



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, October 12, 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

Page No.

1. Tualatin Youth Advisory Council Update
2. Commuter Rail Update

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 – 4)

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 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

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)

1a. Consideration of Ordinance After Conclusion of the Public Hearing

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

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)

1a. Consideration of Resolution After Conclusion of the Public Hearing

Resolution No. _____ ~~Denying the Request for 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)~~

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. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT



CITY COUNCIL SIGN-UP SHEET

DATE: OCTOBER 12, 2009

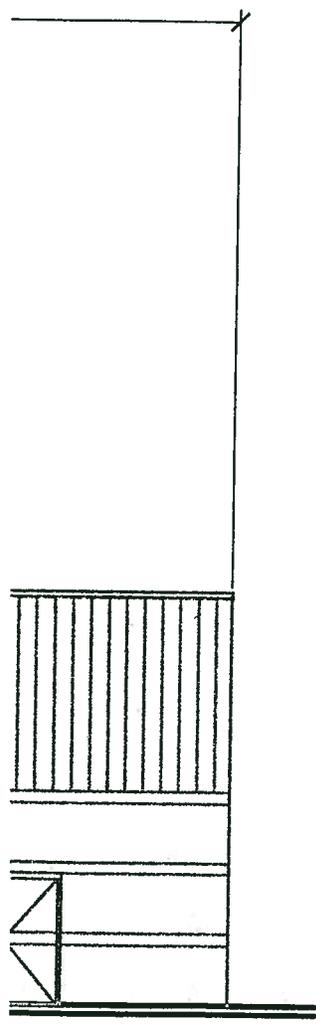
PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	<i>Luide Moholt</i>	<i>Tuvaluin Chamber 18791 SW Northwazi</i>	<i>luide@tuvaluinchamber.com</i>	<i>Chamber</i>	
2.					
3.					
4.					
5.					
6.					
7.					
8.					

Two maps submitted for the record at Oct. 12, 2009 Council meeting. Item F-1

**** these two maps can be viewed in hard copy with the minutes for the meeting of 10-12-2009****



DRAWINGS PREPARED BY

imageone ind. identification specialists

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BY	HJG IV		
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Submitted for the record at
Oct. 12, 2009 Council meeting, Item F.



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October 12, 2009

VIA HAND DELIVERY

Mayor Lou Ogden
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062-7092

**Re: SVAR-09-01; Response to Staff Report Regarding Sign Variance
Application for Dick's Sporting Goods Store.**

Dear Mayor Ogden:

This office represents ImageOne Industries with regard to the above-referenced application for a sign variance for a proposed Dick's Sporting Goods store located at 17799 SW Lower Boones Ferry Road. As addressed in the application narrative, this sign variance is requested due to the unique location and configuration of the retail center in which the store is located, which results in diminished retail visibility and creates an operational and marketing hardship that does not generally apply to other properties in the same planning district. While City staff has recommended denial of the variance, for reasons discussed more fully below, we believe that City Council is afforded substantial deference to approve this variance request based upon these specific facts and under the applicable criteria.

The purpose of this letter is to set forth our basis for this conclusion and to request approval of this variance by the City.

I. The City is Afforded Substantial Deference to Approve this Variance Request.

Pursuant to Tualatin Development Code ("TDC") 33.022, the approval criteria for a sign variance requires the showing of a hardship resulting from exceptional or extraordinary conditions applicable to the property that do not generally apply to other properties in the same planning district. The approval criteria also require that the hardship not result from the actions of the applicant or previous owner, that the variance is the minimum remedy necessary to

71701-0001/LEGAL17103624.1

eliminate the hardship, and that the variance be necessary to preserve a property right substantially the same as is possessed by owners in the same planning district.

As described in more detail below, the variance request is based upon five fundamental factors demonstrating the required hardship and justifying the need for the variance as follows:

- the Site is an interior lot which does not face a major public roadway;
- the Site is not visible from Interstate 5 because of the topography of the Site and the intervening landscaping and dense foliage;
- the building for which the wall sign variance is proposed is located at the rear of the Site, is blocked by two large restaurants that front the major public roadway, and is surrounded on all other sides by large buildings and structures of equal height;
- the proposed letter height and total sign area are appropriately sized for the subject building and are of appropriate scale considering the subject building is set so far back from the major public roadway; and
- the proposed variance will allow clear and effective signage essential to the successful operation of the business on the Site and will likely improve the retail attraction of nearby businesses in the same Major Commercial Center.

The hardship suffered by the applicant results from the lack of Site visibility from the interstate corridor, the Site's and subject building's interior location, and their relationship to surrounding developed properties. Specifically, the subject building is separated visually from the only adjoining major public roadway by two large restaurants that front the roadway, and is surrounded on all other sides by buildings and structures of equal height which diminish its retail exposure and visibility. The relevant property right in the General Commercial planning district for purposes of variance review is the right to enjoy retail visibility and effectiveness of signage, and to deny such a commercial property right only serves to further the failure of commercial businesses and to contribute to the economic decline in the City. Without the requested variance, the subject Site will suffer the ability to identify and market itself effectively, resulting in the diminished potential for successful retail services or uses on the Site.

The City Council is entitled to deference in making interpretations regarding the meaning of city code provisions. ORS 197.829(1); *Clark v. Jackson County*, 313 Or 508, 515, 836 P2d 710 (1992) ("LUBA lacks authority to substitute its own interpretation of the ordinance unless the

local government's interpretation was inconsistent with that ordinance, including its context.")
As explained by the Court of Appeals of Oregon:

"Whether a local government's interpretation of its ordinance is 'inconsistent' with the language of the ordinance depends on whether the interpretation is plausible, given the interpretive principles that ordinarily apply to the construction of ordinances under the rules of *PGE*." *Foland v. Jackson County*, 215 Or App 157, 168 P3d 1238 (2007).

In the present matter, the interpretation of how this variance request complies with the sign variance approval criteria proposed by the applicant is not only "plausible," as contemplated by the court in the *Foland* case, it is entirely consistent with the text and context of the applicable code provisions. The City has the discretion to approve this variance and, based on the evidence presented by the applicant, should grant approval of this variance request.

II. Approval of this Variance will not Create a Precedent for Future Variance Requests.

Each sign variance request submitted to the City is unique to circumstances of the property on which the sign is proposed to be located and must stand on its own merits. Accordingly, approval of this variance request will not create a precedent necessitating approval of all future sign variance requests. For example, given the limited signage benefits afforded by the specific circumstances of this particular Site and building locations through other than the proposed wall signage, the applicant is willing to forego the other three facade signs and the additional pole and monument signs to which it is entitled, and rely instead upon one wall sign subject to the requested variance. The absence of additional wall signs and additional pole or monument signs has the benefit of reducing signage clutter at the Site and in the immediate vicinity. The circumstances of other locations may not afford another business the ability or willingness to forego such additional signage options, and each of these factors must be considered by the City in making its decision.

Here, approval of this sign variance will be based on compliance with applicable approval criteria given the unique circumstances of this Site and building location. Such approval will not create a precedent for all future sign variance requests.

III. Properties Cited by Staff in Their Findings are not Comparable to the Subject Site.

One of the primary reasons for the recommendation of denial is staff's opinion that the circumstances of the subject development have not substantially changed since the retail center

Mayor Lou Ogden
City of Tualatin
October 12, 2009
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was designed, and that other developments in commercial zones are similarly situated. Contrary to staff's findings, however, substantial development in the City has occurred since the Site was constructed in 1985, resulting in the Site and subject building being surrounded on all sides by other large buildings and structures of equal height, limiting its retail exposure and visibility.

Additionally, and contrary to staff's findings, the Big Kmart, Fred Meyer and Hedges Green Retail Center are not comparable to the subject Site. Each of these locations cited by staff fronts a major arterial and is or is anchored by a destination retailer, which does not carry the same signage needs as a smaller retailer, such as Dick's Sporting Goods, surrounded by other commercial stores. Moreover, that the design and configuration of the subject Site was typical of the 1960's-1990's and that it is similar to the design of other commercial centers, as noted by staff, does not mean that exceptional or extraordinary circumstances related to the property do not exist or that any hardship is necessarily mitigated. The fact that Joe's Sporting Goods went out of business at this very location is a strong reminder that increased and effective signage is essential to the success of a retailer in the subject building.

For the reasons described above, this variance request complies with all applicable approval criteria. As staff concedes, the proposed front wall sign is appropriately sized and to scale with the rest of the subject building, and the requested variance represents only a minor increase in the total sign face area. Accordingly, we request that the City Council should approve this requested sign variance.

Please place this letter in the official Planning Department file for this matter and before the City Council at the hearing scheduled for October 12, 2009. Thank you for your time and attention to this matter.

Very truly yours,



Steven L. Pfeiffer

SLP:crl
cc: Client



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 10-12-09
Recording Secretary U. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: October 12, 2009

SUBJECT: APPROVAL OF THE MINUTES FOR THE WORK SESSION AND MEETING OF SEPTEMBER 14, 2009 AND THE SPECIAL COUNCIL MEETING OF SEPTEMBER 21, 2009

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Meeting of September 14, 2009, and the Special Council Meeting of September 21, 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



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council
Date 10-12-09
Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF SEPTEMBER 14, 2009

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, and Ed Truax; Mike McKillip, Acting City Manager; 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: Councilor Maddux* [** denotes excused*]

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 6:00 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Item D-8 from the Consent Agenda regarding the Clackamas County Library Service District will be removed from the Consent Agenda.

1. *High-Efficiency Toilet Rebate Program*

City Engineer Mike McKillip began discussion and noted that Program Coordinators Kathy Kaatz and Claudia Harris put together information on a high-efficiency toilet rebate program for residents. City Engineer noted if Council would like to proceed staff will prepare a program to start by January 2010. Staff has learned from others to begin this type of program slow and work up to expanding. The program would entail reimbursing residents with replacement with a high efficiency toilet, and have a deduction taken off from their water/sewer bill. Also mentioned was having proof of recycling. The goal is to reduce the amount of water used, and in the future possibly reduce the amount of water needed. Discussion also on the approach of the program and Mr. McKillip said some other jurisdictions have a program such as this in place. Also discussed is whether there could be rebates for washers, dishwashers, etc. and what the savings would actually be from the amount of gallons to pay for the toilet in a year. A bigger impact may be from other appliances that could have a greater return.

Discussion followed and Council questioned whether this is enough of a program to warrant the costs and staff time. Councilor Harris said he did like the idea of the program, and asked, and it was answered by Mr. McKillip that out of 25 water providers, approximately half have a program like this. Recycling of the old toilet was a point of discussion and the cost of disposal versus the rebate program. After discussion Council concluded to not proceed forward with this proposed program at this time.

2. *FEMA Floodplain Update.*

Acting City Manager McKillip explained the information from FEMA on the changes to the base flood elevation datum. Staff has been working with FEMA. They have switched the datum for how they measure base flood elevations, which will be going up three and one-half feet, although technically will not be increasing because of the datum (the point FEMA measures from) shift. There are some places that it will be increasing however. The impact on downtown is the base flood elevation will be about the same. Practical implications is that there will be some areas in the floodplain that aren't there currently.

Discussion followed on the calculations that are used on the base flood level and what will be changed. It was noted that 21 people have received a letter, and 11 were told their base flood level changed to make them now in the floodplain, requiring them to have flood insurance. Mr. McKillip concluded the discussion.

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

Councilor Barhyte displayed the new map that Clackamas County Commissioners have adopted on the urban/rural reserves area. Brief discussion followed on Tualatin's concerns and the land designation that have been done with respect to jurisdictional control.

J. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions will be held after the regular meeting.

K. ADJOURNMENT

The work session recessed at 7:00 p.m. and reopened at 8:00 p.m. to go into executive Session pursuant to ORS 192.660(2)(e) to discuss real property transactions.

The work session adjourned at 8:45 p.m.

Mike McKillip, Acting City Manager

Recording Secretary

A handwritten signature in cursive script, appearing to read "Maureen Smith", is written over a horizontal line.



City of Tualatin

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Approved By Tualatin City Council

Date 10-12-09

Recording Secretary U. Smith

TUALATIN CITY COUNCIL MEETING MINUTES OF SEPTEMBER 14, 2009

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, ~~Donna Maddux~~, and Ed Truax; Mike McKillip, Acting City Manager; Brenda Braden, City Attorney; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Maureen Smith, Recording Secretary

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

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:09 p.m.

Councilor Davis 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 to give their semi-monthly report. Introductions were done and a new member was noted. Information will be getting out to recruit new members for the coming school year. Activities in the fall were mentioned and some member will be attending the National League of Cities in November, and they are currently fundraising for the conference. Mayor Ogden noted Comcast's contribution of \$500 for some members of the YAC to travel to this year's conference.

2. Summer Programs End of Season Report

Staff from the Community Services Department gave a presentation on the end of year summer program activities. TEAM Tualatin, the GREAT summer program, and the Library's summer reading program were a great success this year. The Recreation Division offered recreation and other learning activities throughout the year, and during summer had a lot of special events and activities. The "Movies on the Commons" has taken off this year, and there were also a number of arts programs, such as ArtSplash.

Council thanked staff for all the work that has been done over the summer with programs and events.

3. *New Employee Introductions – Margie Bradley, Library Volunteer Specialist
Christina Hanson, Library Volunteer Specialist*

Human Resources Director Nancy McDonald noted the City's successful volunteer program and introduced new part-time Library Volunteer Specialists Margie Bradley and Christina Hanson, and gave a brief background on each.

4. *Proclamation Declaring September 2009 as "Senior Center Month" in the City of Tualatin*
Councilor Truax read the proclamation declaring September 2009 as "Senior Center Month" in the City of Tualatin.

Also present were Pohl Center representatives Joe Lipscomb and Del Judy and they gave a brief review of what's been taking place at the center in the last few months.

5. *Proclamation Declaring September 2009 as "Life Insurance Awareness Month" in the City of Tualatin*

Councilor Truax read the proclamation declaring September 2009 as Life Insurance Awareness month in the city of Tualatin.

6. *Commuter Rail Update*

Acting City Manager Mike McKillip gave an update on the train horn noise issue. There will be information in the coming months presented to the Council. Currently preparing a Notice of Intent to all jurisdictions that will be affected, and TriMet is proceeding with contracts for design consultants on the final design improvements that will need to be made on wayside horns and gates in the quiet zone.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

Item D-8 was removed from the Consent Agenda at work session. MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adopt the Consent Agenda as amended and read:

1. Approval of the Work Session and Meeting of August 24, 2009
2. Approval of a New Liquor License Application for Carabella Vineyard & Winery
3. Resolution No. 4922-09 Approving Amendment No. 3 to the Intergovernmental Agreement Between Washington County and the City of Tualatin for the Coordination of Activities Related to the U.S. Department of Homeland Security's Urban Areas Security Initiative Grant Program
4. Resolution No. 4923-09 To Adopt an Intergovernmental Agreement Between the Tigard-Tualatin School District and the City of Tualatin For Safe Schools and Healthy Students
5. Resolution No. 4924-09 To Adopt an Intergovernmental Agreement Between the Tigard-Tualatin School District and the City of Tualatin for a School Resource Officer Agreement

6. Resolution No. 4925-09 Authorizing Bancrofting of a Traffic Impact Fee Related to Sushiville Restaurant and Authorizing the City Recorder to Enter Certain Real Properties Within the City of Tualatin onto the City of Tualatin Lien Docket
7. Resolution No. 4926-09 Accepting a Deed of Dedication and Easement Associated with the SW Leveton Drive Extension Project (Tigard-Tualatin School District)

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other
None.

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS

8. Resolution No. 4927-09 Consenting to the Annexation of the Clackamas County Portion of the City of Tualatin to the Clackamas County Library Service District

Community Services Director Paul Hennon gave a brief update on the Clackamas County Library Service District, and explained when the County formed a library service district, there are approximately 3,000 residents located in the Clackamas County portion of Tualatin that are not part of the district. By adopting the resolution, Council will be requesting a measure to be placed on the May 18, 2010 ballot, which would allow the Clackamas County residents in Tualatin to have the same benefits as other residents in the Washington County portion of Tualatin.

Brief discussion followed and Mayor Ogden noted that since July 1, 2009 the residents in Clackamas County portion of Tualatin did not have access to library facilities in Washington County, and noted the work that has been done to correct this, particularly by Councilor Harris. Councilor Harris asked if this proposed resolution needed to repeal the prior resolution. City Attorney said when this resolution is forwarded to Clackamas County they will remove the first resolution.

MOTION by Councilor Barhyte, SECONDED by Councilor Beikman to adopt a resolution consenting to the annexation of the Clackamas County portion of the City of Tualatin to the Clackamas County Library Service District. MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions will be held after the regular meeting.

J. COMMUNICATIONS FROM COUNCILORS

None.

K. ADJOURNMENT

MOTION by Councilor Truax, SECONDED by Councilor Barhyte to adjourn the meeting at 7:59 p.m. MOTION CARRIED.

Mike McKillip, Acting City Manager

Recording Secretary Maureen Smith



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 10-12-09

Recording Secretary [Signature]

SPECIAL CITY COUNCIL MEETING MINUTES OF SEPTEMBER 21, 2009

PRESENT: Mayor Lou Ogden *[by telephone]*; Councilors Chris Barhyte, Monique Beikman, Joelle Davis *[by telephone]*; Jay Harris, Donna Maddux *[by telephone]*, and Ed Truax

STAFF

PRESENT: Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Carina Christensen, Assistant to the City Manager; and Maureen Smith, Recording Secretary

The special work session was called to order at 12:35 p.m. at the Council Building Council Chambers.

1. ANNOUNCEMENTS

City Manager Lombos began by noting there are two agenda items needing a fast turnaround due to timeline issues.

2. ITEMS ON AGENDA

- A. Resolution No. 4928-09 Approving the Petition as Amended, Proposing the Formation of a Special Aquatic District (Tigard-Tualatin Aquatic District)

City Manager Lombos explained this proposed resolution is amending the petition and resolution recently passed on the formation of the Tigard-Tualatin Aquatics District (TTAD). The group proposing the district was informed by Washington County that a number of other districts within the boundaries (Clean Water Services, PCC, Tualatin Valley Fire & Rescue, were not including in the the original resolution. City Manager Lombos noted the current resolution has not changed other than including the districts as stated. All other affected cities have approved a similar resolution. Brief discussion followed.

MOTION by Councilor Barhyte, SECONDED by Councilor Truax, to approve a resolution approving the petition as amended proposing the formation of a special aquatic district (Tigard-Tualatin Aquatic District).

Discussion on Motion

Councilor Harris noted he is voting the same as he did last month, and reiterated his concerns that he would rather see an alternate finance mechanism, such as a parks utility fee, and while he wants to keep the pools open, he would rather it been done other than the formation of this type of district. Councilor Beikman noted she agreed with Councilor Harris and will vote the same as she did last month when the resolution was passed..

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

- B. Resolution No. 4929-09 Consenting to the Annexation of the Clackamas County Portion of the City of Tualatin to the Clackamas County Library Service District, and Rescinding Resolution Nos. 4908-09 and 4927-09

City Manager Lombos said there are some tweaks to the current resolution that need to be addressed. Clackamas County has asked for the names and addresses of all property owners located in the Clackamas County portion of Tualatin and the resolutions need to be rescinded. Moving forward with the Clackamas County Board of Commissioners will get the library rights back to property owners in Clackamas County, and as soon as the board takes action they will allow library rights until the ballot measure takes place in May 2010.

Community Services Director Paul Hennon said residents would be part of the Clackamas County Library District and have access to Washington County libraries. City Attorney Braden said there are timelines that need to be met sooner rather than later. City Attorney Braden explained how the process needs to work and the County's petition requirements. Brief discussion followed.

MOTION by Councilor Harris, SECONDED by Councilor Beikman, to adopt a resolution consenting to the annexation of the Clackamas County portion of the City of Tualatin to the Clackamas County Library Service District and rescinding Resolution Nos. 4908-09 and 4927-09.

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

3. EXECUTIVE SESSION – None.

4. ADJOURNMENT

The special work session adjourned at 12:44 p.m.

Sherilyn Lombos, City Manager

Recording Secretary





Approved By Tualatin City Council
Date 10-12-09
Recording Secretary llsmith

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*
Eric Underwood, Development Coordinator *eu*

DATE: October 12, 2009

SUBJECT: A RESOLUTION UPDATING CORE AREA PARKING DISTRICT MAPS IN TMC CHAPTER 8-3 SCHEDULE C, REGULATION OF TIME ZONES; RESCINDING RESOLUTION NO 4765-08

ISSUE BEFORE THE COUNCIL:

Whether the City Council should pass a resolution amending Tualatin Municipal Code (TMC), Chapter 8-3 Schedule C for Core Area Parking lot modifications and map revisions.

RECOMMENDATION:

The Core Area Parking District Board (CAPDB) met on August 19, 2009, and voted (3 to 0) recommending that the City Council adopt a resolution to approve parking space time change allocations for a selected group of one-hour parking spaces in the White Lot.

The City Council considered the CAPDB recommendation on September 28, 2009 and provided direction to staff to draft a resolution.

Staff recommends that City Council pass the attached resolution (Attachment B).

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- This request is to amend the TMC, Chapter 8-3, Schedule C to include updated maps for public parking lots as a result of parking stall reconfiguration in the Core Area Parking District.

- The specific parking spaces affected by time allocation changes are the 18 one-hour spaces located on the south side of the White Lot adjacent to SW Seneca Street and the Seneca Building (Attachment A).
- The parking space time allocation revisions are not accounted for in Chapter 8-3, Schedule C of the TMC.
- In order for the parking lots to be regulated by the Core Area Parking District, the updated maps must be included in the parking Time Zones of Schedule C of the TMC.
- Resolution 3954-02 was adopted in March 2002 regarding parking time zones in the Core Area Parking District.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval to amend TMC, Chapter 8-3, Schedule C for parking Time Zones to account for the parking space time allocation change will result in the following:

1. Provide extended parking time in the White Lot.
2. Reduce the number of one-hour spaces in the White Lot, thereby reducing opportunities for shorter-timed parking.
3. Satisfy the business needs of the businesses that initially made the request to change parking time allocations in the White Lot.

Denial of the request to amend the TMC, Chapter 8-3, Schedule C for parking Time Zones to account for the parking space time allocation change will result in the following:

1. Maintain the one-hour parking time allocation for the parking spaces identified for the change.
2. No reduction in one-hour spaces.
3. Maintain current parking space time allocations in the White Lot and not meeting some businesses needs for parking.
4. Denial of the recommendation forwarded by the CAPDB to change of the selected 18 one-hour spaces to two-hour spaces in the White Lot.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to authorizing the change of the 18 one-hour parking spaces to two-hour parking spaces in the White Lot are as follows:

1. Not passing a resolution amending TMC, Chapter 8-3, Schedule C, therefore not changing the parking space time allocations in the White Lot.

FINANCIAL IMPLICATIONS:

There are funds budgeted in Fiscal Year 9/10 to change parking signage in the CAPD fund.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action. Tenants of the buildings adjacent to the White Lot were noticed of the Core Area Parking District Board meeting on August 19, 2009 and given a copy of CAPDB Memorandum from staff and a copy of the Staff Report to City Council for the September 28, 2009 meeting.

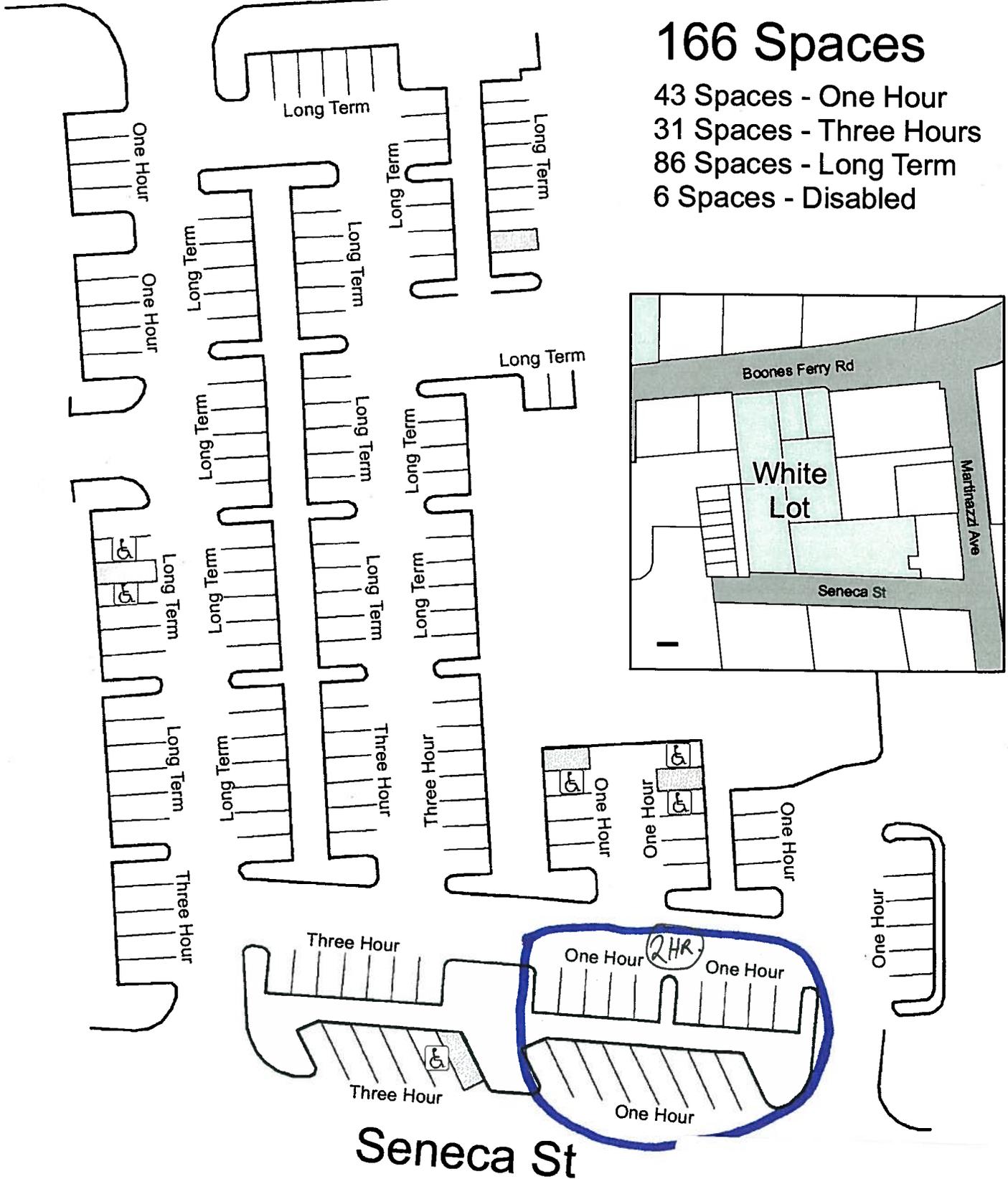
Attachments: A. Map of parking spaces to be changed
B. Resolution with exhibits

Boones Ferry Rd

White Lot

166 Spaces

- 43 Spaces - One Hour
- 31 Spaces - Three Hours
- 86 Spaces - Long Term
- 6 Spaces - Disabled



RESOLUTION NO. 4934-09

A RESOLUTION UPDATING CORE AREA PARKING DISTRICT MAPS
IN TMC CHAPTER 8-3 SCHEDULE C, REGULATION OF TIME
ZONES; RESCINDING RESOLUTION NO 4765-08

WHEREAS; Resolution 4765-08 was adopted in March 2008 regarding the parking time zones in the public parking lots within the Core Area Parking District ; and

WHEREAS; The map associated with the White Lot indicates parking space time allocation changes resulting from requests made by business owners adjacent to the Lot; and

WHEREAS; One-hour parking spaces identified on the southern edge of the White Lot have been changed to two-hour spaces; and

WHEREAS; The purpose of this resolution is to organize and update the relevant map and parking time allocations in the White Lot.

