



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, August 24, 2009

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

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

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

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

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

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

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

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

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 5 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

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

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



A. CALL TO ORDER

Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tualatin Tomorrow* Presentation – Parks, Recreation and Natural Areas – *Connie Ledbetter*
2. Sexual Assault Resource Center Report – *Erin Ellis, Director*

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA (Item Nos. 1 – 6)

Page No.

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

1. Approval of the Minutes of the Work Session and Meeting of August 10, 2009.....
2. Community Involvement Committee Appointments
3. 2009 Annual Report of the Tualatin Development Commission.....
4. Resolution No. **4918-09** Accepting Public Improvements for the Shoppes and Hotel.....
At Bridgeport
5. Resolution No. **4919-09** Accepting Public Improvements for Living Savior Lutheran.....
Church
6. Resolution No. **4920-09** Approving Participation in the National League of Cities.....
Prescription Discount Card Program

E. PUBLIC HEARINGS – Legislative or Other

None.

F. PUBLIC HEARINGS – Quasi-Judicial

- 1. Public Hearing to Consider a Resolution Extending a Conditional Use Permit for
Light Truck Rental, Leasing, and Associated Temporary Storage in the General
Manufacturing (MG) Planning District at 19800 SW Cipole Road (Tax Map
2S1 21DC, Tax Lot 1000) (CUP-09-02)

Resolution No. **4921-09** Granting a Conditional Use Permit for Light Truck
Rental, Leasing, and Associated Temporary Storage in
the General Manufacturing (MG) Planning District at
19800 SW Cipole Road (Tax Map 2S1 21DC, Tax Lot
1000) (CUP-09-02)

Page No.

G. GENERAL BUSINESS (Item No. 1)

- 1. Approval of City Installation of Fire Hydrant Required for the Robinson Crossing II Project
- 2. Ordinance No. **1287-09** Relating to Traffic Offenses; and Amending TMC 8-3-020.....

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT



CITY COUNCIL SIGN-UP SHEET

DATE: August 24, 2009

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	Stephen Ricker	9345 Shadocot.	Sricker@pacifiRbork.com	Pohl Center	E.C.
2.	DAVID DAHLÉ	15661 Harmerford	David.dahle@gmail.com	Student Journalist	
3.					
4.					
5.					
6.					
7.					
8.					

Submitted by
David Emami
at the 8/24/09
meeting. Item 6-1

Diana Emami

From: Diana Emami [emami007@comcast.net]
Sent: Wednesday, July 01, 2009 10:04 AM
To: Doug Rux
Cc: 'Sherilyn Lombos'

Dear Mr. Rux,

I have been involved in downtown Tualatin Urban Renewal projects for over 20 years. As up to this year you have done a great job in helping to improve infrastructure and be ready for a business boom in downtown.

I currently have a property ready to be developed which is instrumental to overall prosperity of Tualatin downtown. In the last Urban Renewal meeting it was mentioned that this area is a heart of downtown. I happened to be part of it.

When I purchased my property in downtown Tualatin I based my decision on full cooperation from City Staff, City Council and financial help from Urban Renewal process. I understand economy is not in the great shape and downtown Tualatin has suffered more drastically then other areas in Tualatin for last several years. You have no program to attract current developer. I have tried to sell my property to OPUS, but they have rejected to invest in downtown. I have contacted many other investors to joint venture (such as Robert Ball as one of them), but the depressed status of downtown and lack of incentive to developer has dampened my progress.

Recently I am in process of building a new structure next to Robinson Building, but the charges and assessments for SDC, TIFF, building permits, school district assessments, etc. have already exceeded over 12% of my cost.

I would like to request a meeting with yourself, City Council and City Manager to discuss the following suggestions in order to start the construction:

1. Reduction or total elimination of SDC and TIFF charges in lieu of lack of Urban Renewal funding or any other means of assistance
2. Adoption of building fee structure based on actual contractor and engineering bid in urban renewal only. Currently City of Tualatin follows guidance of the State of Oregon which calculates building construction cost based on national average typical building type plus prevailing and union wages which exceed 200% of actual cost when done by a smaller developer.
3. CORE area additional parking fees must be eliminated and must be addressed. Future expansion of the parking lot should be part of the Urban Renewal district responsibility .
4. Urban Renewal should assign an individual to coordinate between the different department, so developer won't need to spend over 6 months of pursuing extremely divided and non functional City and City's staff and loose any desire or hope to ever continue with any project in Tualatin.
5. Urban Renewal's help with the cost of public parking structure inside the private property (it was introduced by City of Lake Oswego in block 13 project).
6. Real Estate Taxes incentives.

I would like to thank you in advance in coordinating and arranging this meeting.

Sincerely,
David Emami

Tualatin Tomorrow

**Parks, Recreation and Natural Areas (PRN) Focus Area
City Council Report**

- Connie Ledbetter, Focus Area Lead
- Jill Anderson, Lead Alternate
- Dayna Kam, Youth Representative

Committee Meetings

- Second Wednesday each month (changed for holidays)
- September 9 in Library Community Room
- October 14 in Council Chambers
- November 4 in Council Chambers
- December 9 in Library Community Room

Most Active PRN Partners

- Metro
- Washington County Bicycle Transportation Coalition
- Clean Water Services
- The Tualatin Riverkeepers
- The Wetlands Conservancy
- City of Tualatin Community Services Dept.

Need to establish relationships

- Tualatin River National Wildlife Refuge
- Friends of Trees
- SOLV
- Adult and Youth Sports Groups
- Oregon State Parks
- Oregon State Marine Board
- Oregon Dept. of Transportation Bike Program
- US Fish & Wildlife Service

Shared Partners

- Tigard-Tualatin School District
- Tualatin Chamber of Commerce
- Local Businesses
- Developers
- Neighborhood Associations
- Local Service Organizations
- Washington County
- Clackamas County
- Neighboring Cities, West Linn, Hillsboro

How to Volunteer

- Tualatin Riverkeepers www.tualatinriverkeepers.org 620-7507
- Wetlands Conservancy www.wetlandsconservancy.org 691-1394
- Washington County Bicycle Transportation Alliance www.washcobtc.org or call (503) 356-9740
- Friends of Tualatin River National Wildlife Refuge www.friendsoftualatinrefuge.org or call (503) 625-5944 ext. 227
- City of Tualatin Operations Volunteer Specialist Chanda Stone (503) 691-3087 or www.ci.tualatin.or.us, Community menu, then Volunteer Opportunities.
- To link with other organizations to volunteer with, go to Clean Water Services www.cleanwaterservices.org, Residents menu, then Get Involved.

Frans Pauwels Memorial Bicycle Transportation Center

Frans Pauwels was a citizen pioneer in Washington County's Land Use and Transportation decisions in the 1970's. Much of his influence can be seen as you visit the memorial we'll have in our new Community Center.

Here, young and old alike can learn to ride and/or repair bikes and be aware of their responsibilities while bicycling in traffic, on the trail, or neighborhood streets, and have fun doing it!

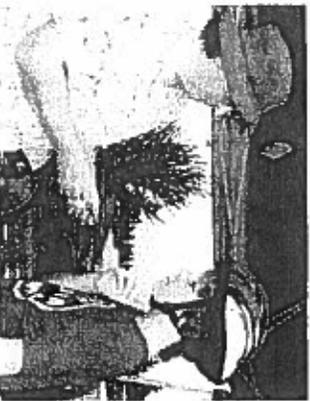
Center now open!!!

Join us at our location in Aloha.
21785 SW TV Hwy, Suite J

The 2nd last driveway before the Cornelius Pass Road intersection heading west.

Our shop hours are 12-6 Tue-Sat and Noon-5 on Sunday. Closed Monday

Office hours 1-5PM Mon-Fri



Helmet fitting at the Cedar Mill Farmers Market

What Happens to My Bike?



We carefully evaluate every bike that is donated.

Durable bikes in good condition are cleaned and tuned up, making them "the best bike it can be for the bike it is."

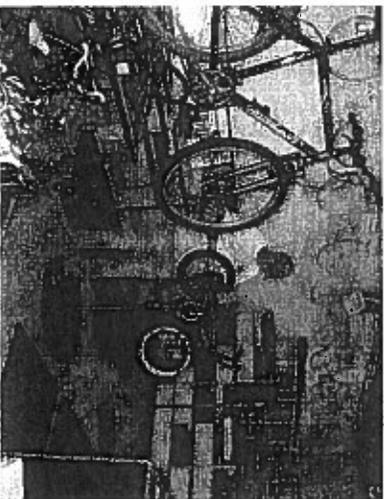
They go to eligible youth and adults in our community programs. Others will be sold in our retail shop with the proceeds benefiting programs at the center.

Bikes in poor condition are carefully dismantled and usable parts are salvaged. Unusable bikes and parts are carefully recycled.

Donating your bike makes a big difference.

In the short time the center has been opened (October 2008) we have given away over 75 refurbished bikes and sold over 100 bikes through our shop and recycled over 1 ton of metal and rubber.

Thanks for helping us put your old bike to good use!



Kid's bike being readied for sale by a volunteer

Washington County Bicycle Transportation Coalition

The mission of the WashCo BTC is to promote bicycle transportation, protect bicyclists' rights and improve bicycling conditions in Washington County, Oregon through education, advocacy and community.



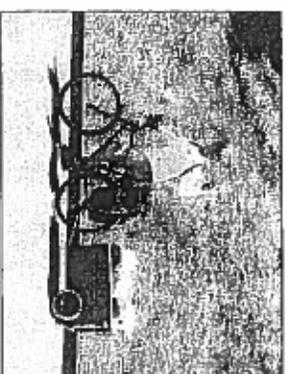
Core Values

We believe that bicycles are vehicles with legitimate and desirable access to the road by promoting the following:

- Education
- Encouragement
- Engineering
- Enforcement
- Equality
- Evaluation

Bicycle transportation solutions through education and advocacy

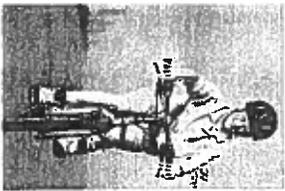
Tel: 503-356-9740



Heading off to LL "Stub" Stewart State Park in western Washington County

Transportation Solutions by Cycle

Founded in 1998 by a small group of bicycle advocates living in Washington County, the WashCo BTC was incorporated as a 501(c)(3) in 2005.



Cycling can be safe and enjoyable for everyone!

Our purpose was to address the lack of connectivity, infrastructure, and support among the 13 cities, the County's Land Use and Transportation Department, ODOT, Metro and other jurisdictions in Washington County. Since then we have grown to a membership of about 100 with partnerships and working agreements among those entities mentioned above and several community groups as well.

The Community Bicycle Center is open for anyone interested in anything bicycle related. Our retail center features used bikes restored to the best condition they can be for the bike they are and at low cost.

CPSC approved helmets, lights, reflectors and other bicycle safety equipment is also available for sale.

Community center events include bicycle traffic education, do-it-yourself bike repair and classes and community rides including the annual "Tour de Parks" in Hillsboro each summer.



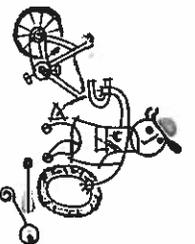
Kat Iverson with one of her Adopt-a-Road friends

Read on to learn about our programs and services.

Programs

Rent-a-Wrench - Got skills?

Need a work stand and tools? We've got 'em. 6 in fact! Rent by the hour or trade for time by volunteering on Tuesdays.



Smart Cycling® Programs

Sanctioned by the League of American Bicyclists, certified instructors are available to conduct classes, workshops and clinics following the League's curricula for teaching kids, adults and motorists throughout Washington County to make the roads safer and more enjoyable for all users.

The formats vary from all day sessions to 2 hour evening clinics each week.



Check our online calendar for details.

Volunteer Nite - held at our shop

Tuesdays 6-9pm, and are open to the public. Members of the WashCo BTC and members of the community meet to refurbish bicycles and have a good time. Please feel free to attend if you need a bike, want to donate a bike or just want to learn more about the center. It's a perfect time to learn more about bicycle mechanics and we welcome any volunteers who want to help refurbish bikes for those who are in need.

Park & Ride & Park Community rides

These fun, leisurely paced rides explore the far reaches of the THPRD parks. Held on the 2nd Sunday of each month beginning at 11AM, these thematic rides celebrate the green spaces we are fortunate to have so close by.

"Gray Matter" rides

Got gray hair? Put it under your helmet and join us on our monthly rides in rural Washington County. Moderate in pace and distance (15 mph/30 miles) and climbs, here is a fun way to connect with others who are no longer in the "Rat Race." Always the 3rd Saturday of the month, 9AM start here at the center.



Anyone can ride along, as long as they wear a helmet!

Yes! I'd like to be a part of the WashCo BTC to provide Transportation Solutions byCycle

Membership level	Per year
<input type="checkbox"/> Individual Spokesperson	\$25.00
<input type="checkbox"/> Family Wheel	\$35.00
<input type="checkbox"/> Chain Ring Sustainer	\$75.00
<input type="checkbox"/> Crank Arm Advocate	\$100.00
<input type="checkbox"/> Life Cyclist	\$500.00
<input type="checkbox"/> Corporate Sponsor	\$1,000.00

Name _____

Address _____

Email Address _____

Phone _____

Method of Payment

- Check (Payable to WashCo BTC)
- Bill Me
- Visa
- MasterCard
- American Express/Other

Credit Card # _____ Exp. date _____

Signature _____

The WashCo BTC is a 501(c)(3) non-profit public benefit corporation. All contributions/donations are deductible as allowed by the IRS tax code.

**Washington County Bicycle
 Transportation Coalition**

WashCo BTC
 21785 SW TV Hwy
 Suite J
 Aloha, Oregon 97006

Phone: 503.356.9740
 Fax: 503.356.9741
 E-mail: info@washcobtc.org
 www.washcobtc.org



NATURE IS ALWAYS NEARBY. CLEAN AIR TO BREATHE. CLEAN WATER TO ENJOY. TRAILS TO EXPLORE AND PARKS TO PLAY IN. THE WEALTH OF NATURE AT THE HEART OF THE INTERTWINE GIVES US THE PROMISE OF HAVING ONE OF THE GREATEST PARK, TRAIL AND NATURAL AREA NETWORKS IN THE WORLD.



WHAT IS THE INTERTWINE?

The Intertwine is an ever-growing network of integrated parks, trails and natural areas that will one day soon be the world's greatest system of its kind. The Intertwine provides unparalleled opportunities to preserve natural areas, open spaces, water and wildlife habitat. It reflects our region's passion for quality of life by encouraging recreation, connection to nature, and active transportation - like walking, running and biking. As our urban areas grow denser, The Intertwine will promote the health and happiness we, as citizens of the Pacific Northwest, so dearly value.

STRUCTURED FOR SUCCESS

We believe that an ambitious, multi-dimensional vision such as The Intertwine can only be achieved when a broad coalition of strong and independent organizations mobilize behind a shared vision and strategy. So, we have created The Intertwine Alliance, a coalition of independent partner organizations working collaboratively.

THE INTERTWINE ALLIANCE

The Alliance exists to promote the growth of The Intertwine and to empower and enable the success of The Alliance's partners. The Intertwine Alliance provides collaborative branding, strategy, communications, advocacy, networking and programming on behalf of The Intertwine.

HELP US BUILD OUR CORE

To build a strong brand, create better communications, and establish strong, broad-based advocacy for The Intertwine we need committed partners to join our Alliance to serve as part of its Core Team.

This group meets at least twice a month – often more – to plan events and set the agenda for the Alliance. Partners and interested individuals may attend meetings, but only Core Team partner organizations have a vote.

SUPPORT US “ON THE GROUND”



Alliance partners are working to coordinate, plan and increase investment in every one of these elements of The Intertwine. By becoming a partner you can choose to participate in one or more of these key initiatives.

BECOME A PARTNER

The Alliance is a coalition of partner organizations. Individuals can become part of The Intertwine initiative by joining or contributing to one of our Partner organizations and participating in Alliance initiatives. For a list of Alliance partner organizations, please contact Cynthia Sulaski, at 503-249-7728 or info@theintertwine.org.



JOIN US! CHOOSE YOUR LEVEL AND SIGN UP TODAY

- Supporting Organization** (government and non-profit organizations).

The backbone of The Alliance – you will work cooperatively with other partners to support the efforts, fulfill the mission and achieve the objectives of The Intertwine Alliance.

- ___ \$100 – small organization (less than 5 paid staff)
___ \$500 – medium organization (5-10 paid staff)
___ \$1,000 – large organization (over 10 paid staff)

- Core Team**

Team members lead efforts and implement projects that fulfill the mission of The Intertwine. They make, at a minimum, a major commitment to twice-monthly Core Team meeting participation, have a vote in major Alliance decisions, and help plan and carry out Alliance events and activities.

- ___ \$6,000 cash contribution or
___ 100 hours of staff time and in-kind services

- Business Partner**

Our business community will play a vital role in promoting The Intertwine. The Alliance welcomes corporate partnerships and will work with for-profit businesses to support The Intertwine's mission through sponsorship, events and marketing. For more information, contact The Intertwine Alliance Administrator, Cynthia Sulaski, at info@theintertwine.com or 503-249-7728.

Area of Interest

Much of the work of The Intertwine Alliance occurs in the five initiative areas described below. As these initiatives develop there will be rights and opportunities associated with them. Please indicate which initiative is of primary interest to you. If you want to be involved in more than one, please indicate, if possible, your primary and secondary interest.

- Natural Area Restoration** Our science-based group is engaging a broad coalition of partners to develop a conservation plan that will attract investment in restoration and habitat. They meet quarterly.
- Trails Development** An "Executive Council" has been formed to champion trails and other bicycle and pedestrian routes at the local, state and national level. Trails advocates meet quarterly for updates and networking.
- Natural Areas Acquisition** Voters recently approved bond measures for Metro and the Tualatin Hills Parks and Recreation District to acquire natural area land. A conservation plan is in the works that will help inform future acquisition efforts.
- Regional Parks System** Metro is working with parks providers to integrate The Intertwine name and identity into local and regional maps, park and trail sign design and promotions. These groups are also working to develop stable funding and increase the importance of parks in community & regional planning.
- Conservation Education** Regional conservation education providers have identified a set of priority initiatives. Metro Councilor Rex Burkholder spearheaded a successful proposal to strengthen outdoor school and make it available to more 6th graders (\$1.4 million per year investment by Metro).
- Friends of the Intertwine** If you don't have a primary interest in any of the initiative areas but want to be a partner in helping us build The Intertwine, check this box.

Help Us Launch The Intertwine!

We will formally launch The Intertwine on September 18th at Park(ing) Day, recreating The Intertwine in parking spaces around our region. This is a great opportunity for "Friends" groups to gain visibility and showcase their favorite park or trail. The Alliance will provide you with the support materials your group needs to be part of this day that The Intertwine goes public.

- Yes, tell me more about the Park(ing) Day event!





Name of Organization or Individual: _____

Street address: _____

City/State/Zip: _____ County: _____

Phone: _____ Fax: _____

Web site: _____

Contact Person: _____ E-mail address: _____

Street address, telephone, fax and e-mail address if different than above:

Type of organization: Government agency Not-for-profit organization Unincorporated organization Individual

Describe how you (or your organization) would like to contribute to the Intertwine Alliance:

Commitment Signature

By signing below, I certify that I have the authorization, or have obtained the proper level of executive endorsement, to commit myself and/or organization to:

- the Vision and Mission of *The Intertwine*
- the responsibilities of the requested level of partnership
- the standards set for the use of *The Intertwine* logo.

Signature and Title

Date

Printed Name and Title

Organization

Mail completed application, with a check payable to our fiscal agent, the "Audubon Society of Portland"

The Intertwine
P.O. Box 5632
Portland, OR 97228



garden with Native Plants



You can make a difference

by simply landscaping with native plants, also known as Naturscaping. The Pacific Northwest has a spectacular variety of beautiful and interesting plants that can be used to control erosion, increase stormwater infiltration, reduce watering and reduce or eliminate chemical use while enhancing the aesthetics of your yard.

 **Clean Water Services**

2550 SW Hillsboro Highway
Hillsboro, Oregon 97123

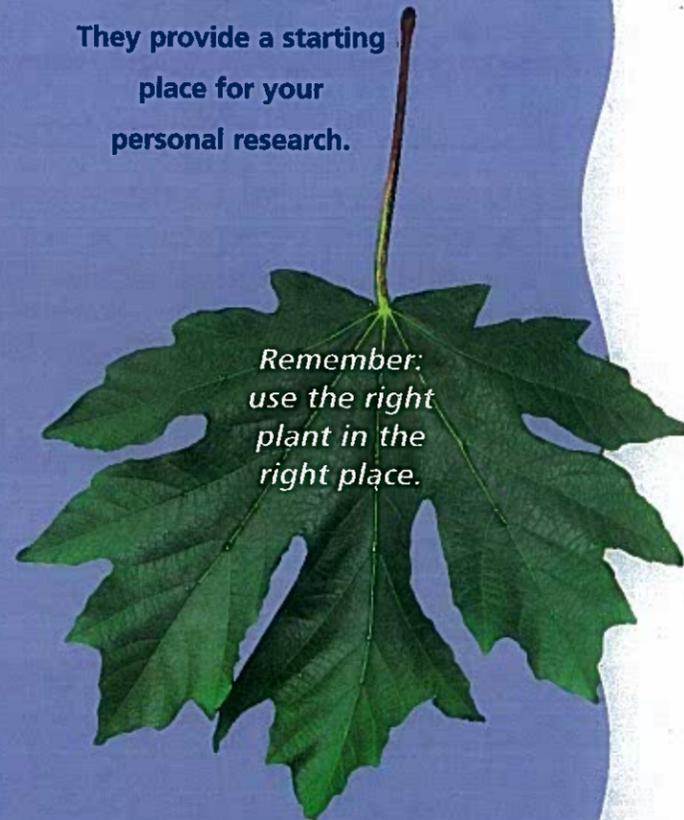


Inside you will find resource
information and a poster
depicting many of the beautiful,
versatile native plants of the
Willamette and Tualatin Valleys.
When using native plants in
our gardens we help keep
our environment healthy.

These lists are provided

for example only, and
are not inclusive.

They provide a starting
place for your
personal research.

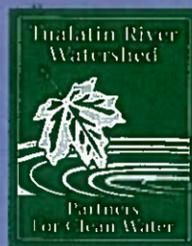


Remember:
use the right
plant in the
right place.

Let the online tool work for you!
Just choose your landscape traits and we'll
suggest the proper northwest
natives for your yard.

Go to:

www.cleanwaterservices.org/gonative



Special thanks to City of Portland
Environmental Services for
permission to reprint this brochure.

OD 0226

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SOURCES FOR NATIVE PLANTS & SEEDS

Annual Plant Sales

Berry Botanic Garden
503-636-4112

Friends of Tryon Creek
503-636-4398

Leach Botanic Garden
503-823-9503

Hardy Plant Society
503-224-5718

Portland Audubon Society
503-292-6855

Tualatin Hills Nature Park
503-629-6350

Tualatin Valley Garden Club
503-629-5873

Retail Nurseries

Al's Garden Center
www.als-gardencenter.com

● Sherwood, OR 97140
503-726-1162

● Woodburn, OR 97071
503-981-1245

● Gresham, OR 97080
503-491-0771

Bosky Dell Natives
West Linn, OR 97068
503-638-5945
www.boskydellnatives.com

Echo Valley Natives
Oregon City, OR 97045
503-631-2451

Emerald Seed & Supply
Portland, OR 97220
503-254-8414
www.emeraldseedandsupply.com

Hobbs & Hopkins, Ltd.
Portland, OR 97214
503-239-7518
www.protimelawnseed.com

Kruger's Shade Trees
North Plains, OR 97133
503-647-1000

Mo's Nursery
Mulino, OR 97042
503-829-7643

Oregon Native Plant Nursery
Woodburn, OR 97071
503-981-2353

Pacific Northwest Natives
Albany, OR 97321
541-928-8239
www.pacificnwnatives.com

Portland Nursery
Portland, OR 97206
503-231-5050
www.portlandnursery.com

Red's Rhodies
Sherwood, OR 97140
503-625-6331

Russell Graham Plants
Salem, OR 97304
503-362-1135

Seven Oaks Native Nursery
Albany, OR 97321
541-757-6520
www.SevenOaksNativeNursery.com

Squaw Mountain Gardens
Estacada, OR 97023
503-637-3585
www.squawmountaingardens.com

Wallace W. Hansen
Salem, OR 97301
503-581-2638
www.nwplants.com

Willow Nursery
Tigard, OR 97223
503-768-5976

www.portland.npsoregon.org
(Native Plant Society of Oregon)

[www.cleanwaterservices.org/
gonative](http://www.cleanwaterservices.org/gonative)

BOOKS AND WORKSHOPS

Books

* highly recommended

* Charlotte Corkran and Chris Thoms,
*Amphibians of Oregon, Washington, & British
Columbia: A Field Identification Guide*,
Lone Pine Publishing

Stephanie Feeney, *The Northwest Gardeners'
Resource Directory*, 7th Edition,
Cedarcroft Press

Ferns to Know in Oregon, Oregon State
University Extension Service

Helen M. Gilkey, *Weeds of the Pacific
Northwest*, Oregon State University (OSU)

B. Jennifer Guard, *Wetland Plants of Oregon
& Washington*, Lone Pine Publishing

* John Hadidian, Guy R. Hodge, & John W.
Grandy, *Wild Neighbors: The Humane
Approach to Living with Wildlife*,
The Humane Society of the US.

Elizabeth L. Horn, *Coastal Wildflowers of the
Pacific Northwest: Wildflowers & Flowering
Shrubs from British Columbia to Northern
California*, Mountain Press

Edward C. Jensen & Charles R. Ross, *Trees to
Know in Oregon*, OSU Extension Service
Circular #1450

* Arthur R. Kruckeberg, *Gardening with
Native Plants of the Pacific Northwest*,
U. of Washington Press

* Russell Link, *Landscaping for Wildlife in the
Pacific Northwest*, U. of Washington Press

* Ann Lovejoy, *Naturalistic Gardening:
Reflecting the Planting Patterns of Nature*,
Sasquatch Books

* Harry B. Nehls, *Familiar Birds of the
Northwest*, Portland Audubon Society

William Olkowski, Sheila Daar, & Helga
Olkowski, *Common-Sense Pest Control*,
The Taunton Press

* Jim Pojar & Andy MacKinnon, *Plants of
the Pacific Northwest Coast: Washington,
Oregon, British Columbia & Alaska*,
Lone Pine Publishing

* Portland Planning Bureau, *Portland Plant
Lists*, City of Portland

* *Naturescaping for Clean Rivers Native Plant List*
Environmental Services, City of Portland and
East Multnomah Soil & Water Conservation
District, free with naturescaping workshops.

Robin Rose, Caryn Chachulske & Diane Haase,
Propagation of Pacific Northwest Native Plants,
OSU Press

George Schenk, *Moss Gardening: Including
Lichens, Liverworts and other Miniatures*,
Timber Press

* Sara B. Stein, *Noah's Garden: Restoring the
Ecology of Our Own Backyards*, Houghton
Mifflin Co.

Ronald J. Taylor, *Northwest Weeds: The Ugly &
Beautiful Villains of Fields, Gardens, &
Roadsides*, Mountain Press Publishing Co.

Ronald J. Taylor & George W. Douglas,
Mountain Plants of the Pacific Northwest,
Mountain Press Publishing Co.

Shann Weston, *Naturescaping: A Place for
Wildlife*, Oregon Dept. of Fish & Wildlife

Workshops

Common Sense Gardening offers two free
workshops per year. Publications are available
at the workshop or call Metro at 503-234-3000.

Wildlife Stewards offers one volunteer training
per year, for a fee. Volunteers placed in local
school to assist with habitat. Offered by
National Wildlife Federation and OSU 4-H.
Call 503-725-2048.

Naturescaping for Clean Rivers offers free
four-hour workshops, spring and fall.
Publications, including program workbook, are
available at the workshop. City of Portland's
Environmental Services and East Multnomah
Soil & Water Conservation District provide these
workshops. Call 503-797-1842.

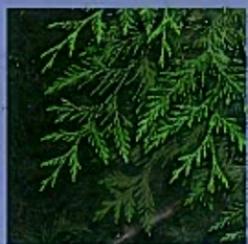
Riparian Restoration Classes, for students
involved in native plant gardens or streamside
projects. Free. Offered by Clean Rivers
Educators, call 503-823-7740.

gardening

with



Native Plants



Western Redcedar



Red Alder



Douglas Fir



Grand Fir



Western Hemlock



Shore Pine



Oregon White Oak



Bigleaf Maple



Red Osier Dogwood



Pacific Ninebark



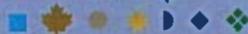
Ocean Spray



Osoberry



Vine Maple



Cascara



Blue Elderberry



Salal



Giant Chain Fern



Deer Fern



Swamp Rose



Snowberry





Lady Fern



Maidenhair Fern



Red Huckleberry



Douglas Spirea



Sword Fern



Wild Ginger



Naturescape for clean rivers and for wildlife habitat. Native plants are adapted to the climate and are naturally resistant to native pests and diseases. They require less water and need no chemical applications for them to thrive. Using native plants can reduce the amount of pollution in runoff to our waterways.



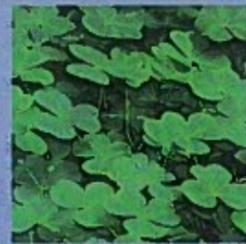
Evergreen Huckleberry



Serviceberry



Replace invasive plants such as English ivy, scotch broom, and Himalayan blackberry with native plants.



Oxalis



Oregon Grape



Mock Orange



Waterleaf



Bunchberry



Miners Lettuce



Kinnikinnick



False Lily of the Valley



Oregon Iris



Red Flowering Currant



Bleeding Heart



- tree ■ shrub ■ ground cover ✿ flower
- 🌲 evergreen 🍁 deciduous
- wet soil ● moist soil ● dry soil
- ☀ sun ▶ part shade ● shade
- ▲ grows fast ◆ moderate ▼ grows slow
- ◇ can spread-multiply



Fringecup



False Solomon Seal



Camas



Wood Violet



Oregon Stonecrop



Piggyback Plant





STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date Aug. 24, 2009
Recording Secretary S. McLannan
For B. M. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: August 24, 2009

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSION AND MEETING OF AUGUST 10, 2009

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Meeting of August 10, 2009.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



TUALATIN CITY COUNCIL WORK SESSION MINUTES OF AUGUST 10, 2009

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; Dan Boss, Operations Director; Kent Barker, Police Chief; Carina Christensen, Assistant to the City Manager; Paul Hennon, Community Services Director; Eric Underwood, Development Coordinator; Maureen Smith, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden opened the work session at 5:00 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tigard-Tualatin Aquatic District (TTAD) Formation*

City Manager Sherilyn Lombos noted this issue was presented at the prior Council work session regarding the efforts of a local citizen group proposal of formation of a special aquatic district (TTAD) to keep the pools located at Tigard and Tualatin High Schools from closing. The Tigard-Tualatin School District (TTSD) has proposed closure of the pools as a cost savings. The proposed resolution on formation of a special district would need approval of all four cities, Tualatin, Tigard, King City, and Durham, to be able to be placed on the ballot.

Members of the "Save the Pools" group were present, including several officials from the cities of Tigard and King City for discussion. Questions that arose by the Council at the July 27, 2009 meeting were reviewed. Councilor Beikman said she wanted to group to know she in no way wants the pools to close. The perception of the public is part of the problem not just legal issues. It was asked what could be done to change that perception. Mayor Ogden said Council may be more comfortable with a "user fee" or a utility fee concept in Tualatin.

