



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, July 26, 2010

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 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. National Night Out Presentation – *Jennifer Massey, Police Department*
2. New Employee Introduction – *Craig Anderson, Finance Department*

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 – 4) 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 Meeting of July 12, 2010.....
 2. Resolution No. **4996-10** Adopting the July 2010 Update to the Public Works
Construction Code
 3. Approval of a New Liquor License Application for Aberrant Cellars Winery
 4. Community Involvement Committee Appointments
- *Bill Lambert – Architectural Review Board, regular term ending 06/30/2012*
 - *Victoria King – Library Advisory Committee, partial term ending 10/31/12*
 - *Bruce Andrus-Hughes – Parks Advisory Committee, partial term ending 02/28/11*
 - *Jeff DeHaan – Planning Advisory Committee, regular term ending 08/31/13*
 - *Paul Sivley – Planning Advisory Committee, regular term ending 08/31/13*

E. PUBLIC HEARINGS – Legislative or Other Page No.
None.

F. PUBLIC HEARINGS – *Quasi-Judicial* (Item No. 1)

- 1. Public Hearing to Consider a Resolution for a Conditional Use Permit for Bull Mountain Heating, Air Conditioning, and Insulation, a Contractor’s Shop and Equipment Storage in the Light Manufacturing (RL) Planning District at 6520 SW Rosewood Street (Tax Map 2S113AD, Tax Lot 100) (CUP-10-05)

Resolution No. **4997-10** Granting a Conditional Use Permit for Bull Mountain Heating Air Conditioning, and Insulation, a Contractor’s Shop and Equipment Storage in the Light Manufacturing (RL) Planning District at 6520 SW Rosewood Street (Tax Map 2S113AD, Tax Lot 100) (CUP-10-05)

G. GENERAL BUSINESS (Item Nos. 1 – 2)

Page No.

- 1. Fiscal Year 2009-2010 Tualatin Tomorrow Vision Implementation Committee Annual Report
- 2. Ordinance No. **1307-10** Allowing Reimbursement to the City or the Tualatin Development Commission Projects for Street Improvements and Amending TMC 2-5-060

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. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT



CITY COUNCIL SIGN-UP SHEET

DATE: July 26, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

(PLEASE PRINT CLEARLY)							
	Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments		
1.	Stephen Titus	10170 SW Sedlak Ct Tualatin	srtitus@qmail.com	me Res. sw concept plan	Tualatin City Council		
2.	Linda Moholt	1891 SW Mortinozzi Tualatin	linda@tualatinchamber.com	Tualatin Chamber	Oregonish Festival		
3.	Kathy Newman	1515 Clemons Tualatin		Protect Tualatin Parks	City Council		
4.							
5.							
6.							
7.							
8.							

Submitted for the record under
"Citizen Comments" at the
7/26/10 Council meeting by
Steve Titus

Stephen Titus
10170 SW Sedlak Ct

I attended the SW Concept Plan Open House last Thursday looking to see if the proposed I-5 to 99W connector had matured to the point where it would be included on the drawings, much like the other proposed roads in the SW Concept Plan area.

To say I was disappointed would be too harsh, but I wasn't encouraged.

I had a nice chat with Steve Kelly from Washington County and also with Kaaren Hofmann of our Engineering Division.

I cannot believe we're plowing ahead with plans for an additional 435 acres of commercial/industrial development without locking in a southern route for Alternative 7 of the I-5 to 99W connector along with an intersection at I-5 that will actually carry the anticipated growth in traffic from Yamhill County.

After our Open House I thought I should see what I could find out about Sherwood's 300 acre Tonquin Employment Area Concept Plan to see if I could find any positive information.

Sadly, I didn't find any alignment discussion of the I-5 to 99W connector.

I did find generalized agreement between Sherwood, Tualatin, Wilsonville, Metro and Washington County that an alignment of the Tonquin trail as "a bike and pedestrian pathway for transportation, recreation and environmental education in this region" was necessary. Thumbs Up!

I found on Page 8 of the Sherwood proposal, a need for an east-west connection from SW 124th Ave to SW Oregon Street "This collector-level roadway is a vital component of future development because it would help to facilitate east-west mobility through the area and would serve as a parallel route to SW Tualatin-Sherwood Road by connecting to SW Blake Street in the SW Tualatin Concept plan Area..." It continues "...this collector is shown to provide an overall benefit to the existing transportation system, in particular by reducing future traffic demand on SW Tualatin-Sherwood Road."

Page 17 goes on to say "The development of the Tonquin Employment Area will require a new roadway network to be constructed through the area to facilitate connectivity. The proposed primary east-west connection is a collector roadway that would help to facilitate east-west mobility through the area and would serve as a parallel route to SW Tualatin-Sherwood Road by connecting to SW Blake Street in the SW Tualatin Concept Plan area."

Page 19 describes the east-west connection of the extension of SW Blake St to SW 108th, 115th and 124th.

Page 26 lists roadway improvements identified as "reasonably likely to be funded in the 2030 travel demand model. The Blake Street extension was included but not the I-5 to 99W Connector.

Have you heard the little story about four people named Everybody, Somebody, Anybody, and Nobody?

There was an important job to be done and Everybody was sure that Somebody would do it.

Anybody could have done it, but Nobody did it.

Somebody got angry about that because it was Everybody's job.

Everybody thought that Anybody could do it, but Nobody realized that Everybody wouldn't do it.

It ended up that Everybody blamed Somebody when Nobody did what Anybody could have done.

While the logic in the story ^{said} ~~say~~ "Nobody" did it, I see development coming without an adequate I-5 to 99W connector and if I could, I would block the SW Concept Planning Area and the Tonquin Employment Area until we had the connector sited.

I urge you to make the siting of the I-5 to 99W connector a priority, don't count on Everybody, Somebody, Anybody or Nobody.



present the **60th Annual**



Tualatin Crawfish Festival



Friday, August 13th

Live Music! Dancing!
Crawfish Cook-Off featuring local restaurants competing to see who has the best Crawfish Recipe!
Great food!
Boats on the Commons!
Tualafest Battle of the Bands!

Saturday, August 14th

Family fun at the Community Park!
Live Music! Food!
Over 200 Vendor Booths!
Atsa My Dawg Show!
Skateboard Demonstration & Contests!
Pancakes on the Plaza! Parade!
Crawfish Crawl 5K!

Friday night Free Admission!

Saturday

\$4 adults

\$2 children and seniors

Children under 2 are **Free!**

Tualatin Chamber of Commerce

503-692-0780

www.TualatinCrawfishFestival.com



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 7-26-10

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: July 26, 2010

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSION
AND MEETING OF JULY 12, 2010

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of July 12, 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



City of Tualatin

www.ci.tualatin.or.us

APPROVED BY TUALATIN CITY COUNCIL
Date 7-26-10
Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF JULY 12, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux [*arrived at 4:21 p.m.*], 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; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 4:05 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Land Use Notification Sign Template

Assistant Planner Colin Cortes presented information on sign templates for notification requirements of developer meetings. Council discussed how the notification signs will best portray what is needed to reach the public.

Discussion followed. Neighborhood developer meetings should include day, time and place. It was suggested having the developer provide a "realtor-type" box to have hard copies available on-site next to the notification sign, and limit the amount of wording on the signs to be able to increase the size of the notification portion. It was also suggested by Council to include a "button" on the website to direct visitors to the information on the particular development/issue.

2. Legislative Priorities for the 2011 Legislative Session

Assistant to the City Manager Carina Christensen presented information on the upcoming legislative session, and issues that the League of Oregon Cities (LOC) has requested to lobby for at the upcoming session. Only four can be submitted from each city to LOC's legislative agenda. Council discussed what their priorities might be, with the issues listed on a sheet distributed to Council. Discussion followed and initial choices were Items D, G, and J. Council continued to discuss the merits of the other issues listed. It was determined that Items D, G, J, and O, were the four issues Council will promote to LOC for the upcoming legislative session.

3. *Basalt Creek Planning Area – Agreements with Washington County and City of Wilsonville*
City Manager Lombos said staff has been in discussions with Wilsonville on the area of land between the two cities. She noted Wilsonville's Assistant Community Development Director Stephan Lashbrook was present and intern Ben Bryant, shared with Wilsonville to begin concept planning on the Urban Growth Boundary (UGB) Expansion Area.

Community Development Director Doug Rux gave an overview of the Memorandums of Understanding (MOU) and what has taken place to date. The concept planning process will take approximately one and a half to two years to complete and Metro's requirement is to complete the work by September 2012.

Brief discussion followed. It was asked and explained in the MOU about the mention of cities and counties working together and what it is intended to accomplish.

4. *Neighborhood Traffic Mitigation Process*
City Engineer Mike McKillip and Civil Engineer Kaaren Hofmann presented information on a process to facilitate neighborhood requests for traffic mitigation measures. Ms. Hofmann presented a PowerPoint displaying a page on the City's website that will go into effect if Council approves. A petition application and form will be part of the information available to citizens, and Ms. Hofmann explained the proposed process. It was asked and explained this process does not include signalization requests at this time. Questions were asked and explained about how the process could work and how staff would address the surrounding areas. Ms. Hofmann said she spoke with some property owners and their favorable response to the proposed process and webpage. Discussion followed on how to best address the process with respect to the requestor. It was suggested to have the application and petition forms on the website to be stamped as "samples". Council agreed to have staff move forward with the newly revised process
5. *List of Conditional Uses Allowed in Residential Districts*
City Manager Lombos said this issue has been discussed in two separate work sessions. The second session brought back additional information and a considerable amount of time was spent discussing what conditional uses should be allowed in residential. It was explained by the mayor his thoughts on involving residents in the process. Mention was made of the some of the uses that are *currently* allowed in the RL district that don't seem to belong. Discussion followed on what would be appropriate uses and whether or not to have a special work session.

It was suggested by Council to survey what other cities allow in their RL Planning Districts and also bring back information that Council has previously discussed. It was suggested instead of a special work session to start an early regular work session to allow for continued discussion.
6. Community Development Director Doug Rux gave a brief update on the Tonquin Employment Area. He noted staff has had discussions with Sherwood on this issue, and have made some changes.
7. A brief update was given by Assistant to the City Manager Carina Christensen on the first Council "Meet 'n Greet" session held Saturday. Council mentioned some of the issues that were brought up by citizens. The next Meet 'n Greet is scheduled during the Crawfish Festival in August.

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

2. Ordinance No. 1306-10 Increasing Parking Violation Fines in the Core Area Parking District; Amending TMC 8-1-360

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

H. ITEMS REMOVED FROM CONSENT AGENDA – N/A**I. COMMUNICATIONS FROM COUNCILORS****J. EXECUTIVE SESSION**

Mayor Ogden noted an executive session pursuant to ORS 192.660 (2)(d) to discuss labor relations and an executive session pursuant to ORS 192.660 (2)(h) to discuss current and pending litigation issues will be held after the work session.

K. ADJOURNMENT

The work session recessed at 6:08 p.m. and reconvened at 6:09 p.m. to go into executive session pursuant to ORS.192.660 (2)(d) to discuss labor relations and pursuant to ORS 192.660 (2)(h) to discuss current and pending litigation issues.

The work session adjourned at 6:43 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

Maureen Smith



City of Tualatin

www.ci.tualatin.or.us

APPROVED BY TUALATIN CITY COUNCIL
Date 7-26-10
Recording Secretary MSmith

TUALATIN CITY COUNCIL MEETING MINUTES OF JULY 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; 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 7:00 p.m.

The Pledge of Allegiance was led by Councilor Maddux.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Youth Advisory Council Update*

The Youth Advisory Council presented a PowerPoint and gave an update on activities, events, and recruitment of new members.

2. *Commuter Rail and High Speed Rail Updates*

City Engineer Mike McKillip gave a brief update on Commuter Rail. Have received the final orders from the Oregon Department of Transportation (ODOT) for rail crossing Improvements, with construction to start in August.

Regarding High Speed Rail, City Engineer McKillip referenced a recent article regarding ODOT's decision not to pursue federal stimulus funds but they are continuing with plans. City staff has been speaking at advisory committees and other organizations to get the information out to the community. Staff is also finishing up information for the website on the presentations, committee meeting minutes, etc. Mayor Ogden noted Councilors Maddux and Davis are participating in the planning phase to track the project and see where it will end up and how it could impact Tualatin.

3. *New Employee Introductions – Vivian Lorelied and Heidi Marx*

Community Services Director Paul Hennon introduced two new employees Heidi Marx and Vivian Lorelied, and gave a brief background on each. Ms. Lorelied is a part-time reference librarian working in the library, and Ms. Marx is a part-time recreation program specialist.

4. *Proclamation Declaring the Month of July 2010 as "National Recreation and Parks Month"*
Councilor Truax read the proclamation declaring July 2010, as National Recreation and Parks Month in the City of Tualatin.
5. *Announcement Regarding the City's New E-Mail Subscription Program*
Assistant to the City Manager Carina Christensen presented information on the City's new e-mail subscription program that is available on the City's website.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

Item G-2 was placed on the Consent Agenda at work session. MOTION by Councilor Barhyte SECONDED by Councilor Barhyte to adopt the Consent Agenda as amended and read:

1. Approval of the Minutes of the Work Session and Meeting of June 14, 2010
2. Resolution No. 4988-10 Ratifying a Collective Bargaining Agreement between the City of Tualatin and the Tualatin Police Officers Association and Authorizing the City Manager to Execute the Agreement
- 3, Resolution No. 4989-10 Ratifying a Collective Bargaining Agreement between the City of Tualatin and the Tualatin Employees Association and Authorizing the City Manager to Execute the Agreement
4. Resolution No. 4990-10 Authorizing Non-Represented Employee Personnel Services Updates for Fiscal Year 2010-11
5. Resolution No. 4991-10 Allowing the Mayor to Sign a Quit Claim of a Public Sanitary Sewer Easement over Private Property that is No Longer Needed
6. Resolution No. 4992-10 Approving the Public Improvements for the Lower Tualatin Pump Station
7. Resolution No. 4993-10 Authorizing a Memorandum of Understanding Between the Cities of Tualatin and Wilsonville for Concept Planning the Urban Growth Boundary Expansion Area (Basalt Creek/West Railroad Planning Area)
8. Resolution No. 4994-10 Adopting Fee Schedule for the Trestle Shelter
- G-2. Ordinance No. 1306-10 Increasing Parking Violation Fines in the Core Area Parking District; Amending TMC 8-1-360

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other

None.

G. GENERAL BUSINESS *(moved to this portion of agenda)*

1. Resolution No. ---- Approving a Development Agreement Between the City of Tualatin and Legacy Health Systems

Associate Planner Will Harper presented the staff report and entered the entire staff report, including additional items received, into the record. Mr. Harper gave a brief background on the Development Agreement (DA) process leading up to this discussion, and cited the issues that are addressed in the proposed DA. Also noted is a separate version of a proposed DA submitted by Fox Hills resident Todd Allison.

Associate Planner Harper said staff recommends Council consider the attached resolution and DA material and provide direction. Mike Riley, Tualatin Planning Advisory Committee (TPAC) member will be providing information. Also present representing Legacy Health Systems (LHS) is Allyson Anderson, Chief Administrative Officer (CAO) of Legacy Meridian Park Medical Center, and Brian Terrett, Director of Public Relations.