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

Section 1. Schedule C, Time Zones, TMC 8-3 is amended as shown on Exhibit 1.

Section 2. Parking in public lots within the Core Area Parking District are regulated by prohibiting parking for longer than the time periods specified on the attached parking lot diagrams. (See Exhibits 1, 2, 3, 4, 5, 6).

Section 3. Parking time allocations are being changed.

Section 4. The following resolution is rescinded: Resolution No. 4765-08 adopted March 24, 2008.

INTRODUCED AND ADOPTED this 12th day of October 2009.

~~TUALATIN CITY COUNCIL~~

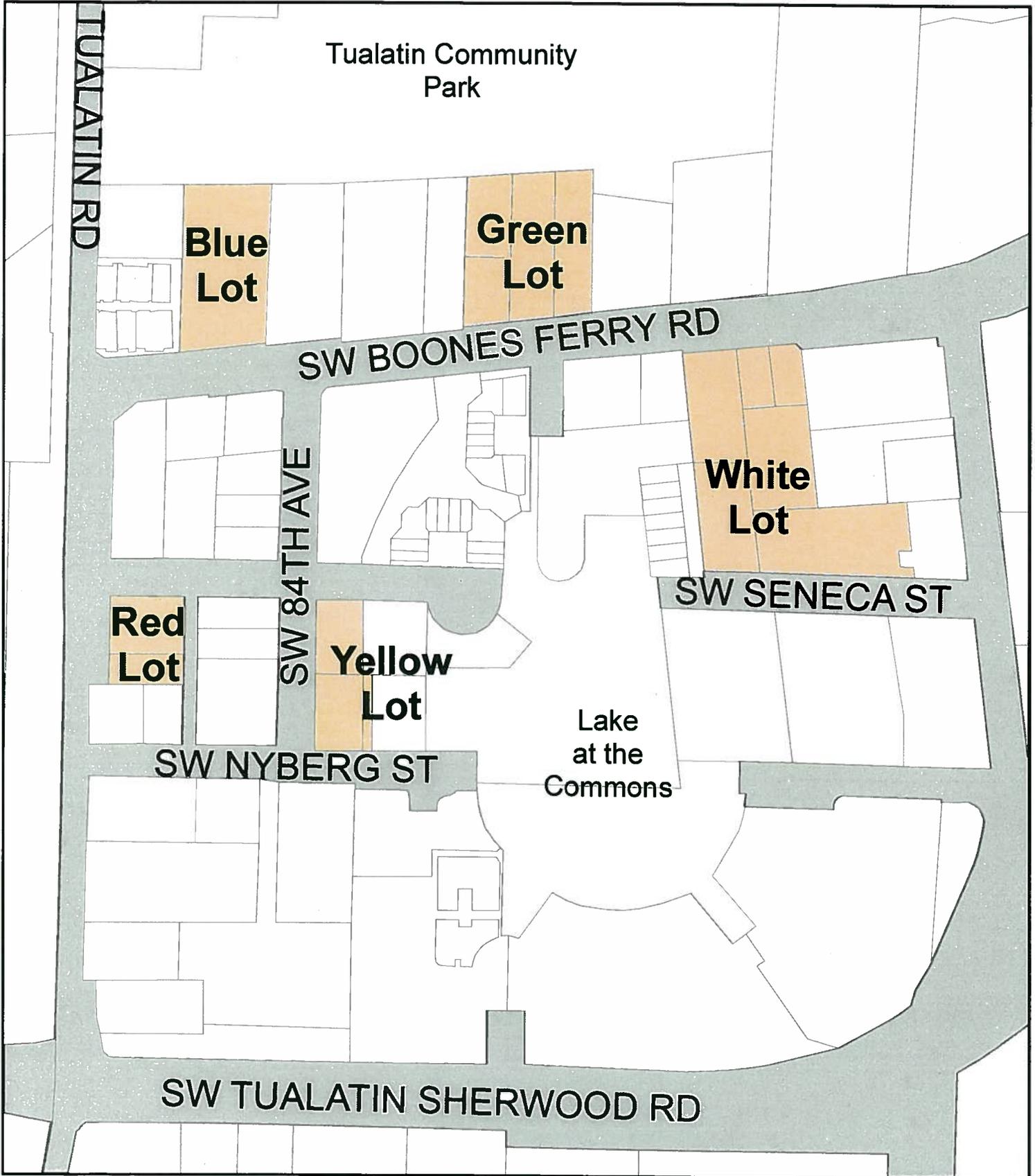
By  _____
Mayor Pro Tem

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:
By:  _____
City Recorder

Resolution No. 4934-09



 Public Parking Lots



Red Lot

32 Spaces

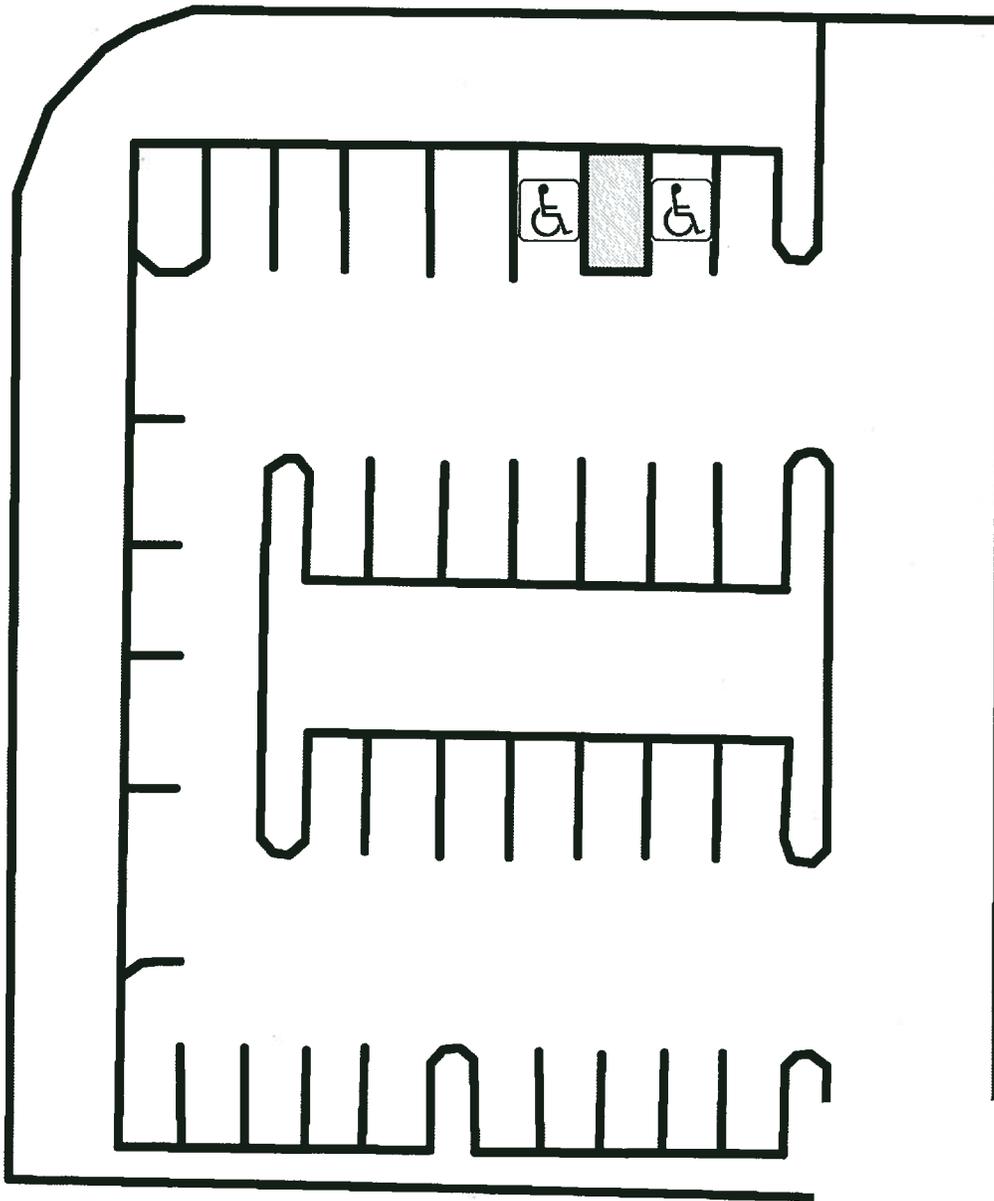
30 Spaces - Long Term

2 Spaces - Disabled



Seneca St

Boones Ferry Rd

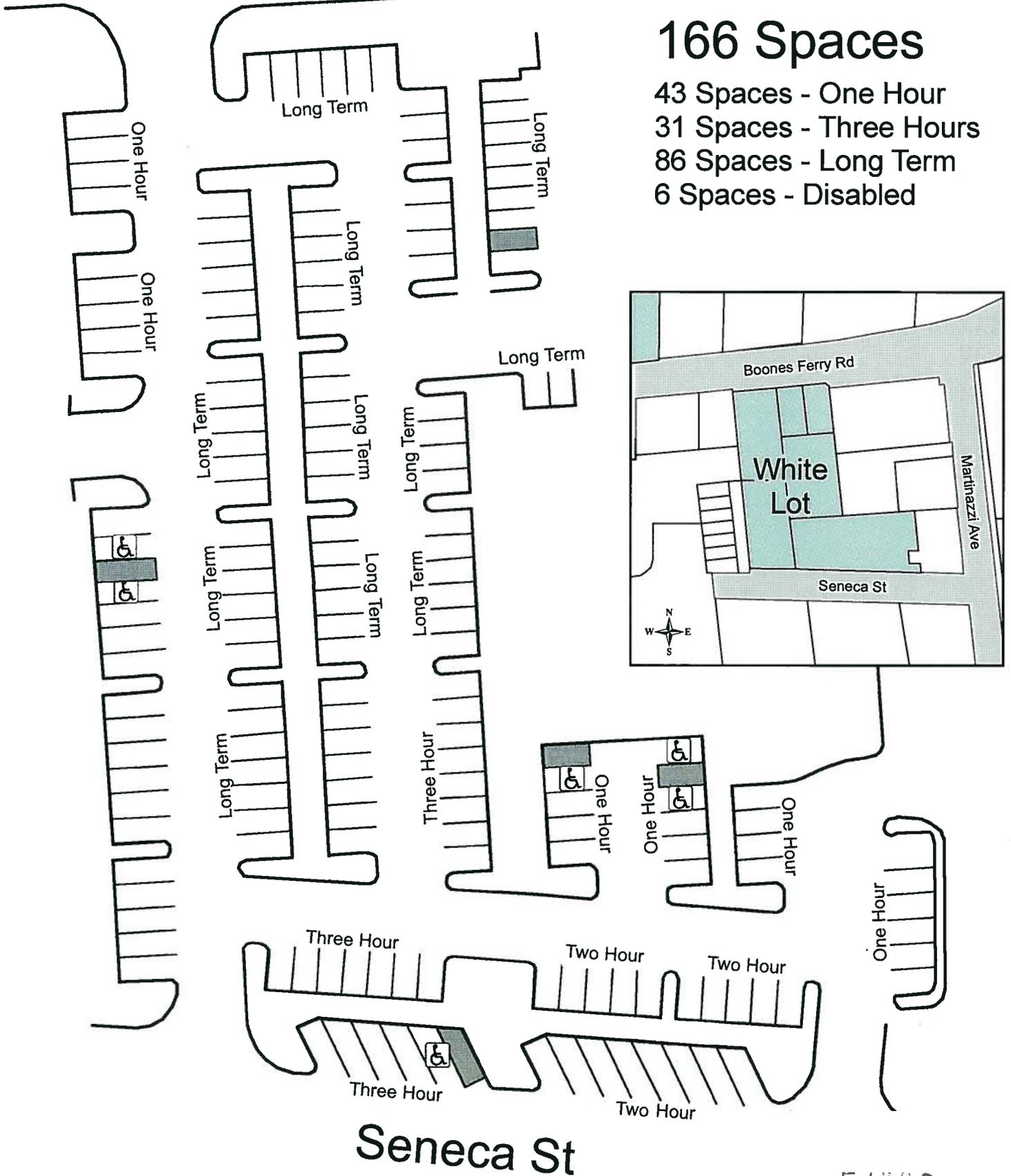


Boones Ferry Rd

White Lot

166 Spaces

- 43 Spaces - One Hour
- 31 Spaces - Three Hours
- 86 Spaces - Long Term
- 6 Spaces - Disabled

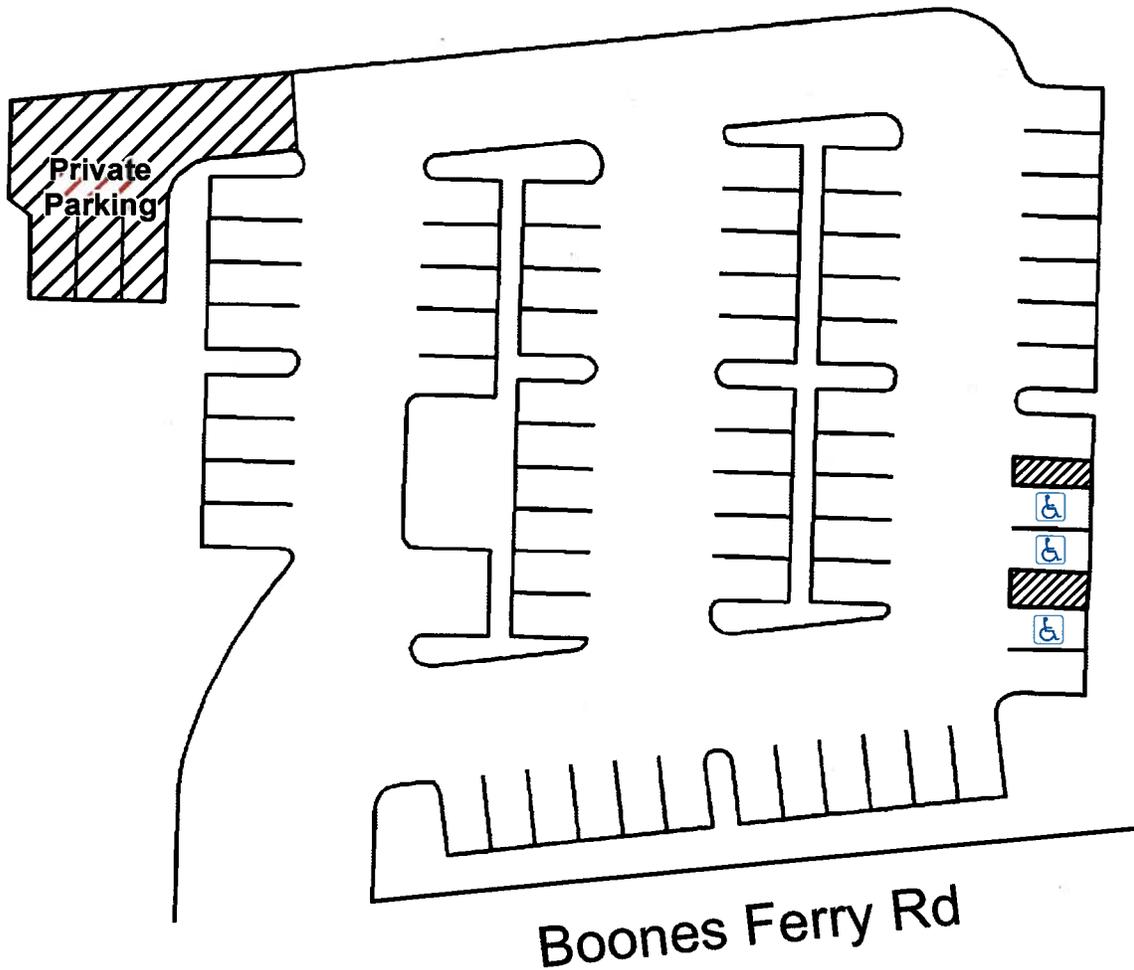
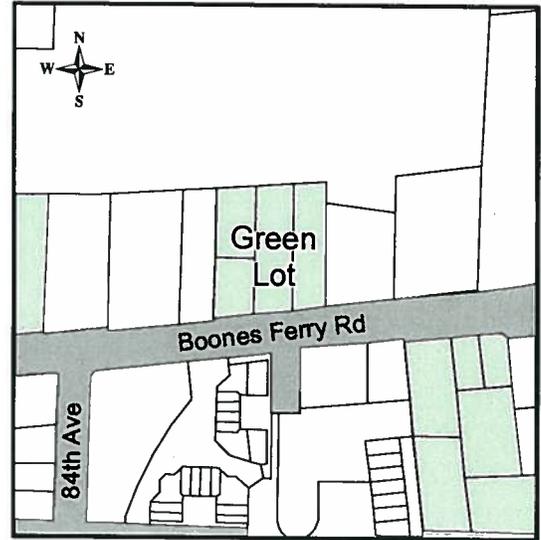


Green Lot

69 Spaces

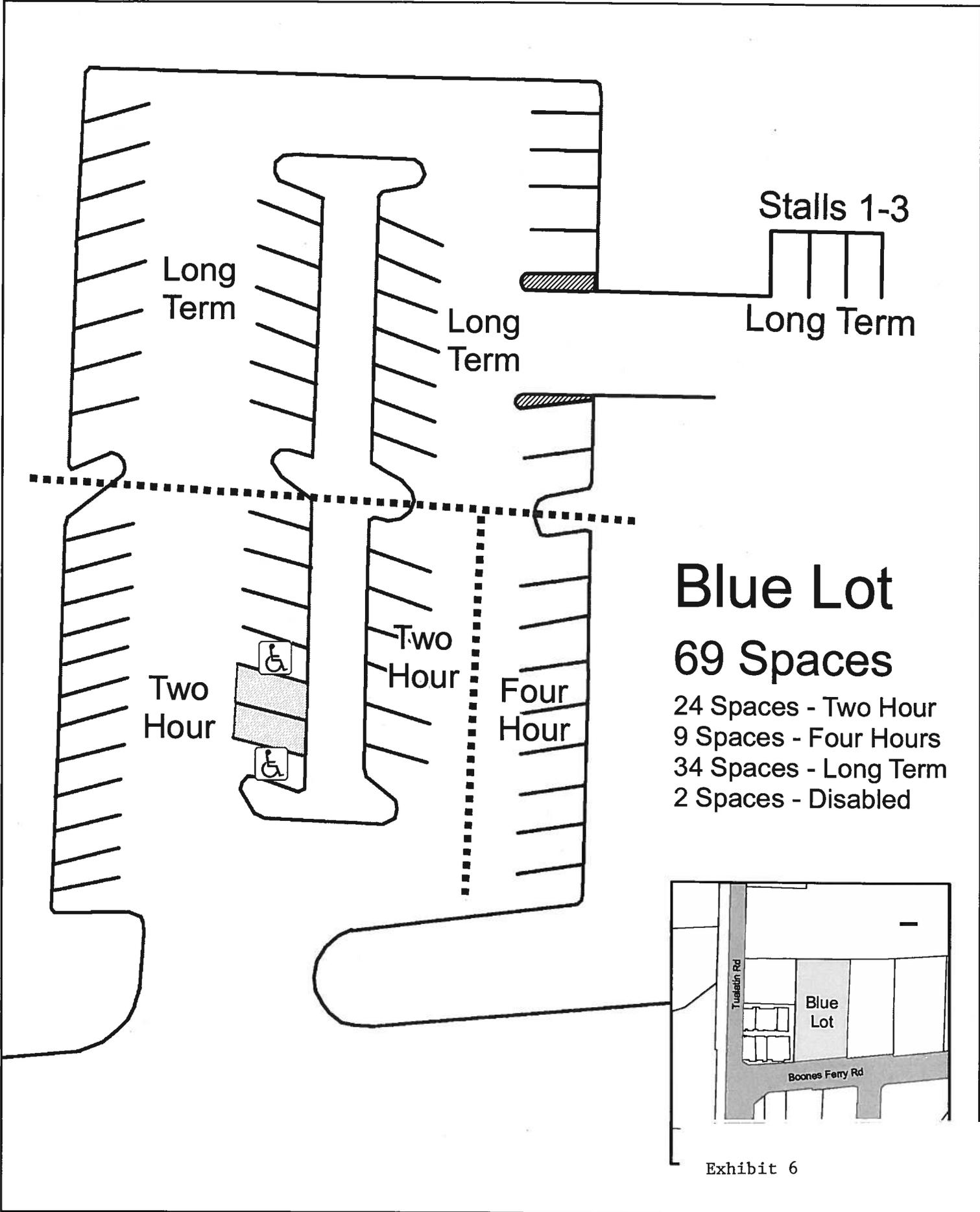
66 Spaces - Long Term

3 Space - Disabled



Blue Lot

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Plotted 7/18/2007



Blue Lot 69 Spaces

- 24 Spaces - Two Hour
- 9 Spaces - Four Hours
- 34 Spaces - Long Term
- 2 Spaces - Disabled

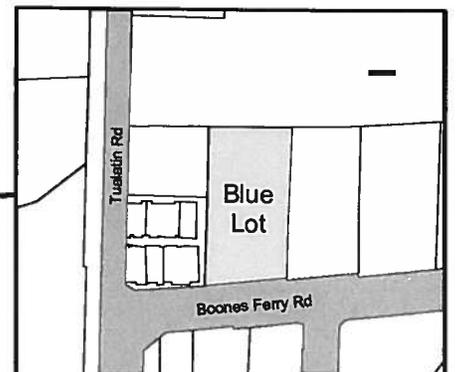


Exhibit 6



Approved By Tualatin City Council
Date 10-12-09
Recording Secretary [Signature]

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Doug Rux, Community Development Director [Signature]
Eric Underwood, Development Coordinator [Signature]

DATE: October 12, 2009

SUBJECT: A RESOLUTION UPDATING POLICIES FOR THE CORE AREA
PARKING DISTRICT; RESCINDING RESOLUTION NO 4069-03

ISSUE BEFORE THE BOARD:

City Council consideration of a resolution which updates policies for the CAPD consistent with the ordinance adopted on September 28, 2009.

RECOMMENDATION:

The Core Area Parking District Board (CAPDB) met on August 19, 2009, and voted (3 to 0) recommending that the City Council adopt a resolution to modify the language in Policy 12 of the Core Area Parking District Handbook to match the language of the Tualatin Municipal Code.

Staff recommends that the City Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- This is a request of the Tualatin City Council to approve a resolution to modify the language in Policy 12 of the Core Area Parking District Handbook to match the language of the Tualatin Municipal Code Section 8-1-220.
- The City Council adopted Ordinance #1289-09 on September 28, 2009 clarifying the rules in the Municipal Code with regard to the movement of cars within the City parking lots (see attached 9/28/09 staff report and ordinance).
- The Core Area Parking District Handbook needs to be modified to reflect those changes. Specifically Policy 12: **Enforcement shall be extended to limit those that conduct "space hopping."** Space Hopping is seen as a loophole in the

enforcement of parking time allocations in the Core Area. Extension of Parking Time. "No person may move a vehicle from one timed-specified space to another timed-specified space within a public parking facility in the Core Area Parking District without first reaching an off-site destination and for the sole purpose of extending the time the vehicle is legally parked."

- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval of the request to modify Core Area Parking District Policy 12 language will result in the following:

1. Provide clarification to the Parking Enforcement Officer on how car movement in parking lots is governed in the Core Area Parking District.
2. Provide clarity to the public and the Core Area Parking District Board on how car movement in parking lots is governed in the Core Area Parking District.
3. Specifically address car movement within the Core Area Parking District in Policy 12 of the Core Area Parking District Handbook.
4. Provide a more detailed guideline for enforcement of car movement within the Core Area Parking District.

Denial of the request to modify Core Area Parking District Policy 12 language will result in the following:

1. Maintain ambiguity in the interpretation and application of the Core Area Parking District Handbook.
2. Maintain the potential for future contention regarding this issue as long as enforcement of car movement within the Core Area Parking District continues.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to modifying Core Area Parking District Policy 12 language are as follows:

1. Do nothing and leave the Core Area Parking District Handbook as it currently exists.
2. Create a new policy specific to car movement within the Core Area Parking District.
3. Table the issue and request additional information.

FINANCIAL IMPLICATIONS:

Funds have been budgeted in the Economic Development Division budget to modify Core Area Parking District procedure for FY 09/10.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

- Attachments:**
- A. Staff report and ordinance from 9/28/09
 - B. Letter dated July 7, 2009 from Mr. Troy Johnson
 - C. Core Area Parking District Boundary Map
 - D. Resolution with Exhibit



Approved By Tualatin City Council
Date 9-28-09
Recording Secretary M. Gill

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
Eric Underwood, Development Coordinator *EU*

DATE: September 28, 2009

SUBJECT: AN ORDINANCE RELATING TO CORE AREA PARKING TIME LIMITS; AND AMENDING TMC 8-1-220

ISSUE BEFORE THE BOARD:

Whether City Council should adopt an ordinance modifying the Tualatin Municipal Code (TMC) 8-1-220 to address parking in the Core Area Parking District (CAPD).

RECOMMENDATION:

The Core Area Parking District Board (CAPDB) met on August 19, 2009, and voted (3 to 0) recommending that the City Council adopt an ordinance that clarifies the rules in the Tualatin Municipal Code for the Parking Enforcement Officer with regard to movement of cars within the City parking lots.

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

EXECUTIVE SUMMARY:

- This action is not a public hearing
- This is a request of the Tualatin City Council to approve an ordinance that clarifies the rules in the Tualatin Municipal Code for the Parking Enforcement Officer with regard to movement of cars within the City parking lots.
- The specific Ordinance identified for language modification in the TMC is 8-1-220, Extension of Parking Time (Exhibit 1).
- TMC 8-1-220 addresses the extension of parking time within the City. The Ordinance is not clear on whether it addresses on-street parking at public facilities, or both.

- On July 7, 2009, staff received a letter of complaint from Troy M. Johnson (Attachment B) regarding public parking facility regulations and parking space time allocations in the White Lot.
- In the letter, Mr. Johnson states that he received a citation from the Parking Enforcement Officer after leaving a three-hour parking space to drive to the end of the White Lot for lunch and then parking again in a different three-hour parking space upon his return.
- The Parking Enforcement Officer's interpretation of the law is that a car cannot be moved from one parking space to another to obtain an extension in parking time. Therefore, a citation was issued.
- Mr. Johnson's reason for not electing to park in the unrestricted or non-timed parking spaces is that "there are rarely any unrestricted timed parking spaces that aren't adjacent to Boones Ferry, or basically 200+ yards away from my office."
- Mr. Johnson was cited for violating TMC 8-1-220, Extension of Parking Time, and is now contesting the Parking Enforcement Officer's interpretation of the law.
- This situation generated the request from Mr. Johnson for clarification of the law in regard to moving a car from one timed parking space to another timed parking space within the same parking lot.
- The issue that needs clarification is how to modify the language in the current TMC regulations to address car movement in parking lots among timed parking spaces for the purposes of extending parking time.
- At the August 19, 2009 CAPDB meeting, the Board decided that, rather than creating a new section of the TMC, it was better to modify current language in the appropriate Section(s).
- Discussions were held with Brenda Braden, City Attorney, regarding the provisions in the TMC about moving a car from space to space for parking time extension.
- Resulting from those discussions is the proposed TMC language documented below:
 - TMC 8-1-220, Extension of Parking Time, "~~Where maximum parking time limits are designated by sign, movement of~~ No person may move a vehicle from one timed-specified space to another timed-specified space within a public parking facility in the Core Area Parking District within a block shall not extend the time limits for parking without first reaching an off-site destination and for the sole purpose of extending the time the vehicle is legally parked.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval of the request to modify TMC language in Section 8-1-220 will result in the following:

1. Provide clarification to the Parking Enforcement Officer on how car movement in parking lots is governed in the Core Area Parking District.

