing facility utilities, and whether they will be retained as part of the project. The site plan shall indicate the location of entrances and exits, pedestrian walkways and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. The site plan shall also indicate conditions and structures on adjacent properties sufficient to demonstrate that the proposed development is coordinated with existing or proposed developments on adjacent properties. Where the applicant proposes to change the existing topography, then a proposed grading plan shall be submitted drawn at a scale of 1":10', 1":20' or 1":30'. Trees having a trunk diameter of eight inches or greater, as

measured at a point four feet above ground level, proposed to be removed and to be retained on site shall be indicated on the grading plan.

(j) A landscape plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.

(k) Architectural drawings or sketches, drawn at a scale of 1/16":1', 1/8":1' or 1/4":1', including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Building perspectives may also be needed.

(l) Specifications as to type, color and texture of exterior surfaces of proposed structures.

(m) A public utility facilities plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location, size and grade of all existing and proposed utility facilities, including but not limited to sanitary and storm sewers; water lines and fire hydrants; streets and sidewalks; water quality swales, traffic study information as required by the City Engineer per TDC 74.440 and other utility facilities as required by the City Engineer. A grading plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the City Engineer.

(n) Developments in the Central Design District shall provide the Neighborhood Meeting notes and evidence of the notice and posting required in TDC 31.071(5) and shall provide narrative statements considering each of the Design Guidelines in TDC 73.610.

(o) A completed City fact sheet on the project.

(p) An 8 1/2" x 11" black and white site plan suitable for reproduction.

(q) A letter from the franchise solid waste and recycling hauler reviewing the proposed solid waste and recyclables method and facility.

(r) A Clean Water Services Service Provider Letter or Pre-screen for the proposed development.

(s) An acoustical engineer's report as required by the Community Development Director.

(t) The information on the Neighborhood/Developer meeting specified in TDC 31.063(10).

(u) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify ODOT Rail Division and the railroad company that the application has been received.

(2) Excepting Level I (Clear and Objective) Single-family Architectural Review, ~~the applicant shall provide a list of mailing recipients pursuant to TDC 31.064(1), submit a verified statement showing the sign has been posted on the property in a conspicuous location which indicates that a development proposal has been submitted to the City and the name of the person or persons who may be contacted in order to inquire about specific aspects of the proposal. The sign size, copy size, copy content, height, location and maintenance shall be determined by the Community Development Director with the objects of providing members of the public passing the site with reasonable notice, such that an interested person would have an opportunity to inquire further.~~

(3) ~~For purposes of identifying property owners to receive notification of decisions and hearings, if any, the names and addresses of the owner or owners of record (fee title) as shown in the current, or within 30 days of the completed application, computer roll of the County Assessor shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, or registered architect, landscape architect, engineer, surveyor, attorney, or where the City is the applicant, the Community Development Director. The list of property owners shall be updated not less than every 90 days by the applicant, until a final decision is rendered. Excepting Level I (Clear and Objective) Single-family Architectural Review, the applicant shall post a sign pursuant to TDC 31.064(2).~~

(4) For an application to be approved, it shall first be established by the applicant that the proposal conforms to the Tualatin Development Code, and applicable City ordinances and regulations. For Expedited Architectural Review Plan Applications the application shall describe the manner in which the proposal complies with each of the expedited criterion for an Expedited Application. Failure to conform is sufficient reason to deny the application.

(5) ~~The purpose of the Neighborhood Meeting in TDC 31.071(1) is to provide a means for the applicant and surrounding neighbors to meet to review a development proposal and identify issues regarding the proposal so they can be addressed prior to the application submittal. The Neighborhood Meeting shall be held in the Central Design District and the meeting shall be held on a weekday evening or weekend at a reasonable time. The applicant shall mail notice of the meeting at least 14 days prior to~~

~~the meeting to owners of properties within 300 feet of the subject property. The applicant shall post notice of the meeting by posting a sign on the subject property at least 14 days before the meeting. The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and submit them with the application. The applicant shall hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.~~ Excepting Level I (Clear and Objective) Single-family Architectural Review, the applicant shall hold a Neighborhood/Developer meeting pursuant to TDC 31.063 and meet the additional requirement that the Neighborhood/Developer Meeting shall be held within the Central Design District.

(6) The Community Development Director may require information in addition to that stated in this section.

(7) An applicant for a new Single-family dwelling or an addition or alteration to an existing Single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling) shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to this section. An application for Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

(a) Level I (Clear and Objective) Single-family Architectural Review application:

- (i) A completed City fact sheet;
- (ii) The names, addresses, and telephone numbers of the property owners and applicants;
- (iii) The signatures of the property owners and applicants;
- (iv) The site address and the assessor's map number and tax lot number;
- (v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, roof lines, deck/porch/balcony lines, impervious ground surfaces, driveway location and driveway slope, and trees 8" or greater in diameter; and

(vi) Three copies of building elevations, drawn to scale, for all sides of the dwelling and including a calculation of the percentage of window coverage (glazing) for each elevation.

(b) Level II (Discretionary) Single-family Architectural Review application:

(i) All information required for Level I Single-family Architectural Review in TDC 31.071(7)(a);

(ii) One black and white copy (no larger than 11"x17") of each submittal, of a size suitable for reproduction and distribution;

(iii) A narrative statement that describes the manner in which the proposed development meets each of the approval criteria set forth in TDC 73.190;

(iv) Neighborhood/Developer Meeting information specified in TDC 31.063(10);

(v) A verified statement showing that required signage, as described in TDC 31.071(2), has been posted on the property in a conspicuous location; and

(vi) Current notification information for all owners of properties described within 300 feet of subject property as specified in pursuant to in TDC 73.071(3)31.064(1).

Section 5. TDC 31.072 is amended to read:

The Architectural Review Plan shall consist of utility facilities and architectural features. Prior to the processing of the Architectural Review Plan, the following shall be completed:

(1) The applicant shall obtain any required use approvals, including but not limited to plan amendments, variances, conditional use permits, Unified Sewerage Agency Clean Water Services Service Provider Letter, partitions, historic preservation certificate of appropriateness, property line adjustments and preliminary subdivision approvals.

(2) The City Engineer shall verify and advise the Community Development Director whether the utility facilities portion of the Architectural Review Plan is complete and addresses all applicable ordinances, resolutions, rules and regulations.

(3) The Community Development Director shall verify that the architectural features portion of the Architectural Review Plan is complete and addresses all applicable ordinances, resolutions, rules and regulations.

(4) If the Architectural Review Plan, submitted by the applicant is not complete or does not adequately comply with the applicable requirements of (1), (2) and (3) of this Section, the Community Development Director or City Engineer shall identify in writing the reasons for which the application is not complete or does not comply with particular requirements. A copy of the Community Development Director's and City Engineer's comments, if any, shall be mailed to the applicant at the address shown on the application.

(5) Except as provided herein the Architectural Review Plan, submitted by the applicant, shall be deemed complete when it is determined that the applicable requirements of (1), (2), and (3) of this Section have been satisfied. Where the applicant fails or refuses to submit information which has been requested by the Community Development Director or the City Engineer, then the application shall be deemed complete when submittal of application is received, whichever is earlier. The application shall be date stamped by the Community Development Director as of the date the application is deemed complete.

(6) Revisions or alterations of an application may be made following the determination that an application is complete, provided such revisions or alterations do not render the application incomplete and do address applicable requirements. When revisions or alterations are desired by the applicant or required by the City, the applicant shall be responsible for providing fully revised application materials and for clearly identifying those application materials which are revised.

Section 6. TDC 31.074 is amended to read:

(1) Architectural Review shall be conducted as a limited land use decision in accordance with this section and other applicable sections.

(2) Once the Architectural Features and Utility Facilities portions of an Architectural Review application are deemed complete by the Community Development Director and the City Engineer respectively, written notice of the application shall be provided to:

(a) recipients pursuant to TDC 31.064(1); the applicant and owner of the subject property; and

~~(b) owners of property (fee title) within 300 feet of the entire contiguous site. The list of property owners shall be compiled from the most recent property tax assessment roll, and this shall be deemed met by an affidavit or other certification that such notice was given.~~

~~(c) neighborhood associations recognized in accordance with TDC 31.065 and whose boundaries include the site; and~~

(db) potentially affected governmental agencies such as: school districts, fire district, where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation and where the project site would access a County road or otherwise be subject to review by the County, then the County, and Clean Water Services.

(ec) ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property.

(3) The notice provided in TDC 31.074(2) shall:

(a) state the nature of the application and the proposed use, if known;

(b) state the applicable decision criteria by TDC section for the decision;

(c) state the street address or other easily understood geographical reference to the subject property;

(d) state the date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;

(e) state that issues which may provide the basis for a request for review to the Architectural Review Board, City Council and Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient detail and clarity to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;

(f) state that notice of the decision will be provided only to those persons who submitted written comments in accordance with this section;

(g) state the name of a City representative to contact and the telephone number where additional information may be obtained;

(h) state that copies of all evidence submitted by the applicant are available for review and can be obtained at cost ; and

(i) briefly summarize the local decision making process for the limited land use decision being made.

(j) state a railroad-highway grade crossing provides or will provide the only access to the subject property.

(4) Failure of a person or agency identified in TDC 31.074(2) to receive the notice required in TDC 31.074(2) shall not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(5) Parties who received notice of application in accordance with TDC 31.074(2) shall submit written comments to City offices no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.

(6) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that:

(a) explains the criteria and standards considered relevant to the decision;

(b) states the facts relied upon in issuing the decision; and

(c) explains the justification for the decision based on the criteria, standards and facts set forth.

(7) Notice of the decision shall be provided to the property owner, applicant and any person who submitted written comments in accordance with TDC 31.074(5) when the decision is made by staff. If the Architectural Review Board makes the initial decision, then anyone who testified orally or in writing at the public hearing shall be provided the notice of decision, in addition to those persons listed above. The notice shall include an explanation of rights to request a review of the decision.

(8) Requests for reviews can be filed as specified in TDC 31.075, and shall follow TDC 31.076.

Section 7. TDC 31.076 is amended to read:

(1) Upon receipt of a request for review, the Community Development Director shall indicate the date of receipt, determine the appropriate hearing body to conduct review, schedule the hearing and give notice of the hearing in accordance with this section. A request for review shall be accompanied by a fee as established by City Council resolution.

(2) The Community Development Director shall determine the appropriate hearing body to conduct review as follows:

(a) If the request for review raises issues regarding the design or conditions in the Architectural Features decision or an application of

standards relating to preservation of a historic structure and the Architectural Review Board has not already held a hearing and issued a decision on the matter, then the Architectural Review Board is the appropriate hearing body for such subject matter.

(b) If the request for review raises issues regarding the design or conditions for both the Architectural Features and Utility Facilities, and if the Architectural Review Board has not already conducted a hearing and issued a decision on the matter, then the Architectural Review Board is the appropriate hearing body for the Architectural Features decision and the City Council is the appropriate hearing body for the Utility Facilities review; otherwise the City Council is the appropriate hearing body for both.

(c) If the request for review raises issues regarding the design or conditions relating to the Utility Facilities Decision then the City Council is the appropriate hearing body.

(d) If the request for review involves a final decision by the Architectural Review Board, an interpretation of Code provisions under TDC 31.070, a decision of the Community Development Director with regard to a minor variance (TDC Chapter 33), tree removal (TDC Chapter 34), temporary use (TDC Chapter 34), a decision on demolition, relocation, alteration or new construction of a landmark (TDC Chapter 68), a decision of the City Engineer on a minor variance (TDC Chapter 33), partition or subdivision (TDC Chapter 36), property line adjustment with a minor variance (TDC Chapter 36), request for access onto an arterial street (TDC Chapter 75), an application for development within the flood plain (TDC Chapter 70), a decision on a permit within the Wetlands Protection District (TDC Chapter 71), or other application not listed in this subsection, then the City Council is the appropriate hearing body.

(3) Where a request for review is directed to the Architectural Review Board, a meeting of the Board shall be scheduled for a meeting date which is not less than seven nor more than 21 days from the expiration date of the request for review period. Except as provided herein, the Architectural Review Board shall conduct a hearing in accordance with TDC 31.077. The review conducted by the Board shall be limited to the applicable criteria, i.e. architectural features. The decision of the Architectural Review Board shall be adopted by a majority of the Board following the conclusion of the hearing. Within 14 calendar days of the decision, the Planning ~~Department~~Division shall place the Architectural Review Board decision together with findings in support of the decision and other necessary information in a written form. The written materials prepared by the Planning Department shall be approved and signed by the Chair or Acting Chair of the Board, and thereafter such materials shall be the final decision of the Board. The written decision of the Architectural Review Board shall become final 14 calendar days after notice of the decision is given, unless within the 14 calendar days a

written request for review to the City Council is received at the City offices by 5:00 p.m. on the 14th day. Notice of the final decision of the Architectural Review Board decision may be provided to any person, but shall be mailed by first class mail to:

(a) recipients pursuant to TDC 31.064(1) and those owners of property within the vicinity of the subject property as described in TDC 31.064(1)(c) who commented on the proposal~~the applicant and the owner of the subject property;~~

~~(b) owners of property (fee title) within 300 feet of the entire contiguous site who commented on the proposal;~~

~~(c) recognized neighborhood associations whose boundaries include the site;~~

~~(d)~~ City Council members;

(e) potentially affected governmental agencies such as: school districts, fire district, Clean Water Services, where the project site either adjoins or directly affects a state highway, the Oregon Department of Transportation and where the project site would access a county road or otherwise be subject to review by the county, then the County; and

(f) members of the Architectural Review Board.

(4) Where a request for review is directed only to the City Council, the review hearing shall be scheduled for a Council meeting date. The City Council shall conduct a hearing in accordance with quasi-judicial evidentiary hearing procedures in TDC 31.077.

(5) Where a request for review is directed by the Community Development Director to both the City Council on a Utility Facilities decision and the Architectural Review Board for an Architectural Features decision, the review hearing conducted by the City Council shall be stayed pending a final decision of the Architectural Review Board. The Council may consolidate evidentiary hearings on matters subject to direct review by the Council with related matters appealed to the Council from the Architectural Review Board. Quasi-judicial evidentiary hearing procedures shall be followed.

(6) Upon review, the decision shall be to approve, approve with conditions or deny the application under review. The decision shall be in writing and include findings of fact and conclusions for the particular aspects of the decision, which shall be based upon applicable criteria. At a minimum, the decision shall identify the Architectural Review Plan, if any, the applicant or a person to be contacted on behalf of the applicant, the date of the decision, the decision, an explanation of the rights to request a review of the decision, and any time frame or conditions to which the decision is subject.

Section 8. TDC 31.077 is amended to read:

(1) A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons. Except as otherwise provided, the procedures set out in this section shall be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision, including, but not limited to an annexation to the City Limits per TDC 31.067, an interpretation of a Code provision per TDC 31.070, a conditional use application (TDC Chapter 32), a variance or minor variance application (TDC Chapter 33), a transitional use application (TDC 34.180-34.186), a conditional use permit for a small lot subdivision application (TDC 40.030(3), 41.030(2)), a nonconforming use, or reinstatement of a nonconforming use application (TDC Chapter 35), a quasi-judicial amendment to the Tualatin Community Plan or Map, a decision by staff whether or not to extend approval of an Architectural Review decision, a request for review of a final decision by the City staff on a partition, subdivision, property line adjustment with a minor variance, arterial access decision or the Utility Facility portion of an Architectural Review, or a request for review of a decision of the Architectural Review Board on an Architectural Review Plan.

(2) Notice of hearing shall be provided by regular first class mail to the following:

(a) for requests for review of a decision following the limited land use process:

(i) the applicant and owner of the subject property;

~~(ii) owners of property (fee title) within 300 feet of the entire contiguous site written comments in accordance with TDC 31.074;~~

~~(iii) recognized neighborhood associations whose boundaries include the siterecipients pursuant to TDC 31.064(1) and those owners of property within the vicinity of the subject property described in TDC 31.064(1)(c) who commented on the proposal pursuant to TDC 31.074(5);~~

(iv) members of the hearing body; and

~~(iii)~~ potentially affected government agencies such as school districts, fire district, Clean Water Services, where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation and the county if the project site would access a county road or otherwise be subject to review by the county.

(b) for all other requests for review:

~~(i) the applicant and owner of the subject property;~~

~~(ii) owners of property (fee title) within 300 feet of the subject property;~~

~~(iii) recognized neighborhood associations, whose boundaries are within 300 feet of the subject property~~(i) recipients pursuant to TDC 31.064(1);

~~(iv)~~ members of the hearing body;

~~(iii)~~ the following government agencies: school districts, fire district, where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation and where the project site would access a county road or otherwise be subject to review by the county, then the county; and

~~(v)~~ persons who have indicated in writing their desire to participate in the process on a particular application, and

~~(vi)~~ for annexation, Necessary Parties as defined in Metro Code 3.09.

(3) For purposes of identifying property owners to receive notification of hearing, the names and addresses of the owner or owners of record (fee title) as shown in the current, or within 30 days of a completed application, computer roll of the County Assessor shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, a registered architect, landscape architect, engineer, surveyor or attorney, or where the City is the applicant, the Community Development Director. The list of property owners shall be updated not less than every 90 days by the applicant, until a final decision is rendered.

(4) Failure of a person or agency to receive a notice, shall not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

(5) Notice of a hearing shall:

(a) Explain the nature of the application and the proposed use or uses which could be authorized;

(b) list the applicable criteria from the TDC and other ordinances that apply to the application at issue;

(c) set forth the street address or other easily understood geographical reference to the subject property;

(d) state the date, time and location of the hearing;

(e) state that failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient detail and clarity to enable a decision maker to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;

(f) include the name of the particular City representative to contact and the telephone number where additional information may be obtained;

(g) state that a copy of the application, all evidence submitted by the applicant 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;

(h) state that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost;

(i) include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;

(j) if the development application includes another request or application , clearly state and describe the type of request or application.

(6) The person chairing the hearing shall follow the order of proceedings set forth in subsection (7) of this section. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing shall be addressed to the chair with a request for a ruling. Rulings from the chair shall, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the hearing body present and eligible to vote on the application before the body.

(7) The procedures to be followed by the chair in the conduct of the hearing are as follows:

(a) A statement by or on behalf of the chair of the nature of the application, a general summary of these procedures, whether the decision of the body is a final decision, and the nature of the available appeal procedures within the City, if any. In addition to the foregoing and for hearings

conducted before the City Council only, the statement shall include the list of the applicable substantive criteria, the requirement that testimony and evidence must be directed toward the criteria or other plan or land use regulations which the person believes to apply and that failure to raise an issue with sufficient detail and clarity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.

(b) A request that all hearing body members announce any potential conflict of interest, bias or ex parte contacts.

(c) Allow for consideration of challenges to a hearing body member's right to sit in the consideration of the application. Any such challenge shall be entertained only if the person making the challenge has delivered to the member challenged and the hearing, a statement of intent to challenge and the hearing body "chair," at least 48 hours prior to the hearing, a statement of intent to challenge the person setting forth with particularity the reasons and authority for such challenge. A copy of the statement of intent to challenge with proof that the "chair" and challenged member have been served shall be served upon the City Recorder at least 24 hours prior to the hearing. If due to information made public in accordance with subsection (7)(b) of this section, a person wishes to challenge a member's right to sit notwithstanding their failure to properly file, the hearing body, by majority vote, may decide to entertain such challenge.

(d) Presentation of the City staff report.

(e) Proponent's case.

(f) Other testimony or evidence in support of the application.

(g) Opponent's case.

(h) Other testimony or evidence against the application.

(i) Testimony or evidence concerning the application which by its nature is neither in favor nor against.

(j) Rebuttal, limited to comments on evidence in the record.

(k) Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.

(l) If additional documents or evidence is provided in support of the application less than seven days prior to the hearing, any party shall be entitled to a continuance of the hearing.

(m) Close of hearing and deliberation. The body's deliberations may include questions directed to City staff, comments from City staff, or inquiries in paragraph (1) of this subsection, if new evidence, conditions or modifications not presented in the staff report or raised during the public hearing are raised after the close of the hearing, the hearing can be reopened and an opportunity shall be presented for any person to comment on or rebut that evidence or information.

(n) Except as provided in TDC 31.076(3) for the Architectural Review Plan decisions, the hearing body shall make a tentative oral decision or continue the matter to a time certain. If the body deems it necessary or advisable it may at any time prior to the adoption of a written order reopen the hearing and direct that additional evidence be presented on the entire application or only on certain stated issues. Notice of such reopened hearing shall be given in the manner provided by the original notice of hearing. When a hearing record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.

(o) Except as otherwise provided, the hearing body shall, within a reasonable time after making a tentative decision, but not more than ten City business days or the next regular meeting adopt a written order which sets forth with particularity the basis for that decision. The decision shall be based upon the record of the proceeding. A proposed order or report submitted by the City Manager or designee or any other person may be adopted by the hearing body as its written order or findings. Where an application is approved, the terms of the approval shall be specified, including any restrictions and conditions. The written order is the final decision on the application and the date of the order is the date it is signed by the chairperson certifying its approval by the hearing body. No publication or other notice of the final City Council decision shall be required, however in the case of the Architectural Review Board decision, notice shall be given in accordance with TDC 31.074(3).

(8) The chair may admit and the hearing body may rely on all oral, documentary, physical, and mechanically recorded evidence if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. Documentary, physical and mechanically recorded evidence may be admitted in the form of copies or excerpts or incorporated by reference. Evidence that is irrelevant, immaterial or unduly repetitious may be excluded from the hearing.

(9) Following a final decision only by the City Council, a person may request rehearing of the matter, which shall be allowed by the Council only if authorized by all of the Council members present and eligible to vote at the meeting at which the petition for rehearing is considered. Action on the rehearing request or the filing of a petition for rehearing shall not be required prior to seeking judicial review. If a rehearing is allowed, then quasi-judicial evidentiary hearing procedures shall apply.

Section 9. TDC 32.060 is amended to read:

A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit shall be initiated by a property owner or the owner's authorized agent by filing an application with the Community Development Department. The applicant shall discuss the proposed use and site plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for a Conditional Use shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and Neighborhood/Developer Meeting, the applicant shall submit an application including, but not limited to, the following: project title; the names, addresses, and telephone numbers of the property owners and applicants, and when applicable, the architect, landscape architect and engineer; the signatures of the property owners and applicants; the site address and the assessor's tax map and tax lot numbers; a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, the information on the Neighborhood/Developer Meeting specified in TDC 31.063(10), and a Service Provider Letter from the ~~Unified Sewerage Agency~~ Clean Water Services (CWS) indicating that a "Stormwater Connection Permit Authorization Letter" will likely be issued; and a list of mailing recipients pursuant to TDC 31.064(1). The application shall be accompanied by a fee as established by City Council resolution. If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received. The applicant shall post a sign pursuant to TDC 31.064(2).

Section 10. TDC 33.010 is amended to read:

(1) Variances may be granted under the requirements of the TDC as follows when it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship:

(a) The City Council may grant variances, including variances that are part of a Subdivision, or a Partition Application. The City Council may grant minor variances in conjunction with a Subdivision, Partition or Property Line Adjustment that the City Engineer, without reaching a decision on the

application, has forwarded to the City Council for review, or that has been appealed to the City Council.

(b) The City Engineer may grant minor variances when they are part of a Subdivision, Partition or Property Line Adjustment Application.

(c) The Planning Community Development Director may grant minor variances that are not part of a Subdivision, Partition or Property Line Adjustment Application.

(2) Variances may be requested to TDC Chapters 40-69 and 71-73 and the Sign Standards, TDC 38.100, 38.110, 38.120 and 38.140-38.240, except that variances to the Level I (Clear and Objective) Single-family Architectural Review standards referenced in TDC 40.140 and 41.130 and set forth in TDC 73.190(1)(a) shall be prohibited. Variances to the requirements of TDC Chapter 70, Floodplain District, shall be in accordance with TDC 70.160.

(3) Minor variances may be requested to the lot area, lot width, building coverage, setbacks, projections into required yards and structure height development standards for permitted uses in the Residential Low Density Planning District (RL) and single family dwellings in Small Lot Subdivisions in the RL and Residential Medium to Low Density Planning District (RML). Minor variances may not be requested, nor approved, for more than 10% of the lot area and for no more than 20% of the lot width, building coverage, setback, projections into required yards, structure height, and the small lot location standards in TDC 40.055(3).

(4) Minor variances shall not be requested, nor shall they be approved, to the regulations in TDC Chapter 38, Sign Regulations.

(5) Variances and minor variances shall not be requested, nor shall they be approved, to allow a use of land that is not allowed in a planning district.

Section 11. TDC 33.024 is amended to read:

No minor variance shall be granted by the Planning Community Development Director, City Engineer or the City Council unless the application shows the following approval criteria are met:

(1) A hardship is created by an unusual situation that is the result of lot size, lot shape, topography, development circumstances or being able to use the land or public infrastructure more efficiently.

(2) The hardship does not result from regional economic conditions.

(3) The minor variance will not be injurious to property abutting the subject property.

(4) The minor variance is the minimum remedy necessary to alleviate the hardship.