Mayor Ogden clarified the Development Agreement issue is *separate* from the public hearing on the Plan Map Amendment (PMA).

Mike Riley, representing Tualatin Planning Advisory Committee (TPAC), noted they did not have a quorum at their meeting, but did hold a discussion. TPAC members that were present, all agreed by consensus, and individually approved the DA presented in the Council packet. TPAC felt that LHS was reasonable, fair, and made several accommodations to the proposed DA.

LHS representative Allyson Anderson gave an update on what has taken place to date. At the Council's May 8, 2010 meeting, the City Council asked that Legacy "reach out" to the community, and Ms. Anderson believes they have exceeded that goal, having held several open houses. Ms. Anderson noted they have said all along they are "good neighbors" and will continue to be good neighbors. With the late submittal of the proposed DA from Fox Hills resident Todd Allison, LHS is requesting a continuance to September 13, 2010, to be able to adequately review the proposed amended DA.

CITIZEN COMMENTS

Sherry Benson, 5915 SW Sequoia Drive, Tualatin, OR, lives across Borland Road and Meridian Park Hospital has always been an excellent neighbor and respectful of the community and area. When the rezoning arose her concern was about trees and she attended the various open houses and was impressed with LHS, however she could not say that about some of the neighbors and their lack of respect. Ms. Benson said she totally supports the hospital's plan, and said there are many others that are also in support.

Jim Zupancic, 5916 SW Nyberg Lane, Tualatin, OR, neighboring landowner on behalf of Stafford Hills Racquet Club, believes good land use planning involves the needs of the overall community. In support of LHS of expanding its medical capability. Medical care is needed in this region and LHS has given quality care. Mr. Zupancic said he doesn't expect the DA will take care of everything, but the process will allow for more specifics as they are put on the table. He is in support of the hospital and believe they will be good neighbors.

Harold Brazier, 5744 SW Joshua Street, Tualatin, OR, said if understands the changes to the DA, Joshua, Natchez and Wichita Streets will be kept as dead-ends, and said he appreciated LHS keeping them as dead ends.

Todd Allison, 5753 SW Joshua Street, Tualatin, OR, commented for the record he appreciates LHS's willingness to take a look at the proposed DA he submitted. Mr. Allison said the communication with three open houses that were held did not allow for community discussion, and he believes LHS was not forthcoming with information and how it was presented. Council gave clear direction on working with the neighborhood and LHS, and Mr. Allison said he wants Council to understand there are concerns that remain by the residents.

Mayor Ogden asked Mr. Allison explained what changes he proposes to the current proposed DA. The major concern is the amount of traffic that will be created. Mr. Allison said the adjustments he's made are not that extensive, but make sure there is a sufficient flow of traffic. Residential needs to stay residential, according to Mr. Allison, and noted that Tualatin Valley Fire & Rescue (TVFR) has asked one of the dead-ends to go through, although can be angled. Other changes include changes to the berm, and building heights. Mr. Allison said he recognized LHS's willingness to keep the 75 foot building height at 75 feet, but it is not in writing. He also proposed looking at the number of trees, and providing more protection for them.

Linda Webster, 5200 SW Joshua Street, Tualatin, OR, has lived in Tualatin for 32 years, and her complaint is there is not a fire station nearby, and asked how the fire department would even be able to get to the area. Ms. Webster said there is plenty of land at LHS to build a fire substation. There is only one access road from Nyberg to I-5, and Ms. Webster said she would appreciate if Council would give serious consideration to a fire substation on this side of the freeway.

Mayor Ogden noted that Tualatin Valley Fire & Rescue (TVFR) is a *regional* fire district, separate from the City.

Phil Chizum, 19650 SW 56th Court, Tualatin, OR, said he is in support of the changes to DA as submitted by Mr. Allison. He is in support of the rezoning, but his concerns are with traffic issues, and hopes that LHS will continue to work with the neighbors.

Barbara Fronczak, 19135 SW 65th Court, Tualatin OR, said she has been before Council before, and asked why vacant office space in Tualatin couldn't be used. She is still uncertain about the Stafford Hills development, and said there are 700 homes in the area. She chose Tualatin because of the vision of developing the City.

Cathy Holland, 10740 SW Lucas Drive, Tualatin, OR, said her group have been working with the residents to see how the process works and believes there is an opportunity to have an exchange of information and encouraged Council not to look to outside consultants, but to look to the neighbors. Not wanting to stop growth but want to be able to work better. Would work better if there was a neighborhood association, and recognized there is a process that is moving forward on addressing this.

Jerry Westfall, 5719 SW Joshua Street, Tualatin, OR, has lived here 25 years on Joshua Street. After LHS acquired the property, it changed how the property would be developed by LHS. He was concerned about the opening of one of the streets could create problems.

Renee Balsiger, 5885 SW Wichita Street, Tualatin, OR, important to her is transportation and the amount of cars able to handle it. The berm and concrete wall is also important. The access for emergency vehicles hasn't been a problem, and she said Meridian Park Hospital has been a good neighbor, and wants LHS to work with the neighbors.

Gillian Nelson, 5704 SW Joshua Street, Tualatin, OR, said she is a new resident to the subdivision. Her biggest concern is the potential of having increased traffic down their dead end street. Ms. Nelson also thanked LHS for extending the negotiations.

Nancy Grimes, 19710 SW 56th Court, Tualatin, OR, wants to register support of the Todd Allison amended DA, and said it is the first time in writing that articulates the neighbors' concerns. The main issue of having specific setbacks requirements by height from the amended DA was important, and the berm requirements. Traffic issues is also of concern, and putting back onto 65th is also important. Ms. Grimes also mentioned a small concern about addressing the smoking issue. Ms. Grimes said she appreciated LHS wanting to take the time to look at the amended DA.

Terri Peterson, 19275 SW Mobile Place, Tualatin, OR, said she is in support of the proposed amended DA. Her primary concern is the increased traffic, particularly with the Stafford Hills development coming.

Paul Peterson, 19338 SW 55th Court, Tualatin, OR, said he also proposes the amended DA, as well as limitation on the building heights. It was asked and explained the DA would carry through to future owners of the property.

Mike Riley, 8720 SW Tualatin Road, Tualatin, OR, and a member of TPAC, said his understanding from original DA was none of the dead ends were going to be extended.

Community Development Director Doug Rux said the proposal in packet referred to fire lanes, and in recent conversations with TVFR whether all three have to have fire lane. They are not intended to be public roads.

It was asked and Mr. Allison explained his recommendation from his amended DA, in Section 4.2 there would not be any emergency access, although he understands about having turnarounds, but not necessarily having access through.

Jerry Westfall, 5719 SW Joshua Street, Tualatin, OR, said as mentioned earlier that there is not any fire stations on their side of the freeway.

Heidi Kindell, 5631 SW Natchez, Tualatin, OR, said her concern if traffic is too busy on 65th, and she didn't want to see cut-through traffic because 65th isn't improved

Greg Shelby, 5731 SW Calusa Loop, Tualatin, OR, said his concerns are of tree preservation issues. He moved to Tualatin in 1987 and what made the property unique is the stand of forest by Calusa Loop. His hope and goal is to get some specific distances for tree preservation.

Mike Watson, 5477 SW Sequoia Drive, Tualatin, OR, wondered about road noise that backs up to Borland Road and if homeowners will be responsible for the fencing due to increased traffic.

It was asked and Associate Planner Harper explained how the process of being able to comment on the DA was done, and that information about the DA and the Plan Text Amendment proposal is available in the staff report and has been available on the City's

website. Open houses were held by LHS. Council questioned whether the process was that helpful.

Brian Terrett, representing LHS, 1919 NW Lovejoy, Portland, OR, was present and responded to the comment that there is information for residents that was available at the open houses in the staff report. It was asked and Mr. Terrell explained that LHS will need to take a look at both the proposed DA and recently submitted DA to ascertain what the actual differences are. LHS is committed to doing so. It was asked and Mr. Terrett explained that they just asked for their architects to put together some drawings of what it might look like designed to 75 feet, and not meant to be an actual proposal. Mr. Terrett said LHS wants to be as open and upfront as possible.

It was asked and Associate Planner Harper said the engineering firm memorandum is in the Council's supplemental packet information. It was asked and Ms. Anderson said between now and September 13, 2010 they will give the alternate DA consideration and will work with staff. Ms. Anderson said they don't want to render the property useless. Council also noted for LHS to continue to work with the neighborhood, and make certain that any comments collected are getting back to the neighbors.

A break was taken from 8:58 p.m. to 9:06 p.m.

It was asked about the TVFR standards, and if the City has any leeway. Community Development Director Rux said he spoke with the Deputy Fire Marshal that the three turnarounds would be required. When the subdivision was built the intention was always that the street would go through. Community Development Director Rux said he could meet with the Fire Marshal to discuss this issue. A councilor commented that the streets have been dead end for so long and if there wasn't development, they would remain as they are. City Engineer Mike McKillip explained what has been done in the past in subdivisions, and that fire department rules and regulations have changed over the years. There is always a provision for turnarounds of some sort. Since then, the City has changed standards in the Development Code. The fire code is a separate document administered by TVFR. Staff will try to work out a situation that's agreeable but not knowing what exactly will be built on the property, City Engineer McKillip said he would be hesitant to not take TVFR's recommendations and it would open the City to liability. His experience is TVFR works with people on issues such as this. Brief discussion followed.

It was asked of Ms. Anderson regarding a question that has been raised about the corporate policy on "no smoking". Ms. Anderson said she is not prepared to say it would not be a smoke free campus, but is willing to listen to what can be arrived at to address the smoking issue.

Mayor Ogden said in the interest of arriving at an agreeable situation, asked Ms. Anderson and Mr. Allison to meet together with the two DA's and ask the City staff be the "moderator" of the discussion, which could also include councilors. Ms. Anderson said LHS would be interested but her question is who would be the group of neighbor representatives. Mr. Allison said it could work and he wants to be fair. His concern is how to arrive at the end agreement.

Ms. Anderson noted their request for continuance to September 13, 2010, and she will be available to meet when needed between now and then.

Mayor Ogden closed the hearing on the DA.

F. PUBLIC HEARINGS – Quasi-Judicial

1. Public Hearing to Consider an Ordinance Changing the Planning District Designation from Low-Density Residential (RL) to Medical Center (MC) of Parcels of Land Located on SW Borland Road (21E 19C 1700 & 2000) and .25 Acres of Abutting Right-of-Way; Amending the Community Plan Map 9-1 (PMA-09-03)

Mayor Ogden opened the public hearing and noted the hearing was continued from March 8, 2010.

Legacy Health Systems representative Allyson Anderson waived the 120-day requirement and requested a continuance to September 13, 2010.

MOTION by Councilor Truax, SECONDED by Councilor Harris to continue the public hearing to September 13, 2010. MOTION CARRIED.

2. Public Hearing to Consider a Resolution Granting a Conditional Use Permit to Allow an Outdoor “Doggie Day Care” (Pet Day Care) in the General Commercial (CG) Planning District at 17620 SW 63rd Avenue (Tax Map 21E 18BC, Tax Lot 1400) (CUP-10-01)

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. This is a request to allow an indoor and outdoor pet day care use. The subject property is a multi-tenant building. There is a vicinity map and site plan available. Staff has been working with the applicant and during the course of the Plan Text Amendment (PTA-10-01), allowing outdoor pet day care as a condition use. Mr. Harper reviewed the conditions requested and explained in the staff report.

Joseph Schaefer, 1211 SW Fifth Avenue, Portland, OR, representing the applicant was present and said they agreed with staff's recommendation. Phil Brazell was also present.

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION

It was asked and Mr. Brazell displayed a portion of the type of grass that will be used outside for the “doggie day care”.

Mayor Ogden closed the public testimony portion of the hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Barhyte, SECONDED by Councilor Truax to grant CUP-10-01 to allow an outdoor “doggie day care” (pet day care) in the General Commercial (CG) Planning District at 17620 SW 63rd Ave (Tax Map 21E 18BC, Tax Lot 1400), with conditions as stated in the staff report.

Discussion on Motion

Councilors Beikman and Maddux asked and the Motion was clarified.

MOTION CARRIED.

MOTION by Councilor Maddux, SECONDED by Councilor Davis, to adopt the resolution granting CUP-10-01 to allow an outdoor pet day care use with conditions as stated in the staff report. 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 and ORS 192.660 (2)(h) to discuss current and pending litigation issues were held after the work session.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Maddux noted the Tualatin Farmers Market every Friday from 4:00 p.m. to 8:00 p.m. through September 24, 2010 on the Commons, and the upcoming ArtSplash event July 23-25, 2010. Councilor Maddux also mentioned as representative on the Washington County Commission on Children and Families, although with state budget cuts, there was consensus of the importance to continue with the annual youth summit.

K. ADJOURNMENT

MOTION by Councilor Harris, SECONDED by Councilor Barhyte to adjourn the meeting at 9:44 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith





STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 7-26-10

Recording Secretary U. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *sl*

FROM: Michael A. McKillip, City Engineer *mak*
Kaaren Hofmann, Civil Engineer *khofmann*

DATE: July 26, 2010

SUBJECT: RESOLUTION ADOPTING THE JULY 2010 UPDATE
TO THE PUBLIC WORKS CONSTRUCTION CODE

ISSUE BEFORE THE COUNCIL:

Shall the City Council adopt the July 2010 Update of the Public Works Construction Code?

RECOMMENDATION:

In accordance with Section 2 of Ordinance No. 444-78, adopt the attached resolution updating the Public Works Construction Code.

EXECUTIVE SUMMARY:

The Engineering Division has completed revisions to this Code. These revisions are completed as needed to keep the PWCC current with existing fee schedules. The changes consist of:

- ✓ Changing the Erosion Control Fees to match the Clean Water Services Fee Schedule (Exhibit A).
- ✓ Changing the insurance requirements to match up with new City Liability limits (Exhibit B).

OUTCOMES OF DECISION:

If the Council adopts the resolution, the update to the Public Works Construction Code will be implemented on all future projects.

If Council does not adopt the resolution, the April 2010 Public Works Construction Code will stand.

FINANCIAL IMPLICATIONS:

Revenues may increase from development permits if this resolution is adopted.

DISCUSSION:

- The City of Tualatin's Public Works Construction Code (PWCC) is adopted by the City Council.
- This document addresses the design requirements and standards, materials that are acceptable for use on City of Tualatin projects and workmanship standards on public improvements (specifically potable water, sanitary sewer, storm drain, transportation facilities, and franchise utilities).
- The PWCC provides a 'one source' point to address the issues, questions, and concerns that typically accompany such work.
- The City's current Code was adopted on October 8, 2001 and revisions were adopted February 14, 2002; October 14, 2002, March 10, 2003, March 22, 2004, October 25, 2005, March 24, 2008 and April 12, 2010.
- The Engineering Division has completed revisions to this Code. These revisions are completed as needed to keep the PWCC current with industry standards, regulatory requirements and to address issues that arise out of projects.

