



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *[Signature]*

FROM: Aquilla Hurd-Ravich, Planning Manager *AHR*
William Harper, Associate Planner *[Signature]*

DATE: November 22, 2010

SUBJECT: AN ORDINANCE RELATING TO CONDITIONAL AND PERMITTED USES IN RESIDENTIAL PLANNING DISTRICTS, AND AMENDING TDC 31.060, 35.030, 40.015, 40.020, 40.030, 41.020, AND 41.030 (PTA-09-09)

ISSUE BEFORE THE COUNCIL:

City Council consideration to revise the list of conditional uses allowed in residential planning districts. This action is a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) in the following chapters: 40 Low-Density Residential (RL) Planning District; 41 Medium Low-Density Residential (RML) Planning District; and 35 Non-Conforming Uses. Some definitions in Chapter 31 will also be amended.

EXECUTIVE SUMMARY:

- This matter is a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) and a decision by the City Council is a legislative action.
- The amendment is an application prepared by the Community Development Department in response to the City Council's direction to revise the list of non-residential uses allowed as conditional uses in RL and other residential planning districts.
- On October 12, 2009, the Council held a Work Session discussion of issues related to non-residential uses and development in residential areas. The Council requested the discussion in response to its concerns about the suitability and appropriateness of the conditional uses currently allowed in the RL Planning District and other residential districts and the Council's ability to address development issues in the conditional use process. The Council continued their review and discussion on CUP uses in residential planning districts during Work Sessions on February 8, 2010 (II), July 12, 2010 (III) and August 23, 2010 (IV).

At the September 27, 2010 Work Session (V), the Council finished their discussion on the conditional uses and further discussed increased building height [40.030(4)(n)] and "grandfathering" of certain existing uses to allow

enlargement of the use when non-conforming. The minutes of the work sessions are included in Attachment A.

- Based on the Council's discussions and direction from the five Work Sessions on conditional uses in residential planning districts, staff prepared draft language amending the lists of uses in TDC Chapters 40 (RL), 41 (RML), amending the provisions allowing expansion of certain non-conforming uses in TDC Chapter 35 and amending terms and definitions in TDC 31.060 (Attachment D).

As proposed in the draft language, schools, churches, child day-care centers, governmental structures, hospital, water reservoir, golf course (country club), and retirement housing will remain as conditional uses allowed in residential districts. Public parks, playgrounds and recreation buildings will be classified as permitted uses. Nursing homes will be removed from RL, redefined, and allowed in the RML, RMH (Medium-High Density Residential), RH (High Density Residential) and RH/HR (High Density/High Rise Residential) Planning Districts.

Cemeteries; colleges; business, services, storage & other activities incidental to permitted uses; retail nursery; sanitarium; private club; keeping of agricultural animals; and electrical substation or above ground natural gas pump station will no longer be listed as conditional uses in residential planning districts. The existing cemetery and power substation currently with conditional use permits in RL will become non-conforming and allowed to expand or enlarge on the property.

A "school" use in residential district will be specified as "Kindergarten-12th Grade", the term "church" will be expanded to "...and other places of religious worship" and "country club" will be specified as "Country Club with golf course". Additional building height is proposed to be reduced from the 75 ft. currently allowed as a conditional use in residential planning districts to a maximum 50 ft. height.

- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 5.030 Residential Planning District Objectives; TDC Chapter 8-Public, Semi-Public and Miscellaneous Land Uses; TDC Chapter 32 Conditional Uses; TDC Chapter 35 Non-conforming Uses, Structures and Signs; TDC Chapter 40 RL Planning District; TDC Chapter 41 RML Planning District. The Analysis and Findings section of this report (Attachment C) considers the applicable policies and regulations.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment C) examines the application with respect to the criteria for a Plan Amendment.
- The application and draft amendment language were prepared on October 4, 2010 following the September 27 Council Work Session V, the Council's last review of the list of uses and a discussion of grandfathering certain uses to allow existing facilities to expand or enlarge as non-conforming uses. There were minor revisions and corrections to the proposed language following the

November 2 TPAC meeting. As a City-initiated, legislative matter, the 120-day period for a quasi-judicial action does not apply.

DISCUSSION:

PUBLIC INVOLVEMENT:

The proposed amendment is a legislative amendment and no neighbor/developer meeting was required. A "Measure 56" Notice and accompanying explanation of the proposed changes to the list of conditional uses was sent to each residential property owner within the Tualatin Planning Area with information about the public hearing scheduled for November 22. The recipients were invited to review the PTA-09-09 information on the City's web site or contact the Community Development Department with questions.

A collection of messages and summarized comments from respondents to the Measure 56 Notice and other notifications are presented in Attachment F.

RECOMMENDATION/REQUEST FOR DIRECTION:

On November 2, 2010, the Tualatin Planning Advisory Committee (TPAC) voted 4-1 (Sivley voted no), recommending that the City Council approve the revised list of conditional uses and PTA-09-09 with the exception of the proposed language for Non-conforming Uses in TDC 35.030(2)(b). TPAC disagreed with the proposed revision to the restrictions on altering or enlarging a non-conforming use, stating that the provision "discriminates against a single business" by leaving out the "private club" use from the uses eligible for an exemption from the restrictions on non-conforming uses.

Staff recommends that the City Council consider the staff report, the proposed amendment language and the supporting analysis and findings and provide direction.

ALTERNATIVES TO RECOMMENDATION:

The alternatives for Council are:

- Approve the proposed PTA with alterations.
- Deny the proposed PTA.
- Continue the discussion of the proposed PTA and return to the matter at a later date.

OUTCOMES OF DECISION:

Approval of the proposed PTA with the language in Attachment D would result in the following:

1. Uses no longer listed as conditional uses in residential planning districts: cemeteries; colleges; business service, processing storage or display & other activities incidental to permitted residential uses; retail nursery; sanitarium;

private club; keeping of agricultural animals; and electrical substation or above ground natural gas pump station.

2. Conditional Use no longer allowed in RL District, retained as conditional use in other residential planning districts. "Nursing or convalescent home" will be removed from the list of conditional uses in the RL Planning District and allowed as a permitted use in RML, RMH and RH residential planning districts using the revised term "Nursing Facility".
3. Non-Conforming Uses allowed to expand: The existing cemetery (Winona Cemetery- 9900 SW Tualatin Road) and the existing electrical substation (PGE— 6280 SW Borland Road) located in a residential planning district and with a conditional use permit would become non-conforming uses that will be allowed to enlarge or expand on the property the conditional use was approved for, subject to Architectural Review approval of improvements.
4. Non-Conforming Uses not allowed to expand: The Stafford Hills Racquet and Tennis Club can be built and operated as a legal non-conforming use as per the use approved in conditional use permit CUP-09-01 for a "private club" and as per the facilities and improvements approved in Architectural Review AR-09-08 and subject to the continuation of non-conforming use provisions of TDC 35.020 and restrictions on the alteration or enlargement in TDC 35.030.
5. Changed from Conditional to Permitted Uses: Public park, playground & recreation building will be removed from the list of conditional uses and added as a permitted use in residential planning districts.
6. Change in Definition or Category: Community buildings will be included with "governmental structure or land use" as a conditional use in residential planning districts.

Uses will be specified including "School K-12" and "Country Club with golf course". Additional building height will be limited to 50 ft., reduced from the 75 ft. currently allowed as a conditional use in residential planning districts. Health care facility terms such as "nursing home" will be revised and defined for consistency with current terms for senior and disabled long term care facilities as established in the Oregon Revised Statutes and Administrative Rules and by the Oregon Department of Human Services.

7. Home Occupations will remain as an allowed activity in residential planning districts.

Denial of the PTA would result in the following:

1. The list of conditional uses in the RL, RML, RMH, RH and RH/HR Planning Districts will not be changed and new or expanded non-residential conditional uses will be allowed under the conditional use provisions of TDC Chapters 32 and 40.

FINANCIAL IMPLICATIONS:

The Applicant is the City of Tualatin. No fee is required. Funds have been budgeted in the Planning Division's FY 10/11 budget to prepare and process City-initiated amendments.

- Attachments:**
- A. Council Work Session Minutes
 - B. Background
 - C. Analysis & Findings
 - D. Proposed Text Amendment Language-TDC 31.060; 35.020; 40.020; 40.030; & 41.020
 - E. Map 9-1 showing Residential Planning Districts and Locations of Affected Conditional Uses
 - F. Messages and Comments from the Public
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Approved By Tualatin City Council

Date 11-9-09

Recording Secretary W. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF OCTOBER 12, 2009

PRESENT: Council President Chris Barhyte; Councilors Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager, Mike McKillip, City Engineer; Brenda Braden, City Attorney; Dan Boss, Operations Director; Kent Barker, Police Chief; Paul Hennon, Community Services Director; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: Mayor Ogden* [* denotes excused]

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

A. CALL TO ORDER

Mayor Pro tem Barhyte called the work session to order at 5:00 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Council reviewed the Consent Agenda with no changes.

1. Conditional Use Permits in Residential Planning Districts

Associate Planner Will Harper presented information regarding what uses are allowed in residential planning districts and whether they are suitable or compatible with residential development, particularly given the differences in the process that a conditional use goes through versus a plan map/text amendment, and the level of discretion by Council in each. The list of conditional uses in the current Tualatin Development Code (TDC) is similar to the list of conditions in earlier versions, dating back to the 60s and 70s.

The TDC allows various land uses as conditional uses in the Low Density Residential (RL) Planning District and also in the RML, RMH, RH and RH/HR Planning Districts. Council reviewed the list and discussion followed. The use of archaic terminology was mentioned, and staff said it is what the State uses. Among the list of uses, Council suggested cemeteries be taken out of the RL district and place in the Institutional (IN) district, or another appropriate district. Churches was also discussed and the problems with excluding a church in the RL, particularly with federal regulations. Council continued with the review of the list with suggested modifications.