Section 12. TDC 33.030 is amended to read:

(1) An applicant for a variance, except for a variance to an existing single family residence, shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063

~~(12) A request for a variance or minor variance may be initiated by a property owner or the owner's authorized agent by filing an application with the Community Development Director, or the City Engineer if a minor variance is part of a Subdivision, Partition or Property Line Adjustment Application, on forms prescribed for that purpose. The applicant shall discuss the proposed variance or minor variance and site plans with the Community Development Director, and City Engineer if appropriate, in a pre-application conference prior to submitting an application. An applicant for a variance, except for a variance to an existing single family residence, shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063.~~

(3) Sign Posting: The applicant shall post a sign pursuant to TDC 31.064(2).

(24) The application shall contain:

(a) The project title;

(b) The name, addresses and telephone numbers of the property owners and applicants, and the architect, and the architect, landscape architect and engineer;

(c) The signatures of the property owner and applicant; and

(d) A list of mailing recipients pursuant to TDC 31.064(1); and

~~(de)~~ The site address and the assessor's map number and tax lot number;

~~(ef)~~ A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and other information showing how and why the criteria are met; and

~~(fg)~~ The information on the Neighborhood/Developer meeting specified in TDC 31.063(10).

(gh) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received.

(35) Sign variance applications shall, in addition to the above, include:

(a) Name, address and telephone number of,

(i) the land and building owners or authorized agents,

(ii) the company and a contact person at the company for which the variance is intended, and

(iii) the sign contractor company and a contact person at the sign contractor company.

(b) A site plan showing the location of the sign in relation to property lines, access points, the dripline of trees and structures on the property.

(c) A number of sets, established by the Community Development Director, of blueprints or ink drawings of the plans and specifications showing the signs and the method of construction and attachment to the building or in the ground.

(d) Information supporting the variance application and explaining how each approval criterion is met.

(e) The names, addresses and tax map and tax lot numbers of the owners ~~of real property within 300 feet of the subject property~~ pursuant to TDC 31.064(1). One set of the county assessors maps showing the subject property and properties within ~~300 feet of the vicinity of the subject property~~ pursuant to TDC 31.064(1)(c).

(f) Other information requested by the Community Development Director.

(46) The application shall be accompanied by a fee as established by City Council resolution.

Section 13. TDC 34.013 is amended to read:

(1) The purpose of this section is to permit the open-air vending of food and fresh cut flowers in a manner that will enhance the attractiveness of the Central Commercial (CC) and General Commercial (CG) Planning Districts for pedestrian traffic.

(2) Mobile food and flower vending may be permitted in a Central Commercial (CC) and General Commercial (CG) Planning District for a period not to exceed 180 days.

(3) Applications for mobile vending permits shall meet the following criteria and requirements:

(a) Persons conducting business with a permit issued under this section may transport and display food or flowers upon any pushcart or mobile device; provided that such device shall occupy no more than 16 square feet of ground area and shall not exceed three feet in width, excluding wheels; six feet in length, including any handles; and no more than five feet in height, excluding any canopies, umbrellas, or transparent enclosure.

(b) Mobile vendors may conduct business on public sidewalks having a width of eight feet or more, and on private sidewalks or parking lots, provided that the Community Development~~Planning~~ Director approves specific locations. No person shall conduct business as defined herein at a location other than that designated on the permit.

(c) All mobile vendors shall pick up any litter within 25 feet of their places of business and shall provide an appropriate trash container for customer use.

(d) No food vendor may locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market, and no flower vendor may locate within 200 feet of a flower shop without the written consent of the proprietor of the flower shop.

(e) Design colors and graphics for any pushcart or mobile device shall be subject to approval by the Community Development~~Planning~~ Director to assure aesthetic compatibility with surrounding development.

(f) Food vendors shall comply with all state and county health regulations and shall furnish written evidence of compliance at the time of application for a mobile vending permit.

(g) Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any mobile device or pushcart to determine if any cooking or heating apparatus conforms with the code of the Tualatin Rural Fire Protection District.

(h) Applications for a mobile vending permit shall be accompanied by a signed statement that the permittee will hold harmless the City of Tualatin,

its officers and employees and shall indemnify the City of Tualatin, its officers and employees, for any claim for damage to property or injury to persons that may be occasioned by any activity carried on under the terms of the permit. The permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect the permittee from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$100,000 for bodily injury for each person, \$300,000 for each occurrence, and not less than \$300,000 for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the City of Tualatin, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days written notice to the City Administrator.

(4) An application for a mobile vending permit may be granted by the Community Development Planning Director if the Director finds that Subsection (3) is satisfied by the applicant.

(5) The Community Development Planning Director may attach appropriate conditions to the permit that are necessary to secure the health, safety and welfare of the residents and inhabitants of the City

Section 14. TDC 34.185 is amended to read:

(1) A transitional use permit shall be issued for a period of time determined to be appropriate by the City Council.

(2) A permit may be renewed by the Council at the end of the time period previously approved. An application for renewal shall be required to meet the eligibility criteria for an original application contained in TDC 34.183 and 34.182. However, the applicant for renewal need not establish that the use being proposed for renewal is more compatible with surrounding uses than the current use.

(3) Where the life span of eligibility for the structure has been determined or established by the City through an earlier Transitional Use Permit, such life span is presumed to be accurate and shall not be renewed or extended unless the Council finds by clear and convincing evidence that the current applicant meets the eligibility criteria. Where the life span of eligibility for the structure is renewed or extended, a new life span shall be established.

(4) All applications shall be made jointly by the recorded contract purchaser or owner of the property as well as the lessee or proposed user of the property and structure. The transfer of a permit shall only be permitted where the underlying property

or business ownership is transferred, so long as the use of the structure remains unchanged. The Community Development ~~Planning~~ Director shall determine whether a new application and permit is required and such determination may be appealed to the Council. Each tenant of a structure shall submit a separate application.

(5) All Transitional Use Permits shall become void without a hearing if any of the following occur:

- (a) The permit has not been exercised for 12 months;
- (b) The use approved is discontinued for 12 months; or
- (c) The period of time for which the permit has been granted expires without a renewal.

Section 15. TDC 34.186 is amended to read:

(1) A request for a Transitional Use Permit is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

(2) Sign Posting: The applicant shall post a sign pursuant to TDC 31.064(2).

~~(43)~~ All permit requests shall be submitted on forms prescribed by the Community Development ~~Planning~~ Director. The applicant shall submit a list of mailing recipients pursuant to TDC 31.064(1) and a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use, the application fee established by City Council resolution, a written explanation demonstrating compliance with the provisions of this section and other relevant characteristics. In addition, the applicant shall adequately describe the hardship associated with strict code interpretation and the ways in which impacts upon nearby properties and uses are to be alleviated. The Community Development ~~Planning~~ Director shall prepare a staff report recommending a tentative decision to the Council.

~~(24)~~ Before acting on a request for a transitional use permit, the City Council shall consider the request at a public hearing conducted in the manner provided for in TDC 31.077. The City Council must find that the eligibility criteria are met before an application is approved.

~~(35)~~ In a case where a Transitional use terminates or relocates before the expiration of the life span of eligibility established for the structure, a new transitional use, if approved by Council, may occupy the structure under prescribed conditions for no more than the previously approved life span of eligibility for the structure.

~~(46)~~ The Council may approve, approve with conditions, or deny a transitional use permit application

based on the criteria listed above. The Council shall, in addition, place a specific time limit on the permit.

(57) An original application may include a single lot or part thereof or more than one adjacent tax lots.

Section 16. TDC 34.200 is amended to read:

(1) Except as provided in TDC 34.200(3), no person shall remove a tree within the City limits except as follows:

(a) For a tree on private property, the person must first obtain a Tree Removal Permit from the City or obtain approval through Architectural Review, Subdivision Review, or Partition Review. A request for a Tree Removal Permit is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063. Submittal of a permit request shall include a list of mailing recipients pursuant to TDC 31.064(1). The applicant shall post a sign pursuant to TDC 31.064(2).

(b) For a street tree or tree within a public right-of-way, the person must obtain approval in accordance with TDC 74.705. Incentives for tree retention are found in TDC Chapter 73, Community Design Standards. A property owner who removes, or causes to be removed, one or more trees in violation of applicable TDC provisions, shall pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.

(2) As used in this ordinance, "park" means a City-owned parcel, lot or tract of land, designated and used by the public for active and passive recreation.

(3) The following exemptions apply to tree removal:

(a) General Exemption. Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, except when the tree to be removed:

(i) Is located in the Natural Resource Protection Overlay District (NRPO);

(ii) Is located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);

(iii) Is a Heritage Tree;

(iv) Was previously required to be retained under an approved Architectural Review decision.

(b) Parks and golf courses are exempt if both the following are met:

(i) The property's owner or owner's agent has submitted a tree management plan to the Community Development Director and has received approval from the Director. The tree management plan shall be approved for a five year period, after which the property owner or owner's agent must submit a new tree management plan for approval or comply with requirements set out in the applicable Architectural Review decision.

(ii) This exemption supersedes the Architectural Review requirements with regard to tree removal except as provided in subsection (i) of this section.

(c) Forest Harvesting Exemption. The harvesting of forest tree species for the commercial value of the timber is permitted subject to the following:

(i) The property from which the forest species are to be harvested must be in a property tax deferred status based on agricultural or forest use under any or some combination of the following:

- Farm Deferral according to state law.
- Forest Land Deferral according to state law. Small Woodlands Deferral according to state law.

(ii) The property from which the forest species are to be harvested must have been in property tax deferred status on the effective date of this ordinance or at the time of annexation of the property by the City, whichever occurs later.

(iii) Revocation of the Forest Harvesting Exemption. Property, or portion of the property exempted under TDC, 34.200(3)(c) shall cease to be exempted from the provisions of this ordinance immediately upon the filing of an application for any of the following land use actions:

- Subdivision or Partition review;
- Conditional Use;
- Architectural Review.

(iv) Reinstatement of the Forest Harvesting Exemption. Property or portions of the property previously exempted under TDC 34.200(3)(c) and revoked in accordance with TDC 34.200(3)(c)(iii) will be considered reinstated if the property remains tax deferred in accordance with TDC 34.200(3)(c)(i) and 34.200(3)(c)(ii), and one or more of the following criteria are met:

- The land use action that affected the revocation was denied and the appeals period has expired; or
- The land use action that affected the revocation was approved, and the proposed development that affected the filing of the land use action did not occur; and the approval, which was granted, including extensions has expired.

(v) The Community Development Director shall prepare a listing of properties exempted under this section upon the effective date of this ordinance and update the list annually.

(d) Orchards. Tree removal is permitted in orchards of commercial agricultural production.

(e) Public Right-of-Way. Trees within public right-of-way shall be governed by TDC Chapter 74, Public Improvement Requirements.

(f) Federal, state, county, or City road, water, sanitary sewer, or storm sewer improvements and maintenance of City owned property are exempt from this ordinance.

(4) As provided under TDC 31.030, no single-family dwelling building permit application shall be submitted to the City until all required land use approvals, including any required Tree Removal Permit, have been obtained by the property owner.

Section 17.TDC 34.210 is amended to read:

(1) Architectural Review, Subdivision, or Partition. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), to develop property, and the development is subject to Architectural Review, Subdivision Review, or Partition Review approval, the property owner shall apply for approval to remove trees as part of the Architectural Review, Subdivision Review, or Partition Review application process.

(a) The application for tree removal shall include:

(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; existing and proposed property lines; existing and proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas; and illustration of all trees on-site that are eight inches or more in diameter (including size, species, and tag i.d. number). All trees proposed for removal and all trees proposed for preservation shall be indicated on the site plan as such by identifying symbols, except as follows:

(A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and

(B) Where CWS has approved delineation of a “sensitive area” or “vegetated corridor” on the subject property, and

(C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then

(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.

(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist’s signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year preceding the date the development application is deemed complete by the City. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.

(iii) All trees on-site shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan.

Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.

(b) The application for tree removal shall be approved or denied based on the criteria in TDC 34.230.

(c) The approval or denial of an application to remove trees shall be a part of the Architectural Review, Subdivision Review, or Partition Review decision.

(2) Existing Single-Family Dwelling. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), in order to remodel, add to, or replace, an existing single-family dwelling, or in order to remodel, add to, replace or newly construct, an accessory structure on property developed with an existing single-family dwelling, the property owner shall apply for a Tree Removal Permit as follows:

(a) An application for a Tree Removal Permit shall be filed with the Community Development Director. Application shall be made upon forms furnished by the City, and shall be accompanied by a nonrefundable fee as established by City Council resolution. The application for tree removal shall include:

(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; property lines; existing and proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas. All trees eight inches or more in diameter that are proposed for removal or that are located within 15 feet of the development envelope shall be indicated on the site plan (including size, species, and tag i.d. number), except as follows:

(A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and

(B) Where CWS has approved delineation of a "sensitive area" or "vegetated corridor" on the subject property, and

(C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then

(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.

(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist's signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year preceding the date the Tree Removal Permit application is deemed complete by the City. Where TDC 34.210(2)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.

(iii) All trees eight inches or more in diameter that are proposed for removal or that are located within 15 feet of the development envelope shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(2)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.

(iv) The application shall include a mailing list of ~~all property owners within 300 feet of the property~~ recipients pursuant to TDC 31.064(1).

(v) The applicant shall post a sign pursuant to TDC 31.064(2).

(b) The application for a Tree Removal Permit shall be approved or denied based on the criteria in TDC 34.230.

(c) The approval or denial of a Tree Removal Permit application is a land use decision.

(3) Other. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), for reasons other than those identified in TDC 34.210(1) and (2), the property owner shall apply for a Tree Removal Permit as follows:

(a) An application for a Tree Removal Permit shall be filed with the Community Development Director. Application shall be made upon forms furnished by the City, and shall be accompanied by a nonrefundable fee as established by City Council resolution. The application for tree removal shall include:

(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; property lines; existing and

proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas; and illustration of all trees on-site that are eight inches or more in diameter (including size, species, and tag i.d. number). All trees proposed for removal and all trees proposed for preservation shall be indicated on the site plan as such by identifying symbols, except as follows:

(A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and

(B) Where CWS has approved delineation of a “sensitive area” or “vegetated corridor” on the subject property, and

(C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then

(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.

(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist’s signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year preceding the date the Tree Removal Permit application is deemed complete by the City. Where TDC 34.210(3)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.

(iii) All trees on-site shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(3)(a)(i)(A) through (D) are

applicable, trees located in the CWS-required easement need not be tagged.

(iv) The application shall include a mailing list of ~~all property owners~~ recipients pursuant to TDC 3.1.064(1) ~~within 300 feet of the~~ property.

(b) The application for a Tree Removal Permit shall be approved or denied based on the criteria in TDC 34.230.

(c) The approval or denial of a Tree Removal Permit application is a land use decision.

Section 18. TDC 34.310 is amended to read:

(1) An accessory dwelling unit shall be within a detached single-family dwelling or be in, or partly in, addition to a detached single-family dwelling in the RL Planning District or in the RML Planning District in a Small Lot Subdivision.

(2) There shall be no more than one accessory dwelling unit per lot.

(3) An accessory dwelling unit shall not exceed 50% of the gross floor area (house and garage) of the existing detached single-family dwelling up to a maximum of 800 square feet.

(4) Neither a garage or a former garage shall be converted to an accessory dwelling unit.

(5) In addition to the parking spaces required in TDC 73.370 for the detached single-family dwelling, one paved on-site parking space shall be provided for the accessory dwelling unit and the space shall not be within five feet of a side or rear property line.

(6) The accessory dwelling unit's front door shall not be located on the same street frontage as the detached single family dwelling's front door unless the door for the accessory dwelling unit already exists.

(7) The accessory dwelling unit shall not be sold separate from the single family dwelling or as a condominium.

(8) The accessory dwelling unit shall be served by the same water meter as the single family dwelling.

(9) The accessory dwelling unit shall be served by the same electric meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it.

(10) The accessory dwelling unit shall be served by the same natural gas meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it.

(11) The accessory dwelling unit shall be connected to the single family dwelling by an internal doorway.

(12) If the gross floor area of the existing single family dwelling is to be enlarged when an accessory dwelling unit is created, the proposed enlargement shall not increase the gross floor area of the single family dwelling more than 10% and it shall be of the same or similar architectural design, exterior materials, color and roof slope as the single family dwelling. The enlargement shall be reviewed through the Architectural Review process to ensure compliance with Subsections 1-6 and 8-12 of this section.

(13) When the accessory dwelling unit is proposed to be created and if no enlargement of the existing single family dwelling is proposed, the owner of the single family dwelling within which the accessory dwelling unit is to be located shall notify the Community Development Planning Director by letter that an accessory dwelling unit is proposed. The letter shall state the owners name and mailing address, address of the accessory dwelling unit, the gross square footage of the single family dwelling and the gross square footage of the accessory dwelling unit.

Section 19. TDC 36.120 is amended to read:

(1) A request for a Subdivision shall be subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

(12) The applicant shall discuss the preliminary plans with the City Engineer in a pre-application conference prior to submitting an application. An applicant for a subdivision shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall prepare and submit a City of Tualatin development application, available from the City Engineer.

(23) The application shall contain:

(a) the proposed plat name, approved by the County Surveyor;

(b) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

- (c) the signatures of the property owners and applicants; and
- (d) the site location by address and current County Tax Assessor's map and tax lot numbers.
- (e) A description of the manner in which the proposed division complies with each of the expedited criterion for an Expedited Subdivision Application.
- (f) If a variance or minor variance is requested to the dimensional standards of the lots, or the minimum lot size, adequate information to show compliance with the approval criteria in TDC Chapter 33.
- (g) A "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued.
- (h) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).
- (i) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received.

(34) The subdivision application shall be submitted to the City Engineer, along with:

- (a) the subdivision plan;
- (b) preliminary utility plans for streets, water, sanitary sewer and storm drainage;
- (c) a black and white 8&1/2" x 11" site plan suitable for reproduction;
- (d) a completed City fact sheet;
- (e) a Clean Water Services Service Provider letter; and
- (f) other supplementary material as may be required, such as:
 - (i) deed restrictions; or
 - (ii) for all nonbuildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance.

(45) The following general information shall be shown on the subdivision plan:

- (a) appropriate identification clearly stating the map is a subdivision plan;
- (b) proposed plat name, approved by the County Surveyor;
- (c) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;
- (d) the date the plan was prepared;
- (e) north arrow;
- (f) scale of drawing;
- (g) location of the subdivision by 1/4 Section, Township and Range;
- (h) existing streets (public and private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;
- (i) proposed streets (public and private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred feet of the site;
- (j) an outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;
- (k) easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;
- (l) public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of on-site and off-site storm drainage lines, and the approximate location and size of water lines;
- (m) flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;
- (n) natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point

four feet above ground level, proposed to be removed and to be retained on site;

(o) approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;

(p) approximate area of each lot;

(q) proposed lot numbers;

(r) existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;

(s) all lots and tracts of land intended to be dedicated or reserved for public use;

(t) a vicinity map showing a minimum one- mile radius;

(u) contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and

(v) other information required by the City Engineer.

(56) The subdivision application shall be accompanied by a nonrefundable fee as established by City Council resolution. The subdivision application shall not be accepted until the fee has been paid to the City. This fee does not apply towards any building permit or other fees that may later be required.

(67) The applicant shall submit, along with the subdivision application:

(a) ~~A mailing list in accordance with TDC 31.077(3)~~A list of mailing recipients pursuant to TDC 31.064(1).

(b) ~~Proof of sign posting pursuant to TDC 31.064(2)~~A verified statement showing that one or more signs, as directed by the City Engineer, have been posted on the property in a conspicuous location which indicates that a subdivision proposal has been submitted to the City and the name of a person or persons who may be contacted in order to inquire about specific aspects of the proposal. The sign size, copy size, copy content, height, location, and maintenance shall be determined by the City Engineer with the objective of providing members of the public passing the site with reasonable notice, such that an interested person would have an opportunity to inquire further.

(78) Unless otherwise specified in the subdivision application, or approval, or in express direction from the City Engineer, any material submitted by the applicant with a subdivision application which exceeds the TDC requirements shall be considered a part of the subdivision plan approval.

(89) The applicant has the burden of demonstrating compliance with the applicable development regulations.

(910) The applicable time period for action on the subdivision application shall not commence until the City Engineer has determined that the application is complete.

(a) If the City Engineer fails to make such determination of completeness within 30 days of the date of its submission, or resubmission, the subdivision application shall be deemed complete upon the expiration of the 30-day period for purposes of commencing the applicable time period, unless:

(i) the application lacks information required to be submitted; or

(ii) the required fees have not been submitted; or

(iii) the City Engineer has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the subdivision application.

(b) The City Engineer may subsequently require correction of any information found to be in error or submission of additional information not specified in this Chapter, as the City Engineer deems necessary to make an informed decision.

(1011) The City Engineer shall prepare the standard form of Development Application for subdivision plans, including provisions which will best accomplish the intent of this section.

Section 20. TDC 36.140 is amended to read:

(1) Review of subdivision applications shall be a limited land use decision process. Before approval may be granted on a subdivision application, the City Engineer shall first establish that the subdivision proposal conforms to the Tualatin Development Code and applicable City ordinances and regulations, and requested variances or minor variances to the dimensional standards of lots or the minimum lot size, conform with the approval criteria in the TDC Chapter 33. Failure of the proposal to conform is sufficient reason to deny the application.

(2) After the subdivision application is deemed complete, the City Engineer shall provide written notice of the application to and invite comments from:

(a) potentially affected governmental agencies such as the school district in which the subdivision is located, the fire district, the Oregon Department of Transportation, Tri-Met, Clean Water Services and Washington or Clackamas County;

(b) utility companies;

(c) City departments; and

~~(d) property owners within 300 feet of the entire contiguous site. The list shall be compiled from the most recent property tax assessment roll and be done in accordance with TDC 31.071(7); and~~

~~(e) neighborhood associations recognized in accordance with TDC 31.065 whose boundaries include the site-recipients pursuant to TDC 31.064(1).~~

(3) The notice sent in TDC 36.140(2) shall:

(a) state that written comments shall be submitted within 14 calendar days of the mailing date of the notice in order to be considered as a basis for a request for review;

(b) state that issues which may provide the basis for a request for review to the City Council and Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient clarity and detail to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;

(c) list the applicable criteria by code section for the decision;

(d) include the street address or other easily understood geographical reference to the subject property;

(e) state the place, date and time that comments are due, and that comments are due no later than 5:00 pm on the fourteenth calendar day after notice was sent;

(f) state that copies of all evidence relied upon by the applicant are available for review, and can be obtained at cost;

(g) state of the local government contact person and telephone number; and

(h) briefly summarize the local decision-making process for the limited land use decision being made.

(4) Failure of a person or agency to receive the notice required in TDC 36.140(2) shall not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(5) Comments must be received by the City Engineer within 14 calendar days of the date the notice was mailed. Signed comments shall be in writing. Comments must raise issues with sufficient detail and clarity to enable the decision-maker to respond to the issue. Requests for review may be made only by parties who submitted written comments and may be adversely affected by the decision within the 14 calendar-day period.

(6) Prior to making a decision, the City Engineer may conduct one or more review meetings with the applicant, governmental agencies, utility companies and any other interested parties.

(7) The approval of a subdivision application shall not automatically grant other approvals that may be required by the Development Code or City ordinances. However, a decision on a requested minor variance to the dimensional standards of lots or the minimum lot size, shall be included in the subdivision decision.

(8) Approval or denial of a subdivision shall be based upon and accompanied by a brief statement that

(a) explains the criteria and standards considered relevant to the decision;

(b) states the facts relied upon in making the decision; and

(c) explains the justification for the decision based on the criteria, standards and facts set forth.

(9) Notice of the decision shall be provided to the applicant, property owner, and any person who submitted written comments within the 14 calendar-day comment period. Notice of the decision shall include a description of rights to request a review of the decision.

(10) When the City Engineer determines that a complete application for a proposed development raises a substantial question over Code requirements, size, location or complexity and is likely to raise concern from a substantial portion of nearby property owners or residents, the City Engineer may request that the City Council review the subdivision without first reaching a decision. The City Council shall hold a hearing in accordance with TDC 31.077. This applies to all subdivisions except for expedited subdivisions which shall not be the subject of a public hearing. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the subdivision application and requested minor variances.

Section 21. TDC 36.220 is amended to read:

(1) Prior to the submittal of a partition application, an applicant for a partition shall conduct a Neighborhood/ Developer Meeting subject to TDC 31.063.

(2) The applicant shall prepare and submit a City of Tualatin Development Application, available from the City Engineer. The applicant shall post a sign pursuant to TDC 31.064(2).

(3) The application shall contain:

(a) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(b) the signatures of the property owners and applicants;

(c) the site location by address and current County Tax Assessor's map and tax lot numbers; and

(d) a description of the manner in which the proposed division complies with each of the expedited criterion for an Expedited Partition Application.

(e) if a minor variance is requested to the dimensional standards of the lots or the minimum lot size, adequate information to show compliance with the approval criteria in TDC Chapter 33.

