



# City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council  
Date 11-9-09  
Recording Secretary M. Smith

## TUALATIN CITY COUNCIL WORK SESSION MINUTES OF OCTOBER 12, 2009

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

ABSENT: Mayor Ogden\* [*\* denotes excused*]

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

### **A. CALL TO ORDER**

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

### **B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

*Council reviewed the Consent Agenda with no changes.*

#### **1. Conditional Use Permits in Residential Planning Districts**

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

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

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

#### **2. Public Hearing/Land Use Notification Requirements**

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

followed and a suggestion was to make land use posting signs larger for greater visibility. Notifying an entire subdivision was also mentioned, and it was suggested to increase the notification from 300 to 500 feet. Councilor Maddux asked about looking at costs associated with increasing to 500 feet.

Staff will check on costs and increasing the sign on site, and will return with more information at a future meeting.

3. *Comment Letter to Metro*

City Manager Sherilyn Lombos said the issue is Metro's recommendations for the "Making the Greatest Place" program. A letter has been prepared on Tualatin's response to Metro. Discussion followed on whether Metro's recommendations support Tualatin's Local Aspirations. Ms. Lombos said the comment period ends Thursday and a public hearing will be held at Metro, and it was suggested and affirmed that a councilor will attend the hearing.

4. *Allocations of Funds to Outside Agencies*

City Manager Lombos said \$22,550 was received in requests from outside agencies and there is \$15,000 allocated in the budget. Carina Christensen reviewed a spreadsheet indicating the past years requests and what is requested this year. Councilor Truax suggested the funding request from the Farmers Market come from another fund source, as it is not appropriate in this request. Discussion followed on the requests and the amount to be allocated to each agency, with a determination to allocate a reduced funding request amount of \$4,000 to the Family Resource Center, and increase the funding request of the Schoolhouse Food Pantry to \$4,000.

**C. CITIZEN COMMENTS – N/A**

**D. CONSENT AGENDA**

Council reviewed the Consent Agenda earlier in the work session with no changes.

**E. PUBLIC HEARINGS – *Legislative or Other***

N/A

**F. PUBLIC HEARINGS – *Quasi-Judicial***

N/A

**G. GENERAL BUSINESS – N/A**

**H. ITEMS REMOVED FROM CONSENT AGENDA – N/A**

**I. COMMUNICATIONS FROM COUNCILORS**

Councilor Maddux mentioned her observation of an 18-wheeler traveling on the Garden Corner road, and the dangerousness of the situation.

Councilor Beikman said last Wednesday she spent the morning walking her kids to school, for the "International Walk and Bike to School Day". There was a large group of parents that participated, with 230 kids from Byrom Elementary. Overall, including high school students, there were over 600+ kids that participated, and was a great success.

Councilor Harris said the Washington County Consolidated Communications Agency (WCCCA) is holding a retreat that he will be attending.

Council President Barhyte said the final urban/rural reserves steering committee meeting is coming up. Also the Metropolitan Area Communications Commission (MACC) has reviewed the proposed Verizon/Frontier merger.

Councilor Maddux noted an error to the Tualatin Development Commission (TDC) September 14, 2009 Work Session minutes. She was present at the work session, but the minutes did not reflect that.

#### **J. EXECUTIVE SESSION**

None.

#### **K. ADJOURNMENT**

The work session adjourned at 6:55 p.m.

Sherilyn Lombos, City Manager

Recording Secretary

  
\_\_\_\_\_



# City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council  
Date 11-9-09  
Recording Secretary *M. Smith*

## TUALATIN CITY COUNCIL MEETING MINUTES OF OCTOBER 12, 2009

**PRESENT:** Mayor Pro tem Chris Barhyte, Councilors Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Mike McKillip, City Engineer; Brenda Braden, City Attorney; Community Development Director Doug Rux; Kent Barker, Police Chief; Maureen Smith, Recording Secretary

**ABSENT:** Mayor Lou Ogden\* [*\* denotes excused*]

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

### **A. CALL TO ORDER**

Mayor Pro tem Barhyte called the meeting to order at 7:00 p.m.

Councilor Beikman led the pledge of allegiance.