Staff will come back with more information for Council review, from this discussion.

2. Public Hearing/Land Use Notification Requirements

The issue before Council is whether to amend sections of the TDC relating to public hearing/land use notification requirements, with regards to mailed notification of property owners within 300 feet of a property that is the subject of a land use application. Discussion



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Approved by Tualatin City Council

Date 2-22-10

Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF FEBRUARY 8, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Paul Hennon, Community Services Director; Larry Braaksma, Police Captain; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Stacy Crawford, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:00 p.m. and recessed the work session at 5:01 p.m. to go into executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions.

The Council Work Session reconvened at 6:05 p.m.

Council/Commission Meeting Agenda Review

Council reviewed the Agenda and removed Item B4 –Crime Report Update from the Council Meeting agenda.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Conditional Uses in Residential Planning Districts

Associate Planner William Harper gave an update based on a previous work session where the Council went through the list of current conditional uses in Residential Planning Districts. A discussion occurred regarding the impacts and consequences of removing or leaving in an activity, particularly cemeteries, from the Residential Planning Districts. Council asked for additional information and discussed the cost of traffic impact analysis for a Plan Amendment and a Conditional Use. Councilor Barhyte suggested this topic be discussed further during a special work session.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda at the beginning of the work session with changes made as noted above.

FEB 27

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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.

Monday-Friday and Saturdays 8:00 a.m. to 5:00 p.m. Saturdays. Drilling and blasting will [REDACTED] Monday through Friday. There will be no [REDACTED] road, [REDACTED] boundary. Currently the land designation is part un-designated [REDACTED] ge amount of trucks would be traveling in and out of the site, with 80% of traffic going east of Tonquin Road. Assistant Planner Hahn described the various utilities surrounding the property. Also, attached the conditions of approval that have been proposed.

It was asked and Community Development Director Rux explained the issues that would [REDACTED] and [REDACTED] possible construction of 124 [REDACTED] Wilsonville has concerns about environment [REDACTED] and also truck traffic. Sherwood is currently evaluating.

Staff will be gathering factual information to deal with this issue and get back to Council for review, and to testify at the county's hearing. Discussion followed on getting as much information as possible and staff will get information on the City's website, Twitter, RSS feed, Facebook, and it was also asked to put information on FlashNews Alert. It was asked how this can be dealt with and explained how the process works with a Hearings Officer. [REDACTED] in the [REDACTED] brought into this discussion, with respect to the Urban Growth Boundary [REDACTED] on.

3. *Conditional Uses Allowed in Residential Zones*

City Manager Lombos began the discussion on Council consideration of conditional uses currently allowed in residential that are no longer suitable or compatible with residential development.

Associate Planner Will Harper presented a PowerPoint on PTA-09-09, review of conditional uses in residential planning districts and examples of existing conditional use facilities/activities.

A table of conditional uses in residential planning districts was reviewed with Council and determining whether each conditional use listed is suitable or should be removed.

Discussion followed and it was asked and answered that the City has authored its own rules when it comes to conditional use permits process.

Council continued review and determination of conditional uses listed in the table, and will review electrical substations and nursing homes/assisted living at a future work session. It was suggested to also revisit the City's conditional use permit process.

C. **CITIZEN COMMENTS**

N/A

D. [REDACTED]

[REDACTED] beginning of the



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TUALATIN CITY COUNCIL WORK SESSION MINUTES OF SEPTEMBER 27, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Ed Truax, Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Kent Barker, Police Chief; Paul Hennon, Community Services Director; Dan Boss, Operations Director; Ben Brandt, Intern to the City Manager; Carl Switzer, Parks and Recreation Manager; Eric Underwood, Development Coordinator; Will Harper, Associate Planner; Stacy Crawford, Recording Secretary

ABSENT: Councilor Donna Maddux* [** denotes excused*]

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:07 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Conditional Uses Allowed in Residential Planning Districts

City Manager Lombos began the discussion on Council consideration of conditional uses currently allowed in residential that are no longer suitable or compatible with residential development. It was asked by Council to have further review of electrical substations and nursing homes/assisted living.

Associate Planner Will Harper reviewed information on Nursing/Convalescent Homes. It was asked and answered that Farmington Square facility does not fall under the term "Nursing/Convalescent Homes." Staff would like to do more work as terms overlap, etc. State and federal regulations were also discussed.

Council decided to change building height maximum to 50ft. for Medium-Low Density Residential (RML), Medium-High Density Residential, and High Density Residential Planning Districts, but allow water reservoirs a greater height. Council decided to remove convalescent and/or nursing homes as an RL use, and allow in RML through RMH-HR. State definitions and regulations were reviewed, and it was suggested to revise current terms to align with state regulations. Council decided to remove as a conditional use in RL-RH/HR. Council also reviewed and determined to allow existing conditional use to expand by the grandfathering of electrical substation and above ground natural gas pump station.



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APPLICATION FOR PLAN TEXT AMENDMENT

City of Tualatin Community Development Dept – Planning Division
18880 SW Martinazzi Avenue
Tualatin, OR 97062
503-691-3026

Case No. PTA-09-09
Fee Rec'd. NA
Receipt No. NA
Date Rec'd. 10-29-09
By W Harper

.....
PLEASE PRINT IN BLACK INK OR TYPE
.....

Nature of amendment requested AMEND LIST OF CONDITIONAL USES ALLOWED
IN RESIDENTIAL PLANNING DISTRICTS + AMEND NON-CONFORMING PROVISIONS.

State the specific section number(s) of the Code to be amended 40.030 ; 41.020 ;
31.060-DEFINITIONS ; 35.030 Non-Conforming Uses .

As the applicant and person responsible for this application, I, the undersigned hereby acknowledge that I have read the instructions and information sheet and understand the requirements described therein, and state that the information supplied is as complete and detailed as is currently possible, to the best of my knowledge.

Applicant's Signature _____

Applicant's Name WILLIAM HARPER Phone 503 691-3027

Applicant's address ASSOCIATE PLANNER COMMUNITY DEVELOPMENTS DEPT.
(street) (city) (state) (zip)

Applicant is: Owner _____ Contract Purchaser _____ Developer _____ Agent _____

Other CITY STAFF

If the request is for a specific property: NA

County _____ Map # _____ Tax Lot #(s) _____

Owner's Name _____

Owner's Address _____
(street) (city) (state) (zip)

Owner recognition of application: NA

(signature of owner(s))

Attachment A
Application Materials

ATTACHMENT B

PTA-09-09: BACKGROUND INFORMATION

Pertinent background information for the proposed PTA-09-09 and other supporting documents is summarized in this section.

The amendment is an application prepared by the Community Development Department in response to the City Council's direction to revise the list of non-residential conditional uses allowed in the RL and other residential planning districts.

On October 12, 2009, the Council held a Work Session discussion of issues related to non-residential uses and development in residential areas. The Council requested the discussion in response to its concerns about the suitability and appropriateness of the conditional uses currently allowed in the RL Planning District and other residential districts and the Council's ability to address development issues in the conditional use process. At the Work Session, Council members reviewed the list of conditional uses in Residential Planning Districts and discussed some preliminary recommendations on the individual non-residential conditional uses listed in Tualatin Development Code (TDC) 40.030 that apply to the RL (Low Density Residential), RML (Medium-Low Density Residential), RMH (Medium-High Density Residential), RH (High-Density Residential) and RH/HR (High-Density/High Rise Residential). The recommendations ranged from:

1. Retaining the conditional use as currently listed;
2. Removing a conditional use in residential districts while retaining existing uses or allowing the use in another Planning District (such as Institutional, Commercial or Medical Center);
3. No longer allow the particular use.

In the four subsequent Work Sessions, the Council reviewed information about existing conditional uses in Tualatin, the burdens for an existing conditional use when required to change from a residential designation to another planning district, current requirements for non-conforming uses and options to allow existing conditional uses to be 'grandfathered', and the conditional uses allowed in several other comparable cities in Washington, Clackamas and Multnomah Counties. Based on the review in the Work Sessions, Council indicated their interest in the following changes to the residential conditional uses:

1. Retain schools, churches, child day-care centers, governmental structures, hospital, water reservoir, golf course (country club), and retirement housing as conditional uses allowed in residential districts;
2. Public parks, playgrounds and recreation buildings will be classified as permitted uses. Nursing homes will be removed from RL, redefined, and allowed in the RML, RMH, RH and RH/HR Planning Districts. Additional building height will be reduced from 75 ft.

3. Cemeteries; colleges; business, services, storage & other activities incidental to permitted uses; retail nursery; sanitarium; private club; keeping of agricultural animals; and electrical substation or above ground natural gas pump station will be removed as allowed uses in residential planning districts. Non-conforming use provisions will be modified to allow the existing cemetery and power substation currently with conditional use permits in RL to expand or enlarge on the property ("grandfathering").
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ATTACHMENT C

PTA-09-09: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 1.032 must be met if the proposed PTA is to be granted. The Plan Amendment criteria are addressed below.

A. 1. Granting the amendment is in the public interest.

The proposed amendment to the Tualatin Development Code (TDC) amends the lists of uses in TDC Chapters 40 Low-Density Residential (RL) and 41 Medium Low-Density Residential (RML), amends the provisions allowing expansion of certain non-conforming uses in TDC Chapter 35 and amends terms and definitions in TDC 31.060. The public interest is to:

- 1) Review the conditional uses allowed in residential planning districts and determine whether the uses are or are not suitable or desirable for location within a residential area. Determine uses to be retained as a conditional use, changed to a permitted use, or removed as an allowed use in all or certain residential districts. Modify the terms and definitions of certain uses for suitability in residential districts and consistency with current State of Oregon provisions and development practices.
- 2) Consider the impacts on existing conditional uses in residential planning districts when removing or revising the lists of conditional uses. Consider providing existing conditional uses that become non-conforming through the proposed amendment and are determined to be an appropriate facility in a particular location, a viable means to continue a reasonable operation or to change the planning district designation to a one that allows the use.
- 3) Consider the effect of changing the list of allowed uses in residential planning districts on the residential land supply in respect to Statewide Land Use Planning Goal 10-Housing and the Metro Urban Growth Management Functional Plan (MUGMFP) Title 1–Table 1 Dwelling Unit Capacity.