Discussion followed on being able to meet the County election deadlines. Signature gathering will need to be done, and a prospective petition with the legal boundaries, along with an economic feasibility to be submitted to the County Elections by September.

Discussion continued on what might happen if the prospective petition moved forward without Tualatin as part of the configuration. If Tualatin implemented a pool utility fee which could provide the funding to operate the pool at Tualatin High School was mentioned.

Discussion on what it would take to implement a "utility fee". The group members said the problem remains on the issue of timing. It was asked if they could buy more time from the School District, and the group said Superintendent Rob Saxton has said that keeping the pools open equates to approximately eight teaching positions, which they cannot afford to lose.

The requirement of whether a "double majority" vote is needed was discussed and City Attorney Braden quoted the Oregon Revised Statutes, and the way it stands now a double majority vote would be needed to pass the issue on the ballot. It was asked again what would happen if Tualatin moved forward with a utility fee and the TTAD then exclude from the prospective. Discussion followed.

Discussion continued with the obstacle of the boundaries issue. The group noted they are waiting for survey results as we speak. Mayor Ogden said if the Council does not pass the resolution at this meeting, a special meeting for Wednesday, August 12, 2009 has been noticed to continue with discussion, if needed. In the next 48 hours it remains to be determined if the boundary issue can be resolved successfully. It was asked of Tigard City Manager Prosser how it might affect the vote at their upcoming Council meeting on Tuesday. Mr. Prosser said although he couldn't say for certain, it is likely their Council will vote to approve the resolution.

Councilor Truax commented that although he doesn't necessarily agree with formation of a district, he does support the group. Councilor Maddux agreed with Councilor Truax. Not certain if 48 hours is enough time to adequately look at the issues at hand. Councilor Barhyte also agreed with Councilor Truax and will be voting in support of the resolution. Discussion concluded.

2. *Tualatin / Durham Services – postponed to a future meeting.*
3. *Legislative Session Wrap-Up – postponed to a future meeting.*
4. *ODOT Intercity Passenger Rail Study – postponed to a future meeting.*

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda with no changes.

E. PUBLIC HEARINGS – Legislative or Other
N/A

F. PUBLIC HEARINGS – Quasi-Judicial
N/A

G. GENERAL BUSINESS – N/A

H. ITEMS REMOVED FROM CONSENT AGENDA – N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The work session adjourned at 6:58 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date Aug. 24, 2009

Recording Secretary S. Henson

For: M. Smith

TUALATIN CITY COUNCIL MEETING MINUTES OF AUGUST 10, 2009

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

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:02 p.m.

Tualatin VFW Commander Ron Holland led the Pledge of Allegiance and gave a brief update on the grand opening celebration of the new VFW Hall.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. New Employee Introductions

Police Chief Barker introduced new employee Merab Walker, half-time Police Service Technician and present to introduce Merab Walker, and Margaret Lyman, (retired former Office Coordinator), Police Services Technician, and gave a brief background on each.

2. Tualatin Youth Advisory Council Update

Representatives from the Youth Advisory Council (YAC) gave an update on activities and events in the last month, and what is upcoming. The YAC also gave each councilor a t-shirt from the recent "Tualafest" event.

3. Volunteer Program Fiscal Year Report

Volunteer Coordinator Victoria Eggleston gave a fiscal year-end report on the volunteer program. Ms. Eggleston noted it has been one year she has been with the City and several new things have happened in the past year. Ms. Eggleston review the extensive volunteer hours and projects that were done this past year, and is looking forward to the coming year.

4. Commuter Rail Update

City Engineer Mike McKillip gave a brief update on the whistle-free zone. It is moving forward with the design and permitting process and after the next coordinating meeting staff will report back on the progress. Mayor Ogden commented if everything continues as planned and the funding is acquired, it would be 12 – 18 months away from a "quiet zone". City Manager Lombos said it could happen as early as December 2010.

5. *Recreation Programs*

Parks and Recreation Program Coordinator Carl Switzer gave an update on the community recreation program and gave a brief PowerPoint presentation. Recreational use has increased in the City and the Van Raden Center is now dedicated for youth uses. Mr. Switzer also explained the revised and expanded recreation programming, with more programs offered from toddlers to adults. The new "Get Out" recreation guide will be arriving in mail boxes soon and 47 new programs have been added. It is also available on the City's website at www.ci.tualatin.or.us. Mr. Switzer concluded his presentation and said staff looks forward to coming back before Council with successes of the new programming. Councilor Beikman commented staff has done a good job by using the resources at hand.

C. **CITIZEN COMMENTS**

Phil Brooks, 4805 SW Wichita, Tualatin, OR, was present to ask that the library issue with Clackamas County residents be resolved. Mayor Ogden replied the City is moving forward and looking for a May 2010 election to be on the ballot to annex into the Clackamas County Library District. A working group has been formed that is working with the Clackamas County Board, and in the meantime Tualatin residents residing in Clackamas County will have reciprocal borrowing rights with any Washington County libraries.

Linda Moholt, representing Tualatin Chamber of Commerce, and Cheryl Dorman, 2009 Crawfish Festival chairperson, gave a report on the success of the annual Crawfish Festival held this past weekend. It was a successful festival and Friday night sales were up 23% over last year. The early morning run on Saturday had 450 participants, followed by the pancake breakfast and parade, with the park opening at 10:00 a.m. Ms. Dorman also thanked the participants of the dunk tank event. They are already starting to work on 2010.

Rosemary Liniger, 22380 SW 102nd, Tualatin, was present, along with Mark Eiman, and Jim Vance, to express their concerns about a dangerous area of roadway along Grahams Ferry Road. They noted a recent fatal car accident that happened in the area, that include damage to some of the homes in the area. They are looking to get proper signage to prevent something like this in the future. Ms. Liniger said there have been accidents reported over a number of years, and although it is a County road, that piece has become well traveled. The County is looking at making changes, but Ms. Liniger believes this is something the county and city should address together. The road is dangerous and something needs to be done. Mr. Eiman distributed some information on the street and area.

Mayor Ogden said he recognized the problem at that location, and staff can look into what could be done there. City Manager Lombos said the citizens present at this meeting will be part of the conversation on this issue.

D. **CONSENT CALENDAR**

Councilor Truax noted since he was not at the July 27, 2009 meeting will not be voting on the minutes portion of the consent agenda. MOTION by Councilor Barhyte, SECONDED by Councilor Beikman to adopt the Consent Agenda as read:

1. Approval of the Work Sessions and Meetings of July 13, 2009 and July 27, 2009
2. Approval of a New Liquor License Application for Sushiville Tualatin
3. Approval of a New Liquor License Application for Tualatin VFW Post 3452
4. Approval of a New Liquor License Application for Union Wine Company

5. Approval of a Change of Ownership Liquor License Application for Baja Fresh Mexican Grill
6. Resolution No. 4915-09 To Quitclaim a Utility Easement for the Shoppes at Bridgeport Project
7. Resolution No. 4916-09 Authorizing a Revocable Permit to Allow Construction Staging on SW Seneca Street

MOTION CARRIED. [Truax abstained from Item No. 1]

E. PUBLIC HEARINGS – Legislative or Other
None.

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS

1. Resolution No. 4917-09 Approving Proposed Formation of a Special Aquatic District (Tigard-Tualatin Aquatic District)

Mayor Ogden noted this issue is before the Council again after it was presented at the last meeting, of a local citizen group proposal of formation of a special district to keep the pools located at Tigard and Tualatin High Schools from closing. Discussion was held during the work session portion of the meeting with representatives from "Save the Pools".

COUNCIL DELIBERATION

MOTION by Councilor Maddux, SECONDED by Councilor Truax, to approve the resolution supporting placement of the proposal on the May, 2010 ballot.

Discussion on Motion

Councilor Truax noted that although he supports the pools, he personally does not support the formation of a special district. He intends to vote to approve the resolution, but expressed concern that the issue hasn't been fully vetted and happened too quickly. Council Truax said he hope the group will engage the cities involved to continue working together and look and some other alternatives.

Councilor Harris said he also supports keeping the pools open, but he will be voting not to support this. He believes this is a short term fix and is concerned about future competing districts, and said there is still time available to solve this issue a different way.

Councilor Beikman said she agreed with Councilor Harris and will also not be supporting the resolution. Councilor Beikman restated her concerns about the boundaries issue and further fragmenting the city, and could have future implications on availability for future parks districts, and if given more time, could have perhaps come up with something other than this proposal.

Mayor Ogden commented on the group of people and their dedication on putting this together, and although he does have consternation about the mechanism, said we are here tonight because of all this group has done to make this happen.

MOTION CARRIED. [Vote: 5-2; YES – Ogden, Barhyte, Davis, Maddux, Truax; NO – Harris, Beikman].

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Maddux thanked the community and everyone that participated in the recent "National Night Out" and noted there were eight different block parties in the city. It was a great city event, and is held annually the first Tuesday in August.

K. ADJOURNMENT

MOTION by Councilor Harris, SECONDED by Councilor Davis to adjourn the meeting at 8:14 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary





STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date Aug. 24, 2009

Recording Secretary S. McEwen
For: M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Maureen Smith, Executive Assistant. *MS*

DATE: August 24, 2009

SUBJECT: COMMUNITY INVOLVEMENT COMMITTEE APPOINTMENTS

ISSUE BEFORE THE COUNCIL:

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

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

On August 3, 2009, the Community Involvement Committee met and interviewed citizens interested in participating on City Committees and Boards. The Committee recommends appointing the following individuals:

Individual	Committee/Board	Term
Mark Coolican	Planning Advisory Committee	Full term ending 8/31/12
Mark Coolican	Budget Advisory Committee	Partial term ending 12/31/10

FINANCIAL IMPLICATIONS:

Not applicable.



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date Aug. 24, 2009
Recording Secretary S. McLennox
For: M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 

DATE: August 24, 2009

SUBJECT: 2009 ANNUAL REPORT OF THE TUALATIN DEVELOPMENT COMMISSION

ISSUE BEFORE THE COUNCIL:

City Council consideration of Oregon Revised Statutes (ORS) 457.460 requirements that an urban renewal agency shall, by August 1 of each year, prepare a statement on the same basis on which financial statements are prepared covering money received and expended for the preceding and current fiscal years.

RECOMMENDATION:

Staff recommends the City Council accept the report.

EXECUTIVE SUMMARY:

- This is not a public hearing.
- ORS 457.460 outlines the requirements for the annual fiscal report. The report must include:
 - The amount of money received during the preceding fiscal year and indebtedness incurred.
 - The purposes and amounts, for which money received, including indebtedness, were expended during the previous fiscal year.
 - Estimate of money to be received in the current fiscal year, including indebtedness.
 - A budget identifying the purposes and estimated amounts to be received for the current fiscal year and how funds are to be expended.
 - Analysis of impacts, if any, of carrying out the plan for all taxing authorities for the proceeding year.

- A public notice is required to be published that the statement is available for review. The notice is required to be published for a minimum of two times over a two-week period in August.
- There are no criteria applicable to accept the report.

OUTCOMES OF DECISION:

Acceptance of the report will result in the following:

1. Compliance with ORS 457.460.

Not accepting the report will result in the following:

1. Non-compliance with ORS 457.460.

FINANCIAL IMPLICATIONS:

Funds have been budgeted for the current fiscal year to publish the required notice under ORS 457.460(2) in the Economic Development Administration Fund.

PUBLIC INVOLVEMENT:

Public involvement is not required in preparation of this report.

Attachments: A. 2009 Annual Report of the Tualatin Development Commission



2009 ANNUAL REPORT OF THE TUALATIN

DEVELOPMENT COMMISSION

August 24, 2009

2008 ANNUAL REPORT OF THE TUALATIN DEVELOPMENT COMMISSION

August 24, 2009

INTRODUCTION

The City of Tualatin has an urban renewal agency (Tualatin Development Commission) that receives property taxes to pay for projects and programs to improve the Central Urban Renewal District (CURD) and Leveton Tax Increment District (LTID). Oregon Revised Statutes (ORS) 457.460 requires urban renewal agencies to provide a summary of their finances for public information. This report is in addition to the annual Commission budget, which was adopted after a public hearing on June 22, 2009.

Urban renewal agencies can receive property taxes in two ways. First, they are entitled to the amount of property taxes that are imposed on the increase in property values (taxable assessed values) within the urban renewal area since the urban renewal plan for the area was adopted. This process is called the "division of tax" process.

Second, for urban renewal plans that were adopted prior to December 6, 1996, the urban renewal agency may receive funds from a Special Urban Renewal Levy on property within the City of Tualatin. The Tualatin Development Commission can receive taxes from both of these sources.

Division of Tax

The division of tax process results in some property taxes that may have been received by the "taxing districts" that levy property taxes within the urban renewal area (for example, Washington County, School District #23, Port of Portland) being paid over to the Tualatin Development Commission. The taxing districts forego a share of the property tax income during the life of an urban renewal plan so that the urban renewal agency can carry out activities that increase property values in the long-term. Tables 1A and 1B show the taxing districts that levy taxes within the Central Urban Renewal District and Leveton Tax Increment District, the total amount of taxes levied, and the estimated percent of those taxes that were used for Tualatin Development Commission activities in Fiscal Year 08/09.

In FY 02/03 the Oregon Supreme Court issued an opinion concerning urban renewal division of tax. Urban renewal now has a rate to calculate the division of tax. This urban renewal rate has caused other taxing authorities' rates to be adjusted to a new "effective rate" which also includes the urban renewal rate. This new effective rate for all taxing authorities now applies to assessed value above the frozen base amount (assessed value of the urban renewal area before formation of the urban renewal district) within an urban renewal district. Previously, taxing authorities could not share in urban renewal assessed value above the frozen base. The effect of this

method of calculating division of tax is a larger base for taxing authorities called a "shared area" value to collect their revenues. Tables 1A and 1B provide the baseline percentage of taxes divided for urban renewal before the "effective rate" calculation.

The tax revenue forgone by the City from the urban renewal program for FY 08/09 is estimated at \$393,054.69 for the Central Urban Renewal District and \$567,121.77 for the Leveton Tax Increment District.

FISCAL YEAR 08/09

Central Urban Renewal Bond Fund

In FY 08/09, the Tualatin Development Commission had a Central Urban Renewal Bond Fund Revenue Beginning Balance of \$469,309, received \$2,231,402 from the division of taxes and \$21,050 in Interest and Other Revenue. No Special Urban Renewal Levy has been levied. Revenues are estimates and are not audited.

The Commission used Central Urban Renewal Bond Funds received from the division of taxes and the beginning balance to make payments on debt for financing urban renewal projects or to reserve funds for future debt payments. The Commission expended \$7,200 for Materials and Services, \$277,165 in Debt Service and deposited \$433,693 into Reserves in the Central Urban Renewal District Bond Fund. The Commission also borrowed money by selling du jour bonds (short-term bonds) to be repaid with the annual division of taxes it receives. In FY 08/09 the Commission received \$2,003,703 by issuing du jour bond debt in the Central Urban Renewal District. Bond Fund expenditures are estimates and are not audited.

Central Urban Renewal Project Fund

The Commission's Central Urban Renewal Project Fund had a Beginning Balance (\$3,232,308), Other Revenue (\$93,000) and Sale of Bonds, excluding interest, (\$2,003,703). Funds were expended on Materials & Services (\$41,456), Transfers to Administration Fund (\$255,000), Capital Outlay (\$655,695) and Contingency/Reserves (\$4,376,754). Project Fund revenues and expenditures are estimates and are not audited.

Projects funded by the Central Urban Renewal Project Fund Capital Outlay include the following for FY 08/09:

Boones Ferry Road Downtown Enhancement Project: (CURD)

Project was initially proposed in the Central Urban Renewal District Plan. It consisted of design and construction of utility under-grounding, roadway widening, sidewalks, pedestrian amenities, and traffic signal poles. This project increased transportation capacity while enhancing pedestrian opportunities and streetscape aesthetics. On-going activities include environmental remediation at a former gas station site located at SW Nyberg Street and SW Boones Ferry Road. Activities this year included ground water testing and reporting, and minor utility relocations.

Timeline: Began FY 01/02, On-going FY 09/10

Funding 08/09: \$50,000

Estimated 08/09: \$85,000



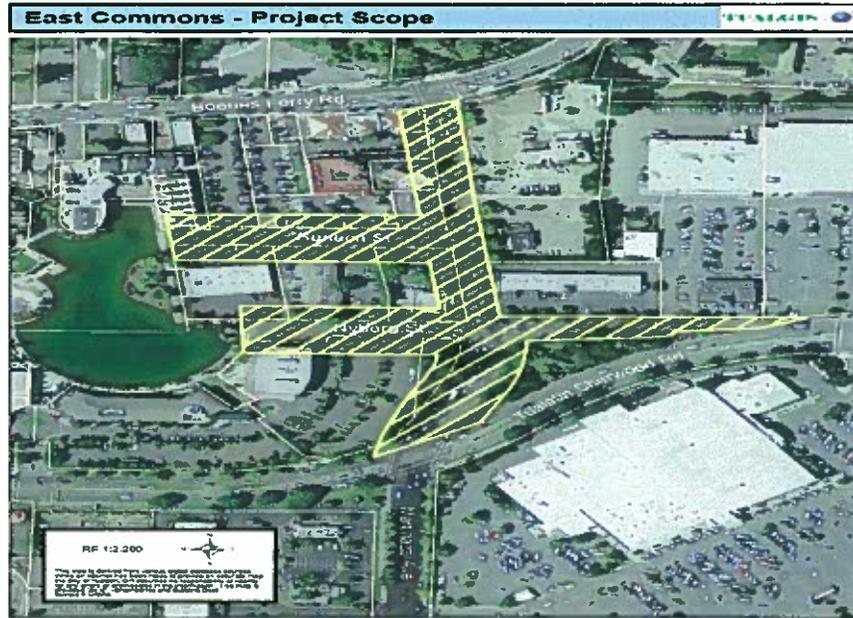
East Commons Enhancements: (CURD)

Project included construction of storm line associated with the Tualatin Library Project and establishing a project scope for improvements to SW Martinazzi Avenue between SW Tualatin-Sherwood Road and SW Boones Ferry Road, SW Nyberg Street between SW Tualatin-Sherwood Road and SW Nyberg Street "Y" and The Lake of The Commons and SW Seneca Street from SW Martinazzi Avenue to The Lake of The Commons. Design concepts include pedestrian sidewalks, street lighting, street trees and curb bump-outs. This project was identified to enhance pedestrian opportunities and streetscape aesthetics consistent with the Tualatin Commons Enhancement Strategy. Improvements will be similar to those constructed for the West Commons project in FY 06/07. The Commission placed this project on hold during the evaluation of alternative projects within the CURD.

Timeline: Began in FY 07/08; To be completed - Unknown

Funding 08/09: \$2,100,000

Estimated 08/09: \$0



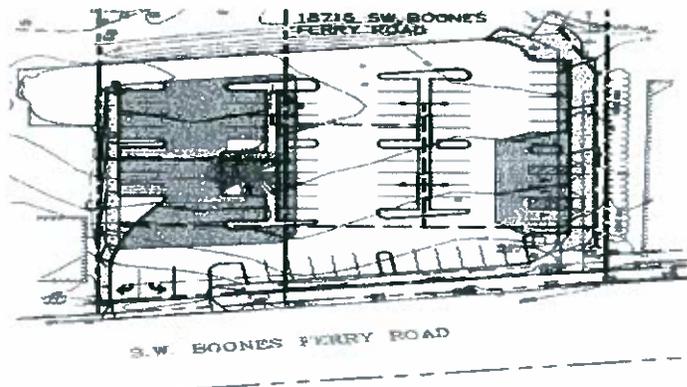
Green Lot Expansion: (CURD)

The purpose of this project was to expand and make improvements to the Green Lot, a public parking facility along SW Boones Ferry Road between SW Martinazzi Avenue and SW Tualatin Road. The project expanded the Green Lot providing additional parking spaces and improved public access through grading, paving, sidewalk construction, landscaping, and site lighting. This year minor modifications were required due to a below grade cavity that formed in the parking lot.

Timeline: Began FY 04/05, Completed June 2008; Repairs fall 2008

Funding 08/09: \$0

Estimated 08/09: \$1,000



Commuter Rail: (CURD)

Design and construction of an enhanced Commuter Rail Station located on the west side of SW Boones Ferry Road between SW Tualatin-Sherwood Road and SW Tualatin Road.

Timeline: Began FY 02/03, Completed February 2009

Funding 08/09: \$171,670

Estimated 08/09: \$440,000



Commons Landmark: (CURD)

Replacement of a stolen bell. Fund expenditures were substantially covered by an insurance claim.

Timeline: Began FY 00/01, To be completed - Unknown

Funding 08/09: \$0

Estimated 08/09: \$28,695



Tualatin Commons West: (CURD)

Contract Maintenance of streetscape improvements completed in June 2009.

Timeline: Began FY 03/04, Completed FY 06/07; Maintenance completed June 2009

Funding 08/09: \$7,000

Estimated 08/09: \$1,300



Tualatin-Sherwood Road Pedestrian Landscaping and Gateway: (CURD)

Design and construction of landscape and pedestrian enhancements on SW Tualatin-Sherwood Road between the Fred Myer/K Mart access and SW Boones Ferry Road. The project includes a gateway feature at the SW Nyberg Street/SW Tualatin-Sherwood Road "Y".

Timeline: Began FY 08/09; Anticipated completion FY 09/10

Funding 08/09: \$1,800,000

Estimated 08/09: \$99,700



Leveton Tax Increment Bond Fund

For FY 08/09 in the Leveton Tax Increment District Bond Fund, the Beginning Balance was \$65,011, received \$3,354,600 from the division of taxes and \$28,800 of Interest and Other Revenue. No Special Urban Renewal Levy has been levied. Revenues are estimates and are not audited.

The Commission expended revenues of \$9,000 for Materials and Services, \$752,260 in Debt Service and deposited \$1,022,151 into Reserves. The Commission also borrowed money by selling du jour bonds (short-term bonds) to be repaid with the annual division of tax funds it receives. The Commission received \$2,250,000 by issuing du jour bond debt in the Leveton Tax Increment District Bond Fund. Expenditures are estimates and are not audited.

Leveton Tax Increment Project Fund

The Commission's Leveton Project Fund had a Beginning Balance (\$12,744,242), Other Revenue (\$315,083) and Sale of Bonds (\$2,250,000). Funds were expended on Materials & Services (\$243,230), Transfers to Administration (\$245,000), Capital Outlay (\$5,900,000) and Contingency/Reserves (\$8,921,095). Project Fund revenues and expenditures are estimates and are not audited.

Projects funded by the Leveton Tax Increment Project Fund Capital Outlay include the following for FY 08/09:

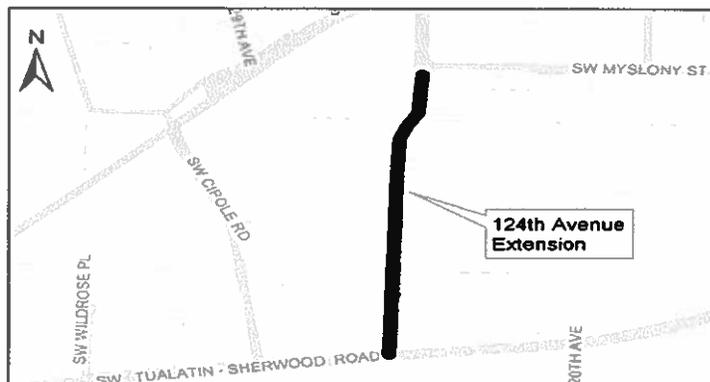
SW 124th Avenue –SW Myslony Street to SW Tualatin-Sherwood Road: (LTID)

Design, right-of-way acquisition and construction of SW 124th Avenue (5-lane arterial) between SW Myslony Street and SW Tualatin-Sherwood Road.

Timeline: Began FY 04/05; Construction completed June 2009

Funding 08/09: \$3,800,000

Estimated 08/09: \$3,400,000



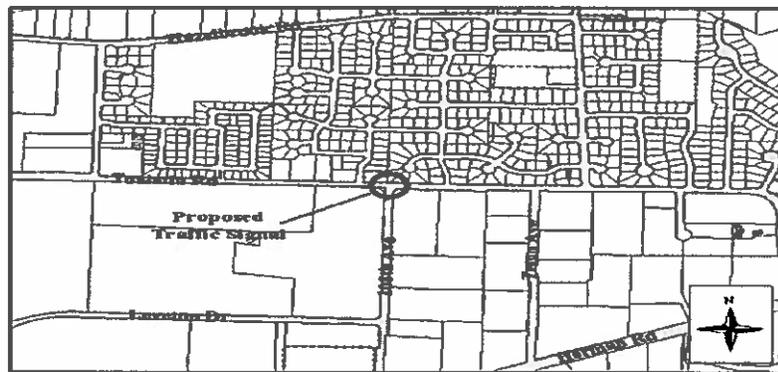
SW 108th Avenue/ SW Tualatin Road Traffic Signal: (LTID)

Design, right-of-way acquisition and construction of a new traffic signal at SW 108th Avenue at SW Tualatin Road to address traffic capacity issues from private development in the Leveton District. The Commission and City Council placed this project on hold in summer 2008.

Timeline: Began FY 03/04; Completion is undetermined

Funding 08/09: \$300,0000

Estimated 08/09: \$0



SW Herman Road – SW Teton to SW 124th Avenue: (LTID)

Design, right-of-way acquisition and construction of SW Herman Road to a 3-lane cross-section. Includes a traffic light at SW 118th Avenue and SW Herman Road. The Road Operating Utility Fee Fund will pay for design and construction work between the traffic signal at SW 108th Avenue east to the east edge of the City Operations yard. The Road SDC Fund will cover costs for a new traffic signal at SW Teton and SW Herman Road.

Timeline: Began FY 06/07, Completion anticipated FY 09/10

Funding 08/09: \$5,560,000

Estimated 08/09: \$1,000,000



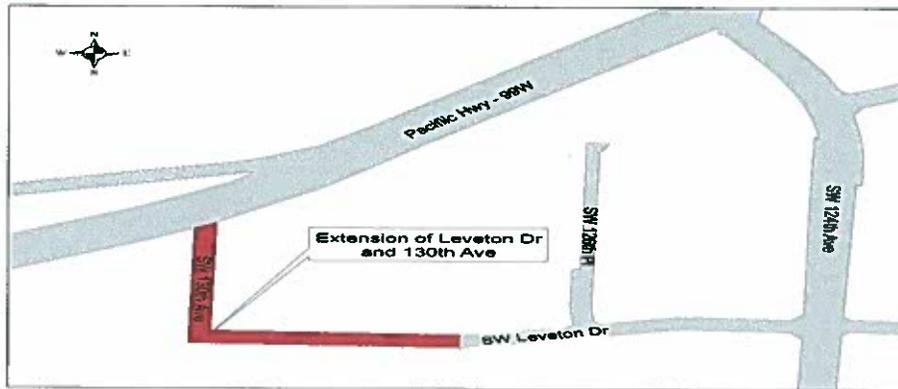
SW Leveton Drive – SW 128th Avenue/SW 130th to 99W: (LTID)

Design, right-of-way acquisition and construction of SW Leveton Drive from SW 128th Avenue to SW 130th Avenue, SW 130th Avenue to 99W.

Timeline: Began FY 07/08, anticipated completion FY 09/10

Funding 08/09: \$2,350,000

Estimated 08/09: \$1,000,000



SW 128th Avenue – SW Leveton Drive to SW Cummins Drive: (LTID)

Design, right-of-way acquisition and construction of SW 128th Avenue between SW Leveton Drive and SW Cummins Drive.

Timeline: Began FY 07/08, anticipated completion FY 09/10

Funding 08/09: \$1,300,000

Estimated 08/09: \$500,000



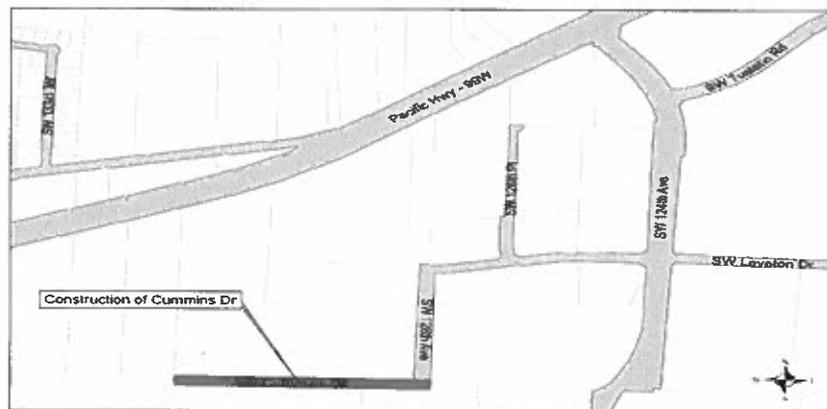
SW Cummins Drive: (LTID)

Design, right-of-way acquisition and construction of SW Cummins Drive from SW 128th Avenue to western district boundary.

Timeline: Began FY 07/08, anticipated completion FY 10/11

Funding 08/09: \$500,000

Estimated 08/09: \$0



FISCAL YEAR 09/10

Central Urban Renewal Bond Fund

For Fiscal Year 08/09 the Tualatin Development Commission expects to have a Central Urban Renewal Bond Fund Beginning Balance of \$433,693, receive \$2,540,000 from the division of taxes and \$7,137 in Interest and Other Revenue. No Special Urban Renewal levy has been levied.

The funds received from property taxes will be used to make payments on debt for financing urban renewal projects or to keep in a reserve fund for future debt payments. The Commission will expend \$7,200 for Materials and Services, \$279,235 for Debt Service and deposit \$0 into Reserves in the Central Urban Renewal District Bond Fund. The Tualatin Development Commission also expects to receive funds from borrowing money through a du jour bond (short-term bond) to be repaid with the annual division of tax funds. This fiscal year the Commission expects to receive \$2,694,395 by issuing du jour bond debt in the Central Urban Renewal District.

Central Urban Renewal Project Fund

The Commission's Central Project Fund revenue budget includes Beginning Balance (\$4,180,754), Other Revenue (\$40,618), Sale of Bonds (\$2,694,395) and Other Financing (\$0). Funds will be expended on Materials & Services (\$101,000), Reimbursements (\$100,000), Transfers to Administration (\$267,775), Capital Outlay (\$4,099,000) and Contingency/Reserves (\$2,237,992).

Projects funded by the Central Urban Renewal Project Fund Capital Outlay include the following examples for FY 09/10:

Boones Ferry Road Phase 1: (CURD)

Environmental monitoring and testing of the former Hanegan property as part of the land acquisition from the Boones Ferry Road Phase 1 project.

Timeline: Began FY 07/08 and anticipated completion 09/10

Funding 09/10: \$100,000



Tualatin-Sherwood Road Landscape and Pedestrian Enhancement: (CURD)

Design and construction of landscape and pedestrian enhancements on SW Tualatin-Sherwood Road between the Fred Myer/K Mart access and SW Boones Ferry Road. The project includes a gateway feature at the SW Nyberg Street/SW Tualatin-Sherwood Road "Y".