*Sjm
8-11-02*

- Attachments:**
- A. Exhibits A - ~~B~~
 - B. Resolution

RESOLUTION NO. 4996-10

RESOLUTION ADOPTING THE JULY 2010 UPDATE OF THE
PUBLIC WORKS CONSTRUCTION CODE

WHEREAS the Public Works Construction Code was adopted on October 8, 2001 and revised on February 11, 2002; October 14, 2002, March 10, 2003, March 22, 2004, October 25, 2005, March 24, 2008, and April 12, 2010; and

WHEREAS the Engineering Division has completed an update to fees and insurance requirements in the Code as per the July 26, 2010 Staff Report; and

WHEREAS pursuant to Section 2 of Ordinance 444-78 the City Engineer has the duty to maintain and update the Code; and

WHEREAS the City Council must first approve the proposed changes.

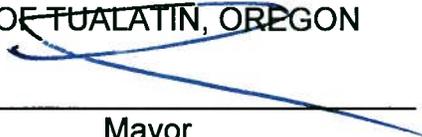
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The July 2010 Update of the Public Works Construction Code shall be adopted for use within the City of Tualatin.

Section 2. The July 2010 Update shall be effective immediately.

INTRODUCED AND ADOPTED this 26th day of July, 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

7-26-10

Recording Secretary

M. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager *sl*

DATE: July 26, 2010

SUBJECT: APPROVAL OF A NEW LIQUOR LICENSE APPLICATION FOR
ABERRANT CELLARS WINERY

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Aberrant Cellars Winery.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Aberrant Cellars.

EXECUTIVE SUMMARY:

Aberrant Cellars Winery has submitted a new liquor license application for Off-Premises Sales. The business is located at 19550 SW Cipole Road. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed and signed off on this application.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

- Attachments:**
1. Vicinity Map
 2. OLCC License Types
 3. Liquor License Application

OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES

Brewery – public house

Allows the manufacture & sale of malt beverages to wholesalers, & the sale of malt beverages, wine & cider for consumption on or off the premises. [ORS 471.200]

Brewery

Allows the manufacture, importation, storage, transportation & wholesale sale of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises & sold in kegs to the public. [ORS 471.220] designates a licensee that does not allow tastings or other on premises consumption.

Certificate of Approval

This certificate allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine & malt beverages to Oregon licensees. [ORS 471.289]

Distillery

Allows the holder to import, manufacture, distill, rectify, blend, denature & store distilled spirits. A distillery that produces distilled liquor may permit tastings by visitors. [ORS 471.230]

Direct Shipper Permit

Allows manufacturers & retailers to ship wine & cider directly to Oregon residents for their personal use. [ORS 471.282]

Full On Premises Sales

Allows the sale & service of distilled spirits, malt beverages & wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises [ORS 471.175] license sub-type designates the type of business licensed: F-CAT- caterer; F-CLU- private club; F-COM - commercial establishment; F-PC - passenger carrier; F-PL - other public location.

Growers Sales Privilege

Allows the importation, storage, transportation, export, & wholesale & retail sales of wines made from fruit or grapes grown in Oregon [ORS 471.227]. Designates a licensee that does not allow tastings or other on premises consumption.

Limited On Premises Sales

Allows the sale of malt beverages, wine & cider for consumption on the licensed premises & the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off of the licensed premises. [ORS 471.178]

Off Premises Sales

Allows the sale of malt beverages, wine & cider in factory sealed containers for consumption off the licensed premises & allows approved licensees to offer sample tasting of malt beverages, wine & cider. [ORS 471.186]

Warehouse

Allows the storage, importing, exporting, bottling, producing, blending & transporting of wine & malt beverages. [ORS 471.242]

Wholesale Malt Beverage & Wine

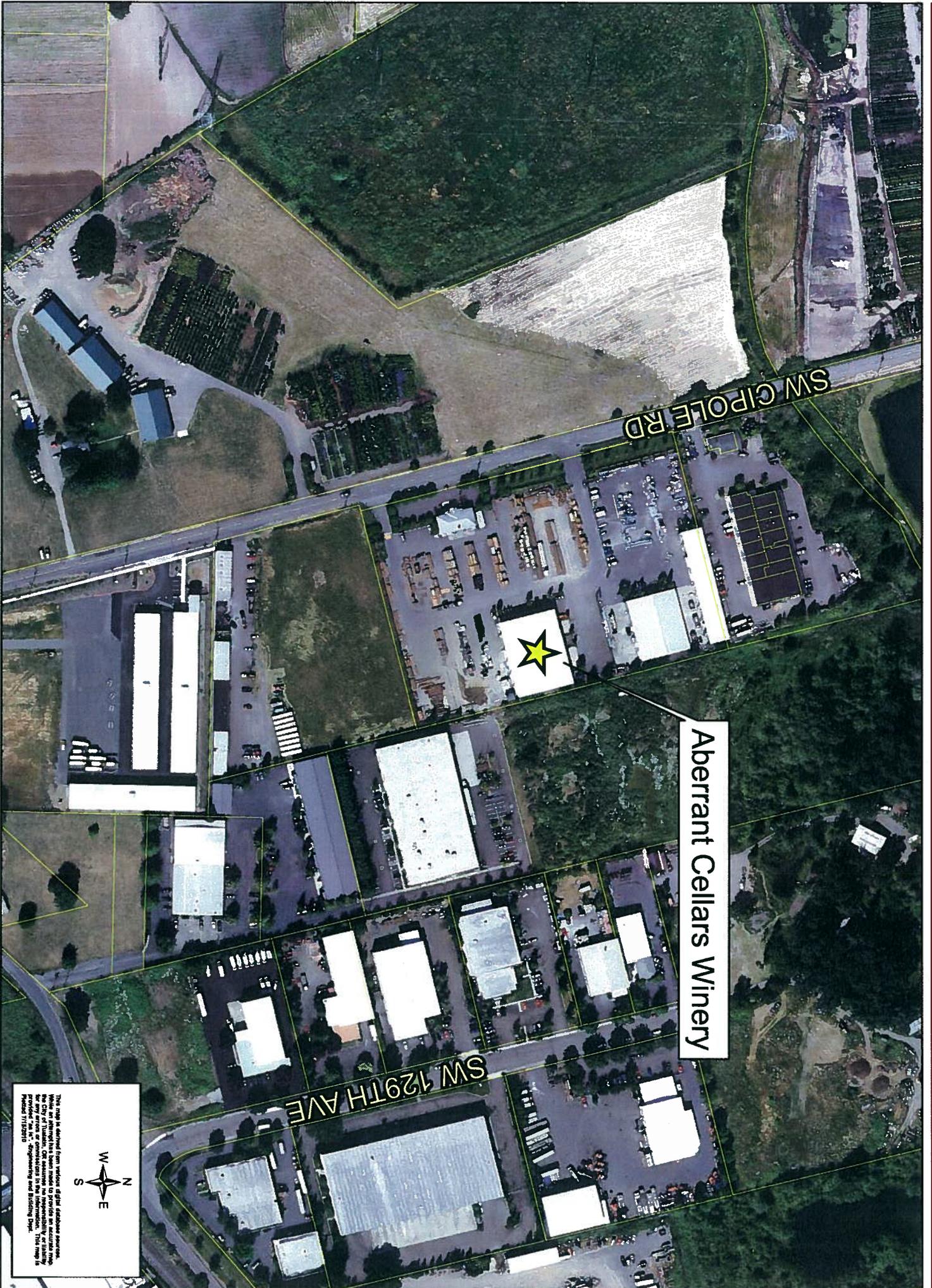
Allows the importation, storage, transportation & wholesale sale of malt beverages & wine to OLCC licensees & limited retail sales to the public (dock sales). [ORS 471.235]

Wine Self Distribution Permit

Allows manufacturers to sell & ship wine & cider produced by the manufacturer directly to Oregon retailers for resale to consumers. May ship to businesses which have an OLCC endorsement to receive the shipments. [ORS 471.274]

Winery

Allows the licensee to import, bottle, produce, blend, store, transport & export wines, & allows wholesale sales to OLCC & licensees, & retail sales of malt beverages & wine for consumption on or off the licensed premises. [ORS 471.223]



Aberrant Cellars Winery



This map is derived from various digital database sources. The City of Tualuma does not warrant the accuracy or any other information contained in this information. The map is provided "as is". Opposing and building Dept. Parcel 117525.



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION



PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr) *NL*
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

FOR CITY AND COUNTY USE ONLY

The city council or county commission:
City of Tualatin, OR
(name of city or county)

recommends that this license be:

Granted Denied
7-26-10

By: _____ (signature) _____ (date)

Name: Lou Ogden

Title: Mayor

OLCC USE ONLY

Application Rec'd by: [Signature]

Date: 5/20/10

90-day authority: Yes No

20

Applying as:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

- ① Aberrant Cellars, LLC ③ _____
- ② _____ ④ _____

Verified 5/20/10 D-T

2. Trade Name (dba): Aberrant Cellars

3. Business Location: 19550 SW Cipole Rd Tualatin Washington OR 97062
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO BOX 2174 TUALATIN OR 97062
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 303-870-0004
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Union Wine Company Type of License: Bonded Winery

8. Former Business Name: _____

9. Will you have a manager? Yes No Name: Eric Eide
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Washington County
(name of city or county)

11. Contact person for this application: Eric Eide 303-870-0004
(name) (phone number(s))
PO BOX 2174 TUALATIN OR 97062 eideeric@comcast.net
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 11/9/09 ③ _____ Date _____
② _____ Date _____ ④ _____ Date _____



OREGON LIQUOR CONTROL COMMISSION
LIMITED LIABILITY COMPANY QUESTIONNAIRE

● See section 2 of Guide for help with this form

Please Print or Type

LLC Name: Aberrant Cellars, LLC Year Filed: 2009

Trade Name (dba): _____

Business Location Address: ~~1767 SW Fellows St~~ 19550 SW Cipole Rd

City: ~~Medford~~ Tualatin ZIP Code: ~~97520~~ 97062

List Members of LLC:

Percentage of Membership Interest:

1. <u>Eric Eide</u> (managing member)	<u>100%</u>
2. _____ (members)	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: Eric Eide DOB: 12/10/1969

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Signature: [Signature] President Date: 11/9/09
(name) (title)



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY



PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): Aberrant Cellars City: McMinnville Tualatin

1. Name: Eide Eric
(last) (first) (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: 1787 SW Fellows St McMinnville OR 97128
(number and street) (city) (state) (ZIP code)

4. Home Phone: (303) 870-0004 Business Phone: (303) 870-0004

5. *SSN: 517 78 1009 Place of Birth: _____ DOB: 12 / 10 / 1969 Sex: M F
(State/Country) (mm) (dd) (yyyy)

Driver License or State ID #: 95-241-1047 State: CO Spouse's name: Cindy Eide

7. List all states, other than Oregon, where you have lived during the past ten years:
Colorado

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes No
If yes, when, where and name of premises? _____

9. In the past twelve years, have you been convicted of **any** violation, misdemeanor or felony? Yes No
If yes, what, when and where? _____

10. Have you ever entered into a diversion agreement? Yes No
If yes, when and where? _____

11. Do you have any arrests or citations that have not been resolved? Yes No
If yes, arrested/cited for: _____ Date _____ County/City/State/ _____

12. If you are applying for a retail liquor license:
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes No If yes, what and where: _____
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes No If yes, who? _____

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes No If yes, when: _____ where: _____

OSP/DMV
Search Completed

MAY 10 2010

INITIALS: [Signature]

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [Signature] Date: 11/9/09

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature] Date: 11/9/09



4 5 1 0 0 1 A 1

1-800-452-OLCC (6522)
www.oregon.gov/olcc

FILE COPY
(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: ABERRANT CELLARS LLC Phone: 303-870-0004

Trade Name (dba): ABERRANT CELLARS LLC

Business Location Address: 19550 SW CIPOLE RD

City: TUALATIN ZIP Code: 97062

DAYS AND HOURS OF OPERATION

Business Hours: Sunday to Monday to Tuesday to Wednesday to Thursday to Friday to Saturday to

Outdoor Area Hours: Sunday to Monday to Tuesday to Wednesday to Thursday to Friday to Saturday to

The outdoor area is used for: Food service, Alcohol service, Enclosed, how. The exterior area is adequately viewed and/or supervised by Service Permittees. (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain:

ENTERTAINMENT

Check all that apply:

- Live Music, Recorded Music, DJ Music, Dancing, Nude Entertainers, Karaoke, Coin-operated Games, Video Lottery Machines, Social Gaming, Pool Tables, Other:

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday to Monday to Tuesday to Wednesday to Thursday to Friday to Saturday to

SEATING COUNT

Restaurant: Outdoor: Lounge: Other (explain): Banquet: Total Seating:

OLCC USE ONLY
Investigator Verified Seating: (Y) (N)
Investigator Initials:
Date: 3/22/10

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Date: 11/09/09



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 7-26-10
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager *SL*
FROM: Maureen Smith, Executive Assistant *Maureen Smith*
DATE: July 26, 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
Bill Lambert	Architectural Review Board	Regular Term Ending 06/30/12
Victoria King	Library Advisory Committee	Partial Term Ending 10/31/12
Bruce Andrus-Hughes	Parks Advisory Committee	Partial Term Ending 02/28/11
Jeff DeHaan	Planning Advisory Committee	Regular Term Ending 08/31/13
Paul Sivley	Planning Advisory Committee	Regular Term Ending 08/31/13

FINANCIAL IMPLICATIONS:

Not applicable.



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 7-26-10

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

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

DATE: July 26, 2010

SUBJECT: A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR BULL MOUNTAIN HEATING, AIR CONDITIONING, & INSULATION, A CONTRACTOR'S SHOP & EQUIPMENT STORAGE IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 6520 SW ROSEWOOD STREET (TAX MAP 2S113AD, TAX LOT 100) (CUP-10-05)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is a request for a Conditional Use Permit (CUP) that would allow a contractor's shop and equipment storage use at the Haltiner Building site within the Light Manufacturing (ML) Planning District at 6520 SW Rosewood Street (Tax Map 2S113AD, Tax Lot 100).

RECOMMENDATION:

Staff recommends the City Council consider the staff report and supporting attachments and provide direction. If the Council chooses to adopt a resolution granting CUP-10-05 to allow a contractor's shop and equipment storage, staff recommends the following condition:

1. To ensure compatibility with surrounding uses, contractor's shop and equipment storage activities on this site, including service fleet vehicle parking, material and equipment storage, shall be conducted within the building.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The subject property is approximately 0.91 acres at 6520 SW Rosewood Street on Tax Lot 2S 1 13AD 100, north of SW Lower Boones Ferry Road and west of SW 65th Avenue.
- A Vicinity Map is included as Attachment A.