(f) a "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued.

(g) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).

(h) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received.

(4) The partition application shall be submitted to the City Engineer, along with:

(a) the partition plan;

(b) preliminary utility plans for streets, water, sanitary sewer and storm drainage; and

(c) a black and white 8&1/2" x 11" site plan suitable for reproduction;

(d) a completed City fact sheet; and

(e) other supplementary material as may be required, such as:

(i) deed restrictions; or

(ii) for all nonbuildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance.

(5) The following general information shall be shown on the partition plan:

(a) appropriate identification clearly stating the map is a plan;

(b) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(c) the date the plan was prepared;

(d) north arrow;

(e) scale of drawing;

(f) location of the partition by 1/4 Section, Township and Range;

(g) existing streets (public or private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;

(h) proposed streets (public or private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred feet of the site;

(i) an outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the partition plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;

(j) easements, including the location, width and purpose of all recorded and proposed easements in or abutting the proposed site;

(k) public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of all existing and proposed on-site and off-site storm drainage lines, and the approximate location and size of water lines;

(l) flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;

(m) natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site;

(n) approximate parcel dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed parcels;

(o) approximate area of each parcel;

(p) proposed parcel numbers;

(q) existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;

(r) all parcels or tracts of land intended to be dedicated or reserved for public use;

(s) a vicinity map showing a minimum 1-mile radius;

(t) contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and

(u) other information required by the City Engineer.

(6) The partition application shall be accompanied by a nonrefundable fee as established by City Council resolution. The partition application shall not be accepted until the fee has been paid to the City. This fee shall not apply towards any building permit fees that may later be required.

(7) The applicant shall submit, along with the partition application, a mailing list in accordance with TDC 31.077.

(8) The City Engineer may require information in addition to that stated in this section.

(9) Unless otherwise specified in the partition application, approval, or in express direction from the City Engineer, any material submitted by the applicant with the partition application which exceeds the TDC requirements shall be considered a part of the recommended decision.

(10) The applicant has the burden in all cases of demonstrating compliance with applicable development regulations.

(11) The applicable time period for action on the partition application shall not commence until the City Engineer has determined that the application is complete.

(a) In the event such determination of completeness is not made within 30 days of the date of its submission, or resubmission, the development application shall be deemed complete upon the expiration of the 30-day period for purposes of commencing the applicable time period, unless:

(i) the application lacks information required to be submitted; or

(ii) the required fees have not been submitted; and

(iii) the City Engineer has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the partition application.

(b) The City Engineer may subsequently require correction of any information found to be in error or submission of additional information not specified in this Chapter, as deemed necessary to make an informed decision, though such additional or corrected information will result in extending the applicable time period for action by the City.

(12) The City Engineer shall prepare the standard form of Development Application for partition plans, including provisions which will best accomplish the intent of this section.

Section 22. TDC 36.230 is amended to read:

(1) Review of partition applications shall be a limited land use decision process in accordance with this section. Before a decision is made on a partition application, it shall first be established that the partition proposal conforms to the Tualatin Development Code, and applicable City ordinances and regulations and requested minor variances to the dimensional standards of the lots or the minimum lot size,

conform with the approval criteria in TDC Chapter 33. Failure to conform is sufficient reason to deny the application.

(2) Prior to the City Engineer issuing a decision on the partition application the applicant shall obtain any required use approvals, including but not limited to plan amendment and conditional use permit, except for minor variances which shall be reviewed and decided as part of the partition decision. Partition with a concurrent variance shall be decided by the City Council.

(3) After the partition application is deemed complete, written notice of the application inviting comments shall be provided to:

(a) potentially affected governmental agencies such as, the school district in which the partition is located, the fire district, Clean Water Services, the Oregon Department of Transportation, Tri-Met, Washington or Clackamas County;

(b) utility companies;

(c) City departments; and

~~(d) surrounding property owners within 300 feet of the entire contiguous site. This list shall be compiled from the most recent property tax assessment roll and this shall be deemed met by an affidavit or other certification that such notice was given; and~~

~~(e) neighborhood associations recognized in accordance with TDC 31.065, whose boundaries include the site recipients pursuant to TDC 31.064(1).~~

(4) The notice sent in TDC 36.230(3) shall:

(a) state that signed written comments shall be submitted by letter or facsimile within 14 calendar days of the mailing date of the notice to be considered as a basis for requesting a review;

(b) state that issues that may provide the basis for a request for review to the City Council and Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient detail and clarity to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;

(c) list the applicable criteria by code section for the decision;

(d) include the street address or other easily understood geographical reference to the subject property;

(e) state the place, date and time that comments are due, and that comments are due no later than 5:00 pm on the fourteenth calendar day;

(f) state that copies of all evidence relied upon by the applicant are available for review, and copies can be obtained at cost;

(g) state the local government contact person and telephone number;

(h) briefly summarize the local decision-making process for the limited land use decision being made; and

(i) state that notice of decision will be provided only to those who submitted written comments in accordance with this section.

(5) Failure of a person or agency to receive the notice required in TDC 36.230(3) shall not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice in accordance with this section was given.

(6) Comments shall be received by the City Engineer within 14 calendar days of the date when the notice was mailed. Signed comments shall be in writing or received by facsimile. Issues shall be raised with sufficient detail and clarity to enable the decision maker to respond to the issues. Requests for review may be made only by persons who submitted written comments within the 14 calendar-day period, who may be adversely affected by the City Engineer's decision and may only be submitted in writing.

(7) Prior to making a decision the City Engineer may conduct one or more review meetings with the applicant, governmental agencies, utility companies and any other interested parties.

(8) When the City Engineer determines that a complete application for a proposed development raises a substantial question over Code requirements, size, location or complexity and is likely to raise concern from a substantial portion of nearby property owners or residents, the City Engineer may request that the City Council review the partition without first reaching a decision. The City Council shall hold a hearing in accordance with TDC 31.077. This applies to all partitions except for expedited partitions which shall not be the subject of a public hearing. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the partition application and requested minor variances.

(9) The City Council may review and approve a partition application when it is submitted as part of an Industrial Master Plan in accordance with TDC Chapter 37. Such City Council review shall then be conducted in accordance with TDC 31.077. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the partition application and requested minor variances.

Section 23. TDC 36.340 is amended to read:

(1) Within 30 days from the date the property line adjustment application, including a requested minor variance to the dimensional standards of the lots or the minimum lot size, is deemed complete, the City Engineer shall issue a decision to approve or deny the application.

(2) The decision shall include findings of fact and conclusions based upon applicable criteria. The City Engineer's decision shall be supported by written findings and reasons for the decision based upon applicable regulations. Findings and reasons may consist of references to the applicable Development Code or Ordinance provisions.

(3) The decision shall be written, and at a minimum shall identify the applicant, the date of the decision, the decision, and any time frame to which the decision is subject.

(4) Except as otherwise provided, failure of the City Engineer to make a decision on a property line adjustment application within 30 days from the date the application is deemed complete shall constitute approval of the particular application, unless the applicant consents to an extension of time.

(5) The decision of the City Engineer shall not be considered final until a written notice of the decision is given to the owners of the properties listed on the application and if a minor variance is requested, ~~also to the owners of properties (fee title) within 300 feet of the subject property recipients pursuant to TDC 31.064(1).~~

(6) The decision of the City Engineer shall be appealable for 14 calendar days after the date the notice of the decision is given. A written request for review of the decision by City Council shall be in accordance with applicable procedures and on a form provided for that purpose, as set forth in TDC 31.075 and 31.076.

Section 24. TDC 37.020 is amended to read:

(1) A request for an Industrial Master Plan or modification of an existing Industrial Master Plan shall be subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

~~(1)~~ (2) A request for an Industrial Master Plan or modification of an existing Industrial Master Plan shall be initiated by the owner or owners of all properties within the Industrial Master Plan Area or an authorized agent by filing an application with the Community Development Department. The applicant shall discuss the proposed use and site plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. Prior to the submittal of an application, an applicant shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant may submit a written application addressing applicable review criteria and a site

plan, as outlined in (3) below, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by a fee as established by City Council resolution and the information outlined in TDC 31.071(7) for notification purposes. The applicant shall post a sign pursuant to TDC 31.064(2). The City shall mail notice of application submittal pursuant to TDC 31.064(1).

(23) An Industrial Master Plan may be approved based on proposed parcel boundaries; in this case development under the Industrial Master Plan shall be conditioned on creation of the proposed parcels through the subdivision or partition process or may be the subject of a concurrent land division application. Partition applications associated with an Industrial Master Plan may be approved by City Council in accordance with TDC 36.230(8).

(34) In addition to the information necessary to satisfy the approval criteria specified below, the following information shall be included in the application or on accompanying drawings:

(a) A completed application form accompanied by the appropriate fee with the correct map and tax lot numbers and location of property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.

(b) One copy of a written statement that includes the following items:

(i) A complete list of all land use reviews requested;

(ii) A complete description of the proposal; (iv) Any request for alternate development standards, pursuant to (4) below, shall be included in the written statement.

(c) A site or development plan. At least one complete copy must be 8½ inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:

(i) All existing or proposed property lines with dimensions and total lot area;

(ii) North arrow and scale of drawing;

(iii) Adjacent streets, motor vehicle circulation systems, including connections off site, location of parking areas, and design to include number of spaces, location of loading areas, curbs, and sidewalks;

- (iv) Easements and on-site utilities;
- (v) General location of existing and proposed building envelopes;
- (vi) Location of adjacent off-site buildings;
- (vii) Types and location of vegetation, street trees, screening, fencing, and building materials;
- (viii) Pedestrian and bicycle access and circulation systems, including connections off site and bicycle parking areas;
- (ix) Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site;
- (x) Conceptual building materials and location of landscaped areas; and
- (xi) Partition application if applying for concurrent approval in accordance with TDC 36.220.

(d) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).

(e) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify the ODOT Rail Division and the railroad company that the application has been received.

(45) An Industrial Master Plan may specify, for the entire Industrial Master Plan Area as a whole or for each individual parcel therein, the following alternate development standards which shall supersede conflicting provisions otherwise applicable:

(a) Setbacks from each lot line to buildings, parking areas and circulation areas. Required setbacks may be exact, or minimum and maximum ranges may be specified. Required setbacks may be greater than or less than those required under TDC 62.060.

(b) Locations of shared parking and circulation areas and access improvement, including truck maneuvering and loading areas and common public or private infrastructure improvements.

(c) Building heights and placement and massing of buildings with respect to parcel boundaries.

(d) Location and orientation of building elements such as pedestrian ways or accesses, main entrances and off-street parking or truck loading facilities,

including the number of off-street parking spaces and loading docks required.

(e) Lot dimensions and area provided that no individual parcel shall be less than 15 acres north of SW Leveton Drive and five acres south of SW Leveton Drive unless otherwise provided under TDC 62.050(1).

(f) Location of required building and parking facility landscaped areas.

(56) Except as specifically provided in subsection (4) above, all other provisions of this Code shall apply within an Industrial Master Plan Area.

Section 25. TDC 68.020 is amended to read:

(1) A request for Landmark Designation or Removal of Landmark Designation is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

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

(23) Notice of the public hearing ~~and property owner identification~~ shall be as described in TDC 31.08477.

(34) In making their decision the Council shall use the criteria of TDC 31.082 and additional criteria pertaining specifically to landmark designation in TDC 68.030.

(45) 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 recipients pursuant to TDC 31.064(1).~~

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

(6) The applicant shall post a sign pursuant to TDC 31.064(2).

(57) 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 26. TDC 68.050 is amended to read:

(1) A request to demolish or relocate a Landmark is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

~~(12)~~ 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.

~~(23)~~ 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.

~~(34)~~ 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.

~~(45)~~ Relocated landmarks, which also are to be altered, shall also obtain alteration approval as per 68.090, 68.100 and 68.110.

~~(56)~~ 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~~recipients pursuant to TDC 31.064(1).

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

~~(67)~~ For the purpose of identifying property owners, the requirements of ~~31.074064(81)~~ shall apply.

(8) The applicant shall post a sign pursuant to TDC 31.064(2).

(79) 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 27. TDC 68.080 is amended to read:

(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 issuance of a demolition permit from the Building Official.

(b) ~~Post a notice provided by the City sign pursuant to TDC 31.064(2) offering the building "For Sale" as follows: HISTORIC BUILDING TO BE DEMOLISHED - FOR SALE. The sign applicant shall be posted by the applicant in a prominent and conspicuous place sign~~ 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 demolish 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.

Section 28. TDC 68.090 is amended to read:

(1) A request for Landmark Alteration or New Construction is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

~~(12)~~ 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.

~~(23)~~ 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.

~~(34)~~ 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.

~~(45)~~ 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.
- (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.

~~(56)~~ For the purpose of identifying property owners, the requirements of ~~31.071(8)~~31.064(1) shall apply.

(7) The applicant shall post a sign pursuant to TDC 31.064(2).

Section 29. TDC 31.064, a new section, is added to read:

This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, except Level I (Clear and Objective) Single-family Architectural Review; Conditional Uses; Historic Landmark actions, including designation, removal of designation, demolition, relocation, or alteration or new construction; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; Tree Removal Permit; Transitional Use Permit; and Variances, except for variances to existing single family residences.

(1) Mail: An applicant shall mail notice of a Neighborhood/Developer Meeting and the City shall mail notice of application submittal as follows:

(a) Recipients: The mailing recipients shall be the applicant, the owners of the subject property, and owners of property and recognized neighborhood associations as defined in TDC 31.060 and recognized through TDC 31.065 the boundaries of which include the subject property.

(b) Recipient Identification: The City shall use the names and addresses of the owner or owners of record as shown in the current, or within thirty (30) days of a completed application, computer roll of the County Assessor. The applicant shall be responsible for having one of the following prepare the list: a land title company; a land use planning consultant authorized by the State of Oregon to conduct business in the state; a registered architect, landscape architect, engineer, surveyor, or attorney; or where the City is the applicant, the Community Development Director or when applicable the City Engineer. The applicant shall update the list of property owners no less than every ninety (90) days until a final land use decision is rendered. The applicant shall provide a copy of the list of recipients and their current mailing addresses as part of the land use application.

(c) Mailing Area, Buffer, or Distance: The mailing area shall extend 1,000 feet from the boundaries of the subject property. If the 1,000-foot area

includes lots within a platted residential subdivision, the notice area shall extend to include the entire subdivision of which the lots are part, and the applicant shall identify these subdivisions for staff as part of the mailing notification list. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases.

(d) ARB: The notice of application submittal for an Architectural Review application subject to review by the Architectural Review Board (ARB) shall have the minimum information pursuant to TDC 31.074(3).

(2) Sign Posting: The applicant shall as follows both provide and post on the subject property a sign that conforms to the standard design established by the City for signs notifying the public of land use actions:

(a) Minimum Design Requirements: The sign shall be waterproof, and the face size shall be eighteen (18) by twenty-four (24) inches (18 x 24) with text being at least two (2) inches tall.

(b) On-site Placement: Prior to land use application submittal, the applicant shall place a sign along the public street frontage of the subject property or, if there is no public street frontage, along the public right-of-way (ROW) of the street nearest the subject property. A subject property having more than one public street frontage shall have at least one posted sign per frontage with each frontage having one sign. For a subject property that has a single frontage that is along a dead-end street, the applicant shall post an additional sign along the public ROW of the nearest through street. The applicant shall not place the sign within public ROW pursuant to TDC 38.100(1); however, for a subject property that has no public street frontage or that has a single frontage that is along a dead-end street, the applicant may place the sign within public ROW of the nearest street.

(c) Proof of Posting: The applicant shall submit as part of the land use application submittal an affidavit of posting to the Community Development Director or when applicable the City Engineer.

[Continued on next page]

(d) Removal: If the sign disappears prior to the final decision date of the subject land use application, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) days after the City makes a final decision on the subject land use application.

INTRODUCED AND ADOPTED this 14th Day of June, 2010.

CITY OF TUALATIN, OREGON

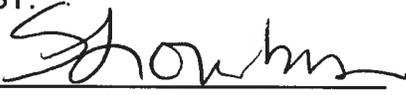
BY



Mayor

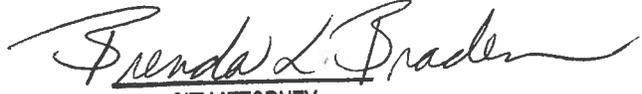
ATTEST:

BY



City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY



6605 SE Lake Road, Portland, OR 97222 • PO Box 22109 Portland OR 97269-2109
 Phone: 503-684-0360 Fax: 503-620-3433
 E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

**City of Tualatin
 Notice of Hearing/PTA 09-07
 TT11449**

A copy of which is hereto annexed, was published in the entire issue of said newspaper for

1
 week in the following issue:
May 6, 2010

Charlotte Allsop
 Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
 May 6, 2010.

Rob A. Burgess
 NOTARY PUBLIC FOR OREGON
 My commission expires

Acct #108462
 Attn: Stacy Crawford
 City of Tualatin
 18880 SW Martinazzi Ave
 Tualatin, OR 97062

Size: 2 x 8
 Amount Due: \$144.80*
 *Please remit to address above.

**NOTICE OF HEARING
 CITY OF TUALATIN, OREGON**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, May 24, 2010, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 09-07—AN ORDINANCE INCREASING LAND USE PUBLIC NOTIFICATION REQUIREMENTS; AND AMENDING TUALATIN DEVELOPMENT CODE (TDC) 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.230, 36.320, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; AND ADDING TDC 31.064

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are 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 was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are 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.

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. 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.

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 will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact Colin Cortes at (503) 691-3024. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON
 By: Sherilyn Lombos, City Recorder
 Publish 05/06/2010.

TT11449

EXHIBIT A

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted four copies of the Notice of Hearing on the 3rd day of May, 2010, a copy of which Notice is attached hereto; and that I posted said copies in four public and conspicuous places within the City, to wit:

1. City of Tualatin - Police Department
2. City of Tualatin - City Center Building
3. City of Tualatin - Community Development
4. City of Tualatin - Library

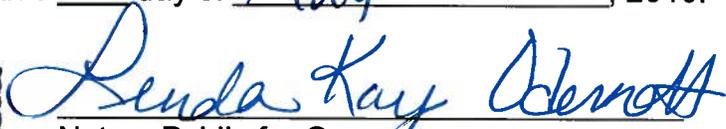
Dated this 3rd day of May, 2010.



Stacy Crawford

Subscribed and sworn to before me this 4th day of May, 2010.





Notary Public for Oregon
My Commission expires: March 30, 2013

RE: PLAN TEXT AMENDMENT (PTA) 09-07—AN ORDINANCE INCREASING LAND USE PUBLIC NOTIFICATION REQUIREMENTS; AND AMENDING TUALATIN DEVELOPMENT CODE (TDC) 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.230, 36.320, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; AND ADDING TDC 31.064

EXHIBIT B



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

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Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are 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 was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are 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.

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. 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.

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 will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. **For information contact Colin Cortes at (503) 691-3024.** This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

**PTA-09-07
ANALYSIS AND FINDINGS**

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below:

1. Granting the amendment is in the public interest.

A number of residents had commented to the City Council in recent months about inadequate signage for neighborhood/developer meetings required per TDC 31.063 and that some of them were not within the 300-ft mailing notification areas for several land use applications and so did not receive timely notice as they would have liked. The City initiates the amendment because the City Council wants to improve public notification of land use actions.

The basic purpose of notification – including the conventional methods of newspaper ads, posting of notices in public places, mailing of notices, and on-site signs and newer electronic methods – is to respect the principles of open and transparent government. Particularly for the field of urban planning, such government is able to signal to citizens when their generalist oversight over professional specialty is needed. Notice allows for a necessary check of government action.

This is partly why the State of Oregon codifies a minimum mailing notification distance, which is 100 ft per Oregon Revised Statutes (ORS) 197.763(2)(a)(A), and also requires notification of any relevant neighborhood or community organization recognized by a local government.

In short, the amendment improves public notice of land use actions, itself directly serving the public interest, and comes at the request of local residents through direction by the City Council.

Granting the amendment is in the public interest. Criterion “A” is met.

2. The public interest is best protected by granting the amendment at this time.

As examined for Criterion A, a number of residents had commented to the City Council in recent months about inadequate signage for neighborhood/developer meetings required per TDC 31.063 and that some of them were not within the 300-ft mailing notification areas for several land use applications and so did not receive timely notice as they would have liked.

Because there will be further development and redevelopment within the city, without the amendment there would be a continued amount of conflict over public

Because there will be further development and redevelopment within the city, without the amendment there would be a continued amount of conflict over public notice than there would otherwise be. Given the moribund real estate market, the present time is also a convenient and proper time for the City to address the issue prior to development activity increasing post-recession.

In short, the amendment improves public notice of land use actions, itself directly serving the public interest, and comes at the request of local residents through direction by the City Council.

Granting the amendment at this time best protects the public interest.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Tualatin Community Plan (TDC Chapters 1-30), Section 2.050 "Citizen Involvement," acknowledges Oregon Statewide Planning Goal 1, "Citizen Involvement" and describes how the City advisory committees serve that goal. Though there is no other provision in the Tualatin Community Plan that explicitly addresses citizen involvement, the TDC does further the goal by requiring neighborhood/developer meetings per TDC 31.063. Other TDC chapters related to particular land use application types establish requirements for mailing of notice and for sign posting that exceed the minimum requirements of Oregon Revised Statutes (ORS) 197.763(2)(a)(A) and 197.763(2)(b). The amendment would broaden and strengthen these requirements and therefore be in conformity with the Tualatin Community Plan.

The proposed amendment conforms with the objectives of the Tualatin Community Plan. Criterion "C" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The proposed amendment as a legislative Plan Text Amendment does not affect any planning district designation or related regulation. Otherwise, the amendment would modify the minimum mailing distance from 300 feet (ft) to 500 ft and acknowledge the existence of residential subdivisions by requiring that if the mailing area overlaps lots within a platted residential subdivision that notice area extend to include the entire subdivision of which the lots are part. (An applicant would identify these subdivisions, and if the subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases.) In this way, the amendment acknowledges how to better notify city residents based on where they reside.

The suitability of the areas for particular land uses and improvements in the areas.

The factor is not relevant to the proposed amendment because as a legislative Plan Text Amendment it does not affect any planning district designation or related regulation and involves no physical improvements.

Trends in land improvement and development.

As examined earlier for Criterion B, because there will be further development and redevelopment within the city, without the amendment there would be a continued amount of conflict over public notice than there would otherwise be. Given the moribund real estate market, the present time is also a convenient and proper time for the City to address the issue prior to development activity increasing post-recession.

The needs of economic enterprises and the future development of the area.

The factor is not relevant to the proposed amendment because as a legislative Plan Text Amendment it does not logically affect the needs of economic enterprises and the future development of an area.

Needed right-of-way and access for and to particular sites in the area.

The proposed amendment has no relation to any particular planning district and needed rights-of-way or access.

Natural resources of the City and the protection and conservation of said resources.

The proposed amendment has no relation to the protection and conservation of natural resources.

Prospective requirements for the development of natural resources in the City.

The proposed amendment has no relation to development of natural resources in the city.

And the public need for healthful, safe, aesthetic surroundings and conditions.

The factor is indirectly relevant because the amendment affords greater notice to residents, allowing them to comment on land use actions and help the City better define what constitutes "healthful, safe, aesthetic surroundings and conditions."

Proof of change in a neighborhood or area

Neither the applicant nor staff assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

Neither the applicant nor staff assert a mistake in the Plan Text or Plan Map.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

Because the amendment does not relate to residential use, the criterion is not applicable.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 19 statewide planning goals, staff determined that the applicable one is Goal 1, "Citizen Involvement."

As examined for Criterion A, TDC 2.050 acknowledges Goal 1 and describes how the City advisory committees serve that goal. Though there is no other provision in the Tualatin Community Plan that explicitly addresses citizen involvement, the TDC does further the goal by requiring neighborhood/developer meetings per TDC 31.063. Other TDC chapters related to particular land use application types establish requirements for mailing of notice and for sign posting that exceed the minimum requirements of Oregon Revised Statutes (ORS) 197.763(2)(a)(A) and 197.763(2)(b). The amendment would broaden and strengthen these requirements and therefore continued to comply with Goal 1 and exceed the minimum statute requirements.

7. Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor regulates how a local government involves citizens on land use actions (other than the UGMFP itself). The criterion is met.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Because the amendment does not relate to vehicle trip generation, the criterion is not applicable.



APPROVED BY TUALATIN CITY COUNCIL
Date June 14, 2010
Recording Secretary J. Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Donald A. Hudson, Finance Director 

DATE: June 14, 2010

SUBJECT: PUBLIC HEARING TO CONSIDER A RESOLUTION DECLARING
THE CITY'S ELECTION TO RECEIVE STATE REVENUE
SHARING FUNDS DURING FISCAL YEAR 2010-11

ISSUE BEFORE THE COUNCIL:

Whether or not to receive State Revenue Sharing Funds

RECOMMENDATION:

Staff recommends adopting the attached Resolution after conducting the required public hearing.