Timeline: Began FY 08/09, anticipated completion FY 09/10

Funding 09/10: \$2,549,000

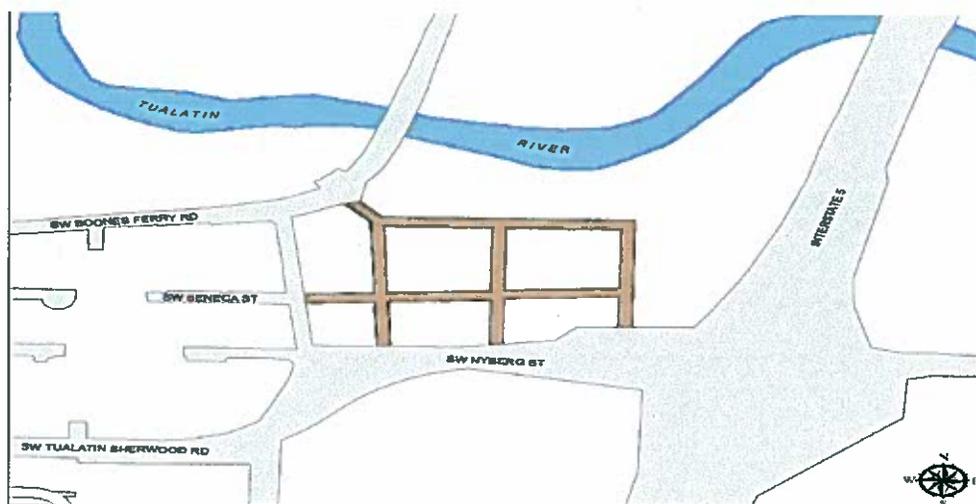


Eastside Downtown: (CURD)

Preliminary study of infrastructure needs and development potential.

Timeline: Began FY 09/10, anticipated completion FY 09/10

Funding 09/10: \$150,000



Train Horn Noise Mitigation: (CURD)

Design and construction of commuter rail train horn noise mitigation within the CURD located at roadway crossings at SW Tualatin Road, SW Nyberg Street, SW Tualatin-Sherwood Road and Boones Ferry Road Pedestrian Crossing.

Timeline: Began FY 09/10, anticipated completion FY 10/11

Funding 09/10: \$1,300,000



Leveton Tax Increment Bond Fund

For FY 09/10 the Leveton Bond Fund budget includes a Beginning Balance of \$1,022,150, \$3,444,000 from the division of taxes and Interest/Other Revenue of \$13,722. No Special Urban Renewal Levy has been levied.

The Agency will expend \$9,000 for Materials and Services, \$751,670 for Debt Service and deposit \$1,214,293 into Reserves in the Leveton Tax Increment District Bond Fund. The Commission also expects to receive funds from borrowing money through du jour bonds (short-term bond) to be repaid with the annual division of tax funds. This fiscal year the Commission expects to receive \$2,504,909 by issuing du jour bond debt in the Leveton Tax Increment District.

Leveton Tax Increment Project Fund

The Leveton Project Fund's revenue budget includes Beginning Balance (\$9,548,935), Other Revenue (\$476,639) and Sale of Bonds (\$2,504,909). Funds will be expended on Materials & Services (\$10,000), Reimbursements (\$138,015),

Transfers to Administration (\$245,000), Capital Outlay (\$7,213,250) and Contingency/Reserves (\$5,023,218).

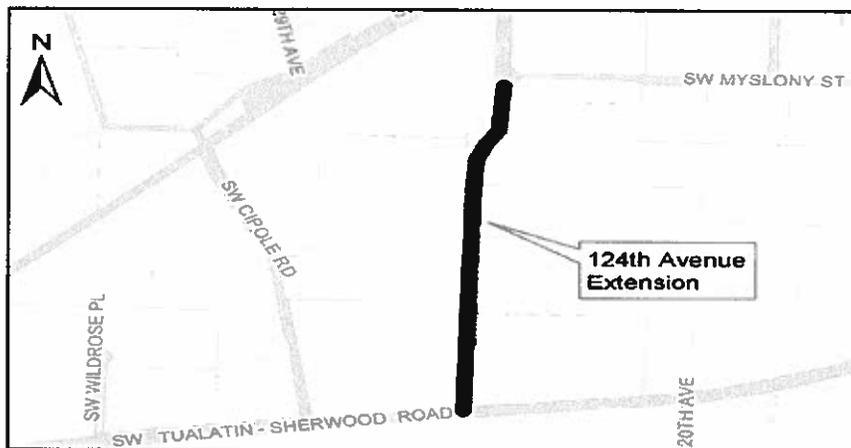
Projects funded by the Leveton Tax Increment Project Fund Capital Outlay include the following for FY 09/10:

SW 124th Avenue –SW Myslony Street to SW Tualatin-Sherwood Road: (LTID)

Environmental land maintenance and monitoring due to the construction of SW 124th Avenue (5-lane arterial) between SW Myslony Street and SW Tualatin-Sherwood Road.

Timeline: Began FY 04/05, Construction completed FY 08/09, Maintenance/Monitoring and anticipated completion FY 12/13

Funding 09/10: \$15,410



SW Herman Road – SW Teton to SW 124th Avenue: (LTID)

Construction of SW Herman Road to a 3-lane cross-section. Includes a traffic light at SW 118th Avenue and SW Herman Road. The Road Operating Utility Fee Fund will pay for work between the traffic signal at SW 108th Avenue east to the east edge of the City Operations yard. The Road SDC fund will cover costs for a new traffic signal at SW Teton and SW Herman Road.

Timeline: Began FY 06/07, anticipated completion FY 09/10

Funding 09/10: \$2,300,000

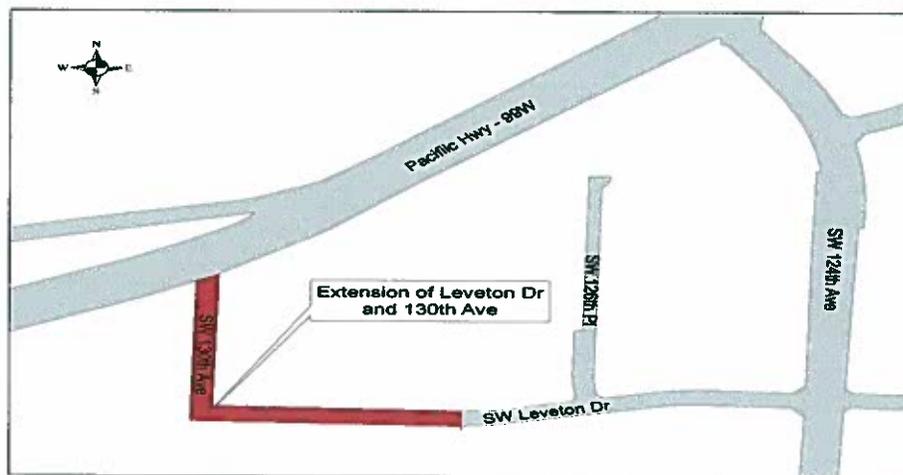


SW Leveton Drive – SW 128th Avenue/SW 130th to 99W: (LTID)

Right-of-way acquisition and construction of SW Leveton Drive from SW 128th Avenue to SW 130th Avenue, SW 130th Avenue to 99W.

Timeline: Began FY 07/08, anticipated completion FY 09/10

Funding 09/10: \$2,200,000



SW 128th Avenue – SW Leveton Drive to SW Cummins Drive: (LTID)

Right-of-way acquisition and construction of SW 128th Avenue between SW Leveton Drive and SW Cummins Drive.

Timeline: Began FY 07/08, anticipated completion FY 09/10

Funding 09/10: \$1,200,000



SW Cummins Drive: (LTID)

Design and right-of-way acquisition of SW Cummins Drive between SW 128th Avenue and the western District boundary.

Timeline: Began FY 08/09, anticipated completion FY 10/11

Funding 09/10: \$700,000



SW 108th Avenue/SW Leveton Drive Traffic Signal: (LTID)

Design and right-of-way acquisition for construction of a traffic signal.

Timeline: Began FY 09/10, anticipated completion FY 10/11

Funding 09/10: \$70,000



Table 2 is a summary comparison of FY 08/09 revenue and expenditure estimates and FY 09/10 budgeted numbers.

Attachments: Tables 1A & 1B
 Table 2

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TABLE 1A

CENTRAL URBAN RENEWAL DISTRICT FISCAL YEAR 08-09									
Taxing District	Shared Area Value Washington County	Rate	TIF Produced	Shared Area Value Clackamas County	Rate	TIF Produced	Combined TIF Produced		
City of Tualatin	\$ 2,766,284,966	0.1260	\$ 348,551.91	\$ 353,196,637.00	0.1260	\$ 44,502.78	\$ 393,054.69		
Washington County	\$ 2,766,284,966	0.1501	\$ 415,219.37	-	0	\$ -	\$ 415,219.37		
Port of Portland	\$ 2,766,284,966	0.0039	\$ 10,788.51	\$ 353,196,637.00	0.0039	\$ 1,377.47	\$ 12,165.98		
Tualatin Valley Fire & Rescue	\$ 2,765,994,966	0.0858	\$ 237,322.37	\$ 353,196,637.00	0.0858	\$ 30,304.27	\$ 267,626.64		
Metro Service District	\$ 2,766,284,966	0.0139	\$ 38,451.36	\$ 353,196,637.00	0.0139	\$ 4,909.43	\$ 43,360.79		
Tri-Met	\$ 2,766,284,966	0.0044	\$ 12,171.65	\$ 353,196,637.00	0.0044	\$ 1,554.07	\$ 13,725.72		
School District #23J	\$ 2,386,930,506	0.3844	\$ 917,536.09	\$ 229,886,951.00	0.3844	\$ 88,368.54	\$ 1,005,904.63		
Northwest Region ESD	\$ 2,731,271,741	0.0090	\$ 24,581.45	\$ 229,886,951.00	0.0090	\$ 2,068.98	\$ 26,650.43		
Portland Community College	\$ 2,766,284,966	0.0309	\$ 85,478.21	\$ 52,069,703.00	0.0309	\$ 1,608.95	\$ 87,087.16		
Total							\$ 2,264,796.41		
08/09 Annual Report Spread Sheet									

TABLE 1B

LEVETON TAX INCREMENT DISTRICT FISCAL YEAR 08-09									
Taxing District	Shared Area Value Washington County	Rate	TIF Produced	Shared Area Value Clackamas County	Rate	TIF Produced	TIF Produced	Combined TIF Produced	
City of Tualatin	\$ 2,766,284,966	0.1818	\$ 502,910.61	\$ 353,196,637.00	0.1818	\$ 64,211.16	\$	\$ 567,121.76	
Washington County	\$ 2,766,284,966	0.2165	\$ 598,900.70	\$	0	\$	\$	\$ 598,900.70	
Port of Portland	\$ 2,766,284,966	0.0056	\$ 15,491.20	\$ 353,196,637.00	0.0056	\$ 1,977.90	\$	\$ 17,469.10	
Tualatin Valley Fire & Rescue	\$ 2,765,994,966	0.1238	\$ 342,430.18	\$ 353,196,637.00	0.1238	\$ 43,725.74	\$	\$ 386,155.92	
Metro Service District	\$ 2,766,284,966	0.0202	\$ 55,878.96	\$ 353,196,637.00	0.0202	\$ 7,134.57	\$	\$ 63,013.53	
Tri-Met	\$ 2,766,284,966	0.0064	\$ 17,704.22	\$ 353,196,637.00	0.0064	\$ 2,260.46	\$	\$ 19,964.68	
School District #23J	\$ 2,386,930,506	0.3057	\$ 729,684.66	\$ 229,886,951.00	0.3057	\$ 70,276.44	\$	\$ 799,961.10	
School District #88J	\$ 344,341,235	2.2744	\$ 783,169.70	\$	0	\$	\$	\$ 783,169.70	
Northwest Region ESD	\$ 2,731,271,741	0.013	\$ 35,506.53	\$ 229,886,951.00	0.013	\$ 2,988.53	\$	\$ 38,495.06	
Portland Community College	\$ 2,766,284,966	0.0446	\$ 123,376.31	\$ 52,069,703.00	0.0446	\$ 2,322.31	\$	\$ 125,698.62	
Total								\$ 3,399,960.17	
08/09 Annual Report Spread Sheet									

TABLE 2

CENTRAL URBAN RENEWAL DISTRICT	FY 09/10	FY 08/09 Est.
BOND FUND		
Revenue		
Beginning Balance	\$ 433,693	\$ 469,309
Tax Increment, Current & Prior Years	\$ 2,540,000	\$ 2,231,402
Special Levy	\$ -	\$ -
Interest/Other Revenue	\$ 7,137	\$ 21,050
Expenditures		
Materials & Services	\$ 7,200	\$ 7,200
Debt Service	\$ 279,235	\$ 277,165
Deposit to Reserves	\$ -	\$ 433,693
Debt Issuance	\$ 2,694,395	\$ 2,003,703
PROJECT FUND		
Revenues		
Beginning Balance	\$ 4,180,754	\$ 3,232,308
Other Revenue	\$ 40,618	\$ 93,000
Sale of Land	\$ -	\$ -
Transfers	\$ -	\$ -
Sale of Bonds	\$ 2,694,395	\$ 2,003,703
Other Financing	\$ -	\$ -
Expenditures		
Materials & Services	\$ 101,000	\$ 41,456
Reimbursements	\$ 100,000	\$ -
Transfers To Admin	\$ 267,775	\$ 255,000
Capital Outlay	\$ 4,099,000	\$ 655,695
Deposit to Contingency & Reserves	\$ 2,237,992	\$ 4,376,754
LEVETON TAX INCREMENT DISTRICT		
BOND FUND		
Revenue		
Beginning Balance	\$ 1,022,150	\$ 65,011
Tax Increment, Current & Prior Years	\$ 3,444,000	\$ 3,354,600
Special Levy	\$ -	\$ -
Interest/Other Revenue	\$ 13,722	\$ 28,800
Expenditures		
Materials & Services	\$ 9,000	\$ 9,000
Debt Service	\$ 751,670	\$ 752,260
Deposit to Reserves	\$ 1,214,293	\$ 1,022,151
Debt Issuance	\$ 2,504,909	\$ 2,250,000
PROJECT FUND		
Revenues		
Beginning Balance	\$ 9,548,935	\$ 12,744,242
Other Revenue	\$ 476,639	\$ 315,083
Sale of Bonds	\$ 2,504,909	\$ 2,250,000
Expenditures		
Materials & Services	\$ 10,000	\$ 243,230
Reimbursements	\$ 138,015	\$ -
Transfers To Admin	\$ 245,000	\$ 245,000
Capital Outlay	\$ 7,213,250	\$ 5,900,000
Deposit to Contingency & Reserves	\$ 5,023,218	\$ 8,921,095
Note: Fiscal Year 08/09 figures are not audited		



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date Aug. 24, 2009
Recording Secretary S. McEnnis
For S. M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *McK*
Jon L. Sparks, Engineering Technician II *Jon*

DATE: August 24, 2009

SUBJECT: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
FOR THE SHOPPES AND HOTEL AT BRIDGEPORT

ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed in association with The Shoppes and Hotel at Bridgeport, located at 17991-18015 SW Lower Boones Ferry Road.

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

All public improvements were constructed as part of The Shoppes and Hotel at Bridgeport.

The improvements were done as required by the Public Facilities Decision issued on August 10, 2007, and have been satisfactorily completed.

FINANCIAL IMPLICATIONS:

There are minor impacts on utility funds as a result of this work. Costs to be paid by ratepayers.

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Attachments: A. Resolution

RESOLUTION NO. 4918-09

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED FOR THE SHOPPES AND HOTEL AT
BRIDGEPORT

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued VIP's Industries, Inc., hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 07-22 to construct streets, sidewalk, curb and gutter, street lights, sanitary sewer system, storm system, water lines, water services, fire hydrants and driveways in association with The Shoppes and Hotel at Bridgeport, said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and the Public Facilities Decision issued on August 10, 2007; and

WHEREAS DEVELOPER has constructed said required public improvements to standards required by CITY, and now desires to have CITY accept said improvements; and

WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

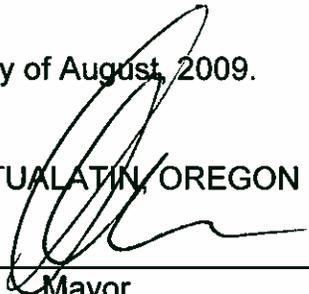
WHEREAS it is in the public interest that CITY accept said improvements.

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

Section 1. That the subject improvements are hereby approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 24th day of August, 2009.

CITY OF TUALATIN, OREGON

By  _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST

By  _____
City Recorder



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date Aug 24, 2009
Recording Secretary S. McLendon
For M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *McK*
Mike Darby, Engineering Technician II *MD*

DATE: August 24, 2009

SUBJECT: RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
FOR LIVING SAVIOR LUTHERAN CHURCH

ISSUE BEFORE THE COUNCIL:

Acceptance of public improvements constructed in association with Living Savior Lutheran Church, located at 8740 SW Sagert Street.

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

All public improvements were constructed as part of the Public Works Permit #08-08 requirements.

The improvements constructed were installation of a water line, storm line, and sidewalk improvements. These were done as required by Architectural Review 08-05 issued on May 23, 2008, and have been satisfactorily completed.

FINANCIAL IMPLICATIONS:

There are minor impacts on utility funds as a result of this work. Costs to be paid by ratepayers.

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Attachments: A. Resolution

RESOLUTION NO. 4919-09

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
CONSTRUCTED FOR THE LIVING SAVIOR LUTHERAN
CHURCH

WHEREAS the City of Tualatin, hereinafter referred to as CITY, issued Mr. Carlton Lindgren, hereinafter referred to as DEVELOPER, Public Works Construction Permit No. 08-08 to construction public improvements consisting of the installation of a water line, storm line, and sidewalk improvements in association with Living Savior Lutheran Church, said improvements being required by Section IX of CITY Subdivision Ordinance No. 176-70 and the Architectural Review Decision issued on May 23, 2008; and

WHEREAS DEVELOPER has constructed said required public improvements to standards required by CITY, and now desires to have CITY accept said improvements; and

WHEREAS CITY staff has inspected and recommends approval and acceptance of all public improvements; and

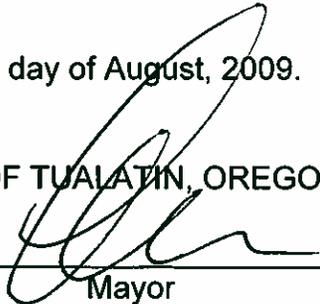
WHEREAS it is in the public interest that CITY accept said improvements.

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

Section 1. That the subject improvements are hereby approved and accepted by the CITY.

INTRODUCED AND ADOPTED this 24th day of August, 2009.

CITY OF TUALATIN, OREGON

By  _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST

By  _____
City Recorder



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date Aug. 21, 2009
Recording Secretary S. McLenbar
For M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *HL*

FROM: Nancy McDonald, Human Resources Director *NM*
Debra Bullard, Program Coordinator *DB*

DATE: August 24, 2009

SUBJECT: RESOLUTION APPROVING PARTICIPATION IN THE NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM

ISSUE BEFORE THE COUNCIL:

Council will consider whether to participate in the National League of Cities Prescription Discount Card Program.

RECOMMENDATION:

Staff recommends that Council adopt the attached resolution authorizing participation in the National League of Cities Prescription Discount Card Program.

EXECUTIVE SUMMARY:

The National League of Cities (NLC), of which the City of Tualatin is a member, has created a prescription discount card program for use by member cities. Participation would allow the City of Tualatin to offer its residents, without health insurance or with limited prescription drug coverage, a prescription discount card, at no cost to the City or its residents. The discount cards offer an average savings of 20% off the retail price of most prescription drugs. The program is turnkey; the NLC has created all advertising materials and will provide all the ID cards and informational posters. This resolution allows NLC and the City to move forward with the next steps of producing materials. Staff will return to Council in September with a presentation and roll-out of the program.

FINANCIAL IMPLICATIONS:

There are no direct financial implications to participation in the program. Minimal staff time will be used to implement the turn-key program.

Attachment: Resolution

RESOLUTION NO. 4920-09

RESOLUTION APPROVING PARTICIPATION IN THE NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM

WHEREAS many citizens of Tualatin are among the millions of Americans without health insurance or with limited prescription drug coverage, and;

WHEREAS the National League of Cities (NLC) is sponsoring a program in collaboration with CVS Caremark to provide relief to city residents around the country from the high cost of prescription drugs, and

WHEREAS NLC Prescription Discount Card Program will be available to member cities of NLC at no cost to those cities, and;

WHEREAS CVS Caremark will provide participating cities with prescription discount cards, marketing materials and customer support, and;

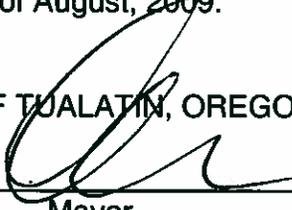
WHEREAS the discount cards offer an average savings of 20 percent off the retail price of most prescription drugs, has no enrollment form or membership fee, no restrictions based on the resident's age or income level, and may be used by city residents and their families any time their prescriptions are not covered by insurance, and;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that the City of Tualatin will inform the National League of Cities of its intent to participate in the NLC Prescription Discount Card Program and will work with NLC and CVS Caremark to implement the program to the benefit of the residents of Tualatin.

INTRODUCED AND ADOPTED this 24th day of August, 2009.

CITY OF TUALATIN, OREGON

BY



Mayor

ATTEST:

BY



City Recorder

Approved as to legal form:



City Attorney



Approved By Tualatin City Council
Date Aug. 24, 2009
Recording Secretary S. McEnnam
For: M. Smith

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
Cindy Hahn, Assistant Planner *CH*

DATE: August 24, 2009

SUBJECT: A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR LIGHT TRUCK RENTAL, LEASING, AND ASSOCIATED TEMPORARY STORAGE IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 19800 SW CIPOLE ROAD (TAX MAP 2S121DC, TAX LOT 1000) (CUP-09-02)

ISSUE BEFORE THE CITY COUNCIL:

A request for a Conditional Use Permit (CUP) that would allow light truck rental, leasing, and associated temporary storage at the Tualatin Mini-Storage, LLC, site in the General Manufacturing (MG) Planning District at 19800 SW Cipole Road (Tax Map 2S1 21DC, Tax Lot 1000).

RECOMMENDATION:

Staff recommends the City Council consider the staff report and supporting attachments and adopt the attached resolution granting CUP-09-02 to allow light truck rental, leasing, and associated temporary storage with the following conditions:

1. To ensure that no additional traffic impacts occur on SW Cipole Road from the addition of the proposed conditional use, the fleet of the truck rental, leasing and temporary storage use on the site shall be limited to a maximum of ten (10) light trucks.
2. To reduce visibility of the proposed conditional use from surrounding properties, temporary storage of light trucks shall be visually obscured either by on-site sight-obscuring fencing or by on-site buildings.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The property owner and applicant is Tualatin Mini-Storage, LLC, Kronan B. Hoffman, General Manager, PBH, Inc. The application was prepared and submitted by Welkin Engineering, PC, represented by Ed Christensen, PE, Steve Farnsworth, PE, and Larry Epstein, JD, FAICP.
- The subject property is located at 19800 SW Cipole Road (Tax Map 2S1 21DC, Tax Lot 1000) at the west edge of the City of Tualatin and contains 6.34 acres in the General Manufacturing (MG) Planning District (see Attachment A, Vicinity Map). Land to the immediate south of the property is within the Urban Planning Area boundary of the City of Sherwood but has not been annexed and is zoned FD-10 (Future Development District 10-acre minimum) and Industrial District (IND) under Washington County's Community Development Code (CDC). Land uses in this area include auto-oriented and other light industrial use. Land to the immediate west of the subject property is considered Future Urban Growth Area (within the UGB but without a concept plan) and is zoned FD-20 (Future Development District 20-acre minimum) and AF-20 (Agriculture and Forestry District 20-acre minimum) under Washington County's CDC. Uses include vacant land and a commercial nursery. Farther to the south and southwest is land zoned General Industrial (GI) within Sherwood with a variety of light industrial and general industrial uses and vacant land. Land to the north and east of the subject property is located in the City of Tualatin in the MG Planning District. Land uses in these areas include auto-oriented and other light industrial uses and vacant land.
- Architectural Review 07-10 (AR-07-10) for Tualatin Mini-Storage, with a Final Architectural Review Board Decision date of June 8, 2007, approved construction of nine (9) two-story "mini-storage" buildings including a total of 1,901 storage units ranging in size from 5 ft. x 5 ft. to 10 ft. x 30 ft. and a small office building on the subject property. Nine (9) parking spaces adjacent to the office building, landscaping, security fencing, and a stormwater detention facility also were included in the project. Two project phases were proposed, with Phase 1 including all site work, the office building, and storage Buildings #1 through #4 and #8. Phase II was to include the remainder of the project. (Attachment B shows the Site Plan approved in AR-07-10.)
- In fall 2008 the Applicant decided, due to depressed market conditions, to construct only three (Buildings #1, #2, and #8) of the five mini-storage buildings in Phase I of the proposed project, and to leave the development area for Buildings #3 and #4 in gravel surface until such time as the initial three buildings are 60% leased (estimated to occur in spring or summer 2010). The Applicant also expressed a desire to provide an area on-site for the parking of light trucks (Penske) that he could show to storage unit lessees who might be in need of a truck for moving their possessions. A paved area, approximately 31 ft. x 100 ft. in dimension (3,100 square feet [s.f.] and mostly drive aisle), was identified on the west side of Building #8 for this purpose. Staff required that the area be fenced on the south and west sides to screen the trucks from view and that a CUP

application be submitted to allow truck rental and leasing. (Attachment C shows the Existing Conditions Site Plan.)

- The current application in CUP-09-02 proposes to add rental and leasing of light trucks and associated temporary outdoor storage of not more than ten (10) light trucks on a paved area west of the south end of Building #8/C. The actual number of trucks stored at the site will depend on their length, which ranges from 12 ft. to 26 ft. The Applicant proposes to pave an additional area approximately 15 ft. x 100 ft. in dimension (1,500 s.f.) west of the existing 3,100 s.f. drive aisle/paved area to accommodate the additional trucks within the existing sight-obscuring fenced area on the west side of Building #8/C. A corresponding area of Building #8/C will not be developed in the future with storage units, which will reduce the number of units compared to the number approved in AR-07-10 (but as yet unbuilt) by about 4 to 8 units. An agent/maintenance person will service the truck leasing business and, during typical work hours, will be stationed in the office built in Phase I. The existing driveway to SW Cipole Road, approved in AR-07-10, will be used for access to the proposed conditional use. (Attachment D shows the Proposed Site Plan.)
- A comparison of the AR-07-10 Approved Site Plan, the Existing Conditions Site Plan, and the Proposed Site Plan with respect to number of storage units is shown in the following table:

Storage Units	AR-07-10 Approved Site Plan	Existing Conditions Site Plan	Proposed Site Plan
Total	1901 units (Buildings #1-#9)	729 units Buildings #1/A, #2/B and #8/C	729 Buildings #1/A, #2/B and #8/C + 1,052 units On remainder of site (see traffic study) = 1781 units total *1
*1 Unit counts taken from Traffic Analysis Letter prepared by Dunn Traffic Engineering (June 11, 2009) submitted as part of Applicant's Materials and Supporting Information for CUP application.			

- The Applicant has prepared a narrative that describes the proposed conditional use and addresses the Conditional Use Permit approval criteria (Attachment E). Staff has reviewed the Applicant's materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment F). Attachment G is a Memorandum prepared by the Engineering Division addressing transportation and other public facilities associated with the proposed conditional use.
- The Engineering Division reviewed the Applicant's submitted Traffic Impact Letter that showed the proposed conditional use will increase the AM Peak by 1 (one) trip, not change the PM Peak, and reduce Average Daily Trips (ADT) by 5 (five) trips from the currently allowed Architectural Review (AR-07-10), as shown in the following table:

	AM Peak	PM Peak	ADT
AR-07-10	38	57	532
CUP-09-02	39	57	527

(See Attachment G for the Engineering Division Memorandum and Attachment E for the Applicant's Materials including the Traffic Impact Letter.)

- The applicable policies and regulations that apply to the proposed conditional use in the MG Planning District include: TDC 7.040 MG Planning District Objectives; TDC Chapter 32 - Conditional Uses; TDC 60.020 Light Manufacturing (ML) Planning District Permitted Uses; TDC 60.040 ML Planning District Conditional Uses; TDC 61.010 MG Planning District Purpose; TDC 61.020 MG Planning District Permitted Uses; and TDC Chapter 73 - Community Design. The Analysis and Findings (Attachment F) considers the applicable policies and regulations.
- Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the MG Planning District and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment F) examines the application with respect to the criteria for granting a CUP.
- Attachment H is the Resolution.

OUTCOMES OF DECISION:

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

1. Allows the Applicant to rent and lease light trucks from, and temporarily store light trucks on the subject property, located in the MG Planning District.
2. Allows the Applicant to pave an additional area approximately 15 ft. x 100 ft. in dimension (1,500 s.f.) adjacent to the existing 31 ft. x 100 ft. (3,100 s.f.) paved area and inside the existing sight-obscuring fence on the west side of Building #8/C on the subject property for the parking and temporary storage of light trucks.
3. Reduces the number of storage units in the south end of Building #8/C by about 4 to 8 units as compared to the number approved in AR-07-10 (but as yet unbuilt).

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

1. The Applicant will not be allowed to rent and lease light trucks from, and temporarily store light trucks on the subject property.
2. The Applicant will not be allowed to pave any additional area on the subject property.
3. The number of storage units in the south end of Building #8/C will be the same as that approved in AR-07-10.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

- Approve the proposed Conditional Use Permit with conditions the Council deems necessary.

- Deny the request for the proposed Conditional Use Permit with findings that state which criteria in TDC 32.030 the Applicant has failed to meet.
- Continue the discussion of the proposed Conditional Use Permit and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Revenue for Conditional Use Permits has been budgeted for Fiscal Year 09/10 and the Applicant submitted payment on June 15, 2009, to process CUP-09-02 per the City of Tualatin Fee Schedule.

PUBLIC INVOLVEMENT:

The Applicant conducted a Neighbor/Developer meeting at the West Coast Bank located at 8805 SW Tualatin-Sherwood Road on May 4, 2009, at 6:00 pm to explain the CUP proposal to neighboring property owners and to receive comments. No nearby residents or property owners attended the meeting and the meeting was adjourned at 6:45 pm. The Applicant submitted required meeting materials with the CUP application; these are included in Attachment E.