2. Provide clarity to the public on how car movement in parking lots is governed in the Core Area Parking District.
3. Specifically address car movement within the Core Area Parking District in TMC 8-1-220.
4. A guideline for enforcement of car movement within the Core Area Parking District.

Denial of the request to modify TMC language in Section 8-1-220 will result in the following:

1. Maintaining ambiguity in the application of TMC 8-1-220 to the Core Area Parking District.
2. Not addressing car movement within the Core Area Parking District in the Tualatin Municipal Code other than parking in a lot for a 24+ hour period.
3. The potential of future contention regarding this issue as long as enforcement of car movement within the Core Area Parking District continues.

ALTERNATIVES TO RECOMMENDATION:

Alternatives to the CAPDB and staff recommendations are:

1. Recommend the Council approve the proposed ordinance with alterations.
2. Recommend the Council not approve the ordinance.
3. Continue the discussion of the proposed ordinance and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Funds have been budgeted in the Economic Development Division budget to modify the TMC for FY 09/10.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

Attachments:

- A. Letter dated July 7, 2009 from Mr. Troy Johnson
- B. Core Area Parking District Boundary Map
- C. Ordinance with Exhibit

ORDINANCE NO. 1289-09

AN ORDINANCE RELATING TO CORE AREA PARKING
TIME LIMITS; AND AMENDING TMC 8-1-220

WHEREAS Tualatin Municipal Code (TMC) 11-3-030(4)(d) establishes that the City Council shall consult the Core Area Parking District Board (Board) concerning regulations of parking lots within the Core Area Parking District (District) and other matters pertaining to the District; and

WHEREAS the Board met on August 19, 2009, and determined that TMC 8-1-220 should be clarified with regard to moving a car from one timed parking space to another timed parking space within the same parking lot; and

WHEREAS it is in the best interest of the City to clarify to the public how car movement in parking lots is governed in the Core Area Parking District;

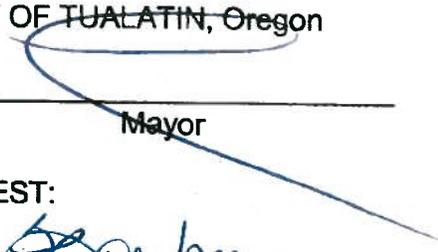
THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 8-1-220 is amended to read as follows:

~~Where maximum parking time limits are designated by sign movement of~~
No person may move a vehicle from one timed-specified space to another timed-specified space within a public parking facility in the Core Area Parking District within a block shall not extend the time limits for parking without first reaching an off-site destination and for the sole purpose of extending the time the vehicle is legally parked.

INTRODUCED AND ADOPTED this 28th day of September, 2009.

CITY OF TUALATIN, Oregon

BY 
Mayor

ATTEST:

BY 
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

TUALATIN MUNICIPAL COURT
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092

JUL 7 2009

Re: Contesting Parking Citations #11444 and #11446

I emphatically contest the above mentioned citations and wish to voice a complaint about Traffic Officer Barb Inhofer's interpretation of the city parking regulations.

At approximately 1:30pm on 29 June 2009, Officer Inhofer called up to me while I was on the deck of our office building overlooking the city parking lot used for my office building. She said to me; "Sir, you cannot move from parking spot to another." I responded; "I didn't. I actually drove it to the end of the parking lot near Taco Del Mar for lunch, and then back after lunch and parked it in a different three hour parking spot in the shade." Officer Inhofer then continued to tell me that I didn't do that and it wasn't permissible. Then subsequently issued citation #11444 at 1:45pm with a note/comment: 8-1.220 TMC NO Extension of time. Then at 4:33pm she issued citation #11446 indicating overtime parking.

Last year, City Councilman Chris Barhyte spoke with the City Attorney about officer Inhofer's interpretation of the law which she has said to me, and others, that it isn't permissible to move from one timed parking spot to another timed parking spot. The City Attorney informed Councilman Barhyte that officer Inhofer's interpretation was incorrect and that it is acceptable to move from one timed spot to another without violating the City ordinance. When both Councilman Barhyte and I informed Officer Inhofer of this information from the City Attorney, her comment has always been "that is not the law."

I have addressed the City's parking committee with recommended changes, because frankly when I arrive at the office there are rarely any unrestricted timed parking spaces that aren't adjacent to Boones Ferry, or basically 200+ yards away from my office. That is why I choose to park in a three hour spot, and pay my fines if I fail to move in the allotted time period allowed.

I am out of town on the week of 16 July which is the next court date. Therefore, I request either a dismissal of both citations and having Officer Inhofer corrected on the law according to the interpretation of the City Attorney; or another court date which I can present my case to the court.

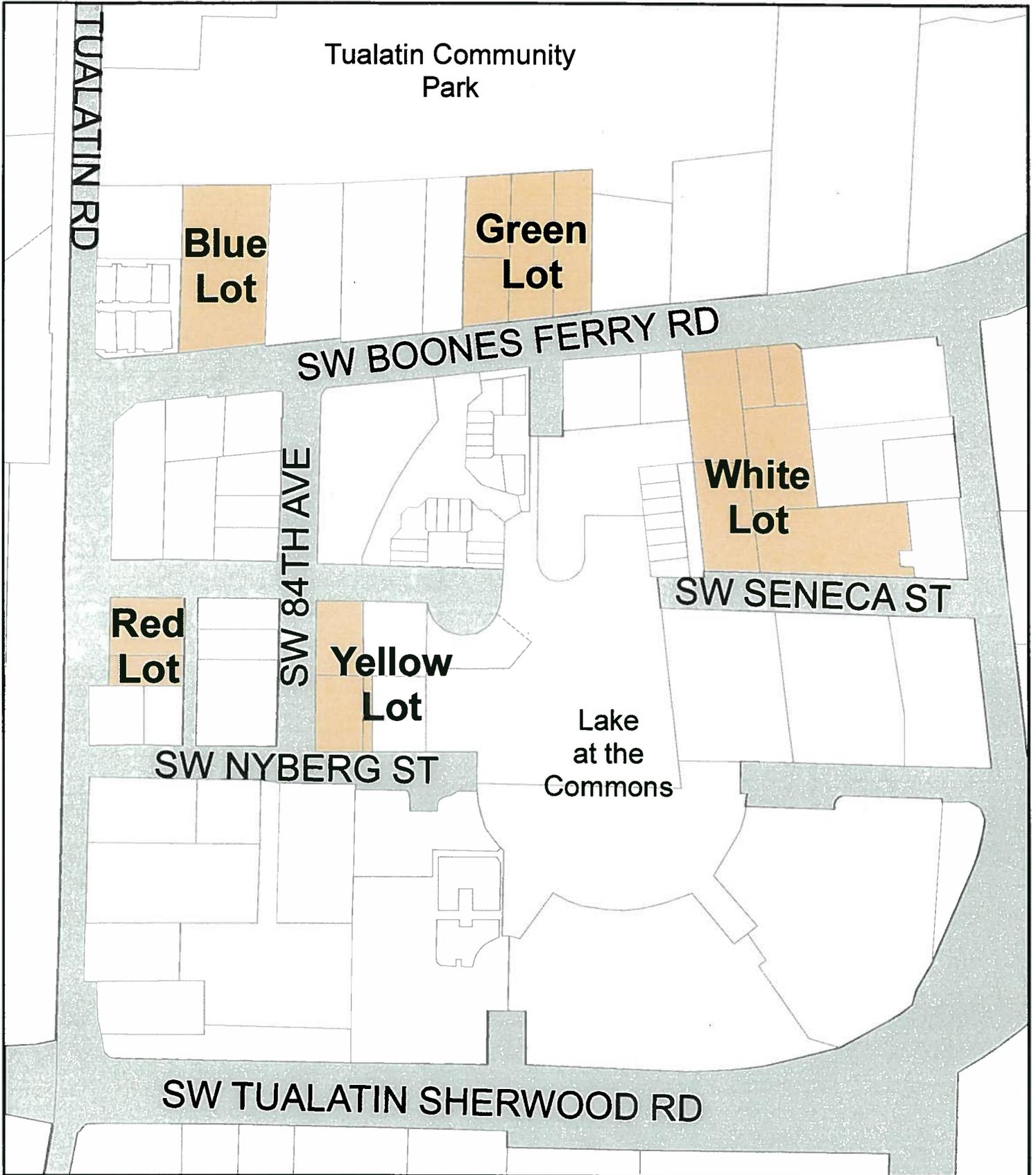
Thank you for your consideration of my request.

Kind regards,



Troy M. Johnson
President – MWT Foods USA, LLC
18861 SW Martinazzi Avenue, Suite 203A, Tualatin, OR 97062

Attachment B



Public Parking Lots



RESOLUTION NO. 4935-09

A RESOLUTION UPDATING POLICIES FOR THE CORE AREA
PARKING DISTRICT; RESCINDING RESOLUTION NO. 4069-03

WHEREAS, TMC 1-24.040(4)(d) establishes that the City Council shall consult the Core Area Parking District Board ("Board") concerning regulations of public parking lots within the Core Area Parking District (CAPD); and

WHEREAS, the Board has a set of policies to follow regarding business in the District; and

WHEREAS, the policies help guide staff and the Board on decisions regarding the business of the District; and

WHEREAS, the Board met on August 19, 2009 and recommended modifying the language of Policy 12 to coincide with TMC 8-1-220, which governs the extension of parking time per vehicle with the District

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

Section 1. Policy 12 of the Core Area Parking District Handbook is amended as shown on Exhibit 1.

Section 2. The modified language in Policy 12 will provide clarification to the issue of moving vehicles to extend parking time within the District.

Section 3. Resolution No. 4069-03 adopted January 27, 2003 is rescinded.

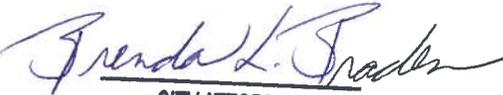
INTRODUCED AND ADOPTED this 12th day of October, 2009.

CITY OF TUALATIN, Oregon

By 

Mayor Pro Tem

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

By 

City Recorder

POLICIES OF THE CORE AREA PARKING DISTRICT

- Policy 1. The Board shall manage the public parking lots for the benefit of the customer-oriented businesses in the District.**

This policy supports the concept of providing parking for customers of the businesses within the district. The short-term parking spaces are generally located within close proximity to entrances of businesses in the area to provide close and convenient parking for the higher customer turnover businesses.

- Policy 2. The Board shall use enforcement actions to keep employees out of the short-term parking spaces.**

This policy supports the concept of providing parking for customers of the businesses within the district. The short-term parking spaces are generally located within close proximity to entrances of businesses in the area to provide close and convenient parking for the higher customer turnover businesses.

- Policy 3. To achieve the best utilization of parking within the district and individual parking lots.**

The public parking within the core area will be utilized more as the area develops due to the reduction in on-site parking required for development in the core area. More demand for the public parking will occur, which drives the need for efficient use of the public parking.

- Policy 4. Review parking time allocations on a yearly basis for all public lots.**

This policy would allow staff to anticipate workload and be able to conduct analysis on a regular basis. Specific requests could still be reviewed and processed as they arise. This policy will allow the Board to make recommendations on efficient use of the parking on a yearly basis.

- Policy 5. Review requests for the impact fee for reduction of private parking on a case-by-case basis.**

The impact fee for a reduction in private parking spaces will become more scrutinized due to the current limited amount of public parking available to be built in the Core Area. Therefore, each request should be reviewed on a case-by-case basis to determine if public parking can be built to cover the requested reduction.

- Policy 6. Sub-compact stalls should be discouraged in the public parking lots.**

Sub-compact stalls have been discussed by the Board in the past and have been generally discouraged.

Policy 7. Review the tax assessment rate on a yearly basis to ensure operation and maintenance costs are covered.

The tax rate was updated in 2002 to adequately cover operation and maintenance costs within the Core Area. A yearly review of the tax assessment is appropriate to keep the Core Area revenues in line with costs.

Policy 8. No public parking space shall be dedicated to a specific individual or business.

This has been a consistent practice staff and the Board has followed since the beginning of the Core Area. The parking lots are built and managed for public use.

Policy 9. Private development shall utilize on-site spaces prior to utilizing public spaces.

Private parking provided on-site is required by the Tualatin Development Code. This parking is provided for the employees and visitors of the business located within the development.

Policy 10. Provide education materials about the district to new businesses that locate in the Core Area Parking District.

Staff can provide education materials to new businesses in the district. The materials can be sent out when either a business license is issued or when new tax statements are sent out.

Policy 11. Parking re-allocation requests are limited to 2 private party requests per year for each lot.

This policy will help limit unnecessary re-allocations or multiple offsetting re-allocations on the same lot within the district.

Policy 12. Enforcement shall be extended to limit those that conduct "space hopping".

Space Hopping is seen as loophole in the enforcement of parking time allocations in the Core Area. Extension of Parking Time. "No person may move a vehicle from one time-specified space to another timed-specified space within a public parking facility in the Core Area Parking District without first reaching an off-site destination and for the sole purpose of extending the time the vehicle is legally parked."

Policy 13. Parking enforcement during weather-related events.

Some of the public parking lots in the Core Area (Green and Blue Lots) are prone to flooding during severe storms and/or periods of continuous rain. When these weather events occur, patrolling by the Parking Enforcement Officer will not be done on any parking lot affected by flooding. Employees and visitors to the downtown area will not be issued warnings or citations on any lot which has excessive standing water which, in turn, eliminates the availability of all parking stalls.

Policy 14. Temporary City Library Parking in the Core Area Parking District (CAPD) During Library Expansion Project.

On a temporary basis, the Library can utilize parking facilities within the Core Area. Library patrons will be permitted to utilize both on-street parking, as well as any 1 to 3 hour parking spaces within the Yellow Lot. Employees will not use the Yellow Lot but are permitted to park in the Red Lot. The Library will be required to pay the Core Area Parking District tax the same as businesses in the CAPD. This Policy shall be in effect until the Library moves to its permanent location.



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 10-12-09
Recording Secretary W. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Mike McKillip, City Engineer *mk*
Tony Doran, Engineering Associate *TD*

DATE: October 12, 2009

SUBJECT: RESOLUTION APPROVING QUITCLAIM OF A PUBLIC
SANITARY SEWER EASEMENT

ISSUE BEFORE THE COUNCIL: Should the City Council adopt a resolution approving a quitclaim of an unused public sanitary sewer easement over private property.

RECOMMENDATION:

Staff recommends that the City Council approve a quitclaim of an unused public sanitary sewer easement.

EXECUTIVE SUMMARY:

A public sanitary sewer easement that is unused exists over private property at the intersection of SW Tualatin-Sherwood Road & SW 115th Avenue. This easement was created prior to construction of a public sanitary sewer line. After the line was constructed, a revised easement was obtained that matched the installed location. The initial easement was not quitclaimed at that time.

This easement is not and will not be needed by the City and it currently restricts private development. Approval of a quitclaim of this easement will remove restrictions to assist private development.

Attachments: A – Public Sanitary Sewer Easement presented for quitclaim
B – Tualmap image showing location of constructed public sanitary sewer line with existing sanitary sewer easement
C – Resolution
D – Quitclaim Deed

EXCEPTION NO. 16

STATE OF OREGON }
County of Washington } SS

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11
75
42



I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for said county, do hereby certify that the within instrument was received and recorded in book of records of said county.



CITY OF TUALATIN
18880 SW MARTINAZZI AVENUE
TUALATIN OR 97062-7092

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Rect: 287480 42.00
09/10/2001 04:33:26pm

COVER PAGE FOR RECORDING

WASHINGTON COUNTY 2001-092126

Name(s) of Transaction(s): SANITARY SEWER EASEMENT

Names of Person (Grantor, Grantee, etc.): LLOYD AND HELEN J KOCH (GRANTOR)
AND CITY OF TUALATIN (GRANTEE)

After recording, return to: **CITY OF TUALATIN**
EXECUTIVE SECRETARY
18880 SW MARTINAZZI AVENUE
TUALATIN OR 97062-7092

Consideration Statement: 0

Until a change is requested, all tax statements shall be sent to the following address:

11500 SW Tualatin-Sherwood Road
Tualatin, OR 97062

1-5

NOTE: A LEGIBLE MAP IS ON FILE WITH THE CITY OF TUALATIN.
sec\recordcov.fm [R-10/25/00]

CB-01-26

LOCATED AT: 18880 SW Martinazzi Avenue



**CITY OF TUALATIN, OREGON
SANITARY SEWER EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that Lloyd and Helen J. Koch (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Sanitary Sewer Line on the following described land:

See attached legal description

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless all loss, costs, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is \$ 0 and other good and valuable consideration, the receipt of which is acknowledged by GRANTOR.

CITY will allow the GRANTOR to connect to the CITY sanitary sewer system at any future time upon the GRANTOR paying all connection fees in effect at the time of connection.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances NONE and that GRANTOR, the GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

2

PROPERTY DESCRIPTION
20' WIDE SANITARY SEWER EASEMENT
(Ruby Koch Revocable Living Trust)

A 20.00 foot wide strip of land located in a portion of the Northwest one-quarter and the Northeast one-quarter of Section 27, Township Two South, Range One West, City of Tualatin, Washington County, Oregon, being 10.00 feet on each side of the following described centerline:

Beginning at a point on the northerly line of Ruby Koch Revocable Living Trust property as described in Washington County Deed Record 98-111271 which bears South 17° 49' 58" West 669.93 feet from a 3 1/4" Aluminum Cap marking the One-Quarter Corner between Sections 22 and 27 and which bears North 82° 28' 50" West 247.75 feet from a 5/8" iron rod per Survey No. 16954; thence South 00° 00' 15" East 184.84 feet; thence South 34° 36' 22" East 291.80 feet; thence South 10° 43' 30" East 221.01 feet; thence South 29° 43' 30" East 123.44 feet to a point on the northwesterly right-of-way line of S.W. Tualatin-Sherwood Road at a point 49.00 feet left of Engineer's Station 154+28.65 (Stationing as shown on Survey No. 25092), the terminus of this described centerline. From said terminus point the said 3 1/4" Aluminum Cap marking the One-Quarter Corner between Sections 22 and 27 bears North 02° 33' 22" West 1389.03 feet.

SUBJECT TO: All easements, restrictions and rights-of-way of record and those common and apparent on the land.

All bearings for the above easement are based upon Survey No. 28,004.

Doc. 1000906_san2.doc
Date: 03/12/2001 4:15 PM

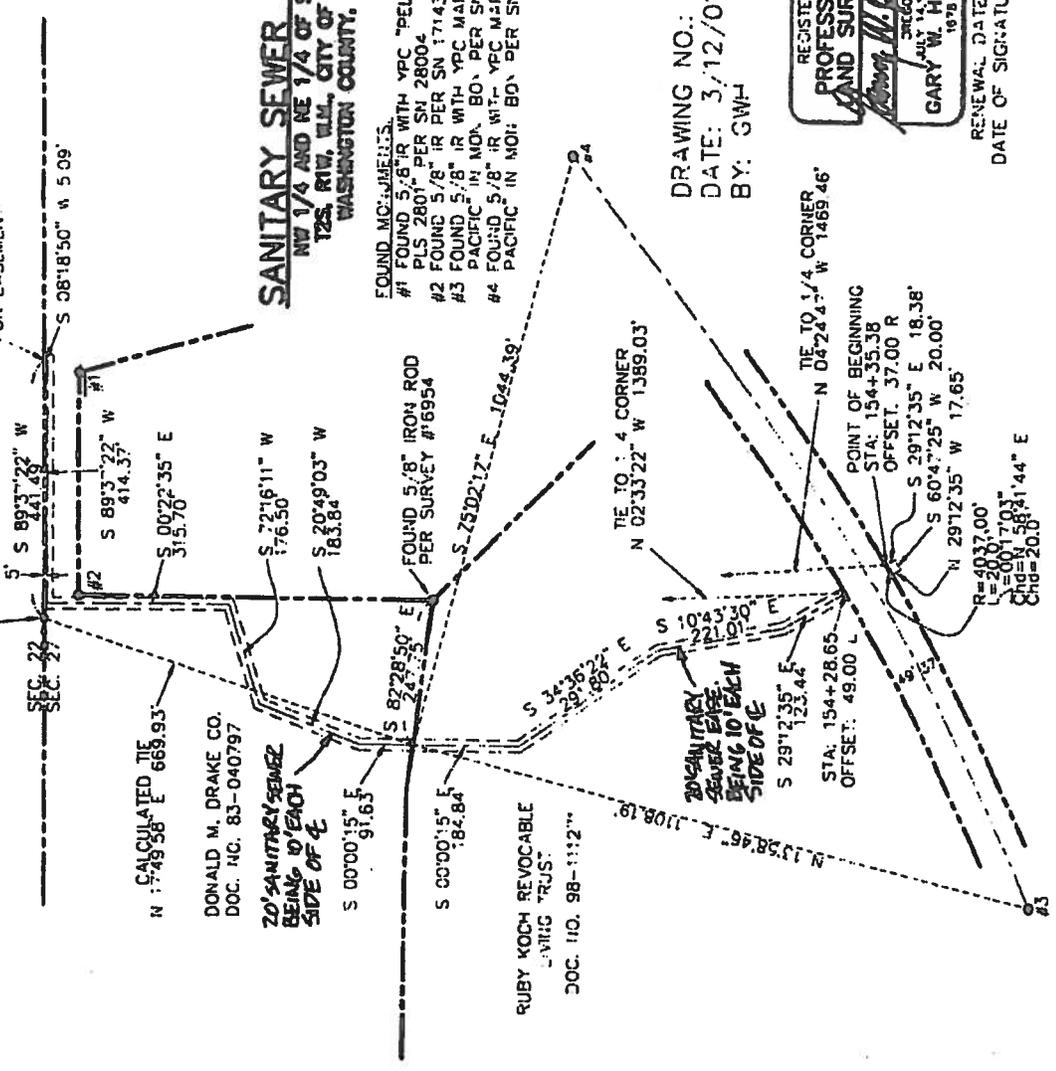


RENEWAL DATE 06/30/01
DATE OF SIGNATURE 03/12/01

4

FOUND 3 1/4" ALUM. DISK IN CONCRETE
MARKING 1/4 CORNER BETWEEN
SECTIONS
22 AND 27

POINT OF BEGINNING
FOR EASEMENT



CALCULATED TIE
N 17°49'58" E 669.93'

DONALD M. DRAKE CO.
DOC. NO. 83-040797

20' SANITARY SEWER
BEING 10' EACH
SIDE OF C

S 00°00'15" E 91.63'

S 00°00'15" E 184.84'

S 82°28'50" E 247.5'

RUBY KOCH REVOCABLE
LIVING TRUST

DOC. NO. 98-1112"

FOUND 5/8" IRON ROD
PER SURVEY #16954

S 78°02'12" E 1044.39'

TIE TO 1/4 CORNER
N 02°33'22" W 1389.03'

TIE TO 1/4 CORNER
N 04°24'17" W 1469.46'

POINT OF BEGINNING
STA: 194+35.36
OFFSET: 37.00 R

S 29°12'35" E 18.38'

S 60°47'25" W 20.00'

N 29°12'35" W 17.65'

R=4037.00'
L=20017.03'
Chg=N 58°41'44" E
Chg=20.0

SANITARY SEWER EASEMENT
NW 1/4 AND NE 1/4 OF SECTION 27,
T2S, R1W, ELM, CITY OF TUALATIN,
WASHINGTON COUNTY, OREGON

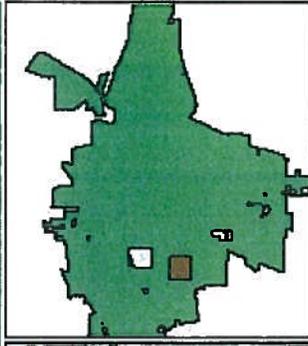
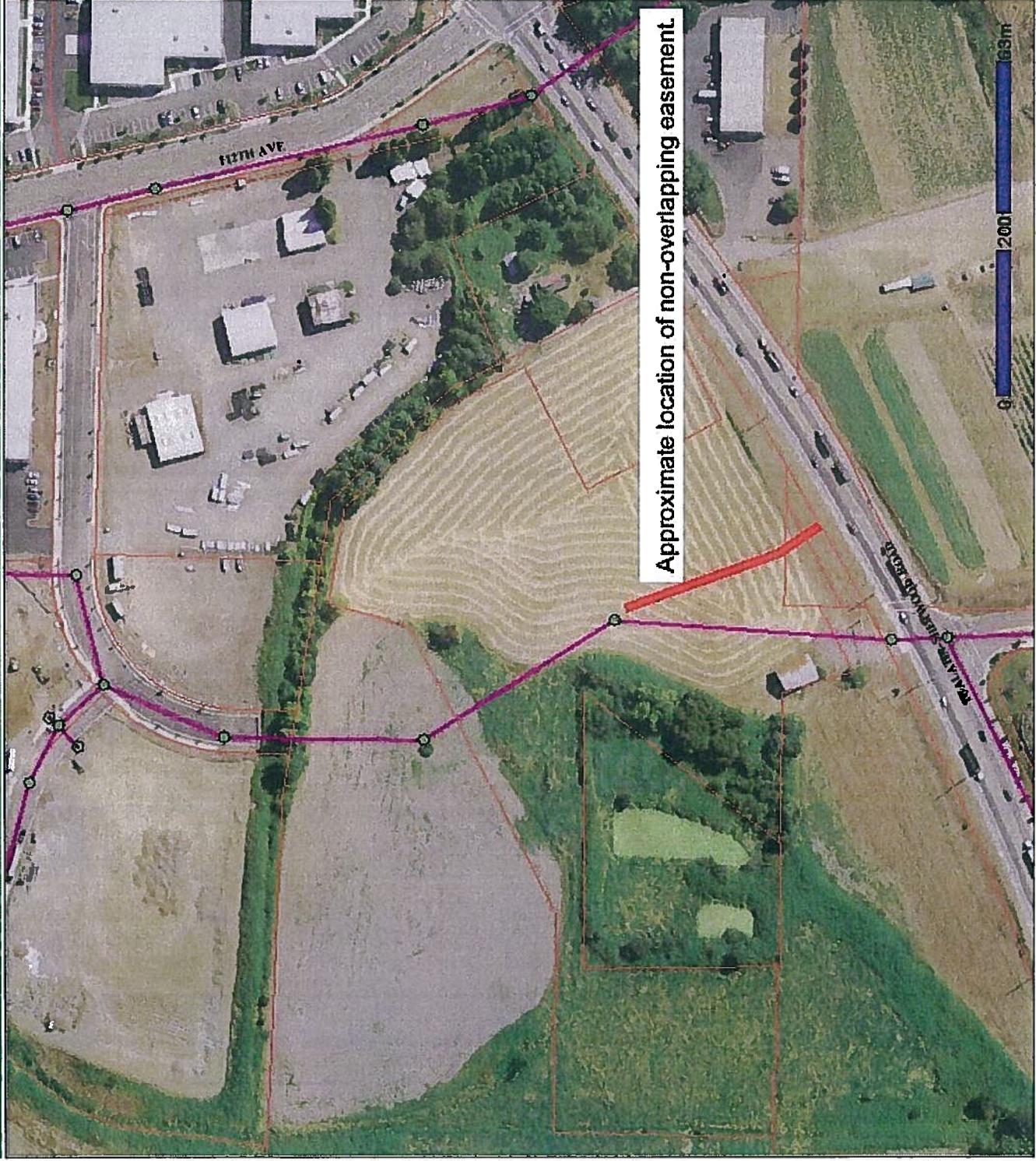
- FOUND MONUMENTS:
#1 FOUND 5/8" IR WITH YPC "PELSEK
PLS 2801" PER SN 28004
#2 FOUND 5/8" IR PER SN 17143
#3 FOUND 5/8" IR WITH YPC MARKED "M&H"
PACIFIC IN MO. BO. PER SN 25092 AT STA 149+00
#4 FOUND 5/8" IR WITH YPC MARKED "M&H"
PACIFIC IN MO. BO. PER SN 25092 AT STA 163+562

DRAWING NO.: 1000906.DWG
DATE: 3/12/01
BY: GWH

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Gary W. Hickman
GARY W. HICKMAN
1978

RENEWAL DATE: 06/30/01
DATE OF SIGNATURE: 03/12/01

TualMap: Unused Public Sanitary Sewer Easement Restricting Development



- Sewer Lines
- Tualskin Gravity
- Tualskin Force
- CWS Gravity
- CWS Force
- Sewer Points
- Air Release MH
- Clean Out
- Inlet Chamber
- Flow Meter
- Manhole
- Outlet Chamber
- Pump Station

Approximate location of non-overlapping easement.