EXECUTIVE SUMMARY:

In order for the City to receive state shared revenues, the City must have levied property taxes in the prior fiscal year, pass a resolution approving participation in the program and hold two public hearings on the use of state revenue sharing funds. The first public hearing, before the budget committee, is to discuss possible uses of the funds. This public hearing was held on May 25, 2010. The second public hearing, before the City Council this evening, is to discuss the proposed uses of the funds.

DISCUSSION:

The City is set to receive \$212,400 in State Revenue Sharing Funds in 2010-11. This amount is a portion of the Liquor Tax and is apportioned to cities based upon a calculation defined in Oregon Revised Statutes (ORS) 221.770 based upon factors such as adjusted population and state per capita income. Our amount is based upon an estimate we receive from the League of Oregon Cities each spring. ORS 221.270 requires cities to hold the two public hearings in order to be eligible to receive these funds.

Additionally, the City receives allocations for another portion of Liquor Tax funds, as well as Cigarette and Gas Taxes, based upon a per capita distribution. These funds are governed under ORS 221.760. The law provides that cities located within a county having more than

100,000 inhabitants, must provide four or more municipal services (out of a list of seven types of services) to be eligible to receive these revenues. Council must pass a resolution stating that these services are provided, which is also on this evening's Council Agenda, and are therefore not part of tonight's public hearing.

These revenues are not restricted by the State and have therefore traditionally have been used as a General Fund revenue source.

OUTCOMES OF DECISION:

If the Council approves the Resolution, the City will be eligible to receive state-shared revenues. If the Council does not approve the Resolution, the City will not receive state-shared revenues and will need to reduce its expenditures or contingencies.

FINANCIAL IMPLICATIONS:

The City has budgeted \$212,400 in the General Fund for general city operations.

Attachments: A. Resolution

RESOLUTION NO. 4986-10

A PUBLIC HEARING DECLARING THE CITY'S ELECTION TO RECEIVE
STATE REVENUE SHARING FUNDS DURING THE 2010-11 FISCAL YEAR

WHEREAS Oregon Revised Statutes (ORS) 221.770 requires that the City Council pass a resolution declaring the City's election to receive State Revenue Sharing funds; and

WHEREAS the 2010-11 budget for the City of Tualatin contains State Shared Revenues as a resource in the budget year beginning July 1, 2010; and

WHEREAS the Budget Advisory Committee held a public hearing to discuss the possible uses of state revenue sharing funds on May 25, 2010 and the City Council held a public hearing on June 14, 2010 to discuss the proposed use of the funds for Fiscal Year 2010-11.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN,
OREGON, that:

Section 1. Pursuant to ORS 221.770, the City hereby elects to receive State Revenue Sharing Funds for Fiscal Year 2010-11.

INTRODUCED AND ADOPTED this 14th day of June, 2010.

CITY OF TUALATIN, OREGON

BY _____

Mayor

ATTEST:

BY _____

City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY



APPROVED BY TUALATIN CITY COUNCIL
Date June 14, 2010
Recording Secretary J Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Donald A. Hudson, Finance Director *[Signature]*

DATE: June 14, 2010

SUBJECT: A RESOLUTION ADOPTING THE CITY OF TUALATIN BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2010, MAKING APPROPRIATIONS, LEVYING AD-VALOREM TAXES, AND CATEGORIZING THE LEVIES

ISSUE BEFORE THE COUNCIL:

Adoption of the Fiscal Year 2010 – 2011 budget.

RECOMMENDATION:

Staff recommends adoption of the attached resolution, which includes the approved Fiscal Year 2010 - 2011 Budget, with additional changes as outlined below.

EXECUTIVE SUMMARY:

- This is a public hearing to consider public input on the Fiscal Year 2010 – 2011 Budget.
- The Budget Committee approved the proposed budget on May 25, 2010.
- State law requires the City Council adopt a budget prior to July 1, 2010.
- The total of the Fiscal Year 2009 - 2010 Budget is \$61,136,374. This figure includes changes proposed this evening.
- The tax rate for general government would be approved at \$2.2665 per \$1,000 taxable assessed value.
- \$875,158 is to be levied for bonded debt, which is excluded from limitation for local government operations.

OUTCOMES OF DECISION:

By adopting the budget before July 1st, the City will be able to operate, expend money and incur liabilities for fiscal year 2010 - 2011.

DISCUSSION:

The City of Tualatin budget is made up of 22 funds, divided amongst five different categories: General Fund, Special Revenue Funds, Debt Service Funds, Capital Projects Funds and Enterprise Funds. Urban Renewal Funds are presented in the Tualatin Development Commission budget, which will be heard in a separate public hearing later this evening. The General Fund is the primary operating fund of the City and supports general government services. Special Revenue Funds account for the proceeds of specific revenue sources that are legally restricted to expenditure for specific purposes, including the Building Fund, Operations Fund, street funds, as well as miscellaneous funds such as Core Area Parking, Tualatin Science and Technology Scholarship and the 9-1-1 Emergency Communication Tax Fund. Debt Service Funds record revenues and expenditures for our general obligation and Bancroft bond debt. Capital Project Funds record capital projects that are funded from restricted funds, such as local improvement districts, park development funds, as well as the Infrastructure Reserve Fund. The Enterprise Funds include all funds related to the following systems: Water, Sewer, Storm Drain. These funds account for the infrastructure systems covering water, sewer and storm drain and their revenues are derived from sources that are specifically earmarked, or restricted for these specific purposes.

The overall City budget of \$61,136,374 breaks down as follows:

- General Fund - \$20,949,234
- Special Revenue Funds - \$10,237,116
- Debt Service Funds - \$1,432,746
- Capital Project Funds - \$4,032,687
- Enterprise Funds - \$24,484,591

Once again, the City departments held expenditures at or below last year's levels wherever possible. Increases in department budgets are primarily for items that are out of the City's control, including a significant increase in our dispatch contract with WCCCA and utility rate increases. With both urban renewal districts reaching their maximum indebtedness in 2009 – 2010, property tax revenues are increasing as the incremental assessed values are being returned to the City's tax rolls. The approved budget includes this new revenue and a portion of it funds a number of one-time capital expenditures. There are also budgeted dollars for one-time purchases from one-time revenue sources to minimize risk in a couple of our parks, for Library needs from increased WCCLS revenue and a grant for long-range planning.

Reserves have increased in the General Fund for decisions that occurred too late in the budget process for appropriate discussion by the City Council on how to use the increased funds. These include the decision not to extend the maximum indebtedness in the Central Urban Renewal District and the passage of the annexation measure into the Clackamas County Library District. The \$460,000 impact of these decisions have been set aside in a general reserve until the Council has discussions on how these funds should be allocated. Additionally, we reduced the PERS reserve to \$400,000 to reflect recent changes by the PERS board related to projected rate increases for the 2011 – 2012 fiscal year.

Again this year, the City has decided not to increase water utility rates, though the budget includes rate increases in both the sewer and storm drain utilities. The projected rate increases are a separate item on tonight's agenda and if approved, will increase the average residential utility bill \$3.44 per month. These rate increases include the pass-through rate increase approved by Clean Water Services for the regional component of the rate, as well as an increase for the City of Tualatin local share of the rate.

In addition to the budget approved by the budget committee, the City Council has the ability to change the approved budget in each fund by no more than 10% of the total budget. Typical changes that the Council may make are related to unanticipated lags in completion of capital projects that necessitate adjustments to future year budget(s), especially for large construction projects. The majority of the adjustments included in the attached resolution fall into this category. Additionally, the City received word last week of the award of additional planning study grants totaling \$251,000 and a grant for network switches and infrastructure equipment in the amount of \$65,310.

The carry-forwards for the capital projects are "self-funding" because the beginning fund balance for 2010 – 2011 is increased by the amount budgeted and not spent in the current fiscal year (2009 - 2010). This increases both the revenue and the expenditure appropriations in the affected fund.

Changes are proposed in the General Fund, Water Operating Fund, Sewer Operating Fund, Road Utility Fee Fund and the Road Development Fund. None of the carry-forwards exceed 10% of the approved budget and are, therefore, allowed to be added by the Council at the public hearing.

- In the General Fund – for the grants mentioned above, the Planning budget will be increased \$251,000 and the Information Systems budget will be increased \$65,310, as well as the appropriate revenue lines to record the grant revenue.
- The following funds require appropriations to be carried over due to project delays:
 - Water Operating Fund – Replacement of AC Lines in Indian Woods and Indian Meadows, \$550,000
 - Sewer Operating Fund – Hedges Creek Slope Failure Repair and Saum Creek slide repair, \$80,000
 - Road Utility Fee Fund – Herman Road, \$4,000
 - Road Development Fund – Herman Road, \$61,500

Attachments: Resolution

RESOLUTION NO. 4987-10

A RESOLUTION ADOPTING THE CITY OF TUALATIN'S BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2010, MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND CATEGORIZING THE LEVIES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council of the City of Tualatin hereby adopts the Budget as approved by the Budget Committee and adjusted by the Council. The total sum of the budget is \$61,136,374 (including \$1,724,811 unappropriated and \$9,530,321 reserves) and is now on file at the City Offices.

Section 2. The amounts for the fiscal year beginning July 1, 2010, and for the purposes shown below, are hereby appropriated as follows:

GENERAL FUND

City Council	\$	93,538	
Administration		771,963	
Finance		845,656	
Legal Services		188,082	
Municipal Court		105,863	
Community Development Planning		1,019,186	
Engineering		1,129,625	
Police		5,971,727	
Information Systems		563,101	
Fleet		418,792	
Building Maintenance		734,823	
Parks Maintenance		1,236,805	
Community Services – Admin		410,101	
Community Services – Library		1,656,019	
Community Services – Recreation		291,203	
Non-Departmental		573,837	
Contingency		2,354,102	
Total GENERAL FUND Appropriations.....			\$18,364,423
Reserves		860,000	
Unappropriated		<u>1,724,811</u>	
Total GENERAL FUND			\$20,949,234

BUILDING FUND

Personal Services	\$ 414,889	
Material & Services	84,665	
Transfers	177,800	
Contingency	86,420	
Total BUILDING FUND Appropriations.....		\$ 763,774
Reserved Funds	<u>623,165</u>	
Total BUILDING FUND	\$ 1,386,939	

OPERATIONS FUND

Administration	\$ 453,505	
Water Division	723,992	
Sewer Division	308,635	
Street Division	520,326	
Non-Departmental	209,005	
Contingency	326,415	
Total OPERATIONS FUND Appropriations		\$ 2,541,878
Reserved Funds	<u>493,862</u>	
Total OPERATIONS FUND	\$ 3,035,740	

WATER FUND

Material & Services	\$ 2,524,132	
Capital Outlay	880,000	
Transfers	2,484,889	
Contingency	1,250,096	
Total WATER FUND Appropriations.....		\$ 7,139,117
Reserved Funds	<u>3,196,313</u>	
Total WATER FUND	\$ 10,335,430	

SEWER FUND

Material & Services	\$ 5,136,900	
Capital Outlay	400,000	
Transfers	961,955	
Contingency	450,452	
Total SEWER FUND Appropriations		\$ 6,949,307

STORM DRAIN FUND

Material & Services	\$ 725,276
Capital Outlay	54,000
Transfers	951,637
Contingency	221,750

Total STORM DRAIN FUND \$ 1,952,663

ROAD UTILITY FEE FUND

Material & Services	\$ 928,776
Capital Outlay	85,000
Transfers	334,191

Total ROAD UTILITY FEE FUND Appropriations \$ 1,347,967

Reserved Funds	<u>713,191</u>
Total ROAD UTILITY FEE FUND	\$ 2,061,158

ROAD GAS TAX FUND

Material & Services	\$ 733,480
Capital Outlay	50,000
Transfers	1,055,909
Contingency	188,718

Total ROAD GAS TAX FUND \$ 2,028,107

CORE AREA PARKING DISTRICT

Material & Services	\$ 24,676
Transfers	59,471
Contingency	6,732

Total CORE AREA PARKING DISTRICT Appropriations \$ 90,879

Reserved Funds	<u>221,395</u>
Total CORE AREA PARKING DISTRICT	\$ 312,274

TUALATIN SCIENCE AND TECHNOLOGY SCHOLARSHIP FUND

Material & Services	\$	1,000	
Total TUALATIN SCHOLARSHIP FUND Appropriations.....	\$		1,000
Principal Reserves		<u>51,598</u>	
Total TUALATIN SCHOLARSHIP FUND	\$	52,598	

9-1-1 EMERGENCY COMMUNICATION TAX FUND

Material & Services	\$	140,000	
Total 9-1-1 EMERGENCY COMMUNICATION TAX FUND.....	\$		140,000

GENERAL OBLIGATION BOND FUND

Debt Service	\$	792,400	
Total GO BOND DEBT FUND Appropriations.....	\$		792,400
Reserves		<u>50,000</u>	
Total GO BOND DEBT FUND	\$	842,400	

BANCROFT BONDED DEBT FUND

Material & Services	\$	300	
Debt Service		189,140	
Total BANCROFT BONDED DEBT FUND Appropriations.....	\$		189,440
Reserved Funds		<u>400,906</u>	
Total BANCROFT BONDED DEBT FUND	\$	590,346	

ENTERPRISE BOND FUND

Material & Services	\$	300	
Debt Service		540,406	
Total ENTERPRISE BOND FUND Appropriations.....	\$		540,706
Reserved Funds		<u>439,300</u>	
Total ENTERPRISE BOND FUND	\$	980,006	

LOCAL IMPROVEMENT DISTRICT

Material & Services	\$	52,500	
Capital Outlay		100,000	
Contingency		315,006	
Total LOCAL IMPROVEMENT DISTRICT Appropriations.....	\$		467,506

WATER DEVELOPMENT FUND

Capital Outlay	\$	100,000	
Transfers		18,499	
Contingency		174,670	
Total WATER DEVELOPMENT FUND Appropriations.....	\$		293,169

SEWER DEVELOPMENT FUND

Material & Services	\$	101,640	
Transfers		3,370	
Contingency		3,591,184	
Total SEWER DEVELOPMENT FUND Appropriations	\$		3,696,194

ROAD DEVELOPMENT FUND

Capital Outlay	\$	61,500	
Transfers		1,462	
Contingency		615,338	
Total ROAD DEVELOPMENT FUND Appropriations	\$		678,300

STORM DRAIN DEVELOPMENT FUND

Transfers	\$	1,170	
Contingency		276,652	
Total STORM DRAIN DEVELOPMENT FUND Appropriations.....	\$		277,822

PARK DEVELOPMENT FUND

Material & Services	\$	17,300
Capital Outlay		1,048,266
Transfers		19,024
Total PARK DEVELOPMENT FUND Appropriations.....		\$ 1,084,590

TRANSPORTATION DEVELOPMENT TAX FUND

Contingency	\$	542,000
Total TRANSPORTATION DEVELOP TAX FUND Appropriations.....		\$ 542,000

INFRASTRUCTURE RESERVE FUND

Total INFRASTRUCTURE RESERVE FUND Appropriations.....	\$	0
Reserve for Sewer		2,302,955
Reserve for Road		96,807
Reserve for Storm Drain		<u>80,829</u>
Total INFRASTRUCTURE RESERVE FUND	\$	<u>2,480,591</u>

TOTAL	\$	49,881,242
TOTAL RESERVES		<u>9,530,321</u>
TOTAL APPROPRIATED ALL FUNDS	\$	59,411,563
TOTAL UNAPPROPRIATED ALL FUNDS	\$	<u>1,724,811</u>
TOTAL BUDGET	\$	<u><u>61,136,374</u></u>

Section 3. The City Council of the City of Tualatin hereby imposes the taxes provided for in the adopted budget at the rate of \$2.2665 per \$1,000 assessed value for operations and in the amount of \$875,158 for bonds; and that these taxes are hereby imposed and categorized for tax year 2010-11 upon the assessed value of all taxable property within the district.

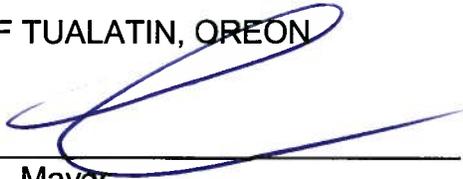
General Government Limitation	Excluded from Limitation
General Fund...\$2.2665/\$1,000	Debt Service Fund...\$875,158

Section 4. The Finance Director shall certify to the County Assessors of Washington County and Clackamas County, Oregon, the tax levy made by this resolution; and file with the County Clerks a true copy of the Budget as finally adopted.

INTRODUCED AND ADOPTED this 14th day of June, 2010.

CITY OF TUALATIN, OREGON

BY



Mayor

ATTEST:

BY



City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Doug Rux, Community Development Director [Signature]
William Harper, Associate Planner [Signature]

DATE: June 14, 2010

SUBJECT: AN ORDINANCE AMENDING THE GENERAL COMMERCIAL (CG) PLANNING DISTRICT TO ALLOW "DOGGIE DAY CARE" AND AMENDING TDC 31.060; 54.020 AND 54.030 (PTA-10-01)

ISSUE BEFORE THE COUNCIL:

City Council consideration regarding the request for a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC), Chapter 54 General Commercial (CG) Planning District, amending 54.020 to allow "Doggie Day Care" as a permitted use and amending 54.030 to allow outdoor dog day care activities as a conditional use. TDC 31.060 Definitions will also be amended.

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) voted 6-0 on March 11, 2010, recommending that the City Council approve PTA-10-01 with recommendations to allow outdoor pet day care as a conditional use, restrict outdoor area use to the hours of 7 am-7pm; increase the outdoor area fence enclosure height and the minimum distance to a residential location. TPAC also asked the applicant to promptly provide traffic information as requested by the Engineering Division.

At the April 12, 2010 public hearing, staff proposed to the Council alternate ordinance language with the provisions recommended by TPAC. The Council agreed with the recommendation from TPAC & staff, and also expressed concerns about:

1. Separating outdoor pet day care uses from nearby restaurant uses;
2. Requiring the operator to establish noise & odor mitigation measures with a conditional use permit application, and;
3. Ensuring that an outdoor pet activity area has proper waste disposal facilities and complies with stormwater management and water quality regulations.

The Council continued the hearing to May 24 and asked TPAC to review some additional standards for pet day care uses to be considered when the hearing reopens. The applicant requested the hearing be continued to June 14, and the Council granted the continuance. At the May 13 meeting, TPAC reviewed the Council's concerns and staff's revisions to the proposed Pet Day Care ordinance language and received supportive testimony from the applicant. TPAC unanimously agreed to recommend Council adopt the staff recommended Ordinance version D.2.

Staff recommends that the City Council consider the staff report and supporting attachments and provide direction.

EXECUTIVE SUMMARY:

- This matter is a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) and a decision by the City Council is a legislative action.
- The amendment is an application submitted by Joseph Schaefer representing Drew Prell and Oswego Investors, LLC. Oswego Investors owns a .76 acre property with 2 buildings in the CG (General Commercial) Planning District (Attachment A). The property is known as the Hansen's Corner commercial development and has frontage on SW Lower Boones Ferry Road (south) and SW 63rd Avenue (west).
- Oswego Investors seeks to amend the TDC to allow "Doggie Day Care" as a listed permitted use in the CG Planning District and to allow Dog Day Care with an outdoor dog activity area as a conditional use with standards for location and enclosure. The purpose of the amendment proposed by Oswego Investors is to allow a prospective tenant to occupy a Hansen's Corner lease space and conduct a dog day care use with outdoor activity area. The property is currently designated in the CG (General Commercial) Planning District, where various retail uses including "pet shops" and veterinary services including "veterinarian's office or animal hospitals" are listed as permitted [TDC (Tualatin Development Code) 54.020(1) & (2)(b)]. By a staff interpretation of TDC Chapter 54.020, dog day care, pet grooming, pet obedience training, pet overnight boarding are allowed as a CG Planning District permitted use when conducted entirely indoors. Outdoor pet care, training or boarding activities were not interpreted as an allowed use. A current example of this use in the CG Planning District is the PetSmart business in the Nyberg Woods shopping center where dog day care, pet grooming, pet obedience training, and pet overnight boarding are conducted entirely within the building.
- Kennels for boarding, breeding and training dogs are not listed as an allowed use in the TDC. Kennels are defined and regulated in the Washington County Animal Ordinance as adopted in the Tualatin Municipal Code (TMC) in TMC 6-3.010.
- The application proposes a definition of "Doggie Day Care" (TDC 31.060) and proposes listing indoor dog day care as a permitted use (TDC 54.020) and dog care with outdoor activity as a conditional use (TDC 54.030) in the CG Planning District (Attachment D.1).

- In discussion at the April 12, 2010 public hearing, the Council raised concerns about the suitability of outdoor pet activity in a location near existing or future outdoor restaurant uses. While not part of the motion for continuance, the Council discussion explored a concern that problems with noise and odor when pets are outdoors at a pet day care could be detrimental to a nearby restaurant business or have impacts on a future restaurant business locating nearby. Councilors also remarked that customers of pet day care businesses typically demand very clean and orderly operations for their pets.

In response to the discussion about separating an outdoor pet day care activity from a restaurant use, Staff notes the following for consideration:

1. The proposed language (Attachment D.2) will restrict a pet day care outdoor use from the City's downtown area including the Commons, the existing CC and CG Planning Districts in the downtown and areas being studied for the Tualatin Town Center Plan. The pedestrian-oriented character of the downtown area includes seasonal outdoor dining at many of the restaurants. Outdoor pet day care will not be allowed in the downtown.
2. The commercial developments in CG Planning District areas eligible for outdoor pet care use do not have the same pedestrian character as the downtown. Only a limited number of the CG properties are located more than the proposed 500 ft. from residential areas and eligible for the outdoor pet activity conditional use. Most of these are multi-tenant commercial centers such as Nyberg Retail, South Lake Center and Meridian Center where the center owners control the mix of uses and deal with compatibility issues among the tenants.
3. The proposed amendment would allow the outdoor pet day care activity as a conditional use. Conditions of approval can be attached in a decision by the Council that address site specific considerations of location/separation, screening & buffering, mitigation of noise & odor and operation of an outdoor pet activity area.
4. The applicant's property is the subject of a separate conditional use permit application. It is bordered on the east and north by auto service uses in the Light Manufacturing (ML) Planning District where a restaurant is not allowed. The outdoor area proposed for the applicant's property is approximately 180 ft. to the east and 330 ft. south (across public streets) from CG Planning District properties where restaurants are allowed.

At the May 13 meeting, TPAC considered the information listed above and did not recommend Council adopt a standard or requirement to separate outdoor pet day care from a restaurant.

- The Council's motion to continue the public hearing for PTA-10-01 and return for further review by TPAC included a request to add a standard requiring a conditional use permit applicant to establish noise & odor mitigation measures as one of the proposed requirements for an outdoor pet day care use in the Section 54.030(5) TPAC/Staff proposed language shown in Attachment D.2. Staff agrees that an applicant can demonstrate how their operation will minimize or eliminate noise and odor specific to the activity area location and potential for disturbing

- neighboring businesses. An outdoor area cover, sound absorbing walls, programs for frequent waste removal and cleaning, keeping noisy pets indoors are some of the possible mitigations. A standard (d) is proposed in Section 54.030(5) requiring a noise and odor mitigation plan with an outdoor pet day care activity conditional use.
- The Council's motion to continue the public hearing for PTA-10-01 and return for further review by TPAC also included a request to ensure that an outdoor pet activity area has proper waste disposal facilities and complies with stormwater management and water quality regulations. In response, the Engineering Division finds that existing sewer and stormwater regulations in the Tualatin Municipal Code (TMC) Title 3 Utilities and Water Quality provide control for waste in an open or outdoor situation such as an outdoor pet day care activity area (Attachment F, April 14, 2010 Engineering Division Memorandum, pp 3-4). Animal waste is by definition sewage and subject to TMC 3-2-060 prohibiting discharge of sewage in any form. The Plumbing Code sections of the Building Code require all effluent waste to be properly discharged to the sanitary sewer system. When there is a "change of use" or an improvement associated with outdoor pet day care that requires a building permit or when there is a relevant condition of approval in a land use decision, the sewer, stormwater management and water quality regulations will be applied to an outdoor pet day care area. The existing TMC regulations and Plumbing Code are specific and adequate to address this issue and Staff believes that adding sewer and stormwater standards to provisions for outdoor pet day care conditional use is not necessary. In the section below, staff does recommend adding a requirement to address a proposed waste collection and disposal for an outdoor pet activity area in a conditional use application.
 - A question arose during the hearing and Council discussion about dealing with pet waste and the appropriate surface for an outdoor pet activity area. The applicant describes their proposed outdoor facility as having a 1,600 sq. ft. paved surface and believes that it will be a suitable surface for cleaning and maintaining the pet day care area that they are planning.