Based on the Council's discussions and direction from the five Work Sessions on conditional uses in residential planning districts, staff prepared draft language amending the lists of uses in TDC Chapters 40 (RL), 41 (RML), amending the provisions allowing expansion of certain non-conforming uses in TDC Chapter 35 and amending terms and definitions in TDC 31.060.

As proposed in the draft language, schools, churches, child day-care centers, governmental structures, hospital, water reservoir, golf course (country club), and retirement housing will remain as conditional uses allowed in residential districts. Public parks, playgrounds and recreation buildings will be classified as permitted uses. Nursing homes will be removed from RL, redefined, and allowed in the RML, RMH (Medium-High Density Residential), RH (High Density Residential) and RH/HR (High Density/High Rise Residential) Planning Districts.

Cemeteries; colleges; business, services, storage & other activities incidental to permitted uses; retail nursery; sanitarium; private club; keeping of agricultural animals; and electrical substation or above ground natural gas pump station will no longer be

listed as allowed uses in residential planning districts. The existing cemetery and power substation currently with conditional use permits in RL will become non-conforming and allowed to expand or enlarge on the property.

A “school” use in residential district will be specified as “Kindergarten-12th Grade” and “country club” will be specified as “Country Club with golf course”. Additional building height is proposed to be reduced from the 75 ft. currently allowed as a conditional use in residential planning districts to a maximum 50 ft. height. (Attachment A, pg. 2)

Public Interest #1. The City Council began the review of conditional uses in residential planning districts in response to concerns about the suitability and appropriateness of the conditional uses currently allowed in the RL planning district and other residential districts and the Council’s ability to address development issues in the conditional use and quasi-judicial land use process.

The list of conditional uses in residential areas in the current TDC is similar to the list of conditional uses in earlier versions of Tualatin’s Zoning Code from the 60’s & 70’s and the Community Plan/ Development Code from 1978 thru today. Allowing schools, churches, community buildings, parks, country clubs, hospitals, government and public facilities in residential areas as a conditional use is very common among cities in Oregon and other states. Traditionally and practically, these uses (especially schools & churches) have been considered semi-public uses that belong with and are supportive of residential neighborhoods, subject to conditions deemed necessary by the local government.

With changing urban and residential development trends and with changes to how residents view the benefits and impacts of public and private facilities located in or near their neighborhood, the older or existing lists of conditional uses may include outdated terms or in today’s development marketplace, include activities that may not be viewed as compatible with residential areas as they maybe once were. From just the aspect of building or facility size, siting even a traditionally acceptable and desired use such as a new school or church in a residential area can be a controversial and difficult land use issue to consider in a conditional use permit process.

Since the current lists were established, another change significantly affected how a City can address a conditional use permit land use application. Conditional use permits can no longer be employed as a way to restrict locating a listed use and its improvements on a property where decision makers, neighboring property owners or other interests believe it is unsuitable. Following decisions by Oregon courts on land use and conditional uses, local decision-makers are constrained from denying a conditional use permit unless it can be shown that the proposal does not meet the conditional use criteria and any specific harms or impacts cannot be legally or physically mitigated. A conditional use permit applicant must show that the applicable Development Code provisions are met (eg. specific Planning District standards for setbacks or lot size and TDC Chapter 73 Community Design standards for screening of outdoor activities, etc.) and the five criteria for conditional use approval in TDC 32.030

(1-5) are satisfied. In the public hearing, the local decision makers must make a judgment if the applicable standards or the conditional use permit criteria are met as proposed, or not. If a standard or criteria could be met or mitigated by a limitation or required improvement, the City can grant the particular conditional use with conditions of approval such as requiring additional parking or screening of outdoor storage.

The conditions of approval must meet the legal tests of having a direct relationship between the proposed use and meeting a particular standard, and are proportional to the specific impacts of the use to public facilities or surrounding properties. A condition requiring a large-scale (ie. costly), off-site public facility improvement may not meet legal tests in a conditional use permit process, but may be legally defensible as a condition in a specific development project in an Architectural Review or Subdivision decision. Denial of a conditional use permit is difficult because it would require detailed findings of fact showing that the proposed use will cause specific harms or impacts that cannot be legally or physically mitigated.

As discussed by the Council in the Work Sessions and proposed in the draft language, schools, churches, child day-care centers, governmental structures, hospital, water reservoir, golf course (country club), and retirement housing will remain as conditional uses allowed in residential districts. The Council agreed that the uses were desirable facilities in the community and generally appropriate in a residential planning district given the level of activity in comparison to residential uses, the scale of typical facilities and agreed that the existing facilities located in residential districts were examples of that appropriateness. The proposed language includes revisions for clarity such as adding "Kindergarten thru 12th Grade" to the "schools" conditional use and specifying that a country club "with golf course" is the allowed use.

Also the Council believed that "additional building height" conditional use be reduced from 75 ft. to 50 ft. for compatibility with neighboring residential development. The need for a future review of the criteria and standards for conditional uses with an additional review of the list of conditional uses was discussed at Work Sessions IV and V.

In discussion, the Council believed that public parks, playgrounds and recreation buildings were very appropriate uses in residential areas and recommended they be allowed as permitted uses. Each public park in Tualatin has conditional use approval for location in a residential planning district. The City's parks and recreation facilities are designed to fit in a residential setting and City park siting and design is subject to an extensive public involvement process administered by the Community Services Department and the Tualatin Parks Advisory Committee.

Out of the Council's concern for the appropriateness of the scale of a large nursing home facility in comparison to nearby single family residential properties, the proposed amendment would remove Nursing Homes from the RL Planning District. Nursing homes are redefined in respect to current Oregon Department of Human Services terminology and the residential care services marketplace (ie. recently with the Marquis Companies assisted living, skilled nursing and independent living project). As proposed,

nursing homes will be allowed as conditional uses in the RML, RMH (Medium-High Density Residential), RH (High Density Residential) and RH/HR (High Density/High Rise Residential) Planning Districts where the scale of a care facility is comparable to multi-family developments allowed in those districts.

In Work Session, the Council determined that cemeteries; colleges; business, services, storage & other activities incidental to permitted uses; retail nursery; sanitarium; private club; keeping of agricultural animals; and electrical substation or above ground natural gas pump station are not appropriate as new conditional uses in residential planning districts. Concerns were expressed about the uses listed above for potential higher levels of on-site and off-site activity, the larger scale of buildings and facilities, an increase in traffic in residential areas and for potential conflicts with single family and multi-family residential use. The Council was also concerned about the ability to address issues of the compatibility of larger scale buildings compared to nearby residential development and traffic impacts to residential streets in the conditional use permit process.

The proposed language in amendment PTA-9-09 is a product of the Council's review of conditional uses in residential planning districts and the Council's determinations of uses that are desired and suitable for location in a residential area. The proposed language provides clarification, specifies certain forms of uses and provides updated terms and definitions of conditional uses allowed. The proposed amendment satisfies the Public Interest #1.

Public Interest #2. In Work Session, the Council examined existing conditional uses located in residential districts as examples of how the use was suitable for the residential location and to consider the impact on individual facilities such as schools, churches, day care centers, cemeteries and others if the use was no longer listed as an allowed use and became a non-conforming use. The Council members believed that the existing Winona Cemetery (Only cemetery in residential area)(Located in RML on SW Tualatin Road) and the existing PGE Substation (Only power substation in residential area) (Located in RL on SW Borland Road) conditional uses are suitable in their current locations and, subject to their respective conditional use permits, should be allowed to expand or enlarge on the property the facility was approved on. The proposed amendment to TDC Chapter 35 is intended to allow the "grandfathering" of the Winona Cemetery and the PGE substation as exceptions to standards in TDC 35.020 limiting the expansion or enlargement of non-conforming uses.

The revisions to the Non-conforming Use provisions and identification of the existing cemetery and existing electrical substation as eligible for grandfathering satisfies Public Interest #2.

Public Interest #3. The Council was observant of the effects of actions such as creating non-conforming uses that would have the potential to remove land from the City's residential land inventory. The proposed PTA-09-09 amendments to conditional uses in the residential districts will not change schools, churches and parks as allowed uses.

The typically large property size of the three uses represents the largest amount acreage of non-residential uses in RL and other residential districts. The proposed amendment does not force or encourage school, church or public park facility to seek a change to a commercial or institutional planning district. The existing cemetery and electrical substation are allowed to expand at their existing locations, remaining in the residential district. The uses proposed to be removed from residential districts (and not grandfathered) are not existing conditional uses and do not represent a reduction of the residential land supply.

The City's residential land supply, minimum residential density, multi-family mix and residential capacity obligations for Oregon Goal 12 and Metro Regional Urban Growth Functional Plan are not expected to be affected by the proposed amendment. Public Interest #3 is met.

The public interest items 1-3 are met and granting the amendment is in the public interest. Criterion "1" is met.

B. 2. The public interest is best protected by granting the amendment at this time.

As stated above, the proposed amendment is the product of City Council interest in having suitable and appropriate uses in residential areas. The Council has responded to concerns about the non-residential use currently allowed in the RL- RH Planning Districts and carefully considered which ones are suitable and represent minimal impacts on residential development. Granting the amendment at this time, rather than delaying its implementation to a later date, will ensure that non-residential development and larger scale development in the residential areas can be compatible and adequately mitigated where necessary.