- The applicant and owner is Jack Hansen of Bull Mountain Heating, Air Conditioning & Insulation / Brauk Enterprises, Inc., and the consultant is Lancaster Engineering.
- Bull Mountain Heating, AC & Insulation / Brauk Enterprises, Inc. is a licensed HVAC/R and weatherization contractor serving businesses and residences.
- The subject property is within the Light Manufacturing (ML) Planning District.
- "Contractor's shops and equipment storage" is a conditional use within ML pursuant to Tualatin Development Code (TDC) 60.040(1)(d). A contractor's office is a permitted use within ML pursuant to TDC 60.020(3).
- The City approved the existing site development, the 10,240 square foot (s.f.) multi-tenant Haltiner Building with other site improvements, via Architectural Review AR-06-10 on June 29, 2006.
- The applicant proposes to occupy a tenant space of 5,120 s.f., within the Haltiner Building, and to not change the building exterior or site development such that Architectural Review (AR) would be required. The site plan is part of the application materials that are Attachment B.
- The area around the subject property clockwise from the north includes a mix of light industrial businesses such as Glass Doctor d.b.a. Oregon City Glass, Haltiner Sheet Metal, FedEx Package Delivery, Globe Lighting Supply, Fahey Machinery and the Industrial Business Park Overlay District (IBPOD) uses in the Meridian Business Center located north across SW Rosewood Street and east across SW 65th Avenue.
- Before granting the proposed amendment, the City Council must find that the criteria listed in TDC 32.030 are met: The Analysis and Findings (Attachment C) compares the application with the criteria for granting a CUP.
- The applicant submitted a narrative that describes the proposed conditional use and addresses the Conditional Use Permit approval criteria (within Attachment B). Staff has reviewed the application materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment C). Attachment D is the Engineering Division memorandum addressing transportation and other public facilities associated with the proposed conditional use.
- The submitted Traffic Analysis shows that the proposed conditional use combined with the previously approved CUP-09-04 for one of the other tenant spaces will increase the AM Peak by 13 vehicle trips and decrease the PM Peak by 2 vehicle trips from the number of trips generated by permitted uses approved through Architectural Review (AR-06-10). Additionally, the intersection of SW 65th Avenue and SW Lower Boones Ferry Road operates at approximately 30% below capacity. See Attachment D for the Engineering Division Memorandum and Attachment B for the Applicant's Materials including the Traffic Analysis.
- The Engineering Division memorandum dated July 6, 2010 regarding the Transportation Analysis states, "The intersection [of SW 65th Avenue and SW Lower Boones Ferry Road] was shown to operate near or at capacity during the evening peak hour, but approximately 30 percent below capacity during the morning peak hour. As such, a net increase during the morning peak hour can easily be accommodated. In addition, a small net increase of only five trips during the evening peak hour will not have a significant impact on the

transportation system.” Further information is available in the Engineering Division memorandum (Attachment D) and the supporting Traffic Analysis and other application materials (Attachment B).

- The City Council approved conditional use permits for contractor’s shops and equipment storage uses in the ML and MG Planning Districts, including CUP-06-01 for American Classic Deck & Fence, CUP-06-02 for Columbia Roofing & Sheet Metal and CUP-07-01 for Oswego Drywall. Of the other two tenant spaces within the Haltiner Building, the Council approved the Haltiner Sheet Metal business for light metal fabrication via CUP-91-14 and Glass Doctor for auto glass repair via CUP-09-04.
- The applicable policies and regulations that apply to the proposed conditional use in the ML Planning District include: TDC Chapter 7 “Manufacturing Planning Districts,” Sections 7.030 “Objectives” and 7.040 “Manufacturing Planning District Objectives;” Chapter 32 “Conditional Uses,” Section 32.030 Conditional Uses – Siting Criteria; and Chapter 60 “Light Manufacturing Planning District (ML),” Section 60.041 “Restrictions on Conditional Uses.” The attached analysis and findings (Attachment C) consider the applicable policies and regulations.
- Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the ML Planning District and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment C) examines the application with respect to the criteria for granting a CUP.
- Oregon Revised Statutes (ORS) 227.178(2) requires that the City Council take final action on a land use application, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete. The date of the July 26, 2010 hearing is the 24th day following completeness.

OUTCOMES OF DECISION:

Approval of the Conditional Use Permit request will result in the following:

1. Allows the applicant to operate a contractor’s shop for heating, ventilation, and air conditioning (HVAC) and insulation for business and residential customers and to store related equipment on site within a tenant space of the Haltiner Building.

Denial of the Conditional Use Permit request will result in the following:

1. Precludes the applicant from conducting a contractor’s shop and storing equipment on the subject property. A contractor’s office remains a permitted use.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Approve the proposed Conditional Use Permit (CUP) with conditions that the Council deems necessary.
2. Deny the request for the proposed CUP with findings that state which criteria in TDC 32.030 the applicant fails to meet.

3. Continue the discussion of the proposed CUP and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Fiscal Year 09/10 budget allocated revenue to process Conditional Use Permits, and the applicant submitted payment per the City of Tualatin Fee Schedule on June 8, 2010 to process CUP-10-05.

PUBLIC INVOLVEMENT:

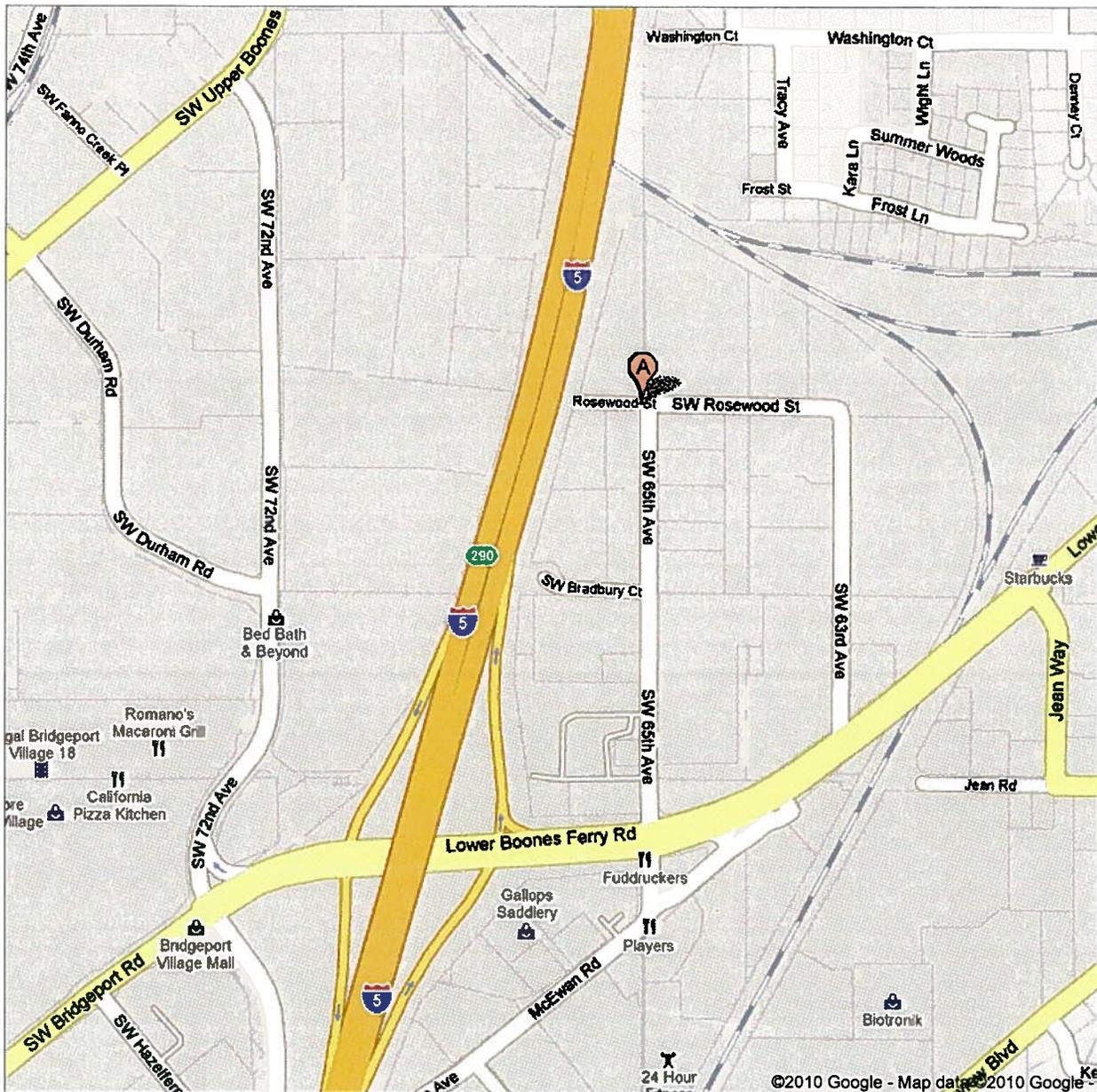
The applicant conducted a neighbor/developer meeting on April 20, 2010 at 6:00 p.m. to explain the CUP-10-05 proposal to neighboring property owners and to receive comments. Four persons attended, including two staff of Bull Mountain Heating.

- Attachments:**
- A. Vicinity Map
 - B. Application Materials
 - C. Analysis and Findings
 - D. Engineering Division Memorandum
 - E. Draft Resolution



Address **6520 Rosewood St**
Tualatin, OR 97035

Notes CUP-10-05 Vicinity Map



Bull Mountain
Heating, Air Conditioning & Insulation

March 16, 2010

Brauk Enterprises, Inc.
13580 SW Rhett Court
Tigard, Oregon 97224

Criteria for Review of Conditional Use Responses

A.) Yes, we are requesting a conditional use based on the TDC, section 60.040, part (d) Contractor's shops and equipment storage.

We are a licensed HVAC/R, and weatherization contractor working to provide clean energy solutions and modifications to our clients residences and business sites. Although the size and span of our company has increased steadily over the past years and continues to do so, almost all of our business is conducted at the residential and commercial sites of our clients, and few customers, if any, will visit our location.

B.) The characteristics of this site are suitable for the needs of Bull Mountain Heating, AC, & Insulation. On site work will be conducted inside the building. Install trucks and service vehicles will be loaded and stored inside the warehouse, and the majority of the employees conduct work away from the shop throughout the business day. Parking for regular vehicles will be limited to the designated spaces, to minimize or eliminate street parking.

C.) We should place minimal impact of the items listed under C. We do not, and most likely will not have many walk in clients since our sales staff, installers and technicians travel to job sites. Out of our 14 current employees, only one to four individuals will remain on-site throughout the day. Our three install trucks do leave first thing in the morning and do not return until the close of the business day, and the service technicians take their vehicles home with them.

D.) The proposed use will not have a noticeable effect on the surrounding area. The building we are leasing will require no exterior changes. We will complete all business inside the building, and all materials, equipment and vehicles will be stored inside the building. We do not house of work with any hazardous chemicals or noisy machinery. Our business hours are regular, with limited overtime, nothing extending past a reasonable hour.

E.) The proposed use of this site satisfies the objectives of the Tualatin Community Plan in that we will be providing a benefit to the general welfare of the public and filling a probable need in the community. In relocation to this site, we will be able to continue providing reliable, and trustworthy services to the local community by gaining improved accessibility to the surrounding highways as to provide as much more productive workday.

Thank you for your consideration.

503.612.6677 FAX 503.692.3084

www.HomePerform.net
info@bullmountainmech.com

Attachment B
Application Materials

BULL MOUNTAIN SITE PLAN



Employee Parking

Customer Parking

OFFICES

Warehouse Storage

Service Trucks

GLASS DOCTOR
PORTLAND
METRO

SW 65th Ave

SW 65th Ave

SW 65th Ave

Paper Capar

Beaverton
Entry

Trade
Secret

Sushi &
Teriyaki

TECHNICAL MEMORANDUM

TO: Jack Hansen, Owner, Bull Mountain Mechanical
FROM: Micah E. Heckman, EIT
DATE: March 30, 2010
SUBJECT: Bull Mountain Mechanical Conditional Use Application
Transportation Analysis



**LANCASTER
ENGINEERING**

321 SW 4th Ave., Suite 400
Portland, Oregon 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

INTRODUCTION

As you know, Bull Mountain Mechanical is a HVAC/R and Insulation business that has proposed to relocate and occupy half (5,120 square feet) of the existing building at 6520 SW Rosewood Street. Due to the nature of your business, a Conditional Use Permit (CUP) is required pursuant to Tualatin Development Code (TDC) Section 60.040(d). As part of that application, the City of Tualatin has requested a transportation analysis that examines the potential increase in trip generation that may be possible as a result of the CUP. City planning staff has indicated that the CUP will run with the land and the entire building, not the tenant (Bull Mountain Mechanical) or the amount of space occupied by that tenant. For this reason, trip generation of the following scenarios is examined. The site is in the Light Manufacturing (ML) planning district.

- Bull Mountain Mechanical occupying 5,120 square feet.
- A similar tenant occupying the entire building (10,240 square feet) that could make use of the CUP for “contractor’s shops and equipment storage”.
- Tenancy of a user that is allowed as an outright permitted use under the TDC, occupying either all or a portion of the subject building.

TRIP GENERATION

To estimate the trip generation associated with the proposed CUP, several sources were used. For the proposed Bull Mountain Mechanical tenancy, the characteristics of the business were used. This was also used to estimate trip characteristics in general for a contractor’s shop and equipment storage. To estimate trips from a tenant permitted as an outright use, trip rates from the manual *Trip Generation*, Eighth Edition, published by the Institute of Transportation Engineers (ITE). This is discussed in more detail below.

In each scenario, the trip generation during the morning and evening peak hours is estimated rather than the daily trip generation. Lancaster Engineering has conducted a number of recent traffic studies for other developments in the area, including the adjacent Hale-Meridian Business Park and the recently completed Panda Express to the south on SW 65th Avenue. Those studies have shown that the evening peak hour is the critical time period with respect to the operation of the surrounding transportation system, particularly at the intersection of 65th Avenue and Lower Boones Ferry Road.



Jack Hansen
March 30, 2010
Page 2 of 4

By calculating the peak hour trip generation of the proposed CUP, a direct comparison can be made between the three scenarios listed above as they would relate to peak-hour traffic impacts.

Bull Mountain Mechanical

As stated in other application materials for the proposed CUP, Bull Mountain Mechanical has a total of ten employees. Eight of these employees are primarily service technicians. The service technicians are dispatched with a schedule of jobs for the day and do not return to the office until the end of the work day. Typically, half of the service technicians use their vehicles to commute home directly and thus do not return to the shop in the evening.

To estimate the peak hour trip generation for the proposed use (occupying 5,120 square feet of the existing building) the worst-case assumption was made that all ten employees would arrive at the site during the morning peak hour, all in separate vehicles. In addition, it was assumed that the eight service technicians would exit the site during the same peak hour. During the evening peak hour, it was assumed that four of the service technicians would arrive back at the site and a total of six employees would leave the site in separate vehicles during the evening peak hour. This results in a total of 18 trips during the morning peak hour and 10 trips during the evening peak hour. To the extent that employee arrivals and departures do *not* coincide with the peak hours, the actual trip generation will be less than what is reported here.

Contractor's Shops & Equipment Storage

Since there is not a land-use category in the ITE *Trip Generation* manual that accurately describes this use, the trip characteristics for Bull Mountain Mechanical were examined. This type of operation would likely be common for a contractor who needs an office with equipment storage, but conducts the majority of work off site. Also, it is likely that the morning peak hour would have a higher trip rate with both office and field employees arriving for work. The end of the work day tends to be more variable as employees finish at varying times and at varying locations, some employees may not return to the office such as the Bull Mountain Mechanical technicians, etc. Given the lack of data in the ITE manual, the Bull Mountain Mechanical characteristics were used as a reasonable approximation of a similar use.