Staff agrees that when an outdoor pet activity area is an impervious surface and is designed for it, waste and debris can be collected and appropriately disposed of. That would not be the case when an outdoor pet activity area has a surface of soil, sand, chips, gravel or other pervious and permeable material. In a limited area envisioned for pet day care, accumulation and infiltration of waste material into a permeable/pervious surface would quickly become an unwanted odor and health problem. Tualatin Municipal Code (TMC) stormwater management standards have limited or no application to small areas or with pervious (permeable) surfaces. To ensure that waste occurring in an outdoor pet activity area can be properly collected and disposed and the surface can be cleaned frequently to avoid any accumulation of odor or material, staff recommends a standard requiring that the surface be paved with a continuous impervious material such as concrete or asphalt. A proposed standard 54.030(5)(b)(ii-iii) is shown in Attachment D.2.

In response to Council's concern, staff proposed a standard in the conditional use provisions requiring an applicant to demonstrate how their operation will manage and control the cleaning of the outdoor pet activity area and the disposal of animal waste. A detailed plan for cleaning and maintenance of the outdoor area and proposed waste disposal facilities are possible elements of a mitigation plan. A standard (d) is proposed in Section 54.030(5) requiring a maintenance & animal waste mitigation plan with an outdoor pet day care activity conditional use application. The applicant indicated at the TPAC meeting that they agree with the intent of the standard and will be able to meet the proposed requirement.

- Staff proposes alternate Ordinance Language in Attachment D.2 with reference to the TPAC recommendations. The staff/TPAC version includes the term "pet day care" with a definition, a limitation on outdoor pet activity area use to the hours of 7 am-8 pm; a restriction from Central Urban Renewal District (CURD) Blocks 11, 28 & 29, an increase the outdoor area fence enclosure height and the minimum distance to a residential location.
- Records indicate that the Council has not reviewed applications or provided direction regarding pet/"doggie" day care, pet boarding, pet training, or kennels.
- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 6.030 Commercial Planning District Objectives; TDC Chapter 54-General Commercial Planning Districts. The Analysis and Findings section of this report (Attachment C) considers the applicable policies and regulations.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment C) examines the application with respect to the criteria for a Plan Amendment. The staff analysis proposes modifications to the definitions, standards and process proposed by the applicant with recommendations provided by TPAC and Council as found in Attachment D.2. Staff finds that the information provided with the application does not address Criterion 8 that considers traffic impacts on intersections (Attachment F- Engineering Division Memorandum April 14, 2010). The applicant stated at the March 11 TPAC meeting that traffic studies were prepared for a worst case scenario of CG uses including a fast food restaurant on the Oswego Investors Hansen's Corner property with Plan Map Amendment PMA-05-03. Staff has asked for information specific to the proposed doggie/pet day care use in the CG Planning District for evaluation of Criterion 8.
- The application was submitted on January 8, 2010 and was determined incomplete on January 22, 2010 in regard to information to evaluate compliance with the Transportation Planning Rule and Criterion "8" for impacts on affected intersections. With no reply to the incomplete letter, the 120-day period for the legislative action began on February 7, 2010. The applicant extended the 120-day period for 90 more days (total of 210 days). The June 14 Council meeting is on day 127.

OUTCOMES OF DECISION:

Approval of the applicant's PTA request (Attachment D.1) would result in the following:

1. "Doggie Day Care" (Pet Day Care) would be defined in the TDC and within an enclosed building would be listed as a permitted use in the CG Planning District that includes properties in the downtown areas in CURD Blocks 11, 28 & 29. Outdoor dog care and training activities associated with "doggie day care" would be allowed as a conditional use in the CG Planning District subject to the applicant's proposed standards for proximity to a residential district and requirements for enclosure.
2. The staff interpretation addressing dog day care would be replaced with specific language in the TDC and would be defined.
3. The applicant would be able to pursue a conditional use permit for outdoor doggie day care use at the Oswego Investors' Hansen's Corner property.

Approval of the TPAC/staff recommended version of a PTA (Attachment D.2) would result in the following:

1. Pet Day Care would be defined in the TDC and within an enclosed building would be listed as a permitted use in the CG Planning Districts but excludes properties in the Downtown area in CURD Blocks 11, 28 & 29. Outdoor dog & cat care and training activities associated with pet day care would be allowed as a conditional use subject to standards for proximity to a residential district, requirements for enclosure, hours of operation, paved surfaces, and noise, odor and waste control mitigation.
2. The staff interpretation addressing dog day care would be replaced with specific language in the TDC and would be defined.
3. The applicant would be able to pursue a conditional use permit for outdoor dog day care use at the Oswego Investors' Hansen's Corner property.

Denial of the PTA would result in the following:

1. Pet/Doggie Day Care would not be listed as an allowed use in the CG Planning District.
2. The applicant will not be able to locate outdoor doggie day care activities on the Hansen's Corner property.

ALTERNATIVES TO RECOMMENDATION:

The alternatives for Council are:

- Approve the proposed PTA with alterations.
- Deny the proposed PTA.
- Continue the discussion of the proposed PTA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Applicant paid the required application fee, which is contained in the FY 09/10 budget for revenue.

DISCUSSION:

The draft ordinance language proposed by the applicant is shown in Attachment D.1.

At the March 11 TPAC meeting, Staff raised questions for TPAC on the terms, definitions, classification (permitted or conditional use) and standards proposed for "doggie day care" as an allowed use in the CG Planning District (Attachment C-Analysis & Findings). A staff prepared version with the March 11 TPAC recommendations and with revisions that respond to the Council's discussion at the April 12, 2010 hearing and recommended for approval by TPAC at the May 13 meeting is shown in Attachment D.2.

PUBLIC INVOLVEMENT:

The Applicant conducted a Neighbor/Developer meeting at 17260 SW Lower Boones Ferry Road on July 28, 2009, at 6:30 pm to explain the PMA & CUP proposal to neighboring property owners and to receive comments. No neighboring business or property owners attended the meeting.

- Attachments:**
- A. Application Materials
 - B. Background
 - C. Analysis & Findings
 - D1. Draft Ordinance with Applicant Proposed Text Amendment
Language-TDC 31.060 & 54.020 & 54.030
 - D2. Draft Ordinance with TPAC/staff Proposed Text Amendment
Language and Provisions Raised by Council-TDC 31.060 &
54.020 & 54.030
 - E. CG Planning District & CURD Blocks 11, 28 & 29 Location Map
and showing Applicant's Hansens' Corner property.
 - F. Engineering Division Memorandum April 14, 2010



JOSEPH S. SCHAEFER
LAND USE PLANNER
Direct Line: 503-796-2091
Cellular Phone: (503) 819-4764
E-Mail: jschaefer@schwabe.com

January 8, 2010

Mr. Will Harper
Associate Planner
City of Tualatin
18880 SW Martinez Avenue
Tualatin, OR 97062

Re: Hansen's Corner Neighborhood Meeting

Dear Mr. Harper:

Enclosed with this letter are the materials for the conditional use and text amendment applications, including the application forms, the site plan, the mailing list and maps, the legal description, a check for the combined application fee of \$3365, the neighborhood meeting materials, and the architectural drawing of the proposed fence.

The balance of this letter will serve as the applicant's narrative. The relevant Tualatin Development Code provisions are printed in bold, and the applicant's response follows in regular font.

Text Amendment

The amendment includes three parts: a definition of doggie day care; an addition of the doggie day care - indoor only use to Section 54.020 Permitted Uses in the General Commercial district; and an addition of the doggie day care - with an outdoor play area use to Section 54.030 Conditional Uses in the General Commercial District.

The proposed definition is: "Doggie Day Care – A business providing pet care services such as day care, sitting services, grooming, and retail sales of pet products. Overnight boarding, breeding, and veterinary services are not provided by a doggie day care business."

The proposed addition to Section 54.020 is: (w) Doggie Day Care (indoor only).

The proposed addition to Section 54.030 is: (9) Doggie Day Care with outdoor play area, subject to the following provisions: (a) the subject lot is not within 300 feet of a Residential

Planning district; and (b) the outdoor play area must be completely enclosed with a minimum 6 foot high, sight-obscuring fence.

(1) Granting the amendment is in the public interest.

Retail properties evolve as new goods and services become available in the marketplace. For example, prior to the proliferation of cell phones, there weren't any retail storefronts selling telephone equipment and service. In recent years, the proliferation of households with dogs that need grooming, day care and related services during regular business hours has led to the creation of businesses providing that service. At least one such business already exists in Tualatin; however, the "doggie day care" land use is not found in the Development Code.

It will serve the public interest to have this unique land use accounted for in the Development Code, so that it can be properly regulated without requiring a protracted and confusing analysis of whether it is similar – or not – to different uses that are listed in the code. We propose that Tualatin follow the recent examples of Beaverton and Lake Oswego, which are proposing a two tier regulation of doggie day care: indoor care is a permitted use; and outdoor facilities are a conditional use.

(2) The public interest is best protected by granting the amendment at this time.

As with Beaverton, Lake Oswego and innumerable other communities, it is in the public interest to update the Development Code at this time to include provisions for this type of retail service business. The demand for this use is growing, and the Development Code should be updated promptly.

(3) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Section 6.030(5) describes the key objective for the General Commercial district: "To provide areas suitable for a full range of commercial uses." Doggie day care is a use that is not included in the Development Code, and this amendment proposes to ensure that this commercial use is expressly included in the "full range" of permitted and conditional uses.

(4) The following factors were consciously considered:

The various characteristics of the areas in the City;

There are six separate General Commercial districts within the City, each with different characteristics. The subject property is located at the edge of one such district, and borders a light manufacturing district. While an outdoor play area for dogs is appropriate adjacent to a light manufacturing site, it likely is not appropriate adjacent to a residential site. That is why we propose a two tier amendment, so that unique neighborhood characteristics are taken into account during each application.

The suitability of the areas for particular land uses and improvements in the areas;

The General Commercial districts within the City allow intensive commercial uses, and there is no concern about indoor doggie day care. The real issue is the outdoor play areas, and whether this district is appropriate for that use. Because some areas of the districts are suitable, while others may not be, the two tier amendment creates a conditional use procedure for review of suitability case by case.

Trends in land improvement and development;

Doggie day care is a growing retail trend, and because it is somewhat different than traditional animal care uses such as veterinary offices and kennels, the code should be updated with provisions appropriate to this use.

Property values;

Commercial properties within Tualatin are experiencing the same challenges as elsewhere. Adding a new use to the lists of permitted and conditional uses will allow properties that are underutilized - in this case a vacant loading area for glass trucks – to be put to productive use. The two tier amendment offers protections to neighboring properties which potentially could be adversely affected by outdoor play areas for dogs.

The needs of economic enterprises and the future development of the area;

Doggie day care businesses prefer to have outdoor play areas, because the dogs naturally benefit from the fresh air and exercise.

Needed right-of-way and access for and to particular sites in the area;

Doggie day care produces less traffic than other uses permitted outright in the General Commercial zone. It does not have special transportation needs.

Natural resources of the City and the protection and conservation of said resources;

The text amendment does not affect natural resources of the City.

Prospective requirements for the development of natural resources in the City;

The text amendment does not affect natural resources of the City.

The public need for healthful, safe, aesthetic surroundings and conditions.

The text amendment aims to provide healthful, safe, aesthetic surroundings and conditions for pets, which includes a reasonable opportunity for fresh air and exercise. Again,

the two tier amendment will ensure the general public is not adversely affected by outdoor play areas.

Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

There are no material changes in the area or mistakes that are being corrected.

(5) The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

This application does not include a comprehensive plan amendment or an amendment to residential land use. This criterion is not applicable.

(6) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

There are no planning goals or administrative rules regarding doggie day care, or other small scale retail uses. Planning Goal 12 and its accompanying administrative rule OAR 660-012 (the Transportation Planning Rule) only require analysis when the proposed use will have an impact on transportation facilities. Because doggie day care generates fewer vehicle trips than other uses which are already permitted outright in the General Commercial Zone, this text amendment will not have an adverse effect on traffic.

(7) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

Similarly, there are no provisions in the Functional Plan regarding doggie day care or other small scale retail uses. The Functional Plan does not require analysis when a local jurisdiction updates its code by permitting a new retail use which will not have an impact on public facilities or natural resources.

(8) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

The text amendment adds a new use to the General Commercial district; a use which generates less traffic than other uses already permitted. The detailed analysis of level of service was provided during the zone change for this property, and the level of service will not be affected by use of the property for doggie day care.

Conditional Use

The conditional use application is bundled with the text amendment so the City can review both applications simultaneously and without redundant hearings. The conditional use must meet the criteria in Section 32.030.

(1) The use is listed as a conditional use in the underlying planning district.

The text amendment provides that doggie day care with an outdoor play area is a conditional use in the General Commercial District, subject to the two conditions. The first condition is that the subject lot must not be within 300 feet of a residential district. The subject property is approximately 1000 feet from the nearest residential district, which is southeast of the subject lot, in Lake Oswego. The second condition is that the play area must be fenced, and a drawing of the proposed fence is enclosed.

(2) The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

The site is the former Nagel Glass shop on Boones Ferry Road. On the east side of the building, two large overhead garage doors lead out to the former truck loading area. The loading area is approximately 1600 square feet, and this is the space proposed for the outdoor dog play area. The shape of the play area is roughly square. The location is adjacent to a Jiffy Lube oil change business and other automotive businesses. The topography is flat and the play area is paved. The existing improvement is primarily the building, which will be renovated. The existing natural features are mature conifer trees which will remain in place.

(3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

The proposed development is timely, given the increasing market demand for this retail use. The addition of an outdoor play area to this use – which is already permitted outright when conducted indoors – will not have a material effect on transportation systems, public facilities, and services planned for the area affected by the use.

(4) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

The surrounding properties to the east and north are zoned for manufacturing uses, and occupied by automotive service and repair businesses. The surrounding properties to the south and west are zoned for commercial and industrial uses, and the closet businesses are a dry cleaners and the Safeway grocery store.

The character of the surrounding area is intensive commercial and light industrial, which are not noise sensitive uses, so the outdoor play area will not limit, impair or preclude these uses.

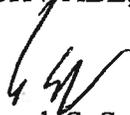
(5) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Section 6.010(3) of the Community Plan describes the background for this proposal: "Greater concentrations of population and the relatively high incomes of the area's residents will support increasingly specialized types of retail and service establishments." Doggie day care is precisely this type of business. The applicable objective for the General Commercial district is found in Section 6.040(5): "To provide areas suitable for a full range of commercial uses, including those uses that are inappropriate for neighborhood, office or central commercial areas." Outdoor dog play areas may not be appropriate in neighborhood, office or downtown areas. This objective clearly distinguishes between the general commercial and other commercial zoning districts, and emphasizes that the General Commercial district is suitable for the "full range" of uses.

Thank you for your assistance with this application.

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.



Joseph S. Schaefer
Land Use Planner

JSS:ae
Enclosures

APPLICATION FOR PLAN TEXT AMENDMENT

City of Tualatin Community Development Dept – Planning Division
18880 SW Martinazzi Avenue
Tualatin, OR 97062
503-691-3026

Case No. PTA-10-01
Fee Rec'd. \$2000.00
Receipt No. 739078
Date Rec'd. 1-6-10
By SC

PLEASE PRINT IN BLACK INK OR TYPE

Nature of amendment requested Addition of Doggie Day Care to the list of
permitted and conditional uses in the General Commercial District.

State the specific section number(s) of the Code to be amended Section 31.060
Section 54.020, and Section 54.030

As the applicant and person responsible for this application, I, the undersigned hereby acknowledge that I have read the instructions and information sheet and understand the requirements described therein, and state that the information supplied is as complete and detailed as is currently possible, to the best of my knowledge.

Applicant's Signature [Signature] SOLE MEMBER

Applicant's Name Joseph Schaefer, Land Use Planner Phone (503) 796-2091

Applicant's address 1211 SW 5th Avenue, Suite 1500 Portland OR 97204
(street) (city) (state) (zip)

Applicant is: Owner Contract Purchaser Developer Agent

Other _____

If the request is for a specific property:

County Clackamas Map # 21E18BC Tax Lot #(s) 1400

Owner's Name Oswego Investors, LLC

Owner's Address P.O. Box 130 Lake Oswego OR 97034
(street) (city) (state) (zip)

Owner recognition of application: [Signature] (Applicant)

(signature of owner(s))

GROUP
MACKENZIE
CELEBRATING 50 YEARS

March 31, 2010

City of Tualatin
Attention: Tony Doran
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

Re: **Hansen's Corner**
Technical Response 2 to Development Impacts
Project Number 2050128.01

Dear Mr. Doran:

This letter provides supplemental transportation analysis of the proposed Plan Text Amendment and Conditional Use Permit for the doggie day care use at Hansen's Corner in Tualatin.

In 2005, transportation issues for this property were extensively analyzed for the zone change from Light Manufacturing to General Commercial, and are contained in the June 16, 2005 Hansen's Corner Community Plan Map Amendment Transportation Impact Analysis (TIA) and the August 1, 2005 Technical Response 1 letter, both prepared by Group Mackenzie. In support of the proposed conditional use, the following items are more specifically addressed in this letter:

1. Background
2. Current Proposal
3. Trip Generation
4. Summary

BACKGROUND

In 2005, consistent with Transportation Planning Rule requirements, traffic impacts resulting from a reasonable worst-case development scenario in the proposed General Commercial (CG) zone were analyzed. Given the subject site location and configuration, reasonable worst-case development was assumed to be a 2,400 square foot fast food restaurant with drive through. This use generated 83 total PM peak hour trips, 58 pass-by (70% of total), and 25 primary trips.

Findings contained in the TIA indicated the proposed CG was not anticipated to significantly affect the transportation facility and via subsequent land use actions, the CG zone was approved.

CURRENT PROPOSAL

The applicant is currently proposing a specific use, a doggie day care accommodating 30 dogs in the CG zone, and City staff is requesting the resulting traffic impacts be reviewed to ensure the proposed use does not generate more traffic than previously assumed. City staff is

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Tel: 503.224.9500 Web: www.gmpmack.com Fax: 503.228.0285

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Civil Engineering
Land Use Planning
Transportation
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Architecture

Locations:

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Seattle, Washington
Vancouver, Washington

City of Tualatin
Hansen's Corner
Project Number 2050128.01
March 31, 2010
Page 2

further requesting a comparison of doggie day care impacts to those of other common uses in the CG zone.

TRIP GENERATION

For trip generation purposes, a doggie day care functions much like day care for children, where the majority of drop-offs occur during the morning, trip generation slows during the mid-day, and the majority of pick-ups occur in the late afternoon (PM peak hour). And often, trips are chained with work commute trips.

Based on data contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 8th Edition, the trip generation for Day Care Center (ITE Code 565), similar to a doggie day care, is 0.82 trips per student during the weekday PM peak hour. The proposed doggie daycare facility will accommodate 30 dogs, resulting in a total of 25 total PM peak hour trips. This is far fewer than the 83 total PM peak hour trips generated by a fast food restaurant with drive through.

For purposes of additional comparison, a 2,400 square foot office use (ITE Code 710) would generate 4 PM peak hour trips, and a 2,400 square foot specialty retail use (ITE Code 814) would generate 7 PM peak hour trips.

SUMMARY

Based on materials contained in this letter, addition of doggie day care accommodating 30 dogs as an allowed use in the General Commercial zone will not generate more vehicle trips during the weekday PM peak hour than the previously identified reasonable worst-case development, and will result in fewer actual vehicles coming to the property than a fast food restaurant.

As a result, approval of the Plan Text Amendment and Conditional Use will not negatively affect traffic in the General Commercial zone.

Sincerely,



Christopher M. Clemow, P.E.
Transportation Engineer

c: Joseph Schaefer – Schwabe, Williamson & Wyatt



CITY OF TUALATIN
RECEIVED
APR 12 2010
ENGINEERING &
BUILDING DEPARTMENT

April 7, 2010

City of Tualatin
Attention: Tony Doran
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

Re: **Hansen's Corner**
Technical Response #3 to Development Impacts
Project Number 2050128.01

Dear Mr. Doran:

This letter provides supplemental transportation analysis of the proposed Plan Text Amendment and Conditional Use Permit for the dog day care use at Hansen's Corner in Tualatin.

In response to City of Tualatin review comments of the recently submitted March 31, 2010 Technical Response #2 letter, the following items are more specifically addressed:

1. Trip Generation Rates
2. Summary

TRIP GENERATION RATES

The following table presents trip generation rate data from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 8th Edition for the proposed conditional dog (pet) day care land use and the reasonable worst-case land use allowed in General Commercial (CG) zone.

For trip generation purposes, a doggie day care functions much like day care for children, where the majority of drop-offs occur during the morning, trip generation slows during the mid-day, and the majority of pick-ups occur in the late afternoon (PM peak hour). And often, trips are chained with work commute trips.

TABLE 1 - TRIP GENERATION RATES					
Land Use	ITE Code	Units	Trip Generation Rate		
			Daily	AM Peak Hour ³	PM Peak Hour ³
Day Care Center	565	1,000 SF ²	79.26	12.26	12.46
Fast Food Restaurant with Drive-thru ¹	934	1,000 SF	496.12	49.35	33.84

¹ Previously identified as the reasonable worst-case land use.

² Day care facilities vary greatly in size depending on amenities; therefore, trip generation rates using facility square footage as the independent variable also vary greatly - i.e. the standard deviation is high. These facilities are typically governed/licensed based on the number of children, which as an independent variable, has a significantly lower standard deviation and is the preferred independent variable.

³ Peak hour of the adjacent street traffic.

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Group Mackenzie, Incorporated

Architecture Interiors

Structural Engineering

Civil Engineering

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Transportation Planning

Landscape Architecture

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Vancouver, Washington

PTA-10-01
ATT A

City of Tualatin
Hansen's Corner
Project Number 2050128.01
April 7, 2010
Page 2

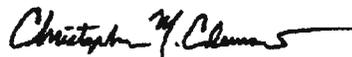
When the CG zone was approved, a fast food restaurant with drive-thru was identified as the reasonable worst-case land use. Materials contained in this letter support this conclusion and indicate a day care center generates fewer trips on a per square foot basis.

SUMMARY

Based on materials contained in this letter, a dog (pet) day care land use generates fewer daily vehicle trips and fewer vehicle trips during the weekday AM and PM peak hours than the previously identified reasonable worst-case land use.

As a result, approval of the Plan Text Amendment and Conditional Use will not negatively affect traffic in the General Commercial zone.

Sincerely,



Christopher M. Clemow, P.E.
Transportation Engineer



RENEWS 31 DEC 2010

c: Joseph Schaefer – Schwabe, Williamson & Wyatt

ATTACHMENT B

PTA-10-01: BACKGROUND INFORMATION

Pertinent background information obtained from the proposed PTA-10-01 and other supporting documents is summarized in this section.

The amendment is an application submitted by Joseph Schaefer representing Drew Prell and Oswego Investors, LLC. Oswego Investors owns a .76 acre property with 2 buildings in the CG (General Commercial) Planning District (Attachment A). The property is known as the Hansen's Corner commercial development and has frontage on SW Lower Boones Ferry Road (south) and SW 63rd Avenue (west).

Oswego Investors seeks to amend the TDC to allow "Doggie Day Care" as a listed permitted use in the CG Planning District and to allow Dog Day Care with an outdoor dog activity area as a conditional use with standards for location and enclosure. The purpose of the amendment proposed by Oswego Investors is to allow a prospective tenant to occupy a Hansen's Corner lease space and conduct a dog day care use with outdoor activity area. The property is in the CG Planning District, where various retail uses including "pet shops" and veterinary services including "veterinarian's office or animal hospitals" are listed as permitted [TDC (Tualatin Development Code) 54.020(1) & (2)(b)]. By a staff interpretation of TDC Chapter 54.020, dog day care, pet grooming, pet obedience training, pet overnight boarding are allowed as a CG Planning District permitted use when conducted entirely indoors. Outdoor pet care, training or boarding activities were not interpreted as an allowed use.

ATTACHMENT C

PTA-10-01: ANALYSIS AND FINDINGS June 14, 2010 Council Hearing (Continued)

The approval criteria of the Tualatin Development Code (TDC) 1.032 must be met if the proposed PTA is to be granted. The Plan Amendment criteria are addressed below.

A. 1. Granting the amendment is in the public interest.

The proposed amendment to the Tualatin Development Code (TDC) Chapter 54 General Commercial Planning District and related sections of TDC 31.060 Definitions adds Doggie Day Care/Pet Day Care (indoor & outdoor) to the list of allowed uses. The public interest is to:

- 1) Allow commercial uses and services that provide a benefit to the Tualatin community and are consistent with the allowed uses in commercial districts;
- 2) Set location, enclosure and screening standards for commercial pet care activities conducted outside buildings;
- 3). Establish the standards and process for ensuring the use is located and operates in a compatible manner;
- 4) Minimize noise, odor and other disturbances. Locate outdoor pet care activities away from residential areas and out of the City's downtown area;
- 5) Define doggie/pet day care, training and boarding for dogs (and cats) as activities suitable only in commercial districts, and restrict large or exotic animals and breeding or training kennels from the use.