The public interest is best protected by granting the amendment at this time.

Criterion "2" is met.

C. 3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The applicable objectives of the Tualatin Community Plan are presented below.

TDC 4.050 Community Growth Objectives (6) "Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs."

The proposed changes to the list of conditional uses allowed in residential planning districts is intended to minimize conflicts between residential development and non-residential uses that have an activity level, scale of building and facility and traffic impacts that are not suitable or appropriate for residential areas. The proposed amendment conforms to TDC 4.050(6).

The proposed amendments conform to the applicable objectives of the Tualatin Community Plan.

Criterion "3" is met.

D. 4. The factors listed in Section 1.032(4) were consciously considered:

The various characteristics of areas in the City.

RL Planning Districts are primarily characterized by low-density, detached, single-family dwelling development. The RML, RMH, RH Planning Districts are primarily characterized by the attached, 2-3 story, multi-family housing developments. Schools, churches, parks are the predominant non-residential use in terms of land acreage and facility size.

The proposed amendment changing the lists of allowed uses in the RL and RML Planning District acknowledges the compatibility of schools, churches and parks and retains other non-residential uses that are consistent with the scale, appearance, activity levels and traffic patterns of residential housing development. The intent of the proposed amendment is to maintain or improve compatibility with the characteristics of the residential areas of Tualatin .

The suitability of the area for particular land uses and improvements.

As discussed above, the Council examined the suitability of the non-residential conditional uses currently allowed in RL thru RH/HR Planning Districts. The proposed amendment refines the existing list somewhat and removes uses with the accompanying development improvements and activities that are considered unsuitable in the residential districts.

Trends in land improvement and development.

At this time, the existing re-developable or undeveloped land in Tualatin's residential districts is limited and often constrained by irregular lot configurations and environmental restrictions on natural features such as streams and wetlands. Market trends to smaller residential lot sizes and the prevalence of the physical constraints reduces the interest of residential development on the re-developable or undeveloped lots and makes the properties more viable for non-residential uses allowed by conditional use. In the future if Tualatin adds additional territory for residential uses, It will be important to have the desired kinds of uses such as schools, churches and infrastructure as allowed uses and a revised list of conditional uses deemed appropriate for residential districts.

Property values.

The proposed amendment is focused on residential districts and would not be expected to have effects on residential property values. The proposed changes to the list of conditional uses allowed in residential districts will have no effect on the property value of developments such as schools, churches and parks. There is little or no effect for

uses that are not established at this time or for the “grandfathered” uses of cemetery and power substation. Existing conditional uses proposed for removal from the list such as “private club” would become legal non-conforming and can remain as established or approved.

The needs of economic enterprises and the future development of the area.

The proposed amendment emphasizes residential uses and residentially supporting uses in the RL, RML, RMH, RH and RH/HR Planning Districts.

Needed right-of-way and access for and to particular sites in the area.

The amendment does not affect right of way and access.

Natural resources of the City and the protection and conservation of said resources.

Not applicable because the proposed amendments do not impact or alter natural resources associated with a development.

Prospective requirements for the development of natural resources in the City.

Not applicable because proposed amendments do not impact or alter natural resources associated with a development.

The public need for healthful, safe, aesthetic surroundings and conditions.

The purpose of the proposed amendment is to revise the list of conditional uses in residential districts to emphasize residential uses and residentially supporting uses in the RL, RML, RMH, RH and RH/HR Planning Districts. The conditional uses allowed are compatible with residential development and ensure an aesthetic surrounding.

This protects the public need for healthful, safe and aesthetic surroundings and conditions.

Proof of a change in a neighborhood or area.

The proposed amendment is focused on residential planning districts as a whole and not on a particular neighborhood or area.

A mistake in the plan map or text.

None is alleged.

The factors listed in Section 1.032(4) were consciously considered.

Criterion "4" is met.

E. 5. The criteria in the Tigard-Tualatin School District Facility Plan were considered.

The criteria in the Facility Plan were considered and found to not be applicable to this amendment regarding conditional uses because it does change the conforming status of existing school sites and does not represent a constraint or conflict with land available for future school sites.

F. 6. Oregon Statewide Planning Goals

The Oregon Land Conservation and Development Commission acknowledged the Tualatin Community Plan in 1981, and through post-acknowledgement amendments, as complying with all the applicable Statewide Planning Goals. The proposed PTA is consistent with the State of Oregon Planning Goals and applicable Oregon Administrative Rules as follows:

Goal 1 – Citizen Involvement – The general public, through Tualatin’s local program of citizen involvement, including public TPAC committee meetings, has the opportunity to participate in the development and adoption of legislation needed to carry out the Tualatin Community Plan objectives. The proposed amendment will change the list of conditional uses in residential planning districts, allowing some, removing some from the current list and “grandfathering” an existing cemetery and power substation. Conditional Use Permits are considered in a quasi-judicial land use decision process that includes substantial opportunity for citizen involvement.

The proposed amendment is consistent with Statewide Planning Goal 1.

Goal 2 – Land Use Planning – The proposed amendments to the TDC are found to be internally consistent with the remainder of the elements of the TDC, with the METRO Urban Growth Management Functional Plan, and without exception to the Oregon Statewide Planning Goals. The proposed amendments are consistent with Statewide Planning Goal 2.

Goal 3 – Agricultural Lands – Not applicable.

Goal 4 – Forest Lands – Not applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces – Not applicable.

Goal 6 – Air, Water and Land Resource Quality – Not applicable.

Goal 7 – Areas Subject to Natural Disasters and Hazards – Not applicable.

Goal 8 – Recreational Needs – The proposed amendment classifies public parks as a permitted use and continues to allow golf courses as a conditional use. The recreational needs of the City are not harmed by the proposal.

Goal 9 – Economic Development – Not applicable.

Goal 10 – Housing – The purpose of the proposed amendment is to promote and protect the general welfare of the City by ensuring that uses allowed in residential planning districts are compatible with residential development. The proposed amendment will not jeopardize the City maintaining its regional housing density and housing mix standards that are a principal element of Goal 10 implementation (in the Metropolitan Housing Rule, OAR-660-007). The amendment does not remove land from the inventory, does not change the density or designation of residential land and does not force a plan map amendment to change a property's designation from residential to another non-residential designation such as Institutional. Therefore, the proposed amendment complies with the Housing Rule. The Metropolitan Housing Rule is a State of Oregon Administrative Rule that applies to the cities and counties within the metropolitan Portland urban growth boundary. While applying to the Portland region, it is not imposed by Metro, the Regional Government

There is no evidence that the proposed amendment will create a barrier to development of new housing in residential districts. The proposed amendment, therefore, is in conformance with the intent of Goal 10, which is to provide for the housing needs of citizens of the state.

Goal 11 – Public Facilities and Services – The proposed amendment includes language allowing an existing power substation to expand or enlarge as a non-conforming use. New substations will not be allowed in residential planning districts, but will remain as allowed uses in commercial, industrial and institutional districts. The proposed amendment, therefore, is consistent with Statewide Planning Goal 11.

Goal 12 – Transportation – No change to transportation system demand or capacity is attributed to the conditional use in residential plan amendment. The proposed amendment is consistent with Statewide Planning Goal 12.

Goals 13 through 19 – Statewide Planning Goals 13 through 19 were considered and found not applicable to the proposed amendment.

The proposed amendment is consistent with the applicable Statewide Planning Goals and applicable Oregon Administrative Rules.

G. 7. Metro's Urban Growth Management Functional Plan (UGMFP).

Staff reviewed the PMA in terms of the Metropolitan Service District's Urban Growth Management Functional Plan as provided in Metro Code, Title III, Planning, Chapter 3.07 Urban Growth Management Functional Plan. The UGMFP and TDC Map 9-4 Design Type Boundaries, identify the Residential Planning District as "IN-Inner Neighborhood" and "ON-Outer Neighborhood". The proposed amendment revising the

list of non-residential conditional uses allowed in residential planning districts is consistent with the Functional Plan as follows:

Title 1 – Housing and Employment Accommodation – Table 1 in Title I states the City's housing capacity from 1994 and 2017 is 4,054 dwelling units. The housing capacity target is to be achieved by providing a potential for housing development within the City's Planning Area considering an amount of zoned and developable residential land (land designated in RL – RH/HR Residential Planning Districts) and an amount of land eligible for residential development (land in commercial or MC Planning Districts eligible for residential uses). The purpose of the proposed amendment is to sort out undesirable or incompatible non-residential conditional uses from residential planning districts. The opportunity achieve the target housing capacity is not reduced. The proposed amendment is consistent with Title 7

Title 2 – Regional Parking Policy – Not applicable.

Title 3 – Water Quality, Flood Management and Fish and Wildlife Conservation – Not applicable.

Title 4 – Industrial and Other Employment Areas – Not applicable.

Title 5 – Neighbor Cities and Rural Reserves – Not applicable.

Title 6 – Central City, Regional Centers, Town Centers and Station Communities – Not applicable.

Title 7 – Affordable Housing – The purpose of the proposed amendment is to sort out undesirable or incompatible non-residential conditional uses from residential planning districts. The opportunity for affordable housing is not affected. The proposed amendment is consistent with Title 7.

Title 8 – Compliance Procedures – Notice of the proposed amendment was mailed to the METRO Chief Operating Officer on October 15, 2010. The proposed amendment is consistent with Title 8.

Title 9 – Performance Measures – Not applicable.

Title 10 – Functional Plan Definitions – Not applicable.

Title 11 – Planning for New Urban Areas – Not applicable.

Title 12 – Protection of Residential Neighborhoods – Not applicable.

Title 13 – Nature in Neighborhoods –Not applicable.