6
11
35
42



EXCEPTION NO. 17

Washington County, Oregon 2001-134448

12/24/2001 02:10:37 PM
D-E Cnt#1 Gr#11 C WHITE
025.00 04.00 011.00 - Total=942.00



00028165200101344480080060
I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Jerry Hanson
Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk



CITY OF TUALATIN
18880 SW MARTINAZZI AVENUE
TUALATIN OR 97062-7092

COVER PAGE FOR RECORDING

Name(s) of Transaction(s): SANITARY SEWER EASEMENT

Names of Person (Grantor, Grantee, etc.): LLOYD AND HELEN J. KOCH (GRANTOR)
AND CITY OF TUALATIN (GRANTEE)

After recording, return to: CITY OF TUALATIN
EXECUTIVE SECRETARY
18880 SW MARTINAZZI AVENUE
TUALATIN OR 97062-7092

Consideration Statement: 0

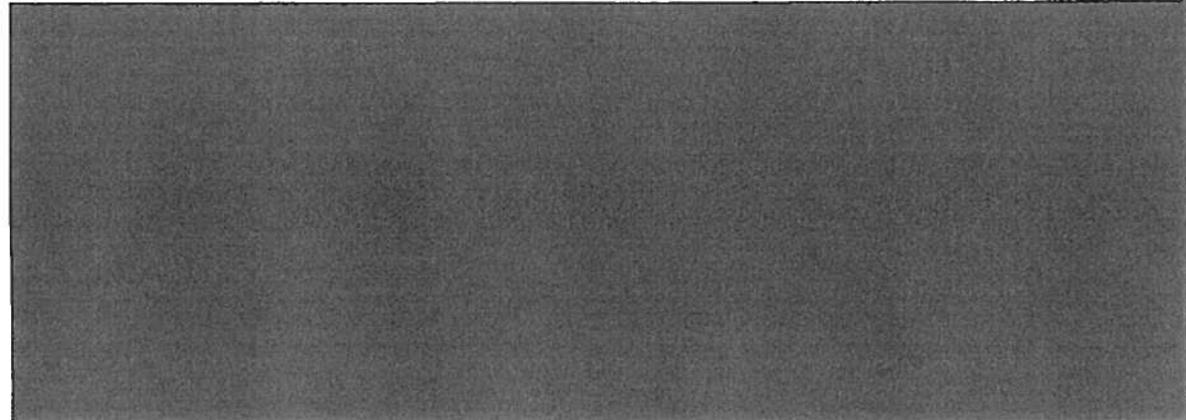
Until a change is requested, all tax statements shall be sent to the following address:

11340 SW Tualatin-Sherwood Road
Tualatin, OR 97062

sec\recordcov.frm (R-10/25/00)

CD-01-32

LOCATED AT: 18880 SW Martinazzi Avenue





CITY OF TUALATIN, OREGON
SANITARY SEWER EASEMENT



2001-134448

KNOW ALL MEN BY THESE PRESENTS, that Lloyd and Helen J. Koch (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Sanitary Sewer Line on the following described land:

See attached legal description

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless all loss, costs, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is \$ 0 and other good and valuable consideration, the receipt of which is acknowledged by GRANTOR.

CITY will allow the GRANTOR to connect to the CITY sanitary sewer system at any future time upon the GRANTOR paying all connection fees in effect at the time of connection.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances NONE and that GRANTOR, the GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.



2801-134448

EXECUTED this 13 day of November, 2001.

Lloyd H. Koch
Signature

Helen J Koch
Signature

Lloyd H. Koch
Name (print or type)

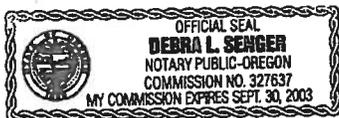
Helen J Koch
Name (print or type)

Property owner
Title

Property owner
Title

STATE OF OREGON)
County of Washington) ss

On this 13th day of November, 2001, before me, the undersigned, a Notary Public, personally appeared Lloyd H. Koch and Helen J Koch and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Debra J Senger
Notary Public for Oregon

My commission expires: 9/30/03

CITY OF TUALATIN, OREGON

By: [Signature]
Mayor

ATTEST:

By: Steve Wheeler
City Recorder

eas/Koch SS



2001-134448

PROPERTY DESCRIPTION
20' WIDE SANITARY SEWER EASEMENT
(Ruby Koch Revocable Living Trust)

A 20.00 foot wide strip of land located in a portion of the Northwest one-quarter of Section 27, Township Two South, Range One West, City of Tualatin, Washington County, Oregon, being 10.00 feet on each side of the following described centerline:

Beginning at a point on the northerly line of Ruby Koch Revocable Living Trust property as described in Washington County Deed Record 98-111271 which bears South 17° 52' 17" West 670.01 feet from a 3 1/4" Aluminum Cap marking the One-Quarter Corner between Sections 22 and 27 and which bears North 82° 28' 50" West 248.21 feet from a 5/8" iron rod per Survey No. 16954; thence South 00° 42' 54" West 180.96 feet; thence South 34° 36' 22" East 313.25 feet; thence South 00° 59' 06" West 369.17 feet to a point on the northwesterly right-of-way line of S.W. Tualatin-Sherwood Road at a point 49.00 feet left of Engineer's Station 153+13.16 (Stationing as shown on Survey No. 25092), the terminus of this described centerline. From said terminus point the said 3 1/4" Aluminum Cap marking the One-Quarter Corner between Sections 22 and 27 bears North 01° 26' 20" East 1446.03 feet.

SUBJECT TO: All easements, restrictions and rights-of-way of record and those common and apparent on the land.

The sidelines of the above described strip of land, are to be lengthened or shortened to intersect and begin and end on property lines.

All bearings for the above easement are based upon Survey No. 28,004.

Doc. 1000906_san2.doc
Date: 10/21/2001 10:15 PM



RENEWAL DATE 06, 30, 03
DATE OF SIGNATURE 10, 21, 01



PROPERTY DESCRIPTION
SANITARY SEWER EASEMENT
(Southerly of S.W. Tualatin-Sherwood Road)

A tract of land containing 214 Square feet, more or less, located in a portion of the Northwest one-quarter of Section 27, Township Two South, Range One West, City of Tualatin, Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the southeasterly right-of-way line of the S.W. Tualatin-Sherwood Road at a point 37.00 feet right of Engineer's Station 152+74.24 (Stationing as shown on Survey No. 25092) and being a point which bears South $01^{\circ} 02' 21''$ West 1539.83 feet from a $3 \frac{1}{4}''$ Aluminum Cap marking the One-Quarter Corner between Sections 22 and 27; thence leaving said right-of-way line South $00^{\circ} 59' 06''$ West 16.45 feet; thence North $89^{\circ} 00' 54''$ West 20.00 feet; thence North $00^{\circ} 59' 06''$ East 4.92 feet to a point on the said southeasterly right-of-way line of the S.W. Tualatin-Sherwood Road; thence following said right-of-way line along the arc of a 4037.00 foot radius curve to the left 23.08 feet (chord bears North $61^{\circ} 01' 32''$ East 23.08 feet) to the Point of Beginning.

SUBJECT TO: All easements, restrictions and rights-of-way of record and those common and apparent on the land.

All bearings for the above easement are based upon Survey No. 28,004.

Doc. 10809_san3.doc
Date: 10/21/2001 10:36 PM



RENEWAL DATE 06/30/03
DATE OF SIGNATURE 10/21/01

RESOLUTION NO. 4936-09

RESOLUTION APPROVING QUITCLAIM OF A PUBLIC SANITARY SEWER EASEMENT

WHEREAS the City Council has adopted the Recorded Document CD-01-26 SANITARY SEWER EASEMENT – Grantor: Lloyd and Helen J Koch; W-2001092126 Grantee: City of Tualatin; and

WHEREAS the an easement adopted by City Council as a Recorded Document can be quitclaimed; and

WHEREAS the City Council has reviewed the quitclaim of a public sanitary sewer easement; and

WHEREAS the Council finds that the recommendations of the City Engineer should be accepted and the quitclaim approved.

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

Section 1. The quitclaim of the public sanitary sewer easement (Washington County Document #2001-092126) as shown on Exhibit A (attached hereto) is adopted and by this reference incorporated herein.

Section 2. The City Recorder is instructed to cause said Quitclaim to be recorded in the Book of Records of the Washington County Recorder.

INTRODUCED AND ADOPTED this 12th day of October, 2009.

CITY OF TUALATIN, OREGON

BY



Mayor Pro Tem

ATTEST:

BY



City Recorder

Approved as to legal form:



City Attorney

QUITCLAIM DEED

CITY OF TUALATIN, OREGON, releases and quitclaims any and all interest in the sanitary sewer easement, situated in Washington County, Oregon, conveyed to CITY by Document #2001-092126, Washington County, Oregon.

CITY no longer has a need for the easement described above. A portion of Document #2001-092126 describing the easement is attached and incorporated in by this reference.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is \$0 and other valuable consideration, the receipt of which is hereby acknowledged.

Dated this 12~~th~~ day of October 2009.

CITY OF TUALATIN, Oregon

By 

Mayor Pro Tem

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

ATTEST:

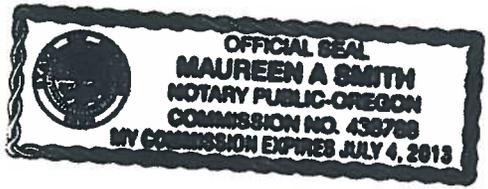
By 

City Recorder

STATE OF OREGON)
) ss
County of Washington)

On this 12th day of October, 2009, before me, the undersigned, a Notary Public, personally appeared Sherilyn Lombos and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Maureen A. Smith
Notary Public for Oregon



My Commission Expires: July 4, 2013

CITY OF TUALATIN, OREGON
By [Signature]
City Manager

The City Manager of the City of Tualatin, being duly authorized and directed by the Council of the City of Tualatin, pursuant to Ordinance 787-89, approves and accepts the foregoing Quit Claim on behalf of the City of Tualatin.

Dated this 12 day of October 20 09.
[Signature]
City Manager

EXCEPTION NO. 16

STATE OF OREGON }
County of Washington } SS

I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for said county, do hereby certify that the within instrument was received and recorded in book of records of said county.



Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

Doc : 2001092126
Rect: 287480 42.00
09/10/2001 04:33:26pm

WASHINGTON COUNTY 2001-092126



CITY OF TUALATIN
18880 SW MARTINAZZI AVENUE
TUALATIN OR 97062-7092

COVER PAGE FOR RECORDING

Name(s) of Transaction(s): SANITARY SEWER EASEMENT

Names of Person (Grantor, Grantee, etc.): LLOYD AND HELEN J KOCH (GRANTOR)
AND CITY OF TUALATIN (GRANTEE)

After recording, return to: CITY OF TUALATIN
EXECUTIVE SECRETARY
18880 SW MARTINAZZI AVENUE
TUALATIN OR 97062-7092

Consideration Statement: 0

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Tualatin, OR 97062

NOTE: A LEGIBLE MAP IS ON FILE WITH THE CITY OF TUALATIN.
secirecordcov.fm [R-10/25/00]

CB-01-26

LOCATED AT: 18880 SW Martinazzi Avenue

6
11
25
42

1-5



CITY OF TUALATIN, OREGON
SANITARY SEWER EASEMENT

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See attached legal description

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The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances NONE and that GRANTOR, the GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

2

**PROPERTY DESCRIPTION
20' WIDE SANITARY SEWER EASEMENT
(Ruby Koch Revocable Living Trust)**

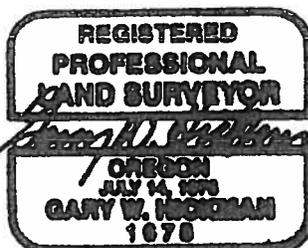
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SUBJECT TO: All easements, restrictions and rights-of-way of record and those common and apparent on the land.

All bearings for the above easement are based upon Survey No. 28,004.

Doc. 1000906_san2.doc
Date: 03/12/2001 4:15 PM

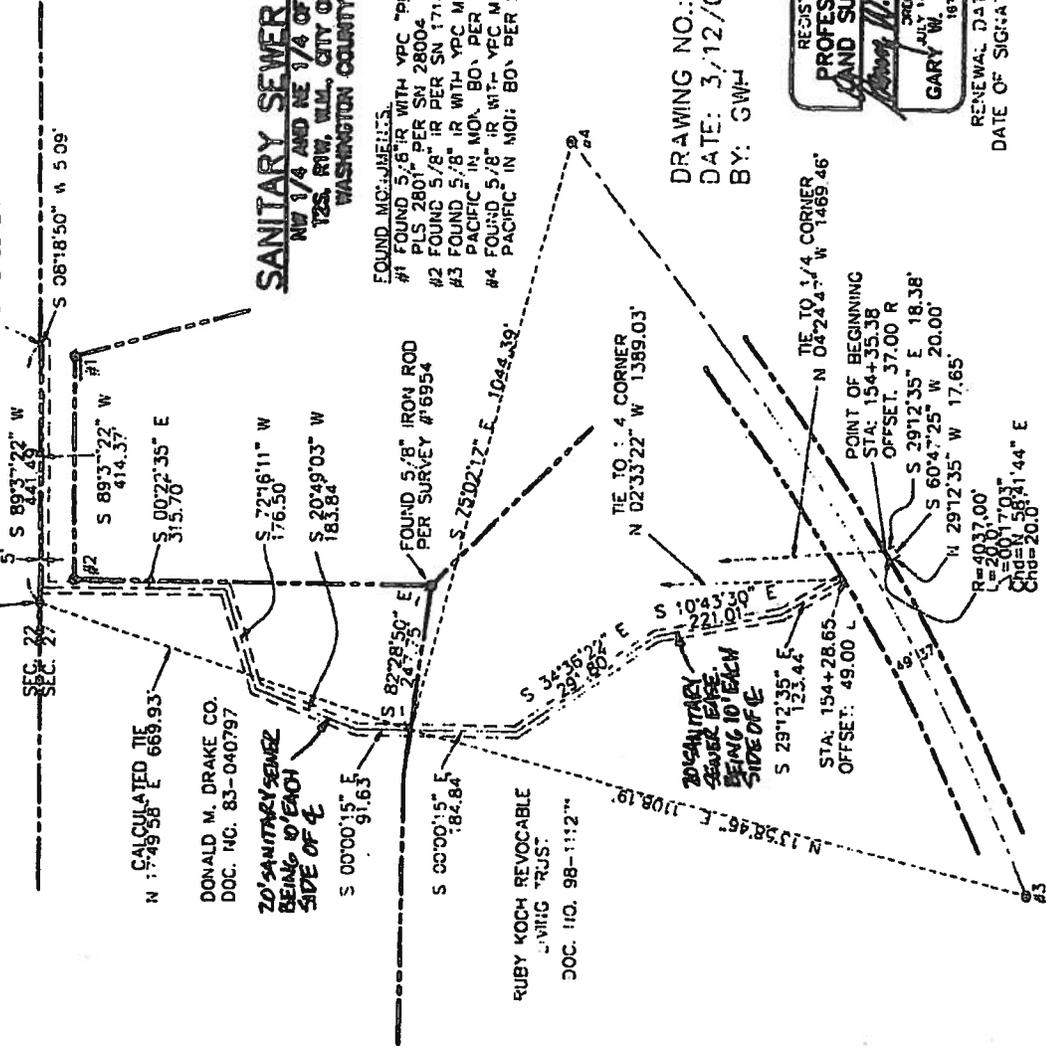


RENEWAL DATE 06,30,01
DATE OF SIGNATURE 03,12,01

4

FOUND 3 1/4" ALUM. DISK IN CONCRETE MARKING 1/4 CORNER BETWEEN SECTIONS 22 AND 27

POINT OF BEGINNING FOR EASEMENT



N 1749°58' E 669.93'
CALCULATED TIE

DONALD M. DRAKE CO.
DOC. NO. 83-040797

20' SANITARY SEWER
BEING 10' EACH
SIDE OF C

S 00°00'15" E 91.63'

S 00°00'15" E 184.84'

RUBY KOCH REVOCABLE TRUST
DOC. NO. 98-1112

S 82°28'50" E 249.75'

20' SANITARY SEWER EASEMENT BEING 10' EACH SIDE OF C

S 29°12'35" E 123.44'

STA: 154+28.65
OFFSET: 49.00 L

S 34°30'22" E 100.00'

TIE TO 1/4 CORNER
N 02°33'22" W 1389.03'

TIE TO 1/4 CORNER
N 04°24'4" W 1469.46'

POINT OF BEGINNING
STA: 154+35.38
OFFSET: 37.00 R

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N 29°12'35" W 17.65'

R=4037.00'
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CHB=20.00'
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SANITARY SEWER EASEMENT
NW 1/4 AND NE 1/4 OF SECTION 27,
T2S, R1W, WLL, CITY OF TUALATIN,
WASHINGTON COUNTY, OREGON

FOUND MONUMENTS
#1 FOUND 5/8" IR WITH YPC PELSER
PLUS 2801' PER SN 28004
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#3 FOUND 5/8" IR WITH YPC MARKED "A&H"
PACIFIC IN MO. BO. PER SN 25092 AT STA 148+00
#4 FOUND 5/8" IR WITH YPC MARKED "MAH"
PACIFIC IN MO. BO. PER SN 25092 AT STA 153+56.2

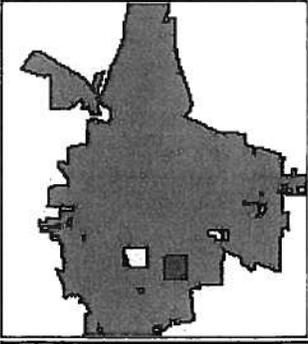
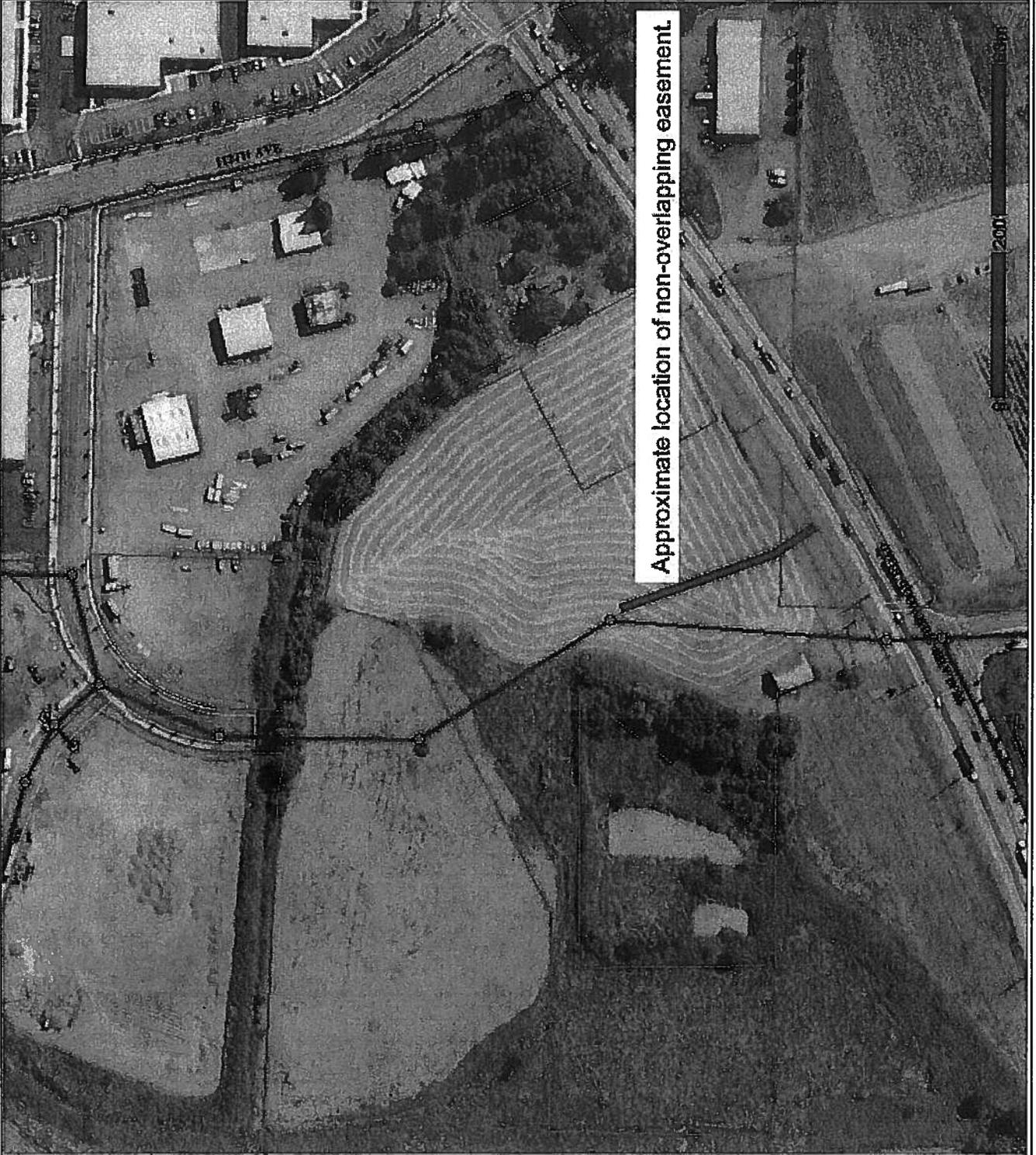
DRAWING NO.: 1000906.DWG
DATE: 3/12/01
BY: GWH

REGISTERED
LAND SURVEYOR
Gary W. Hickman
30600
JULY 11, 1978
GARY W. HICKMAN
1978

RENEWAL DATE: 06.30.01
DATE OF SIGNATURE: 03.12.01

5

TualMap: Unused Public Sanitary Sewer Easement Restricting Development



- Sewer Lines
- Tualatin Gravity
- Tualatin Force
- CWS Gravity
- CWS Force
- Sewer Points
- Air Release MH
- Cham Out
- Inlet Chamber
- Flow Meter
- Manhole
- Outlet Chamber
- Pump Station



Approximate location of non-overlapping easement.



6
11
2.5
42



EXCEPTION NO. 17

Washington County, Oregon
12/24/2001 02:10:37 PM
D-B Cnt01 Sm=11 C WHITE
925.00 00.00 911.00 - Total=942.00

2001-134448



00028166200101344400080066

I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Jerry Hanson

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk



CITY OF TUALATIN
18880 SW MARTINAZZI AVENUE
TUALATIN OR 97062-7092

COVER PAGE FOR RECORDING

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Names of Person (Grantor, Grantee, etc.): LLOYD AND HELEN J. KOCH (GRANTOR)
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After recording, return to: **CITY OF TUALATIN**
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Consideration Statement: 0

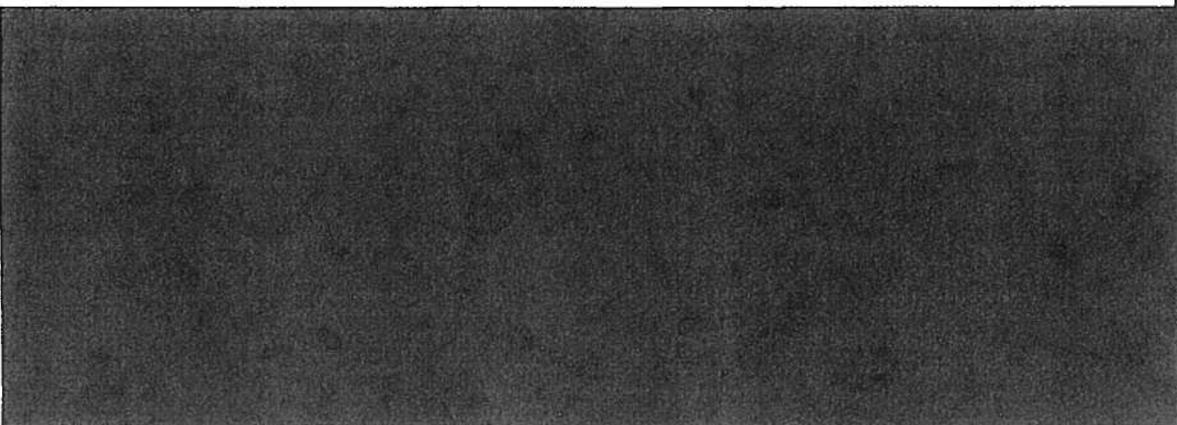
Until a change is requested, all tax statements shall be sent to the following address:

11340 SW Tualatin-Sherwood Road
Tualatin, OR 97062

sec\recordcov.frm [R-10/25/00]

CD-01-32

LOCATED AT: 18880 SW Martinazzi Avenue





CITY OF TUALATIN, OREGON
SANITARY SEWER EASEMENT



2801-134448

KNOW ALL MEN BY THESE PRESENTS, that Lloyd and Helen J. Koch (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the permanent right to construct, reconstruct, operate and maintain a Sanitary Sewer Line on the following described land:

See attached legal description

TO HAVE AND TO HOLD, the described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Uses by the GRANTOR shall not be inconsistent or interfere with the use of the easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the easement during its term without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless all loss, costs, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is \$ 0 and other good and valuable consideration, the receipt of which is acknowledged by GRANTOR.

CITY will allow the GRANTOR to connect to the CITY sanitary sewer system at any future time upon the GRANTOR paying all connection fees in effect at the time of connection.

The GRANTOR covenants to the CITY, and CITY'S successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the granted premises, free from all encumbrances NONE and that GRANTOR, the GRANTOR'S heirs, and personal representatives shall warrant and forever defend the premises to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.



2001-134448

EXECUTED this 13 day of November, 2001.

Lloyd H. Koch
Signature

Helen J Koch
Signature

Lloyd H. Koch
Name (print or type)

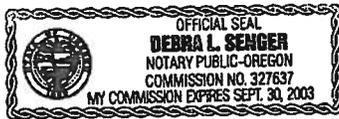
Helen J Koch
Name (print or type)

Property owner
Title

Property owner
Title

STATE OF OREGON)
County of Washington) ss

On this 13th day of November, 2001, before me, the undersigned, a Notary Public, personally appeared Lloyd H. Koch and Helen J Koch and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Debra J Senger
Notary Public for Oregon

My commission expires: 9/30/03

CITY OF TUALATIN, OREGON

By: _____
Mayor

ATTEST:

By: Steve Wheeler
City Recorder

eas/Koch SS



2001-134448

PROPERTY DESCRIPTION
20' WIDE SANITARY SEWER EASEMENT
(Ruby Koch Revocable Living Trust)

A 20.00 foot wide strip of land located in a portion of the Northwest one-quarter of Section 27, Township Two South, Range One West, City of Tualatin, Washington County, Oregon, being 10.00 feet on each side of the following described centerline:

Beginning at a point on the northerly line of Ruby Koch Revocable Living Trust property as described in Washington County Deed Record 98-111271 which bears South 17° 52' 17" West 670.01 feet from a 3 1/4" Aluminum Cap marking the One-Quarter Corner between Sections 22 and 27 and which bears North 82° 28' 50" West 248.21 feet from a 5/8" iron rod per Survey No. 16954; thence South 00° 42' 54" West 180.96 feet; thence South 34° 36' 22" East 313.25 feet; thence South 00° 59' 06" West 369.17 feet to a point on the northwesterly right-of-way line of S.W. Tualatin-Sherwood Road at a point 49.00 feet left of Engineer's Station 153+13.16 (Stationing as shown on Survey No. 25092), the terminus of this described centerline. From said terminus point the said 3 1/4" Aluminum Cap marking the One-Quarter Corner between Sections 22 and 27 bears North 01° 26' 20" East 1446.03 feet.