The applicant states "In recent years, the proliferation of households with dogs that need grooming, day care and related services during regular business hours has led to the creation of businesses providing that service. At least one such business already exists in Tualatin; however the "doggie day care" land use is not found in the Development Code." "It will serve the public interest to have this unique land use accounted for in the Development code, so that it can be properly regulated without requiring a protracted and confusing analysis of whether it is similar or not to different uses that are listed in the code." (Attachment A, pg. 2)

Public Interest #1. When the dog day care business first emerged in the late 1990s, it was interpreted as a service associated with the "animal hospital" use that at the time was allowed in the ML (Light Manufacturing) & MG (General Manufacturing) Planning Districts. Two former dog day care businesses were located on SW Tualatin-Sherwood Road in ML & MG. A plan amendment removed "animal hospital" as an allowed use in ML & MG in 2003. For various reasons not related to the plan amendment, the two dog day care businesses are no longer operating in the ML & MG districts.

The CG Planning District allows various retail uses including "pet shops" and veterinary services including "veterinarian's office or animal hospitals" listed as permitted uses [TDC (Tualatin Development Code) 54.020(1) & (2)(b)]. Staff's interpretation of TDC Chapter 54.020 was that pet day care, pet grooming, pet obedience training, pet overnight boarding are allowed as a CG Planning District permitted use when

conducted entirely indoors. Staff believed that when entirely indoors, the pet activities would not be a disturbance to neighboring businesses and residents and would be suitable for the CG district. Outdoor pet care, training or boarding activities raised concerns about disturbances caused a commercial pet care operation and were not interpreted as an allowed use in CG. A current example of this use in the CG Planning District is the PetSmart business in the Nyberg Woods shopping center. Along with the sale of pet supplies, grooming services and a pet health clinic/hospital, PetSmart provides dog day care, pet grooming, pet obedience training, and pet overnight boarding conducted entirely within the building. While the building is near a multi-family residential development, there is no record of complaints or problems with the indoor PetSmart operation.

As evidenced by the pet day care businesses in Tualatin and in other cities of the Portland area, it is a service that is in demand by residents and viewed as a benefit. The indoor facilities have been shown to be suitable for commercial areas and satisfies the Public Interest #1.

Public Interest #2 & #3. The applicant proposes allowing outdoor areas for pet exercise and activities as a conditional use with standards for a minimum distance from residential areas, for fencing/enclosure and for screening from view. Because the pet day care outdoor areas are intended to allow dogs to be active in groups and to provide a location for the animals to relieve themselves, there are concerns of noise, presence of waste & odors and a constant level of activity that would be undesirable in a residential area or to the nearby public. For example, in the ML Planning District, 300 ft. is the required minimum distance between a residential area and conditional use activities in ML that have potential noise, dust or other disturbances due to their intensity or manufacturing process. The applicant proposes a 300 ft. separation and TPAC recommended a 500 ft. distance to further separate the doggie/pet day care activity from residential uses. Staff agrees that a minimum 500 ft. distance from a outdoor pet care area to a residential area is a sufficient separation.

Screening of an outdoor pet area is also important to reduce the visibility of the pet activity inside the enclosure to the public and to minimize the potential for disturbances when pets in an enclosure react to the presence of people and pets outside the outdoor pet area. Staff recommends that slatted chain link fencing is not an appropriate screening measure in regard to its incompatible appearance, the ability for pets to see through the slatting and the slat material's lack of any sound attenuation.

The application does not provide information about hours of operation for an outdoor pet activity use. Staff believes that control of evening and early morning outdoor activity for a pet care use will benefit the public and nearby businesses by limiting noise and activity disturbances during the quieter portions of the day. TPAC agreed that a restriction on outdoor activity was appropriate and responded to the applicant's statements with a recommended a 7:00 pm to 7:00 am restriction. In the TPAC/staff Draft Ordinance (Attachment D.2), staff recommends a standard that will prohibit outdoor pet day care activity including exercise and training between the hours of 8:00

pm and 7:00 am, allowing an 8:00 pm closure for convenience of pet owners working or returning late.

TPAC was concerned about the number of dogs at a facility and issues of crowding and excessive levels of activity. TPAC requested information on standards for the capacity of a particular sized facility for a number of dogs. Staff reminded the applicant of TPAC's request for that information. Staff recommends that capacity of a particular facility can be considered in a conditional use process when based on industry standards or a specific facility and location.

The applicant proposed to allow outdoor pet areas as a conditional use. At the March 11, 2010 meeting, TPAC agreed that a conditional use process would be able to consider a proposed outdoor pet activity area in respect to impacts on neighboring properties and businesses.

The Staff/TPAC proposed standards for outdoor pet day care use with the additional standards suggested by Council (Attachment D.2) include requirements for noise & odor management, waste control, screening, and hours of operation. These protect the public need for healthful, safe and aesthetic surroundings and conditions.

In discussion at the April 12, 2010 public hearing, the Council raised concerns about the suitability of outdoor pet activity in a location near existing or future outdoor restaurant uses. While not part of the motion for continuance, the Council discussion explored a concern that problems with noise and odor when pets are outdoors at a pet day care could be detrimental to a nearby restaurant business or have impacts on a future restaurant business locating nearby. Councilors also remarked that customers of pet day care businesses typically demand very clean and orderly operations for their pets. In response to the discussion about separating an outdoor pet day care activity from a restaurant use, Staff notes the following for consideration:

1. The proposed language (Attachment D.2) will restrict a pet day care outdoor use from the City's downtown area including the Commons, the existing CC and CG Planning Districts in the downtown and areas being studied for the Tualatin Town Center Plan. The pedestrian-oriented character of the downtown area includes seasonal outdoor dining at many of the restaurants. Outdoor pet day care will not be allowed in the downtown.
2. The commercial developments in CG Planning District areas eligible for outdoor pet care use do not have the same pedestrian character as the downtown. Only a limited number of the CG properties are located more than the proposed 500 ft. from residential areas and eligible for the outdoor pet activity conditional use. Most of these are multi-tenant commercial centers such as Nyberg Retail, South Lake Center and Meridian Center where the center owners control the mix of uses and deal with compatibility issues among the tenants.
3. The proposed amendment would allow the outdoor pet day care activity as a conditional use. Conditions of approval can be attached in a decision by the Council that address site specific considerations of location/separation, screening

& buffering, mitigation of noise & odor and operation of an outdoor pet activity area.

4. The applicant's property is the subject of a separate conditional use permit application. It is bordered on the east and north by auto service uses in the Light Manufacturing (ML) Planning District where a restaurant is not allowed. The outdoor area proposed for the applicant's property is approximately 180 ft. to the east and 330 ft. south (across public streets) from CG Planning District properties where restaurants are allowed.

At the May 13 meeting, TPAC considered the information listed above and did not recommend Council adopt a standard or requirement to separate outdoor pet day care from a restaurant.

The TPAC & Staff proposed standards for the outdoor Doggie/Pet Day Care use provide distance, screening and time of day limitations as well as noise & odor mitigation, requirements for impervious surfacing and waste control measures that satisfy Public Interests #2 & 3.

Public Interest #4. The indoor pet day care use will satisfy this public interest. The proposed standards for an outdoor pet area would allow the use only in a CG Planning District location and require that the location be more than 300 ft. from a residential area and be enclosed. TPAC recommended a minimum 500 ft. distance standard is adequate to minimize the noise and activity impacts that would be disturbing to residential areas, as discussed above. The TPAC/Staff version (Attachment D.2) shows a 500 ft. separation.

Staff questions the suitability of allowing the proposed pet day care activity use in the downtown area of Tualatin that includes Central Urban Renewal District (CURD) Blocks 11, 28 & 29 (Attachment E). Currently, there are approximately 11 commercial properties in the CG Planning District in the downtown area east of SW Boones Ferry Road (CURD Block 11). The developments have frontages on SW Warm Springs, SW Tonka and the south side of SW Tualatin-Sherwood Road (Map Attachment E). Allowing indoor or outdoor pet care activity in this area is not compatible with the Tualatin Commons public pedestrian spaces and the multi-story Century Hotel located on the north side of Tualatin-Sherwood Road and not compatible with the several restaurants located throughout this general area (Pizza Hut, Bushwackers, McDonalds, Hayden's Grill, Kim's Deli) that have outdoor seating for patrons. Staff and TPAC recommend restricting pet day care use from the City's CURD Block 11 CG District.

Also, the CURD Blocks 28 & 29 located south of Old Tualatin-Sherwood Road (behind Applebees Restaurant) are in the ML Planning District with an overlay that allows CG Planning District permitted uses listed in 54.020(2). This area borders multi-family residential on the south and is part of the Town Center Plan work that will consider allowing mixed use with residential housing. If this area is designated as a commercial district with housing as a result of the Town Center Plan, the presence of established

pet day care activities would not be suitable. Staff and TPAC recommend restricting pet day care activities from the CURD Blocks 28 & 29.

With the restriction on Doggie/Pet Day Care use in the CURD Blocks 11, 28 & 29, Public Interest #4 is satisfied.

Public Interest #5. The applicant proposes the “Doggie Day Care” use to be allowed in CG Planning District and provides a definition:

“A business providing pet care services such as day care, sitting services, grooming and retail sales of pet products. Overnight boarding, breeding, and veterinary services are not provided by a doggie day care business.”

Staff believes that the proposed definition adequately describes the daytime pet sitting service that the applicant seeks and is common to numerous businesses in the metropolitan area. The TDC currently allows pet shops, small animal veterinary services and animal hospital uses with related overnight care, which would not be changed with the proposal. Breeding and training kennels are not allowed uses in the TDC and would not be allowed in the proposal.

Anticipating a need to allow the service for more than just dogs, Staff recommends changing the use term to “pet day care” so both dog and cat owners would be able to use the service. To be specific for dogs and cats, a prohibition of animals other than dogs or cats including exotic animals or animals not considered ordinary household pets should be included.

With the proposed Pet Day Care definition, Public Interest #5 is satisfied.

With the TPAC and staff recommendations to revise terminology, definitions, specify additional standards and to allow the outdoor pet day care activities as a conditional use, the public interest items 1-5 can be met and granting the amendment is in the public interest. Criterion “1” is met.

B. 2. The public interest is best protected by granting the amendment at this time.

The proposed pet day care amendment responds to the desire of Oswego Investors LLC to enlist a doggie day care tenant for their property in the CG Planning District. The application states: “The demand for this use is growing, and the Development Code should be updated promptly.”

If adopted at this time, the proposed amendment would allow businesses to locate pet day care uses in the CG Planning Districts, subject to standards and provisions adopted in PTA-10-01. This would be consistent with existing commercial uses allowed in the TDC such as pet shops, veterinary clinics and animal hospitals, and provide standards to ensure the compatibility of the use with residential areas and nearby businesses.

The public interest is best protected by granting the amendment at this time.

Criterion "2" is met.

C. 3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The applicable objectives of the Tualatin Community Plan are presented below.

TDC 6.040(5) General Commercial Planning District: "To provide areas suitable for a full range of commercial uses, including those that are inappropriate for neighborhood, office or central commercial areas."

The applicant cites this objective, stating "Doggie Day Care is a use that is not included in the Development code, and this amendment proposes to ensure that this commercial use is expressly included in the "full range" of permitted and conditional uses." The proposed amendment conforms to TDC 6.040(5).

TDC 20.030 Objectives (6) "Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through."

The proposed amendment will protect the appearance of the City by allowing a commercial use in a manner that controls the visibility of the use and will minimize noise or other impacts for neighboring properties and the public. The proposed amendment conforms to TDC 20.030(6).

The proposed amendments conform to the applicable objectives of the Tualatin Community Plan.

Criterion "3" is met.

D. 4. The factors listed in Section 1.032(4) were consciously considered:

The various characteristics of areas in the City.

The characteristics of the area of the City affected by this amendment are the retail commercial developments in CG Planning Districts. Depending on the final version of the amendment and standards for location, nearby retail commercial developments in the Central Commercial Planning District and multi-family residential areas may be affected (Attachment E). The applicant states: "While an outdoor play area for dogs is appropriate adjacent to a light manufacturing site, it likely is not appropriate adjacent to a residential site. That is why we propose a two-tier amendment, so that unique neighborhood characteristics are taken into account during each application."

The proposed amendment allowing pet day care in the CG Planning District as an indoor or outdoor activity is consistent with the shopping center characteristics of CG development. With the proposed and recommended standards restricting the use from

downtown areas and a minimum distance from residential areas, it will be appropriate in respect to nearby Central Commercial or multi-family residential development.

The suitability of the area for particular land uses and improvements.

The applicant states: “The General Commercial districts within the City allow intensive commercial uses, and there is no concern about indoor doggie day care. The real issue is the outdoor play area, and whether this district is appropriate for that use. Because some of the districts are suitable, while others may not be, the two-tier amendment creates a conditional use procedure for review of suitability case by case.” Staff agrees that with a conditional use or with specific standards, outdoor pet day care can be a suitable use in a CG district location.

Trends in land improvement and development.

The applicant states “Doggie Day Care is a growing retail trend, and because it is somewhat different than traditional animal care uses such as veterinary offices and kennels, the code should be updated with provisions appropriate to this use.” Staff agrees that appropriate standards will be necessary if allowing the outdoor pet care activity.

Property values.

The proposed amendment will allow outdoor pet care activities in the CG Planning District where most commercial activities are conducted within a building. The applicant states “Adding a new use to the lists of permitted and conditional uses will allow properties that are underutilized - in this case a vacant loading area for glass (service) trucks-to be put to productive use. The two-tier amendment offers protections to neighboring properties which potentially could be adversely affected by outdoor play areas for dogs.” The applicant is referring to the Hansen’s Corner property where a prospective pet day care business seeks to locate in a vacant tenant space.

The needs of economic enterprises and the future development of the area.

As described in the objectives section, the proposal will allow a use that expands the range of commercial uses allowed in the CG District while providing standards for minimizing any undesirable effects and protecting the visual appearance of property and the public. The applicant states “Doggie day care businesses prefer to have outdoor play areas, because the dogs naturally benefit from the fresh air and exercise.”

Needed right-of-way and access for and to particular sites in the area.

The amendment does not affect right of way and access.

Natural resources of the City and the protection and conservation of said resources.

Not applicable because the proposed amendments do not impact or alter natural resources associated with a development.

Prospective requirements for the development of natural resources in the City.

Not applicable because proposed amendments do not impact or alter natural resources associated with a development.

The public need for healthful, safe, aesthetic surroundings and conditions.

The purpose of the proposed amendment is to allow the outdoor pet care use with standards to protect the quality of the healthful and aesthetic surroundings for commercial development and residential uses. The applicant states "The text amendment aims to provide healthful, safe, aesthetic surroundings and conditions for pets, which includes a reasonable opportunity for fresh air and exercise. Again the two-tier amendment will ensure the general public is not adversely affected by outdoor play areas."

The Staff/TPAC proposed standards for outdoor pet day care use with the additional standards suggested by Council (Attachment D.2) include requirements for noise & odor management, waste control, screening, and hours of operation. These protect the public need for healthful, safe and aesthetic surroundings and conditions.

Proof of a change in a neighborhood or area.

Does not apply to the proposed revision to the CG Planning District list of uses. There is no evidence of change in a neighborhood or area that would be relevant to the proposed amendment.

A mistake in the plan map or text.

None is alleged.

The factors listed in Section 1.032(4) were consciously considered.

Criterion "4" is met.

E. 5. The criteria in the Tigard-Tualatin School District Facility Plan were considered.

The criteria in the Facility Plan were considered and found to not be applicable to this amendment regarding signs because it does not apply to existing school sites and does not represent a constraint or conflict with land available for future school sites.

F. 6. Oregon Statewide Planning Goals

Of the 14 Statewide Goals, each of the goals were considered and found to not be applicable to this amendment.

G. 7. Metro's Urban Growth Management Functional Plan (UGMFP).

The UGMFP and TDC Map 9-4 Design Type Boundaries, identify the CG Planning District areas as “EA Employment Area” (Lower Boones Ferry Road and east side of I-5), “TC Town Center” (Downtown area) and “CO Corridor” on Hwy 99W. The proposed amendment allowing pet day care does not materially affect the EA, TC and CO classifications.

H. 8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's Planning Area.

The application materials did not include transportation information to be used to evaluate the proposals. The applicant was reminded that transportation information from a registered traffic engineer was needed. Traffic letters submitted on March 31 and April 9, 2010 did not contain information about the Level of Service (LOS) that would be expected for this use at intersections such as SW 63rd Avenue and SW Lower Boones Ferry Road. (Attachment A) The Engineering Division does not have the required information to perform an evaluation of Criterion 8 and to support a recommendation for the approval or denial of PTA-10-01 (Attachment F).

AN ORDINANCE AMENDING THE GENERAL COMMERCIAL (CG) PLANNING DISTRICT TO ALLOW "DOGGIE DAY CARE" AND AMENDING TDC 31.060, 54.020 AND 54.030 (PTA-10-01)

WHEREAS upon the application of Drew Prell and Oswego Investors, LLC, a public hearing was held before the City Council of the City of Tualatin on April 12, 2010, related to a Plan Text Amendment of the TDC; and amending TDC 31.060, 54.020 and 54.030 (PTA-10-01); and

WHEREAS notice of public hearing was given as required under the TDC by publication on in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," and by mailing a copy of the notice to affected property owners, which is evidenced by the Affidavit of Mailing marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on April 12, 2010, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [-],

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated April 12, 2010, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Attachment D.1. Applicant suggested text amendment.

Section 1. TDC 31.060 is amended to read:

Section 31.060 Definitions.

Doggie Day Care A business providing pet care services such as day care, sitting services, grooming, and retail sales of pet products. Overnight boarding, breeding, and veterinary services are not provided by a doggie day care business.

Section 2. TDC 54.020 is amended to read:

Section 54.020 Permitted Uses.

No building, structure or land shall be used except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities , and provided retail uses on land designated Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Any use permitted outright in a Central Commercial Planning District, as provided in TDC 53.020.

(2) Others:

(a-s) NO CHANGE.

(t) Taxidermy shop.

(u) Testing laboratory.

(v) Veterinarian's office or animal hospital.

(w) Doggie Day Care (Indoor Only)

~~(w)~~ (x) Other uses of similar character, when found by the Planning Director to meet the purpose of this district, as provided herein by TDC 31.070.

Section 3. TDC 54.030 is amended to read:

Section 54.030 Conditional Uses.

The following uses are permitted when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Any conditional use permitted in a Central Commercial Planning District in accordance with TDC 53.050.

(5) Doggie Day Care (Outdoor only) subject to the following provisions

(a) The subject lot is not within 300 feet of a Residential Planning District, and

(b) the outdoor play area must be completely enclosed with a minimum 6 feet high, sight-obscuring fence.

(5-7) Re-number (6-8)

INTRODUCED AND ADOPTED this 12th day of April, 2010.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GENERAL COMMERCIAL (CG) PLANNING DISTRICT TO ALLOW "DOGGIE DAY CARE" AND AMENDING TDC 31.060, 54.020 AND 54.030 (PTA-10-01)

WHEREAS upon the application of Drew Prell and Oswego Investors, LLC, a public hearing was held before the City Council of the City of Tualatin on xxxx xx, 2010, related to a Plan Text Amendment of the TDC; and amending TDC 31.060, 54.020 and 54.030 (PTA-10-01); and

WHEREAS notice of public hearing was given as required under the TDC by publication on in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," and by mailing a copy of the notice to affected property owners, which is evidenced by the Affidavit of Mailing marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on xx xx, 2010, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [-_],

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated xxx xx, 2010, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit D," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 31.060 is amended to read:

Section 31.060 Definitions.

Pet Day Care A business providing pet care services for dogs and cats such as day care, sitting services, grooming, and retail sales of pet products. Pet Day Care is not allowed for animals other than dogs or cats including exotic animals or animals not considered ordinary household pets. Kennels for dog breeding and training are not allowed.

Section 2. TDC 54.020 is amended to read:

Section 54.020 Permitted Uses.

No building, structure or land shall be used except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Any use permitted outright in a Central Commercial Planning District, as provided in TDC 53.020.

(2) Others:

(a - s) NO CHANGE

(t) Taxidermy shop.

(u) Testing laboratory.

(v) Veterinarian's office or animal hospital.

(w) Pet Day Care (Indoor Only)[not in the Central Urban Renewal District (CURD) Blocks 11, 28 & 29]

~~(w)~~ (x) Other uses of similar character, when found by the Planning Director to meet the purpose of this district, as provided herein by TDC 31.070.

Section 3. TDC 54.030 is amended to read:

Section 54.030 Conditional Uses.

The following uses are permitted when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Any conditional use permitted in a Central Commercial Planning District in accordance with TDC 53.050.

(2-4) NO CHANGE

(5) Pet Day Care (indoor facility with outdoor activity area), subject to the following provisions:

(a) The subject lot is not within 500 feet of a Residential Planning District and is not in the Central Urban Renewal District (CURD) Blocks 11, 28 & 29,

(b) the outdoor activity area shall:

- i. Be a contained, continuously paved impervious surface;
- ii. Have a drainage system that contains all animal waste material for discharge to the sanitary sewer system;
- iii. Be completely enclosed with a minimum 8 feet high, sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure.

(c) No outdoor pet day care activity including exercise and training shall occur between the hours of 8:00 pm and 7:00 am.

(d) The applicant shall submit with the conditional use permit application a noise, odor and animal waste material mitigation plan for the design and management of the outdoor pet day care facility, showing how impacts on neighboring properties and businesses will be eliminated or minimized.

(5-7) Re-number (6-8)

INTRODUCED AND ADOPTED this xxx day of xxxl, 2010.

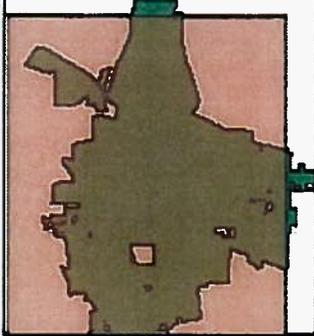
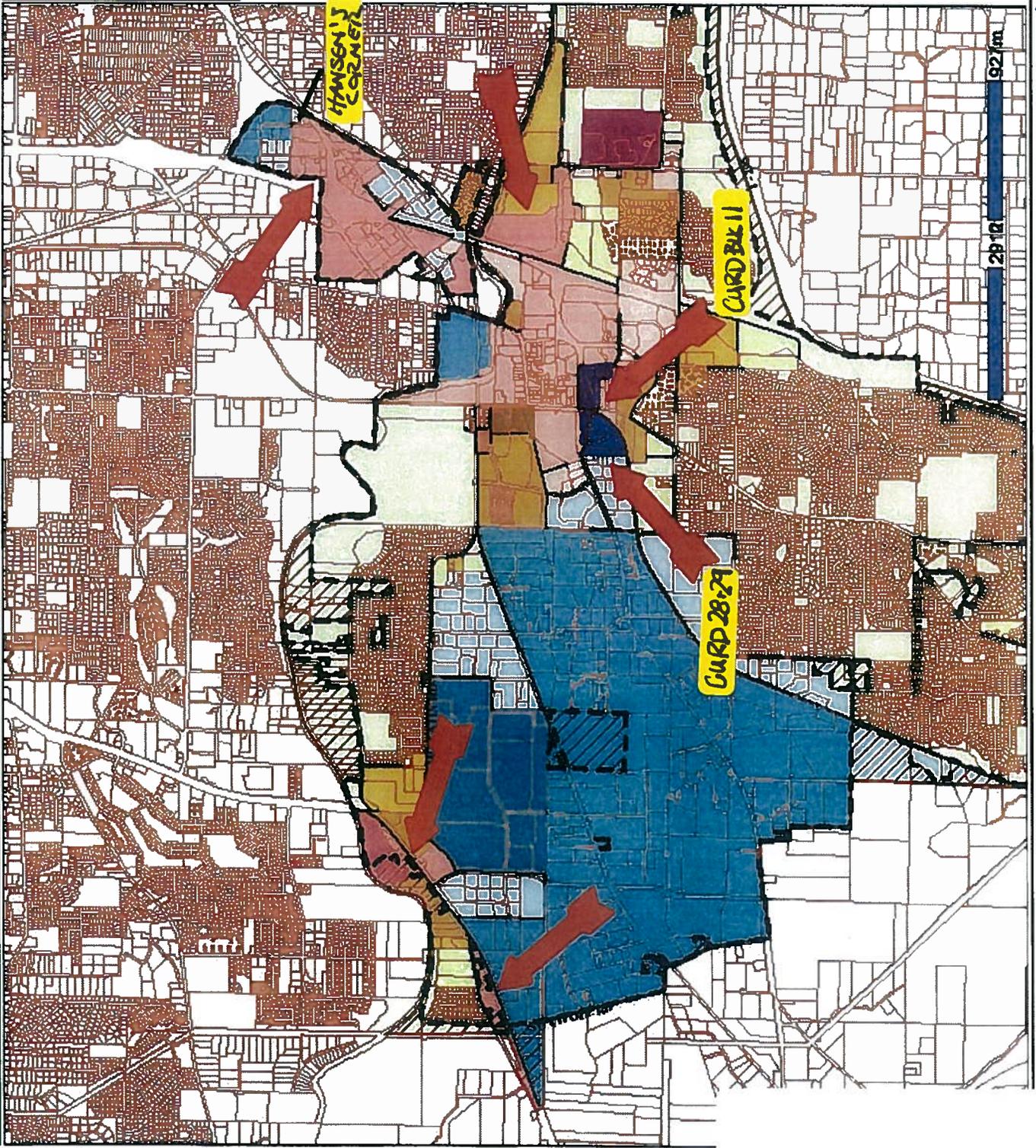
CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

TualMap: Area of Interest Map



Planning Districts



CG
PLANNING
DISTRICT

CURD
11,
BLOCKS 28-29

PA-10-01

ATTACHMENT E



City of Tualatin

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MEMORANDUM

DATE: April 14, 2010

TO: Will Harper, AICP
Associate Planner

FROM: Tony Doran, EIT
Engineering Associate

SUBJECT: **PTA 10-01 Dog Day Care CG Zone & CUP 10-01 Hansen's Corner**

The applicant has submitted traffic information on March 31 & April 9 of 2010 titled Technical Response 2 & 3, respectively, to Development Impacts. These letters refer to a June 16, 2005 *Hansen's Corner Community Plan Map Amendment Transportation Impact Analysis (TIA)* and the August 1, 2005 *Technical Response 1 to Development Impacts* submitted to approve a zone change from Light Manufacturing (ML) to General Commercial (CG).