If a contractor with similar use characteristics were to occupy the entire building, the trip generation would be twice that of Bull Mountain, or 36 trips during the morning peak hour and 20 trips during the evening peak hour.

Outright Permitted Use

The uses allowed in the existing ML planning district are described in detail in TDC section 60.020. These uses were examined to determine the number of trips that could be generated by a tenant that would be allowed as a permitted use. TDC 60.020(10) shows that "offices for executive, administrative, and professional uses related to the sale or service of industrial products" are al-

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lowed. The trip generation of such a use was estimated using trip rates from land-use code 710, General Office, in the ITE *Trip Generation* manual.

The trip generation calculations show that a total of 16 trips would be generated during the morning peak hour and 15 trips during the evening peak hour if the entire building were occupied as office. The results of the trip generation calculations for all three scenarios are shown in the table below and detailed trip generation calculations for the office use are attached to this memo.

	AM Peak Hour		PM Peak Hour	
	Trips	Trip Rate ¹	Trips	Trip Rate ¹
<i>Proposed Conditional Use</i>				
Bull Mountain Mechanical – 5,120 sq ft	18	3.52	10	0.59
<i>Proposed Condition Use (Entire Building)</i>				
Contractor's Shops & Storage – 10,240 sq ft	36	3.52	20	0.59
<i>Outright Permitted Use (Entire Building)</i>				
Offices related to sale or service of industrial products – 10,240 sq ft	16	1.55	15	1.49
<i>Potential net increase in trips from CUP</i>	20	-	5	-
¹ Trips per 1,000 square feet of floor area				

As shown in the table above, the proposed CUP will result in a morning peak hour trip rate that is higher than what would be possible for a permitted use in the ML planning district. However, the trip rate would be only slightly higher during the evening peak hour, which is the critical period for the operation of the surrounding transportation system.

Je

Jack Hansen
March 30, 2010
Page 4 of 4

SUMMARY & CONCLUSIONS

The proposed CUP has the potential to generate more trips during both the morning and evening peak hours than a use that is permitted outright in the current ML planning district. However, the CUP will result in a potential only a slight increase in trips during the evening peak hour. In recent studies conducted by Lancaster Engineering for the nearby Hale-Meridian Business Park and the Panda Express restaurant, the evening peak hour has been the critical period for operation of the transportation system, in particular, the intersection of 65th Avenue at Lower Boones Ferry Road. In fact, the intersection was shown to operate near or at capacity during the evening peak hour, but approximately 30 percent below capacity during the morning peak hour. As such, a net increase during the morning peak hour can easily be accommodated. In addition, a small net increase of only five trips during the evening peak hour will not have a significant impact on the transportation system.

Because the proposed CUP will result in only a small increase in trips from the subject site during the critical evening peak hour, no further analysis is necessary and no mitigations are recommended.



**CUP-10-05 ATTACHMENT C:
ANALYSIS AND FINDINGS**

In order to grant the proposed conditional use permit (CUP), the request must meet the approval criteria of Tualatin Development Code (TDC) Section 32.030. The applicant prepared a narrative that addresses the criteria (Attachment C), and staff has reviewed this and other application materials and included pertinent excerpts below:

1. The use is listed as a conditional use in the underlying planning district.

The subject property, Tax Lot 2S 1 13AD 100, is within a Light Manufacturing (ML) Planning District as defined in TDC Chapter 60. "Contractor's shops and equipment storage" is a conditional use within ML pursuant to Tualatin Development Code (TDC) 60.040(1)(d). A contractor's office is a permitted use within ML pursuant to TDC 60.020(3). Lot 100 is developed through AR-06-10 with the multi-tenant Haltiner Building and related site improvements. Presently occupied by two tenants, the building has one remaining vacant tenant space that the applicant, a heating, ventilation, and air conditioning (HVAC) and insulation contractor, seeks to occupy not only for office use but also workshop and storage uses. The applicant proposes no changes to the building exterior or site development.

The criterion is met.

2. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

Size: The minimum lot size within an ML Planning District is 20,000 square feet (s.f.) or approximately 0.46 acres. The subject property is over 39,630 s.f. or approximately 0.91 acres and exceeds the minimum lot size requirement. The applicant seeks to occupy one of three tenant spaces within the existing building.

The site size is suitable for the proposed use.

Shape: The subject property is a rectangular lot with access from both SW 65th Avenue and SW Rosewood Street. The site is already developed. The lot shape is suitable for the proposed use.

Location: The proposed use is located within the ML Planning District with access from both SW 65th Avenue and SW Rosewood Street. Both streets have "Local Commercial Industrial" (B-C1) functional classification as illustrated in TDC Figure 11-1 and described in TDC Table 11-1.

The location is suitable.

Topography: The developed site has negligible slope, which would not interfere with the proposed use.

Improvements: The site was developed through Architectural Review AR-06-10 with an 10,240 square foot (s.f.) multi-tenant building with 35 parking spaces and other site improvements. The applicant proposes to occupy one of three tenant spaces and to not make any changes to the building exterior or site development.

Examining parking, the minimum required parking is determined through Tualatin Development Code (TDC) 73.370. AR-06-10 approved the site development with 35 parking spaces. The proposed site plan illustrates no change to the parking. Because the site was developed with parking calculated on the total square footage of the existing building, and staff has no evidence indicating a parking problem, the proposed improvements are suitable for the use.

Natural Features: Because the site is already developed, no natural features remain.

Criterion 2 is met.

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 site is adjacent to SW 65th Avenue & SW Rosewood Street. SW 65th Avenue is designated as a Local Commercial Industrial (BC-I) by the City of Tualatin (TDC 11.620 – Table 11-2) and would ultimately include two travel lanes, a center turn lane, planter strips and sidewalks. SW Rosewood Street is designated as a Local Commercial Industrial (BC-I) by the City of Tualatin (TDC 11.620 – Table 11-2) and would ultimately include two travel lanes, a center turn lane, planter strips and sidewalks. The SW Lower Boones Ferry Road/SW 65th Avenue Intersection is an ODOT controlled intersection. SW Lower Boones Ferry Road east of 65th Avenue is a Clackamas County facility, and west of 65th Avenue is an ODOT facility.

The site has received an approval with conditions as a part of the Architectural Review (AR-06-10 Haltiner Building) process for a 10,240 sf building on the site. A previous conditional use permit was approved for half of the existing building (5,120 sf). This conditional use permit would be for remaining half of the existing building (5,120 sf). The applicant has submitted a Transportation Analysis, dated March 30, 2010, by Lancaster Engineering.

Transportation Systems:

A 'reasonable worst case' allowed use on tax lot 100 would be the existing 10,240 sf speculative industrial building – which includes offices related to the sale and service of industrial products. The applicant is requesting a conditional use permit to allow a contractor's shop and equipment storage.

The proposed conditional use would increase the AM Peak Hour trips by 20 and increase the PM Peak Hour trips by 5.

The Transportation Analysis states, "in recent studies conducted by Lancaster Engineering for the nearby Hale-Meridian Business Park and Panda Express Restaurant, the evening peak hour has been the critical period for operation of the transportation system, in particular, the intersection of 65th Avenue at Lower Boones Ferry Road. In fact, the intersection was shown to operate near or at capacity during the evening peak hour, but approximately 30 percent below capacity during the morning peak hour. As such, a net increase during the morning peak hour can easily be accommodated. In addition, a small net increase of only five trips during the evening peak hour will not have a significant impact on the transportation system. Because the proposed CUP will result in only a small increase in trips from the subject site during the critical evening peak hour, no further analysis is necessary and no mitigations are recommended."

Following are the trip generation numbers for tax lot #100:

Existing AR Approval (based on ITE Trip Generation Manual):

10,240 SF Speculative Industrial Building
16 AM Peak Hour Trips
15 PM Peak Hour Trips

Previously Approved Conditional Use for 50% of the building (Glass Doctor)
(based on trip generation characteristics of the company):

5,120 SF Contractor's Shop & Equipment Storage
11 AM Peak Hour Trips
3 PM Peak Hour Trips

Conditional Use for 50% of the building (Bull Mountain) (based on trip generation characteristics of the company):

5,120 SF Contractor's Shop & Equipment Storage
18 AM Peak Hour Trips
10 PM Peak Hour Trips

At this time, no comments have been received from ODOT, Washington County or Clackamas County regarding the proposed conditional use permit.

Public Facilities & Services:

Water: A connection to the City system already exists.

Sanitary Sewer: A connection to the City system already exists.

Storm Drainage: A connection to the City system already exists.

Conclusion:

The City Engineer generally agrees with the submitted traffic information. Additionally, the City Engineer agrees that the development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Criterion 3 is met.

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 subject property is in an ML Planning District. Surrounding land uses include:

N:	MG	FedEx (Across SW Rosewood Street)
E:	MG	Meridian Business Park Buildings G & H (approved via AR-08-19 but not yet constructed)
S:	MG	Haltiner Sheet Metal Building
W:	n/a*	Globe Lighting Supply

There are no residential areas adjoining the subject property. The area on both sides of SW 65th Avenue is characterized by industrial development in the ML Planning District. North of SW Rosewood Street is the MG Planning District. The buildings in the vicinity of the subject building are light industrial buildings with manufacturing and wholesaling uses.

All industrial uses regardless of planning district are subject to TDC 63, which contains environmental regulations of noise, vibration, air quality, odors, and heat and glare. Staff expects that noise, vibration, air quality, odors, and heat and glare are not nuisances within the area of SW 65th Avenue and SW Rosewood Street.

Addressing this criterion, Part D of the applicant's narrative states that, "The building we are leasing will require no exterior changes. We will complete all business inside the building, and all materials, equipment and and [sic] vehicles will be stored inside the building."

Based on the applicant's submitted information and review by staff and given the existing site improvements and the condition of approval requiring equipment storage to be within the building, the proposed use would not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying planning districts.

Criterion 4 is met.

5. The proposal is consistent with plan policies.

The applicable Tualatin Community Plan policies are in TDC Chapter 7 "Manufacturing Planning Districts," Sections 7.030 "Objectives" and 7.040 "Manufacturing Planning District Objectives." Other TDC Sections that are not part of the Community Plan yet are relevant include Chapter 32 "Conditional Uses," Section 32.030 Conditional Uses – Siting Criteria and Chapter 60 "Light Manufacturing Planning District (ML)," Section 60.041 "Restrictions on Conditional Uses."

TDC 7.030(1) states, "Encourage new industrial development." The conditional use request is for a contractor's shop and equipment storage within an existing site development and that is an industrial use. The use promotes the objective.

TDC 7.040(2)(a) states that the ML Planning District is, "Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke." The proposed contractor's shop and equipment storage is for heating, ventilation, and air conditioning (HVAC) and insulation. The contractor's shop will be for some site work and mostly for loading and unloading of service vehicles because the contractor will perform HVAC and insulation work off-site. The contractor would generate no significant noise, dust, odor, vibration, or smoke that would affect other building tenants or the public.

TDC 60.041 restricts conditional uses within the ML Planning District that (1) involve the retail sale of products manufactured, assembled, packaged or wholesaled on the site or (2) are within the Special Setbacks for Commercial Uses Area as shown on TDC Map 9-5. The request is for approval of a conditional use within ML. Because the applicant proposes no retail sales, and the subject property is not within the Special Setbacks for Commercial Uses Area, the restrictions are not applicable.

The proposal satisfies those objectives and policies of the Tualatin Development Code (TDC) that are applicable to the proposed use.

The proposal is consistent with plan policies.

Criterion 5 is met.

CUP-10-05: Bull Mountain Heating, AC & Insulation / Brauk Enterprises, Inc.
Attachment C – Analysis and Findings
July 26, 2010
Page 6

Based on the application and the above analysis and findings, the Bull Mountain Heating, AC & Insulation / Brauk Enterprises, Inc. Conditional Use Permit (CUP) application (CUP-10-05) meets the criteria of TDC 32.030.



City of Tualatin

MEMORANDUM

DATE: July 14, 2010

TO: Colin Cortes, AICP
Assistant Planner

FROM: Dayna Webb, PE
Project Engineer

SUBJECT: CUP-10-05 – To allow a Contractor's Shop & Equipment Storage in ML
6510/6520 SW Rosewood Street

TDC 32.030 Criterion (c): 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 site is adjacent to SW 65th Avenue & SW Rosewood Street. SW 65th Avenue is designated as a Local Commercial Industrial (BC-I) by the City of Tualatin (TDC 11.620 – Table 11-2) and would ultimately include two travel lanes, a center turn lane, planter strips and sidewalks. SW Rosewood Street is designated as a Local Commercial Industrial (BC-I) by the City of Tualatin (TDC 11.620 – Table 11-2) and would ultimately include two travel lanes, a center turn lane, planter strips and sidewalks. The SW Lower Boones Ferry Road/SW 65th Avenue Intersection is an ODOT controlled intersection. SW Lower Boones Ferry Road east of 65th Avenue is a Clackamas County facility, and west of 65th Avenue is an ODOT facility.

The site has received an approval with conditions as a part of the Architectural Review (AR-06-10 Haltiner Building) process for a 10,240 sf building on the site. A previous conditional use permit was approved for half of the existing building (5,120 sf). This conditional use permit would be for remaining half of the existing building (5,120 sf). The applicant has submitted a Transportation Analysis, dated March 30, 2010, by Lancaster Engineering.

Transportation Systems:

A 'reasonable worst case' allowed use on tax lot 100 would be the existing 10,240 sf speculative industrial building – which includes offices related to the sale and service of industrial products. The applicant is requesting a conditional use permit to allow a contractor's shop and equipment storage.

The Transportation Analysis states, "in recent studies conducted by Lancaster Engineering for the nearby Hale-Meridian Business Park and Panda Express Restaurant, the evening peak hour has been the critical period for operation of the transportation system, in particular,

Attachment D
Engineering Division Memo

the intersection of 65th Avenue at Lower Boones Ferry Road. In fact, the intersection was shown to operate near or at capacity during the evening peak hour, but approximately 30 percent below capacity during the morning peak hour. As such, a net increase during the morning peak hour can easily be accommodated. In addition, a small net increase of only five trips during the evening peak hour will not have a significant impact on the transportation system. Because the proposed CUP will result in only a small increase in trips from the subject site during the critical evening peak hour, no further analysis is necessary and no mitigations are recommended."

Following are the trip generation numbers for tax lot #100:

Existing AR Approval (based on ITE Trip Generation Manual):

10,240 SF Speculative Industrial Building

16 AM Peak Hour Trips

15 PM Peak Hour Trips

Previously Approved Conditional Use for 50% of the building (Glass Doctor)
(based on trip generation characteristics of the company):

5,120 SF Contractor's Shop & Equipment Storage

11 AM Peak Hour Trips

3 PM Peak Hour Trips

Conditional Use for 50% of the building (Bull Mountain) (based on trip generation characteristics of the company):

5,120 SF Contractor's Shop & Equipment Storage

18 AM Peak Hour Trips

10 PM Peak Hour Trips

With both conditional uses in the building, the trip generation in the AM peak hour will be 13 trips more than anticipated in the existing AR Approval. Since the intersection operates 30% below capacity, the additional trips can be accommodated. In the PM peak hour the building will generate 2 less trips than anticipated.