SUBJECT TO: All easements, restrictions and rights-of-way of record and those common and apparent on the land.

The sidelines of the above described strip of land, are to be lengthened or shortened to intersect and begin and end on property lines.

All bearings for the above easement are based upon Survey No. 28,004.

Doc. 1000906_san2.doc
Date: 10/21/2001 10:15 PM



RENEWAL DATE 06, 30, 03
DATE OF SIGNATURE 10, 21, 01



2001-134488

PROPERTY DESCRIPTION
SANITARY SEWER EASEMENT
(Southerly of S.W. Tualatin-Sherwood Road)

A tract of land containing 214 Square feet, more or less, located in a portion of the Northwest one-quarter of Section 27, Township Two South, Range One West, City of Tualatin, Washington County, Oregon, being more particularly described as follows:

Beginning at a point on the southeasterly right-of-way line of the S.W. Tualatin-Sherwood Road at a point 37.00 feet right of Engineer's Station 152+74.24 (Stationing as shown on Survey No. 25092) and being a point which bears South 01° 02' 21" West 1539.83 feet from a 3 1/4" Aluminum Cap marking the One-Quarter Corner between Sections 22 and 27; thence leaving said right-of-way line South 00° 59' 06" West 16.45 feet; thence North 89° 00' 54" West 20.00 feet; thence North 00° 59' 06" East 4.92 feet to a point on the said southeasterly right-of-way line of the S.W. Tualatin-Sherwood Road; thence following said right-of-way line along the arc of a 4037.00 foot radius curve to the left 23.08 feet (chord bears North 61° 01' 32" East 23.08 feet) to the Point of Beginning.

SUBJECT TO: All easements, restrictions and rights-of-way of record and those common and apparent on the land.

All bearings for the above easement are based upon Survey No. 28,004.

Doc. 10809_san3.doc
Date: 10/21/2001 10:36 PM



RENEWAL DATE 06/30/03
DATE OF SIGNATURE 10/21/01



STAFF REPORT CITY OF TUALATIN

Approved By Tualatin City Council
Date 10-12-09
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Doug Rux, Community Development Director [Signature]

DATE: October 12, 2009

SUBJECT: AN ORDINANCE RELATING TO MODIFICATIONS OF THE TUALATIN CENTRAL URBAN RENEWAL PLAN; AMENDING TDC 30.010 (PTA-09-05)

ISSUE BEFORE THE COUNCIL:

City Council consideration regarding the request for a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC), Chapter 30 Tualatin Urban Renewal Plan, amending TDC 30.010 for the Central Urban Renewal Plan to include commuter rail train horn noise mitigation as a project.

This Plan Text Amendment application is a request by the Community Development Department, Economic Development Division, to amend Section 30.010 of the Tualatin Development Code (TDC) amending the Central Urban Renewal Plan (CURP) to identify commuter rail train horn noise mitigation as a project. The Central Urban Renewal Plan was adopted as part of the Tualatin Community Plan and is incorporated by reference.

RECOMMENDATION:

The Tualatin Development Commission met on September 28, 2009 and adopted Resolution No. 578-09 recommending the City Council prepare an ordinance granting PTA-09-05.

The Tualatin Planning Advisory Committee (TPAC) voted 7-0 on August 13, 2009 recommending that the City Council approve PTA-09-05.

The Urban Renewal Advisory Committee (URAC) met on August 19, 2009 and voted 2-2 on a recommendation to approve a supporting resolution on PTA-09-05.

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

EXECUTIVE SUMMARY:

- This matter is a legislative public hearing.
- This matter is a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC).
- This amendment was initiated by the Community Development Department, Economic Development Division, in response to a City Council/Tualatin Development Commission request to address commuter rail train horn noise impacts within the Central Urban Renewal District.
- The City Council adopted Resolution No. 4892-09 on June 8, 2009 authorizing an Intergovernmental Agreement (IGA) with TriMet and Washington County regarding Westside Express Service (WES) Train Horn Noise Mitigation. The resolution expressed their intent to proceed with planning and designing potential noise mitigation treatments while seeking funding to implement these measures through future amendment or separate Intergovernmental Agreement.
- On July 13, 2009 the City Council conducted a work session on a Quiet Zone Study Update. Four of the study intersections are located within the Central Urban Renewal District (CURD) (Tualatin Road, Nyberg Street, Tualatin-Sherwood Road and Boones Ferry Road Pedestrian Crossing). The remaining intersections are located outside of the CURD. The Tualatin Urban Renewal District was identified as one of the potential funding sources for mitigation within the CURD. The identified funding need within CURD is estimated at up to \$1.3 million.
- On July 27, 2009 the City Council adopted Resolution No. 4913-09 authorizing an Intergovernmental Agreement with TriMet and Washington County regarding WES Train Horn Noise Mitigation Funding. Contained in the Staff Report was a summary of funding sources including the American Recovery and Reinvestment Act (ARRA), Tualatin Central Urban Renewal District (CURD) and Washington County. Crossing treatments identified within the CURD were: Tualatin Road – Wayside Horn & Pedestrian Gates; Nyberg Street – Wayside Horn; Tualatin-Sherwood Road – Wayside Horn; Boones Ferry Road Pedestrian Crossing – Wayside Horn. The noise mitigation treatments under this IGA cover intersections outside of the CURD only.
- The Urban Renewal Advisory Committee discussed the proposal and had a split vote on forwarding a recommendation in support of PTA-09-05. Concerns expressed were noise from freight trains, the proposal does not address ground vibrations, impacts are to a small group of residents and businesses, and other urban renewal projects have been given up and not constructed. Supportive comments included people live next to train tracks in larger cities, the \$1.3 million

is not enough to do another listed project, and value to attracting other commercial opportunities.

- The proposed PTA language, as prepared by staff, is provided in Attachment A. The Plan Amendment approval criteria are addressed in the Analysis and Findings section of this report (Attachment C).
- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments and TDC 30.010-Tualatin Urban Renewal Plan. The Analysis and Findings section of this report (Attachment C) considers the applicable policies and regulations.
- The 120-day requirement does not apply to this application because it is a legislative action.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment C) examines the application with respect to the criteria for a Plan Amendment.

OUTCOMES OF DECISION:

Approval of the PTA request will result in the following:

1. Adding train horn noise mitigation as a project in the CURP to mitigate impacts within the CURD.
2. Reduces funding for the East Commons project from \$2.4 million down to \$300,000, but retains the project in the CURP.
3. Modifies funding for remaining projects in the CURP (Tualatin-Sherwood Road, Boones Ferry Road Tualatin Road to Tualatin-Sherwood Road, Loop Road/Eastside Downtown, Commons Landmark, and Boones Ferry Road Martinazzi to Lower Boones Ferry Road) based on revenue projections.

Denial of the PTA request will result in the following:

1. Tax increment revenues cannot be used for implementing train horn noise mitigation within the CURD.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Commission are:

- Recommend approving the proposed PTA with alterations.
- Recommend denying the proposed PTA.
- Continue the discussion of the proposed PTA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Applicant is the Economic Development Division. No fee is required. Funds have been budgeted in the Planning Division's FY 09/10 budget to prepare and process City-initiated amendments.

PUBLIC INVOLVEMENT

The proposed amendment is a legislative amendment and no neighbor/developer meeting was required.

- Attachments:**
- A. Proposed Amendment
 - B. Background Information
 - C. Analysis and Findings
 - D. Ordinance

CENTRAL URBAN RENEWAL PLAN PROPOSED AMENDMENT

October 12, 2009

Attached is a proposed amendment to the Tualatin Development Code Tualatin Urban renewal Plan, Section 30.010 and it reference document to the Central Urban Renewal Plan (CURP).

The proposal is to amend the CURP to incorporate commuter rail train horn mitigation. The following elements are part of the proposal: (All text changes in the Plan and Report are highlighted in red with underlines)

Section 30.020 – Add 2009 to the text language.

Central Urban Renewal Plan Cover – Changes to date from July 2006 to October 2009.

Title Page – Changes the date from July 2006 to October 2009.

Table of Contents –Pages i-ii, No changes

Tables and Maps – Page iii, No changes.

List of Adoption and Amendments – Pages iv-vi, Adds a new amendment for October 2009.

SECTION I: URBAN RENEWAL PLAN, A. INTRODUCTION, 2. HISTORY OF ADOPTION AND AMENDMENT – Page 7, adds amendment summary language.

SECTION I: URBAN RENEWAL PLAN, B. GOALS AND OBJECTIVES, 1. GOALS AND OBJECTIVES OF THE URBAN RENEWAL PLAN – Page 7, Goal 7; Transit, adds new language under Objective c. concerning mitigating commuter rail train horn noise impacts. Page 12 updates the amendment adoption history.

SECTION I: URBAN RENEWAL PLAN, C. DESCRIPTION OF PROJECT - Page 14, adds new language on the Tualatin Development Commission working with the City of Tualatin to mitigate commuter rail train horn noise impacts. Page updates the amendment adoption history.

SECTION I: URBAN RENEWAL PLAN, D. OUTLINE OF PROJECT ACTIVITIES, PUBLIC IMPROVEMENTS, b. Roads and Streets – Page 21, adds language for the SW Martinazzi Avenue project clarifying if funding is available. Similar language is added for SW Nyberg Street.

SECTION I: URBAN RENEWAL PLAN, D. OUTLINE OF PROJECT ACTIVITIES, PUBLIC IMPROVEMENTS, g. Transit Facilities – Page 25, adds a new bullet on project activity of commuter rail train horn mitigation and working with the City of Tualatin. Page 25 updates the amendment adoption history.

SECTION I: URBAN RENEWAL PLAN, E. REAL PROPERTY ACQUISITION, DISPOSITION: ESTIMATED SCHEDULE – Pages 28-33, No changes

SECTION I: URBAN RENEWAL PLAN, F. LAND USE – Pages 33 – 38, No changes.

SECTION I: URBAN RENEWAL PLAN, G. RELOCATION PLAN – Page 38, No changes.

SECTION I: URBAN RENEWAL PLAN, H. METHODS OF FINANCING PROJECT ACTIVITIES – Pages 38 - 39, No changes.

SECTION I: URBAN RENEWAL PLAN, I. FUTURE AMENDMENT PROCESS – Pages 39 - 40, No changes.

SECTION I: URBAN RENEWAL PLAN, J. MAP AND LEGAL DESCRIPTION – Pages 40 - 41, No changes.

SECTION II: URBAN RENEWAL REPORT, A. INTRODUCTION – Page 1, Add language on 2009 amendment.

SECTION II: URBAN RENEWAL REPORT, B. EXISTING CONDITIONS – Pages 1 – 36, No changes.

SECTION II: URBAN RENEWAL REPORT, C. REASONS FOR SELECTION OF THE URBAN RENEWAL AREA – Page 36, No changes.

SECTION II: URBAN RENEWAL REPORT, D. RELATIONSHIP BETWEEN PROJECTS AND CONDITIONS IN THE URBAN RENEWAL AREA – Page 37, No changes.

SECTION II: URBAN RENEWAL REPORT, E. ESTIMATED COST AND REVENUE SOURCES – Page 38, Updates Table 12 on Page 39. Page 38 updates the amendment adoption history.

SECTION II: URBAN RENEWAL REPORT, F. ANTICIPATED PROJECT START AND COMPLETION DATES – Page 38, Updates Table 12 on Page 39. Page 38 updates the amendment adoption history.

SECTION II: URBAN RENEWAL REPORT, G. ESTIMATED TAX INCREMENT REVENUE REQUIREMENTS AND ANTICIPATED YEAR OF DEBT

RETIREMENT – Page 39, Updates Table 13 on Page 41. Page 41 updates the amendment adoption history.

SECTION II: URBAN RENEWAL REPORT, H. FINANCIAL FEASIBILITY ANALYSIS – Page 42, No changes.

SECTION II: URBAN RENEWAL REPORT, I. FISCAL IMPACTS ON TAXING JURISDICTIONS – Page 42, No changes.

SECTION II: URBAN RENEWAL REPORT, J. RELOCATION REPORT – Page 44, No changes.



Fountain/Plaza at Tualatin Commons



Tualatin Commons & Hayden's Restaurant



North Commons



Pedestrian Crossing Boones Ferry Road

CENTRAL URBAN RENEWAL PLAN – OCTOBER 2009



Lake of the Commons Looking West



Lake of the Commons Looking East



"White" Parking Lot



Aspen Place – Boones Ferry Road

CENTRAL URBAN RENEWAL PLAN

~~July 2006~~

October 2009

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URBAN RENEWAL PLAN

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CENTRAL URBAN RENEWAL PLAN

ADOPTION

<u>Resolution Number</u>	<u>Date</u>	<u>Purpose</u>
30-75	Jan. 27, 1975	Adoption of the Central Urban Renewal District Plan by the Tualatin City Council

AMENDMENTS

<u>Amendment Number</u>	<u>Date</u>	<u>Amendment Type</u>	<u>Purpose</u>
1 (Res. 106-76)	Feb. 23, 1976	Substantial	Designated a site for a "Civic Center" on the east side of Martinazzi Avenue.
2 (Res. 281-77)	Oct. 10, 1977	Minor	Adopted the results of a major planning effort conducted with the Urban Renewal Advisory Committee including a completely rewritten plan and technical appendix.
3 (TDC Res. 23-78 City Res. 333-78)	Feb. 27, 1978	Minor	Added provisions which allowed limited land acquisition, relocation, land disposition and redevelopment.
4 (TDC Res. 38-79 City Res. 528-79)	April 23, 1979	Minor	Incorporated minor revisions to the Plan's parking and circulation plan for acquisition of land for future parking lots north of Boones Ferry Road and for revision of the location of a lot North of Seneca Street.
5 (Ord. No. 491-79)	Oct. 22, 1979 Repealed by 590-83	Minor	Adopted the Tualatin Community Plan which resulted in changes to names of Planning Districts and other amendments.
6 (TDC Res. 74-83)	December 12, 1983	Minor	Amended to reflect the major conclusions of the "Review and Update," primarily that the Commission should pursue the Village Square Redevelopment Project. The amendment did not address the Village Square Project in sufficient detail to authorize the necessary actions.
7 (Ord. No. 651-84)	Dec. 10, 1984	Substantial	Amended "substantially" in order to pursue implementation of the Village Square Redevelopment Project and to expand the Tualatin Central Urban Renewal Area Boundary.
8 (TDC Res. 117-86)	Aug. 11, 1986	Minor	Amended to pursue acquisition of Tax Lot 2S1-24BC-04800, owned by the Tualatin Rural Fire Protection District.

<u>Amendment Number</u>	<u>Date</u>	<u>Amendment Type</u>	<u>Purpose</u>
9 TDC Res. 121-86)	Nov. 24, 1986	Minor	Amended to authorize intersection improvements on Martinazzi Avenue.
10 (TDC Res. 131-87)	April 27, 1987	Minor	Established design standards and guidelines for the Central Design District and established master-planning requirements for development on Block 13.
11 (Ord. No. 730-87)	Sept. 14, 1987	Substantial	Amended "substantially" in order to pursue implementation of the Block 13 Redevelopment Project.
12 (TDC Res. 145-88)	Jan. 11, 1988	Minor	Amended to prohibit take-out restaurants in Blocks 28 and 29.
13 (TDC Res. 152-88)	Aug. 8, 1988	Minor	Amended to amend the planned location of a part of the Loop Road Project.
14 (TDC Res. 174-90)	May 29, 1990	Minor	Reauthorized acquisition of Tax Lot 2S1-24BC-04800.
15 (TDC Res. 183-91)	Sept. 9, 1991	Minor	Amended plan to conform with new statutory language and add an estimated final date for sale of bonds.
16 (Ord. No. 881-92)	November 9, 1992	Substantial	"Substantial" amendment to expand land uses in the Tualatin Commons Redevelopment Project to include a major water feature, City Hall facilities, a community center, and a retail postal facility. "Village Square and Block 13 Redevelopment Projects" were combined and renamed "Tualatin Commons Redevelopment Project", to reflect the name change by the Commission in January, 1990. Additionally, the plan was updated to reflect previous changes in the Tualatin Community Plan.
17 (TDC Res. 206-93)	June 28, 1993	Minor	Amended Plan to reduce minimum lot sizes in Block 13 from 25,000 square feet to 10,000 square feet.
18 (Ord. No. 996-98)	March 23, 1998	Substantial	Amended Plan to establish a maximum level of indebtedness limit of \$27,705,384.
19 (TDC Res. 317-98)	October 26, 1998	Minor	Amended Plan to allow acquisition of a 4.42 acre property located at Tualatin Road and Sweek Drive for construction of a police facility as well as to update historical information.
20 (TDC Res. 389-01)	December 10, 2001	Minor	Amended Plan modifying the Future Amendment Process.

<u>Amendment Number</u>	<u>Date</u>	<u>Amendment Type</u>	<u>Purpose</u>
21 (TDC Res. 398-02)	March 11, 2002	Minor	Amended Plan and Report to establish the Central Design District Enhancement Project, bring the Plan into compliance with elements of the Community Plan, updated the Plan based on the Transportation System Plan, expanded the Urban Renewal Area boundary.
(Ord. No. 1108-02)	April 22, 2002	Council Approved	
22 (Ord. 1213-06) (TDC. Res. 526-06)	July 10, 2006 June 26, 2006	Council Approved	Amended Plan and Report to amend Section 11.730 and Section 30.010 of the Tualatin Development Code and update Transportation chapter of the CURP as they relate to the expansion of the Tualatin Public Library.
<u>23</u>			<u>Amend Plan and Report to amend Section</u>
<u>TDC (Res. 578-09)</u>	<u>September 28, 2009</u>		<u>30.010 as it relates to transit and train horn</u>
<u>(Ord. _____)</u>	<u>October 12, 2009</u>	<u>Council Approved</u>	<u>noise mitigation.</u>

SECTION I: URBAN RENEWAL PLAN

A. INTRODUCTION

This Urban Renewal Plan and Report governs the activities of the Tualatin Development Commission (the Urban Renewal Agency of the City of Tualatin) within Tualatin's Central Urban Renewal Area. The Plan and Report reflect amendments to the initial Urban Renewal Plan originally adopted on January 27, 1975.

The Plan (Section I):

- Describes the history of urban renewal activities in the Area;
- States the Commission's overall goals and objectives;
- Outlines the activities anticipated within the Area;
- Describes in detail the real property acquisition and disposition authorized within the Area, and states how the relocation of existing occupants is to be treated;
- Describes how land use is regulated within the Area; and
- States how changes to the Plan are to be accomplished.

The Report (Section II) provides background information on economic, social, and environmental conditions in the Urban Renewal Area and includes the financial plan for accomplishing the Plan's activities.

The Plan and Report together contain the information required by Oregon Revised Statutes (ORS) 457.085.

1. DEFINITIONS

The following definitions will govern this Plan unless the context otherwise requires:

"Blight" or "Blighted Areas" means conditions or areas as defined in ORS 457.010.

"Block 13 Redevelopment Project" means the parcels of the Tualatin Commons Redevelopment Project that were included as a part of the project by Amendment No. 9 to this plan. Amendment No. 14 combined this project and the Village Square Redevelopment Project and renamed them the "Tualatin Commons Redevelopment Project."

"Central Design District Enhancement Project" means the area within the Central Design District identified for public improvements such as, but not limited to, streetscape enhancements such as sidewalks, pedestrian lighting, street trees, pedestrian furniture, banner poles; roadway improvements; intersection improvements; sewer, water and storm drainage improvements; public art and landscape enhancements.

"City Hall" or "City Hall Facilities" means development activities related to the feasibility, siting, design, and construction of City of Tualatin government facilities, including, but not limited to, council chambers, staff offices, police offices, and on-site parking facilities.

"Commission" or "Tualatin Development Commission" means the City of Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin.

"Community Center" means development activities related to the feasibility, siting, design, and construction of facilities designed to support social aspects of residents and businesses of Tualatin.

"Development Code" means the City of Tualatin Development Code, containing the Tualatin Community Plan, the Central Urban Renewal Plan and Report, and Planning District Standards.

"ORS" means Oregon Revised Statutes.

"Plan" or "Urban Renewal Plan" means the Urban Renewal Plan for the Tualatin Central Urban Renewal Area as approved and modified by the Tualatin Development Commission and adopted by the Tualatin City Council pursuant to ORS 457.085 and 457.095.

"Public Facilities" means all on-site and off-site improvements and related accessories to be accepted for ownership, maintenance and operation by a public agency, including, but not limited to, sanitary sewers and pump stations, water lines including related reservoirs, pump stations, pressure reading stations and hydrants, storm drain systems, greenways, bike paths, and streets including alleys, street lights, street name signs, traffic control systems and devices.

"Project" or "Project Activity" means any work or undertaking carried out under ORS 457.170 in an Urban Renewal Area.

"Report" means the Urban Renewal Report accompanying the Plan pursuant to ORS 457.085.

"Retail Postal Facility" or "Postal Facility" means development to house a postal facility that is primarily designed to support the community's over-the-counter postal needs. This facility is not a major mail sorting/processing facility.

"Tualatin Commons Redevelopment Project" means all Project activities related to the project called for in Goal 1, Objective (a.) including land acquisition and disposition and development of public improvements.

"Tualatin Commons Redevelopment Project Area" means the area in which land will be acquired and disposed of for redevelopment and public improvements for the Tualatin Commons Redevelopment Project.

"Transportation System Plan" means the Transportation System Plan adopted by the City Council by Resolution No. 3878-01, July 9, 2001.

"Urban Renewal Area" or "Area" means the blighted area established as the Tualatin Central Urban Renewal Area.

"Village Square Redevelopment Project" means the part of the Tualatin Commons Redevelopment Project that was originally implemented by Amendment No. 5. The Tualatin Commons Redevelopment Project consists of the Block 13 and Village Square Redevelopment Projects.

"Village Square Redevelopment Project Area" means the area in which land was acquired for the Tualatin Commons Redevelopment Project before the Herwin Pet Food facility was acquired and included in the redevelopment project.

"Water Feature", "Major Water Feature" or "Lake" means a body of water, fountains and other water-related items to be planned, designed and constructed by the Tualatin Development Commission in conjunction with the Tualatin Commons Redevelopment Project.

[Section A1 amended by Ordinance 881-92, passed November 9, 1992, and by TDC Resolution 398-02, adopted March 11, 2002]

2. HISTORY OF ADOPTION AND AMENDMENT

The Urban Renewal Plan (the "Plan") for the Tualatin Central Urban Renewal Project was adopted by the Tualatin City Council on January 27, 1975. The Plan established an Urban Renewal Area which the City Council found to be blighted and deteriorated because of conditions including:

- deleterious land uses,
- the lack of flood protection,
- the lack of adequate drainage facilities and public rights of way,
- the traffic congestion and railroad/motor vehicle conflicts and the public safety hazards resulting therefrom, and
- the inaccessibility and inadequacy of public facilities and services.

(A map and legal description of the 1975 Urban Renewal Area are included in Appendix A of the Report.)

With the adoption of the Plan, the Tualatin Development Commission (the "Commission") was established as the Urban Renewal Agency of the City. The Plan indicated that further revisions were anticipated.

In January, 1976, the Plan was amended (Amendment No. 1) to designate a site for a "Civic Center" on the east side of Martinazzi Avenue (80th Avenue).

In July 1976, the Commission retained the consulting team of Broome, Oringdulph, O'Toole and Rudolph; CH2M Hill; Larry Smith and Company, LTD; and McArthur/Gardner Partnership to refine the January 1975 Plan. The Urban Renewal Advisory Committee (URAC) was established at this time to assist in the development of Plan revisions.

The work of the consultant team resulted in a proposed plan amendment which:

- (1) further documented several of the conditions which contributed to blight and deterioration within the Urban Renewal Area,
- (2) established additional objectives of the Plan,
- (3) outlined alternative actions to be taken in the areas of flood control and transportation, and
- (4) contained a list of anticipated projects.

The proposed Plan amendment also contained detailed land use recommendations and requirements for sub-areas of the Urban Renewal Area, designated as "blocks," and more general "design guidelines" to be applied by the City's Architectural Review Board in evaluating development proposals. A technical appendix included background analyses and minutes of Urban Renewal Advisory Committee meetings.

In October 1977, the Plan was amended (Amendment No. 2) to adopt and incorporate the amendments and technical appendix; the new Plan was titled "Urban Renewal Plan, dated October 10, 1977."

In February 1978, Amendment No. 3 added provisions which allowed limited land acquisition, relocation, land disposition and redevelopment. These provisions were added to allow implementation of parking and street improvement projects listed in the Plan's work program.

In April 1979, Amendment No. 4 was adopted which incorporated minor revisions to the Plan's parking and circulation plan. These called for acquisition of land for future parking lots north of SW Boones Ferry Road and for revision of the location of a lot north of SW Seneca Street.

In October 1979, the City Council adopted a significantly new Community Plan which, among other things, replaced the then-existing system of zoning with a system of "Planning Districts." This necessitated revision of the land use section of the Urban Renewal Plan (Amendment No. 5) to reflect the changes in designations. The changes were almost exclusively related to the names of the districts; actual land use policies were essentially the same.

In 1982, the Commission undertook an extensive review and update of the Plan. In July, the Commission retained Mitchell and Nelson Associates, Inc. to lead a consultant team to review the Plan. This consisted of re-evaluating the Plan's assumptions and conclusions regarding land use, urban design, parking, circulation, economics and

market conditions. The consultant team included Associated Transportation Engineering and Planning (ATEP), Pacific Economica, Inc. and Mel Kroker Architects.

The review process was directed by URAC. Citizens were provided opportunities for involvement at over 20 URAC meetings and work sessions.

A final report entitled "Review and Update of the Urban Renewal Plan" was completed in March 1983. After further revisions and corrections, and a joint work session of URAC and the Commission, the report was adopted on September 12, 1983.

The report essentially confirmed the continued validity of the Plan's assumptions and conclusions but went on to recommend that the Commission play a more aggressive role in redevelopment of the central area. Recommended actions included acquisition of land for reconveyance to a private developer for development into retail uses, and development of a public square and pedestrian ways. This redevelopment project, titled the "Village Square," would include parking facilities.

In December 1983, the Plan was amended (Amendment No. 6) to reflect the major conclusions of the "Review and Update," primarily that the Commission should pursue the Village Square Redevelopment Project. The transportation and flood control sections were revised to reflect projects that were completed and to acknowledge that transportation improvements are governed by the transportation element of the Community Plan. The amendment, however, did not address the Village Square Project in sufficient detail to authorize the necessary actions.

In December 1984 the Plan was "substantially" amended (Amendment No. 7) in order to pursue implementation of the Village Square Redevelopment Project and to expand the Tualatin Central Urban Renewal Area Boundary.

In August 1986 the Plan was amended (Amendment No. 8) to pursue acquisition of Tax Lot 2S1 24BC 4800, owned by the Tualatin Rural Fire Protection District.

The Plan was amended in November 1986 (Amendment No. 9) to authorize intersection improvements on Martinazzi Avenue adjacent to the Fred Meyer Shopping Center and Martinazzi Square driveways.

In April 1987 the Plan was amended (Amendment No. 10) to establish design standards and guidelines for the Central Design District and establish master-planning requirements for development on Block 13.

Amendment No. 11 was initiated by the Commission in order to pursue implementation of the Block 13 Redevelopment Project. This project enabled the Commission to purchase the then-closed Herwin pet food manufacturing facility and develop it in a manner consistent with the Village Square Redevelopment Project.