The traffic letters recently submitted for the current PTA and CUP include the following information. For trip generation purposes, a doggie day care functions much like day care for children (ITE 565), where the majority of drop-offs occur during the morning, trip generation slows during the mid-day, and the majority of pick-ups occur in the late afternoon (PM peak hour). Often trips are chained with work commute trips. It is noted that day care facilities vary greatly in size depending on amenities. Trip generation rates based on square footage vary greatly. The preferred independent variable is the number of children which has a much lower standard deviation for trip generation.

ODOT, Washington County, and Clackamas County have not submitted responses at this time.

OAR 660-012-0060 Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned



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transportation facility (exclusive of correction of map errors in an adopted plan);

- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:

- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

TDC 1.032 Burden of Proof (8) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

The PTA objective is to allow Dog Day Care as a permitted use for the General Commercial (CG) planning district. The applicant provided the following trip generation information:

PTA Trip Generation for 1,000 sq. ft.

Scenario	AM Peak	PM Peak	ADT
Fast Food (ITE 934)	49.35	33.84	496.12
Dog Day Care (ITE 565)	12.26	12.46	79.26

Evaluating trip generation of potential uses currently allowed in the zone show that the proposed dog day care (based on Day Care Center, ITE 565) is less than the reasonable worst case of a 'Fast-Food Restaurant with Drive-Through Window' (ITE 934).

The submittals did not provide any LOS data.



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The CUP objective is to allow outdoor dog day care for 2,400 sq. ft. of the Hansen's Corner development. This would provide care for 30 dogs. The applicant provided the following trip generation information:

CUP Trip Generation for 2,400 sq. ft.

<u>Scenario</u>	<u>AM Peak</u>	<u>PM Peak</u>	<u>ADT</u>
Previous Zone Change to CG	132	113	1,191
Fast Food (ITE 934)		83	
Day Care (ITE 565)		25	
Specialty Retail Use (ITE 814)		7	
Office Use (ITE 710)		4	

Note: Specialty Retail Use and Office use are other currently allowed uses in the CG zone and were provided for additional comparison. AM Peak and ADT values were not provided for this specific instance.

The traffic information from the previous zone change in 2005 included the following information. The General Commercial zone reasonable worst case trip generation is fast food restaurant. The 2005 zone change accepted a potential trip generation of 83 PM peak hour trips for a 2,400 square foot building. The TIA addressed the stop controlled intersection of SW 63rd Avenue & SW Lower Boones Ferry Road. For the year 2020, the TIA states that while the eastbound left-turn and southbound right-turn movements would both operate at an acceptable level-of-service (LOS) of C, the southbound left-turn movement would operate an LOS of F regardless of ML or GC zone designation.

The submittals did not provide any LOS data.

Transportation

The site is adjacent to and development will have access to SW 63rd Avenue and SW Lower Boones Ferry Road.

SW Lower Boones Ferry Road

SW Lower Boones Ferry Road is designated as a Major Arterial (Eb&t) in this area, with a fully developed width of 98 to 102 feet. The existing, approximately, 105-foot right-of-way is sufficient. Clackamas County has jurisdiction of the right-of-way for SW Lower Boones Ferry Road adjacent to this lot.



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SW 63rd Avenue

SW 63rd Avenue is designated as a Local Commercial (BC-I) in this area, with a fully developed width of 60 feet. There exists approximately 52 feet of right-of-way. The west width from centerline is 32 feet. The east width from centerline, next to this development, has only 20 feet.

Sanitary Sewer, Stormwater, & Water

For any future Architectural Review, downstream sizing for all public utilities will need to be evaluated by the developer for any changes from standard use or previously approved development. Any upsizing will be a requirement in the Architectural Review decision.

Public sanitary sewer, stormwater, and water lines exist in the SW 63rd Avenue adjacent to the development. The applicant will need to verify the capacity of existing public lines prior to obtaining a Water Quality and Public Works Permit associated with the development of the future Architectural Review.

TMC 3-2-010 Definitions.

(13) "Sewage" means the water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. The admixture with sewage of industrial wastes or water shall also be considered sewage.

TMC 3-5-120 Maintaining Water Quality.

(2) Pollutants such as fuels, lubricants, bitumens, raw sewage, and other harmful materials shall not be discharged into or near rivers, streams or impoundments.

The presence of animals creates the potential for animal waste. Impervious outdoor locations create the potential for stormwater to unacceptably convey untreated animal waste into the stormwater system polluting stormwater facilities, streams, and rivers. Therefore, all impervious areas that receive or convey stormwater which are subject to the potential of animal waste will need to be conveyed to sanitary sewer rather than stormwater systems. Approval of sanitary sewer design will occur during land use decisions and building permits.

Engineering Recommendation

Due to the lack of submittal of complete traffic information as noted above, Engineering cannot conclude a recommendation of approval nor denial for either the PTA and the CUP.

ORDINANCE NO. 1305-10

AN ORDINANCE AMENDING THE GENERAL COMMERCIAL (CG) PLANNING DISTRICT TO ALLOW "DOGGIE DAY CARE," AND AMENDING TDC 31.060, 54.020 AND 54.030 (PTA-10-01)

WHEREAS upon the application of Drew Prell and Oswego Investors, LLC, a public hearing was held before the City Council of the City of Tualatin on April 12, 2010 and continued on June 14, 200, to consider a Plan Text Amendment of the TDC; and amending TDC 31.060, 54.020 and 54.030 (PTA-10-01); and

WHEREAS notice of public hearing was given as required under the TDC by publication on in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," and by mailing a copy of the notice to affected property owners, which is evidenced by the Affidavit of Mailing marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on April 12, 2010 and continued on June 14, 2010, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [6-0] in favor with Councilor Harris absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff reports dated April 12, 2010 and June 14, 2010, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff reports attached as "Exhibit D," which are incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time; and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

Attachment D.1. Applicant suggested text amendment.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 31.060 is amended to add the following definition in alphabetical order:

Pet Day Care A business providing pet care services for dogs and cats such as day care, sitting services, grooming, and retail sales of pet products. Pet Day Care is not allowed for animals other than dogs or cats including exotic animals or animals not considered ordinary household pets. Kennels for dog breeding and training are not allowed.

Section 2. TDC 54.020 is amended to read as follows:

No building, structure or land shall be used except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Any use permitted outright in a Central Commercial Planning District, as provided in TDC 53.020.

(2) Others:

(a) Automobile glass shop; auto leasing office with no more than five autos stored on site; auto service shop, including but not limited to, service for air conditioners, electrical, brakes, washing, mufflers, oil or lubrication, sound, transmissions, tune-up, and upholstery; and auto tire shop.

(b) Automobile service station, with or without a mini-mart, subject to the following provisions:

(i) Minimum street frontage on each street on a corner lot: 120 feet.

(ii) Minimum street frontage on an interior lot: 150 feet.

(iii) Minimum building setback from any street right-of-way: 40 feet.

(iv) Minimum pump island setback from any lot line: 15 feet.

(v) Only two access points shall be allowed for an interior lot. A corner lot and a through lot shall be allowed only one access per street frontage.

(vi) The storage and display of merchandise such as tires and batteries offered for sale shall be conducted in the station building. However, small items such as oil and windshield wiper blades may be displayed outside the building.

(vii) No outside storage or sale of any vehicles is permitted.

(viii) All exterior walls and pump islands shall be a minimum distance of 400 feet from the exterior walls and outdoor play areas of any child day care center or family day care provider, irrespective of any structures in between.

(c) Automobile towing company office and dispatch office (no outdoor storage of towed vehicles).

(d) Boat, boat motor and boat trailer sales (does not include maintenance, service or repair), provided the boats do not exceed 18 feet in length, the boat motors do not exceed 40 horsepower and the boat trailers are single axle. An outdoor storage, display and sales area is allowed subject to the following provisions:

(i) boats, motors, and trailers are not the primary products sold by the store,

(ii) the outdoor area shall abut a wall of the store,

(iii) the outdoor area shall not exceed 10 percent of the store's gross floor area and shall not in any case exceed 5,000 square feet,

(iv) no less than 25 percent of the outdoor area shall be covered by a permanent roof,

(v) all sides of the outdoor area not abutting a wall of the store shall be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height as approved through the Architectural Review process, and

(vi) stored materials shall not exceed the height of the sight obscuring barrier when viewed from street level.

(e) Retail sales of building and home improvement materials and supplies, including garden tractors not exceeding 25 horsepower. An outdoor storage, display, and sales area is allowed subject to the following provisions:

(i) the store's gross floor area shall be not less than 50,000 square feet,

(ii) the outdoor area shall abut a wall of the store,

(iii) the outdoor area shall not exceed 10 percent of the store's gross floor area and shall not in any case exceed 15,000 square feet,

(iv) no less than 50 percent of the outdoor area shall be covered by a permanent roof,

(v) all sides of the outdoor area not abutting a wall of the store shall be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than 6 feet in height as approved through the Architectural Review process, and

(vi) stored materials shall not exceed the height of the sight obscuring barrier when viewed from street level.

- (f) Dental laboratory.
- (g) Drive-in restaurant.
- (h) Feed and seed store.
- (i) Frozen food locker.
- (j) Memorial planning and products center
- (k) Motel or tourist court.
- (l) Motorcycle sales and service.
- (m) Nursery or greenhouse (allowed outdoors).
- (n) Optical lens grinder.
- (o) Photo processing.
- (p) Publishing house.
- (q) Rental of various small equipment, tools, and devices.
- (r) Recreational water, snow, and land vehicles sales and service.
- (s) Restaurant, take-out.
- (t) Taxidermy shop.
- (u) Testing laboratory.

(v) Veterinarian's office or animal hospital.

(w) Pet Day Care (Indoor Only)[not in the Central Urban Renewal District (CURD) Blocks 11, 28 & 29]

~~(w)~~ (x) Other uses of similar character, when found by the Planning Director to meet the purpose of this district, as provided herein by TDC 31.070.

Section 3. TDC 54.030 is amended to read as follows:

The following uses are permitted when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Any conditional use permitted in a Central Commercial Planning District in accordance with TDC 53.050.

(2) Adult business, as defined in TDC 31.060 and meeting the following requirements:

(a) The proposed use complies with all requirements set forth in Chapter 32 for the issuance of a conditional use permit.

(b) The subject lot is not within one thousand (1000) feet of the nearest residential Planning District or residential use.

(c) The lot is not within one thousand (1000) feet of any lot upon which there is located a church, educational institution primarily attended by minors, a public park or recreational facility, a day nursery or child day care center, a mobile home park, or any other public facility which is customarily utilized by minors.

(d) The lot is not within fifteen hundred (1500) feet of any lot upon which there is located another adult business.

(e) The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity.

(f) The business shall be permitted an identification sign but shall not exhibit advertisements, displays or any other promotional or advertising materials that may be visible to the public outside the structure.

(g) All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semi-public area.

(h) The City Council may, at its discretion conduct a poll or survey of residents and property owners in the vicinity of a proposed adult business if such a poll or survey is determined to be necessary to adequately assess the social, economic or other impacts of the proposed adult business. Any such poll or survey shall be advisory only.

(3) Family recreation center, as defined in TDC 31.060.

(4) Automobile towing company office and dispatch office with outdoor vehicle storage, subject to the following provisions:

(a) Vehicle storage shall be screened with a solid sight-obscuring wall or fence not less than 6 feet in height, and

(b) A perimeter landscaped area at least 5 feet in width shall be provided on the outside of the storage area wall or fence as approved through the Architectural Review process. The perimeter landscaped area shall be planted with evergreen plant materials which will reach the height of the wall or fence within three years from the time of planting, and

(c) The storage area shall be paved with asphalt or concrete.

(5) Pet Day Care (indoor facility with outdoor activity area), subject to the following provisions:

(a) The subject lot is not within 500 feet of a Residential Planning District and is not in the Central Urban Renewal District (CURD) Blocks 11, 28 & 29.

(b) The outdoor activity area shall:

(i) be contained, continuously paved impervious surface;

(ii) have a drainage system that contains all animal waste material for discharge to the sanitary sewer system;

(iii) be completely enclosed with a minimum 8 feet high, sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure.

(c) No outdoor pet day care activity including exercise and training shall occur between the hours of 8:00 pm and 7:00 am.

(d) The applicant shall submit with the conditional use permit application a noise, odor and animal waste material mitigation plan for the design and management of the outdoor pet day care facility, showing how impacts on neighboring properties and businesses will be eliminated or minimized.

(56) Electrical substation.

(67) Natural gas pumping station.

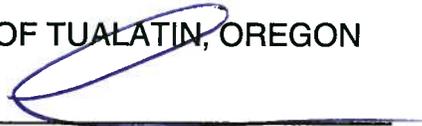
(78) Water reservoir.

(89) Wireless communication facility, except on Block 11 of the Central Urban Renewal District where the use is prohibited.

INTRODUCED AND ADOPTED this 14th day of June, 2010.

CITY OF TUALATIN, OREGON

BY



Mayor

ATTEST:

BY



City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTACHMENT A, B, & C
are included in the
April 12th Packet

ATTACHMENT C

PTA-10-01: ANALYSIS AND FINDINGS June 14, 2010 Council Hearing (Continued)

The approval criteria of the Tualatin Development Code (TDC) 1.032 must be met if the proposed PTA is to be granted. The Plan Amendment criteria are addressed below.

A. 1. Granting the amendment is in the public interest.

The proposed amendment to the Tualatin Development Code (TDC) Chapter 54 General Commercial Planning District and related sections of TDC 31.060 Definitions adds Doggie Day Care/Pet Day Care (indoor & outdoor) to the list of allowed uses. The public interest is to:

- 1) Allow commercial uses and services that provide a benefit to the Tualatin community and are consistent with the allowed uses in commercial districts;
- 2) Set location, enclosure and screening standards for commercial pet care activities conducted outside buildings;
- 3). Establish the standards and process for ensuring the use is located and operates in a compatible manner;
- 4) Minimize noise, odor and other disturbances. Locate outdoor pet care activities away from residential areas and out of the City's downtown area;
- 5) Define doggie/pet day care, training and boarding for dogs (and cats) as activities suitable only in commercial districts, and restrict large or exotic animals and breeding or training kennels from the use.

The applicant states "In recent years, the proliferation of households with dogs that need grooming, day care and related services during regular business hours has led to the creation of businesses providing that service. At least one such business already exists in Tualatin; however the "doggie day care" land use is not found in the Development Code." "It will serve the public interest to have this unique land use accounted for in the Development code, so that it can be properly regulated without requiring a protracted and confusing analysis of whether it is similar or not to different uses that are listed in the code." (Attachment A, pg. 2)

Public Interest #1. When the dog day care business first emerged in the late 1990s, it was interpreted as a service associated with the "animal hospital" use that at the time was allowed in the ML (Light Manufacturing) & MG (General Manufacturing) Planning Districts. Two former dog day care businesses were located on SW Tualatin-Sherwood Road in ML & MG. A plan amendment removed "animal hospital" as an allowed use in ML & MG in 2003. For various reasons not related to the plan amendment, the two dog day care businesses are no longer operating in the ML & MG districts.

The CG Planning District allows various retail uses including "pet shops" and veterinary services including "veterinarian's office or animal hospitals" listed as permitted uses [TDC (Tualatin Development Code) 54.020(1) & (2)(b)]. Staff's interpretation of TDC Chapter 54.020 was that pet day care, pet grooming, pet obedience training, pet overnight boarding are allowed as a CG Planning District permitted use when

conducted entirely indoors. Staff believed that when entirely indoors, the pet activities would not be a disturbance to neighboring businesses and residents and would be suitable for the CG district. Outdoor pet care, training or boarding activities raised concerns about disturbances caused a commercial pet care operation and were not interpreted as an allowed use in CG. A current example of this use in the CG Planning District is the PetSmart business in the Nyberg Woods shopping center. Along with the sale of pet supplies, grooming services and a pet health clinic/hospital, PetSmart provides dog day care, pet grooming, pet obedience training, and pet overnight boarding conducted entirely within the building. While the building is near a multi-family residential development, there is no record of complaints or problems with the indoor PetSmart operation.

As evidenced by the pet day care businesses in Tualatin and in other cities of the Portland area, it is a service that is in demand by residents and viewed as a benefit. The indoor facilities have been shown to be suitable for commercial areas and satisfies the Public Interest #1.

Public Interest #2 & #3. The applicant proposes allowing outdoor areas for pet exercise and activities as a conditional use with standards for a minimum distance from residential areas, for fencing/enclosure and for screening from view. Because the pet day care outdoor areas are intended to allow dogs to be active in groups and to provide a location for the animals to relieve themselves, there are concerns of noise, presence of waste & odors and a constant level of activity that would be undesirable in a residential area or to the nearby public. For example, in the ML Planning District, 300 ft. is the required minimum distance between a residential area and conditional use activities in ML that have potential noise, dust or other disturbances due to their intensity or manufacturing process. The applicant proposes a 300 ft. separation and TPAC recommended a 500 ft. distance to further separate the doggie/pet day care activity from residential uses. Staff agrees that a minimum 500 ft. distance from a outdoor pet care area to a residential area is a sufficient separation.

Screening of an outdoor pet area is also important to reduce the visibility of the pet activity inside the enclosure to the public and to minimize the potential for disturbances when pets in an enclosure react to the presence of people and pets outside the outdoor pet area. Staff recommends that slatted chain link fencing is not an appropriate screening measure in regard to its incompatible appearance, the ability for pets to see through the slatting and the slat material's lack of any sound attenuation.

The application does not provide information about hours of operation for an outdoor pet activity use. Staff believes that control of evening and early morning outdoor activity for a pet care use will benefit the public and nearby businesses by limiting noise and activity disturbances during the quieter portions of the day. TPAC agreed that a restriction on outdoor activity was appropriate and responded to the applicant's statements with a recommended a 7:00 pm to 7:00 am restriction. In the TPAC/staff Draft Ordinance (Attachment D.2), staff recommends a standard that will prohibit outdoor pet day care activity including exercise and training between the hours of 8:00

pm and 7:00 am, allowing an 8:00 pm closure for convenience of pet owners working or returning late.

TPAC was concerned about the number of dogs at a facility and issues of crowding and excessive levels of activity. TPAC requested information on standards for the capacity of a particular sized facility for a number of dogs. Staff reminded the applicant of TPAC's request for that information. Staff recommends that capacity of a particular facility can be considered in a conditional use process when based on industry standards or a specific facility and location.

The applicant proposed to allow outdoor pet areas as a conditional use. At the March 11, 2010 meeting, TPAC agreed that a conditional use process would be able to consider a proposed outdoor pet activity area in respect to impacts on neighboring properties and businesses.

The Staff/TPAC proposed standards for outdoor pet day care use with the additional standards suggested by Council (Attachment D.2) include requirements for noise & odor management, waste control, screening, and hours of operation. These protect the public need for healthful, safe and aesthetic surroundings and conditions.

In discussion at the April 12, 2010 public hearing, the Council raised concerns about the suitability of outdoor pet activity in a location near existing or future outdoor restaurant uses. While not part of the motion for continuance, the Council discussion explored a concern that problems with noise and odor when pets are outdoors at a pet day care could be detrimental to a nearby restaurant business or have impacts on a future restaurant business locating nearby. Councilors also remarked that customers of pet day care businesses typically demand very clean and orderly operations for their pets. In response to the discussion about separating an outdoor pet day care activity from a restaurant use, Staff notes the following for consideration:

1. The proposed language (Attachment D.2) will restrict a pet day care outdoor use from the City's downtown area including the Commons, the existing CC and CG Planning Districts in the downtown and areas being studied for the Tualatin Town Center Plan. The pedestrian-oriented character of the downtown area includes seasonal outdoor dining at many of the restaurants. Outdoor pet day care will not be allowed in the downtown.
2. The commercial developments in CG Planning District areas eligible for outdoor pet care use do not have the same pedestrian character as the downtown. Only a limited number of the CG properties are located more than the proposed 500 ft. from residential areas and eligible for the outdoor pet activity conditional use. Most of these are multi-tenant commercial centers such as Nyberg Retail, South Lake Center and Meridian Center where the center owners control the mix of uses and deal with compatibility issues among the tenants.
3. The proposed amendment would allow the outdoor pet day care activity as a conditional use. Conditions of approval can be attached in a decision by the Council that address site specific considerations of location/separation, screening

& buffering, mitigation of noise & odor and operation of an outdoor pet activity area.

4. The applicant's property is the subject of a separate conditional use permit application. It is bordered on the east and north by auto service uses in the Light Manufacturing (ML) Planning District where a restaurant is not allowed. The outdoor area proposed for the applicant's property is approximately 180 ft. to the east and 330 ft. south (across public streets) from CG Planning District properties where restaurants are allowed.

At the May 13 meeting, TPAC considered the information listed above and did not recommend Council adopt a standard or requirement to separate outdoor pet day care from a restaurant.

The TPAC & Staff proposed standards for the outdoor Doggie/Pet Day Care use provide distance, screening and time of day limitations as well as noise & odor mitigation, requirements for impervious surfacing and waste control measures that satisfy Public Interests #2 & 3.

Public Interest #4. The indoor pet day care use will satisfy this public interest. The proposed standards for an outdoor pet area would allow the use only in a CG Planning District location and require that the location be more than 300 ft. from a residential area and be enclosed. TPAC recommended a minimum 500 ft. distance standard is adequate to minimize the noise and activity impacts that would be disturbing to residential areas, as discussed above. The TPAC/Staff version (Attachment D.2) shows a 500 ft. separation.

Staff questions the suitability of allowing the proposed pet day care activity use in the downtown area of Tualatin that includes Central Urban Renewal District (CURD) Blocks 11, 28 & 29 (Attachment E). Currently, there are approximately 11 commercial properties in the CG Planning District in the downtown area east of SW Boones Ferry Road (CURD Block 11). The developments have frontages on SW Warm Springs, SW Tonka and the south side of SW Tualatin-Sherwood Road (Map Attachment E). Allowing indoor or outdoor pet care activity in this area is not compatible with the Tualatin Commons public pedestrian spaces and the multi-story Century Hotel located on the north side of Tualatin-Sherwood Road and not compatible with the several restaurants located throughout this general area (Pizza Hut, Bushwackers, McDonalds, Hayden's Grill, Kim's Deli) that have outdoor seating for patrons. Staff and TPAC recommend restricting pet day care use from the City's CURD Block 11 CG District.

Also, the CURD Blocks 28 & 29 located south of Old Tualatin-Sherwood Road (behind Applebees Restaurant) are in the ML Planning District with an overlay that allows CG Planning District permitted uses listed in 54.020(2). This area borders multi-family residential on the south and is part of the Town Center Plan work that will consider allowing mixed use with residential housing. If this area is designated as a commercial district with housing as a result of the Town Center Plan, the presence of established

pet day care activities would not be suitable. Staff and TPAC recommend restricting pet day care activities from the CURD Blocks 28 & 29.

With the restriction on Doggie/Pet Day Care use in the CURD Blocks 11, 28 & 29, Public Interest #4 is satisfied.

Public Interest #5. The applicant proposes the “Doggie Day Care” use to be allowed in CG Planning District and provides a definition:

“A business providing pet care services such as day care, sitting services, grooming and retail sales of pet products. Overnight boarding, breeding, and veterinary services are not provided by a doggie day care business.”

Staff believes that the proposed definition adequately describes the daytime pet sitting service that the applicant seeks and is common to numerous businesses in the metropolitan area. The TDC currently allows pet shops, small animal veterinary services and animal hospital uses with related overnight care, which would not be changed with the proposal. Breeding and training kennels are not allowed uses in the TDC and would not be allowed in the proposal.

Anticipating a need to allow the service for more than just dogs, Staff recommends changing the use term to “pet day care” so both dog and cat owners would be able to use the service. To be specific for dogs and cats, a prohibition of animals other than dogs or cats including exotic animals or animals not considered ordinary household pets should be included.

With the proposed Pet Day Care definition, Public Interest #5 is satisfied.