- Attachments:**
- A. Vicinity Map
 - B. AR-07-10 Approved Site Plan
 - C. Existing Conditions Site Plan
 - D. Proposed Site Plan
 - E. Applicant's Materials and Supporting Information including Dunn Traffic Engineering Traffic Impact Letter (June 11, 2009)
 - F. Analysis and Findings
 - G. Engineering Division Memorandum
 - H. Resolution

Vicinity Map



NO.	DATE	REVISION
1	12/15/10	ISSUED FOR PERMIT
2	01/14/11	REVISED PER CITY OF TUALATIN
3	02/01/11	REVISED PER CITY OF TUALATIN
4	02/01/11	REVISED PER CITY OF TUALATIN
5	02/01/11	REVISED PER CITY OF TUALATIN
6	02/01/11	REVISED PER CITY OF TUALATIN
7	02/01/11	REVISED PER CITY OF TUALATIN
8	02/01/11	REVISED PER CITY OF TUALATIN
9	02/01/11	REVISED PER CITY OF TUALATIN
10	02/01/11	REVISED PER CITY OF TUALATIN



APPROVED SITE PLAN
AR-07-10
CONDITIONAL USE PERMIT DRAWINGS

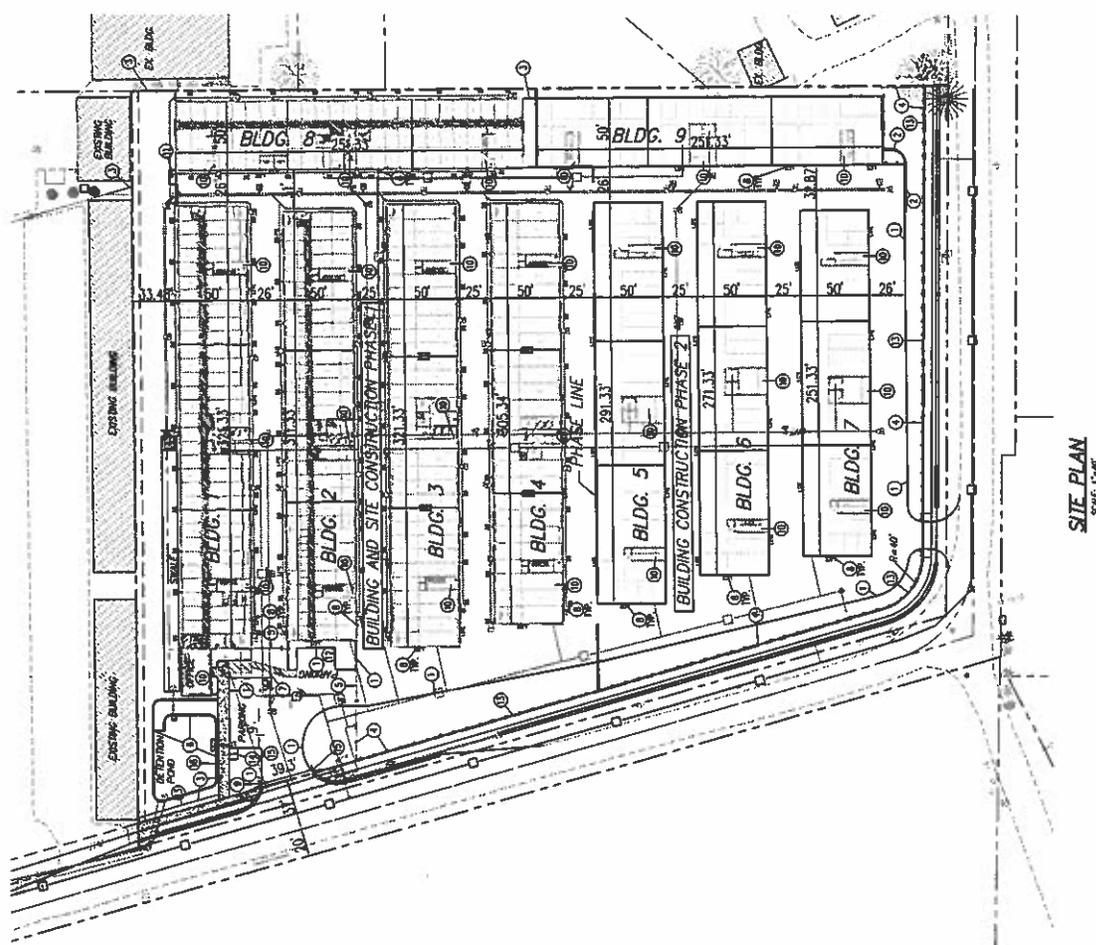
TUALATIN
MINI-STORAGE
CITY OF TUALATIN, OREGON

PROJECT NO.	AR-07-10
DATE	02/01/11
SCALE	AS SHOWN
PROJECT LOCATION	12345 67th St, Tualatin, OR

WASH. CO. CASE FILE # 07-923
SHEET FIG. 2

CONSTRUCTION NOTES

1. CONSTRUCT 6" X 16" CORN. SEE DETAIL # 071
2. CONSTRUCT 4' MAX HEIGHT RETAINING WALL (COMPACT UNITS)
3. INSTALL 4' CHAIN LINK FENCE.
4. INSTALL 1" WROUGHT IRON FENCE.
5. INSTALL GATE BY DRIVE.
6. CONSTRUCT RETAINING WALL (COMPACT UNITS)
7. 5' WIDE, WHITE PAINTED CROSSWALK TO CONNECT THE TWO PARKING AREAS.
8. WALL MOUNTED LIGHTING.
9. LOCATION OF POLE MOUNTED STREETLIGHT OR RE-LOCATED POLE.
10. BUILDING ENTRY LOCATIONS.
11. THE SOLID WASTE/RECYCLING ENCLOSURE SHALL HAVE AN ASPHALT FLOOR AND 6" THICK UNGRADED 5" WIDE AND 3" HIGH CURB. WITH OCCURRING WOOD SLATS. THAT CAN BE SECURED IN AN OPEN OR CLOSED POSITION.
12. DECORATED WOOD/COMPOSITE PARKING SPACE. INSTALL SIGNAGE.
13. 1" NON-ACCESS STRIP.
14. PROVIDE A CONCRETE AREA 4' X 8' FOR TWO BICYCLE PARKING SPACES.
15. INSTALL BICYCLE PARKING SIGN.
16. CONSTRUCT 6" PORTLAND CONCRETE CEMENT ACCESS HWY. (SEE DETAIL)



SITE PLAN
SCALE 1"=40'

DATE	1/19/09	BY	BOB CUN
NO.			

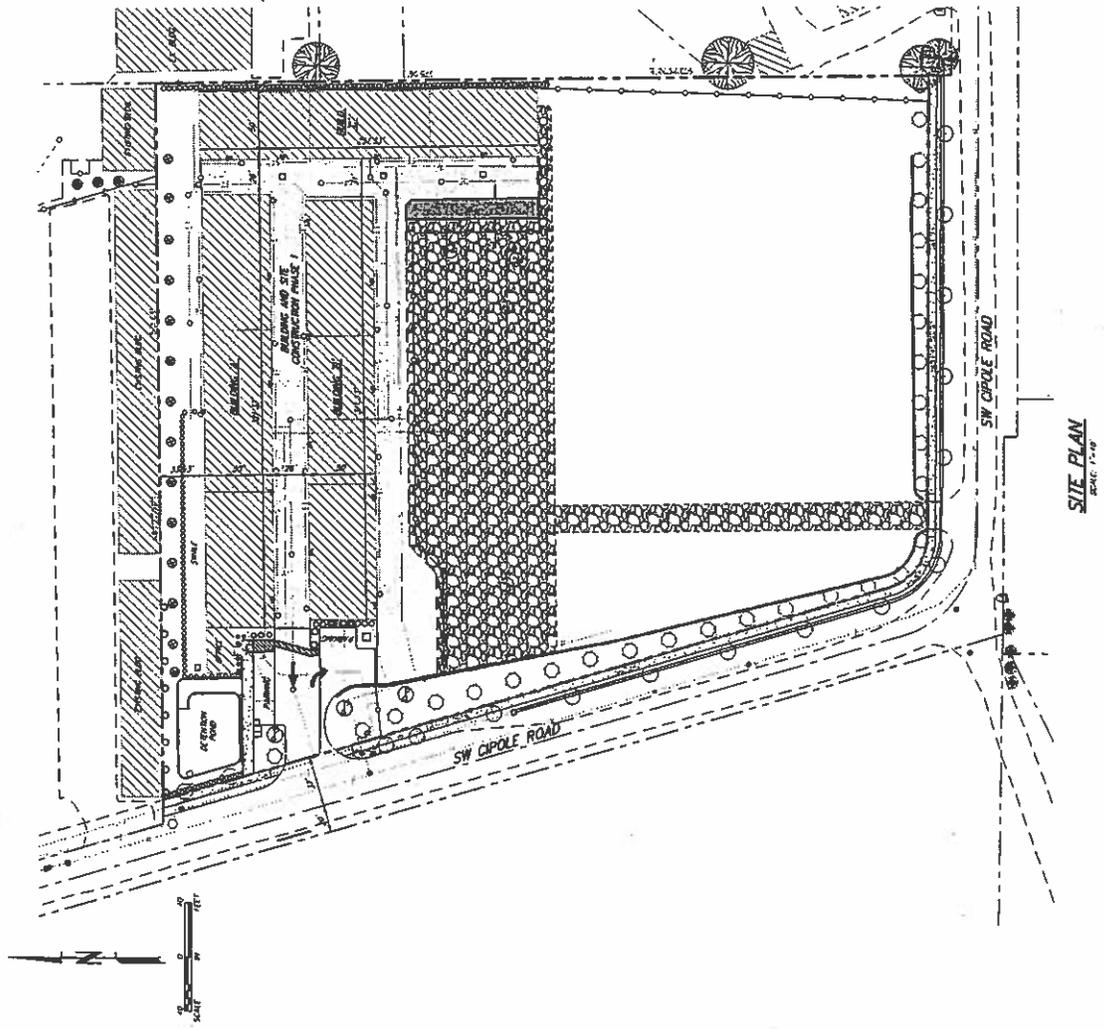


CONVENTIONAL USE PERMIT DRAWINGS
PROPOSED SITE PLAN

CITY OF TUALATIN OREGON
**TUALATIN
 MINI-STORAGE**

PROJECT NO.	07-923
SHEET NO.	FIG. 4
DATE	1/19/09
BY	BOB CUN
CHECKED BY	
SCALE	AS SHOWN
TITLE	PROPOSED SITE PLAN

- CONSTRUCTION NOTES**
1. CONTRACT SET 3" X 6" APPROXIMATE PLANNING AND ENGINEERING DRAWINGS TO BE SET, SETS TO BE MADE AND SET AT 15 MINUTE COPY.
 2. FENCING 6' HIGH DEVELOPED DUAL LANE FENCE.
 3. FENCING DRIFT PIN.



WASH. CO. CASE FILE # 07-923

**SUPPORTING MATERIALS
CONDITIONAL USE PERMIT APPLICATION
FOR PENSKE TRUCK RENTAL AND LEASING
At Tualatin Mini-Storage
19800 SW Cipole Road, Tualatin, OR**



APPLICANT:

Tualatin Mini-Storage, LLC
735 SW 20th Place, Suite 200
Portland, OR 97205
TEL: 503-228-6100 or 503-228-2800
FAX: 503-228-1406
EMAIL: khoffman@pbhinc.net

**CITY OF TUALATIN
RECEIVED**

JUN 15 2009

**COMMUNITY DEVELOPMENT
PLANNING DIVISION**

REPRESENTATIVES:

Welkin Engineering, PC
7165 SW Fir Loop, Suite 204
Portland, OR 97223
TEL: 503-598-1866
FAX: 503-598-1868
EMAIL: lle@welkinengineering.com

Dunn Traffic Engineering, LLC
7505 SE 32nd Avenue
Portland, OR 97202
TEL: 503-774-2669
FAX: 503-774-8000
EMAIL: brian@dunntraffic.com

June 11, 2009

Attachment E
Applicant's Materials & Supporting
Information including Dunn Traffic
Engineering Traffic Impact Letter
(June 11, 2009)

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4	Proposed Site Plan (oversized copy attached)	8
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Appendices

A	Public meeting information
B	Traffic report

1. BASIC FACTS

Project title: Penske Truck Leasing Conditional Use Permit

**Property Owner
And Applicant:** Tualatin Mini-Storage, LLC
Kronan B. Hoffman, General Manager
PBH, Inc.
735 SW 20th Place, Suite 200
Portland, OR 97205
Phone: (503) 228-6100 or (503) 228-2800
Fax: (503) 228-1406
Email: khoffman@pbhinc.net

Civil Engineers: Ed Christensen, PE and Steve Farnsworth, PE
Welkin Engineering, PC
7165 SW Fir Loop, Ste. 204
Tigard, OR 97223
Phone: (503) 598-1966 x12
Fax: (503) 598-1868
Email: ekc@welkinengineering.com

Planner: Larry Epstein, JD, FAICP
Welkin Engineering, PC
Same address and fax as above
Phone: (503) 598-1966 x20
Email: lle@welkinengineering.com

Traffic Engineer: Brian Dunn, PE
Dunn Traffic Engineering, LLC
7505 SE 32nd Avenue
Portland, OR 97202
Phone: (503) 774-2669
Fax: (503) 774-8000
Email: brian@dunntraffic.com

Site Address: 19800 SW Cipole Road
Tualatin, OR 97062

**Assessor Tax Map
and Tax Lot Number:** WCTM 2S1 21DC, TL 1000; property ID R0529798

3. DESCRIPTION OF APPROVED DEVELOPMENT

The Final Order in AR-07-10 authorized the following development on the site, subject to conditions of approval.

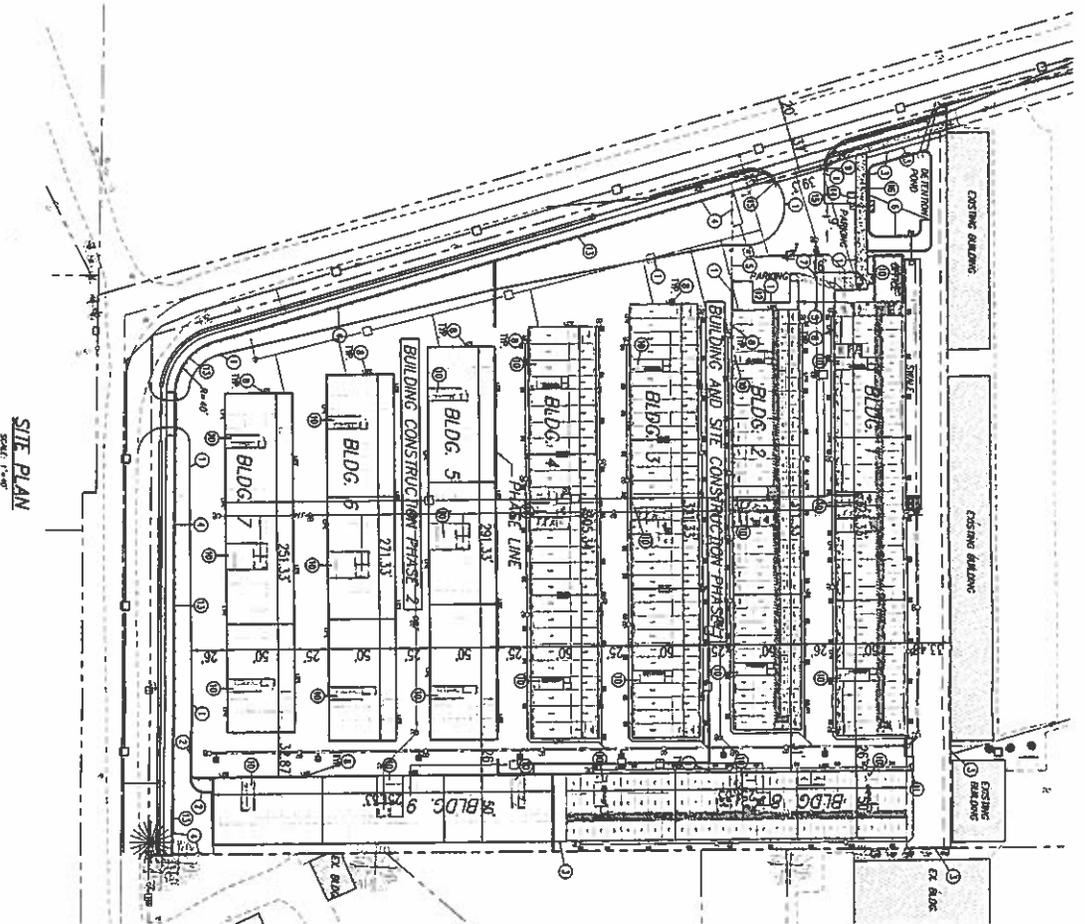
Table 2a - Approved Storage Unit Mix

<i>Unit size</i>	<i>Units by location</i>		<i>Total units</i>
	<i>1st flr</i>	<i>2nd flr</i>	
8 x 8	0	261	261
8 x 10	0	330	330
8 x 18	0	294	294
10 x 10	31	398	229
10 x 18	103	0	103
10 x 20	207	0	207
10 x 30	173	0	173
Total	514	1283	1797

Table 2b - Approved Areas/Parking

<i>Subject</i>	<i>Area/ Spaces</i>
1 st flr bldg area	129,103 sf
2 nd flr bldg area	129,103 sf
Office area (1 st flr)	674 sf
Total bldg area	258,870 sf
Site area (excl row)	258,831 sf
Landscape area	39,444 sf
Pavement area	89,620 sf
Parking spaces	9 spaces

The approved site plan is on the following page.



SITE PLAN
SCALE: 1"=40'

- CONSTRUCTION NOTES**
- 1) CONSTRUCT 3" x 18" CONG. SEE DETAIL 1-01
 - 2) CONSTRUCT 6" MAX. HIGH EXISTING RETAINING WALL (CONCRETE UNIT)
 - 3) RETAIN 6" OAKER LOW FLOOR
 - 4) RETAIN 6" WOODEN LOW FLOOR
 - 5) RETAIN 6" OAKER BY OTHERS
 - 6) CONSTRUCT EXISTING RETAINING WALL (CONCRETE UNIT)
 - 7) WALL MUST BE PAINTED CROSSBRAIN TO CONNECT THE TWO PHASE AREAS
 - 8) WALL MOUNTED LIGHTING
 - 9) LOCATION OF POLE MOUNTED STREETLIGHT ON RE-LOCATED POLE
 - 10) BUSHING OVER LIGHT FIXTURE
 - 11) THE SOLO WAREHOUSE/STORAGE SHALL HAVE AN ASPHALT FLOOR AND 8" HIGH WOODEN KILN DRY 2" x 4" OF ONE (1) END. WHEN OCCUPANCY WOOD SLATS, THAT CAN BE STORED IN AN OPEN OR CLOSED POSITION.
 - 12) DISMOUNTED VEHICLE/COMPACT PASSING SPACE: INSTALLED SPACE
 - 13) 1" HIGH ACCESS SIGN
 - 14) PROVIDE 4" CONCRETE AREA 4' x 8' FOR TWO BICYCLE PARKING SPACES
 - 15) INSTALL BICYCLE PARKING SIGN
 - 16) CONSTRUCT 6" PERMANENT CONCRETE CURB ACCESS SIGN (SEE PLAN)

WASH. CO. CASE FILE # 07-923

DESIGNED BY	3/2
DRAWN BY	3/2
CHECKED BY	3/2
DATE	07/10/07
SCALE	AS SHOWN
PROJECT NO.	07-923
SHEET NO.	07-923-01

**TUALATIN
MINI-STORAGE**
CITY OF TUALATIN, OREGON

**APPROVED SITE PLAN
AR-07-10**
CONDITIONAL USE PERMIT DRAWINGS



NO.	DATE	REVISION
1	6/21/07	CITY OF TUALATIN FINAL
2	11/26/07	WASHINGTON COUNTY TEST
3	1/23/08	CITY OF TUALATIN FINAL

4. DESCRIPTION OF EXISTING DEVELOPMENT

As the first phase of the project, the applicant improved the following:

- (1) The biofiltration swale and detention pond on the north edge of the site;
- (2) The 674-square foot office and parking;
- (3) Buildings A, B and C (labeled as Buildings 1, 2 and 8 in the plans for AR-07-10) and associated landscaping and paving; and
- (4) Development along the SW Cipole Road frontage of the site (i.e., frontage improvements, fencing and landscaping).

The following table summarizes existing development on the site.

Table 3 - Existing Storage Unit Mix, Building & Landscape Areas and Parking

Unit size	Units by location						Totals
	Bldg A		Bldg B		Bldg C		
	1 st Flr	2 nd Flr	1 st Flr	2 nd Flr	1 st Flr	2 nd Flr	
5 x 5	0	32	0	28	0	28	90
5 x 7	0	22	0	14	0	16	52
5 x 10	25	40	22	36	0	26	149
5 x 12.5	0	22	0	22	0	16	60
7 x 10	0	10	0	10	0	7	27
10 x 10	2	42	40	42	0	35	161
10 x 12.5	0	10	0	10	0	7	27
10 x 15	31	0	30	0	63	0	124
10 x 20	3	0	12	0	2	0	17
10 x 25	24	0	0	0	0	0	24
Total number of units							729 ^b
Building area	31,502 sf		29,188 sf		23,374 sf		84,064 sf
Landscape area ^a							24,990 sf
Pavement area							33,030 sf
Vehicle parking spaces							9 spaces

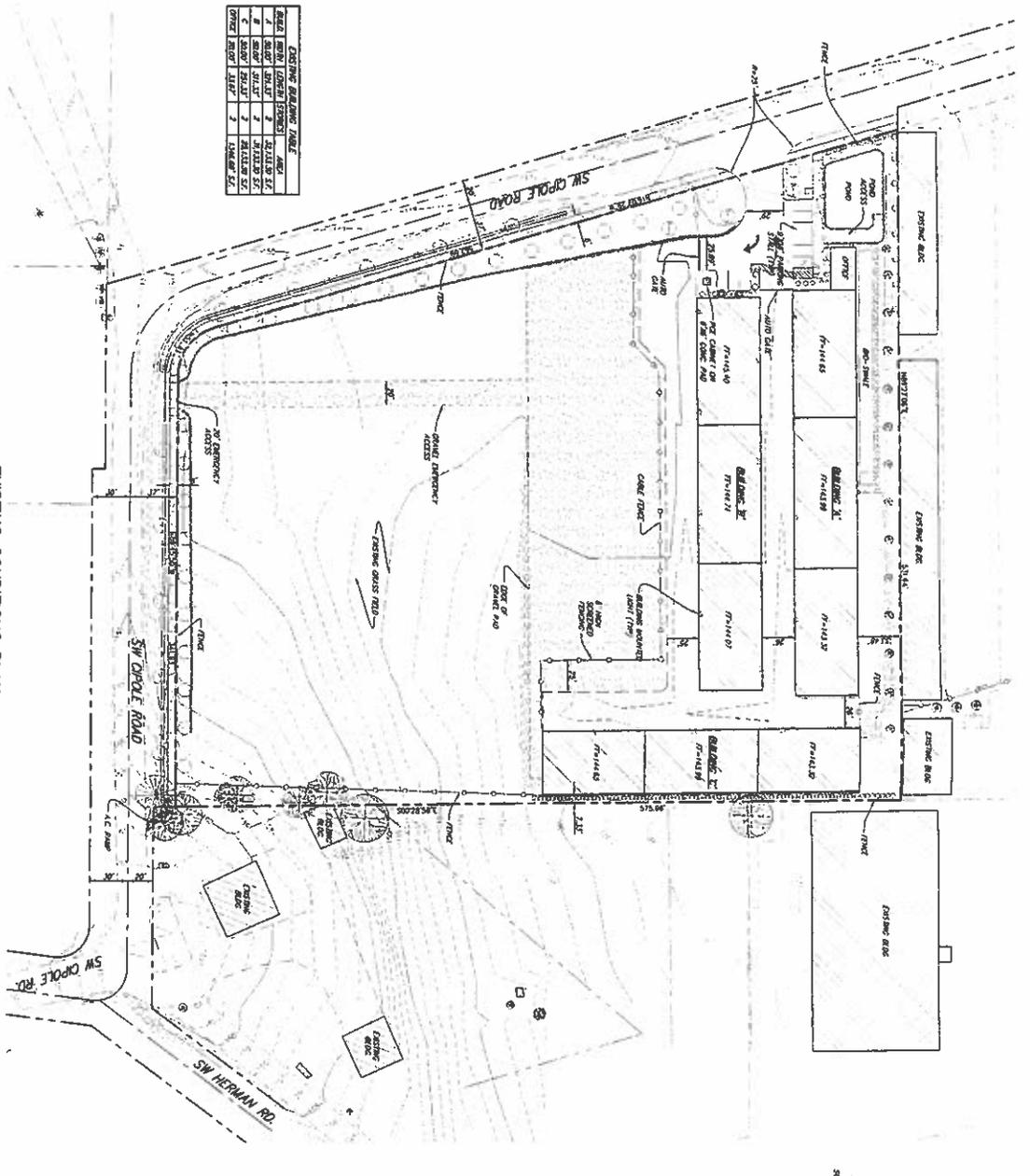
^a This excludes roughly 15,004 sf of landscaping in the Cipole Road right of way.

^b This is 16 spaces or about 3.35% fewer spaces than were approved for Buildings A, B and C in AR-07-10.

The existing conditions site plan is on the following page.

BLK	TRCT	LOT	STORY	AREA
1	0000	001	2	2,111.00 SQ. FT.
2	0000	002	2	2,111.00 SQ. FT.
3	0000	003	2	2,111.00 SQ. FT.
4	0000	004	2	2,111.00 SQ. FT.
5	0000	005	2	2,111.00 SQ. FT.

EXISTING CONDITIONS PLAN
 SCALE: 1"=40'



LEGEND

EXISTING

- 1"=4" (1/4")
- 1"=8" (1/2")
- 1"=16" (1")
- 1"=32" (2")
- 1"=64" (4")
- 1"=128" (8")
- 1"=256" (16")
- 1"=512" (32")
- 1"=1024" (64")
- 1"=2048" (128")
- 1"=4096" (256")
- 1"=8192" (512")
- 1"=16384" (1024")
- 1"=32768" (2048")
- 1"=65536" (4096")
- 1"=131072" (8192")
- 1"=262144" (16384")
- 1"=524288" (32768")
- 1"=1048576" (65536")
- 1"=2097152" (131072")
- 1"=4194304" (262144")
- 1"=8388608" (524288")
- 1"=16777216" (1048576")
- 1"=33554432" (2097152")
- 1"=67108864" (4194304")
- 1"=134217728" (8388608")
- 1"=268435456" (16777216")
- 1"=536870912" (33554432")
- 1"=1073741824" (67108864")
- 1"=2147483648" (134217728")
- 1"=4294967296" (268435456")
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5. DESCRIPTION OF PROPOSED CONDITIONAL USE

The applicant proposes to add leasing of light trucks and associated temporary outdoor storage of not more than ten (10) light trucks on a paved area west of the south end of Building C.¹ The precise number of trucks stored at the site will depend on their length.

The applicant will pave an additional roughly 15-ft x 50-ft. area west of the existing drive aisle to accommodate the additional trucks within the sight-obscuring fenced area. A corresponding area of Building D will not be developed in the future, which will reduce the number of storage units compared to the number approved in AR-07-10 (but as yet unbuilt) by about 4 to 8 units.

One agent/maintenance person will service the warehouses and truck leasing business, and, during typical work hours, that person will be stationed in the office built in Phase 1.

The applicant will use the existing driveway approved in AR-07-10 to SW Cipole Road for access to the proposed conditional use.

The applicant will install six-foot high sight-obscuring fencing to screen the west and south edge of the outdoor truck storage area where buildings east and north of the truck storage area will not do so. Trucks will be stored only within the sight-obscured area shown on the proposed site plan.

The proposed site plan is on the following page. Selected trucks that will be leased from and temporarily stored on the site are illustrated below.



Panel Van



12 Ft. Economy Van



16 Ft. Cargo Van



22 to 26 Ft. Diesel Cargo Vans (up to 26,000 GVW)

¹ The storage is temporary, because trucks are daily being leased and driven off the site, returned and driven onto the site, and shuttled to and from off-site storage yards operated by Penske and its dealers to maintain a suitable selection of trucks. TDC 31.060 defines "Light Trucks" as follows:

Two axle motor vehicles including trucks, cargo vans, school buses and motor homes with a Gross Vehicle Weight (GVW) of 28,000 lbs. or less.

6. CUP APPLICATION REQUIREMENTS & RESPONSIVE FINDINGS

The following narrative lists the sections of the Tualatin Development Code ("TDC") that contain the requirements for the application. Text quoted from the TDC is in boldfaced italic type. After each requirement are findings of fact and conclusions of law that are responsive to the requirement in question. TDC Section 32.060 (Application for a Conditional Use) provides as follows:

A request for a conditional use ... shall be initiated by a property owner or the owner's authorized agent by filing an application with the Community Development Department.

The property owner has signed the form provided by the City for the application.

The applicant shall discuss the proposed use and site plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application.

The applicant's representatives met with the Community Development Director and City Engineer and/or their delegates at a pre-application conference on October 20, 2008.

An applicant for a Conditional Use shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063.

The applicant scheduled, provided notice of and held a Neighborhood/Developer Meeting consistent with TDC 31.063. See Appendix A for supporting materials.

Following the pre-application conference and Neighborhood/Developer Meeting, the applicant shall submit an application including, but not limited to, the following: project title; the names, addresses, and telephone numbers of the property owners and applicants, and when applicable, the architect, landscape architect and engineer; the signatures of the property owners and applicants; the site address and the assessor's tax map and tax lot numbers; a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, the information on the Neighborhood/Developer Meeting specified in TDC 31.063(10), and a Service Provider Letter from the Unified Sewerage Agency indicating that a "Stormwater Connection Permit" will likely be issued...

The application and its appendices contain the required information, signature, narrative, plans and elevations, evidence of a Neighborhood/Developer Meeting and a Service Provider Letter from Clean Water Services (the successor to Unified Sewerage Agency).

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

The application is accompanied by the required fee, as evidenced by the receipt.

7. CONDITIONAL USE PERMIT APPROVAL CRITERIA & RESPONSIVE FINDINGS

The following narrative lists the sections of the Tualatin Development Code ("TDC") that contain the approval criteria for the application. Text quoted from the TDC is in boldfaced italic type. After each criterion are findings of fact and conclusions of law that are responsive to the criterion in question.

The proposed rental and leasing of light trucks and associated temporary outdoor truck storage are allowed by Conditional Use Permit ("CUP") in the MG district based on TDC 61.030(1) and TDC 60.040(1)(p) subject to Architectural Review. This part of the application addresses the CUP approval criteria. The Architectural Review approval criteria are addressed in part 8 of the application for the purpose of showing compliance is feasible.

TDC Chapter 32 provides for CUPs. TDC Section 32.030 (Criteria for Review of Conditional Uses) authorizes the City to approve a CUP as follows:

The City Council may allow a conditional use, after a hearing conducted pursuant to TDC 32.070, provided that the applicant provides evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied, and further provided that the applicant demonstrates that the proposed use also satisfies the following criteria:

The criteria from TDC section 32.030 are quoted below one at a time in boldfaced italic type. Other relevant provisions of the TDC are quoted below in non-bold italic type. After each criterion or other relevant provision are findings of fact and conclusions of law that are responsive to the criterion or provision in question.

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

As described above, the proposed CUP is for the leasing of light trucks and associated outdoor storage of those light trucks.

The subject site is in the General Manufacturing (MG) district, based on TDC Map 9-1.

The purpose statement of the MG district (TDC 61.010) includes the following in part:

The purpose of this district is to provide areas of the City that are suitable for light industrial uses and also for a wide range of heavier manufacturing and processing activities. These uses are expected to be more unsightly and have more adverse environmental effects than the uses allowed in the Light Manufacturing Planning District... [S]creened outdoor storage will be allowed in this district...