The plan was amended in January 1988 (Amendment No. 12) to prohibit take-out restaurants in Blocks 28 and 29.

It was again amended in August 1988 by Amendment No. 13 to amend the planned location of a part of the Loop Road Project.

Amendment No. 14 was initiated in May 1990 after the Tualatin Valley Fire and Rescue Station moved. The amendment reauthorized the Agency to acquire Tax Lot 2S1 24BC 04800, as the date of the original agreement expired.

Amendment 15 was a minor amendment dated September 9, 1991 to conform with new statutory language and add an estimated final date for sale of bonds.

Amendment No. 16 was initiated on November 9, 1992 to change land uses within the Tualatin Commons Redevelopment Project (formerly referred to as the Village Square and Block 13 Redevelopment Projects). To reduce confusion, the amendment also combined the two project names into one name - the Tualatin Commons Redevelopment Project that reflected the name selected by the Commission in February 1990. The change in land uses includes objectives to plan and develop a major water feature and to locate a City Hall facility and community center within the Tualatin Commons Project Area. It also includes an objective to work with the U. S. Postal Service to locate a retail postal facility in the Tualatin Commons Project Area. Because significant land use changes were proposed, this amendment was considered "substantial," as per ORS 457.220.

Amendment No. 17, a minor amendment, was adopted on June 23, 1993 by the Tualatin Development Commission. The amendment would have reduced the minimum lot size on Block 13 of the urban renewal area from 25,000 square feet to 10,000 square feet. Although this minor amendment was approved by the Tualatin Development Commission and is part of this Urban Renewal Plan, the corresponding action by the Tualatin City Council to change the Tualatin Development Code was never made.

Amendment No. 18, a substantial amendment, was adopted on March 23, 1998 to establish a maximum level of indebtedness under the Plan, consistent with ORS 457.190.

Amendment No. 19, a minor amendment, was adopted on October 26, 1998 by the Tualatin Development Commission. The amendment authorized the acquisition of Tax Map 2S1 23D, Tax Lot 500 for a Police Facility, as defined under "City Hall" or "City Hall Facilities" in this Plan. Excess land will either be developed or disposed of in accordance with the Plan.

Amendment No. 20, a minor amendment, was adopted on December 10, 2001 by the Tualatin Development Commission modifying the Future Amendment Process.

Amendment No. 21, a minor amendment, was adopted on March 11, 2002 by the Tualatin Development Commission to establish the Central Design District Enhancement Project, bring the Plan into compliance with elements of the Community Plan, update the Plan based on the Transportation System Plan of 2001 and expand the Urban Renewal Area boundary less than 1 percent. The Council adopted, through the Council Approval Process on April 22, 2002, adding Central Design District Enhancement Projects to the Plan.

Amendment 22, a Council Approved Amendment, was adopted July 10, 2006 by the City Council incorporating library expansion as a project, deleting or listing as projects if

funding is available for Boones Ferry Road – Martinazzi to Lower Boones Ferry Road, Loop Road/Eastside Downtown, Commons Landmark, Green Lot Expansion, Façade Improvement Program and Sculpture Garden.

Amendment 23, a Council Approved Amendment, was adopted October 12, 2009 by the City Council incorporating train horn noise mitigation as a project and modifying the East Commons project as a project if funding is available.

[Section A-2 amended by Resolution No. 74-83 adopted December 12, 1983; Ordinance 730-87, passed September 14, 1987; Ordinance 881-92, passed November 9, 1992; TDC Resolution 317-98, adopted October 26, 1998; TDC Resolution 398-02, adopted March 11, 2002; and Ordinance 1213-06 passed July 10, 2006; and Ordinance _____ passed October 12, 2009.]

3. CITIZEN INVOLVEMENT PROCESS

Beginning with the first significant revision of the Plan in July 1976, revisions of plan policies, activities and projects have been developed under the advisement of the Urban Renewal Advisory Committee. This citizen's committee meets quarterly or on a monthly basis, as needed, to discuss and make recommendations to the Tualatin Development Commission regarding urban renewal issues. These meetings are open to the public and are advertised in the local media.

Plan amendments are approved by the Commission and adopted by the City Council at public meetings which are noticed in conformance with state law.

[This section was amended by TDC Resolution 398-02, adopted March 11, 2002]

B. GOALS AND OBJECTIVES

1. GOALS AND OBJECTIVES OF THE URBAN RENEWAL PLAN

THE OVERALL GOAL OF THE PLAN IS:

To strengthen the social and economic development of central Tualatin by stabilizing and improving property values, eliminating existing blight, and preventing future blight; and to encourage and facilitate land uses, private and public, that result in activity during all business hours, evenings, nights, and weekends; and to encourage indoor and outdoor uses.

LAND USE

Objective: Implement the Tualatin Commons Redevelopment Project and Central Design District Enhancement Project to provide an appropriate environment which encourages private development within the Project area' and surrounding properties that support the overall goal. A major water feature may be included in the Tualatin Commons Redevelopment Project. Both projects will be oriented to pedestrians with connections to the Tualatin Community Park and to other public and private developments in the town center area.

The projects will be implemented as a series of public/private

partnerships. The role of the Commission includes acquiring and packaging development sites; conveying, by sale or lease, portions of the sites to private developers; and contributing towards construction of public facilities and improvements. These public facilities may include but are not limited to a water feature, community facilities, pedestrian facilities, streetscape enhancements, art and parking facilities. Development of all commercial and residential space will be a private sector responsibility.

Goal 1: Commercial Development

To encourage and facilitate commercial development in the Urban Renewal Area with an emphasis on establishing a visible and viable central business district that encourages community and business activity on weekdays, evenings and weekends.

- Objectives:
- a. Implement the "Tualatin Commons Redevelopment Project." The project is envisioned as a public and private mixed-use development that encourages activity during business hours, evenings, nights, and weekends; and indoor and outdoor uses. Commercial uses that are encouraged include restaurants, limited specialty retail, theaters, private athletic facilities, lodging, and offices.
 - b. Implement the "Central Design District Enhancement Project." The project is envisioned as a public improvement addressing transportation, pedestrian circulation, streetscape enhancements and art to further encourage activity during business hours, evenings, nights, and weekends; and indoor and outdoor uses within the central downtown area.
 - c. Encourage the development of existing Central Commercial designated land before re-designating other land within the Urban Renewal Area as Central Commercial.
 - d. Support Central Commercial designated land for development by assisting in the marketing and promotion of central Tualatin as a place to visit, shop, and conduct business.

Goal 2: Housing

To encourage multi-family housing in the Urban Renewal Area as supportive of commercial development.

- Objective:
- a. Review and revise land use requirements and planning district designations, where necessary, to focus housing efforts on those areas most suitable.
 - b. Implement the "Tualatin Commons Redevelopment Project" and Central Design District Enhancement Project. Housing types allowed in the CC and RH planning districts, including common wall single family attached housing, are uses that support commercial and

social objectives of increasing the evening, night, and weekend use in the Project Area's and increase the value of the land.

Goal 3: Industrial Development

To promote new industrial development in the southwestern sub-area of the Urban Renewal Area which is compatible with existing development and to encourage retention and expansion of existing industries in the northern and southwestern sub-areas of the Urban Renewal Area.

Objective: Where appropriate, assist in provision of public facilities and services to support development of the southwestern industrial sub-area of the Urban Renewal Area.

Goal 4: Civic Development

To promote civic facilities, including community gathering spaces and other pedestrian amenities, a community center, library expansion and a City Hall in the Urban Renewal Area, which is supportive of other civic and private uses in the area.

- Objectives:**
- a. Implement the "Tualatin Commons Redevelopment Project." Portions of the project will be dedicated to public use. The role of the Development Commission is to assist the City of Tualatin in the planning and design of public uses. Some of these uses may include City Hall, library expansion, community buildings, pedestrian-oriented facilities, major water facilities, landmark and parking facilities. This list is not all inclusive.
 - b. Work with the City of Tualatin to identify a site and facilitate development of City Hall facilities within the Tualatin Commons Redevelopment Project or other areas within the Urban Renewal District which provides central access to the entire City.
 - c. Plan, design and construct a water feature in the Tualatin Commons Redevelopment Project. The water feature is envisioned to serve as a focal point to encourage pedestrian-oriented, activity-oriented businesses and public uses in the Tualatin Commons Redevelopment Area. It will also add value to the overall development.
 - d. Where appropriate, assist in planning and development of a retail postal facility within the Tualatin Commons Redevelopment Project.
 - e. Implement the "Central Design District Enhancement Project." Portions of the project will be dedicated to public use. The role of the Development Commission is to implement capital improvement projects and to assist the City of Tualatin in the planning and design of development which may include partnering on an interim

community building.

- f. Assist the City financially in expanding the public library to promote private development opportunities.

IMPROVED TRAFFIC AND TRANSPORTATION

Goal 5: Transportation

To provide transportation access and circulation which is supportive of central area development.

- Objectives:
- a. Assist in and encourage opportunities to share parking between compatible developments. Such opportunities may include providing public parking for shared use for public and private entities in the Tualatin Commons Redevelopment Project Area and Central Design District Enhancement Project Area.
 - b. Support the implementation of transportation improvements described in the Transportation Element of the Tualatin Community Plan and Transportation System Plan.
 - c. Work toward solutions to minimize railroad noise and traffic conflicts along SW Boones Ferry Road, including assistance in relocating the maintenance building to another location in Tualatin.

Goal 6: Pedestrian and Bikeways

To develop a pedestrian/bicycle system linking the Urban Renewal Area to residential areas, parks, natural areas, and to link the business district on the south side of SW Boones Ferry Road to the future business district on the north side of SW Boones Ferry Road.

- Objectives:
- a. Create pedestrian ways and bikeways to link the downtown area to the Community Park and to connect development on the north and south sides of SW Boones Ferry Road.
 - b. Provide sidewalks and lighting in the Urban Renewal Area where appropriate to encourage and support pedestrian-oriented activities in the downtown area. Provide rain protection where feasible.
 - c. Create attractive pedestrian streetscapes in the downtown area (central sub-area).

Goal 7: Transit

To support the development of the metropolitan transportation system (Tri-Met) in order to provide alternative transportation modes for the residential and employment population of the Urban Renewal Area.

- Objectives:
- a. Assist Tri-Met in locating park-and-ride facilities in outlying areas in the community, and assist in locating other transit-related facilities in the Urban Renewal Area.
 - b. Encourage design of private and public developments which integrate transit provisions.
 - c. Assist in locating commuter rail transit near the downtown area and mitigating impacts of train horn noise.

PUBLIC UTILITIES

Goal 8: Utilities

To assist in providing public utilities in the Urban Renewal Area as needed to facilitate growth and aesthetic quality.

- Objectives:
- a. Assist in improving, developing and relocating water, sewer, storm drainage and road systems within the Urban Renewal Area.
 - b. Underground overhead electric, cable, and telephone lines in the downtown area and in all new development in the Urban Renewal Area. The Tualatin Commons Project Area and Central Design District Enhancement Project Area are the highest priority for undergrounding of utilities, to enhance the aesthetic value of the downtown.

RECREATIONAL AND COMMUNITY FACILITIES

Goal 9: Parks

To provide a high-quality park and recreation system to offset the environmental effect of large areas of commercial and industrial development.

- Objectives:
- a. Create green and open spaces centered around the Tualatin River, Nyberg Creek, Hedges Creek, and significant stands of trees.
 - b. Preserve the Sweek marsh (Hedges Creek Wetlands) as designated in the Tualatin Development Code, Wetlands Protection District.
 - c. Link the downtown area to the Community Park with a system of pedestrian ways and bikeways.
 - d. Preserve the natural value of the Tualatin River as a scenic, recreational and open space asset. Seek limitation of river use in this area to non-motorized boats.

FLOOD CONTROL AND OTHER PUBLIC IMPROVEMENTS

Goal 10: Flood Protection

To promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions.

- Objectives:
- a. Provide flood protection for the Urban Renewal Area by participating in federal, state, and local flood control projects.
 - b. Provide for the sound use and development of special flood hazard areas by utilizing special construction standards in the floodplain within the Urban Renewal Area. The Tualatin Development Code establishes standards for floodplain construction whereby structures must either be elevated above the floodplain or be made flood-proof.
 - c. Provide for the use of fill within the Tualatin Commons Redevelopment Project to elevate structures above the floodplain.

Goal 11: Design Considerations

To create an atmosphere in the Urban Renewal Area which is aesthetically pleasing in order to promote the desirability of investment and occupancy in properties.

- Objectives:
- a. Utilize appropriate development review procedures to guide development in the Central Design District.
 - b. Create design guidelines for the Central Design District to facilitate design compatibility and to establish the uniqueness of the area.
 - c. Provide attractive and functional street and walkway lighting for public safety and convenience in the Urban Renewal Area.
 - d. Preserve designated historic structures or sites in the Urban Renewal Area through public purchase or encouragement of compatible reuse. Landmark structures shall be preserved as required in Chapter 68 of the Tualatin Development Code.

[Section B-1 amended by Ordinance 730-87, passed September 14, 1987; Ordinance 881-92, passed November 9, 1992; TDC Resolution 317-98, adopted October 26, 1998; TDC Resolution 398-02 adopted March 11, 2002; Ordinance 1108-02 passed April 22, 2002; and Ordinance 1213-06 passed July 10, 2006]; and Ordinance passed October 12, 2009]

2. RELATIONSHIP TO LOCAL OBJECTIVES

The Tualatin Central Urban Renewal Plan exists to implement local objectives for central Tualatin, as they are expressed in the Tualatin Community Plan. The Urban Renewal Plan is a part of the Community Plan. The Community Plan and Planning District Standards together comprise the Tualatin Development Code.

The goals and objectives of the Urban Renewal Plan are based upon those in the Community Plan, as they relate to the Urban Renewal Area. The Urban Renewal Plan

serves to further define local objectives as follows:

a. Land Use

The Plan calls for the promotion and support of Commercial (Goal 1), Residential (Goal 2), Industrial (Goal 3), and Civic (Goal 4) Development within the Urban Renewal Area. In particular, the Tualatin Commons Redevelopment Project and Central Design District Enhancement Project serve to further the local objective of establishing a socially and economically viable center in the community.

b. Improved Traffic and Transportation

Goals 5 (Transportation), 6 (Pedestrian and Bikeways) and 7 (Transit) directly address objectives of the Transportation Element of the Community Plan and the Transportation System Plan. In particular, the plan calls for funding and construction of street improvements, pedestrian and bicycle facilities; for cooperation with Tri-Met in the placement of park-and-ride lots in outlying areas of the community, to encourage other facilities within the Urban Renewal Area; and to ensure adequate parking is provided within the redevelopment area.

c. Public Utilities

Goal 8 (Public Utilities) calls for Urban Renewal participation in design and construction of public utilities within the Urban Renewal Area. Such improvements are done in conformance with the Water and Sewer Service elements of the Community Plan and other applicable standards.

d. Recreational and Community Facilities

Goal 4 (Civic Development) includes an objective to participate in developing a community center and expansion of the public library. Goal 4 also includes an objective to develop a water feature in the Tualatin Commons Redevelopment Project as a way to encourage community-related private and public uses within the area. Goal 9 (Parks) includes objectives regarding linking the central area to the Community Park and preserving the scenic value of the Tualatin River, Hedges Creek and Nyberg Creek.

e. Flood Control and Other Public Improvements

The Plan has as a major activity implementation of flood control projects (Goal 10). The Plan anticipates Urban Renewal participation in additional projects which will serve to supplement the city's regulatory efforts described in the Tualatin Development Code, Flood Plain District Standards.

[Section B-2 amended by Ordinance 881-92, passed November 9, 1992, by TDC Resolution 398-02 adopted March 11, 2002; Ordinance 1108-02, passed April 22, 2002; and Ordinance 1213-06 passed July 10, 2006]

C. DESCRIPTION OF PROJECT

The Tualatin Central Urban Renewal Plan details activities (outlined in detail in Section D.) which focus on alleviating the causes of blight and deterioration in the Urban Renewal Area. At the time of its establishment, the Urban Renewal Area was characterized by severe underdevelopment. Obstacles to development included periodic flooding, traffic congestion, irregular platting and lack of public facilities and utilities. The Project's activities, therefore, include:

- Flood control, including participation with the Army Corps of Engineers in design and construction of flood control projects;
- Street, road and utility improvements, including participation in federally and state funded projects;
- Acquisition and packaging of development sites of a sufficient size to facilitate appropriate development of the downtown (the Tualatin Commons Redevelopment Project and Central Design District Enhancement Project);
- Design and construction of public facilities, some of which may include a water feature, pedestrian spaces and walkways, architectural focal points, art, streetscape enhancements and parking facilities. Inclusion on this list is not intended to mean the Commission will provide all of the mentioned facilities or similar public facilities.
- Working with the City of Tualatin on location, design, and construction of a community center or partnering with a property owner to utilize an existing building;
- Working with the City of Tualatin to establish a site for a City Hall facility. Urban Renewal funds will not be used to fund design and/or construction of a City Hall facility.
- Participation in the coordination and regulation of development within the Urban Renewal Area.
- Working with the City of Tualatin to expand the public library. Urban Renewal funds will be used to assist in funding design and/or construction of a library expansion.

1. Working with the City of Tualatin on mitigating impacts of train horn noise from commuter rail.

The December 1984 plan amendment incorporated specific information related to the Tualatin Commons Redevelopment Project, which will include several project activities. The Tualatin Commons Redevelopment Project consists of the acquisition of a development site in the Central Design District; demolition and relocation of existing buildings, businesses and residences; redevelopment of the site by means of disposition and development agreements with developers for private development; design and construction of a major water feature; coordination with the City of Tualatin for development of City Hall facilities; coordination with the City of Tualatin and participation in the location, design and construction of a community center, coordination with U. S. Postal Service on placement of a retail postal facility, design and construction of public facilities; and other activities necessary to facilitate the project. Such public facilities may include parking facilities, community gathering spaces, other pedestrian amenities, infrastructure improvements, and a major water feature.

The Central Design District Enhancement Project consists of construction of street improvements, streetscape enhancements, pedestrian lighting, pedestrian amenities, art and design and construction of public facilities. The project may also consist of the acquisition of a development sites in the Central Design District; demolition and relocation of existing buildings, businesses and residences and redevelopment of the sites by means of disposition and development agreements with developers for private development.

[Section C amended by Ordinance 730-87, passed September 14, 1987; Ordinance 881-92, passed November 9, 1992; Ordinance No. 1108-02 passed April 22, 2002; ~~and~~ Ordinance 1213-06 passed July 10, 2006; and Ordinance passed October 12, 2009.]

D. OUTLINE OF PROJECT ACTIVITIES

1. PUBLIC IMPROVEMENTS

a. Flood Control

Alternative methods of flood control have been examined in detail, including increasing channel capacity, erecting flood water barriers, constructing alternative flood water channels, and removing or modifying constrictions to the passage of flood waters (Appendix D). In 1976, the general alternative judged most feasible involved removal of rock reefs downstream in the Tualatin River, construction of a new dam near the Lake Oswego diversion dam, minor channel improvements in other locations, the building of low berms in parts of the Urban Renewal Area, and construction of flood gates and pump stations at the mouth of Nyberg Creek and Hedges Creek.

Prior to completion of any of these actions, the City of Tualatin began to participate in the United States Department of Housing and Urban Development (HUD) Flood Insurance Program. In return for federally subsidized flood insurance, the program requires the city to adopt regulations controlling development within the 100-year floodplain and floodway. The City's Flood Protection District contains these regulations.

In 1984, the Commission provided local share funds for an Army Corps of Engineers project which resulted in removal of the rock reefs downstream in the Tualatin River (see Map 2). This project in itself resulted in the removal of the floodway designation, and allows development to occur utilizing solid fill to the level of the 100-year flood. The area of the 100-year floodplain remains unchanged.

The Plan contemplates additional flood control actions, primarily in connection with replacing the Lake Oswego diversion dam, also known as the Oregon Iron and Steel Dam (see Map 2). A new dam would allow greater release of flood waters while retaining sufficient control of the level of water in the Lake Oswego.

Specific Project Activities, Flood Control: The Commission's involvement in flood control is proposed to be in the form of participating, along with other benefited communities, in the local share of a state and/or federally funded project. The Commission proposes to assume the role of initiating pre-planning activities and

coordinating local government participation. In addition, fill will be utilized in the Tualatin Commons Redevelopment Project to minimize flood risk to the project.

b. Roads and Streets

The Transportation Study included in the 1977 plan amendments and the additional work included in the Review and Update of the Urban Renewal Plan and the City's Transportation System Plan 2001 have recommended revisions to the street and road system within the Urban Renewal Area. Transportation planning in Tualatin occurs within the context of the Transportation Element of the Community Plan. As a result of these studies, revisions were made to the Transportation Element.

The Transportation Element currently calls for the following improvements (displayed on Map 3, "Transportation") to be implemented within the Urban Renewal Area:

- SW Tualatin-Sherwood Road

This street is the main avenue for east/west traffic through the City and functions as a major arterial and should be developed as a four-lane roadway with center left turn lane or medians. From SW Nyberg Street to SW 90th Avenue the roadway should be developed as a four-lane boulevard with left turn lane pockets and bike lanes with traffic signals at SW Tualatin-Sherwood Road/SW Martinazzi, SW Tualatin-Sherwood Road/Commons Access, SW Tualatin-Sherwood Road/SW Boones Ferry Road, SW Tualatin-Sherwood Road/SW 89th Avenue and pedestrian amenities. The section west of SW 89th Avenue to SW Teton Avenue was widened to four travel lanes in 1991, and the remainder of the road to Highway 99 should be improved to increase the efficiency of the roadway.

- SW Nyberg Street

This street will function as a major arterial between SW Tualatin-Sherwood Road on the west and SW 65th Avenue on the east. West of SW Tualatin-Sherwood Road bypass, SW Nyberg Street will function as a minor collector primarily as a main access point into the downtown area.

At the east end of the bridge, a loop ramp to accommodate the eastbound to northbound traffic was completed in the fall of 1991. This loop ramp was necessary because of the heavy left turn demand which required a double left turn lane. The existing bridge is not wide enough to accommodate two travel lanes in each direction and a double left turn lane, making the loop necessary. A free right turn onto westbound SW Nyberg Road from southbound I-5 is necessary to more effectively accommodate heavy travel movements to the employment centers.

Additional improvements are identified to the interchange due to significant congestion levels in the Urban Renewal Area. These include widening the

southbound off ramp, widening the roadway from the K-Mart/Fred Meyer signal east which includes the over-crossing to accommodate two west bound lanes, west bound to south bound turn lane and four east bound lanes, turn lanes and pedestrian improvements.

Improvement of SW Nyberg Street from the K-Mart driveway to SW Martinazzi Avenue including road widening and pedestrian improvements may be necessary to serve the land use of the Tualatin Commons Redevelopment Area, Central Design District Project Area and other developments in the central and east sub-areas of the Urban Renewal area.

SW Nyberg Street, from SW Martinazzi to SW Boones Ferry Road will function as a local downtown street and should be developed with two travel lanes and on-street parking. Portions may be closed, realigned, or rebuilt depending on the location of the major water feature in the Tualatin Commons Redevelopment Project or the Central Design District Enhancement Project. Closure will require specific authorization from the City Council. The status of this segment will be addressed during site planning efforts related to the Tualatin Commons Redevelopment Project.

- SW Boones Ferry Road

Between SW Lower Boones Ferry Road and SW Martinazzi Avenue, the roadway will function as a major arterial and be developed as a boulevard with a special four-lane section with a traffic signal at SW Martinazzi Avenue. A new street intersection as part of the Loop Road, with a possible traffic signal, may be constructed between the Tualatin River and SW Martinazzi Avenue.

Between SW Martinazzi Avenue and SW Tualatin-Sherwood Road, the roadway will function as a minor arterial (downtown) and be developed as a three-lane boulevard with wide pedestrian sidewalks, lighting and widened to accommodate left turn lane pockets and bike lanes with traffic signals at SW Tualatin Road, SW Nyberg Street and SW Tualatin-Sherwood Road. Driveway accesses are to be consolidated consistent with the City's access management policies and standards.

South of SW Tualatin-Sherwood Road to the edge of the Urban Renewal Area, the roadway will function as a major arterial (downtown) and will be developed as a four-lane boulevard with left turn lane pockets and bike lanes with a traffic signal at SW Warm Springs Street.

- SW Martinazzi Avenue

This roadway will function as a minor arterial from SW Tualatin-Sherwood Road to SW Nyberg and should be widened to accommodate two lanes of traffic, center left turn lanes, bike lanes and a signal at SW Seneca Street. From SW Nyberg Street to the southern edge of the District the roadway will function as a major arterial and should be widened to accommodate

four lanes of traffic, a center turn lane or medians and pedestrian amenities.

- SW Tualatin Road

This road will function as a minor arterial from SW Boones Ferry Road to the east/west railroad crossing and should be developed with two travel lanes, continuous left turn lane, bike lanes and sidewalks. A traffic signal may be required at SW Tualatin Road and SW Sweek Drive. There is no plan to straighten the curves in the near future and through truck traffic is discouraged.

The section from the railroad tracks east to Lower Boones Ferry Road will function as a minor arterial.

- SW Hall Boulevard

This roadway is identified as a minor arterial and will extend north from SW Tualatin Road across the Tualatin River to Hall Boulevard in Tigard. The roadway is to be developed with two travel lanes, center left turn lane, bike lanes and sidewalks. There may be a traffic signal at the intersection with the Lower Boones Ferry Road extension.

- SW Lower Boones Ferry Road Extension

This roadway is identified as a minor arterial extending from the Lower Boones Ferry Road/Upper Boones Ferry Road intersection to Tualatin Road. The roadway is to be developed with two travel lanes, center left turn lane, bike lanes and sidewalks. There may be a traffic signal at the intersection with Hall Boulevard.

- SW Tonka/Warm Springs

SW Warm Springs is identified as a minor collector street. SW Tonka Street is identified as a local commercial industrial street. Both roadways begin at SW Boones Ferry Road, converge, with SW Warm Springs extending east and intersecting with SW Mohawk Street.

- Loop Road

This street is identified as a minor collector and will have two travel lanes and a center left turn lane. The roadway alignment generally is from Nyberg Street in the private SW 72nd alignment. At the northern edge of the K-Mart property the street will turn west, moving generally along the north K-Mart property line until it reaches a point between Safeway and the City Office Building. At this point the road will turn south and generally run parallel to the City Center Building. At a point near perpendicular to SW Seneca Street, the street will then turn west until it intersects with SW Seneca Street and SW Martinazzi Avenue. A connection to SW Boones Ferry Road may be provided between the Tualatin River and SW Martinazzi Avenue.

This entire street will be a special section, but will generally follow Street Section Cb and be modified as specific areas warrant.

- SW Seneca Street

SW Seneca Street, from SW Martinazzi to SW 84th Avenue will function as a local downtown street and should be developed with two travel lanes and on-street parking. Portions may be closed, realigned, or rebuilt depending on the location of the major water feature in the Tualatin Commons Redevelopment Project. Closure will require specific authorization from the City Council. The status of this segment will be addressed during site planning efforts related to the Tualatin Commons Redevelopment Project.

SW Seneca Street from SW 84th Avenue to SW Boones Ferry Road should be developed to two travel lanes and on-street parking and may be rebuilt in conjunction with the Tualatin Commons Redevelopment Project or Central Design District Enhancement Project.

- SW 84th Avenue

SW 84th Avenue as a local downtown street and should be developed with two travel lanes and on-street parking.

- SW Sweek Drive

This roadway is identified as a residential collector. The roadway is to be developed with two travel lanes, on-street parking and sidewalks.

- Other Local Streets

SW 86th Avenue, SW Cherokee Street, SW Old Tualatin-Sherwood Road and SW Mohave Court are identified as local streets.