With the TPAC and staff recommendations to revise terminology, definitions, specify additional standards and to allow the outdoor pet day care activities as a conditional use, the public interest items 1-5 can be met and granting the amendment is in the public interest. Criterion “1” is met.

B. 2. The public interest is best protected by granting the amendment at this time.

The proposed pet day care amendment responds to the desire of Oswego Investors LLC to enlist a doggie day care tenant for their property in the CG Planning District. The application states: “The demand for this use is growing, and the Development Code should be updated promptly.”

If adopted at this time, the proposed amendment would allow businesses to locate pet day care uses in the CG Planning Districts, subject to standards and provisions adopted in PTA-10-01. This would be consistent with existing commercial uses allowed in the TDC such as pet shops, veterinary clinics and animal hospitals, and provide standards to ensure the compatibility of the use with residential areas and nearby businesses.

The public interest is best protected by granting the amendment at this time.

Criterion "2" is met.

C. 3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The applicable objectives of the Tualatin Community Plan are presented below.

TDC 6.040(5) General Commercial Planning District: "To provide areas suitable for a full range of commercial uses, including those that are inappropriate for neighborhood, office or central commercial areas."

The applicant cites this objective, stating "Doggie Day Care is a use that is not included in the Development code, and this amendment proposes to ensure that this commercial use is expressly included in the "full range" of permitted and conditional uses." The proposed amendment conforms to TDC 6.040(5).

TDC 20.030 Objectives (6) "Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through."

The proposed amendment will protect the appearance of the City by allowing a commercial use in a manner that controls the visibility of the use and will minimize noise or other impacts for neighboring properties and the public. The proposed amendment conforms to TDC 20.030(6).

The proposed amendments conform to the applicable objectives of the Tualatin Community Plan.

Criterion "3" is met.

D. 4. The factors listed in Section 1.032(4) were consciously considered:

The various characteristics of areas in the City.

The characteristics of the area of the City affected by this amendment are the retail commercial developments in CG Planning Districts. Depending on the final version of the amendment and standards for location, nearby retail commercial developments in the Central Commercial Planning District and multi-family residential areas may be affected (Attachment E). The applicant states: "While an outdoor play area for dogs is appropriate adjacent to a light manufacturing site, it likely is not appropriate adjacent to a residential site. That is why we propose a two-tier amendment, so that unique neighborhood characteristics are taken into account during each application."

The proposed amendment allowing pet day care in the CG Planning District as an indoor or outdoor activity is consistent with the shopping center characteristics of CG development. With the proposed and recommended standards restricting the use from

downtown areas and a minimum distance from residential areas, it will be appropriate in respect to nearby Central Commercial or multi-family residential development.

The suitability of the area for particular land uses and improvements.

The applicant states: “The General Commercial districts within the City allow intensive commercial uses, and there is no concern about indoor doggie day care. The real issue is the outdoor play area, and whether this district is appropriate for that use. Because some of the districts are suitable, while others may not be, the two-tier amendment creates a conditional use procedure for review of suitability case by case.” Staff agrees that with a conditional use or with specific standards, outdoor pet day care can be a suitable use in a CG district location.

Trends in land improvement and development.

The applicant states “Doggie Day Care is a growing retail trend, and because it is somewhat different than traditional animal care uses such as veterinary offices and kennels, the code should be updated with provisions appropriate to this use.” Staff agrees that appropriate standards will be necessary if allowing the outdoor pet care activity.

Property values.

The proposed amendment will allow outdoor pet care activities in the CG Planning District where most commercial activities are conducted within a building. The applicant states “Adding a new use to the lists of permitted and conditional uses will allow properties that are underutilized - in this case a vacant loading area for glass (service) trucks-to be put to productive use. The two-tier amendment offers protections to neighboring properties which potentially could be adversely affected by outdoor play areas for dogs.” The applicant is referring to the Hansen’s Corner property where a prospective pet day care business seeks to locate in a vacant tenant space.

The needs of economic enterprises and the future development of the area.

As described in the objectives section, the proposal will allow a use that expands the range of commercial uses allowed in the CG District while providing standards for minimizing any undesirable effects and protecting the visual appearance of property and the public. The applicant states “Doggie day care businesses prefer to have outdoor play areas, because the dogs naturally benefit from the fresh air and exercise.”

Needed right-of-way and access for and to particular sites in the area.

The amendment does not affect right of way and access.

Natural resources of the City and the protection and conservation of said resources.

Not applicable because the proposed amendments do not impact or alter natural resources associated with a development.

Prospective requirements for the development of natural resources in the City.

Not applicable because proposed amendments do not impact or alter natural resources associated with a development.

The public need for healthful, safe, aesthetic surroundings and conditions.

The purpose of the proposed amendment is to allow the outdoor pet care use with standards to protect the quality of the healthful and aesthetic surroundings for commercial development and residential uses. The applicant states "The text amendment aims to provide healthful, safe, aesthetic surroundings and conditions for pets, which includes a reasonable opportunity for fresh air and exercise. Again the two-tier amendment will ensure the general public is not adversely affected by outdoor play areas."

The Staff/TPAC proposed standards for outdoor pet day care use with the additional standards suggested by Council (Attachment D.2) include requirements for noise & odor management, waste control, screening, and hours of operation. These protect the public need for healthful, safe and aesthetic surroundings and conditions.

Proof of a change in a neighborhood or area.

Does not apply to the proposed revision to the CG Planning District list of uses. There is no evidence of change in a neighborhood or area that would be relevant to the proposed amendment.

A mistake in the plan map or text.

None is alleged.

The factors listed in Section 1.032(4) were consciously considered.

Criterion "4" is met.

E. 5. The criteria in the Tigard-Tualatin School District Facility Plan were considered.

The criteria in the Facility Plan were considered and found to not be applicable to this amendment regarding signs because it does not apply to existing school sites and does not represent a constraint or conflict with land available for future school sites.

F. 6. Oregon Statewide Planning Goals

Of the 14 Statewide Goals, each of the goals were considered and found to not be applicable to this amendment.

G. 7. Metro's Urban Growth Management Functional Plan (UGMFP).

The UGMFP and TDC Map 9-4 Design Type Boundaries, identify the CG Planning District areas as “EA Employment Area” (Lower Boones Ferry Road and east side of I-5), “TC Town Center” (Downtown area) and “CO Corridor” on Hwy 99W. The proposed amendment allowing pet day care does not materially affect the EA, TC and CO classifications.

H. 8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's Planning Area.

The application materials did not include transportation information to be used to evaluate the proposals. The applicant was reminded that transportation information from a registered traffic engineer was needed. Traffic letters submitted on March 31 and April 9, 2010 did not contain information about the Level of Service (LOS) that would be expected for this use at intersections such as SW 63rd Avenue and SW Lower Boones Ferry Road. (Attachment A) The Engineering Division does not have the required information to perform an evaluation of Criterion 8 and to support a recommendation for the approval or denial of PTA-10-01 (Attachment F Engineering Division Memorandum April 14, 2010).



APPROVED BY TUALATIN CITY COUNCIL

Date June 14, 2010

Recording Secretary J Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Paul Hennon, Community Services Director 
Carl Switzer, Parks and Recreation Coordinator 

DATE: June 14, 2010

SUBJECT: AUTHORIZATIONS FOR THE 2010 CRAWFISH FESTIVAL

ISSUE BEFORE THE COUNCIL:

The Council will consider authorizing the use of City resources and facilities by the Chamber of Commerce for its annual Crawfish Festival.

RECOMMENDATIONS:

The Core Area Parking District Board reviewed the request to charge for parking in the Blue Lot and Green Lot and recommended that Council not approve this request. The Core Area Parking District Board did not have a quorum at this meeting.

EXECUTIVE SUMMARY:

The theme for the 60th Annual Crawfish Festival is "Crawfish Fiesta." This year's event will be open to the public Friday, August 13 through Sunday, August 15, 2010.

Linda Moholt, Chief Executive Officer of the Tualatin Chamber of Commerce, has submitted the 2010 Crawfish Festival proposal. The proposal requests of the City the following:

Use of Parks and Park Facilities – The Chamber requests all day use of all areas of Tualatin Community Park from Thursday, August 12 through Sunday, August 15, 2010 (including the Van Raden Community Center on Saturday, August 14). They also request all day use of the Tualatin Commons on Friday, August 13 and Saturday, August 14, 2010. Council authorization gives the Chamber of Commerce the ability to program these spaces, including the ability to exclude some users, during these times. See Attachment A.

STAFF REPORT: AUTHORIZATIONS FOR THE 2010 CRAWFISH FESTIVAL

June 14, 2010

Page 2 of 3

Use of the City's Parking Lots – The Chamber requests the use of all core area parking lots from Friday, August 13 through Sunday, August 15, 2010. They also request the use of 50 spaces in the police parking lot for their volunteers to park in on Saturday, August 14, 2010 as they have done in previous years. See Attachment B.

This year the Chamber is requesting for the first time permission to charge the public for parking in the Green Lot and Blue Lot on Saturday, August 14, 2010. No one will be allowed to park in either of the lots without paying a \$5 fee. Under this proposal, revenue would go to support the Festival. The request was presented on May 19, 2010 to the Core Area Parking District Board and while they did not have a quorum they did recommend that Council deny this request.

Road Closures - The Chamber requests road closures for the parade and the Crawfish Crawl 5k race/walk. The parade route will necessitate temporary closures of S.W. Martinazzi Avenue, S.W. Seneca Street, S.W. Nyberg Street, S.W. Lower Boones Ferry Road, S.W. 84th Avenue on the morning of Saturday, August 14, 2010 between the hours of 9:30 a.m. and 11:30 a.m. The Crawfish Crawl route will necessitate temporary closures of S.W. Seneca Street, S.W. 84th Avenue, S.W. Boones Ferry Road, and S.W. Tualatin Road on the morning of Saturday, August 14, 2010 between the hours of 7:30 a.m. and 9:00 a.m. See Attachment C.

Financial Assistance – The Chamber requests a donation of \$5,000.00 to help support the event.

Alcohol – The Chamber requests that they be allowed to have alcohol service at the Crawfish Cook-off at the Tualatin Commons on Friday, August 13, 2010 and also in Tualatin Community Park on Saturday, August 14, 2010. The Chamber will obtain an Oregon Liquor Control Commission (OLCC) permit for the event, comply with all OLCC regulations, and have insurance with explicit liquor liability coverage.

Signage – The Chamber requests permission to have Crawfish Festival banners on the light poles along S.W. Lower Boones Ferry Road from July 5, 2010 to August 16, 2010. They also request permission to place directional signs on public property to manage vehicle traffic coming to and from events. The organizers plan on placing yard signs at strategic locations around town this year and will follow placement rules already established by the City.

Utilities – The Chamber requests that the City donate the use of water and electricity at Tualatin Community Park and Tualatin Commons on Friday, August 13 through Sunday, August 15, 2010.

Staff Time – The Chamber requests that City donate the time and materials for staff to plan for the events, prepare the sites, hang banners, remove trash, and other work as

STAFF REPORT: AUTHORIZATIONS FOR THE 2010 CRAWFISH FESTIVAL

June 14, 2010

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necessary to support the operation of the events. See Attachment D for Schedule and Events.

OUTCOMES OF DECISION:

If the City Council accepts the proposal as presented the Chamber of Commerce will use City resources and facilities for its annual Crawfish Festival as set forth in the Executive Summary. Allowing the Chamber to charge for parking in the Green Lot and Blue Lot on Saturday, August 14, 2010 will reduce free parking in the town center by 138 spaces.

The Parks and Recreation Coordinator will continue to act as the City's liaison to the Chamber of Commerce to facilitate the execution of the authorized proposal, establish functional conditions of approval, monitor compliance with conditions of approval, and ensure the City's parks and facilities are properly used.

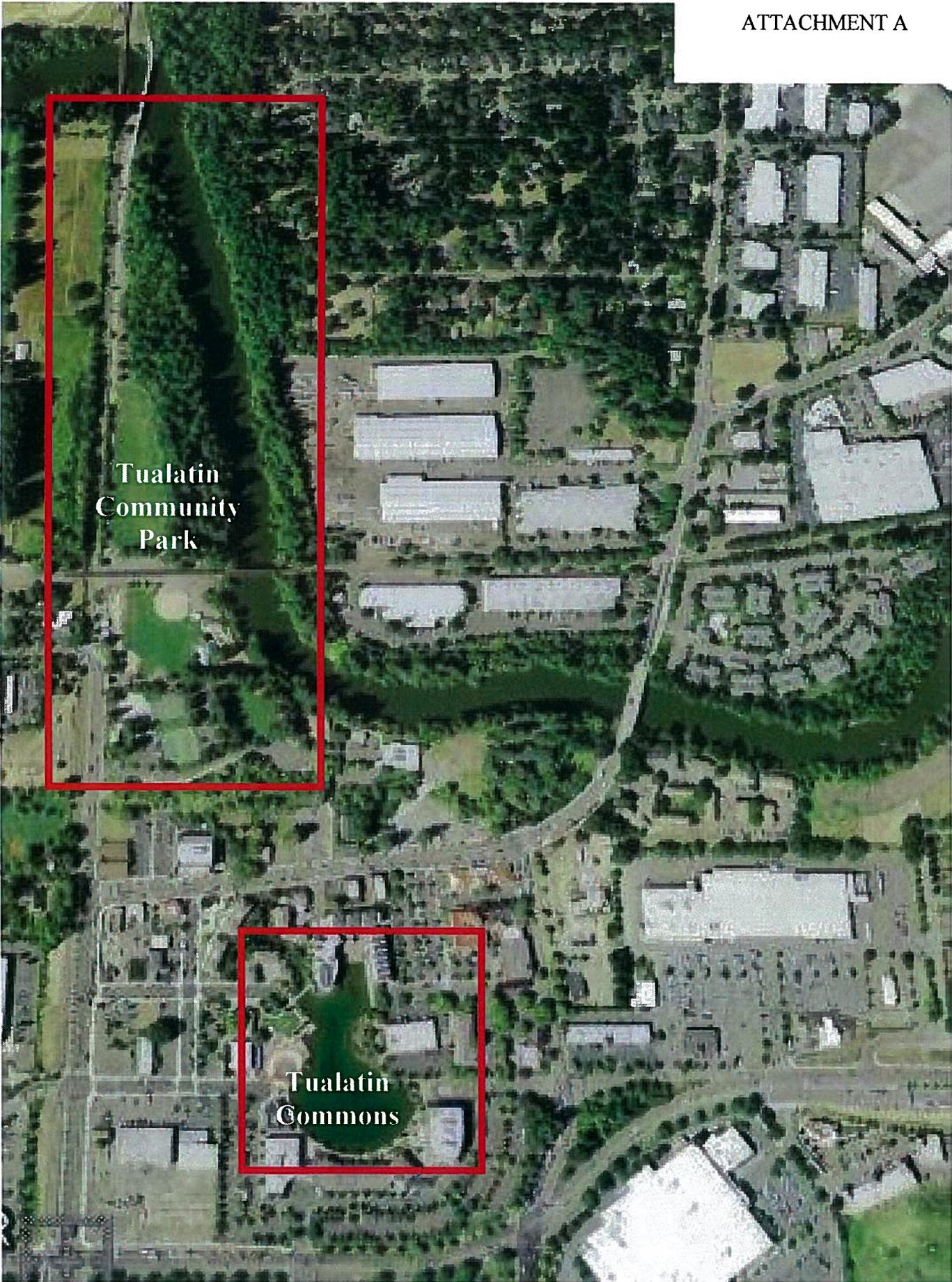
FINANCIAL IMPLICATIONS:

The City will donate many hours of employee time, the cost of small improvements and upgrades to the park system, the cost of electricity and water, and forego rental revenue from park rentals to accommodate the Crawfish Festival. The City is also being asked for a \$5,000 donation.

The City has budgeted for the \$5,000 contribution to the Crawfish Festival and other in-kind support requested of the City.

C: Linda Moholt, Chief Executive Officer, Tualatin Chamber of Commerce
TPARK

Attachments: A. Central City Map
B. Parking Lot Map
C. Road Closure Maps
D. Schedule



Tualatin
Community
Park

Tualatin
Commons

TUALATIN

Geographic Information System

**Central Urban
Renewal Area**

Core Area Parking
District 2001

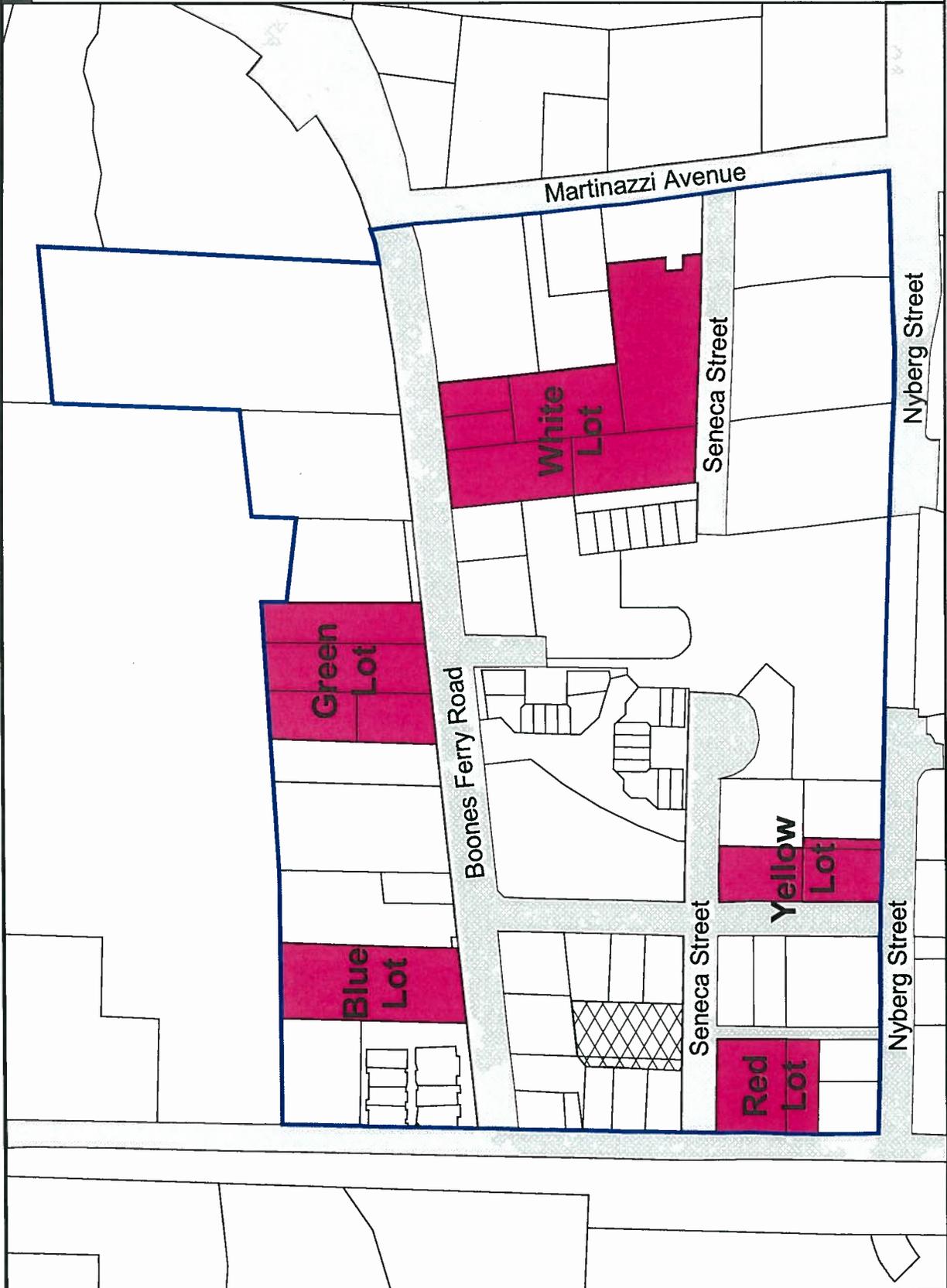
Map 4

- Core Area Parking District
- Public Parking
- Future Public Parking Lot

Tualatin Development
Commission
RF 1:2,500



This map is derived from various digital database sources. The City of Tualatin has no responsibility or liability for any errors or omissions in the information. This map is provided "as is" by the Engineering and Planning Department. Printed 12/18/01



Parade Route



ATTACHMENT D

TENTATIVE 2010 CRAWFISH FESTIVAL OVERALL SCHEDULE

July	Hang banners/post signs around town to promote Festival
Thursday, August 12	
9:00am	Mark vendor spaces in Community Park, set up fencing
Friday, August 13	<u>Commons Plaza:</u>
6:00am	Set up staging/sound at plaza
12:00pm	Set up for food vendors
5:00pm	Cook-Off Judging
	Non-crawfish vendor opens
	Beverage service begins
6:00pm	Crawfish Cook-Off Food Court opens (ends at 10:00pm)
	Kayak rides begin (ends at 8:30pm)
	TualaFest begins (ends at 9:00pm)
7:00pm	Stage announcements begin
7:30pm	On-stage musical entertainment begins (ends at 9:30pm)
9:30pm	Food Court and beverage service close
	<u>Community Park:</u>
all day	Set-up: all sound & staging, vendors and auxiliary events/rides
Saturday, August 14	*specific programming times subject to change*
6:30am	Set up for pancake breakfast at Commons Plaza
7:00am	Parade check-in begins
7:30am	Pancakes-on-the-Plaza Breakfast at Tualatin Commons Plaza (ends 9:45am)
8:00am	Crawfish Crawl begins (ends 8:45am)
10:00am	Parade begins (ends 11:00am)
10:00am	Community Park officially opens
11:00pm	Atsa My Dawg Show begins (ends 1:30pm)
11:30am	Crawdad Stage Entertainment begins (ends 6:00pm)
12:00pm	Main Stage Entertainment begins (ends 7:00pm)
2:15pm	Kids Crawfish Eating contest near Crawdad stage
2:30pm	Adult Crawfish Eating contest near Crawdad stage
3:45pm	Kids Watermelon Eating Contest near Crawdad stage
5:00pm	Announcement on main stage
6:00pm	Marketplace South vendor area and Crawdad Stage close
7:00pm	Marketplace North vendor area and Main Stage close
9:00pm	Community Park closes
Sunday, August 15	
Morning	Community Park clean up by Boy Scout Troop(s)
Morning	Lancette Memorial Ride
All Day	Haggen Foods Car Show and Bike Event

EVENTS

Overview of Friday Events:

Friday Night Cook-Off – Takes place at the Tualatin Commons in the plaza area. Restaurants from the metropolitan area design a special crawfish dish, which is then judged by our panel of experts. Festival attendees may purchase sample size entrees. Our alcohol vendor will be selling beer & wine, and a band plays on the stage on the Plaza. Estimated attendance is 3,000.

Overview of Saturday Events:

Crawfish Crawl - A map of the race route is included as ATTACHMENT J.

Pancakes On The Plaza – Breakfast is served between 7:30am and 9:45am.

Parade – A community parade. See Attachment G for parade route.

Crawdad Stage –This stage will feature children’s entertainment demonstrations by local dance schools and live music acts.

Atsa My Dawg Show – A non-traditional dog show. The show will be placed in the same location (near main stage) as last year.

Crawfish Eating Contest – An adult contest featuring a 15 minute crawfish eating contest.

Kid’s Crawfish Eating Contest – A 2 minute version of the adult contest.

Food Vendors – The food vendors are located in the south end of the main lawn.

Marketplace Vendors – The South Marketplace area is open from 10:00am to 6:00pm and consists of booths selling commercial and handmade items, as well as commercial and non-profit organizations handing out literature.

Kids Art Show – A coloring contest that is distributed at various locations in Tualatin and displayed at the festival.

Teen Scene – Featuring a professional skateboard demonstration and a youth-focused dance performance.

Overview of Auxiliary Events that are coordinated by outside parties but in partnership with the festival:

Friday, August 13:

- **Kayak Rides** – Kayak rides on the Lake of the Commons. The entrance/exit into the lake will be the northwest end, where the plaza juts out into the lake. (See Attachment E for exact placement). This will be an Auxiliary Event run by Tualatin Riverkeepers. All city rules and regulations regarding water usage of the lake will be complied with.
- **TualaFest** – A teen-focused battle of the bands. Coordinated by the City of Tualatin. 6 p.m. - 9 p.m.

Saturday, August 14:

- **Model Boat Show** – A demonstration of remote controlled boats in the lake. Coordinated by Phil McKinney.
- **Crawfish Crawl** – The Crawfish Crawl is a 5K race/walk that starts and ends at the Tualatin Commons. A map of the race route is included as ATTACHMENT J. The race organizer will be make special effort to inform residents within the race boundaries of street closures with flyers, hung one week before event. Coordinated by Paula Harkin.

Events affiliated by marketing only: (Events are not coordinated in any way by the festival)

Sunday, August 15:

- **Car Show** – A car show in Haggen Food's parking lot. There will be no road closures and all signage will be on the Hedges Green property.
- **Lancette Memorial Ride**– A 25 and 62 mile bike ride fundraising event for domestic abuse. Sunday, August 15, 2010. Event permit to be issued by the Parks and Recreation Coordinator.