### **B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

#### *1. Tualatin Youth Advisory Council Update*

Members of the Youth Advisory Council (YAC) were present and gave an update on events and activities. They participated in the International Walk and the upcoming Giant Pumpkin Regatta. Also four YAC members will be attending the National League of Cities (NLC) conference in San Antonio, and last week three members attended the League of Oregon Cities conference in Portland.

Councilor Beikman also took a moment to thank all the parents for the huge success of the "International Walk and Bike to School Day."

#### *2. Commuter Rail Update*

City Manager Sherilyn Lombos gave a brief update. TriMet has received final approval to use stimulus dollars, clearing the way for the funding mechanism. She also mentioned on tonight's agenda is a staff report for approval of urban renewal funds for the crossings. The "quiet zones" should be in place in 2010.

### **C. CITIZEN COMMENTS**

*Linda Moholt, Tualatin Chamber of Commerce, 18791 SW Martinazzi Avenue, gave a brief update on the Chamber. Ms. Moholt said she has been on board for one year and the Chamber has experienced a lot of growth. The Chamber is taking a stronger stand on advocacy and supporting the city on transportation issues. They have also developed an economic development task force, to support the efforts of the city, helping businesses and welcoming new businesses. Ms. Moholt mentioned the commuter shuttle, which is a federal grant program, that picks up employees to their place of business, will be adding a second shuttle soon. Also tying in with the "fit city" concept, the Chamber has introduced their first "run" as part of the City's annual Pumpkin Regatta, which establishes a scholarship fund for Tualatin High School students. Ms. Moholt distributed a brochure that lists the sponsors of the "run". The cost is \$25 and more information is available at [www.tualatinchamber.com](http://www.tualatinchamber.com).*

**D. CONSENT CALENDAR**

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

1. Approval of the Work Session and Meeting Minutes of September 14, 2009 and the Special Council Meeting of September 21, 2009
2. Resolution No. 4934-09 Updating Core Area Parking District Maps in TMC Chapter 8-3 Schedule C, Regulation of Time Zones; Rescinding Resolution No. 4765-08
3. Resolution No. 4935-09 Updating Policies for the Core Area Parking District; Rescinding Resolution No. 4069-03
4. Resolution No. 4936-09 Approving a Quitclaim of a Public Sanitary Sewer Easement

MOTION CARRIED.

**E. PUBLIC HEARINGS – Legislative or Other**

1. Public Hearing to Consider an Ordinance Relating to Modifications of the Tualatin Central Urban Renewal Plan; Amending TDC 30.010 (PTA-09-05)

Mayor Pro tem Barhyte opened the public hearing.

Community Development Director Rux presented the staff report and entered the entire staff report into the record. This is a public hearing for a plan text amendment to consider modifications to the Central Urban Renewal Plan to include commuter rail train horn noise mitigation as a project.

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

PROPOSERS/OPPONENTS – None.

COUNCIL DISCUSSION

MOTION by Councilor Maddux, SECONDED by Councilor Beikman to direct staff to prepare an ordinance granting PTA-09-05.

Ordinance No. 1290-09 Relating to Modifications of the Tualatin Central Urban Renewal Plan; Amending TDC 30.010 (PTA-09-05)

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

**F. PUBLIC HEARINGS – Quasi-Judicial**

1. Public Hearing to Consider a Sign Variance for Dick's Sporting Goods Store in the General Commercial (CG) Planning District at 17799 SW Lower Boones Ferry Road (Tax Map 21E 18BC, Tax Lot 1001) (SVAR-09-01)
- 

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

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. Mr. Harper said this is for a variance for Dick's Sporting Goods store in the General Commercial (CG) Planning District at 17799 SW Lower Boones Ferry Road, at the Meridian Square Shopping Center. It is comprised of various businesses and dominated by the I-5 freeway interchange. Dick's Sporting Goods is in the process of renovating the former Joe's retail store site.

Mr. Harper reviewed the criteria, and said variances are based on hardship as noted in the Tualatin Development Code (TDC). He noted the shopping center development itself was built in the mid-80's. There are other tenants, and these properties all share access and share parking and sign space. The various criteria identified in the staff report was explained by Mr. Harper.

**APPLICANT**

*Steve Pfeiffer, 1120 NW Couch Street, Portland, OR*, representing the applicant, spoke on the current existing sign and what is allowed. They are only asking for a six foot square increase in the signage area, from 150 to 156 square feet, and Dick's Sporting will forego all other signage on the east, west, and north. On page 219 is an example of the proposed signage they are asking for, and by their measure is actually a *net* reduction of signage.