At this time, no comments have been received from ODOT, Washington County or Clackamas County regarding the proposed conditional use permit.

Public Facilities & Services:

Water: A connection to the City system already exists.

Sanitary Sewer: A connection to the City system already exists.

Storm Drainage: A connection to the City system already exists.

Conclusion:

The City Engineer generally agrees with the submitted traffic information. Additionally, the City Engineer agrees that the development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

CUP-10-05: To allow a Contractor's Shop & Equipment Storage in ML
July 14, 2010
Page 3

Please let me know if you have questions, I can be reached at 503-691-3036.

RESOLUTION NO. _____

A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR BULL MOUNTAIN HEATING, AIR CONDITIONING, & INSULATION, A CONTRACTOR'S SHOP & EQUIPMENT STORAGE IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 6520 SW ROSEWOOD STREET (TAX MAP 2S113AD, TAX LOT 100)

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on July 26, 2010, upon the application of Jack Hansen, proprietor of Bull Mountain Heating, Air Conditioning, & Insulation; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing 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 heard and considered the testimony and evidence presented on behalf of the applicant, 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 [Vote _- _]; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated July 26, 2010, marked "Exhibit C," attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

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

Section 1. The Bull Mountain Heating, Air Conditioning, & Insulation is granted a Conditional Use Permit that would allow contractor's shop & equipment storage in the Light Manufacturing (ML) Planning District at 6520 SW Rosewood Street, subject to the following condition:

To ensure compatibility with surrounding uses, contractor's shop and equipment storage activities on this site, including service fleet vehicle parking, material and equipment storage, shall be conducted within the building.

INTRODUCED AND ADOPTED this 26th day of July, 2010.

CITY OF TUALATIN, Oregon

By _____
Mayor

ATTEST:

By _____
City Recorder

RESOLUTION NO. 4997-10

A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR BULL MOUNTAIN HEATING, AIR CONDITIONING, & INSULATION, A CONTRACTOR'S SHOP & EQUIPMENT STORAGE IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 6520 SW ROSEWOOD STREET (TAX MAP 2S113AD, TAX LOT 100)(CUP-10-05)

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on July 26, 2010, upon the application of Jack Hansen, proprietor of Bull Mountain Heating, Air Conditioning, & Insulation; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing 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 heard and considered the testimony and evidence presented on behalf of the applicant, 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 [Vote7-0]; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated July 26, 2010, marked "Exhibit C," attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit is in the best interests of the residents and inhabitants of the City, the applicant, and the public generally.

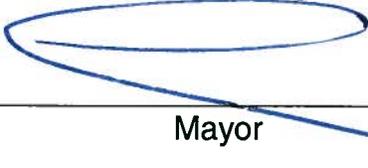
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Bull Mountain Heating, Air Conditioning, & Insulation is granted a Conditional Use Permit that would allow contractor's shop & equipment storage in the Light Manufacturing (ML) Planning District at 6520 SW Rosewood Street, subject to the following condition:

To ensure compatibility with surrounding uses, contractor's shop and equipment storage activities on this site, including service fleet vehicle parking, material and equipment storage, shall be conducted within the building.

INTRODUCED AND ADOPTED this 26th day of July, 2010.

CITY OF TUALATIN, Oregon

By  _____
Mayor

ATTEST:

By  _____
City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

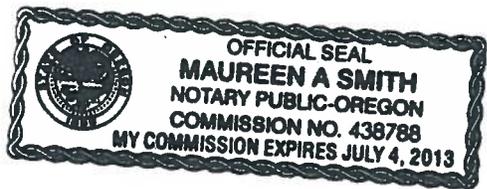
I, Stacy Crawford, being first duly sworn, depose and say:

That on the 2nd day of July, 2010, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 2nd day of July, 2010.

Maureen A Smith
Notary Public for Oregon
My commission expires: July 4, 2013



RE: CUP-10-05—CONDITIONAL USE PERMIT TO A CONTRACTOR'S SHOP AND EQUIPMENT STORAGE IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 6510 SW ROSEWOOD ST (TAX MAP 2S113AD, TAX LOT 100)

EXHIBIT A

Globe Lighting: Lake Oswego
17571 SW 65th Avenue
Lake Oswego, OR 97035

Glass Doctor
6510 SW Rosewood Street
Lake Oswego, OR 97035

Golden Key, LLC
309 10th Avenue
Lake Oswego, OR 97034

Richard Haltiner
23812 SE Robson Terrace
Sherwood, OR 97140

Tualatin-Lake Oswego, LLC
1919 NE 19th Avenue
Portland, OR 97209

Fahey Investment, LLC
17605 SW 65th
Tualatin, OR 97062

James Berrey, LLC
6505 SW Rosewood Street
Tualatin, OR 97062

James Berrey, LLC
6305 Rosewood Street #D
Lake Oswego, Oregon 97035

Berrey Properties
6305 Rosewood Street #D
Lake Oswego, OR 97035



City of Tualatin

www.ci.tualatin.or.us

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, July 26, 2010**, at the Council Building, 18880 SW Martinazzi Avenue, to consider:

CUP-10-05—CONDITIONAL USE PERMIT TO A CONTRACTOR'S SHOP AND EQUIPMENT STORAGE IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 6510 SW ROSEWOOD ST (TAX MAP 2S113AD, TAX LOT 100)

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

- (1) The use is listed as a conditional use in the underlying planning district;
- (2) The characteristics of the site are suitable for the proposed use;
- (3) The proposed use is timely;
- (4) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the uses of surrounding properties for the primary uses listed in the underlying planning district;
- (5) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

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

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 are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the applications, 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 the City Library and Planning Division at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact **Colin Cortes, Assistant Planner 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

file: CUP-10-05

Mailed: 7/2/2010

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 2nd day of July, 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:

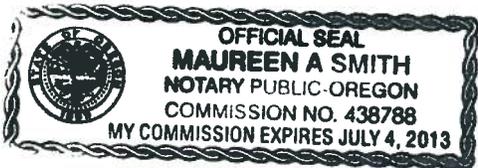
1. City of Tualatin - Police Department
2. City of Tualatin - City Center Building
3. City of Tualatin - Community Development
4. City of Tualatin - Library

Dated this 2nd day of July, 2010.

Stacy Crawford
Stacy Crawford

Subscribed and sworn to before me this 2nd day of July, 2010.

Maureen A Smith
Notary Public for Oregon
My Commission expires: July 4, 2013



RE: CUP-10-05—CONDITIONAL USE PERMIT TO A CONTRACTOR'S SHOP AND EQUIPMENT STORAGE IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 6510 SW ROSEWOOD ST (TAX MAP 2S113AD, TAX LOT 100)

EXHIBIT B



City of Tualatin

www.ci.tualatin.or.us

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

- (1) The use is listed as a conditional use in the underlying planning district;
- (2) The characteristics of the site are suitable for the proposed use;
- (3) The proposed use is timely;
- (4) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the uses of surrounding properties for the primary uses listed in the underlying planning district;
- (5) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

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

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CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

file: CUP-10-05

Mailed: 7/2/2010

CUP-10-05 ATTACHMENT C:

ANALYSIS AND FINDINGS

In order to grant the proposed conditional use permit (CUP), the request must meet the approval criteria of Tualatin Development Code (TDC) Section 32.030. The applicant prepared a narrative that addresses the criteria (Attachment C), and staff has reviewed this and other application materials and included pertinent excerpts below:

1. The use is listed as a conditional use in the underlying planning district.

The subject property, Tax Lot 2S 1 13AD 100, is within a Light Manufacturing (ML) Planning District as defined in TDC Chapter 60. "Contractor's shops and equipment storage" is a conditional use within ML pursuant to Tualatin Development Code (TDC) 60.040(1)(d). A contractor's office is a permitted use within ML pursuant to TDC 60.020(3). Lot 100 is developed through AR-06-10 with the multi-tenant Haltiner Building and related site improvements. Presently occupied by two tenants, the building has one remaining vacant tenant space that the applicant, a heating, ventilation, and air conditioning (HVAC) and insulation contractor, seeks to occupy not only for office use but also workshop and storage uses. The applicant proposes no changes to the building exterior or site development.

The criterion is met.

2. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

Size: The minimum lot size within an ML Planning District is 20,000 square feet (s.f.) or approximately 0.46 acres. The subject property is over 39,630 s.f. or approximately 0.91 acres and exceeds the minimum lot size requirement. The applicant seeks to occupy one of three tenant spaces within the existing building.

The site size is suitable for the proposed use.

Shape: The subject property is a rectangular lot with access from both SW 65th Avenue and SW Rosewood Street. The site is already developed. The lot shape is suitable for the proposed use.

Location: The proposed use is located within the ML Planning District with access from both SW 65th Avenue and SW Rosewood Street. Both streets have "Local Commercial Industrial" (B-CI) functional classification as illustrated in TDC Figure 11-1 and described in TDC Table 11-1.

The location is suitable.

Topography: The developed site has negligible slope, which would not interfere with the proposed use.

Improvements: The site was developed through Architectural Review AR-06-10 with an 10,240 square foot (s.f.) multi-tenant building with 35 parking spaces and other site improvements. The applicant proposes to occupy one of three tenant spaces and to not make any changes to the building exterior or site development.

Examining parking, the minimum required parking is determined through Tualatin Development Code (TDC) 73.370. AR-06-10 approved the site development with 35 parking spaces. The proposed site plan illustrates no change to the parking. Because the site was developed with parking calculated on the total square footage of the existing building, and staff has no evidence indicating a parking problem, the proposed improvements are suitable for the use.

Natural Features: Because the site is already developed, no natural features remain.

Criterion 2 is met.

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 site is adjacent to SW 65th Avenue & SW Rosewood Street. SW 65th Avenue is designated as a Local Commercial Industrial (BC-I) by the City of Tualatin (TDC 11.620 – Table 11-2) and would ultimately include two travel lanes, a center turn lane, planter strips and sidewalks. SW Rosewood Street is designated as a Local Commercial Industrial (BC-I) by the City of Tualatin (TDC 11.620 – Table 11-2) and would ultimately include two travel lanes, a center turn lane, planter strips and sidewalks. The SW Lower Boones Ferry Road/SW 65th Avenue Intersection is an ODOT controlled intersection. SW Lower Boones Ferry Road east of 65th Avenue is a Clackamas County facility, and west of 65th Avenue is an ODOT facility.

The site has received an approval with conditions as a part of the Architectural Review (AR-06-10 Haltiner Building) process for a 10,240 sf building on the site. A previous conditional use permit was approved for half of the existing building (5,120 sf). This conditional use permit would be for remaining half of the existing building (5,120 sf). The applicant has submitted a Transportation Analysis, dated March 30, 2010, by Lancaster Engineering.

Transportation Systems:

A 'reasonable worst case' allowed use on tax lot 100 would be the existing 10,240 sf speculative industrial building – which includes offices related to the sale and service of industrial products. The applicant is requesting a conditional use permit to allow a contractor's shop and equipment storage.

The proposed conditional use would increase the AM Peak Hour trips by 20 and increase the PM Peak Hour trips by 5.

The Transportation Analysis states, "in recent studies conducted by Lancaster Engineering for the nearby Hale-Meridian Business Park and Panda Express Restaurant, the evening peak hour has been the critical period for operation of the transportation system, in particular, the intersection of 65th Avenue at Lower Boones Ferry Road. In fact, the intersection was shown to operate near or at capacity during the evening peak hour, but approximately 30 percent below capacity during the morning peak hour. As such, a net increase during the morning peak hour can easily be accommodated. In addition, a small net increase of only five trips during the evening peak hour will not have a significant impact on the transportation system. Because the proposed CUP will result in only a small increase in trips from the subject site during the critical evening peak hour, no further analysis is necessary and no mitigations are recommended."

Following are the trip generation numbers for tax lot #100:

Existing AR Approval (based on ITE Trip Generation Manual):

10,240 SF	Speculative Industrial Building
	16 AM Peak Hour Trips
	15 PM Peak Hour Trips

Previously Approved Conditional Use for 50% of the building (Glass Doctor)
(based on trip generation characteristics of the company):

5,120 SF	Contractor's Shop & Equipment Storage
	11 AM Peak Hour Trips
	3 PM Peak Hour Trips

Conditional Use for 50% of the building (Bull Mountain) (based on trip generation characteristics of the company):

5,120 SF	Contractor's Shop & Equipment Storage
	18 AM Peak Hour Trips
	10 PM Peak Hour Trips

At this time, no comments have been received from ODOT, Washington County or Clackamas County regarding the proposed conditional use permit.

Public Facilities & Services:

Water: A connection to the City system already exists.

Sanitary Sewer: A connection to the City system already exists.

Storm Drainage: A connection to the City system already exists.

Conclusion:

The City Engineer generally agrees with the submitted traffic information. Additionally, the City Engineer agrees that the development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Criterion 3 is met.

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 subject property is in an ML Planning District. Surrounding land uses include:

N:	MG	FedEx (Across SW Rosewood Street)
E:	MG	Meridian Business Park Buildings G & H (approved via AR-08-19 but not yet constructed)
S:	MG	Haltiner Sheet Metal Building
W:	n/a*	Globe Lighting Supply

There are no residential areas adjoining the subject property. The area on both sides of SW 65th Avenue is characterized by industrial development in the ML Planning District. North of SW Rosewood Street is the MG Planning District. The buildings in the vicinity of the subject building are light industrial buildings with manufacturing and wholesaling uses.

All industrial uses regardless of planning district are subject to TDC 63, which contains environmental regulations of noise, vibration, air quality, odors, and heat and glare. Staff expects that noise, vibration, air quality, odors, and heat and glare are not nuisances within the area of SW 65th Avenue and SW Rosewood Street.

Addressing this criterion, Part D of the applicant's narrative states that, "The building we are leasing will require no exterior changes. We will complete all business inside the building, and all materials, equipment and and [sic] vehicles will be stored inside the building."

Based on the applicant's submitted information and review by staff and given the existing site improvements and the condition of approval requiring equipment storage to be within the building, the proposed use would not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying planning districts.

Criterion 4 is met.

5. The proposal is consistent with plan policies.

The applicable Tualatin Community Plan policies are in TDC Chapter 7 "Manufacturing Planning Districts," Sections 7.030 "Objectives" and 7.040 "Manufacturing Planning District Objectives." Other TDC Sections that are not part of the Community Plan yet are relevant include Chapter 32 "Conditional Uses," Section 32.030 Conditional Uses – Siting Criteria and Chapter 60 "Light Manufacturing Planning District (ML)," Section 60.041 "Restrictions on Conditional Uses."

TDC 7.030(1) states, "Encourage new industrial development." The conditional use request is for a contractor's shop and equipment storage within an existing site development and that is an industrial use. The use promotes the objective.

TDC 7.040(2)(a) states that the ML Planning District is, "Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke." The proposed contractor's shop and equipment storage is for heating, ventilation, and air conditioning (HVAC) and insulation. The contractor's shop will be for some site work and mostly for loading and unloading of service vehicles because the contractor will perform HVAC and insulation work off-site. The contractor would generate no significant noise, dust, odor, vibration, or smoke that would affect other building tenants or the public.