An interconnected signal system will be constructed, where feasible, throughout the Urban Renewal Area due to the close proximity of signals on SW Boones Ferry Road, SW Tualatin-Sherwood Road, SW Martinazzi Avenue, SW Seneca Street, and SW Nyberg Street.

Completed Project Activities: Projects completed are as follows:

Completed Road Improvements:

- Participation in the costs of design and construction of the Tualatin-Sherwood Road Bypass.
- Improvements of SW Tualatin-Sherwood Road Bypass from SW Boones Ferry Road to the City of Sherwood, a Washington County project.
- Full funding of the design and construction of the Warm Springs/Tonka

Couplet.

- Completion of Nyberg Street/I-5 interchange improvements by the State of Oregon. Improvements included loop ramp to I-5 northbound and an added travel lane from I-205 northbound to I-5, including ramp improvements, and an added travel lane southbound on I-5 from Exit 290 to I-205.
- Partial improvements to SW Boones Ferry Road from SW Martinazzi Avenue to SW 84th Avenue.
- Improvements to SW Nyberg Street from SW Martinazzi Avenue to Lake of Commons and Lake of Commons to SW Boones Ferry Road.
- Partial improvements to SW Seneca Street from SW Martinazzi Avenue to Lake of Commons and Lake of Commons to SW Boones Ferry Road.
- Partial improvements to SW 84th Avenue from SW Boones Ferry Road to Nyberg Street.

Completed Intersection Improvements:

- Full funding of the design and construction of the SW Boones Ferry Road/Martinazzi Avenue traffic signal.
- Full funding of the design and construction of the SW Boones Ferry Road/Tualatin Road traffic signal.
- Participation in the design and construction of the traffic signal on SW Martinazzi Avenue with Fred Meyer and Martinazzi Square.

Specific Project Activities, Road and Street Improvements: The Plan proposes to participate in the following improvements to the road and street system within the Urban Renewal Area:

Intersection Improvements:

- Access to Tualatin Commons Redevelopment Project from SW Tualatin-Sherwood Road. Actual placement and intersection requirements will be addressed during site planning efforts in conjunction with the Tualatin Commons Redevelopment Project.
- Other intersection improvements as found necessary.

Road Improvements:

- SW Boones Ferry Road between SW Lower Boones Ferry Road and SW Martinazzi Avenue. Improvements include reconstruction and widening of roadway, turn lanes, widening or replacement of bridge, intersection improvements, installation of landscape medians, sidewalks, street trees

and other pedestrian amenities (if funding is available).

- SW Boones Ferry Road between SW Martinazzi Avenue and SW Tualatin-Sherwood Road. Improvements include reconstruction and widening of roadway, turn lanes, intersection improvements, installation of landscape medians, sidewalks, street trees and other pedestrian amenities.
- SW Martinazzi Avenue between SW Boones Ferry Road and SW Tualatin-Sherwood Road. Improvements include reconstruction and widening of roadway, intersection improvements, installation of landscape median, sidewalks, street trees and other pedestrian amenities (if funding is available).
- Loop Road/Eastside Downtown (north half); segments to be determined (if funding is available).
- SW Nyberg Street west of K-Mart to SW Martinazzi Avenue. Improvements may be constructed in conjunction with the Tualatin Commons Redevelopment Project or Central Design District Enhancement Project, including rebuilding and widening of road and pedestrian improvements.
- SW Nyberg Street, between SW Martinazzi Avenue and SW Boones Ferry Road. After receiving specific authorization from the City Council, this section may be partially or wholly closed, demolished, and/or relocated depending on the design of the major water feature in the Tualatin Commons Redevelopment Project. Parcels that are accessed by SW Nyberg Street will be provided access through other routes. The status of this segment will be addressed during site planning efforts related to the Tualatin Commons Redevelopment Project. Central Design District Enhancement Project improvements include reconstruction and widening of roadway, intersection improvements, bump-outs and pedestrian improvements (if funding is available).

SW Nyberg Street from SW Tualatin-Sherwood Road east will be improved by the construction of additional travel lanes, on/off ramps, and pedestrian improvements.

- SW Seneca Street, between SW Martinazzi Avenue and SW 84th Avenue. After receiving specific authorization from the City Council, this section may be partially or wholly closed, demolished, and/or relocated depending on the design of the major water feature in the Tualatin Commons Redevelopment Project. Parcels that are accessed by Seneca will be provided access through other routes. The status of this segment will be addressed during site planning efforts related to the Tualatin Commons Redevelopment Project. Improvements include reconstruction and widening of roadway, intersection improvement, bump-outs and pedestrian improvements.
- SW Seneca Street, between SW 84th Avenue and SW Boones Ferry

Road. Improvements include reconstruction of roadway, bump-outs and pedestrian improvements to standards to be determined.

- SW 84th Avenue, between SW Nyberg Street and SW Boones Ferry Road. Improvements include reconstruction of roadway, bump-outs and pedestrian improvements to standards to be determined.
- Other road and street improvements as found necessary.

c. Utilities

Improvements in sanitary sewer, storm sewer, water supply, and electricity systems have been Plan activities since the establishment of the Urban Renewal Area. The Report (Section B.1.) describes the original and current conditions of these systems. The Water Service and Sewer Service Elements of the Community Plan state the city's policies and procedures regarding system improvements. The improvements within the Urban Renewal Area are shown on Maps 13-18 of the Report.

Specific Project Activities, Utilities:

- Tualatin Commons Redevelopment Project: The Commission will participate in the funding of utility improvements necessitated by the Tualatin Commons Redevelopment Project and, where appropriate, will incorporate utility improvements within road, street or other public improvement projects funded by the Commission.
- Central Design District Enhancement Project: The Commission will participate in the funding of utility improvements necessitated by the Central Design District Enhancement Project and, where appropriate, will incorporate utility improvements within road, street or other public improvement projects funded by the Commission.

d. Parking Facilities

Historically, one result of the pattern of platting in the downtown core area has been the difficulty in providing on-site parking for commercial buildings. Until land was acquired for the then Village Square Redevelopment Project (1985-86), the majority of the lots in this area were too small to support commercial buildings with parking. The Plan amendment of 1977 discussed alternatives for providing sufficient parking. In 1979, one of these alternatives was implemented, with adoption of the Core Area Parking District (CAPD). Within the CAPD, until 1994 there were no requirements for on-site parking. Parking was provided in public lots, with spaces available for customers and employees. In 1994 the program was changed requiring private development to supply a portion of parking. The provisions are listed in the Tualatin Development Code.

The CAPD is supported by a tax on activities (primarily businesses) occurring

within CAPD boundaries. Capital costs of parking facility construction have been funded in part by an "impact fee" on new construction in a parking space buy down program. The largest part of the costs of land acquisition and development of the CAPD lots has been borne by the Commission. Map 4, "Core Area Parking District," displays the public parking lots within the CAPD which have been, or may be, developed by the Commission.

Acquisition of the majority of small parcels in the District as well as the acquisition of the property on Block 13 for the Tualatin Commons Redevelopment Project provides more parking options to support redevelopment. It may be appropriate for the Commission to assist in providing public parking lots to some or all of the public and private developments in the Project Area, but it also may be appropriate for private and public uses to provide on-site parking.

Specific Project Activities, Parking Facilities:

- Tualatin Commons Redevelopment Project: Construction of new parking facilities may be part of the Tualatin Commons Redevelopment Project. The inclusion of public parking facilities, and their specific scale and location will be determined during the course of site planning and negotiations with developers.
- White Parking Lot: Expand parking lot on SW Boones Ferry Road located between Boones Ferry Road and Seneca Street.
- Yellow Parking Lot: Construct parking lot east of SW 84th Avenue, south of Seneca Street and north of Nyberg Street.
- Red Parking Lot: Construct parking lot at the southeast corner of SW Boones Ferry Road and SW Seneca Street.
- Blue Parking Lot: Construct parking lot on SW Boones Ferry Road.
- Green Parking Lot: Expand parking lot on SW Boones Ferry Road (if funding is available).
- Public Parking Lots: Construct signage appropriate for identification of all public parking lots.

e. Pedestrian Facilities

Improving pedestrian circulation within the Urban Renewal Area has been a primary objective of the Plan. Plan activities in this regard have included construction of sidewalks, design of improvements to the triangular park site at the entrance to the city, and development of design guidelines for private pedestrian walkways and street furniture.

Specific Project Activities, Pedestrian Facilities:

- Tualatin Commons Redevelopment Project: Pedestrian spaces, including sidewalks, and outdoor pedestrian activity areas are planned to be a major component of the Tualatin Commons Redevelopment Project. The Tualatin Commons Project will include community gathering spaces, pedestrian walkways and connections, both within the development and as links to the Community Park, the City Library, and to other neighboring public and private properties. The design and location of pedestrian ways and spaces will be addressed during site planning of the project.
- Central Design District Enhancement Project: Pedestrian spaces, including sidewalks, street furniture, pedestrian lighting and way-finding system are planned to be a component of the Central Design District Enhancement Project. The Central Design District Enhancement Project will include pedestrian walkways, sidewalks and connections as links to the Community Park, the City Library, Tualatin Commons Redevelopment Project and to other neighboring public and private properties. The design and location of pedestrian facilities and way-finding system will be addressed during planning of the project.

f. Civic Facilities

Improving civic facilities has been a goal and objective the Plan. Plan activities in this regard have included pedestrian oriented facilities, major features of Tualatin Commons (water feature and landmark), site acquisition for police facility, library expansion and participating in design discussion for a community building.

Specific Project Activities, Civic Facilities:

- Community Building: Working with the City to develop a community building or identify an existing building in the central downtown area to upgrade as an interim community facility until a permanent building can be constructed by the City.
- Tualatin Commons Landmark: Construction of a focal element at the center of the Tualatin Commons Project area (if funding is available).
- Tualatin Library: Expansion of the public library.

g. Transit Facilities

Improving transit facilities has been a goal and objective the Plan. Plan activities in this regard have included assisting Tri-Met in locating park-and-ride facilities and encouraging private development to integrate transit provisions.

Specific Project Activities, Transit Facilities:

- Commuter Rail Station: Working with the Washington County commuter rail project to upgrade the design of the Tualatin commuter rail station for

design compatibility with downtown development.

4.2. Train Horn Noise Mitigation: Working with the City of Tualatin to mitigate the impacts of commuter rail train horn noise on businesses and residents.

[Section D-1 amended by Resolution 121-86 adopted November 24, 1986; Ordinance 730-87 passed September 14, 1987; Resolution 152-88, adopted August 8, 1988; Ordinance 881-92, passed November 9, 1992; TDC Resolution 398-02 adopted March 11, 2002; Ordinance 1108-02, passed April 22, 2002; ~~and~~ Ordinance 1213-06 passed July 10, 2006; Ordinance passed October 12, 2009]

2. LAND ACQUISITION AND CLEARANCE

Land acquisition, land clearance, and relocation of existing residences and businesses have been Plan activities since 1978. The Commission has acquired land for public parking lots, street improvements and utilities. Land was acquired for the Tualatin Commons Redevelopment Project in fiscal years 84/85, 85/86, 86/87, 87/88, and 89/90. A list of these properties is shown in Table 1.

- Tualatin Commons Redevelopment Project. The focus of Amendment No. 7 was to authorize acquisition of land for a development site for the Village Square Redevelopment Project. Land acquisition for this project was necessitated by the irregular and inefficient platting pattern in the downtown core, a pattern which hinders private redevelopment. The focus of Amendment No. 11 was to authorize the acquisition of land for a development site for the Block 13 Redevelopment Project. Land acquisition for this project ensures that the parcel is developed in a manner compatible with the City's redevelopment efforts. Obtaining ownership of the property was the most direct way to achieve redevelopment consistent with the objectives of the plan. Amendment 16 renames the Village Square and Block 13 Redevelopment projects as the Tualatin Commons Redevelopment Project, which was renamed by the Commission in January, 1990.

Specific Project Activities, Land Acquisition and Clearance:

- Tualatin Commons Property Acquisition

The Commission acquired properties indicated on Map 5 "Tualatin Commons Property Acquisition." The Commission will also acquire real property where it is determined that acquisition is necessary for the construction of the Tualatin Commons Redevelopment Project.

Where appropriate, the Plan contemplates acquisition of partial interests in real property in connection with the Tualatin Commons Redevelopment Project. Such interests may include leasehold interests and purchase or lease options.

- Tualatin Development Commission Property Acquisition

The Commission acquired properties indicated on Map 6. The properties are for public parking lots or future parking lots.

Where appropriate, the Plan contemplates acquisition of partial interests in real property. Such interests may include leasehold interests and purchase or lease options.

- Property Acquisition to Eliminate Blight or Construct Street or Other Public Infrastructure Improvements

The Commission will also acquire real property, or interests therein, where it is determined that acquisition is necessary to remove blighting influence, or for construction of street, sewer, water, storm drainage and pedestrian improvements.

- Property Acquisition for Police Facility

The Commission will acquire property identified as 2S1 23D, Tax Lot 500, consistent with Goal 4 of this Plan to promote civic facilities in the Central Urban Renewal Area. A portion of the site will be developed as a Police Facility and conveyed to the City of Tualatin. The remainder of the site will be used for purposes consistent with this Plan or disposed of in accordance with this Plan.

- Central Design District Enhancement Project Property Acquisition

The Commission will also acquire real property where it is determined that acquisition is necessary for the construction of the Central Design District Enhancement Project.

Where appropriate, the Plan contemplates acquisition of partial interests in real property in connection with the Central Design District Enhancement Project. Such interests may include leasehold interests and purchase or lease options.

[Section D-2 amended by City Resolution 333-78 adopted February 27, 1978; Ordinance 651-84, passed December 10, 1984; Ordinance 730-87 passed September 14, 1987; Ordinance 881-92, passed November 9, 1992; TDC Resolution 317-98 adopted October 26, 1998; TDC Resolution 398-02 adopted March 11, 2002; and Ordinance 1108-02, passed April 22, 2002.]

3. LAND DISPOSITION, DEVELOPMENT AND REDEVELOPMENT

- Tualatin Commons Redevelopment Project. The primary intent of the December 1984 plan amendment was to facilitate the redevelopment of the Village Square Project Area (currently the Tualatin Commons Project Area as combined with the Block 13 Project Area). As is documented in the Report, Section B, this portion of the Urban Renewal Area was severely underdeveloped. Although the blighting influences of flooding and traffic congestion had been largely corrected, the impediments to development posed by the inefficient platting still remained. The acquisition and packaging of a project site of approximately six acres was seen to facilitate the development of a planned mixed-use development, with a pedestrian orientation and of a sufficient scale to provide a "central business district"

environment.

The intent of Amendment No. 11 was to facilitate the redevelopment of Block 13. Prior to Amendment 11, as is documented in the Report, Section B, this portion of the Urban Renewal Area was occupied by a non-conforming land use (The Hervin Company pet food manufacturing facility).

In 1988, the pet food manufacturing plant became non-operational. This occurrence provided an opportunity to permanently eliminate the non-conforming use. The acquisition of a project site of approximately nine acres facilitated the development of a planned central commercial development, with a pedestrian-orientation that would enhance the "central business district" environment of the Central Design District.

The primary intent of Amendment No. 16 is to amend the land use of the Tualatin Commons Redevelopment Project to allow more civic uses (City Hall facilities, community gathering areas, and a community center), and thus to enhance the community activities in the Central Urban Renewal Area. This action was in response to community support for less intensive retail development and more uses that are active in the weekdays, evening, nights, and weekends. In addition, the Block 13 and Village Square Redevelopment Projects and project areas were combined and renamed "Tualatin Commons Redevelopment Project." The acquisition and packaging of a project site of approximately 20 acres will facilitate the development of a planned mixed-use development (office, restaurant, limited retail, residential, civic uses), with a pedestrian orientation of a sufficient scale to provide an active private and public environment.

Specific Project Activities, Land Disposition, Development, and Redevelopment:

The Commission will dispose of property acquired within the Tualatin Commons Redevelopment Project Area and other property acquired by the Commission for redevelopment for uses permitted within the Central Commercial Planning District, and especially for those uses appropriate to an active leisure and pedestrian environment. Property shall be disposed of according to the terms of Disposition and Development Agreements. Such agreements will specify the respective obligations of the Commission and the redeveloper in regard to scale, uses, design, public facilities, approvals and permits, schedules of development and other issues related to the objectives of the Plan.

Disposition of properties acquired by the Development Commission may include the following:

- Redevelopment by private redevelopers for the mix of uses found desirable and feasible, in accordance with a negotiated Disposition and Development Agreement.
- Redevelopment of certain parcels within the urban renewal area by the City of Tualatin for City Hall facilities.

- Redevelopment of certain parcels within the project area by the City of Tualatin and Tualatin Development Commission for a community center.
- Redevelopment by the U.S. Postal Service for a retail postal facilities within the project area.
- Construction of public facilities that may include water feature(s), pedestrian facilities, and parking facilities.
- Road, street and utility improvements.

[Section D-3 amended by City Resolution 333-78 adopted February 27, 1978; Ordinance 730-87 passed September 14, 1987; Ordinance 881-92, passed November 9, 1992; TDC Resolution 317-98, adopted October 26, 1998; and TDC Resolution 3098-02 adopted March 11, 2002.]

4. REHABILITATION AND CONSERVATION

The Plan encourages the rehabilitation and conservation of those existing buildings which have historic merit or buildings which can be economically rehabilitated. Although no specific programs for Urban Renewal participation in the costs of rehabilitation are contemplated, the Commission may appropriately assist in rehabilitation and conservation efforts.

Specific Project activities, Rehabilitation and Conservation:

- A matching grant façade improvement program for buildings within the Central Design District.
- The Commission may appropriately assist in rehabilitation and conservation efforts outside of the Central Design District.

[Section D-4 amended by Ordinance 881-92 passed November 9, 1992 and by TDC Resolution 398-02 adopted March 11, 2002.]

E. REAL PROPERTY ACQUISITION, DISPOSITION: ESTIMATED SCHEDULE

1. REAL PROPERTY ACQUISITION

- Tualatin Commons Redevelopment Project: As discussed in Section D, "Outline of Project Activities", the plan proposes to acquire land within the Tualatin Commons Project Area and other property within the Urban Renewal Area, and to dispose of such land for private and public redevelopment and for development of public facilities.

Map 5, "Tualatin Commons Property Acquisition," displays land which has been acquired to build present parking lots within the Tualatin Commons Redevelopment Project by the Development Commission. The map also shows which properties were acquired for the Tualatin Commons Redevelopment Project. Table 1, "Properties Acquired", lists the parcels that were acquired and the square footage of each parcel.

Map 6, "Property Acquisition," displays land that has been acquired outside of the Tualatin Commons Redevelopment Project within the Urban Renewal Area to build parking lots and other public facilities by the Development Commission. Table 2, "Properties Acquired," lists the parcels that were acquired and the square footage of each parcel.

Real property acquisition was accomplished in accordance with all applicable State Statutes. (Relocation of existing residences, businesses, and other uses is discussed in Section G below.) Any further real property acquisition will be accomplished in accordance with all applicable State Statutes.

Where appropriate, the Commission seeks to acquire limited interests in the above parcels as an alternative to fee simple interest. Such limited interests may include leasehold interests, options, conditional acquisition agreements, and any other limited right to use or possession.

Table 1 Properties Acquired - Tualatin Commons

<u>Tax Map</u>	<u>Tax Map</u>	<u>Square Feet</u>
2S1-24BC	1501	16,117
2S1-24BC	1600	4,792
2S1-24BC	1690	4,792
2S1-24BC	1700	4,792
2S1-24BC	1702*	15,246
2S1-24BC	1703*	15,246
2S1-24BC	1704	13,939
2S1-24BC	1800	11,710
2S1-24BC	1900	10,225
2S1-24BC	2000	5,400
2S1-24BC	2100	20,147
2S1-24BC	2200	10,377
2S1-24BC	2300	17,655
2S1-24BC	2400	14,827
2S1-24BC	2500	23,800
2S1-24BC	2501	5,950
2S1-24BC	2600	11,160
2S1-24BC	2601	6,960
2S1-24BC	2703*	26,572
2S1-24BC	4500*	20,704
2S1-24BC	4600*	23,750
2S1-24BC	4800	8,859
2S1-24BC	5100	11,875
2S1-24BC	5190	17,575
2S1-24BC	5202	16,328

2S1-24CB	100	12,632
2S1-24CB	200	271,379
2S1-24CB	300	111,514
TOTALS:	28	734,323

Source: Washington County Department of Assessment and Taxation, October 20, 1983.

Note: Parcels with an asterisk (*) were purchased prior to the Tualatin Commons Redevelopment Project for the Core Area Parking District. The identified parcels are included as a part of the Redevelopment Project.

Table 2 Properties Acquired – Outside of Tualatin Commons

<u>Tax Map</u>	<u>Tax Map</u>	<u>Square Feet</u>
2S1-24BC	500	34,848
2S1-24BC	1000	8,276
2S1-24BC	1001	9,148
2S1-24BC	1100	15,682
2S1-24BC	1200	3,504
2S1-24BC	3800	10,890
2S1-24BC	4000	5,227
2S1-24BC	4900	8,859
2S1-24BC	5000	1,781
2S1-23A	1500	140,698
2S1-23A	1600	52,272
TOTALS:	11	291,185

Source: Washington County Department of Assessment and Taxation 2001.

Additional land may be acquired to remove blighting influences or, for road, pedestrian and street improvements.

Schedule

The Commission acquired interests in real property for the Tualatin Commons Redevelopment Project during Fiscal Years 1984/85, 1985/86, 1986/87, 1987/88, and 1989/90.

The Commission acquired interests in other real property for development during Fiscal Years 1982/83 through 98/99.

[Section E-1 amended by Resolution 333-78 adopted February 27, 1978, Resolution 117-86, adopted August 11, 1986; Ordinance 730-87, passed September 14, 1987; Resolution 174-90, adopted May 29, 1990; Ordinance 881-92, passed November 9, 1992; and TDC Resolution 398-02, adopted March 11, 2002.]

2. REAL PROPERTY DISPOSITION

Tualatin Commons Redevelopment Project: Land acquired for the Tualatin Commons Redevelopment Project will be subject to disposition as follows:

- *Retention for Development as Public Facilities:* Land will be retained by the Commission and developed as public facilities. Such facilities may include a water feature(s), pedestrian spaces and walkways, parking facilities, and open spaces.
- Conveyance to the City of Tualatin by sale, lease or other manner for development of civic uses including a City Hall facility and community center.

- Conveyance to the U. S. Postal Service by sale, lease or other manner for development of retail postal center in the Tualatin Commons Redevelopment Area.
- Conveyance to Developers by sale, lease or other manner for development of commercial uses in accordance with the objectives of the Tualatin Commons Redevelopment Project: Such conveyances shall be governed by Disposition and Development Agreements. Land shall be conveyed at a value determined by the Commission to be its fair reuse value, which represents the value, whether expressed in terms of rental or capital price, at which time the Commission, in its discretion, determines such land should be made available in order that it may be developed, redeveloped or otherwise used for the purposes specified in the Plan.

Conveyance shall be subject to an agreement by the purchaser or lessee to use the land for purposes designated in the Plan and to begin the development or redevelopment within a reasonable period of time, as determined by the Commission. The specific disposition of each parcel will be determined during a process of site planning and negotiation with developers.

Additional land acquired may be subject to disposition for road and street improvements.

Schedule

The Commission intends to dispose of real property interests within the Tualatin Commons Redevelopment Project during the Fiscal Years 1992/93, 1993/94, 1994/95, 1995/96, 1996/97, 1997/98, 1998/99.

Other Commission Acquired Property: Land acquired for parking lots, civic facilities and other properties will be subject to disposition as follows:

- *Retention for Development as Public Facilities:* Land will be retained by the Commission and developed as public facilities. Such facilities may include pedestrian spaces and walkways, parking facilities, and open spaces.
- Conveyance to the City of Tualatin by sale, lease or other manner for development of civic uses including a City Hall facility and community center.
- Conveyance to developers by sale, lease or other manner for development of commercial uses in accordance with the objectives of the Central Urban Renewal Plan. Such conveyances shall be governed by Disposition and Development Agreements. Land shall be conveyed at a value determined by the Commission to be its fair reuse value which represents the value, whether expressed in terms of rental or capital price, at which the Commission in its discretion determines such land should be made

available in order that it may be developed, redeveloped or otherwise used for the purposes specified in the Plan.

- Conveyance shall be subject to an agreement by the purchaser or lessee to use the land for purposes designated in the Plan and to begin the development or redevelopment within a reasonable period of time, as determined by the Commission. The specific disposition of each parcel will be determined during a process of site planning and negotiation with developers.

Additional land acquired may be subject to disposition for road, street and pedestrian improvements.

Schedule

The Commission intends to dispose of real property interests within the Central Design District Enhancement Project during Fiscal Years 2000/01 through 2009/10.

[Section E2 amended by Ordinance 881-92, passed November 9, 1992, and TDC Resolution 398-02, adopted March 11, 2002.]

F. LAND USE

Land use within the Urban Renewal Area is governed by the Planning District Standards contained in the Tualatin Development Code. The Urban Renewal Area contains the following Planning District Designations:

- Central Commercial
- Office Commercial
- General Commercial
- General Manufacturing
- Light Manufacturing
- High Density Residential/High Rise
- High Density Residential

The regulations governing development within these districts are summarized in Table 2 and Map 7, "Planning Districts and Blocks," displays the Planning District designations within the Urban Renewal Area.

In some cases, the Plan calls for additional considerations to be applied to land uses within the Urban Renewal Area. These apply to specific "blocks" as shown on the Planning Districts Map (Map 7). These considerations pertain to permitted land uses, minimum lot sizes, and requirements for "Master Planning" of entire blocks or groups of blocks.

[Section F amended by Ordinance 881-92, passed November 9, 1992, and TDC Resolution 398-02 adopted March 11, 2002.]

Table 3 Summary of Planning District Standards in the Urban Renewal Area

<u>Planning Districts</u>	<u>Permitted Uses</u>
Central Commercial (CC)	Retail, professional and service uses of the kind usually found in downtown areas patronized by pedestrians. This district serves to implement the City's Central Urban Renewal Plan. The District provides areas suitable for civic, social and cultural functions serving the general community. Multi-family dwellings are also appropriate uses in certain blocks within the District.
Office Commercial (CO)	Office development ranging from small buildings with one or two tenants to large complexes housing business headquarters. Development design in this district shall be sensitive to the preservation of significant natural resources and shall provide extensive perimeter landscaping, especially adjacent to residential areas and streets.
General Commercial (CG)	A full range of commercial uses, including those uses that are inappropriate for neighborhood, office, or central commercial areas. This district is particularly suitable for businesses needing direct automobile access to the freeway and the arterial streets leading to the freeway.
Light Manufacturing (ML)	Industrial uses that are compatible with adjacent commercial and residential uses. The district serves to buffer heavy industrial uses from commercial and residential areas. The district is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration or smoke. The district is also suitable, with appropriate restrictions, for retail sale of the products not allowed for sale in the General Commercial Planning Districts.
General Manufacturing (MG)	Light industrial uses and 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 Industrial Planning District.

High Density Residential
(RH)

High density garden apartment and condominiums development. Within the Central Urban Renewal Area uses permitted may be mixed with uses permitted in the Central Commercial Planning District.

High Density Residential/
High Rise (RH/HR)

High density apartments or condominium towers.

NOTE: Sections F- (1), (2), and (3) of the Plan and Map 6 contain block-specific Urban Renewal standards and minimum lot sizes. See also the Tualatin Development Code for further information.

[Table 3 amended by TDC Resolution 398-02 adopted March 11, 2002.]