Mr. Pfeiffer said precedent is often a concern on variances, and said he'd be surprised to find other retailers in the area that are willing to forego other signage that is allowed, as in this case. Mr. Pfeiffer said as far as other retail centers, Dick's Sporting isn't really any different than other retailers, and even with the increased façade, it cannot be seen from the freeway. At the end of the day this site has a limited visibility, and is a relatively minor increase in signage. Dick's Sporting is making a commitment to the community and a \$4 million redevelopment of the building site. Mr. Pfeiffer believes the applicant has a compelling argument.

*Jim Nicola, ImageOne Industries*, representing the applicant, said they are asking for a relationship with the City and work together, they just want to be successful. He mentioned in other Dick's Sporting Goods locations across the country the sign has been 8 to 9 feet. Mr. Nicola reiterated the goal for Dick's Sporting Goods is for them to be successful and they have put in a good faith effort. They have already employed 64 people and hope to go to 80. Mr. Nicola said they are only asking for an extra two feet on their lettering. Mr. Nicola said they are excited to be in Tualatin.

*Linda Moholt, Tualatin Chamber of Commerce, 18791 SW Martinazzi Ave, Tualatin, OR*, said she has she has been involved in meetings and talking with business owners, regarding the City's sign code regulations. She said there should be no doubt in her mind that Tualatin is interested in attracting businesses, and to work together and come to a collaborative decision. She supports the request of Dick's Sporting Goods.

### COUNCIL DISCUSSION

Councilor Maddux asked if the staff report factored the reduction of signage for the increased lettering. Mr. Harper replied it did not. It was asked and answered that conditions are allowed in the sign variance. City Attorney Brenda Braden said precedence is always fact-specific, and does not necessarily set precedence, but rather on a case by case basis.

Councilor Harris asked if four foot high letters were located on Boones Ferry Road would be allowed, and Mr. Harper replied in the affirmative. Councilor Harris asked that there is no consideration for setback or distance from the roadway in the Development Code and Mr. Harper said there is not. Councilor Harris asked about the area of the green sign backboard, the width and height. Renderings were shown to Council of how the signage is proposed.

Brad Pope, District Manager for the Northwest Dick's Sporting Goods stores said they currently have six stores opening at the same time, less than thirty days away.

It was asked by Councilor Davis and Mr. Harper answered about the maximum signage allowed by the sign code and what the total square footage is being proposed by Dick's Sporting Goods.

Mayor Pro tem Barhyte asked if there could be any way the building owner could come back with a pole sign. Mr. Harper said Dick's is just a tenant, and the property owner would need to establish these conditions.

Mr. Pfeiffer said the applicant has the consent of the underlying property owner and they have applications for a four foot and six foot sign. Dick's wants to open by November 1, and Mr. Pfeiffer said if approved, they would also like to get the sign placed as soon as possible.

Mayor Pro tem Barhyte closed the public hearing.

### COUNCIL DELIBERATIONS

Councilor Maddux said she is in support of this and the concept of "trading out" the other signs, and meeting criteria 1 through 6 she would be willing to move forward, except for No. 4, with respect to the sign variance being necessary for preservation of property right of the owner.

Councilor Harris said he is in favor of granting the variance with a setback from Boones Ferry Road, and said the actual increase in lettering is not extraordinary. He welcomed Dick's Sporting Goods to Tualatin.

MOTION to Councilor Maddux, SECONDED by Councilor Harris, to approve the criteria listed in the staff report Nos. 1 through 6, with the caveat of nonexistent property rights, and to attempt to get something in writing from the property owner.

#### Discussion on Motion

Councilor Truax said to include in the conditions a letter from the property owner, not just attempt, and that Dick's Sporting Goods foregoes the other exterior signage, to include as a condition of approval of granting the variance.

MOTION CARRIED. [Vote: 6-0-1; YES – Barhyte, Beikman, Davis, Harris, Maddux, Truax; NO – None; Ogden absent]

**G. GENERAL BUSINESS**

*None.*

**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**

*None.*

**K. ADJOURNMENT**

MOTION by Councilor Truax, SECONDED by Councilor Maddux to adjourn the meeting at 8:25 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary

  
\_\_\_\_\_