TDC 60.041 restricts conditional uses within the ML Planning District that (1) involve the retail sale of products manufactured, assembled, packaged or wholesaled on the site or (2) are within the Special Setbacks for Commercial Uses Area as shown on TDC Map 9-5. The request is for approval of a conditional use within ML. Because the applicant proposes no retail sales, and the subject property is not within the Special Setbacks for Commercial Uses Area, the restrictions are not applicable.

The proposal satisfies those objectives and policies of the Tualatin Development Code (TDC) that are applicable to the proposed use.

The proposal is consistent with plan policies.

Criterion 5 is met.

CUP-10-05: Bull Mountain Heating, AC & Insulation / Brauk Enterprises, Inc.
Attachment C – Analysis and Findings
July 26, 2010
Page 6

Based on the application and the above analysis and findings, the Bull Mountain Heating, AC & Insulation / Brauk Enterprises, Inc. Conditional Use Permit (CUP) application (CUP-10-05) meets the criteria of TDC 32.030.



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 7-26-10
Recording Secretary W. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 

DATE: July 26, 2010

SUBJECT: FISCAL YEAR 2009-2010 TUALATIN TOMORROW VISION
IMPLEMENTATION COMMITTEE ANNUAL REPORT

ISSUE BEFORE THE COUNCIL:

City Council consideration and acceptance of the 2009-2010 Tualatin Tomorrow Vision Implementation Committee Annual Report.

RECOMMENDATION:

- The Tualatin Tomorrow Vision Implementation Committee (VIC) met on June 22, 2010 and voted unanimously to forward the Annual Report on to the City Council for acceptance.
- Staff recommends that the City Council accept the 2009-2010 Annual Report.

EXECUTIVE SUMMARY:

- This is not a public hearing
- On October 24, 2005, the Tualatin City Council reviewed and approved the proposal for the Tualatin Tomorrow community visioning project, including the scope of work, budget, project schedule and formation of a Tualatin Tomorrow Steering Committee. The project's scope called for delivery of a Vision and Strategic Action Plan, with the Steering Committee as caretakers and custodians of the community visioning process. Seventeen months later, after several rounds of community review and input, refinements and coordination with community partners - including the City - the TTSC presented the Community Vision and Strategic Action Plan to the City Council on June 25, 2007.
- Resolution No. 4694-07 was adopted by the City Council on June 25, 2007 establishing the Tualatin Tomorrow Ad Hoc Implementation Committee to operate for six months.

- The Tualatin Tomorrow Vision Implementation Committee (VIC) was established by the City Council on January 14, 2008 with adoption of Resolution No. 4739-08.
- Contained in the framework document creating the VIC is a requirement to provide an annual progress report to the Tualatin City Council.
- Also contained in the framework is a requirement to recommend, if necessary, proposed changes to the Community Vision and Strategic Action Plan for consideration by the City Council.
- The attached report highlights the activities of the VIC.
- There are no criteria applicable to accepting this annual report.

OUTCOMES OF DECISION:

City Council acceptance of the Annual Report fulfills the VIC's requirement to prepare and present the report.

ALTERNATIVES TO RECOMMENDATION:

Alternatives to the VIC and staff recommendations are to:

- Request the VIC modify the Annual Report and return at a later date with a new presentation.

FINANCIAL IMPLICATIONS:

Funds and staff resources were allocated to the Tualatin Tomorrow project in fiscal year 2010/2011.

PUBLIC INVOLVEMENT:

All VIC meetings are open to the public and appropriate notice has been provided for community input on the annual report.

Attachments: A. 2009-2010 Annual Report



Tualatin Tomorrow Vision Implementation Committee Annual Report
Prepared by the members of the Vision Implementation Committee
Presented by Frank Bubenik, Chair

This report is the third annual report for the Vision Implementation Committee of Tualatin Tomorrow and it is for the Fiscal Year 09/10.

Background: On January 14, 2008, the Tualatin City Council unanimously passed a resolution authorizing the formation of the Community driven and City supported Vision Implementation Committee (VIC). In addition, a VIC Steering Committee (VICSC) was also formed.

One of the desired outcomes is for Tualatin to be more effective and proactive in planning for the future and what it might bring, and be in a better position to capture opportunities. Tualatin's citizens, youth, business owners, employers and other community members are the most important participants in this project. City Councilors as well as City Staff work together with the Vision Implementation Committee and its Steering Committee to help guide and manage the process. The Tualatin Tomorrow Visioning project wants to connect with the entire community and wants everyone to have a chance to participate in some way.

Today: The citizen-led Tualatin Tomorrow VIC tracks and facilitates the progress of the Community Vision and Strategic Action Plan to ensure its successful implementation. This entails monitoring the progress of the Community Vision and Strategic Action Plan, maintaining strategies, encouraging implementation of actions, and recommending minor modifications as appropriate. The VIC membership reflects the broad interests and population of the Tualatin community and includes a representative of any partner that has two or more items in the Action Plan. All VIC and VICSC meetings are open to the public and appropriate notice is provided in the City Newsletter.



Our Third Fiscal Year: The VIC began the year in July by creating a work plan for the year ahead. This included attending community events for outreach and recruiting and setting significant milestones for the year. Each Focus Area Lead has presented information to the City Council on their Focus Area throughout this fiscal year and we plan to continue to do so next fiscal year. We send an open invitation to anyone interested in Tualatin to consider joining us in the area that is most important to them.

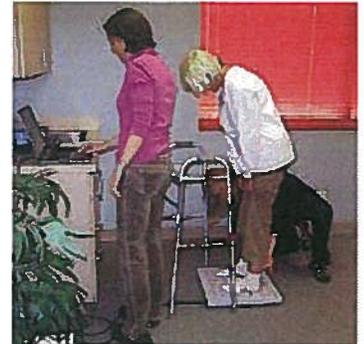
We staffed a Tualatin Tomorrow informational booth at the 2009 **Crawfish Festival** and twenty Tualatin Tomorrow volunteers marched in the parade. We won a First Prize Ribbon for the second year in a row for our Wagon Train theme.





In January we held our second **Partner's Luncheon** to great success. Over fifty people attended this working lunch. The meeting gave our partners a needed opportunity to interact with each other and the VIC. Partners who attended included the City of Tualatin, the Tualatin Chamber of Commerce, TVF&R, Metro, TTSD, Washington County, Clackamas County, Community Action, Legacy Meridian Park, and Kaiser Permanente.

We were heavily involved in the Third Annual **Community Health & Safety Fair** as a sponsor. The Community Health & Safety Fair is an Action under the Health, Safety and Social Services (HSS) Focus Area. Approximately twenty-five vendors had booths and there was a 5K walk/run in conjunction with Fit City. Specialty presentations on health and safety included a Wii station operated by Providence and yoga and balance/stretch demonstrations with instructors provided by Legacy. Police Department staff will do a presentation on Internet safety



Tualatin Tomorrow organized and hosted the **Tualatin Road Extension Forum** in March. This event was attended by over 100 citizens. Presentations were given by the City of Tualatin, Metro, and the Northern Tualatin Friends.



Our Third **Annual Tualatin Tomorrow Event** was held in May, with partners and volunteers working hard to show what they have been doing for the City of Tualatin and what they intend to accomplish in the future. The event's primary goals were to inform the Community of what is being worked on now and planned for the future as well as to receive the community's input of new ideas or change requests for the Tualatin Tomorrow Vision's Actions. Secondly, we wanted to encourage people to join us in this effort and for them to have a good time. Even though attendance was smaller than we were hoping for,

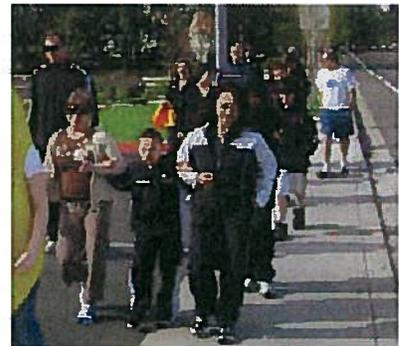
attendees had a chance to network with other and exchange ideas. We are evaluating changing the format and location of next year's event. One possibility is to have it in conjunction with the Health Fair during a Farmer's Market night on the Commons.

Tualatin Tomorrow launched a **Community Calendar** on the Tualatin Chamber's website. This calendar centralizes dates for all the upcoming community events. Special thanks to Beverly Robinson for leading this effort. Beverly also is spearheading the **Latino Outreach** project for Tualatin Tomorrow. The main goal of the project 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.



The **Tualatin Farmers Market** opened on June 25, 2010 and is a result of Tualatin Tomorrow.

Tualatin Tomorrow started inserting a special **newsletter** every other month inside the city's monthly mailing. The newsletter provides information on topics relevant to the vision process and focuses on a different focus area each issue. The newsletter is also enlarged, mounted on poster board, and displayed in the library lobby so passersby can read it if they do not receive the city's mailings.





Arts, Culture, Education, Youth and Family Activities (ACE) Focus Area Report Card

Larry McClure, Focus Area Lead

Strategy Progress

Number	Description of Vision/Strategy/Action	Lead Partner	Complete	Underway	Ongoing	Not Started
1.1	Ongoing Facilities Evaluation	TTSD	✓		✓	
2.1	Educational Challenge Group	TTSD	✓		✓	
3.1	Work force needs/training	WorkSource			✓	
4.1	Community Information Sharing	City			✓	
4.2	Scholarship Clearinghouse	TTSD	✓			
5.1	Spanish Language Opportunities	TTSD		✓		
8.1	Transit Expansion	Tri Met		✓		
8.2	Community Schools	City	✓			
10.1	Library Funding Support	LAC		✓		
10.2	Library Mural Project (redefined)	AAC	✓			
11.1	Breaking Barriers to Community Participation	City		✓		
12.1	Community Theater Partnership	TTSD		✓		
12.2	Arts Outreach and Clearinghouse	AAC		✓		
12.3	Performance Sponsorships	AAC		✓		
13.1	Expanded Information on Arts in Tualatin	AAC		✓		
13.2	Summer Arts Festival (w/Performing Arts)	AAC		✓		
14.1	Expansion of Youth Programs	City		✓		
16.1	Promote Volunteerism	City		✓		
16.2	Use Web for Volunteer Coordination	City		✓		
16.3	Greater Diversity of Volunteer Pool	City		✓		
17.1	Communications Outreach Assessment	City		✓		
19.1	Cultural Competency Training	City		✓		
20.1	Expand Indoor Family Recreation	City				✓
20.2	Expand Use of Facilities for Family Activities	City		✓		

Legend: TTSD (Tigard-Tualatin School District), City (City of Tualatin), LAC (Library Advisory Council), AAC (Arts Advisory Council) WorkSource (WorkSource Tualatin).



Governance, Leadership and Community Engagement (GLC) Focus Area Report Card

Ed Casey, Focus Area Lead

Strategy Progress

Number	Description of Vision/Strategy/Action	Lead Partner	Complete	Underway	Ongoing	Not Started
1.1	Regional Policy Discussion	City			✓	
1.2	Bi-County Service Delivery	City			✓	
2.1	Collaborating with Surrounding Cities	City			✓	
3.1	City Budget/Finance Public Awareness	City		✓		
3.2	Limited Taxes Impact Awareness	City				✓
5.1	Employment Enhancement Strategies	City			✓	
5.2	Proactive Hiring and Retention Plan	City			✓	
6.1	Targeted Leadership Recruitment	Chamber			✓	
7.1	City and School Interactions	City/TTSD			✓	
8.1	Annual Council Report	TT VIC	✓		✓	
9.1	Quality of Family/Life	City			✓	
9.2	Family and Youth Programs	City			✓	
9.3	Community Amenities	City		✓		
10.1	Campaign for Civic Engagement	City		✓		
10.2	Neighborhood Associations Network	City				✓
10.3	Neighborhood Night Out	City		✓	✓	
11.1	Community Participation	City			✓	
11.2	Cultural Groups Outreach	City		✓		
11.3	Town Center Monument	City				✓
12.1	Website Enhancement	City		✓	✓	
13.1	City Open House	City		✓		
13.2	Council Action Notices	City		✓		
13.3	City Operations and Communications	City		✓		
14.1	Targeted Outreach	City				✓
16.1	Diverse City Staff And Advisory Members	City		✓		
17.1	City Support for Non-English Speakers	City		✓		

Legend: TTSD (Tigard-Tualatin School District, **City** (City of Tualatin), **Chamber** (Tualatin Chamber of Commerce) TT VIC (Tualatin Tomorrow Vision Implementation Committee).

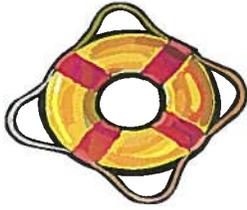


Growth, Housing, and Town Center (GHT) Focus Area Report Card

Beth Roach, Focus Area Lead Strategy Progress

Number	Description of Vision/Strategy/Action	Lead Partner	Complete	Underway	Ongoing	Not Started
2.1	Region Government Forum	City			✓	
3.1	TT Vision Implemented in City Action Plan	City			✓	
6.1	Community Issues Forum for Communication	City			✓	
7.1	Balance Use Expansion (Urban/Rural Reserves)	City/Metro			✓	
7.2	Neighboring Long Range Plan Coordination	City/Metro			✓	
8.1	Consider Greenbelt/Preserve Open Space	City		✓		
9.1	Explore Innovative Infrastructure Funding	City			✓	
11.1	Develop Range of Housing in City Center	City			✓	
13.1	Town Center Awareness to Generate Interest/Revenue	City		✓		
13.2	Increase Town Center Parking	City		✓		
14.1	Encourage Innovative Development/Town Center	City			✓	
14.2	Expand Mixed-Use Opportunities through Development	City		✓		
14.3	Provide Incentives to Developers in-line with TT Vision	City		✓		
15.1	Incorporate TT Vision into Town Center Plan	City	✓			
15.2	Involve Public in Town Center Plan Development	City		✓		
15.3	Adopt the Tualatin Town Center Plan	City		✓		
16.4	Enforce Design Standards in New Developments	City			✓	
17.2	Develop Alternate North-South Connection via 124 th Ave.	City			✓	
18.1	Review Housing Design Standards for Mixed-Use	City		✓		
19.1	Encourage Mixed-Use Development to limit Vehicle Trips	City		✓		
20.2	Include Neighborhood Commercial Center in SW Tualatin Plan	City		✓		
21.1	Expand/Strengthen City Of Tualatin Street Trees Program	City	✓			
22.2	Create City Entryways to Reflect Community Identity	City		✓		
23.1	Create A "Quiet" Community with Noise Abatement Ordinances	City		✓		
24.1	Plan for Economic Growth with Environmental Conscious Developers	City			✓	
26.2	Promote "Outstanding/Exemplary" Business	Chamber		✓		

Legend: City (City of Tualatin), Chamber (Tualatin Chamber of Commerce), TT (Tualatin Tomorrow)



Health, Safety and Social Services (HSS) Focus Area Report Card

Jay Wilcox, Focus Area Lead

Strategy Progress

Number	Description of Vision/Strategy/Action	Lead Partner	Complete	Underway	Ongoing	Not Started
1	Limiting Homelessness	CA		✓	✓	
2	Reducing Poverty	CA		✓	✓	
3	Accessible Emergency Shelters	CA		✓	✓	
4.1	Food Panty Business Development	TFP		✓	✓	
6.1	Healthcare Program Awareness	NLP				✓
6.2	Business Support for Healthy Employees	Chamber/City		✓	✓	
6.3	Health & Safety Fair	L&F/TTVIC/ City	✓		✓	
7.1	Tualatin Police Department Enhancements	City/TPD		✓	✓	
8.1	Reduction of Gang Affiliations & Crime	City/TPD		✓	✓	
9.1	Graffiti Clean-up Program Support	City/TPD		✓	✓	
10.1	Teen Court	City/TPD				✓
11.1	Tualatin Police Department Funding	City		✓	✓	
12.1	Emergency Response Services	TVF&R/TPD		✓	✓	
13.1	Drug Education Expansion	TPD/City		✓	✓	
14	Adequately Funded Social Services	NLP				✓
15	Access to Non-English Speakers	TTVIC/City		✓	✓	
16	Care For All Residents	NLP				✓
17	Services for All Aging Residents	NLP				✓
18	Services For Low Income Residents	NLP				✓
19	Accessible Health Care	NLP				✓
20	Compassion For People with Mental & Physical Disabilities	NLP				✓
21	Neighborly Care	NLP				✓
22	Collaborative Community Organizations	NLP				✓

Legend: * = New Lead Partner, TFP (Tualatin Food Pantry), LMPH (Legacy Meridian Park Hospital), TPD (Tualatin Police Department) TVF&R (Tualatin Valley Fire & Rescue), L&F (Loaves & Fishes Centers, Inc), TDSC (Tualatin-Durham Senior Center), CA (Community Action Network), TTVIC (Tualatin Tomorrow Vision Implementation Committee), NLP (No Lead Partner).