Although a purpose statement is not a use regulation *per se*, the proposed development is consistent with the purpose of the MG district, because the relatively minor area and amount of office activities and storage of vehicles associated with the proposed conditional use will have negligible external impacts. The proposed use is not hazardous and does not cause undue noise, dust, odor, vibration or smoke. The proposed outdoor truck storage area will be screened from view by buildings and sight-obscuring fencing on the site.²

² TDC Chapter 60 contains the regulations for the Light Manufacturing (ML) district. TDC 60.010 contains the following purposes for the ML district in relevant part:

The purpose of this district is to provide areas of the City that are suitable for industrial uses and

TDC 61.030 lists conditional uses in the MG district as follows in relevant part:

The following uses are permitted in accordance with TDC Chapter 32 and as restricted in TDC 61.031:

- (1) *All conditional uses listed in TDC 60.040, which are not otherwise permitted in TDC 61.020...*

TDC 60.040(1)(p) lists the following as a conditional use in the MG district

Rental and leasing of autos and light trucks with incidental sale of vehicles, except not allowed in the Special Commercial Setback, TDC 60.035(1-3).

The proposed use is permitted as a conditional use based on TDC 60.040(1)(p) and 61.030(1) if it is not in an area designated for Special Setbacks for Commercial Uses and not otherwise permitted.

Based on TDC Map 9-5, the site is not in an area subject to Special Setbacks for Commercial Uses. The proposed conditional use is not otherwise permitted in TDC 61.020, based on the list of uses in that section. Therefore the proposed use is permitted as a conditional use consistent with TDC 60.040(1)(p) and 61.030(1).

TDC 60.040(2) provides the following use limitation in the LM zone in relevant part:

...[N]o conditional use allowed within an ML District, excepting building setbacks and areas for parking, circulation and landscaping, shall be located closer than 300 feet to any residential planning district boundary...

Based on TDC Map 9-1 and the summary of zoning and uses around the site on page 1 and Figure 1 of the application, the subject site is not closer than 300 feet to any residential planning district boundary. Therefore the proposed use complies with TDC 60.040(2).

TDC 60.041 lists other restrictions on conditional uses in the ML district.³ Because the

compatible with adjacent commercial and residential uses. The district serves to buffer heavy manufacturing uses from commercial and residential areas. The district is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke... [S]creened outdoor storage will be allowed in this district...

Although a purpose statement is not a use regulation *per se*, the proposed conditional use is consistent with the purpose of the ML district for the same reasons that it is consistent with the purpose of MG district.

³ TDC 61.031 contains identical regulations in the MG district. TDC 60.041 provides as follows:

The following restrictions shall apply to those uses listed as conditional uses in TDC 60.040:

- (1) *The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.*
- (2) *For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:*
 - (a) *Retail uses on land designated Employment Area or Corridor on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.*
 - (b) *Retail commercial, retail service and professional service uses on land designated Industrial Area on Map 9-4 shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for*

proposed conditional use does not involve retail commercial, retail service or professional service uses, and the site is not in an Employment Area on Map 9-4, TDC 60.041 and 61.031 do not apply to the proposed conditional use.⁴

Conclusion. Based on the foregoing findings, the proposed conditional use complies with TDC 32.030(1), because it is listed as a conditional use in the underlying district.

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

The TDC does not define the term "suitable." Therefore the City must interpret that term as applied.

The City should construe that term so that the site is "suitable" for the proposed use if, given the topography, existing improvements and natural features on the site, the site is of a size, shape and location sufficient to accommodate the proposed use consistent with applicable dimensional standards, building and fire codes, environmental and natural resource standards and other relevant review and development criteria in the TDC.

Such a construction of the term is reasonable given its context and the intent and purpose of the conditional use chapter (TDC Chapter 32).⁵

TDC 61.050, 61.060 and 61.080 contain dimensional standards in the MG district. TDC 73.240(3) contains landscape standards. The following table lists those minimum standards in the TDC and the corresponding existing and proposed dimensions and areas on the site.

multiple outlets in a single building or in multiple buildings that are part of the same development project...

⁴ TDC 31.060 contains the following relevant definitions:

Commercial Use. *The retail sale of goods and services to individual consumers.*

Retail Service and Professional Service Uses. *A sub-type of Commercial Use that applies to land designated as Industrial Area on Map 9-4. The retail sale of services that cater to daily customers, including but not limited to financial, insurance, real estate, legal, medical and dental offices.*

⁵ The context includes the introductory paragraph of TDC 32.020, which provides that the approval criteria are intended to ensure that a conditional use complies with "all the requirements of this Code relative to the proposed use." TDC 32.010 provides as follows in relevant part:

It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics relative to locational features, design, size, operation, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:

(1) *Allow, on one hand, practical latitude for utilization of land and structures, but at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community and adjacent properties...*

Given that the TDC is intended to protect the health, safety, convenience and general welfare of the community, a proposed use that complies with the TDC fulfills those purposes and, therefore, is suitable.

Table 5 - Dimensional Standards and Existing and Proposed Dimensions

<i>Subject</i>	<i>Minimum dimension</i>	<i>Existing/approved dimensions^a</i>	<i>Proposed dimensions</i>
<i>Minimum lot area</i>	20,000 sf	258,831 sf (5.94 acres)	Unchanged from the existing or approved dimensions
<i>Minimum lot width</i>	100 ft	583 ft	
<i>Minimum average lot width at the building line</i>		390 ft	
<i>Minimum street frontage</i>		West – 583 ft South – 368 ft	
<i>Front yard setback (west)</i>		30 ft	
<i>Side yard setback (east)</i>	0 to 50 ft ^b	7.5 ft	
<i>Street side yard (south)</i>		30 to 38 ft	
<i>Rear yard setback (north)</i>		34 ft	
<i>Corner lot yard setback</i>	sufficient distance from street intersections & driveways to provide adequate sight distance for vehicular & pedestrian traffic	30 to 80 ft	
<i>Parking and circulation area setback</i>	5 ft – interior yard 10 ft – street yard More at corner	5-ft – interior yard 10 ft – street yard More at corner	
<i>Structure height</i>	60 ft	22 ft	
<i>Landscape area</i>	15% of site area	40,307 sf (15.6% of site area) ^c	

^a After dedications pursuant to AR-07-10.

^b As determined in Architectural Review.

^c This amount does not include the 15,004 sf of landscaping in the Cipole Road right of way.

Based on the foregoing standards and the proposed site plan, the site size is suitable for the conditional use, because existing and proposed development does and will comply with applicable dimensional and landscape standards.

After dedications required by AR-07-10, which the applicant made and Washington County accepted, the west property line is about 593 feet; the south property line is about 368 feet; the east property line is about 373 feet; and the north property line is about 532 feet.

The site shape is a quadrilateral. The site shape allows buildings to be laid out in parallel and perpendicular configurations that result in efficient use of the land area for structures, bicycle and vehicle access, parking and maneuvering, landscaping, storm water management, and site security and safety features. Therefore the site shape is suitable for the conditional use and existing and proposed storage uses.

The site location is a relatively short drive from the approximately 44,000 people living in Tualatin, Sherwood, King City and the surrounding unincorporated area. Its location central to an area characterized by existing and permitted industrial uses minimizes potential land use conflicts that might occur if the site was situated among or near residential or other sensitive land uses. Its location outside of special purposes areas and corridors avoids any adverse impacts to those areas. Its location in an area that the TDC expressly intends for outdoor storage makes it appropriate to use it, in part, for that purpose. Therefore the site location is suitable for the conditional use and existing and proposed storage uses.

The site slopes down gently to the north, facilitating the functioning of the storm water management system that drains in that direction. The elevation difference from the south to the north property lines is about ten feet for an average slope of 2.6%. The resulting grade is so shallow that it will not pose an obstacle to the stability and movement of vehicles or goods on the site. Drive aisles will be graded to direct storm water around buildings. The resulting slope and grades and the existing storm water facility will prevent the proposed use from causing off-site storm water impacts and minimizes the potential for erosion. Therefore the topography of the site is suitable for the proposed conditional use and existing and proposed storage uses.

Existing improvements on the site are described at the beginning of this application. The proposed conditional use relies on several of those improvements including common and emergency access driveways to Cipole Road, drive aisles, utilities, the office building, on-site parking and landscaping. Existing buildings on the site will screen temporary truck storage from the north and east, and approved future buildings will screen truck storage from the west and south, too. If those existing improvements did not already exist, the applicant would have to provide them to accommodate the conditional use. Therefore the existing improvements on the site are suitable for the proposed conditional use.

The site does not contain notable natural features. Four conifers are situated east of the property line and will not be affected by the proposed conditional use because of intervening distance and buildings. The site has been an agricultural field for many years. There are no outcroppings, water features, wetlands, swales or hills. The site is not in a floodplain or other hazardous or sensitive natural area. The geotechnical assessment concludes that soils on the site are typical of the area and can be accommodated readily by typical building practices. Therefore the natural features on the site are suitable for the proposed conditional use.

Conclusion. Based on the foregoing findings, the proposed conditional use complies with TDC 32.030(2), because the characteristics of the site are suitable for the proposed use, including size, shape, location, topography, existence of improvements and natural features.

(3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

SW Cipole Road conveys traffic between Tualatin-Sherwood Road (to the south) and Highway 99 (to the north). There is direct vehicular access to the site from Cipole Road near the northwest corner of the site. An emergency vehicle access to the site from Cipole Road exists at the southwest corner of the site.

The Tualatin Transportation System Plan (TDC Chapter 11, Table 11-2) designates SW Cipole Road as a Major Collector. Both the City and the County require a Major Collector to have a 40-foot full-width paved section between curbs. See, e.g., Washington County Code section 15.08.111 and Tualatin Recommended Collector Street Standard Figure 75-2D. Because the applicant has implemented the conditions of approval of AR-07-10, the half-width right of way abutting the site is 37 feet, and the half-width pavement is 25 feet wide.

SW Galbreath Drive --- a collector road in the City of Sherwood --- intersects Cipole Road southwest of the Cipole Road curve at the southwest corner of the site, although Galbreath Drive further west is not improved. SW Herman Street --- a collector road in the City of Tualatin --- intersects Cipole Road about 150 feet east of the site.

Based on recent traffic counts, the road is operating within its engineered or designated capacity.⁶ Affected intersections operate consistent with level of service or volume-to-capacity standards.

Based on the original transportation impact study (Charbonneau Engineering, *Traffic Study for Tualatin Mini-Storage*, April 12, 2007), based on which the City approved AR-07-10, the original project, when built-out, would have generated the following number of vehicle trips:

Table 7 - 2007 Trip Generation Estimate without Conditional Use

ITE Land Use	Units (#)	Weekday						
		ADT *	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Mini-whse generation rate	1901	0.28	0.02	67%	33%	0.03	50%	50%
Site trips		532	38	25	13	57	29	28

* Source: Trip Generation, 7th Ed., ITE, 2003, average rates

Based on the updated traffic report (Dunn Traffic Engineering, June 2009; see appendix), the existing and proposed uses will generate the following number of vehicle trips:

Table 8 - 2009 Trip Generation Estimate with Conditional Use

ITE Land Use	Max # of units	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Mini-whse generation rate	1781	498*	36	24	12	54	27	27
Truck rental generation rate	10	29**	3	2	1	3	1	2
Site trips		527	39	26	13	57	28	29

* Source: Trip Generation, 7th Ed., ITE, 2003, Land Use category #151 (Mini-Warehouse).

** Source: Penske customer transaction data for former Hillsboro site.

Based on the foregoing, and compared to the trip estimates associated with the original TIS, the proposed conditional use together with other existing and proposed permitted uses will not cause traffic volume that exceeds the capacity of the affected roads nor changes the level of service provided at affected intersections. Therefore the proposed development is timely, considering the adequacy of the relevant transportation system elements.⁷

Public utility systems (i.e., water, drainage and sanitary waste services) exist on the site and can accommodate the proposed conditional use, because the conditional use does not require public utilities in excess of the existing ones.

⁶ Based on 2005 traffic counts (#407 and 445, respectively), Cipole Road carries the following daily traffic volumes approaching the indicated intersections:

Table 6 – 2005 Traffic Counts

Intersection approach	Northbound VPD	Southbound VPD	Total VPD	Date of count
At Highway 99	2395	2331	4726	5/17/05
At Tualatin-Sherwood Road	2584	2775	5359	6/2/05

⁷ Because of changing market conditions, the applicant intends to file an application for architectural review to convert most of the remaining unbuilt buildings on the site for recreational vehicle storage. Based on preliminary designs, that change will substantially reduce the number of storage units and, therefore, will substantially reduce the number of trips to and from the site. A traffic analysis based on those preliminary plans calculates a 20% to 40% reduction in trip generation compared to the original TIS. Therefore the actual trip generation rate from the site when built out will be far less than projected in Table 8.

A 12-inch diameter City water line is in the SW Cipole Road right of way along the west and south property lines and was extended into the site as part of Phase 1 site development. Water is available to serve the proposed conditional use and existing and proposed permitted uses from the line extended in Phase 1. Therefore the proposed development is timely, considering the adequacy of the existing water service.

A sanitary sewer manhole is situated about 50 feet north of the property's northwest corner in the public right of way of Cipole Road. The applicant extended a sewer line from that manhole to serve the office as part of Phase 1 of the site development. No additional sewer service is proposed for Phases 2 or 3 of the site development. The applicant will not add nor allow renters to add sanitary facilities in any of the proposed structures. Therefore the proposed development is timely, considering the adequacy of the existing sewer service.

The applicant improved a storm water drainage system for the ultimate build-out of the property, including water quality treatment (a biofiltration swale), a detention pond and discharge to the public storm sewer in Cipole Road. The proposed conditional use will not increase storm water volume or rates more than expected based on the approved, existing storm water system, because it does not add to the anticipated impervious surface area. Therefore the proposed development is timely, considering the adequacy of the existing storm water drainage and storm sewer service.

Police protection will be provided by the City of Tualatin. Fire services will be provided by the Tualatin Valley Fire and Rescue District. The proposed conditional use does not increase the need for those services more than the need created by the uses approved in AR-07-10 if at all.

Conclusion. Based on the foregoing findings, the proposed conditional use complies with TDC 32.030(3), because the proposed development is timely, considering the adequacy of the transportation system and public facilities and services existing or planned for the area.

(4) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

The TDC does not specify the radius of the "surrounding area" that is relevant for purposes of TDC 32.030(4). Therefore the City must define "surrounding area" on a case-by-case basis. It is reasonable for the radius of the "surrounding area" to vary with the geographic extent of the potential impacts of a conditional use given the purpose of the conditional use chapter.

The proposed conditional use in this case will comply with applicable dimensional standards and will not cause undue noise, dust, odor, vibration or smoke. It will result in less traffic than the originally approved use for the site. Public infrastructure and services can accommodate the proposed use. Views of the proposed conditional use will be obscured by a sight-obscuring fence or buildings. Signage for the conditional use will be incorporated into signage for the site generally. Based on the foregoing, the proposed conditional use has limited potential impacts given the other uses existing on and proposed for the site. Therefore in this case, the potential impacts of the proposed conditional use are limited to properties within sight and sound of the conditional use, (i.e., the nearby properties and public rights of way adjacent to the site). Therefore that is the "surrounding area" for purposes of TDC 30.030(4) in this case.

The TDC does not define the term “character” of the area. Therefore the City must define it as applied. Given the context of the term in the conditional use chapter,⁸ it is reasonable to construe the term “character” of an area to mean the qualities of land uses and structures of the “surrounding area” as measured objectively and experienced subjectively.

In this case the underlying planning district for the subject property is the General Manufacturing District (MG). The abutting properties to the north and east also are in the MG District and contain industrial uses. The property to the south across SW Cipole Road is in an industrial district and contains auto-oriented industrial uses. The property to the west across SW Cipole Road is in an industrial district. Although it contains an old rural dwelling set far back from the road, the property is used to store nursery plant material, a land extensive agricultural industry. The aerial photograph below illustrates land uses in the surrounding area.



Figure 5 – Land Uses in the Surrounding Area

Given the uses illustrated in the photograph above and the findings in part 2 of this application narrative (see Table 1), the “character of the surrounding area” for this conditional use application is primarily industrial, which includes land extensive uses with outdoor storage and storage of business-related vehicles.

⁸ TDC 32.010 provides that the purpose of the conditional use chapter is to address “unique characteristics relative to locational features, design, size, operation, circulation and public interest or service, ... in relation to the welfare of adjacent properties and the community as a whole” and to “maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community and adjacent properties.” (Emphasis added).

Given the relatively insignificant impact of the proposed conditional use as described above, an analysis of character does not need to extend beyond the adjacent properties to protect the welfare of the community.

The proposed conditional use is truck leasing and incidental temporary outdoor storage situated within a self-storage warehouse facility with a small associated office. Its characteristics — parking and storage of business vehicles with incidental office activities in a warehousing context — is identical to the majority of uses in the surrounding area.

Conclusion. Because the proposed conditional use is substantially similar to the uses in the surrounding area, based on the foregoing findings, it will not alter the character of the surrounding area in any manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

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

The only relevant objectives in this case are for the Manufacturing Districts in Section 7.030 of the Tualatin Development Code. The following narrative lists each of those objectives one at a time in italic typeface, after each of which are findings explaining how the proposed conditional use satisfies those objectives or how the objective in question is not relevant.

(1) Encourage new industrial development.

The proposed conditional use is new development permitted in an industrial zone. It is by definition new industrial development.⁹

(2) Provide increased local employment opportunity, moving from 12 percent local employment to 25 percent, while at the same time making the City, and in particular the Western Industrial District, a major regional employment center.

The proposed conditional use will provide employment for one or more on-site personnel to manage the truck leasing business, and, by supplying trucks needed for the distribution of materials, supplies and products of industries in the vicinity, the conditional use facilitates industrial employment there.

(3) Improve the financial capability of the City, through an increase in the tax base and the use of creative financing tools.

By resulting in property development, the proposed conditional use increases property tax revenues and, hence, the financial capacity of the City.

(4) Preserve and protect, with limited exceptions, the City's existing industrial land.

The site does not contain wetlands. Therefore this objective is not relevant to the proposed conditional use.

(5) Cooperate with Washington County, Metro, and the State of Oregon to study the methods available for providing transportation, water, and sewer services to the Western Industrial District.

⁹ TDC 31.060 defines "Industrial Use" as follows:

Activities directly associated with manufacturing, processing, assembly and packaging, wholesale trade, construction, utilities, transportation and warehousing.

This objective calls for the City to take certain actions that are independent of any particular development application. Therefore this objective is not relevant to the proposed conditional use.

(6) Fully develop the Western Industrial District, providing full transportation, sewer, and water services prior to or as development occurs.

As a result of Phase I development, the applicant has improved the adjoining half-width right of way of Cipole Road and extended sewer and water services to the site. The proposed conditional use will more fully develop a serviced site at the west edge of the City's industrial district, consistent with this objective.

(7) Improve traffic access to the Western Industrial District from the Interstate 5 freeway through a new interchange at Norwood Road or a suitable and adequate alternative.

The site is not situated at Norwood Road or a suitable and adequate alternative for an I-5 interchange. Therefore this objective is not relevant to the proposed conditional use.

(8) Cooperate with the Department of Environmental Quality and Metro to meet applicable air quality standards by 1987.

This objective calls for the City to take certain actions that are independent of any particular development application. Therefore this objective is not relevant to the proposed conditional use.

(9) Construct a north/south major arterial street between Tualatin Road and Tualatin-Sherwood Road in the 124th Avenue alignment to serve the industrial area.

The site is not situated along the 124th Avenue alignment between Tualatin Road and Tualatin-Sherwood Road. Therefore this objective is not relevant to the proposed conditional use.

(10) Rebuild the Tualatin Road/Pacific Highway intersection to allow for substantially greater traffic flows.

The site is not situated at the Tualatin Road/Pacific Highway intersection. Therefore this objective is not relevant to the proposed conditional use.

(11) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.

As a result of Phase I development, the applicant has improved the adjoining half-width right of way of Cipole Road, which enhances the capacity of the road for truck traffic along a route that does not pass through or adjoin a residential area. The conditional use and other planned changes to site uses (see fn 7 above) will reduce vehicle trips to/from the site compared to the uses approved in AR-07-10. Therefore the conditional use is consistent with this objective.

(12) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of industrial use.

The conditional use is consistent with this objective, because: (1) the proposed conditional use will not cause noise, vibration, fumes, odor or other environmental externalities detectable at the property line in excess of permitted levels, if at all; (2) there are no residential uses in the "surrounding area" as defined above; and (3) there are no commercial or industrial uses in the surrounding area that are sensitive to the off-site impacts of the conditional use based on the "surrounding area" identified above.

(13) Protect adjacent land uses from noise impacts by adopting industrial noise standards.

This objective calls for the City to take certain actions that are independent of any particular development application. Therefore this objective is not relevant to the conditional use.

(14) Continue to protect the Hedges Creek Wetland and Tonquin Scablands from adverse impacts of adjacent development.

The site is not situated in or near the Hedges Creek Wetland or Tonquin Scablands. Therefore this objective is not relevant to the proposed conditional use.

(15) Continue to administer specific and enforceable architectural and landscape design standards for industrial development.

This objective calls for the City to take certain actions that are independent of any particular development application. Therefore this objective is not relevant to the conditional use.

(16) Encourage industrial firms to use cogeneration as a means to utilize waste heat from industrial processes and consider solar access when designing industrial facilities.

This objective calls for the City to take certain actions that are independent of any particular development application. Moreover the proposed conditional use does not generate waste heat or involve an industrial process and will not affect solar energy access on or off the site. Therefore this objective is not relevant to the proposed conditional use.

(17) Protect wooded areas identified on the Natural Features Map found in the Technical Memorandum by requiring their preservation in a natural state or by integrating the major trees into the design of the parking lots, buildings, or more formal landscaping areas of an industrial development. If it is necessary to remove a portion or all of the trees, the replacement landscape features shall be subject to approval through the Architectural Review process.

The site does not contain a wooded area identified on the Natural Features Map. Therefore this objective is not relevant to the proposed conditional use.

Conclusion. Based on the findings above, the proposed conditional use satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the use.

Ultimate conclusion of law. Based on the findings above and evidence cited therein, the proposed conditional use complies with TDC 7.030 and warrants approval.

8. ARCHITECTURAL REVIEW CRITERIA AND RESPONSIVE FINDINGS

TDC Section 73.040 (Architectural Review Plan Approval Required) provides as follows:

(1) [N]o new ... parking lot improvement or expansion¹⁰,... or exterior major remodeling¹¹ shall occur until the architectural review plan required under TDC 31.071 has been reviewed and approved by the Community Development Director and City Engineer or their designees, or by the Architectural Review Board or City Council for conformity with applicable standards or criteria.
(footnote references added)

This application includes parking and maneuvering area improvements and exterior remodeling that differ from the development approved in AR-07-10. Based on the expansive list of triggering actions in TDC 73.040, two of which are listed above, the applicant assumes that the proposed conditional use is subject to Architectural Review. Architectural Review results in a Limited Land Use decision.¹²

The Architectural Review criteria are quoted below from TDC 73.050(1) one at a time in boldfaced italic type. Other relevant provisions of the TDC are quoted below in non-bold italic type. After each criterion or other relevant provision are findings of fact and conclusions of law that are responsive to the criterion or provision in question.

TDC Section 73.050 (Criteria and Standards) provides as follows:

(1) In exercising or performing his or her powers, duties, or functions, the Community Development Director shall determine whether there is compliance with the following:
(a) The proposed site development, including the site plan, architecture, landscaping, parking and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height, and appearance of the proposed development are involved;

¹⁰ TDC 31.060 defines "Parking Lot Improvement or Expansion" as follows:

The alteration of land or expansion of existing off-street parking, including grading, paving or installation of landscaping, on land intended to be regularly used for the temporary storage of motor vehicles. Parking lot improvement does not include resurfacing existing asphalt parking or re-striping of parking lots.

¹¹ TDC 31.060 defines "Exterior Major Remodeling" as follows:

Any man-made exterior modifications to improved or unimproved real property, including but not limited to the construction, installation, or alteration of a building or other structure; any remodeling that substantially changes the exterior appearance of the building (including painting); any site alteration which substantially alters the topography or appearance of the site; and any change in occupancy from single family use to commercial or industrial use.

¹² TDC defines "Limited Land Use Decision" as follows:

...A final decision or determination made by a local government pertaining to a site within an urban growth boundary which concerns: ...
(2) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

The proposed site development is in conformance with the locational requirements of the TDC if it complies with the minimum required setback standards. Table 5 above lists the applicable setback standards. Based on that table and the proposed site plan (Figure 3), the proposed CUP does not involve any buildings and is set back more than 50 feet from all property lines. Therefore the CUP is in conformance with the locational requirements.

The maximum permitted structure height in the MG zone is 60 feet. The CUP does not involve any buildings. The only structure associated with the CUP is a six-foot high fence. The fence will comply with height standards.

The TDC does not impose specific appearance standards for the CUP.

(b) The proposed design of the development is compatible with the design of other developments in the general vicinity; and

The TDC does not define the term "compatible." Therefore the City must define that term as applied.¹³

The context of TDC 73.050(1)(b) includes the purposes and objectives of design review, which are found, in part, in TDC 10.020(1) and (2) and TDC 73.020(2)(a) and (b). Those sections discourage unsightly development. Relying on that context, the City should find that proposed CUP is compatible if it is not unsightly.

The proposed CUP is not unsightly, because it is screened from view off-site by buildings to the east and north and by sight-obscuring fencing to the west and south.

(c) The location, design, size, color and materials of the exterior of all structures are compatible with the proposed development and appropriate to the design character of other developments in the vicinity.

Because the CUP does not include any structures other than a sight-obscuring fence, this section does not apply to the CUP.

TDC Section 73.160 (Standards) provides as follows:

The following standards are minimum requirements for ... industrial ... development....

(1) Pedestrian and Bicycle Circulation.

(b) For Industrial Uses:

(i) A walkway shall be provided from the main building entrance to sidewalks in the public right-of-way and other on-site buildings and accessways.¹⁴ The

¹³ TDC 73.050(2) provides as follows in relevant part:

In making his or her determination of compliance with the above requirements, the Community Development Director shall be guided by the objectives and standards set forth in this chapter...

¹⁴ TDC 31.060 defines "accessway" as follows:

A non-vehicular, paved pathway designed for pedestrian and bicycle use and providing convenient linkages between a development and adjacent residential and commercial properties and areas intended for public use such as schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An accessway is not a sidewalk.

walkway shall be a minimum of 5 feet wide and constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable. (footnote added)

Improvements in Phase 1 included an 8-ft.-wide concrete walkway from the office entrance to the SW Cipole Road ROW. The office is the only occupied building on the site. Other buildings are for storage only. The CUP site complies with this requirement.

(ii) Walkways through parking areas, drive aisles and loading areas shall have a different appearance than the adjacent paved vehicular areas.

Improvements in Phase 1 included a walkway between the office building and the SW Cipole Road ROW and a striped walkway across the asphalt-paved drive aisle to connect the two parking areas on the site as required in condition of approval AR-1a of the final order in AR-07-10. The CUP site complies with this requirement.

(iii) Accessways shall be provided as a connection between the development's walkway and bikeway circulation system and an adjacent bike lane;

There is not an improved bicycle lane in the SW Cipole ROW. Neither is there a bicycle circulation system on the site. Therefore this standard does not apply based on the plain meaning of the words. However the 8-ft.-wide concrete walkway from the office entrance to the SW Cipole Road ROW, which passes by the covered bicycle parking space on the site, can be used for access between the site and a future bicycle path planned for Cipole Road. Therefore if this standard applies, the CUP site complies with this requirement.

(iv) Accessways may be gated for security purposes;

The drive aisles from the publicly-accessible areas of the site to the leased truck storage area are gated. Access is controlled by a key- and/or keypad-activated gate. The accessways from the parking area to the office and from the office to Cipole Road are not gated. This standard is not a requirement; it is an option that the applicant has chosen to employ in part.

(v) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.

City plans do not identify a greenway, bike or pedestrian path adjoining the site other than along Cipole Road, to which the existing 8-ft.-wide concrete walkway provides access. Therefore this standard does not apply to the CUP.

(c) Curb ramps shall be provided wherever a walkway or accessway crosses a curb.

There is a curb ramp where a walkway or accessway crosses a curb on the site. The CUP will not create any additional curb crossings. Therefore this standard does not apply to the CUP.

(d) Accessways shall be a minimum of 8 feet wide and constructed in accordance with the Public Works Construction Code if they are public

accessways, and if they are private accessways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.

The 8-ft.-wide concrete walkway from the office entrance to the SW Cipole Road ROW is a private accessway constructed of concrete and is ADA compliant. The applicant does not propose additional accessways for the CUP. Therefore this standard does not apply to the CUP.

(e) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to an undeveloped parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's review and approval.

The property southeast of the site is undeveloped. However that property abuts two existing public streets: SW Herman and SW 129th Avenue. The City does not plan a vehicular, pedestrian or bicycle connection between the site and the undeveloped property southeast of the site. TriMet does not plan to develop any transit facilities that might be served by such an accessway. The nearest TriMet bus route is along Hwy 99, more than one-half mile from the site, based on the TriMet Interactive Map. Therefore this standard does not apply.

(f) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection to a bike or pedestrian path, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland.

The site does not contain a designated greenway or wetland, and access across the site would not provide a connection to a bike or pedestrian path. Therefore this standard does not apply.

(g) Accessways shall be constructed, owned and maintained by the property owner.

The existing 8-ft.-wide walkway in front of the office building is an accessway. It was built in Phase 1 and is owned and maintained by the property owner. Additional accessways are not proposed for the CUP. Therefore the CUP site complies with this requirement.

(3) Safety and Security.

(a) Locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.

The CUP does not include any buildings or additional lighting. Therefore this section does not apply to the CUP.

(b) In commercial, public and semi-public development and where possible in industrial development, locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way.

The CUP does not include any buildings or additional lighting. Therefore this section does not apply to the CUP.

(c) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas.

The CUP does not include any additional lighting. Therefore this section does not apply to the CUP.

(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services.

The CUP does not include any buildings. Therefore this section does not apply to the CUP.

(e) Shrubs in parking areas must not exceed 30 inches in height. Tree canopies must not extend below 8 feet measured from grade.

The CUP does not include any parking areas. Therefore this section does not apply to the CUP.

(f) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations shall provide a minimum 6' tall security fence or wall.

The CUP does not include any features listed in this section. Therefore this section does not apply to the CUP.

(4) Service, Delivery and Screening.

(a) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.

The CUP does not include any features listed in this section. Therefore this section does not apply to the CUP.

(b) Outdoor storage, excluding mixed solid waste and source separated recyclables storage areas listed under TDC 73.227, shall be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping.

The applicant proposes to temporarily store leased trucks so that they are obscured from view by existing buildings and/or sight-obscuring fencing. Therefore the CUP complies with this requirement.

(6) (a) All industrial, institutional, retail and office development on a transit street designated in TDC Chapter 11 (Figure 11-6) shall provide either a transit

stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.

The site does not abut a designated transit street or transit stop, based on Figure 11-6. Therefore this subsection does not apply to the application.

TDC Section 73.220 (Standards) provides as follows:

The following standards are minimum requirements for commercial, industrial, public and semi-public development and it is expected that development proposals shall meet or exceed these minimum requirements.

(1) Safety and Security.

(a) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way or other public areas without shining into public rights-of-way or fish and wildlife habitat areas .

This criterion was addressed in the response to TDC 73.160(3)(a)-(c) above. That response is incorporated herein by reference.

(b) Provide an identification system which clearly identifies and locates buildings and their entries.

This criterion was addressed in the response to TDC 73.160(3)(d) above. That response is incorporated herein by reference.

(c) Shrubs in parking areas shall not exceed 30 inches in height, and tree canopies must not extend below 8 feet measured from grade, except for parking structures and underground parking where this provision shall not apply.