Granting the amendment is consistent with the METRO's Urban Growth Management Functional Plan.

Criterion 7 is met.

- H. **8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's Planning Area.**

The proposed amendment does not result in any development, does not change any land use designations, and does not alter the carrying capacity or number of vehicle trips for transportation facilities. Therefore, the proposed amendment has no impact on transportation facility capacity

ORDINANCE NO. _____

AN ORDINANCE RELATING TO CONDITIONAL AND PERMITTED USES IN RESIDENTIAL PLANNING DISTRICTS, AND AMENDING TDC 31.060, 35.030, 40.015, 40.020, 40.030, 41.020, AND 41.030 (PTA-09-09),

WHEREAS upon the application of the Community Development Department, a public hearing was held before the City Council of the City of Tualatin on November 22, 2010, related to a Plan Text Amendment to amend TDC 31.060, 35.030, 40.015, 40.020, 40.030, 41.020, AND 41.030 (PTA-09-09); and

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

WHEREAS the Council conducted a public hearing on November 22, 2010, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [-],

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated November 22, 2010, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 31.060 the following definitions are amended to read as follows; with the remainder of the definitions remain unchanged:

~~Nursing or Convalescent Home. A home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, for a period exceeding 24 hours for two or more ill or in-firm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may~~

include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

Nursing Facility. A State of Oregon Licensed Intermediate or Long-term care facility including facilities identified as a nursing home, skilled nursing facility, or convalescent care as defined in Oregon Revised Statutes (ORS) Chapters 678 and Chapter 442.

Retirement Housing. Housing occupied by persons who are 58 years of age and older, including couples with one person 58 years of age or older, where a more supportive living environment than typically afforded to residents in conventional apartments or single-family residential housing is provided. Retirement housing includes "congregate care facility" and "retirement housing facility," or combinations thereof as defined by this code. Retirement housing does not include "nursing facility or convalescent home" as defined below by this code.

Retirement Housing Facility. Retirement housing consisting of dwelling units in a multi-family structure or complex.

Section 2. TDC 35.030 is amended to read:

(1) A nonconforming structure or use of land may be continued, but shall not be altered or enlarged, except for the uses listed in (2) below ~~warehouse and distribution center uses existing on April 12, 2000 in the Manufacturing Park District~~ which can be altered and enlarged. For purposes of this chapter, enlargement or alteration of a nonconforming structure or use of land shall not include improvements to required paving, landscaping, or other aesthetic improvements to the premises. Structural expansion or any change in the external dimensions of the building shall be considered an alteration or enlargement, unless such changes are primarily for aesthetic improvements. A structure conforming as to use but nonconforming as to setback or yard requirements may be altered or enlarged, providing the alteration or enlargement does not result in a violation of the Tualatin Community Plan. A non-conforming structure or use of land may be altered or enlarged when such alteration or enlargement will bring the structure or use into conformity with the Planning District Standards for the planning district within which the use or land is located.

(2) (a) Warehouse and distribution center uses existing on April 12, 2000 in the Manufacturing Park District;

(b) The Winona Cemetery (9900 SW Tualatin Road) and PGE Substation(6280 SW Borland Road) conditional uses located in the RL Planning District that obtained conditional use approval before December 22, 2010.

(3) ~~(2)~~ See TDC 35.200 for signs.

Section 3. TDC 40.015 is amended to read:

Housing density shall not exceed 6.4 units per net acre, except as set forth below:

(1) The maximum density for small-lot subdivisions, and partitions and subdivisions affected by TDC 40.055, shall not exceed 7.5 dwelling units per net acre.

(2) The maximum density for ~~nursing and convalescent homes~~ and retirement housing in accordance with 34.170(2) shall not exceed 10 dwelling units per net acre.

Section 4. TDC 40.020, Permitted Uses, is amended to read:

(1) Single-family dwellings, including manufactured homes.

(2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than normal household pets.

(3) Home occupations as provided in TDC 34.030 to 34.050.

(4) Public transit shelters.

(5) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.

(6) Residential homes.

(7) Residential facilities for up to 15 residents, not including staff.

(8) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(9) Sewer and water pump stations and pressure reading stations.

(10) Wireless communication facility attached, provided it is not on a single-family dwelling or its accessory structures.

(11) Accessory dwelling units as provided in TDC 34.300 to 34.310.

(12) Transportation facilities and improvements.

(13) Public park, public playground, and public recreation building.

Section 5. TDC 40.030 is amended to read:

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32:

(1) Common-wall dwellings.

(2) Condominium dwelling units provided they meet the following standards, notwithstanding other provisions of this Code, and meet the requirements of ORS 91.500.

(a) All units shall be on a primary lot with frontage on a public street or in accordance with TDC 36.470.

(b) Access to secondary lots and to all buildings on the primary lot from public streets shall be guaranteed physically and legally by restrictive covenants and homeowners' association bylaws prior to issuance of building permits for the project and after approval of the state pursuant to state statutes, or in accordance with TDC 36.470.

(3) Small-lot subdivisions conforming to the following standards:

(a) No small lot subdivision shall have less than ten lots.

(b) All subdivision improvements shall conform to TDC Chapter 36.

(c) All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.

(d) A tree survey shall be prepared and submitted as part of the conditional use application. This tree survey shall show the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level. The purpose of this survey shall be to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions. As used in this section, the word "tree" means a usually tall, woody plant, distinguished from a shrub by having comparatively greater height and characteristically, a single trunk rather than stems.

(e) The small lots:

(i) Shall be no less than 5,000 and no more than 6,499 square feet.

(ii) When a small lot abuts an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the size of the abutting lot. For example, a new small lot shall be no less than 5,500 square feet if it abuts an existing lot of 6,000 square feet; 5,600 square feet if it abuts an existing lot of 6,100 square feet; 5,700 square feet if it

abuts an existing lot of 6,200 square feet; and so on, up to 5,999 square feet if it abuts an existing lot of 6,499 square feet.

(iii) When a small lot is directly across a local street from an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the lot directly across the street.

(iv) When a Tract or easement is between a small lot and an existing lot in a City approved and recorded subdivision or partition the small lot shall be separated from the existing lot by at least 50 feet.

(v) For purposes of this subsection, a small lot is directly across the street if one or more of its lot lines, when extended in a straight line across the local street, intersect the property line of the lot across the street.

(vi) When a subdivision is constructed in phases, a small lot in a later phase may abut or be directly across a local street from an existing lot in an earlier phase.

(f) The small lots shall be part of a development that contains lots of at least 7,000 square feet that are necessitated by trees, steep terrain or other topographic constraints.

(g) The small lots shall not exceed 35 percent of the lots in the total subdivision.

(h) The number of lots having a minimum area of 7,000 square feet shall equal or be greater than the number of small lots in the subdivision.

(i) The average lot width shall be at least 30 feet.

(j) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.

(k) The maximum building coverage for lots 5,000 to 6,499 square feet shall be 45 percent and for lots greater than 6,499 square feet shall be 35 percent.

(l) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).

(4) Other uses as specified below:

~~(a) Cemeteries.~~

~~(ab) Churches, or other places of religious worship and accessory uses.~~

~~(c) Colleges.~~

~~(d) Community buildings (public).~~

~~(be) Child day care center, if all exterior walls and outdoor play areas are a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.~~

~~(cf) Governmental structure or land use including public park, playground, recreation building, community buildings (public), fire station, public library or museum.~~

~~(g) Retail nursery.~~

~~(dh) Hospital or sanitarium.~~

~~(ei) School, kindergarten thru grade 12.~~

~~(fj) Water reservoir with a maximum height of 75 feet.~~

~~(k) Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.~~

~~(gl) Golf course, country club with golf course, private club.~~

~~(m) Agricultural animals, limited to cattle, horses and sheep, and agricultural structures such as barns, stables, sheds, but excluding feed lots, in areas designated on the Tualatin Community Plan Map. The City Council may limit the number of animals to be allowed on a specific parcel of property.~~

~~(hn) Increased building height to a maximum of 7550 feet, if all yards adjoining said building are not less than a distance equal to 1 1/2 times the height of the building.~~

~~(o) Nursing or convalescent home.~~

~~(ip) Retirement housing conforming to the standards in TDC 34.160 - 34.170.~~

~~(q) Electrical substation and above ground natural gas pump station.~~

Section 6. TDC 41.015 is amended to read:

Housing density shall not exceed 10 dwelling units per net acre, except as set forth below:

(1) Where provided by TDC 41.150.

(2) The maximum density for singlewide manufactured dwelling parks or parts of parks used for singlewide units shall not exceed 12 dwelling units per net acre.

(3) The maximum density for residential facilities, nursing facilities and ~~convalescent homes~~ and retirement housing in accordance with 34.170(2) shall not exceed 15 dwelling units per net acre.

Section 7. TDC 41.030 is amended to read:

No building, structures or land shall be used, and no building or structures shall be erected, enlarged or altered, except for the following uses:

(1) Townhouses and multi-family dwellings, including duplexes and triplexes.

(2) Condominiums constructed in accordance with TDC 40.030(2).

(3) Manufactured dwelling parks, in the locations designated by the Tualatin Community Plan Map and constructed in accordance with TDC 34.190.

(4) Single family dwellings in a small lot subdivision.

(5) Greenways, and Natural Areas, including but not limited to bike and pedestrians paths and interpretive stations.

(6) Density transfer project approved by the City prior to April 25, 1994, subject to TDC 41.320.

(7) Residential homes.

(8) Residential facilities.

(9) Nursing facility.

(910) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(1140) Sewer and water pump stations and pressure reading stations.

(1244) Wireless communication facility attached, provided it is not on a single-family dwelling or its accessory structures.

(1312) Wireless communication facility located within 300 feet of the centerline of I-5.

(1413) Accessory dwelling units in a small lot subdivision as provided in TDC 34.300 - 34.310.