Parks, Recreation and Natural Areas (PRN) Focus Area Report Card

Connie Ledbetter, Focus Area Lead

Strategy Progress

Number	Description of Vision/Strategy/Action	Lead Partner	Complete	Underway	Ongoing	Not Started
1.1	Use regulation to promote clean waterways	CWS			✓	
1.2	Protect waterways with neighboring towns	CWS			✓	
2.1	Inventory and Assess Storm Water Systems	City			✓	
3.1	Preserve Open Spaces with Regulation	City			✓	
4.2	Create Small Neighborhood Parks	City			✓	
4.3	Create Community Recreation Center	City				✓
4.4	Create Tualatin River Canoe Trail	Metro			✓	
5.1	Promote Programs to Reduce Global Warming	City			✓	
6.1	Inventory Existing/Potential Open Spaces	City		✓		
6.2	Expand Open Spaces Property	City			✓	
6.3	Inter-City Plan to Protect Open Spaces	City			✓	
7.1	Expand Volunteer Environment Efforts	City			✓	
7.2	Funding for Volunteer Restoration	NLP			✓	
8.1	Use Previous Surfaces for Storm Runoff	City			✓	
8.2	Increase Natural Buffers and Green Spaces	City			✓	
8.3	Expand National Wildlife Refuge	TRNWR			✓	
9.1	Protect and Expand Tree Canopy	City			✓	
11.1	Improve Trail Safety to Increase Use	City		✓		
11.2	Connect Existing Trails	City			✓	
12.1	Enhance People-to-Parks Acreage Ratio	City			✓	
13.1	Connect Bike Paths and Lanes	City			✓	
14.1	Identify Possible Dog Park Locations	City	✓			
14.2	Establish Dog Park	City				✓
14.3	Manage and Operate Dog Park	City				✓
15.1	Promote Recreation for All Ages and Groups	City			✓	
16.1	Update Demographic Growth Projections	City				✓

Legend: * = New Lead Partner, City (City of Tualatin), CWS (Clean Water Services), TRNWR (Tualatin River National Wildlife Refuge), NLP (No Lead Partner).



Traffic, Transportation and Connectivity (TTC) Focus Area Report Card

Bethany Wurtz, Focus Area Lead

Strategy Progress

Number	Description of Vision/Strategy/Action	Lead Partner	Complete	Underway	Ongoing	Not Started
1.1	Explore the feasibility of a Community Bus System	City/ Chamber				✓
1.2	Complete Tualatin River Bike/Pedestrian paths	City				✓
1.3	Bus System Expansion	Trimet				✓
1.4	PCC Shuttle					✓
4.1	Parking/Funding Adequacy	City				✓
4.2	Trimet Station Relocation	City	✓			
5.1	Heavy Freight Management	City			✓	
6.1	Traffic Flow Management	City			✓	
7.1	Technology Support in Enforcement	City			✓	
9.1	Regional Goal Setting	City			✓	
12.1	Roadside Landscaping	City			✓	
13.1	Evaluate Expansion of East/West Rail Service	City		✓		
14.1	Pedestrian Paths	City				✓
15.1	Develop and Promote Walkability Program	City				✓

Legend: City (City of Tualatin), Chamber (Tualatin Chamber of Commerce).



Background

- Tualatin Tomorrow's **Vision and Strategic Action Plan** was accepted by the Tualatin City Council on June 25, 2007.
- The Action Plan is our map that outlines the actions that we are taking now or plan to take in the near future to move in the direction of our Achieving Tualatin Tomorrow's Vision.
- Not all Actions need to be completed right away. This is a 20-year plan. It reflects the Vision, which is a statement of a preferred future in the year 2030.

Tualatin Tomorrow in the Community this Year

- Health and Safety Fair
- Farmers Market
- Community Calendar
- Annual Event
- Partner Luncheon
- Tualatin Road Extension Forum
- City Newsletter Insert & Poster in Library
- Latino Outreach

Tualatin Health and Community Fair

April 17, 2010 – Lion's Health Screening, Wii Fitness, Fall Risk Assessment, Free Lectures



Annual Event

- ▶ May 1st, 2010 – Pohl Center
- ▶ Partner booths included TVF&R, Tualatin Chamber of Commerce, Providence, Clean Water Services, Metro, Washington County, Clackamas County
- ▶ Timely Topics – Library Levy, Farmers Market, Tour De Parks



Latino Outreach Project

- ▶ Beverly Robinson
- ▶ 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.



Tualatin Tomorrow Annual Partner Luncheon

January 14, 2010

Partners, Focus Area Leads and the Tualatin Tomorrow Vision Implementation Steering Committee discussed efforts to make many of the Strategies and Actions outlined in the Community Vision and Action Plan a reality.



Arts, Culture and Education topics at Partner Luncheon

ACE: Addressed the diversity of populations in our community and how we can help support educational and cultural involvement in our growing Latino community specifically.



Governance, Leadership and Community Involvement topics at Partner Luncheon

GLC: This focus area also discussed how we, as a city, might engage the Latino community better, including encouraging involvement in local government. One topic of interest was how we might recruit Latino representatives for advisory committees, city boards, and even to run for a seat on the City Council.



Growth Housing and Town Center topics at Partner Luncheon

GHT: This area discussed what actions can be taken in 2010 to move the Growth, Housing and Town Center focus area further. The number one goal decided on was to improve communications with the citizens of Tualatin. Some ideas include, communicating through articles, Hot Topic forums held by Tualatin Tomorrow, Facebook, and neighborhood associations.



Health, Safety and Social Services topics at Partner Luncheon

- **HSS:** Addressed the importance of communication between organizations, so that efforts are not duplicated and to make needs of the community known across all partners.



Parks, Recreation and Natural Areas topics at Partner Luncheon

- **PRN:** The main focus of discussion for this Focus Area was Volunteerism, including how to promote it among partners, how to successfully use volunteers within our organizations, and the fact that volunteers are invaluable to our efforts.



Traffic, Transportation and Connectivity topics at Partner Luncheon

TTC: Addressed the proposed 99/1-5 Connector and how it might affect traffic and quality of life in our community.



Want to know more?

- Contact Project staff: 503-691-3009 or MBradley@ci.tualatin.or.us
- Visit www.tualatintomorrow.org
- Volunteers always needed
- VIC and VIGSC Meetings open to public – 4th Tuesday of each month – 6:30 PM to 8:30 PM.





STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 7-26-10
Recording Secretary W Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney *BB*

DATE: July 26, 2010

SUBJECT: AN ORDINANCE ALLOWING REIMBURSEMENT TO THE CITY OR THE TUALATIN DEVELOPMENT COMMISSION PROJECTS FOR STREET IMPROVEMENTS AND AMENDING TMC 2-5-060

ISSUE BEFORE THE COUNCIL:

This Ordinance clarifies that the Development Commission may recoup costs for Street Improvements; including sidewalks.

RECOMMENDATION:

Staff recommends that Council approve the Ordinance adding reimbursement to the City of the Tualatin Development Commission Projects for Street Improvements and amending TMC 2-5-060.

EXECUTIVE SUMMARY:

Previously, the Tualatin Development Commission approved changes to TMC 2-5-060 to allow for development behind the curblin on the 124th Ave. project to allow for cost recovery to occur. Upon further review, one additional revision needs to occur on the abutting property to the 124th Ave. project. Estimated cost recovery is \$386,428.00.

ALTERNATIVES TO RECOMMENDATION:

Council may decide not to approve the Ordinance and the City would not be able to recoup costs associated with Street Improvements; including sidewalks.

FINANCIAL IMPLICATIONS:

Revenue has been budgeted into Engineering and Community Development.

Attachments: Ordinance

ORDINANCE NO. 1307-10

AN ORDINANCE ALLOWING REIMBURSEMENT TO THE CITY OR THE TUALATIN DEVELOPMENT COMMISSION PROJECTS FOR STREET IMPROVEMENTS AND AMENDING TMC 2-5-060

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 2-5-060 is amended to read as follows:

(1) In addition to those more specific limitations set forth in Subsections (2) and (3) of this section, the amount of improvement costs which may be reimbursed to the person making such improvements through a zone of benefit recovery charge shall be limited as follows:

(a) No reimbursement shall be made or provided for the costs of that portion of the utility improvement which specially benefits the applicant's own property.

(b) No reimbursement shall be allowed for utility improvements which have not been dedicated to and accepted by the City as "public improvements".

(c) No reimbursement shall be allowed for the cost or value of real property which the applicant for reimbursement was required to dedicate or reserve for public use as a condition of development, unless such property was, prior to dedication or reservation, part of a separate parcel, owned by another where the cost of acquisition reflected an arms-length transaction or where the amount of value received represents the reasonable market value.

(d) Except as otherwise provided, reimbursable costs and expenses shall be limited to the cost of construction, including the acquisition and condemnation costs of acquiring additional right-of-way or easements, the actual cost of permits, engineering and legal services as shown by invoice, and the estimated annual percentage increase in such costs over the 10 years following completion and acceptance of the utility improvement.

(e) No reimbursement shall be allowed for utility improvements which have been constructed by the applicant, accepted by the City and for which no application for zone of benefit recovery charge under this ordinance has been received within six months from the date of City acceptance of such improvements. Zone of benefit recovery charges will not be imposed retroactively upon benefited properties which have applied for development or connection, or connected to or otherwise utilized utility

improvements before an application for zone of benefit has been received and approved.

(f) No reimbursement shall be allowed where the applicant for zone of benefit recovery charge has received a credit against the traffic impact fees, systems development charges or other connection fees for the same type of utility improvement.

(g) The obligation to pay a zone of benefit recovery charge shall not arise unless and until an owner of property within the zone of benefit applies for or causes or permits an application to be submitted and receives approval from the City and utilizes such approval for any of the activities referred to in TMC 2-5.080(1).

(h) Except as otherwise provided in this subsection, the obligation to pay a zone of benefit recovery charge for the cost of water, sewer or storm drain utility improvements shall not arise unless and until the property owner who otherwise would be subject to such a recovery charge makes a physical, lateral and not an "end-on" connection to such improvement with the intent of utilizing such utility improvement. A zone of benefit may be established and the owner of property within such zone may be required to pay a zone of benefit recovery charge in the case of an "end-on" connection for a share of the cost of oversized materials used and cost to install as part of the utility improvement where such oversized materials provided additional utility capacity for the benefit of property owners within the zone of benefit, and where the oversized materials exceed the size requirements set forth in subsection (2) of this section.

(i) Reimbursement shall be allowed only for those expenditures and in amounts which the City Council determines are based upon improvement construction contract documents or other appropriate information provided by the applicant, but not exceeding prevailing market rates for a similar project.

(j) Except as otherwise provided in subsection (3) of this section, no reimbursement shall be allowed for that portion of the cost relating to extending utility improvements serving a development to the edge of such development.

(k) No reimbursement shall be allowed for electrical, telephone, cable television or natural gas utility relocation.

(l) Nothing contained in this ordinance shall be construed as requiring inclusion of City-owned or controlled property within a zone of benefit or payment of a zone of benefit recovery charge unless prior to City acquisition of such parcel the zone of benefit had previously been

established over such property. Except as otherwise specifically provided by the City Council, the obligation to pay a recovery charge shall not apply to that portion of a parcel which is dedicated or conveyed to the City for right-of-way or public utility purposes.

(2) Reimbursement for utility improvements shall be further limited as follows:

(a) No reimbursement shall be allowed for that portion of the cost relating to oversizing of water utility improvements.

(b) No reimbursement shall be allowed for that portion of the cost of sanitary sewer improvements which are 8" or less in diameter.

(c) No reimbursement shall be allowed for that portion of the cost of storm sewer improvements which are 12" or less in diameter.

(3) Reimbursement for street improvements shall be further limited as follows:

(a) No reimbursement shall be allowed for that portion of the cost relating to minor realignment not designated in the Tualatin Development Code.

(i) Except for City or Tualatin Development Commission projects,
~~(b) No~~ reimbursement shall be allowed for that portion of the cost of landscaping, street lighting, storm sewers, sidewalks (unless constructed on both sides of a street), erosion control measures, or sound walls, berms or other such mitigation devices.

(ii) The City may seek reimbursement on behalf of itself or the Tualatin Development Commission for street improvements, which may include the portion of the cost of landscaping, street lighting, irrigation systems, storm sewers, sidewalks (unless constructed on both sides of a street), erosion control measures, or sound walls, berms or other such mitigation devices.

~~(eb)~~ Except for the cost of traffic control signals, reimbursement shall be recoverable only from those properties which lie adjacent or contiguous to a street improvement and which, but for such improvement, would otherwise be required upon development to construct all or a portion of such improvement.

~~(dc)~~ No reimbursement shall be allowed for those traffic safety improvement costs relating to mitigation of the impact of the applicant's project, which are required as a condition of development.

(ed) A zone of benefit recovery charge may be established for street improvements which are installed to fulfill a requirement of TDC Chapter 75, relating to access management on arterial streets.

INTRODUCED AND ADOPTED this 26th day of July, 2010.

~~CITY OF TUALATIN, OREGON~~

BY _____
Mayor

ATTEST:
BY *[Signature]*
City Recorder

APPROVED AS TO LEGAL FORM

[Signature]
CITY ATTORNEY