This criterion was addressed in the response to TDC 73.160(3)(e) above. That response is incorporated herein by reference.

TDC Section 73.227 (Standards) allows four ways to provide for mixed solid waste and source separated recyclables storage, including the following:

(2) Minimum Standards Method. This method specifies a minimum storage area requirement based on the size and general use category of the new or expanded development...

(a) The size and location of the storage area(s) shall be indicated on the site plan. Compliance with the requirements set forth below are reviewed through the Architectural Review process...

(v) ...[I]ndustrial developments shall provide a minimum storage area of 10 square feet plus: Office - 4 square feet/1000 square feet gross leasable area (GLA)...

The CUP does not involve any new buildings. Therefore this section does not apply to it.

TDC Section 73.240 (Landscaping General Provisions) provides as follows:

(3) The minimum area requirement for landscaping for uses in ... MG Planning Districts shall be fifteen (15) percent of the total land area to be developed...

Based on Tables 3 through 5 and the Existing Conditions Site Plan (Figure 2), the applicant planted 24,990 sf of landscaping on the site in Phase 1 and will add 15,189 sf of landscaping in the future, bringing the total landscaped area on the site to 40,307 sf or roughly 15.6% of the site. The requirement is met.

(9) Yards adjacent to public streets ... shall be planted to lawn or live groundcover and trees and shrubs and be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.

The applicant planted roughly 15,004 sf of landscaping (live groundcover, shrubs and street trees) in the Cipole Road right of way between the site lot lines and street improvements in Phase 1. The Staff Report for AR-07-10 included the following finding at p. 12 describing the proposed landscaping in the right of way. The finding describes what the applicant has done in Phase 1 or plans to do in the future.

Big leaf maples are proposed on both sides of the entrance driveway spaced on average 25 ft. on center (o.c.)... The rest of the yards on SW Cipole Road are planted with cedar, blue spruce, shore pine, and Norway spruce in clusters of three trees placed 50 ft. to 70 ft. o.c.... Kinnikinnick groundcover, in 3-gal. containers planted 4 ft. o.c., fills out the rest of the yard area along SW Cipole Road.

Conditions of approval AR-07-10 also required the applicant to plant street trees. The applicant has done so, is maintaining that area and has agreed to maintain it in perpetuity. The requirement is met.

(10) Yards not adjacent to public streets or Low Density Residential (RL) or Manufacturing Park (MP) Planning Districts shall be planted with trees, shrubs, grass or other live ground-cover, and maintained consistent with a landscape plan indicating areas of future expansion, as approved through the Architectural Review process.

The north and east yards are not adjacent to public streets or property zoned RL or MP. Based on the Existing Conditions Site Plan (Figure 2), the applicant planted the north yard and north portion of the east yard with groundcover, shrubs and trees consistent with the approved landscape plan for Phase 1. The applicant will plant the south half of the east yard with groundcover, shrubs and trees in conjunction with development of future buildings.

The Staff Report for AR-07-10 included the following findings at pp. 12-13 describing the proposed landscaping in the north and east yards. The findings describe what the applicant has done in Phase 1 or plans to do in the future.

Red flowering currant, in 3-gallon (gal.) containers planted 5 ft. o.c., line the west side of the stormwater detention pond north of the office building at the northwest corner of the site... Evergreen huckleberries, in 3-gal. containers planted 2 ft. o.c.,

line the west and south side of the drive aisle at the west end of Buildings #2-#7 and the south side of Building #7...

... [S]ilver smoke Arizona cypress trees planted 30 ft. o.c. and Oregon grape, in 3-gal. containers planted 4 ft. o.c., in the east yard area along the back of Buildings #8 and #9. The north yard, along the back of Building #1 and the office building, contains the biofiltration swale and stormwater detention pond. This area is planted with Oregon ash spaced 30 ft. o.c. and vine maple spaced 20 ft. o.c. Periwinkle groundcover, in 2-gal. containers planted 2 ft. o.c., surrounds the biofiltration swale, which is planted with Oregon bentgrass. The stormwater detention pond is planted with western manna-grass.

The requirement is or will be met.

(11) Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials.

In the future, the applicant proposes to plant and maintain landscape areas so that within three years of associated development the ground will be covered by living plant material.

The Staff Report for AR-07-10 included the following findings at p. 13 in response to this criterion. The finding describes what the applicant proposed to do in Phase 1 and how the Architectural Review decision approving the original landscape plan was conditioned to achieve the mandated result. See Condition of Approval AR-2a of AR-07-10.

Design of landscaped areas as shown on the submitted Landscape Plan will achieve the desired 90% coverage in three years with one exception: proposed spacing of kinnikinnick in 3-gal. containers at 4 ft. o.c. is unlikely to achieve the desired coverage. Four-inch pots planted at 12 inches o.c. or 1-gal. size groundcover planted at 24 inches o.c. will achieve the requirement. To meet the requirements of 73.240(11), the Landscape Plan shall be revised to indicate the spacing of kinnikinnick to be a maximum of 12 inches o.c. for 4-inch pots or 24 inches o.c. for 1 gal. size plantings.

In Phase 1, the applicant complied with that condition of approval. In the future, the applicant proposes to space kinnikinnick a maximum of 12 inches o.c. for 4-inch pots or 24 inches o.c. for 1 gal. size plantings, consistent with Condition of Approval AR-2a. The requirement will be met.

TDC Section 73.250 (Tree Preservation) provides as follows with regard to existing trees and plant materials to be retained.

(1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.

Other than turf, the only plant materials on the site are the landscape materials that the applicant installed in Phase 1. There are no trees and plant materials to be retained where the applicant proposes to temporarily store leased trucks. This requirement does not apply to the CUP.

(2) During the construction process:

- (a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.**
- (b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.**

There are no trees and plant materials to be retained where the applicant proposes to temporarily store leased trucks. This requirement does not apply to the CUP.

TDC Section 73.260(1) (Tree and Plant Specifications) provides the following specifications are minimum standards for trees and plants:

(a) Deciduous shade and ornamental trees shall be a minimum one and one-half inch (1½") caliper measured six inches (6") above ground, balled and burlapped. Bare root trees will be accepted to plant during their dormant season. Trees shall be characteristically shaped specimens.

(b) Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimens.

(c) Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

(d) Groundcovers shall be fully rooted and shall be well branched or leafed. English ivy (*Hedera helix*) is considered a high maintenance material, which is detrimental to other landscape materials and buildings and is therefore prohibited.

(e) Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free.

The applicant does not propose landscaping in conjunction with the CUP, because it would conflict with the nature of the use (i.e., temporary leased truck storage) or with the landscape plan approved in AR-07-10. Therefore the foregoing standards do not apply to the CUP.

TDC Section 73.270 (Grading) provides as follows:

(1) After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

Only incidental grading will be necessary for the temporary truck storage area for the CUP. There is no topsoil where the applicant proposes to temporarily store leased trucks. Therefore this section does not apply to the application.

(2) All planting areas shall be graded to provide positive drainage.

No planting areas are proposed as part of the CUP. Therefore this standard does not apply.

(3) Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.

No soil, water, plant materials or mulch will be used for the CUP. Therefore this section does not apply.

(4) Impervious surface drainage shall be directed away from pedestrian walkways, dwelling units, buildings, outdoor private and shared areas and landscape areas except where the landscape area is a water quality facility.

The applicant will direct drainage from the temporary leased truck storage area north east toward the drive aisle from which storm water flows by gravity to the storm water facility at the north edge of the site. Therefore the CUP will comply with this section.

TDC Section 73.280 (Irrigation System Required) provides as follows:

Except for townhouse lots, landscaped areas shall be irrigated with an automatic underground or drip irrigation system.

There are no landscaped areas in conjunction with the CUP. Therefore this section does not apply.

TDC Section 73.290 (Revegetation in Unlandscaped Areas) provides as follows:

(1) Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements, such areas shall be replanted.

There is no natural vegetation where the applicant will place pavement for the temporary leased truck storage area. Therefore this standard does not apply to the CUP.

TDC Section 73.310 (Landscape Standards ... Industrial ... Uses) provides as follows:

(1) A minimum 5-foot-wide landscaped area must be located along all building perimeters which are viewable by the general public from parking lots or the public right-of-way, excluding loading areas, bicycle parking areas and pedestrian egress/ingress locations...

The CUP does not include any new buildings, parking lots or public rights of way. Therefore this section does not apply to the CUP.

TDC Section 73.340 (Off-Street Parking Lot and Loading Area Landscaping ... Industrial ... Uses) provides as follows:

(1) A clear zone shall be provided for the driver at ends of on-site drive aisles and at drive-way entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level, except for parking structures and underground parking where this provision shall not apply.

The CUP does not include any new drive aisles. Therefore this standard does not apply.

(2) Perimeter site landscaping of at least 5 feet in width shall be provided in all off-street parking and vehicular circulation areas (including loading areas). For conditional uses in multifamily residential planning districts the landscape width shall be at least 10 feet except for uses allowed by TDC 40.030(3), 40.030(5)(j), 40.030(5)(m), 40.030(5)(n) and 41.030(2).

(a) The landscape area shall contain:

(i) Deciduous trees an average of not more than 30 feet on center. The trees shall meet the requirements of 73.360(7).

(ii) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round.

(iii) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years.

The CUP does not include any new parking along the site perimeter. Therefore this section does not apply to the CUP.

TDC Section 73.360 (Off-Street Parking Lot Landscape Islands - ... Industrial ... Uses) provides as follows:

(1) A minimum of 25 square feet per parking stall shall be improved with landscape island areas.

(2) All landscaped island areas with trees shall be a minimum of 5 feet in width...

(3) Provide a minimum of one deciduous shade tree for every four (4) parking spaces...

(4) Landscaped islands shall be utilized at aisle ends...

(6)(a) Site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 25 feet back from the property line for commercial, public, and semi-public development with 12 or more parking spaces and extend 30 feet back from the property line for industrial development.

The CUP does not include new parking or site access. Therefore this section does not apply to the CUP.

TDC Section 73.370 Off-Street Parking and Loading) provides as follows:

(1) General Provisions.

(a) At the time of establishment of a new structure or use, or change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces, off-street vanpool and carpool parking spaces for commercial, institutional and industrial uses, off-street bicycle parking, and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of

public health, safety and welfare or that a lesser number of vehicle parking spaces will be sufficient to carry out the objectives of this section...

TDC Section 73.370(2) (Off-Street Parking Provisions) does not include a parking requirement for truck leasing.

The Staff Report for AR-07-10 included the following findings at p. 22 in response to this criterion:

Per TDC 73.370(1)(g) parking and loading requirements for structures not specifically listed in the table of off-street parking provisions are determined by the Community Development Director based upon requirements of comparable uses listed in the table. The required parking established in AR-94-26 for a mini-storage facility in Tualatin was based on prior Planning Director determination that one (1) parking space per 100 storage units was an appropriate standard for a use that has very few employees and a limited need for customer parking. This parking standard has proven to be appropriate for the five (5) existing self-storage facilities in Tualatin.

In 2007, the applicant proposed that the Tualatin Self-Storage facility contain 1901 storage units. After considering the size and location of those storage spaces, City staff concluded that:

[T]he total proposed parking of nine (9) spaces for the Tualatin Mini-Storage facility satisfies 73.370(1)(9) and is approved.

In Phase 1 the applicant built 745 storage spaces and 9 standard-sized parking spaces to serve them, including one vanpool/carpool space. Seldom are a majority of those spaces concurrently in use.

This 2009 application proposes to add truck leasing. Logically if 9 parking spaces were adequate for 1901 storage spaces, that number of parking spaces should be more than adequate for the existing 729 storage spaces plus up to ten leased trucks. The requirement is met.

Regarding bicycle parking, the Staff Report for AR-07-10 included the following finding at p. 21:

There is no specific bicycle parking requirement for a self-storage facility. The self-storage facility operation has minimal employees and will have few if any customer traffic arriving via a bicycle. The proposed facility should meet a minimum bicycle parking requirement for industrial warehousing uses, which is two covered spaces.

In Phase 1, the applicant built 2 bicycle storage spaces in a common, lockable enclosure consistent with TDC standards for size, maneuvering area, access, lighting and signage (TDC Subsections 73.370(1)(n) through (s) and (u)). The leased truck business will have few if any customer traffic arriving by bicycle. Therefore no additional bicycle parking is warranted for the CUP.

TDC 73.400(12) (Minimum Access Requirements for Industrial Uses) provides that an industrial use shall have at least one point of ingress and egress, and that access shall be at least 36 feet wide for a distance of at least 50 feet from the street.

In Phase 1, the applicant built a single 40-foot wide access drive from Cipole Road. Because additional parking is not proposed for the truck leasing business, additional access is not warranted for the CUP, based on that section. This requirement is met.

APPENDIX A

NEIGHBORHOOD MEETING MATERIALS

April 16, 2009



«Name»
«Address»
«City», «State» «Zip»

RE: Public meeting to consider Phases 2 and 3 of the Tualatin Self-Storage Warehouses, including RV and leased truck storage, at 19800 SW Cipole Road, Tualatin, Oregon

Dear Property Owner:

You are cordially invited to attend a public meeting on May 4, 2009 at 6:00 p.m. in the meeting room at the West Coast Bank at 8805 S.W. Tualatin-Sherwood Road in Tualatin.

You are being invited to attend this meeting, because County records show that you own property in the vicinity of 19800 SW Cipole Road, Tualatin, Oregon, which is the site of proposed development. City of Tualatin regulations require the proposed applicant to hold this meeting. You are not under any obligation to attend this meeting or take any other action.

This meeting is being held to discuss an application for Architectural Review for Phases 2 and 3 of a self-service storage facility, including enclosed recreational vehicle storage, and an application for a Conditional Use Permit for a truck leasing business with exterior vehicle storage.

The purpose of the meeting is to provide an opportunity for the applicant and surrounding property owners to discuss this proposal and any issues of concern regarding this proposal.

If you have any questions or concerns that you would like to discuss before or after the meeting, please feel free to telephone me at (503) 598-1866 ext. 20 or email me at lle@welkinengineering.com. Thank you.

Sincerely,


Larry Epstein, JD, FAICP
Planning Coordinator



Map Showing
Properties
Within 300 Feet
of 2S1 21DC 1000
to whom the Applicant
sent notices of the
Neighborhood Meeting
NTS

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF MULTNOMAH)

I, Larry Epstein, being first duly sworn, depose and say:

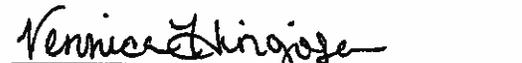
That on the 16th day of April, 2009, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me this 17th day of April, 2009.





Notary Public for Oregon
My commission expires: Sept 23, 2011

RE: Tualatin Self-Storage project CUP and AR for Phases 2 and 3

When submitting the proposal application to the City, the developer shall include: the mailing list for the notice, a copy of the notice, a notarized affidavit of the mailing, a notarized affidavit of posting, the original sign-in sheet from the meeting and meeting notes. We have attached sample affidavits for your convenience, however you can use a different format.

(Date)

(Name)

(Address)

(City, State Zip)

RE: (Project name, description, location)

Dear Property Owner:

You are cordially invited to attend a meeting on (this date) at (this time) and at (this location). This meeting shall be held to discuss a proposed project located at (address of property, cross streets). The proposal is to (describe proposal here).

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal.

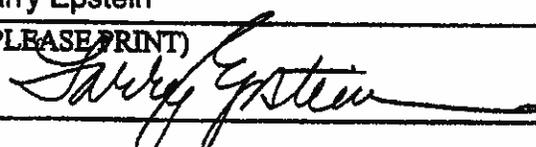
Regards,

(Your name)

(Company name)

As the applicant for the Phases 2 and 3 of the Tualatin Self-Storage
project, I hereby certify that on this day, April 16, 2009 notice of the Neighborhood /
Developer meeting was mailed in accordance with the requirements of the Tualatin Development
Code and the Community Development Department - Planning Division.

Applicant's Name: Larry Epstein
(PLEASE PRINT)

Applicant's Signature: 

Date: April 16, 2009

DATABASE FOR NEIGHBORHOOD MEETING MAILING LABELS

Reference Parcel	Name	Address	City	State	Zip
2S121C0 01202	Cipole Road Holdings LLC	8575 SW Sorrento Rd	Beaverton	OR	97008
2S121C0 01202	Current Resident	19785 SW Cipole Rd	Sherwood	OR	97140
2S121D0 00301	Row-En-Do LLC	17540 63rd Ave	Lake Oswego	OR	97035
2S121D0 00301	Current Resident	12965 SW Herman Rd	Tualatin	OR	97062
2S121DB 00200	Nicolj Pacific LLC	19600 SW Cipole Rd	Tualatin	OR	97062
2S121DB 00200	Current Resident	19500 SW Cipole Rd	Tualatin	OR	97062
2S121DC 00500 & 00600	Larry & Judy Ludwig	PO Box 473	Tualatin	OR	97062
2S121DC 00600	Current Resident	13025 SW Herman Rd	Tualatin	OR	97062
2S121DC 00500	Current Resident	13005 SW Hermand Rd	Tualatin	OR	97062
2S121DC 00700 & 00800	Howard & Kathy Rayborn	19990 SW Cipole Rd	Tualatin	OR	97062
2S121DC 00801 & 00900	Howard & Kathy Rayborn	19990 SW Cipole Rd	Tualatin	OR	97062
2S121DC 01100	Machine Specialties Inc	19730 SW Cipole Rd #1	Tualatin	OR	97062
2S121DD 00300	Current Resident	19675 SW 129th Ave	Tualatin	OR	97062
2S121DD 00300	Rogers Equipment Leasing LLC	227 Bellevue Way NE #78	Bellevue	WA	98004
2S121DD 00400	Gulsons	307 Lewers St #6th	Honolulu	HI	96815
2S121DD 00400	Current Resident	19635 SW 129th Ave	Tualatin	OR	97062
2S128A0 00104	Lumber Products	19855 SW 124th Ave	Tualatin	OR	97062
2S128A0 00600	BMC West Corporation	PO Box 70006	Boise	ID	83707
2S128A0 00600	Current Resident	20285 SW Cipole Rd	Sherwood	OR	97140
2S128A0 00700	Current Resident	19985 SW Cipole Rd	Sherwood	OR	97140
2S128A0 00700	Great Northwest Gutters LLC	19975 SW Cipole Rd	Sherwood	OR	97140
2S128A0 00800	Current Resident	19945 SW Cipole Rd	Sherwood	OR	97140
2S128A0 00800	Jason Ludwig	19445 SW Cipole Rd	Sherwood	OR	97140
2S128A0 00900	Current Resident	19915 SW Cipole Rd	Sherwood	OR	97140
2S128A0 00900	John Waddill	PO Box 1464	Sherwood	OR	97140
2S128A0 01600	Current Resident	13300 SW Galbreath Dr	Coos Bay	OR	97420
2S128A0 01600	Patrick Lee Enstrom	9304 SW 51st Ave	Sherwood	OR	97140
			Portland	OR	97219

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF MULTNOMAH)

I, Larry Epstein, being first duly sworn, depose and say:

As the applicant for the Tualatin Self-Storage project, I hereby certify that I posted copies of the Notice of the Neighborhood/Developer meeting in accordance with the requirements of the Tualatin Development Code and the Community Development – Planning Division on the 17th day of April, 2009, copy attached; and that I posted said copies in public and conspicuous places within the City at the subject property, to wit:

1. 19800 S.W. Cipole Road
2. _____
3. _____
4. _____

Dated this 17th day of April, 2009.

Larry Epstein
Signature

Subscribed and sworn to before me this 17th day of April, 2009.



Veronica Hinojosa
Notary Public for Oregon
My Commission expires: Sept 23, 2011

RE: Tualatin Self-Storage project CUP and AR for Phases 2 and 3

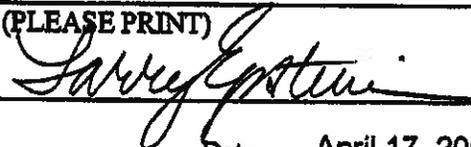
NEIGHBORHOOD / DEVELOPER MEETING POSTING SIGN

<p style="text-align: center;">NOTICE</p> <p style="text-align: center;">NEIGHBORHOOD / DEVELOPER MEETING FOR PROPOSED PROJECT</p> <p>Proposed Project:</p> <p>Date:</p> <p>Time:</p> <p>Location:</p>
--

The sign posted on the subject property must be waterproof. The sign must be posted at least 14 days before the meeting. Please make sure that the sign is legible from 10-15 feet away – i.e. use a large tip felt pen and that it is a sufficient size.

As the applicant for the Tualatin Self-Storage project CUP and AR for Phases 2 and 3 project, I hereby certify that on this day, one sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Larry Epstein
(PLEASE PRINT)

Applicant's Signature: 

Date: April 17, 2009

NOTICE

NEIGHBORHOOD/DEVELOPER MEETING FOR PROPOSED PROJECT

**PROPOSED PROJECT: Phases 2 and 3 of the Tualatin
Self-Storage Warehouses, including
RV storage and truck leasing**

MEETING DATE/TIME: Monday, May 4, 2009, 6:00 p.m.

**MEETING LOCATION: West Coast Bank, 8805 S.W.
Tualatin-Sherwood Road**

FOR INFO CONTACT: Welkin Engineering, PC, 503-598-1866



MEMORANDUM

TO: City of Tualatin
FROM: Larry Epstein *LE*
SUBJECT: Neighborhood Meeting for Tualatin Mini-Storage site
DATE: May 11, 2009

From 5:45 p.m. until 6:45 p.m. on May 4, 2009, I was present at the West Coast Bank at 8805 SW Tualatin-Sherwood Road to conduct a neighborhood meeting for phases 2 and 3 of the Tualatin Mini-Storage Warehouse site, including truck leasing.

During that time, there was a substantial rainfall event, and one of the NBA playoff games was aired on television. Perhaps for those reasons — or perhaps because no one who received the notice of the meeting felt strongly enough about the matter to attend the meeting — no one arrived to attend the meeting. Therefore no one signed the sign-up sheet for the meeting, and no discussion of the proposal ensued.

If you would like to verify that I was present for the meeting and no one else showed up, you can contact the bank manager who was there with me the whole time:

Cheryl Dorman, Vice President
West Coast Bank
Tualatin-Sherwood Branch
8805 SW Tualatin-Sherwood Road
Tualatin, OR 97062

TEL: 503-691-9929
CELL: 503-799-4145
FAX: 503-692-0586
EMAIL: dormanc@wcb.com

**Public meeting
Tualatin Self-Storage Warehouses Phases 2 and 3**

PLEASE SIGN IN

Print name(s)	Mailing address	City	State
		<input type="checkbox"/> Tualatin	<input type="checkbox"/> Oregon
		<input type="checkbox"/> Other:	<input type="checkbox"/> Other:
		<input type="checkbox"/> Tualatin	<input type="checkbox"/> Oregon
		<input type="checkbox"/> Other:	<input type="checkbox"/> Other:
		<input type="checkbox"/> Tualatin	<input type="checkbox"/> Oregon
		<input type="checkbox"/> Other:	<input type="checkbox"/> Other:
		<input type="checkbox"/> Tualatin	<input type="checkbox"/> Oregon
		<input type="checkbox"/> Other:	<input type="checkbox"/> Other:
		<input type="checkbox"/> Tualatin	<input type="checkbox"/> Oregon
		<input type="checkbox"/> Other:	<input type="checkbox"/> Other:
		<input type="checkbox"/> Tualatin	<input type="checkbox"/> Oregon
		<input type="checkbox"/> Other:	<input type="checkbox"/> Other:
		<input type="checkbox"/> Tualatin	<input type="checkbox"/> Oregon
		<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

*Just check the box if your address is in Tualatin, Oregon.
Please fill-in "Other" if your address is not in Tualatin, Oregon*

THANK YOU FOR COMING!

APPENDIX B

TRAFFIC REPORT

June 11, 2009

Project #: 0104.0

Tony Doran
City of Tualatin Engineering & Building Department
18876 SW Martinazzi Avenue
Tualatin, OR 97062

RE: Traffic Analysis Letter for Tualatin Self-Storage CUP Application – Tualatin, OR

Dear Mr. Doran:

Dunn Traffic Engineering, LLC has prepared this traffic analysis letter on behalf of the Applicant (Welkin Engineering, PC) for the proposed conditional use permit associated with the Tualatin Self-Storage site located at 19800 SW Cipole Road, in Tualatin. The purpose of this letter is to demonstrate that the proposed new mix of land uses as specified within the CUP application will comply with Section 32.030(3) of the City's Development Code, which states: *"The proposed development is timely, considering adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use."*

It is our intention here to demonstrate that the proposed modifications to original site plan will not adversely affect the operating conditions of the surrounding street network and that adequate public facilities will exist. We intend to demonstrate this finding not through a formal traffic impact study, but through a simple comparative analysis of the trip generation profile for the proposed new mix of land uses associated with the CUP application versus the traffic profile estimate contained in the previous traffic study for the original land use application.

The primary reason we believe that the proposed CUP application complies with Section 32.030(3) of the City's Development Code is because the proposed new mix of land uses on the subject site, consisting of self-storage units and a truck rental business, is expected to generate approximately the same or slightly less traffic on a daily and a weekday peak hour basis than what was originally conceived for the subject site as a standalone self-storage facility. The remaining sections of this letter provide further details to support our conclusions.

BACKGROUND

The original site plan for the Tualatin Self-Storage development included a total of 1,901 self-storage units. Previously, a traffic impact study was prepared by Charbonneau Engineering, LLC for the original site plan (Reference 1). The findings of this study, based on the proposal to develop a total of 1,901 self-storage units, indicated that the capacity of SW Cipole Road was adequate and that no off-site street improvements would be needed given the *"low volume of the project trip generation and the current and future street connectivity in the general area"*. The City ultimately agreed with these conclusions and approved the development.

The Applicant is now proposing to amend the original site plan with a new CUP application that accounts for a different mixture of land uses. These consist of a maximum of 1,781 self-storage units and a truck rental business with a truck fleet size of no more than 10 trucks. Given the underlying *General Manufacturing (MG)* zoning designation for the subject site, it is the proposed truck rental business that triggers the City's CUP application process.

SITE TRIP GENERATION COMPARISON

This section documents a comparison between the site trip generation potential for the original site plan versus the expected trip generation potential for the proposed new mix of land uses associated with the CUP application.

Original Site Plan

The trip generation rates and traffic volume estimates shown below in Table 1 were taken from the traffic study prepared by Charbonneau Engineering, LLC and are based on the original site plan for the subject site.

**TABLE 1
PREVIOUS SITE TRIP GENERATION ESTIMATE
(ORIGINAL SITE PLAN)**

Land Use	Size	Average Daily Trips	Weekday AM Peak Hour Trips	Weekday PM Peak Hour Trips
Mini-Warehouse Trip Generation Rate*	1,901 units	0.28	0.02	0.03
Total Trips		532	38	57

*- Trip generation based on average rates for ITE Land Use Category #151 (Mini-Warehouse).

As shown in the table above, the original site plan for 1,901 self-storage units was expected to generate 532 average daily trips, 38 weekday a.m. peak hour trips, and 57 weekday p.m. peak hour trips.

New Land Uses for CUP Application

The estimated site trip generation associated with the proposed CUP application was determined by aggregating the trip generation potential for a "worst-case" develop scenario. This included an accounting of trips associated with a maximum potential build-out of 1,781 self-storage units and a truck rental business operating with a fleet size of no more than 10 trucks present. It should be emphasized here that the new estimate of 1,781 self-storage units represents the 729 units that are currently present in Buildings A, B, and C and an additional 1,052 self-storage units that could conceivably be built on the remainder of the site.

Different resources and different sets of assumptions were used in estimating the vehicle trip generation for the individual land uses on the subject site. For the self-storage units, the standard trip generation rates documented in the reference manual *Trip Generation, 7th Edition* (Reference 2) were applied. Because the *Trip Generation* manual provides no guidance for truck rental businesses and there are no other comparable land uses in the ITE manual that can be used as a supplement, customized trip generation data had to be developed.

Working with staff from Penske Truck Rentals (the company that intends to occupy and run the truck rental business on the site), customer transaction data was collected for a former and comparable truck rental site near the Hillsboro Airport in Hillsboro. This site, on average, had a fleet size of around seven trucks. Data was provided by Penske for the peak three-month period from May 1, 2008 through July 31, 2008. Customer data was also provided in the form of "check-in" and "check-out" transactions where customers were either returning a truck to the site or leaving with a truck. Using this data, daily transactions for the seven busiest days of this three-month period were isolated and averaged together. The result was then translated into an estimate of customer truck trips (related to when a customer entered or exited the site via a rental truck) and customer vehicle trips (related to a customer's use of his/her own personal vehicle to travel to/from the site). Finally, the calculated trip generation for the former Hillsboro site was pro-rated, or factored up by 43 percent, to reflect the difference in the average truck fleet sizes (average of 7 trucks at the former Hillsboro location and a maximum of 10 trucks intended for the Tualatin Self-Storage site).

It should be emphasized here that the customer transaction data provided by Penske Truck Rentals could only be organized in terms of daily transactions. No information was available for hourly periods. Therefore, an assumption had to be made as to how much traffic the weekday a.m. and p.m. peak hour traffic periods would represent out of the daily site traffic total. For this study, a factor of 10 percent was selected, based on two factors. First, truck rental businesses like Penske Truck Rentals are primary trip generators, meaning that they don't rely on adjacent street traffic to draw in customers much like a fast-food restaurant does. Truck rentals businesses like Penske attract customers whose primary reason for making a trip is the business itself and this attraction is usually consistent, or spread out over the course of a normal business day. Using the previous Penske site near the Hillsboro airport as an example, this former business was open on weekdays from 9:00 a.m. until 5:30 p.m., yielding an 8 ½-hour work shift. Under the assumption that customer demand was consistent over this period, a single hour of business could have generated 11.8 percent of the daily site trips, which is close to the 10 percent factor assumed to apply to the subject site. The second reason is that the peaking characteristics for the Penske Truck Rental business are expected to mimic that of the mini-warehouse units because of their shared use of space and business relationship. The ITE manual indicates that the weekday a.m. peak hour represents 7.1% of the daily peak traffic for mini-warehouse units and that the weekday p.m. peak hour represents 10.7% of the daily peak.

The resulting site trip generation estimate associated with the proposed CUP application is shown below in Table 2. For more details on how this estimate was prepared, see Appendix "A" of this letter.

**TABLE 2
NEW SITE TRIP GENERATION ESTIMATE
(PROPOSED CUP APPLICATION)**

Land Use	Size	Average Daily Trips	Weekday AM Peak Hour Trips	Weekday PM Peak Hour Trips
Mini-Warehouse*	1,781 units	498	36	54
Truck Rental Business**	10 trucks	29	3	3
Total Trips		527	39	57

*- Trip generation based on average rates for ITE Land Use Category #151 (Mini-Warehouse).

**- Trip generation based on analysis of customer transaction data provided by Penske Truck Rentals.

As shown in the table above, development under the proposed CUP application is expected to generate a total of 527 average daily trips, 39 weekday a.m. peak hour trips, and 57 weekday p.m. peak hour trips. These results reflect a reduction of 5 average daily trips, an increase of only 1 weekday a.m. peak hour trip, and no change in the number of weekday p.m. peak hour trips. These changes are not significant when compared to the total trip generation estimates associated with the original site plan and should, therefore, not affect the integrity of the findings of the original traffic study. Nevertheless, it is conceivable that the total trip generation may be less than what is shown in Table 2 due to the likelihood of trip internalization between the Penske Truck Rental business and the mini-storage units. To explain further, because these two businesses will share the same site and will have a symbiotic relationship, there is the potential for less trips to be realized on the adjacent street network as trips are made between these two uses on site. Although the potential reduction in the number of trips due to internalization may not be large and are limited to maximum potential for the truck rental business at 3 weekday a.m. and p.m. peak hour trips, any reduction would be considered significant as the total site trip generation during the critical weekday peak hours would now be less than what was estimated for the original site plan.