(1415) Transportation facilities and improvements.

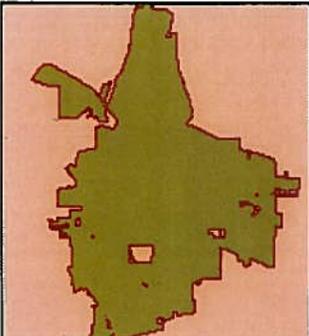
INTRODUCED AND ADOPTED this 22nd Day of November, 2010.

CITY OF TUALATIN, OREGON

BY _____
Mayor

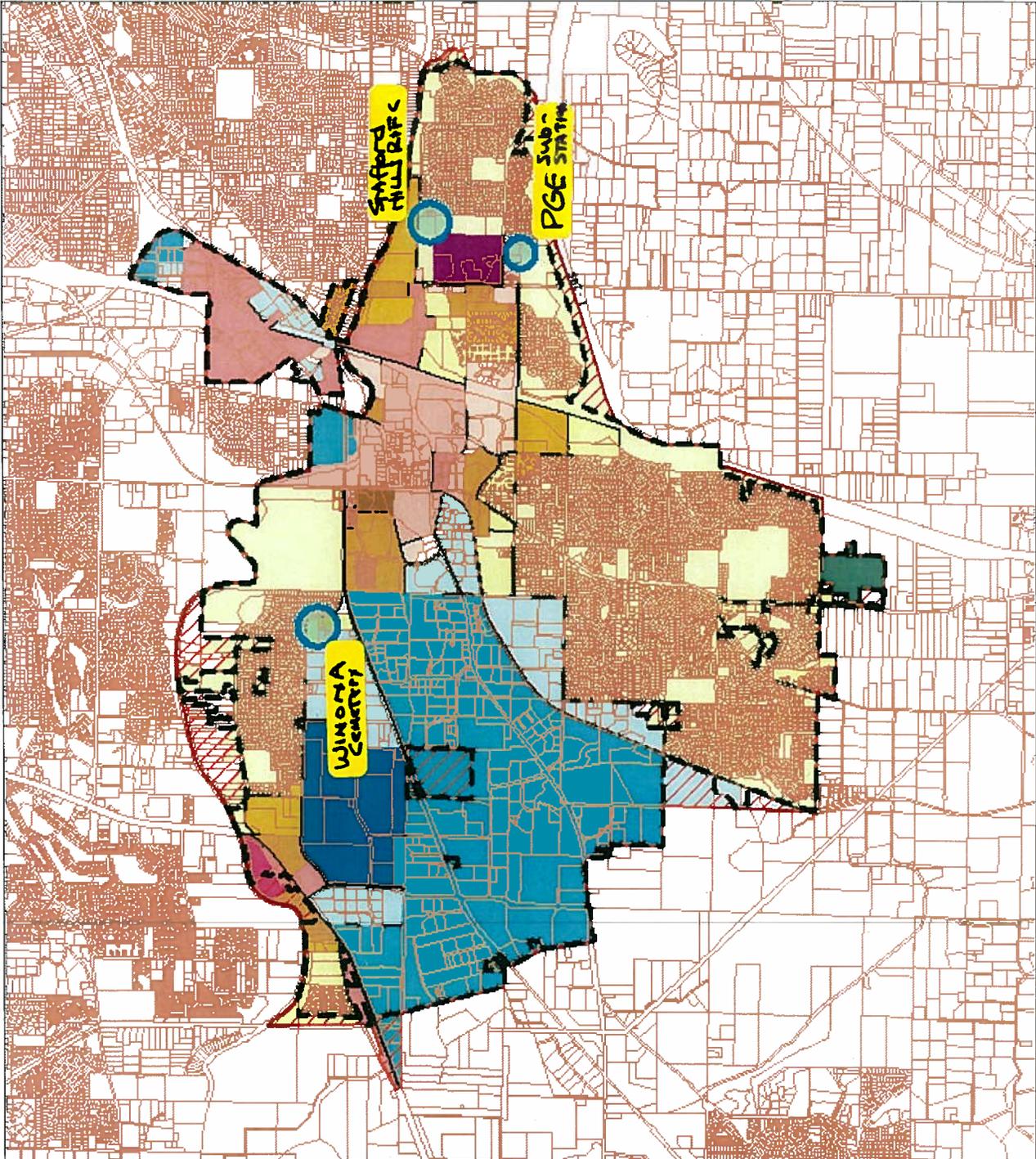
ATTEST:

BY _____
City Recorder



MAP 9-1
PTA-09-09

Scale 1:47,485
1 in = 3,957 ft



Attachment E
Map 9-1 showing Residential Planning Districts and
Locations of Affected Conditional Uses

ATTACHMENT F

PTA-09-09: MESSAGES & COMMENTS RECEIVED

Messages and Comments received for the proposed PTA-09-09 are compiled in this Attachment.

EMAILS

William--

Thank you very much for your patience and time in responding to my questions. I now understand what the purpose of the ordinance is and why it is needed. I really appreciate you taking the time to answer my question in detail.

Jeffery S. Nighbert

On Nov 8, 2010, at 11:08 AM, Will Harper wrote:

Mr. Nighbert: Thank you for your questions regarding the Plan Text Amendment PTA-09-09. A response to your individual questions follows the question in Blue Arial Bold Text

-----Original Message-----

From: Gail Nighbert [<mailto:gjnigh@frontier.com>]

Sent: Thursday, November 04, 2010 3:30 PM

To: Will Harper

Subject: Questions about changes to PTA 09-09

William--

I recently received a letter from the City of Tualatin notifying me of an proposed ordinance to change land use regulations affecting permissible uses of my property and other properties in residential districts. I felt the "Here's what that means:" portion was good attempt to explain to layman land owners such as myself about the ordinance, but fell short on the purpose, timing and benefits of the change. I was also not really familiar with some of the terms and all the subtle legal meanings those terms have.

Here are my concerns and questions:

1. What is the Definition of a "Residential Planning District"? Is a "residential planning district" the same as a residential neighborhood, like the one I live in: "Lake Forest"? **In Tualatin, the residential planning districts ("zones") are RL (Low-density Residential), RML (Medium Low-density Residential), RMH (Medium High-density Residential), RH (High-density Residential), and RH/HR (High-density/High Rise Residential). If you live in an area of single-family detached homes, you are most likely in the RL Planning District. Multi-family homes such as apartments and attached townhouses are allowed in the RML thru RH/HR districts with a higher number dwelling units per acre allowed (density).**

1b. Not the same. A residential "neighborhood" by identity (like Lake Forest, a name of a residential subdivision) or by organization is typically within the RL Planning

District and possibly one of several “neighborhoods” in the vicinity or within the RL Planning Districts designated across the City.

2. What is the difference between conditional and permitted use? Why is this differentiation now being applied to public parks and playgrounds? **In Tualatin like most other cities, certain uses such as “single family homes” are allowed outright as a permitted use and no review of the use itself is required. A conditional use such as a school or church may be of a large size, have more activity and traffic or may have impacts on neighboring development compared to what a permitted use may have and more oversight is considered necessary. A conditional use is listed as an allowed use subject to meeting criteria for compatibility and suitability at a particular location and obtaining approval of the Tualatin City Council in a public hearing process.**

In regard to public parks and playgrounds, the City Council believes that the long-standing park planning and development process that involves the Council, the Tualatin Parks Advisory Committee and a process of public involvement conducted by the Community Services Department for each park improvement is sufficient and the conditional use permit process is duplicative. See questions #2 & #3 for additional response.

2. Why is this ordinance needed at this time? Who requested this change? Who would benefit from this change? What are the pro's and con's of this change? **For #2, I will refer you the information prepared for the Tualatin Planning Advisory Committee meeting on November 2. The first several pages of the memorandum address these questions in a form identical to what the City Council will receive for the November 22 meeting. Here is the link. <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning/docs/TPAC/11-2-10TPAC.pdf>**

3. Why would public parks, playgrounds and recreation buildings suddenly need to be permitted instead of allowing them to exist under conditional use? What benefits would be gained? Would this ordinance make it difficult for the city to build and maintain public parks such as "Ibach Park"? Would it reduce the amount of parks and playgrounds in our neighborhoods? **Currently, all city parks in residential districts are approved as conditional uses and changing the designation to permitted uses will not affect the parks, will not make it more difficult to build and maintain new or existing parks, and would not have an effect of reducing parks or playgrounds.**

In the process of reviewing the non-residential conditional uses, the City Council questioned the need for the duplicative conditional use permit process for parks and playgrounds when the Council believes that the current park planning and development process accomplishes the same things without the formality of a public hearing and a land-use decision. The benefit will be reduced process for creating,

expanding or improving parks with an equal amount of Council, public and neighbor involvement in the planning and design steps.

4. To me, it is very very important to maintain the quality of Tualatin neighborhoods and protect them from uses and intrusions that would degrade their value and livability.

Does this ordinance help or hurt this ideal? **The council's interest and stated intent for revising the list of conditional uses is to be protective of residential livability. This amendment is consistent with an emphasis on residential neighborhoods that you speak of.**

Jeffery S. Nighbert
22168 SW 111th Ave
Tualatin, Oregon 97602
End

How does Oregon Revised Statute 227.186 effect the Tennis Club being built across from Brown's Ferry on Nyberg? Also, how does it effect any future building on the lots between Meridian Park Hospital and Fox's Hills?

Thanks, Jud Ericksen

Mr. Erickson: Thank you for your question. The proposed amendment to the list of allowed "conditional uses" in residential planning districts (PTA-09-09) will affect the "Stafford Hills Racquet & Fitness Club" as follows:

1. The Stafford Hills development received a conditional use permit for a "private club" use in the RL (Low-Density Residential) Planning District in 2009. Architectural Review for the indoor and outdoor tennis, clubhouse and activity center facility with supporting landscaping and parking was approved in January of this year.
2. The proposed PTA-09-09 will remove "private club" as an allowed use in the RL and other residential Planning Districts. The language will change "country club" use to a "country club with golf course" conditional use, omitting a country club organized around some other kind or recreational or social activity.
3. If #2 above is adopted by the City Council, the Stafford Hills project can proceed with development as approved in its existing conditional use permit and the Architectural Review. It will be considered a "legal, non-conforming use" and can be completed and remain indefinitely subject to the original approvals and the provisions of the Tualatin Development Code regarding a "non-conforming use".

In summary, the Council will decide whether to keep or remove the "private club" use from residential districts. If removed, it will close the door on any new "private club" uses in the city's residential districts. Stafford Hills can be built out and operate at the SW Nyberg Lane location indefinitely.

In response to your 2nd question, the proposed amendment will shorten the list of non-residential conditional uses allowed on the vacant property east of Legacy Meridian Park Medical Center

(on the western border of Fox Hills). A "hospital" use will remain as a conditional use in the PTA-09-09 version to be considered on November 22.

PTA-09-09 does not affect the proposed Plan Map Amendment PMA-09-03 application from Legacy Health systems requesting a change of zoning from RL residential to MC-Medical Center.

If you want to review the proposed amendment, contact me at one of the addresses below.

William Harper, AICP

Associate Planner

City of Tualatin | Community Development Department - Planning Division

18880 SW Martinazzi Avenue | Located at 18876 SW Martinazzi Avenue

Tualatin, Oregon 97062-7092

End

Mr. William Harper

Just want to let you know my wife as Tualatin land owners. We are oppose to any changes to the list of Permitted and Conditional land uses.

We like seeing chickens and tall houses around.

If your not the person to voice our opposition to? Please let us know.

Regards,
Peter

Peter J Gall
Senior Director IC Test
Micro Systems Engineering
6024 SW Jean Rd.
Lake Oswego, Or. 97035
<http://www.biotronik.com>

Office: (503)635-4016 Ext.1317

Cell: (503)522-1112

Fax: (503)697-5298

peter.gall@biotronik.com

End

PTA-09-09 COMMENTS RECEIVED BY PHONE

1. General questions about effect of PTA-09-09 on single family residential homes & property. (No change for single family residential uses.)
2. General questions about effect of PTA-09-09 on multi-family residential property. (No change for multi-family residential uses.)
3. Concern about removing CUP for agricultural animals from allowed uses. Properties north of SW Hazelbrook Road with existing animals on property. Currently not in City of Tualatin.

4. Question about how PTA-09-09 will affect Home Occupations. (Home Occupations provisions are unchanged.)
-

CITY OF TUALATIN
RECEIVED

NOV 13 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION



ZUPANCIC RATHBONE

LAW GROUP, PC

5335 Meadows Road, Suite 161
Lake Oswego, Oregon 97035
Main: 503-968-8200
Direct Dial: (503)968-8200, x13
Fax: 503-968-8017
jim@zupgroup.com
www.ZRLawGroup.com

November 10, 2010

Sent via email and first class mail

Brenda Braden, City Attorney
City of Tualatin
18880 S.W. Martinazzi Ave.
Tualatin, OR 97068

Re: Tualatin Planning Advisory Committee ("TPAC" Meeting)
November 2, 2010
PTA-09-09 (Conditional Use Permit List of Uses in Residential Zones)

Dear Brenda:

This letter relates to the proposed adoption of PTA-09-09 concerning a proposed Comprehensive Plan Text Amendment and changes to the list of "permitted" and "conditional" uses in residential zones.

Staff verbal reports and discussion at the above referenced TPAC meeting confirmed that the proposed PTA-09-09 targets Stafford Hills Club as the only existing non-exempt legal non-conforming use in the City of Tualatin that is impacted by PTA-09-09. Carve-outs, exemptions and "grandfathered" uses, as proposed, leave Stafford Hills as the only non-exempt property on the list of impacted properties. Accordingly, the TPAC adopted a resolution that recommended adoption of PTA-09-09 with the exception of its failure to "grandfather" Stafford Hills Club as afforded to other existing legal nonconforming uses under PTA-09-09. Exempting or grandfathering Stafford Hills Club along with the other existing legal nonconforming uses would remedy this unfairness and avoid the impropriety of "spot zoning."

As you know, it has long been the law in Oregon that small scale rezonings are quasi-judicial actions requiring certain procedural safeguards. *Fasano v. Washington County Comm.* 264 Or 574, 507 P2d 23(1973). While technically not changing the zoning of the Staff Hills Club property, PTA-09-09 ostensibly restricts alteration or enlargement of the project, even if subsequently approved by the Architectural Review Board or City Council. Both we and the TPAC find this result unfair, unwarranted and unnecessary.

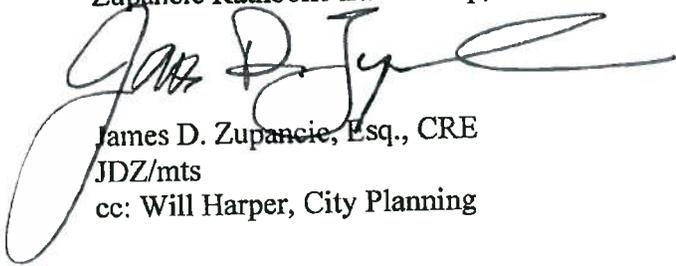
We have no objection to the adoption of PTA-09-09 provided that it exempts all impacted uses for which conditional use permits were approved prior to December 31, 2010.



ZUPANCIC RATHBONE
LAW GROUP, PC

If you disagree with our analysis, please let me know. Otherwise, we would appreciate your advising the City Council of the legal requirements to appropriately include Stafford Hills Club along side other "grandfathered" properties.

Sincerely,
Zupancic Rathbone Law Group, PC



James D. Zupancic, Esq., CRE
JDZ/mts
cc: Will Harper, City Planning

Will Harper

From: vlw14@comcast.net
Sent: Sunday, November 21, 2010 5:17 PM
To: Will Harper
Subject: Pending Land Use change

**CITY OF TUALATIN
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NOV 22 2010

Hello Mr. Harper,

**COMMUNITY DEVELOPMENT
PLANNING DIVISION**

I do not think I will be able to attend the hearing Monday evening and wish to ask a question about the proposed land use change.

The language impacts conditional uses in residential areas. I am specifically concerned regarding the "keeping of agricultural animals". You list existing uses for the cemetery and the PGE power station as one that will continue to be allowed. Are these changes going to impact the small farms, horse facilities, etc. along Hazelbrook Rd.

If so - I am opposed. Those uses were here long before we developed the residences between Hazelbrook and Tualatin Rd. I think they should continue as long as folks who own these properties (now and into the future) wish to have cows, horses, chickens, etc.

Please clarify this matter.

Thank you for your time.

Veronica Williams
10540 SW Kiowa St.
Tualatin
503.691.9666 (H)
503.320.2897 (M)

Gary Bullard
8488 SW Blake St.
Tualatin, OR 97062

CITY OF TUALATIN
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NOV 17 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

PTA-09-09

November 15, 2010

To: City of Tualatin City Council
c/o Will Harper, Associate Planner
503-692-0147

RE: PTA-09-09

Honorable Mayor & Council:

I was notified of the proposed changes to the RL Planning District by a notice in the mail. After review and consideration of the proposed changes, I have concern with a portion of the proposed changes.

I disagree strongly with the inclusion of parks and recreational facilities to the list of permitted uses. Here are the reasons for my objection:

1. These types of uses can generate substantial noise and light at time periods incompatible with regular residential neighborhood uses.
2. Staff and Council cannot possibly consider every negatively impact such a use could make on a neighborhood.
3. Removal of the conditional use process takes away the voice that citizens/businesses adjacent to a newly proposed currently have.
4. Removing the conditional use process removes the neighborhood from the possibility of knowing about an incoming use, and therefore removes the possibility for early mitigation of a potential problem.

Consider if a citizen donated their home to the City, with the stipulation that it be used as a recreational center (such as the Van Raden Center). However, what if that home is currently surrounded by regular residential uses? What would the impact be to the neighbors in regard to noise and parking problems? What recourse would they have to address these issues? Addressing these problems BEFORE they exist is much easier than having angry or upset citizens complaining to Council, and subsequently teens upset with restrictions coming into play. The same is true with a park that has a skate park built in. Why not allow citizens voice on where the skate park is located – with all the noise and lighting issues – rather than build a permitted use without comment and have citizen complaints for years after.

Having lived next to a "recreation center" which was allowed in a low density residential district in a different city, I know the nightmare of having one installed adjacent to your property, especially when it was rented out on a regular basis. The noise from the parties, and the inebriated renters was unbearable. Enforcing noise restrictions was virtually impossible as it was always a different group renting the facility each weekend. We ended up moving to Tualatin to get away from the problem.

Ongoing problems with noise and light pollution can destroy quality of life. It makes no difference whether it comes from a public or a private source.

I strongly encourage the Council to leave parks and recreational facilities as a conditional use in the RL Planning District.

Sincerely,



Gary A. Bullard
8488 SW Blake St.
Tualatin, OR 97062



CITY OF TUALATIN
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NOV 18 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

November 17, 2010

The Honorable Lou Ogden, Mayor
Chris Barhyte, President
Jay Harris, Council Member
Monique Beikman, Council Member
Donna Maddux, Council Member
Ed Truax, Council Member
Joelle Davis, Council Member
City of Tualatin
18880 S.W. Martinazzi Avenue
Tualatin, Oregon 97062

Re: PTA-09-09

Dear Mayor Ogden and Members of the City Council:

On November 10, 2010 I sent a letter addressing legal concerns relating to the above referenced PTA unless Stafford Hills Club is "grandfathered" in the same manner as other existing uses.