CONCLUSIONS

Based on the findings documented in this letter, it is our professional opinion that the proposed CUP application for the Tualatin Self-Storage facility will result in fewer vehicle trips made on the adjacent street system during an average day and during the weekday a.m. and p.m. peak hour periods than what would have been generated by the original site plan. For this reason, and based on the findings of the previous traffic impact study prepared by Charbonneau Engineering, LLC for the subject site, it is our conclusion that sufficient capacity exists on the surrounding transportation network to accommodate the traffic from this new site development plan, as defined in the CUP application.

We trust that this letter addresses all transportation-related issues pertaining to the CUP application for the subject site. If you have any questions or comments regarding the analysis, assumptions, and/or findings contained this letter, please contact me at (503)-774-2669.

Sincerely,

DUNN TRAFFIC ENGINEERING, LLC



Brian J. Dunn, P.E.

Principal

File: *traffic profile letter_draft.doc*

- References:
- 1) Charbonneau Engineering, LLC. *Traffic Study for Tualatin Mini-Storage*. April 12, 2007.
 - 2) Institute of Transportation Engineers. *Trip Generation Manual*. 2003.



APPENDIX A

Project Name: Tualatin Mini-Storage

Project No.: 0104

Date: 6/11/2009

Customer Transaction Data from Penske Truck Company for Former Hillsboro Site

Check In		Check Out	
Date	Transaction Num.	Date	Transaction Num.
05/03/08	15621305	05/02/08	16254239
05/03/08	16110435	05/03/08	15942670
05/03/08	16124375	05/03/08	15324966
05/03/08	16254239	05/03/08	15942670
05/06/08	15343110	05/03/08	15324966
05/07/08	16275088	05/05/08	15527084
05/07/08	15942670	05/05/08	15527084
05/09/08	16319079	05/06/08	16275088
05/09/08	16319482	05/08/08	16188913
05/10/08	15324986	05/08/08	16319482
05/12/08	16349285	05/08/08	16188913
05/12/08	15527084	05/09/08	16319079
05/12/08	16139975	05/12/08	16349285
05/14/08	16340993	05/13/08	16340993
05/14/08	16188913	05/13/08	16312552
05/16/08	16381842	05/13/08	16312552
05/17/08	16312552	05/13/08	16340993
05/17/08	16364443	05/14/08	16381842
05/19/08	16379389	05/14/08	16139881
05/19/08	16139881	05/14/08	16139881
05/21/08	16440180	05/15/08	16379389
05/21/08	16425548	05/16/08	16364443
05/23/08	16461001	05/19/08	14785668
05/23/08	16312096	05/18/08	14785668
05/25/08	16407390	05/20/08	16440180
05/26/08	14785668	05/20/08	16425548
05/26/08	16428526	05/21/08	16312096
05/28/08	16340671	05/21/08	16312096
05/31/08	16568727	05/22/08	16461001
05/31/08	16515603	05/24/08	16340671
06/01/08	16048515	05/24/08	16340671
06/01/08	16498960	05/24/08	16407390
06/01/08	16528125	05/24/08	16428526
06/02/08	16281978	05/27/08	16048515
06/02/08	16517486	05/27/08	16048515
06/02/08	16356068	05/29/08	16281978
06/04/08	16398964	05/29/08	16517486
06/05/08	16542095	05/29/08	16281978
06/05/08	16542171	05/29/08	16517486
06/05/08	16448055	05/30/08	16542095
06/05/08	16048939	05/30/08	16568727
06/06/08	16585957	05/30/08	16488890
06/06/08	16634402	05/30/08	16356068
06/06/08	16648218	05/30/08	16048939
06/09/08	16578015	05/30/08	16356068
06/09/08	16496751	05/30/08	16048939
06/10/08	16668185	05/30/08	16515603
06/10/08	16647789	05/30/08	16488890
06/11/08	16662590	05/30/08	16528125
06/11/08	16690577	06/31/08	16398964
06/12/08	16681804	05/31/08	16398964
06/12/08	16622777	06/02/08	16448055
06/15/08	16385590	06/02/08	16448055
06/16/08	16332462	06/03/08	16542171
06/16/08	16726142	06/04/08	16385590
06/17/08	16608532	06/04/08	16385590
06/17/08	16448388	06/05/08	16585957
06/18/08	15555061	06/05/08	16634402
06/18/08	16569349	06/06/08	16648218
06/20/08	16517045	06/06/08	16647789
06/20/08	16730344	06/06/08	16577707
06/20/08	16711499	06/07/08	16578015
06/20/08	16718678	06/07/08	16496751
06/21/08	16569354	06/07/08	15555061
06/21/08	16793563	06/07/08	16578015
06/22/08	16745690	06/07/08	15555061
06/23/08	16813517	06/07/08	16496751
06/23/08	16579001	06/09/08	16668185
06/23/08	16727544	06/09/08	16622777
06/23/08	15925328	06/09/08	16622777
06/23/08	16822028	06/10/08	16681804
06/25/08	16698321	06/11/08	16662590
06/26/08	16801428	06/11/08	16690577

Customer Transaction Data from Penske Truck Company for Former Hillsboro Site

Check In		Check Out	
Date	Transaction Num.	Date	Transaction Num.
06/26/08	16760728	06/12/08	16332462
06/26/08	16800438	06/12/08	16448388
06/27/08	16845150	06/12/08	16332462
06/27/08	16578843	06/12/08	16448388
06/28/08	16729500	06/14/08	16608532
06/28/08	16890397	06/14/08	16727544
06/30/08	16876908	06/14/08	16727544
06/30/08	16669220	06/14/08	16608532
06/30/08	16805314	06/14/08	16728142
07/01/08	16874360	06/16/08	16517045
07/01/08	16917141	06/18/08	16517045
07/01/08	15990835	06/17/08	16579001
07/01/08	16731205	06/17/08	16729500
07/02/08	16915118	06/17/08	16569349
07/02/08	16259059	06/17/08	16579001
07/02/08	14989623	06/17/08	16729500
07/02/08	16822602	06/17/08	15925329
07/03/08	16926761	06/18/08	16730344
07/03/08	16785797	06/18/08	16711499
07/03/08	16785229	06/18/08	16711499
07/04/08	16955780	06/18/08	16730344
07/04/08	16757724	06/20/08	16745690
07/04/08	16880568	06/20/08	16698321
07/05/08	16110028	06/20/08	15990835
07/06/08	16698296	06/20/08	16718878
07/07/08	16929277	06/20/08	16698321
07/07/08	16169647	06/20/08	15990835
07/07/08	15716490	06/20/08	16745690
07/07/08	16746317	06/21/08	16760728
07/08/08	16915526	06/21/08	16569354
07/08/08	16776806	06/21/08	16783583
07/13/08	17039466	06/21/08	16760728
07/13/08	17040275	06/23/08	16813517
07/13/08	17021396	06/23/08	16578843
07/14/08	16724466	06/23/08	16578843
07/15/08	16980668	06/23/08	16822028
07/16/08	17078231	06/25/08	16845150
07/17/08	16682841	06/25/08	16801428
07/17/08	17001545	06/25/08	16800438
07/18/08	17062496	06/25/08	16110028
07/18/08	16956611	06/25/08	16800438
07/18/08	17096951	06/25/08	16801428
07/19/08	16664014	06/25/08	16110028
07/19/08	17108775	06/26/08	16869220
07/21/08	17069365	06/26/08	16169647
07/23/08	17084280	06/26/08	15716490
07/24/08	17157848	06/26/08	16169647
07/24/08	17116200	06/26/08	15716490
07/24/08	16745325	06/26/08	16669220
07/26/08	17068507	06/27/08	16874360
07/26/08	17022062	06/27/08	16876906
07/28/08	17173934	06/27/08	14989623
07/28/08	17159170	06/27/08	14989623
07/28/08	16976841	06/28/08	16259059
07/31/08	17163457	06/28/08	16785797
07/31/08	17185725	06/28/08	16785229
07/31/08	17022409	06/28/08	16746317
07/31/08	16467845	06/28/08	16259059
07/31/08	16888423	06/28/08	16785797
07/31/08	16744669	06/28/08	16805314
		06/28/08	16890397
		06/28/08	16785229
		06/28/08	16746317
		06/30/08	16917141
		06/30/08	16822602
		06/30/08	16915526
		06/30/08	16822602
		06/30/08	16731205
		06/30/08	16915526
		07/01/08	16915118
		07/01/08	16926761
		07/02/08	16698296
		07/02/08	16929277
		07/02/08	16929277
		07/02/08	16698296
		07/03/08	16955780
		07/03/08	16757724
		07/03/08	16880568

Customer Transaction Data from Penske Truck Company for Former Hillsboro Site

Check In		Check Out	
Date	Transaction Num.	Date	Transaction Num.
		07/07/08	18776806
		07/09/08	16684014
		07/09/08	16684014
		07/10/08	16956611
		07/10/08	16956611
		07/11/08	16724466
		07/11/08	16980666
		07/11/08	16724466
		07/11/08	16980666
		07/12/08	17039466
		07/12/08	17040275
		07/12/08	17021396
		07/14/08	16682841
		07/14/08	16682841
		07/16/08	17075231
		07/16/08	17001545
		07/17/08	17096951
		07/18/08	17068507
		07/18/08	17062496
		07/18/08	17068507
		07/18/08	17084280
		07/18/08	17084280
		07/18/08	17108775
		07/19/08	17069365
		07/19/08	17116200
		07/19/08	17069365
		07/19/08	17116200
		07/21/08	16745325
		07/21/08	16745325
		07/23/08	17157848
		07/23/08	17022062
		07/23/08	17159170
		07/23/08	17022062
		07/23/08	17159170
		07/25/08	17183457
		07/25/08	16467845
		07/25/08	16744669
		07/25/08	16467845
		07/25/08	16744669
		07/25/08	16976941
		07/26/08	17173934
		07/26/08	17195725
		07/26/08	17022409
		07/26/08	17195725
		07/26/08	17022409
		07/26/08	17173934
		07/28/08	17207885
		07/28/08	16868423
		07/28/08	17134047
		07/28/08	17055579
		07/28/08	17134047
		07/28/08	16868423
		07/28/08	17055579
		07/29/08	17175693
		07/29/08	17175693
		07/30/08	17133891
		07/30/08	16957561
		07/30/08	16957561
		07/30/08	17133891
		07/31/08	17111946
		07/31/08	17111946

Project Name: Tualatin Mini-Storage

Project No.: 0104

Date: 6/11/2009

Site Trip Generation Methodology for Penske Truck Rental Space

I. Former Penske Truck Rental Location Near Hillsboro Airport

Daily Customer Transactions (May 1, 2008 through July 31, 2008)*

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Check In	31	12	19	23	19	18	11	133
Check Out	34	21	37	29	43	48	0	212
Total	65	33	56	52	62	66	11	345

*- All transaction information shown reflects total for peak 3-month period.

Selected Largest Daily Customer Transactions*

	5/30/2008 Friday	6/20/2008 Friday	6/23/2008 Monday	6/26/2008 Thursday	6/28/2008 Saturday	6/30/2008 Monday	7/28/2008 Monday	7-Day Average
Check In	0	4	5	3	2	3	3	3
Check Out	10	7	4	6	10	6	7	7
Total	10	11	9	9	12	9	10	10

*- Transaction information shown reflects 7 peak days within 3-month period from May 1, 2008 through July 31, 2008.

Estimated Average Daily Site Trip Generation*

	Customer Truck Trips	Customer Vehicle Trips	Total
Trips In	3	7	10
Trips Out	7	3	10
Trips Total	10	10	20

*- Results reflect the assumption that every customer transaction resulted in a single customer truck trip plus a single customer vehicle trip in the opposite direction to reflect customer origin and destination travel patterns.

II. Proposed New Penske Truck Rental Location in Tualatin

Estimated Site Trip Generation

Land Use	Size	Average Daily Traffic*	Weekday AM Peak Hour Trips**			Weekday PM Peak Hour Trips**		
			Total	In	Out	Total	In	Out
Truck Rental	10 trucks	29	3	2	1	3	1	2

*- Results reflect a prorated adjustment to the ADT to reflect the 10 trucks expected at the proposed new Penske Truck Rental location versus the 7 trucks that were, on average, located at the former Penske Hillsboro site.

**- Results reflect the assumption that the peak hour represents 10 percent of average daily traffic activity.

Project Name: Tualatin Mini-Storage

Project No.: 0104

Date: 6/11/2009

Table 1. Original TIA Site Trip Generation (AR-07-10)

Land Use	Size	Average Daily Traffic	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
			Total	In	Out	Total	In	Out
Mini-Warehouse	1,901 units							
Generation Rate*		0.28	0.02	67%	33%	0.03	50%	50%
Total Site Trips		532	38	25	13	67	29	28

*- Trip generation based on average rates for ITE Land Use Category #151 (Mini-Warehouse).

Table 2. Estimated New Site Trip Generation (Conditional Use Permit)

Land Use	Size	Average Daily Traffic	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
			Total	In	Out	Total	In	Out
Mini-Warehouse*	1781 units	498	38	24	12	54	27	27
Truck Rental Business**	10 trucks	29	3	2	1	3	1	2
Total Site Trips		527	39	26	13	57	28	29

*- Trip generation based on average rates for ITE Land Use Category #151 (Mini-Warehouse)

** - Trip generation based on analysis of customer transaction data provided by Penske Truck Rental company for former Hillsboro site

ATTACHMENT F

CUP-09-02: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 32.030 must be met if the proposed Conditional Use Permit (CUP) for light truck rental, leasing, and associated temporary storage is to be granted. The Applicant prepared a narrative that addresses the CUP criteria (Attachment E). Staff has reviewed the Applicant's material and included pertinent excerpts below.

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

The Applicant states: "TDC 61.030 lists conditional uses in the MG [Planning] District as follows in relevant part:

The following uses are permitted in accordance with TDC Chapter 32 and as restricted in TDC 61.031:

(1) All conditional uses listed in TDC 60.040, which are not otherwise permitted in TDC 61.020..."

"TDC 60.040(1)(p) lists the following as a conditional use in the MG [Planning] District:

Rental and leasing of autos and light trucks with incidental sale of vehicles, except not allowed in the Special Commercial Setback, TDC 60.035(1-3)."

"The proposed use is permitted as a conditional use based on TDC 60.040(1)(p) and 61.030(1) if it is not in an area designated for Special Setbacks for Commercial Uses and not otherwise permitted."

"Based on TDC Map 9-5, the site is not in an area subject to Special Setbacks for Commercial Uses. The proposed conditional use is not otherwise permitted in TDC 61.020, based on the list of uses in that section. Therefore, the proposed use is permitted as a conditional use consistent with TDC 60.040(1)(p) and 61.030(1)."

"TDC 60.040(2) provides the following use limitation in the ML zone in relevant part:

...[N]o conditional use allowed within an ML District, excepting building setbacks and areas for parking, circulation and landscaping, shall be located closer than 300 feet to any residential planning district boundary..."

"Based on TDC Map 9-1 and the summary of zoning and uses around the site on page 1 and Figure 1 of the application, the subject site is not closer than 300 feet to any residential planning district boundary. Therefore the proposed use complies with TDC 60.040(2)."

"TDC 60.041 lists other restrictions on conditional uses in the ML [Planning] District. Because the proposed conditional use does not involve retail commercial, retail service or professional service uses, and the site is not in an Employment Area on Map 9-4, TDC 60.041 and 61.031 do not apply to the proposed conditional use."

Staff concurs with the Applicant's analysis and conclusion that the proposed use is listed as a conditional use in the underlying Planning District.

Criterion 1 is met.

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

- Size:** The subject property is 6.34 acres (274,428 square feet [s.f.]) in size. Existing development on the site includes three (3) of the nine (9) mini-storage buildings, a small office building, and associated drive aisles, parking, landscaping, stormwater facility, and other site improvements approved in AR-07-10 for Phase I of the development as shown in the Existing Conditions Site Plan (Attachment C). The proposed conditional use would occupy an approximately 46 ft. x 100 ft. (4,600 s.f.) paved area on the west side of Building #8/C, or about 1.68% (4,600 s.f. / 274,428 s.f.) of the site for temporary storage of light trucks. The site's size is suitable for the proposed conditional use.
- Shape:** The shape of the subject property is a quadrilateral, which allows buildings to be laid out in parallel and perpendicular configurations that "result in efficient use of the land area for structures, bicycle and vehicle access, parking and maneuvering, landscaping, stormwater management, and site security and safety features". Access to the site is via a primary driveway and a service/fire driveway from SW Cipole Road. The site's shape is suitable for the proposed conditional use.
- Location:** The subject property is located at 19800 SW Cipole Road (Tax Map 2S1 21DC, Tax Lot 1000) at the west edge of the City of Tualatin in the General Manufacturing (MG) Planning District (see Attachment A, Vicinity Map). Land uses in the vicinity include auto-oriented and other light industrial use, a commercial nursery, and vacant land. The site's location in an area characterized by existing and permitted industrial uses minimizes potential land use conflicts that might occur if the site were situated among or near residential or other sensitive land uses. The site's location is suitable for the proposed conditional use.

Topography: The Applicant states: "The subject property slopes down gently to the north, facilitating the functioning of the stormwater management system that drains in that direction. The elevation difference from the south to the north property lines is about ten (10) feet for an average slope of 2.6%. The resulting grade is so shallow that it does not pose an obstacle to the stability and movement of vehicles or goods on the site. Drive aisles are graded to direct stormwater around buildings." The topography of the site is suitable for the proposed conditional use.

Improvements: As discussed above, existing development on the site includes three (3) of the nine (9) mini-storage buildings, a small office building, and associated drive aisles, parking, landscaping, stormwater facility, and other site improvements approved in AR-07-10 for Phase I of the development as shown in the Existing Conditions Site Plan (Attachment C). The proposed conditional use would occupy an approximately 46 ft. x 100 ft. (4,600 s.f.) paved area on the west side of Building #8/C, or about 1.68% of the site for temporary storage of light trucks. Existing buildings on the site will screen temporary truck storage from the north and east, and a sight-obscuring fence will screen truck storage from the west and south. In the future, when additional storage buildings are constructed, the future buildings will screen truck storage from the west and south. If existing improvements did not exist, the Applicant would have to provide them to accommodate the proposed conditional use. The existing improvements on the site are suitable for the proposed conditional use.

Natural Features: The site does not contain natural features. Four conifers are situated east of the property line and will not be affected by the proposed conditional use because of intervening distance and buildings. The site had been an agricultural field for many years prior to its development as Tualatin Mini-Storage as approved in AR-07-10. The site is not in a floodplain or other hazardous or sensitive natural area. The geotechnical assessment concluded that soils on the site are typical of the area. With respect to natural features, the site is suitable for the proposed conditional use.

The Applicant describes the subject property and concludes: "the proposed conditional use complies with TDC 32.030(2), because the characteristics of the site are suitable for the proposed use, including size, shape, location, topography, existence of improvements and natural features."

Staff concurs with the Applicant's analysis and conclusion that characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

Criterion 2 is met.

3. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Transportation

SW Cipole Road, adjacent to this site, is a Washington County Collector, with a 74-ft. right-of-way width. The City of Tualatin designates SW Cipole Road as a Major Collector (Cb&t) with a total width of 74 to 78 ft. This includes two 12-ft. travel lanes, a 14-ft. center turn lane, 6-ft. bike lanes, 6-ft. planter strips, and 6- to 8-ft. sidewalks.

The Applicant states: "Based on recent traffic counts, the road is operating within its engineered or designated capacity. Affected intersections operate consistent with level of service or volume-to-capacity standards."

"Based on the original transportation impact study (Charbonneau Engineering, *Traffic Study for Tualatin Mini-Storage*, April 12, 2007), based on which the City approved AR-07-10, the original project, when built-out, would have generated the following number of vehicle trips:

Table 7 - 2007 Trip Generation Estimate without Conditional Use

ITE Land Use	Units (#)	ADT*	Weekday					
			AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Mini-whse generation rate	1901	0.28	0.02	67%	33%	0.03	50%	50%
Site trips		532	38	25	13	57	29	28

* Source: Trip Generation, 7th Ed., ITE, 2003, average rates

"Based on the updated traffic report (Dunn Traffic Engineering, June 2009), the existing and proposed uses will generate the following number of vehicle trips:

Table 8 - 2009 Trip Generation Estimate with Conditional Use

ITE Land Use	Max # of units	ADT	Weekday					
			AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Mini-whse generation rate	1781	498*	36	24	12	54	27	27
Truck rental generation rate	10	29**	3	2	1	3	1	2
Site trips		527	39	26	13	57	28	29

* Source: Trip Generation, 7th Ed., ITE, 2003, Land Use category #151 (Mini-Warehouse).

** Source: Penske customer transaction data for former Hillsboro site.

The Applicant concludes: "Based on the foregoing, and compared to the trip estimates associated with the original TIS, the proposed conditional use together with other existing and proposed permitted uses will not cause traffic volume that exceeds the capacity of the affected roads nor changes the level of service provided at affected intersections. Therefore the proposed development is timely, considering the adequacy of the relevant transportation system elements."

The Engineering Division reviewed the Applicant's submitted Traffic Impact Letter that showed the proposed conditional use will increase the AM Peak by 1 (one) trip, not change the PM Peak, and reduce Average Daily Trips (ADT) by 5 (five) trips from the currently allowed Architectural Review (AR-07-10), as shown in the following table:

	AM Peak	PM Peak	ADT
AR-07-10	38	57	532
CUP-09-02	39	57	527

(See Attachment G for the Engineering Division Memorandum and Attachment E for the Applicant's Materials including the Traffic Impact Letter.)

Washington County submitted an email on August 6, 2009, clarifying that the last requirements for the County were met.

Traffic generation from the proposed conditional use will not limit, impair or preclude surrounding properties from primary uses allowed in the MG Planning District.

Sanitary Sewer, Stormwater, and Water

The Applicant states: "Public utility systems (i.e., water, drainage and sanitary waste services) exist on the site and can accommodate the proposed conditional use, because the conditional use does not require public utilities in excess of the existing ones. Police protection will be provided by the City of Tualatin. Fire services will be provided by the Tualatin Valley Fire and Rescue District. The proposed conditional use does not increase the need for those services more than the need created by the uses approved in AR-07-10 if at all."

The Engineering Division reviewed the Applicant's materials with respect to public facilities and found that, for the future Architectural Review of additional storage buildings constructed on the subject property, downstream sizing for all public utilities will need to be evaluated by the developer for any changes from standard use or previously approved development. Any upsizing will be a requirement in the Architectural Review decision.

Public sanitary sewer, stormwater, and water lines exist in the SW Cipole Road adjacent to the development. The Applicant will need to verify the capacity of existing water treatment and the public lines prior to obtaining a Water Quality and Public Works Permit associated with the future Architectural Review of additional storage buildings

constructed on the subject property.

Based on Staff review and analysis of the application, the proposed conditional use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Criterion 3 is met.

4. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

The subject property is in the MG Planning District. Surrounding Planning/Zoning Districts and land uses include:

- N: MG Automobile service and light industrial use on the Machine Specialists Inc. property; Light industrial use on the Suburban Grinding Company property
- E: MG Light industrial use on Suburban Grinding property (northeast)
FD10 (Future Development, 10-Acre) Unincorporated Washington County, Rayborn Plumbing property (office in single-family dwelling)
- S: IND (Industrial) Unincorporated Washington County; Light industrial use
GI (General Industrial) City of Sherwood; Vacant land and Light industrial use
- W: FD20 (Future Development, 20-Acre) Unincorporated Washington County; Vacant land
AF20 (Agriculture & Forestry) Unincorporated Washington County; Commercial nursery use

The Applicant states: "The proposed conditional use in this case will comply with applicable dimensional standards and will not cause undue noise, dust, odor, vibration or smoke. It will result in less traffic than the originally approved use for the site. Public infrastructure and services can accommodate the proposed use. Views of the proposed conditional use will be obscured by a sight-obscuring fence or buildings. Signage for the conditional use will be incorporated into signage for the site generally. Based on the foregoing, the proposed conditional use has limited potential impacts given the other uses existing on and proposed for the site. Therefore in this case, the potential impacts of the proposed conditional use are limited to properties within sight and sound of the conditional use (i.e., the nearby properties and public rights of way adjacent to the site)."

"In this case the underlying planning district for the subject property is the General Manufacturing [Planning] District (MG). The abutting properties to the north and east also are in the MG [Planning] District and contain industrial uses. The property to the south across SW Cipole Road is in an industrial district and contains auto-oriented industrial uses. The property to the west across SW Cipole Road is in an industrial

district. Although it contains an old rural dwelling set far back from the road, the property is used to store nursery plant material, a land extensive agricultural industry." The Applicant's narrative (Attachment E) also includes a photograph illustrating land uses in the vicinity of the subject property and the Applicant states: "Given the uses illustrated in the photograph ... and the findings in part 2 of this application narrative (see Table 1 [Land Uses and Zoning in Surrounding Area]), the 'character of the surrounding area' for this conditional use application is primarily industrial, which includes land extensive uses with outdoor storage and storage of business-related vehicles."

"The proposed conditional use is truck leasing and incidental temporary outdoor storage situated within a self-storage warehouse facility with a small associated office. Its characteristics --- parking and storage of business vehicles with incidental office activities in a warehousing context --- is identical to the majority of uses in the surrounding area."

The Applicant concludes: "Because the proposed conditional use is substantially similar to the uses in the surrounding area, based on the foregoing findings, it will not alter the character of the surrounding area in any manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying planning district."

Staff concurs with the Applicant's analysis and conclusion that the proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

Criterion 4 is met.

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

The Applicant states: "The only relevant objectives in this case are for the Manufacturing Districts in Section 7.030 of the Tualatin Development Code [TDC]." Following is a discussion of those objectives (in **bold face type**) the Applicant identified as applicable to the proposed conditional use and the Applicant's response to the objective (in "quotations").

7.030(1) Encourage new industrial development.

"The proposed conditional use is new development permitted in an industrial zone. It is by definition new industrial development."

7.030(2) Provide increased local employment opportunity, moving from 12 percent local employment to 25 percent, while at the same time making the City,

and in particular the Western Industrial District, a major regional employment center.

"The proposed conditional use will provide employment for one or more on-site personnel to manage the truck leasing business, and, by supplying trucks needed for the distribution of materials, supplies and products of industries in the vicinity, the conditional use facilitates industrial employment there."

7.030(3) Improve the financial capability of the City, through an increase in the tax base and the use of creative financing tools.

"By resulting in property development, the proposed conditional use increases property tax revenues and, hence, the financial capacity of the City."

7.030(6) Fully develop the Western Industrial District, providing full transportation, sewer, and water services prior to or as development occurs.

"As a result of Phase I development, the applicant has improved the adjoining half-width right of way of [SW] Cipole Road and extended sewer and water services to the site. The proposed conditional use will more fully develop a serviced site at the west edge of the City's industrial district, consistent with this objective."

7.030(11) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.

"As a result of Phase I development, the applicant has improved the adjoining half-width right of way of [SW] Cipole Road, which enhances the capacity of the road for truck traffic along a route that does not pass through or adjoin a residential area. The conditional use and other planned changes to site uses (see fn 7 above [Because of changing market conditions, the applicant intends to file an application for architectural review to convert most of the remaining unbuilt buildings on the site for recreational vehicle storage. Based on preliminary designs, that change will substantially reduce the number of storage units and, therefore, will substantially reduce the number of trips to and from the site.]) will reduce vehicle trips to/from the site compared to the uses approved in AR-07-10. Therefore the conditional use is consistent with this objective."

7.030(12) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of industrial use.

"The conditional use is consistent with this objective, because: (1) the proposed conditional use will not cause noise, vibration, fumes, odor or other environmental externalities detectable at the property line in excess of permitted levels, if at all; (2) there are no residential uses in the "surrounding area" as defined above; and (3) there

are no commercial or industrial uses in the surrounding area that are sensitive to the off-site impacts of the conditional use based on the "surrounding area" identified above."

The Applicant concludes: "Based on the findings above, the proposed conditional use satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the use."

The Applicant also provides a review of the proposed conditional use with respect to TDC Chapter 73 – Community Design Standards (Attachment E, pgs 21-33); however, this analysis is not required as part of the CUP application review process.

Staff concurs with the Applicant's analysis and conclusion that the proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above findings and analysis and with the recommended conditions of approval listed below, the proposed conditional use permit application for light truck rental, leasing and associated temporary storage meets the criteria of TDC 32.030.

Recommended Conditions of Approval:

1. To ensure that no additional traffic impacts occur on SW Cipole Road from the addition of the proposed conditional use, the fleet of the truck rental, leasing and temporary storage use on the site shall be limited to a maximum of ten (10) light trucks.
2. To reduce visibility of the proposed conditional use from surrounding properties, temporary storage of light trucks shall be visually obscured either by on-site sight-obscuring fencing or by on-site buildings.

MEMORANDUM

DATE: August 7, 2009

TO: Cindy Hahn
Assistant Planner

FROM: Tony Doran, EIT
Engineering Associate

SUBJECT: CUP 09-02, Tualatin Heated Storage Truck Rental - To allow rental, leasing, and incidental temporary storage of light trucks, 19800 SW Cipole Road, Tax Lot: 2S121DC01000

TDC 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Transportation

The site is adjacent to and development will have access to SW Cipole Road.

SW Cipole Road

SW Cipole Road, adjacent to this site, is a Washington County Collector, with a 74-foot right-of-way width. The City of Tualatin designates SW Cipole Road as a Major Collector (Cb&t) with a total width of 74 to 78 feet. This includes two 12-foot travel lanes, a 14-foot center turn lane, 6-foot bike lanes, 6-foot planter strips, and 6- to 8-foot sidewalks.

The Conditional Use Permit as reviewed consists of 6.34 acres property zoned MG (General Manufacturing) and previously reviewed under Architectural Review 07-10, Tualatin Mini Storage.

The scenarios generate the following traffic:

<u># of Lots</u>	<u>AM Peak</u>	<u>PM Peak</u>	<u>ADT</u>
AR 07-10	38	57	532
CUP 09-02	39	57	527

This conditional use permit will increase the AM Peak by 1 trip, not change the PM Peak, and reduce ADT by 5 trips from the currently allowed Architectural Review.

Washington County submitted an email on August 6, 2009 clarifying that the last requirements for the County were met.

Sanitary Sewer, Stormwater, & Water

For the future Architectural Review, downstream sizing for all public utilities will need to be evaluated by the developer for any changes from standard use or previously approved development. Any upsizing will be a requirement in the Architectural Review decision.

Public sanitary sewer, stormwater, and water lines exist in the SW Cipole Road adjacent to the development. The applicant will need to verify the capacity of existing water treatment and the public lines prior to obtaining a Water Quality and Public Works Permit associated with the development of the future Architectural Review.

Please let me know if you have questions, ext 3035.