But the business and job creation impact is of equal concern. This is one of the few "shovel-ready" projects in Oregon. We intend to create more than 100 living-wage jobs at Stafford Hills from construction through operations. To succeed, we need assistance from the City rather than impediments. Disparate treatment and limitations on our operations not only hurts the community we serve but our future employees as well. Any job recovery requires businesses and government to work together collaboratively, in good faith and in a common interest. Job creation and business revitalization will result.

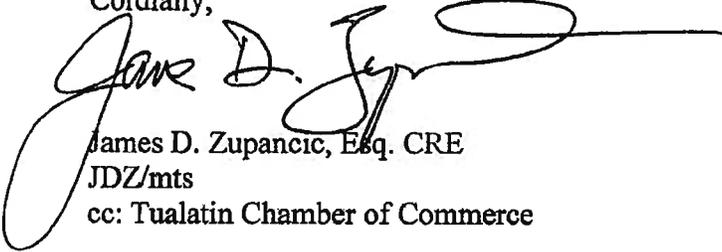
The stigma of becoming a legal nonconforming use is a problem for any business, especially in these challenging economic times. It creates unsettling issues for lenders, investors and business partners and makes achieving success even more challenging. Such a stigma would be devastating for us.

Lastly, the safeguards for the neighborhood to prevent sprawl of our development are already in place. Covenants that run with the land already prevent us from expanding to the west. Nyberg Lane and Fox Hills constrain us to the north and east, respectively, and Legacy will be developing to the south. Our height limitations are part of the CUP. We can't expand "out" or "up" so the neighborhood is adequately protected even if we are "grandfathered."

Stafford Hills Club looks forward to becoming an involved and contributing member of the Tualatin business community and among its most prolific job creators. We only ask that we be dealt with fairly, equitably, in good faith and not impaired to create the jobs our community desperately needs.

I look forward meeting with you on Monday night on this issue.

Cordially,

A handwritten signature in black ink, appearing to read "James D. Zupancic". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James D. Zupancic, Esq. CRE

JDZ/mts

cc: Tualatin Chamber of Commerce

Submitted for the record at
11/22/10 Council meeting, Item
E-1 (PTA-09-09)

November 21, 2010

The Honorable Lou Ogden, Mayor
Chris Barhyte, President
Jay Harris, Council Member
Monique Beikman, Council Member
Donna Maddux, Council Member
Ed Truax, Council Member
Joelle Davis, Council Member
City of Tualatin
18880 S.W. Martinazzi Avenue
Tualatin, OR 97062

Dear Mayor Ogden and Members of the City Council:

It has been brought to our attention the city is holding a hearing on an additional amendment to our land use in the City of Tualatin, specifically An Ordinance Relating to Conditional and Permitted Uses in Residential Planning Districts, and Amending TDC 31.060, 35.030, 40.015, 40.020, 40.030, 41.020, and 41.030 (PTA-09-09) This amendment would forbid land owners in the city of Tualatin to own and raise animals other than normal household pets. Owners of properties outside the city limit could continue using the property as they see fit, until they annex.

This amendment applies specifically to properties north of Hazelbrook Road. The members of the Hazelbrook Neighborhood Association are opposed to this proposed change to the above mentioned ordinance for the following reasons:

1. The majority of the land north of Hazelbrook Road between the Tualatin Golf Club on the east and Highway 99 on the west has been declared flood plain or floodway by the City of Tualatin. With minor exceptions, this land can never be developed for residential use beyond that which currently exists.
2. The majority of this land has historically been used for agricultural purposes, including the raising of livestock. This includes grazing pasture for cows, horses, goats, sheep and chickens. Most of the land owners have a large enough partial of land to support these animals. Cows and horses additionally graze land which would become a fire danger in the summer if the brush and grasses were not controlled. (see undeveloped park land on Jurgens Lane)
3. Passage of this amendment would reduce the future value of the properties in this area because the use of the undevelopable land would be unduly restricted.
4. The City of Tualatin would allow annexed residents to get a conditional use permit for \$1,300.00 before the ordinance goes into effect in order to continue the current use of the properties. Residents in this area would now have to pay the City of Tualatin for the right to use their land as they have traditionally done or be prohibited from its use after the ordinance is passed.

5. If anyone who had cows, horses, or other agricultural animals wants to join the City because of services that would be needed, they would then be required to remove the animals from their property (ie. Septic tank failure and sewer hook-up or well goes dry).
6. This restricts the livability of the residents of this neighbor. Many Tualatin residents stop to show their children what a calf, chicken or horse looks like thus educating future residents.

We are requesting that if the City of Tualatin wants to pass this ordinance, the properties north of Hazelbrook Road and the two properties on Cheyenne Way that have floodplain acreage be grandfathered in to the conditional use for the raising of agricultural animals as currently listed in the existing ordinance. This will conform to your wishes and not restrict the future use of Hazelbrook properties.

Sincerely,

Bonnie and Ken Peterson
Carol and Jim Greenough
Dave and Judy Martin
Phillipa Peach and Chris Mitchell
Kelly and Russ Streit
Rochelle Martinazzi
Tom and Charlene Miller
Michael and Norma Frison
Roberto and Susan Robles
Ken and Martha Johnson
Robin Hamblet and Elizabeth O'Brien
Pil Broome and Liz Newhouse
Dick and Linda Hallberg
Dan and Kathy Scott
Pat and Tom Horn
Mark and Betsy Bryan
Bob and Chris Bosak
Jim Toman
Rodger Poppert
Loran & S. Richards
Joan Pastor
Gordon Pastor
M. Tcherven
Danell Jacob
Pat Hornicak

Ilse VonHagen
Jerry & Jack Brosy

1 Name Bonnie & Ken Peterson
Address 10155 SW Jungens Lane
Tualatin, OR 97062
Signature Bonnie Peterson

8 Name TIBBY O'BRIEN
Address 17035 SW 108th
Tualatin, OR 97062
Signature Elizabeth O'Brien

2 Name Dave & Judy Martin
Address 10275 SW HAZELBROOK
TUALATIN, OR 97062
Signature Dave Martin

Name ROBIN HAMBLETT
Address 17035 SW 108th AVE
TUALATIN, OR
Signature Robin Hamblett

Name Judy Martin
Address 10275 SW HAZELBROOK
Tualatin, OR 97062
Signature Judy Martin

9 Name Phil Brooks & LIZ NEWHOUSE
Address 17020 SW 108th AV
TUALATIN OR 97062
Signature Phil Brooks

3 Name Phillipa Peach / Chris Mitchell
Address 1045 SW Hazelbrook
Tualatin, OR 97062
Signature Phillipa Peach

10 Name Dick & Linda Hallberg
Address 17000 SW 108th Ave
Tualatin, OR 97062
Signature Linda Hallberg

4 Name Rochelle Martiniarz
Address 10050 SW HAZELBROOK
TUALATIN, OR 97062
Signature Rochelle MARTINIAZ

11 Name Dan & Cathy Scott
Address 17010 SW 108 Ave
Tualatin, OR 97062
Signature Dan Scott

5 Name Michael R. Frison
Address 10465 SW Hazelbrook Rd.
Tualatin OR 97062
Signature Michael R. Frison

12 Name Tom Horn Pat Horn
Address 16930 SW 108th
Tualatin, OR
Signature Tom Horn

6 Name Roberto Robles
Address 11105 SW HAZELBROOK
Signature Roberto Robles

13 Name Jim & Carol Greenough
Address 9965 SW Jungens Lane
Tualatin, Oregon 97062
Signature Jim Greenough

7 Name KEN & MARTHA JOHNSON
Address 17255 SW 105th AVE
TUALATIN OR 97062
Signature Ken Johnson

14 Name Mark & Betsy Bryan
Address 17315 SW Cheyenne Way
Tualatin, Or 97062
Signature Mark Bryan

15

Name Tom Miller
Address 17340 Cheyenne
way Tualatin, OR
Signature Tom Miller

Name _____
Address _____
Signature _____

Name Charlaen Miller
Address 17340 SW
Cheyenne way Tualatin,
Signature Charlaen Miller

Name _____
Address _____
Signature _____

16

Name Kelly & Russ Streit
Address 10085 SW Hazelbrook Rd
Tualatin, OR 97062
Signature Kelly Streit

Name _____
Address _____
Signature _____

Name Russ Streit
Address 10085 SW Hazelbrook
Tualatin OR 97062
Signature Russell Streit

Name _____
Address _____
Signature _____

Name

Address

Phone

Jan Toman 11605 SW Hazelbrook Rd 503 692-0152

~~Angela Pappas~~ 11515 SW HAZELBROOK RD #203 503 692 1548

Lorain Richards 11475 SW Hazelbrook Rd 503-692-4936

Joan Paslow 11155 S.W. Hazelbrook Rd

... Gordon Paslow 11235 S.W. Hazelbrook Rd.

Al. Tchevren 11035 SW HAZELBROOK Rd, 503-691-6666

Jane Joan 10985 SW Hazelbrook Rd

~~Janet~~ 11475 SW HAZELBROOK RD 503-267-1532
971-832-2473

Patricia J. Hornum 10675 SW HAZELBROOK + Tualatin 503-691-2418
503 692 5061

Irene D. von Hagen 10855 S.W. Hazelbrook Rd Tualatin, OR

A. Brody 10935 SW Hazelbrook Rd Tualatin OR

Geraldine Brody 10935 SW HAZELBROOK RD, TUALATIN, OR

Robert E. Burk 10625 SW HAZELBROOK RD, TUALATIN, OR
503-692-5313

Mary C. Bosak 10605 SW HAZELBROOK RD, TUALATIN, OR