RESOLUTION NO. _____

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR LIGHT TRUCK RENTAL, LEASING, AND ASSOCIATED TEMPORARY STORAGE IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 19800 SW CIPOLE ROAD (TAX MAP 2S121DC, TAX LOT 1000) (CUP 09-02).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on August 24, 2009, upon the application of Tualatin Mini-Storage, LLC by Welkin Engineering, PC; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote _- _]; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated August 24, 2009, marked "Exhibit C," attached and incorporated by reference; and

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

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

Section 1. The City Council agrees with the Community Development Director's Interpretation of TDC 32.030 and affirms and adopts the Interpretation.

Section 2. The Tualatin Mini-Storage, LLC is granted a Conditional Use Permit that would allow for light truck rental, leasing, and associated temporary storage in the General Manufacturing (MG) Planning District at 19800 SW Cipole Road (Tax Map 2S121DC, Tax Lot 1000) subject to the following conditions:

- a) To ensure that no additional traffic impacts occur on SW Cipole Road from the addition of the proposed conditional use, the fleet of the truck rental, leasing and temporary storage use on the site shall be limited to a maximum of ten (10) light trucks.

- b) To reduce visibility of the proposed conditional use from surrounding properties, temporary storage of light trucks shall be visually obscured either by on-site sight-obscuring fencing or by on-site buildings.

INTRODUCED AND ADOPTED this 24th day of August, 2009.

CITY OF TUALATIN, Oregon

By _____
Mayor

ATTEST:

By _____
City Recorder

RESOLUTION NO. 4921-09

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR LIGHT TRUCK RENTAL, LEASING, AND ASSOCIATED TEMPORARY STORAGE IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 19800 SW CIPOLE ROAD (TAX MAP 2S121DC, TAX LOT 1000) (CUP 09-02).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on August 24, 2009, upon the application of Tualatin Mini-Storage, LLC by Welkin Engineering, PC; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 6-0] with councilor Barhyte absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated August 24, 2009, marked "Exhibit C," attached and incorporated by reference; and

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

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

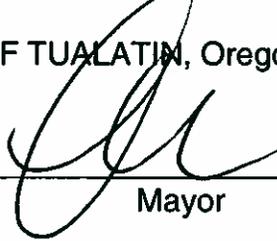
Section 1. The City Council agrees with the Community Development Director's Interpretation of TDC 32.030 and affirms and adopts the Interpretation.

Section 2. The Tualatin Mini-Storage, LLC is granted a Conditional Use Permit that would allow for light truck rental, leasing, and associated temporary storage in the General Manufacturing (MG) Planning District at 19800 SW Cipole Road (Tax Map 2S121DC, Tax Lot 1000) subject to the following conditions:

- a) To ensure that no additional traffic impacts occur on SW Cipole Road from the addition of the proposed conditional use, the fleet of the truck rental, leasing and temporary storage use on the site shall be limited to a maximum of ten (10) light trucks.
- b) To reduce visibility of the proposed conditional use from surrounding properties, temporary storage of light trucks shall be visually obscured either by on-site sight-obscuring fencing or by on-site buildings.

INTRODUCED AND ADOPTED this 24th day of August, 2009.

CITY OF TUALATIN, Oregon

By  _____
Mayor

ATTEST:

By  _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING RESOLUTION ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.

ATTACHMENT F

CUP-09-02: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 32.030 must be met if the proposed Conditional Use Permit (CUP) for light truck rental, leasing, and associated temporary storage is to be granted. The Applicant prepared a narrative that addresses the CUP criteria (Attachment E). Staff has reviewed the Applicant's material and included pertinent excerpts below.

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

The Applicant states: "TDC 61.030 lists conditional uses in the MG [Planning] District as follows in relevant part:

The following uses are permitted in accordance with TDC Chapter 32 and as restricted in TDC 61.031:

(1) All conditional uses listed in TDC 60.040, which are not otherwise permitted in TDC 61.020..."

"TDC 60.040(1)(p) lists the following as a conditional use in the MG [Planning] District:

Rental and leasing of autos and light trucks with incidental sale of vehicles, except not allowed in the Special Commercial Setback, TDC 60.035(1-3)."

"The proposed use is permitted as a conditional use based on TDC 60.040(1)(p) and 61.030(1) if it is not in an area designated for Special Setbacks for Commercial Uses and not otherwise permitted."

"Based on TDC Map 9-5, the site is not in an area subject to Special Setbacks for Commercial Uses. The proposed conditional use is not otherwise permitted in TDC 61.020, based on the list of uses in that section. Therefore, the proposed use is permitted as a conditional use consistent with TDC 60.040(1)(p) and 61.030(1)."

"TDC 60.040(2) provides the following use limitation in the ML zone in relevant part:

...[N]o conditional use allowed within an ML District, excepting building setbacks and areas for parking, circulation and landscaping, shall be located closer than 300 feet to any residential planning district boundary..."

"Based on TDC Map 9-1 and the summary of zoning and uses around the site on page 1 and Figure 1 of the application, the subject site is not closer than 300 feet to any residential planning district boundary. Therefore the proposed use complies with TDC 60.040(2)."

"TDC 60.041 lists other restrictions on conditional uses in the ML [Planning] District. Because the proposed conditional use does not involve retail commercial, retail service or professional service uses, and the site is not in an Employment Area on Map 9-4, TDC 60.041 and 61.031 do not apply to the proposed conditional use."

Staff concurs with the Applicant's analysis and conclusion that the proposed use is listed as a conditional use in the underlying Planning District.

Criterion 1 is met.

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

- Size:** The subject property is 6.34 acres (274,428 square feet [s.f.]) in size. Existing development on the site includes three (3) of the nine (9) mini-storage buildings, a small office building, and associated drive aisles, parking, landscaping, stormwater facility, and other site improvements approved in AR-07-10 for Phase I of the development as shown in the Existing Conditions Site Plan (Attachment C). The proposed conditional use would occupy an approximately 46 ft. x 100 ft. (4,600 s.f.) paved area on the west side of Building #8/C, or about 1.68% (4,600 s.f. / 274,428 s.f.) of the site for temporary storage of light trucks. The site's size is suitable for the proposed conditional use.
- Shape:** The shape of the subject property is a quadrilateral, which allows buildings to be laid out in parallel and perpendicular configurations that "result in efficient use of the land area for structures, bicycle and vehicle access, parking and maneuvering, landscaping, stormwater management, and site security and safety features". Access to the site is via a primary driveway and a service/fire driveway from SW Cipole Road. The site's shape is suitable for the proposed conditional use.
- Location:** The subject property is located at 19800 SW Cipole Road (Tax Map 2S1 21DC, Tax Lot 1000) at the west edge of the City of Tualatin in the General Manufacturing (MG) Planning District (see Attachment A, Vicinity Map). Land uses in the vicinity include auto-oriented and other light industrial use, a commercial nursery, and vacant land. The site's location in an area characterized by existing and permitted industrial uses minimizes potential land use conflicts that might occur if the site were situated among or near residential or other sensitive land uses. The site's location is suitable for the proposed conditional use.

Topography: The Applicant states: "The subject property slopes down gently to the north, facilitating the functioning of the stormwater management system that drains in that direction. The elevation difference from the south to the north property lines is about ten (10) feet for an average slope of 2.6%. The resulting grade is so shallow that it does not pose an obstacle to the stability and movement of vehicles or goods on the site. Drive aisles are graded to direct stormwater around buildings." The topography of the site is suitable for the proposed conditional use.

Improvements: As discussed above, existing development on the site includes three (3) of the nine (9) mini-storage buildings, a small office building, and associated drive aisles, parking, landscaping, stormwater facility, and other site improvements approved in AR-07-10 for Phase I of the development as shown in the Existing Conditions Site Plan (Attachment C). The proposed conditional use would occupy an approximately 46 ft. x 100 ft. (4,600 s.f.) paved area on the west side of Building #8/C, or about 1.68% of the site for temporary storage of light trucks. Existing buildings on the site will screen temporary truck storage from the north and east, and a sight-obscuring fence will screen truck storage from the west and south. In the future, when additional storage buildings are constructed, the future buildings will screen truck storage from the west and south. If existing improvements did not exist, the Applicant would have to provide them to accommodate the proposed conditional use. The existing improvements on the site are suitable for the proposed conditional use.

Natural Features: The site does not contain natural features. Four conifers are situated east of the property line and will not be affected by the proposed conditional use because of intervening distance and buildings. The site had been an agricultural field for many years prior to its development as Tualatin Mini-Storage as approved in AR-07-10. The site is not in a floodplain or other hazardous or sensitive natural area. The geotechnical assessment concluded that soils on the site are typical of the area. With respect to natural features, the site is suitable for the proposed conditional use.

The Applicant describes the subject property and concludes: "the proposed conditional use complies with TDC 32.030(2), because the characteristics of the site are suitable for the proposed use, including size, shape, location, topography, existence of improvements and natural features."

Staff concurs with the Applicant's analysis and conclusion that characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.

Criterion 2 is met.

3. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Transportation

SW Cipole Road, adjacent to this site, is a Washington County Collector, with a 74-ft. right-of-way width. The City of Tualatin designates SW Cipole Road as a Major Collector (Cb&t) with a total width of 74 to 78 ft. This includes two 12-ft. travel lanes, a 14-ft. center turn lane, 6-ft. bike lanes, 6-ft. planter strips, and 6- to 8-ft. sidewalks.

The Applicant states: "Based on recent traffic counts, the road is operating within its engineered or designated capacity. Affected intersections operate consistent with level of service or volume-to-capacity standards."

"Based on the original transportation impact study (Charbonneau Engineering, *Traffic Study for Tualatin Mini-Storage*, April 12, 2007), based on which the City approved AR-07-10, the original project, when built-out, would have generated the following number of vehicle trips:

Table 7 - 2007 Trip Generation Estimate without Conditional Use

ITE Land Use	Units (#)	Weekday						
		ADT*	AM Peak Hour			PM Peak Hour		
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Mini-whse generation rate	1901	0.28	0.02	67%	33%	0.03	50%	50%
Site trips		532	38	25	13	57	29	28

* Source: Trip Generation, 7th Ed., ITE, 2003, average rates

"Based on the updated traffic report (Dunn Traffic Engineering, June 2009), the existing and proposed uses will generate the following number of vehicle trips:

Table 8 - 2009 Trip Generation Estimate with Conditional Use

ITE Land Use	Max # of units	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Mini-whse generation rate	1781	498*	36	24	12	54	27	27
Truck rental generation rate	10	29**	3	2	1	3	1	2
Site trips		527	39	26	13	57	28	29

* Source: Trip Generation, 7th Ed., ITE, 2003, Land Use category #151 (Mini-Warehouse).

** Source: Penske customer transaction data for former Hillsboro site.

The Applicant concludes: "Based on the foregoing, and compared to the trip estimates associated with the original TIS, the proposed conditional use together with other existing and proposed permitted uses will not cause traffic volume that exceeds the capacity of the affected roads nor changes the level of service provided at affected intersections. Therefore the proposed development is timely, considering the adequacy of the relevant transportation system elements."

The Engineering Division reviewed the Applicant's submitted Traffic Impact Letter that showed the proposed conditional use will increase the AM Peak by 1 (one) trip, not change the PM Peak, and reduce Average Daily Trips (ADT) by 5 (five) trips from the currently allowed Architectural Review (AR-07-10), as shown in the following table:

	AM Peak	PM Peak	ADT
AR-07-10	38	57	532
CUP-09-02	39	57	527

(See Attachment G for the Engineering Division Memorandum and Attachment E for the Applicant's Materials including the Traffic Impact Letter.)

Washington County submitted an email on August 6, 2009, clarifying that the last requirements for the County were met.

Traffic generation from the proposed conditional use will not limit, impair or preclude surrounding properties from primary uses allowed in the MG Planning District.

Sanitary Sewer, Stormwater, and Water

The Applicant states: "Public utility systems (i.e., water, drainage and sanitary waste services) exist on the site and can accommodate the proposed conditional use, because the conditional use does not require public utilities in excess of the existing ones. Police protection will be provided by the City of Tualatin. Fire services will be provided by the Tualatin Valley Fire and Rescue District. The proposed conditional use does not increase the need for those services more than the need created by the uses approved in AR-07-10 if at all."

The Engineering Division reviewed the Applicant's materials with respect to public facilities and found that, for the future Architectural Review of additional storage buildings constructed on the subject property, downstream sizing for all public utilities will need to be evaluated by the developer for any changes from standard use or previously approved development. Any upsizing will be a requirement in the Architectural Review decision.

Public sanitary sewer, stormwater, and water lines exist in the SW Cipole Road adjacent to the development. The Applicant will need to verify the capacity of existing water treatment and the public lines prior to obtaining a Water Quality and Public Works Permit associated with the future Architectural Review of additional storage buildings

constructed on the subject property.

Based on Staff review and analysis of the application, the proposed conditional use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Criterion 3 is met.

4. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

The subject property is in the MG Planning District. Surrounding Planning/Zoning Districts and land uses include:

- N: MG Automobile service and light industrial use on the Machine Specialists Inc. property; Light industrial use on the Suburban Grinding Company property
- E: MG Light industrial use on Suburban Grinding property (northeast)
FD10 (Future Development, 10-Acre) Unincorporated Washington County, Rayborn Plumbing property (office in single-family dwelling)
- S: IND (Industrial) Unincorporated Washington County; Light industrial use
GI (General Industrial) City of Sherwood; Vacant land and Light industrial use
- W: FD20 (Future Development, 20-Acre) Unincorporated Washington County; Vacant land
AF20 (Agriculture & Forestry) Unincorporated Washington County; Commercial nursery use

The Applicant states: "The proposed conditional use in this case will comply with applicable dimensional standards and will not cause undue noise, dust, odor, vibration or smoke. It will result in less traffic than the originally approved use for the site. Public infrastructure and services can accommodate the proposed use. Views of the proposed conditional use will be obscured by a sight-obscuring fence or buildings. Signage for the conditional use will be incorporated into signage for the site generally. Based on the foregoing, the proposed conditional use has limited potential impacts given the other uses existing on and proposed for the site. Therefore in this case, the potential impacts of the proposed conditional use are limited to properties within sight and sound of the conditional use (i.e., the nearby properties and public rights of way adjacent to the site)."

"In this case the underlying planning district for the subject property is the General Manufacturing [Planning] District (MG). The abutting properties to the north and east also are in the MG [Planning] District and contain industrial uses. The property to the south across SW Cipole Road is in an industrial district and contains auto-oriented industrial uses. The property to the west across SW Cipole Road is in an industrial

district. Although it contains an old rural dwelling set far back from the road, the property is used to store nursery plant material, a land extensive agricultural industry." The Applicant's narrative (Attachment E) also includes a photograph illustrating land uses in the vicinity of the subject property and the Applicant states: "Given the uses illustrated in the photograph ... and the findings in part 2 of this application narrative (see Table 1 [Land Uses and Zoning in Surrounding Area]), the 'character of the surrounding area' for this conditional use application is primarily industrial, which includes land extensive uses with outdoor storage and storage of business-related vehicles."

"The proposed conditional use is truck leasing and incidental temporary outdoor storage situated within a self-storage warehouse facility with a small associated office. Its characteristics --- parking and storage of business vehicles with incidental office activities in a warehousing context --- is identical to the majority of uses in the surrounding area."

The Applicant concludes: "Because the proposed conditional use is substantially similar to the uses in the surrounding area, based on the foregoing findings, it will not alter the character of the surrounding area in any manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying planning district."

Staff concurs with the Applicant's analysis and conclusion that the proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

Criterion 4 is met.

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

The Applicant states: "The only relevant objectives in this case are for the Manufacturing Districts in Section 7.030 of the Tualatin Development Code [TDC]." Following is a discussion of those objectives (in **bold face type**) the Applicant identified as applicable to the proposed conditional use and the Applicant's response to the objective (in "quotations").

7.030(1) Encourage new industrial development.

"The proposed conditional use is new development permitted in an industrial zone. It is by definition new industrial development."

7.030(2) Provide increased local employment opportunity, moving from 12 percent local employment to 25 percent, while at the same time making the City,

and in particular the Western Industrial District, a major regional employment center.

“The proposed conditional use will provide employment for one or more on-site personnel to manage the truck leasing business, and, by supplying trucks needed for the distribution of materials, supplies and products of industries in the vicinity, the conditional use facilitates industrial employment there.”

7.030(3) Improve the financial capability of the City, through an increase in the tax base and the use of creative financing tools.

“By resulting in property development, the proposed conditional use increases property tax revenues and, hence, the financial capacity of the City.”

7.030(6) Fully develop the Western Industrial District, providing full transportation, sewer, and water services prior to or as development occurs.

“As a result of Phase I development, the applicant has improved the adjoining half-width right of way of [SW] Cipole Road and extended sewer and water services to the site. The proposed conditional use will more fully develop a serviced site at the west edge of the City’s industrial district, consistent with this objective.”

7.030(11) Provide truck routes for industrial traffic that provide for efficient movement of goods while protecting the quality of residential areas.

“As a result of Phase I development, the applicant has improved the adjoining half-width right of way of [SW] Cipole Road, which enhances the capacity of the road for truck traffic along a route that does not pass through or adjoin a residential area. The conditional use and other planned changes to site uses (see fn 7 above [Because of changing market conditions, the applicant intends to file an application for architectural review to convert most of the remaining unbuilt buildings on the site for recreational vehicle storage. Based on preliminary designs, that change will substantially reduce the number of storage units and, therefore, will substantially reduce the number of trips to and from the site.]) will reduce vehicle trips to/from the site compared to the uses approved in AR-07-10. Therefore the conditional use is consistent with this objective.”

7.030(12) Protect residential, commercial, and sensitive industrial uses from the adverse environmental impacts of industrial use.

“The conditional use is consistent with this objective, because: (1) the proposed conditional use will not cause noise, vibration, fumes, odor or other environmental externalities detectable at the property line in excess of permitted levels, if at all; (2) there are no residential uses in the “surrounding area” as defined above; and (3) there

are no commercial or industrial uses in the surrounding area that are sensitive to the off-site impacts of the conditional use based on the "surrounding area" identified above."

The Applicant concludes: "Based on the findings above, the proposed conditional use satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the use."

The Applicant also provides a review of the proposed conditional use with respect to TDC Chapter 73 – Community Design Standards (Attachment E, pgs 21-33); however, this analysis is not required as part of the CUP application review process.

Staff concurs with the Applicant's analysis and conclusion that the proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above findings and analysis and with the recommended conditions of approval listed below, the proposed conditional use permit application for light truck rental, leasing and associated temporary storage meets the criteria of TDC 32.030.

Recommended Conditions of Approval:

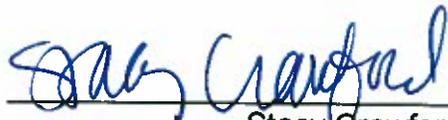
1. To ensure that no additional traffic impacts occur on SW Cipole Road from the addition of the proposed conditional use, the fleet of the truck rental, leasing and temporary storage use on the site shall be limited to a maximum of ten (10) light trucks.
2. To reduce visibility of the proposed conditional use from surrounding properties, temporary storage of light trucks shall be visually obscured either by on-site sight-obscuring fencing or by on-site buildings.

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

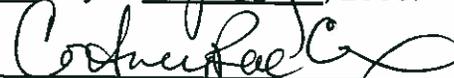
I, Stacy Crawford, being first duly sworn, depose and say:

That on the 27th day of July, 2009, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.



Stacy Crawford

SUBSCRIBED AND SWORN to before me this 27th day of July, 2009.



Notary Public for Oregon
My commission expires: 9/21/2011



RE: CUP-09-02—A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR LIGHT TRUCK RENTAL, LEASING, AND ASSOCIATED TEMPORARY STORAGE IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 19800 SW CIPOLE ROAD (TAX MAP 2S121DC, TAX LOT 1000)

EXHIBIT A

Exhibit "A"

2S121C0 01202
Cipole Road Holdings LLC
8575 SW Sorrento Rd
Beaverton, OR 97008

2S121C0 01202
Current Resident
19785 SW Cipole Rd
Sherwood, OR 97140

2S121D0 00301
Row-En-Do LLC
17540 63rd Ave
Lake Oswego, OR 97035

2S121D0 00301
Current Resident
12965 SW Herman Rd
Tualatin, OR 97062

2S121DB 00200
Nicoli Pacific LLC
19600 SW Cipole Rd
Tualatin, OR 97062

2S121DB 00200
Current Resident
19500 SW Cipole Rd
Tualatin, OR 97062

2S121DC 00500 & 00600
Larry & Judy Ludwig
PO Box 473
Tualatin, OR 97062

2S121DC 00600
Current Resident
13025 SW Herman Rd
Tualatin, OR 97062

2S121DC 00500
Current Resident
13005 SW Hermand Rd
Tualatin, OR 97062

2S121DC 00700 & 00800
Howard & Kathy Rayborn
19990 SW Cipole Rd
Tualatin, OR 97062

2S121DC 00801 & 00900
Howard & Kathy Rayborn
19990 SW Cipole Rd
Tualatin, OR 97062

2S121DC 01100
Machine Specialties Inc
19730 SW Cipole Rd #1
Tualatin, OR 97062

2S121DD 00300
Current Resident
19675 SW 129th Ave
Tualatin, OR 97062

2S121DD 00300
Rogers Equipment Leasing LLC
227 Bellevue Way NE #78
Bellevue, WA 98004

2S121DD 00400
Gulsons
307 Lewers St #6th
Honolulu, HI 96815

2S121DD 00400
Current Resident
19635 SW 129th Ave
Tualatin, OR 97062

2S128A0 00104
Lumber Products
19855 SW 124th Ave
Tualatin, OR 97062

2S128A0 00600
BMC West Corporation
PO Box 70006
Boise, ID 83707

2S128A0 00600
Current Resident
20285 SW Cipole Rd
Sherwood, OR 97140

2S128A0 00700
Current Resident
19985 SW Cipole Rd
Sherwood, OR 97140

2S128A0 00700
Great Northwest Gutters LLC
19975 SW Cipole Rd
Sherwood, OR 97140

2S128A0 00800
Current Resident
19945 SW Cipole Rd
Sherwood, OR 97140

2S128A0 00800
Jason Ludwig
19445 SW Cipole Rd
Sherwood, OR 97140

2S128A0 00900
Current Resident
19915 SW Cipole Rd
Sherwood, OR 97140

2S128A0 00900
John Waddill
PO Box 1464
Coos Bay, OR 97420

2S128A0 01600
Current Resident
13300 SW Galbreath Dr
Sherwood, OR 97140

2S128A0 01600
Patrick Lee Enstrom
9304 SW 51st Ave
Portland, OR 97219



Exhibit "B"

City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at **7:00 p.m., Monday, August 24, 2009**, at the Council Building, 18880 SW Martinazzi Avenue, to consider:

CUP-09-02—A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR LIGHT TRUCK RENTAL, LEASING, AND ASSOCIATED TEMPORARY STORAGE IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 19800 SW CIPOLE ROAD (TAX MAP 2S121DC, TAX LOT 1000)

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

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

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

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

Copies of the applications, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the City Library and Planning Division at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact **Cindy Hahn, Assistant Planner, at (503) 691-3029**. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

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

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 27th day of July, 2009, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:

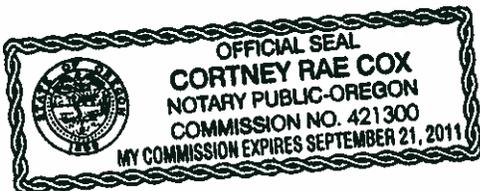
1. U.S. Post Office - Tualatin Branch
2. City of Tualatin City Center Building

Dated this 27th day of July, 2009.



Stacy Crawford

Subscribed and sworn to before me this 27th day of July, 2009.





Notary Public for Oregon
My Commission expires: 9/21/2011

RE: CUP-09-02—A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR LIGHT TRUCK RENTAL, LEASING, AND ASSOCIATED TEMPORARY STORAGE IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 19800 SW CIPOLE ROAD (TAX MAP 2S121DC, TAX LOT 1000)



City of Tualatin

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CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date Aug. 24, 2009

Recording Secretary S. McLennan

For: M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Michael A. McKillip, City Engineer 

DATE: August 24, 2009

SUBJECT: APPROVAL OF CITY INSTALLATION OF FIRE HYDRANT
REQUIRED FOR THE ROBINSON CROSSING II PROJECT

ISSUE BEFORE THE COUNCIL:

Council will consider using City Water Utility funds to install public fire hydrants in the downtown area to meet the building and fire code requirements for the Robinson Crossing II development.

RECOMMENDATION:

Staff recommends Council evaluate and decide:

1. Does Council want to participate in providing the required fire hydrants for the Robinson Crossing II development?
2. If yes, how much to participate?

EXECUTIVE SUMMARY:

Staff is working with the Robinson Crossing II developer to issue building and related permits for the Robinson Crossing II project. At this time the developer is proceeding to build the parking structure only. The office building structure will be built at a later time.

Based on the size of both the parking and office structures, type of construction, and occupancy types four (4) fire hydrants are required to service the structures. At the current time there is only one fire hydrant that will meet the TVF&R requirements for serving this development.

There are three options for meeting the fire hydrant requirement.

1. The developer can install the three additional required public fire hydrants. These additional public fire hydrants would be located as shown on Attachment 1. There would be no City involvement in this option.
2. The City can install the required public fire hydrants. These additional fire hydrants would be located as shown on Attachment 1.
3. The City can install two new public fire hydrants and have the developer upgrade the parking and office structures to provide alternatives to the additional hydrant. These upgrades are listed on Attachment 2.

It is staff's opinion that option 3 is the better option for the following reasons:

1. It gives the developer more flexibility in the future to deal with changes in tenants and uses.
2. It provides a higher degree of safety for occupants of the Robinson Crossing II structures and other structures in this area.
3. It establishes a public- private partnership between the City and developer. This builds on the sanitary sewer partnership and sets precedence for City participation in future projects of this nature in the Urban Renewal District.
4. It conserves limited City resources for use on other projects in the future.

The developer has indicated that he does not want to proceed with option 3. He has indicated the Robinson Crossing II project does not have the financial resources or ability to incur the costs to install the Alternate Methods and Materials to eliminate one public fire hydrant.

Most building projects that require additional fire hydrants install private fire hydrants. These are located on private property and are separated from the City water system by a backflow prevention device, usually a double check valve assembly.

At the Robinson Crossing II project there are very limited areas on the building site that are large enough to install private fire hydrants. This results in additional public hydrants being installed in the public right of way.

These additional two public fire hydrants will serve other existing and future developments in the area. Specifically Robinson Crossing I and any redevelopment on the block south of Robinson Crossing II will benefit from these additional fire hydrants. This larger benefit justifies the City participating in the installation of the fire hydrants.

The special benefit to the developer is the ability to build the Robinson Crossing II project. This benefit justifies the developer participating in the cost of the public fire hydrants or upgrading the building construction to reduce the number of fire hydrants required.

The result of these shared benefits is the basis of the partnership option being recommended.

OUTCOMES OF DECISION:

If Council directs staff to proceed with options 2 or 3 several things will occur. There will be changes to the FY 09/10 Water Utility budget and a project to install either two or three fire hydrants will be designed and constructed.

Funds for the installation of these fire hydrants could be reimbursed by the Tualatin Development Commission (TDC) if the District is extended. This is similar to the funding for the sanitary sewer extension to serve this project. This will require a separate agreement between the City and TDC. These agreements will be prepared if the Council directs staff to proceed with the reimbursement.

If the Council chooses option 1 , then the developer will have to provide the public fire hydrants. There will be no further staff involvement except to issue public works permits for the installation of the public fire hydrants.

FINANCIAL IMPLICATIONS:

The estimated cost to install the three fire hydrants is \$55,000. The estimated cost to install two fire hydrants is \$41,000. This would install one hydrant at Boones Ferry Road and Seneca and one hydrant between the Robinson Crossing I and II developments on Boones Ferry Road. No design has been done on this project at this time. These numbers will change based on what needs to be done to work around the existing utilities.

The estimated cost to upgrade the structures is \$53-80,000. This is based on staff's estimate of what contractors say things cost.

- Attachments:**
1. Map showing fire hydrant locations (Options 1, 2, 3)
 2. List of structure upgrades as an alternate to a fire hydrant (Option 3)

ROBINSON CROSSING II

Attachment 1

8/12/09



▼ = New Fire Hydrants
(Option #, #, #)

FERRY RD

SW BOONES

Robinson Crossing

▼ (1,2,3)

Future Robinson Crossing II

SW 84TH AVE

SW

SW

SW SENECA ST

▼ (1,2,3)

(1,2) ▼



ATTACHMENT 2

LIST OF STRUCTURE UPGRADES:

Alternate Method and Material	Contained in Current Plan Submittal (yes or no)	Estimated Cost To Add
Use construction type II B	Yes	\$0
Upgrade construction in stairways from 1-hour to 2-hour	No	\$5-10K
Provide full fire sprinkler coverage	Yes	\$0
Provide full fire detection system throughout	No	\$25-40K
Provide standpipe system in both stairways with access points in the parking garage, at each floor, and one on the roof	No	\$5K
Provide stairs from the stairways to the roof for emergency access	No	\$3-5K
Provide 1-hour construction in exit corridors	No	No additional cost; needs to be identified on plans
2-hour construction around the elevator core	No	\$3K
Provide a larger elevator for medical access	No, Developer has indicated this will be changed	\$0
Provide areas of rescue assistance with call stations	No	\$15-20K
Provide a horizontal concrete slab to separate the garage and office building; provide 2-hour separation	No	\$0 Need engineering details from existing slab to be approved

Cost Estimates based on Building Division's knowledge of cost in construction. Cost not based on design or contractor estimates.



Approved By Tualatin City Council

Date Aug. 24, 2009

Recording Secretary S. McLennan

For M. Smith

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney *BB*
Linda Odermott, City Paralegal *LO*

DATE: August 24, 2009

SUBJECT: AN ORDINANCE RELATING TO TRAFFIC OFFENSES; AND
AMENDING TMC 8-3-020

ISSUE BEFORE THE COUNCIL:

The Council will consider whether to adopt the ordinance relating to traffic offenses to update the Tualatin Municipal Code.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached ordinance relating to traffic offenses; and amending TMC 8-3-02.

EXECUTIVE SUMMARY:

The Oregon State Legislature amends various sections of the Oregon Revised Statutes every two years. As a result, it is necessary to periodically update the Tualatin Municipal Code sections that incorporate state statutes into the TMC by reference. The proposed ordinance will incorporate the statutes relating to traffic to assure our ordinance is current.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Ordinance

ORDINANCE NO. 1287-09

AN ORDINANCE RELATING TO TRAFFIC OFFENSES; AND
AMENDING TMC 8-3-020

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. TMC 8-3-020 (1) is amended to read as follows:

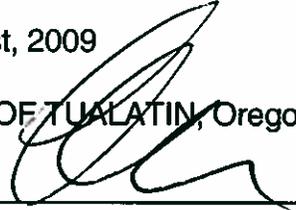
The definitions contained in the Oregon Vehicle Code, ORS Chapter 801, as constituted on the date this 1998 ordinance takes effect, are incorporated by reference. The Municipal Court, pursuant to ORS 221.339, shall have concurrent jurisdiction of all state traffic offenses committed within the City. Violation of provisions of Oregon Revised Statutes, Chapter 153, and 801 through 822, inclusive except for chapter 813, is an offense against the City.

Remaining sections of TMC 8-3-020 unchanged.

INTRODUCED AND ADOPTED this 24th day of August, 2009

CITY OF TUALATIN, Oregon

BY



Mayor

ATTEST:

BY



City Recorder



City Attorney