Summary of Planning Districts Uses

1. PERMITTED USES

In addition to the uses normally permitted within the relevant Planning District, the Planning District Standards allow the following additional permitted and conditional uses in the areas listed:

Permitted uses:

- a. General Commercial uses, except for those permitted within the Central Commercial Planning District, are allowed on Blocks 28 and 29. Notwithstanding the preceding sentence, limited use of take-out restaurants smaller than 1,500 square feet and with a seating capacity of 50 or less, will be allowed on Blocks 28 and 29. No drive-up windows will be allowed. No portion of such restaurant shall be closer than 200 feet from any public street right-of-way, unless the right-of-way is separated from the restaurant by railroad right-of-way, in which case the restaurant shall be no closer to the public street right-of-way than 100 feet. The restaurant must be intended to serve primarily the employees and customers of uses in the immediate vicinity. Retail uses permitted in the General Commercial Planning District, excluding any use permitted in the Central Commercial Planning District, are permitted to be greater than 60,000 square feet of gross floor area in areas designated Employment Area or Industrial Area.
- b. General Commercial uses are allowed on Block 30.
- c. Uses permitted in the Residential High Density District on Block 1.
- d. Multi-family uses and single-family common-wall residential units are allowed on Blocks 2, 3, 15, 16, 17, 18, 19, 20, 22 and 23.
- e. Architectural Focal Element for Blocks 14, 17, 18 and 20.

Conditional Uses:

- a. In the Central Design District bank drive-up uses and other drive-up uses, unless otherwise prohibited by provisions of the Tualatin Development Code.
- b. Uses permitted in the Central Commercial Planning District on Block 1.

[Section F-1 amended by TDC Resolution 145-88, adopted January 11, 1988; Ordinance 881-92, passed November 9, 1992; and TDC Resolution 398-02 adopted March 11, 2002.]

2. STRUCTURE HEIGHT

The following structure heights are permitted within the relevant Planning Districts and Blocks:

- a. Buildings constructed on Block 13 can be a maximum of 75 feet in height.
- b. Buildings constructed on Blocks 1, 2, 3, 5, 14, 15, 16, 17, 18, 19, and 22 can be a maximum of 60 feet in height.
- c. 35 feet between the Tualatin Commons central water feature and the primary pedestrian corridor, except for architectural focal elements.
- d. 75 feet for Architectural Focal Elements for Blocks 14, 17, 18 and 20.

[Section F-2 added by TDC Resolution 398-02 adopted March 11, 2002.]

3. MINIMUM LOT SIZES

Within the Urban Renewal Area, the Planning District Standards allow for minimum lot sizes that are generally in excess of the normal Planning District requirements. This is to allow for development which can incorporate a greater number of design features, e.g. landscaping, to achieve the design objectives of the Plan. The following minimum lot sizes shall apply to the creation of new lots by partition, subdivision or lot line adjustment in the Planning Districts and Blocks listed:

- a. Unless otherwise noted, minimum lot sizes within the Urban Renewal Area are 25,000 square feet.
- b. Minimum lot sizes within the Core Area Parking District are 5,000 square feet.
- c. Minimum lot sizes within Blocks 25, 31, and 33 are 40,000 square feet.
- d. Minimum lot sizes within Block 28 are 20,000 square feet.
- e. When Residential High Density permitted uses are mixed with uses permitted in the Central Commercial District, the lot sizes for mixed uses are as determined through the Architectural Review process.

[Section F-3 (formerly F-2) amended by TDC Resolution 74-83 adopted December 12, 1983; Ordinance 881-92, passed November 9, 1992; TDC Resolution 206-93, adopted June 28, 1993; and TDC Resolution 398-02 adopted March 11, 2002.]

4. REQUIREMENTS FOR MASTER PLANNING

Prior to approval of applications for development projects within Blocks 1, 2, 3, 4, 5, 13, 25, 26, 27, 31, 32, and 33, applicants will be required to submit and gain City approval of a master plan governing development within the Block(s). Such master plan shall contain sufficient information, as determined by the City, to ensure that development meets the objectives of the Plan. Master plans may include, but are not limited to, treatment of such issues as access, transportation, sewer, water storm drainage, internal circulation, building location, building design and materials, parking, landscaping and pedestrian facilities.

Master plans for Blocks 1, 2, 3, 4, 5, 13, 25, 26, 27, 31, 32, 33, as well as subsequent modifications to those plans, must be approved by the City Council at a public hearing. The public hearing shall be called and conducted in the manner provided for in Section 1.031 of the Tualatin Development Code. In approving a master plan, the City Council may attach conditions that it finds necessary to achieve the objectives of the Urban Renewal Plan.

For blocks within which land is under multiple ownerships, and where special conditions exist, the Commission may initiate master plans to govern development. Block 23, because of its unusual platting pattern and the difficulty of providing street access may require such master planning.

Plans developed by the Commission for those purposes will be referenced within the Development Code.

[Section F-4 (formerly F-3) amended by TDC Resolution 131-87, adopted April 27, 1987; Ordinance 881-92, passed November 9, 1992; and TDC Resolution 398-02 adopted March 11, 2002.]

5. CENTRAL DESIGN DISTRICT DESIGN GUIDELINES

The Central Design District is bounded by SW Martinazzi Avenue on the east, SW Tualatin-Sherwood Road on the south, SW Boones Ferry Road on the west and the Tualatin Community Park and Tualatin River on the north (Map 8). The area is designated in the Tualatin Community Plan as Central Commercial. The purpose of the Planning District is:

“To provide areas of the City that are suitable for a full range of retail, professional and service uses of the kind usually found in downtown areas patronized by pedestrians. The district also provides area suitable for civic, social and cultural functions serving the general community. The district serves to implement the City’s Urban Renewal Plan and, consequently, multi-family dwellings are also an appropriate use in certain portions of the district, as specified by the Urban Renewal Plan.”

Though the District does not include all the area designated as Central Commercial, the area outside the District has developed in an auto-oriented manner (K-Mart/Safeway, Fred Meyer, Martinazzi Square, Hedges Greene Retail Center). Within the District, however, the opportunity still exists to achieve pedestrian-oriented development.

The most direct means of achieving a true pedestrian orientation is by the use of design guidelines. Such guidelines are referred to in Chapter 73 of the Tualatin Development Code. The design guidelines contained in Appendix G are intended to assist in developing a pedestrian-oriented downtown with a mix of commercial and residential activities that are compatible with one another.

[Section F-5 added by TDC Resolution 398-02, adopted March 11, 2002.]

G. RELOCATION PLAN

The Plan anticipates the acquisition and redevelopment of property which may result in the displacement of residents and businesses. Prior to any displacement, the Commission will establish a Relocation Policy that will call for the Commission's assistance to those residents and businesses displaced. Such assistance may include providing information regarding suitable locations, payment of moving expenses, and other payments as deemed necessary.

All relocation activities will be undertaken and payments made in accordance with the requirements of ORS 281.045 - 281.105 and any other applicable laws or regulations. Relocation payments will be made as provided in ORS 281.060

[Section G amended by City Resolution 333-78 adopted February 27, 1978.]

H. METHODS OF FINANCING PROJECT ACTIVITIES

1. GENERAL DESCRIPTION OF FINANCING METHODS

The Tualatin Development Commission will consider all possible sources of funding in carrying out this Plan. The Commission may borrow and accept advances, loans, grants, and any other form of financial assistance from the federal government, state, city, county or other public body or from any other sources, public or private, including lease or sale of properties to developers for the purpose of undertaking and carrying out this Plan. In addition, the Tualatin Development Commission may obtain financing as authorized under ORS Chapter 457 or any applicable statutes.

Upon request of the Commission, the City Council of the City of Tualatin may as necessary to achieve plan objectives, seek general obligation or issue revenue bonds, certificates, notes, improvement warrants, or form local improvement or special assessment districts to assist in financing the Plan.

The funds obtained by the Commission shall be used to pay or repay any cost, expense, advances, or any other indebtedness incurred in planning or undertaking the Plan or in otherwise exercising any of the powers granted by ORS 457.

2. SELF-LIQUIDATION OF COST OF PROJECTS

The Commission proposes to finance the Plan, and the projects undertaken with respect to the Plan, through tax increment financing as authorized by Article IX, Section 1c of the Oregon Constitution and ORS 457.420 through 457.460. This Plan authorizes the division of ad valorem taxes pursuant to ORS 457.420 through 457.460. Such financing is authorized by the statute when the plan contains the following provisions: the ad valorem taxes, if any, levied by a taxing district in which all or a portion of an urban renewal area is located, shall be divided by rates as provided in Section 1c, Article IX of the Oregon Constitution, and ORS 457.440.

The maximum indebtedness pursuant to ORS 457.190 which may be incurred under this Plan is \$27,705,384. Nothing in this section is intended to inhibit the ability of the Commission to refinance or refund existing bonded indebtedness that may be issued under the Plan.

[Section H-2 amended by TDC Resolution 183-91, adopted September 9, 1991, and by Ordinance No. 996-98, passed March 23, 1998.]

3. COMPLETION OF PROJECTS

Upon completion of the projects identified in this Plan or subsequent amendments to this Plan, and the satisfaction of all outstanding indebtedness, the division of taxes under ORS 457.420 - 457.450 shall cease as provided by ORS 457.450.

I. FUTURE AMENDMENT PROCESS

This Plan may be reviewed and analyzed periodically and will continue to evolve during the course of the project implementation and ongoing planning. The Plan may be amended or changed as needed. All amendments or changes to the Plan will be made in writing and will be approved by the Commission, the Tualatin City Council, or both. The amendments or changes may be substantial amendments, Council approved amendments or minor amendments. Minor amendments to the Plan shall be approved by the Commission by resolution. Council approved amendments to the Plan shall be approved by the Tualatin City Council through a hearing process and adopted by ordinance. Substantial amendments to the Plan shall be approved by the Tualatin City Council by non-emergency ordinance pursuant to ORS 457.095 and 457.220 after public notice and hearing. Presentation of any amendment to the Commission or Council shall be accompanied by the recommendation of the Urban Renewal Advisory Committee.

Minor Amendments

Minor amendments include but are not limited to the following:

1. Amending the Plan for consistency with the Tualatin Community Plan and Development Code.
2. Including design standards and guidelines to this Plan.
3. Revising the schedule of the Tualatin Commons Redevelopment Project.
4. Adding to the list of parcels to be acquired for the Tualatin Commons Redevelopment Project, which would not result in an increase of more than 15% of the land area of the existing parcels to be acquired.

5. Development Commission participation in the design and construction of a community center in conjunction with the Tualatin Commons Redevelopment project.

Council Approved Amendments

1. Addition of less than 1% land area to the urban renewal area as authorized by statute.
2. Extending the date after which no bonded indebtedness shall be issued with respect to the Plan or any project undertaken or to be undertaken under the Plan.
3. Adding a new project, activity or program which:
 - (a) Serves or performs a substantially different function from any project, activity or program specified in this Plan; and
 - (b) Is estimated to cost (excluding administrative costs) in excess of \$500,000 adjusted annually from 1991 at a rate equal to inflation.
4. Making other changes in the Plan which alter the major assumptions, purposes and objectives underlying this plan.

Substantial Amendments

1. Adding land to the urban renewal area (except such minor additions of land as may be authorized by statute as not constituting a substantial amendment).
2. Increasing the maximum amount of bonded indebtedness excluding bonded indebtedness issued to refinance or refund existing bonded indebtedness issued or to be issued under the Plan

From time to time during the implementation of this Plan, the Tualatin City Council may officially approve amendments or modifications to the City's Comprehensive Plan and implementing ordinances. Furthermore, the Tualatin City Council may from time to time amend or approve new codes, regulations or ordinances which affect the implementation of this Plan. When such amendments, modifications or approvals which affect the provisions of this Plan shall be deemed minor amendments to the Plan and shall, by reference, become a part of this Plan.

[Section I amended by TDC Resolution 183-91, adopted September 9, 1991; Ordinance 881-92, passed November 9, 1992; and TDC Resolution 389-01, adopted December 10, 2001.]

J. MAP AND LEGAL DESCRIPTION

The Urban Renewal Area amendment includes land within the area described below and shown on Map 1, "Tualatin Central Urban Renewal Boundary." The Urban Renewal Area contains 327.48 acres.

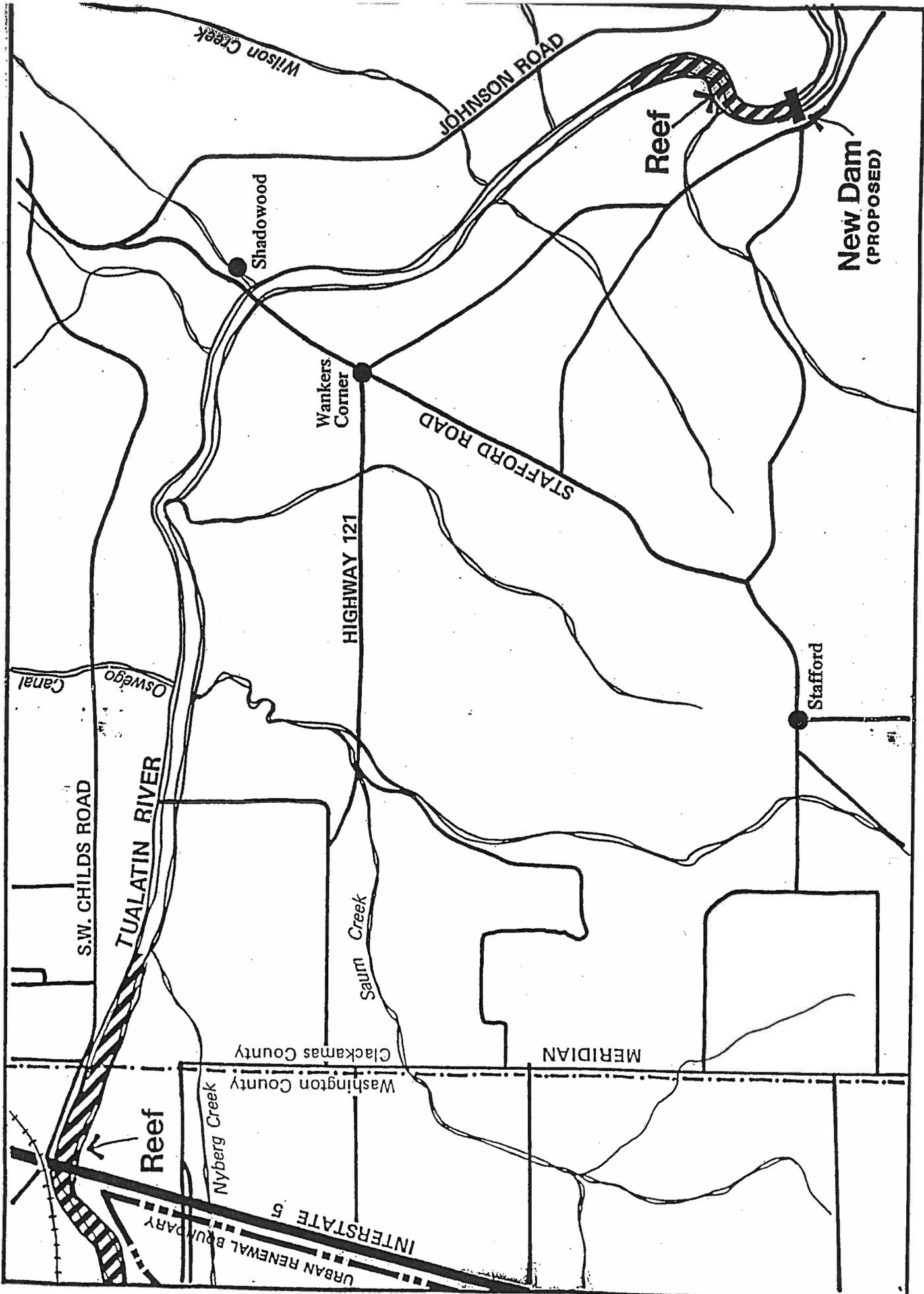
LEGAL DESCRIPTION

TUALATIN CENTRAL URBAN RENEWAL PROJECT AREA

A portion of Sections 23 and 24 of Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Northwest section corner of Section 24; thence easterly along the North line of Section 24 to a point located South 89°32' West 200 feet from the centerline of SW Upper Boones Ferry Road (State Highway No. 141); thence South 07°28' West 225 feet; thence North 89°32' East 200 feet to the centerline of said Upper Boones Ferry Road; thence South 07°28' West 131.1 feet along said centerline; thence South 15°11' West along the centerline of Boones Ferry Road (also State Highway No. 141) to the centerline of the Southern Pacific Railroad; thence continuing South 15°11' West 540 feet, more or less, to the centerline of the Tualatin River; thence southeasterly and northeasterly along the centerline of said river to the westerly right of way line of the R.H. Baldock Freeway (Interstate 5); thence southerly along the westerly right of way line of said freeway to a point that is North 296.58 feet, and West 2406.18 feet from the quarter corner on the East line of Section 24; thence perpendicular to said right of way line, South 57°23'09" East 120.0 feet; thence parallel with said right of way line, South 32°36'51" West 152.94 feet; thence parallel with and 60.0 feet North of the North line of the South half of Section 24, South 88°57'59" East 663.23 feet; thence South 1°02'01" West 120.0 feet; thence parallel with and 60.0 feet South of the North line of the South half of Section 24, North 88°57'59" West 740.22 feet; thence parallel with said right of way line, South 3°53'44" East 142.51 feet; thence perpendicular to said right of way line, South 86°06'16" West 145.0 feet to a point that is South 167.54 feet and West 2601.64 feet from the quarter corner on the East line of Section 24 and on the westerly right of way line of the R.H. Baldock Freeway (Interstate 5); thence southerly along said westerly right of way line to a point on the North line of the South 1/2 of the South 1/2 of Section 24; thence westerly along said North line 2535 feet, more or less, to the Northwest corner of the Southwest 1/4 of said Section 24; thence South 89°32'30" West 420 feet, more or less, to the northerly right of way line of the Oregon Electric Railroad; thence southwesterly along said northerly railroad right of way line to a point located North 0°52' East 1051.8 feet and North 89°13' East 1466.92 feet from the quarter corner on the South line of Section 23; thence South 81°38' West 116.1 feet along said northerly railroad right of way line; thence North 1°01'30" East 913.3 feet to the southerly line of the Tualatin-Sherwood Road (County Road No. 492); thence continuing North 1°01'30" East 2360 feet, more or less, to the South right of way line of the Southern Pacific Railroad; thence easterly along said railroad right of way 1300 feet, more or less, to the West line of Section 24; thence northerly along said West line of Section 24 to the point of beginning.

[Section J (formerly Section I) amended by Ordinance 730-87, passed September 14, 1987, and by Ordinance 1108-02, passed April 22, 2002]



FLOOD CONTROL 2

Plan - 43

TUALATIN

Geographic Information System

**Central Urban
Renewal Area**

Core Area Parking
District 2001

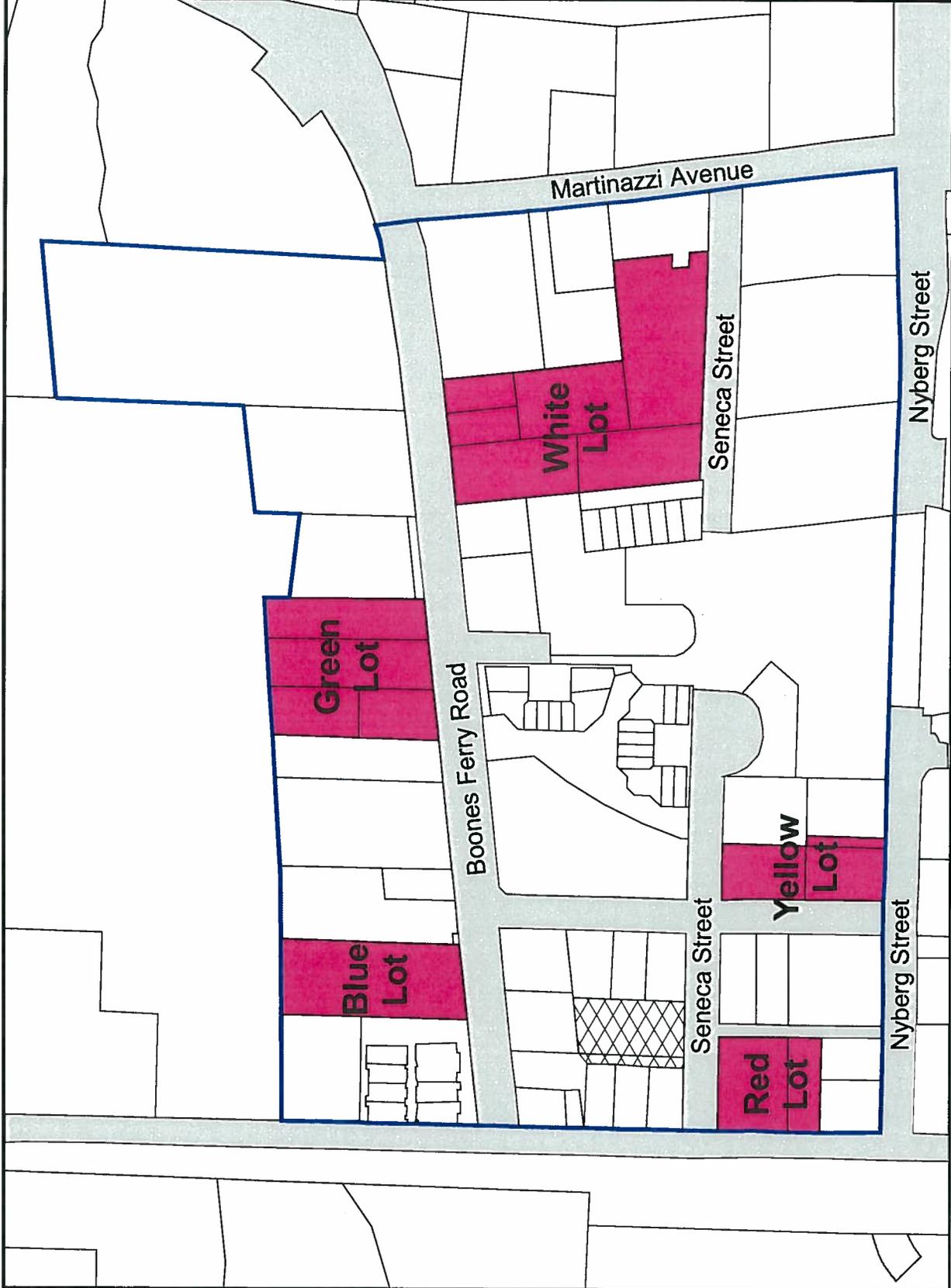
Map 4

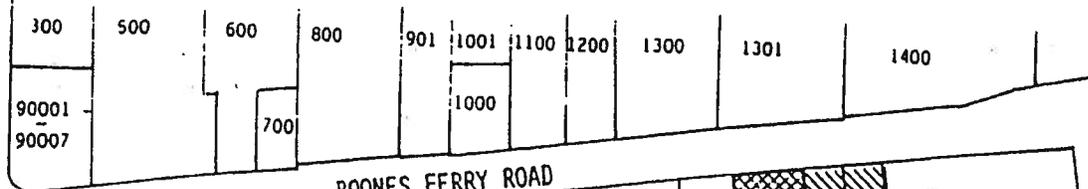
- Core Area Parking District
- Public Parking
- Future Public Parking Lot

Tualatin Development
Commission
RF 1:2,500

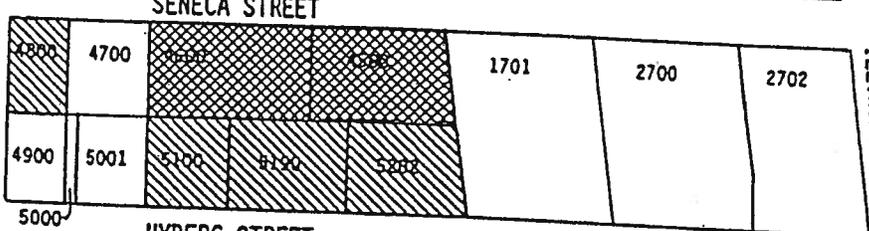
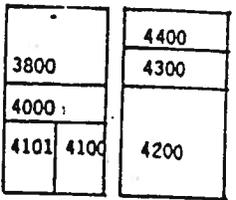
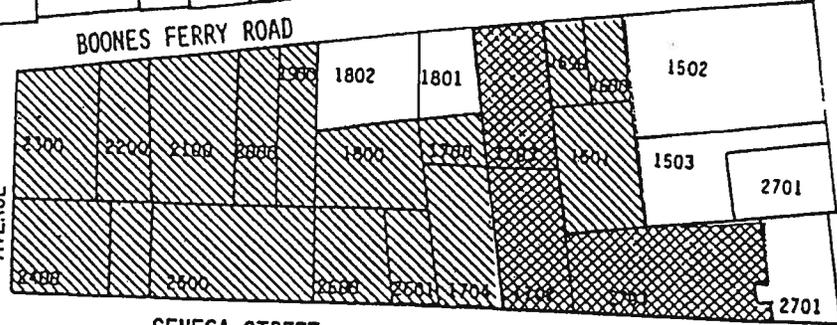
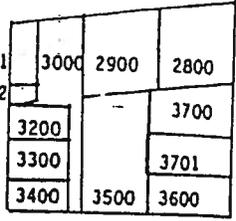


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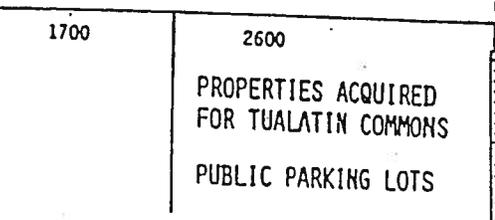
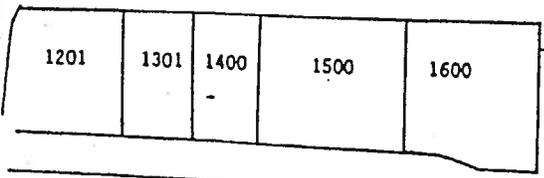
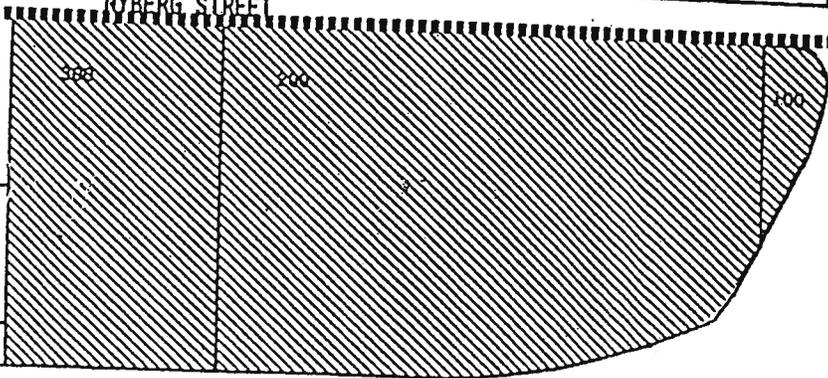
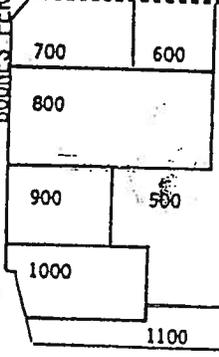




TAX MAP
2S124BC



TAX MAP
2S124CB



TUALATIN COMMONS PROPERTY ACQUISITION MAP

5

TUALATIN

Geographic Information System

**Central Urban
Renewal Area
Planning Districts 2001
Map 7**

- Central Urban Renewal District
- Urban Renewal Area Blocks
- Core Area Parking District

RESIDENTIAL

- RL Low Density
- RML Medium-Low Density
- RMH Medium-High Density
- RH High Density
- RHHR High Density/High Rate

COMMERCIAL

- CO Office
- CC Central
- CG General
- CH Neighborhood
- CR Recreational
- COMR Mid-Rise Office
- MC Medical Center

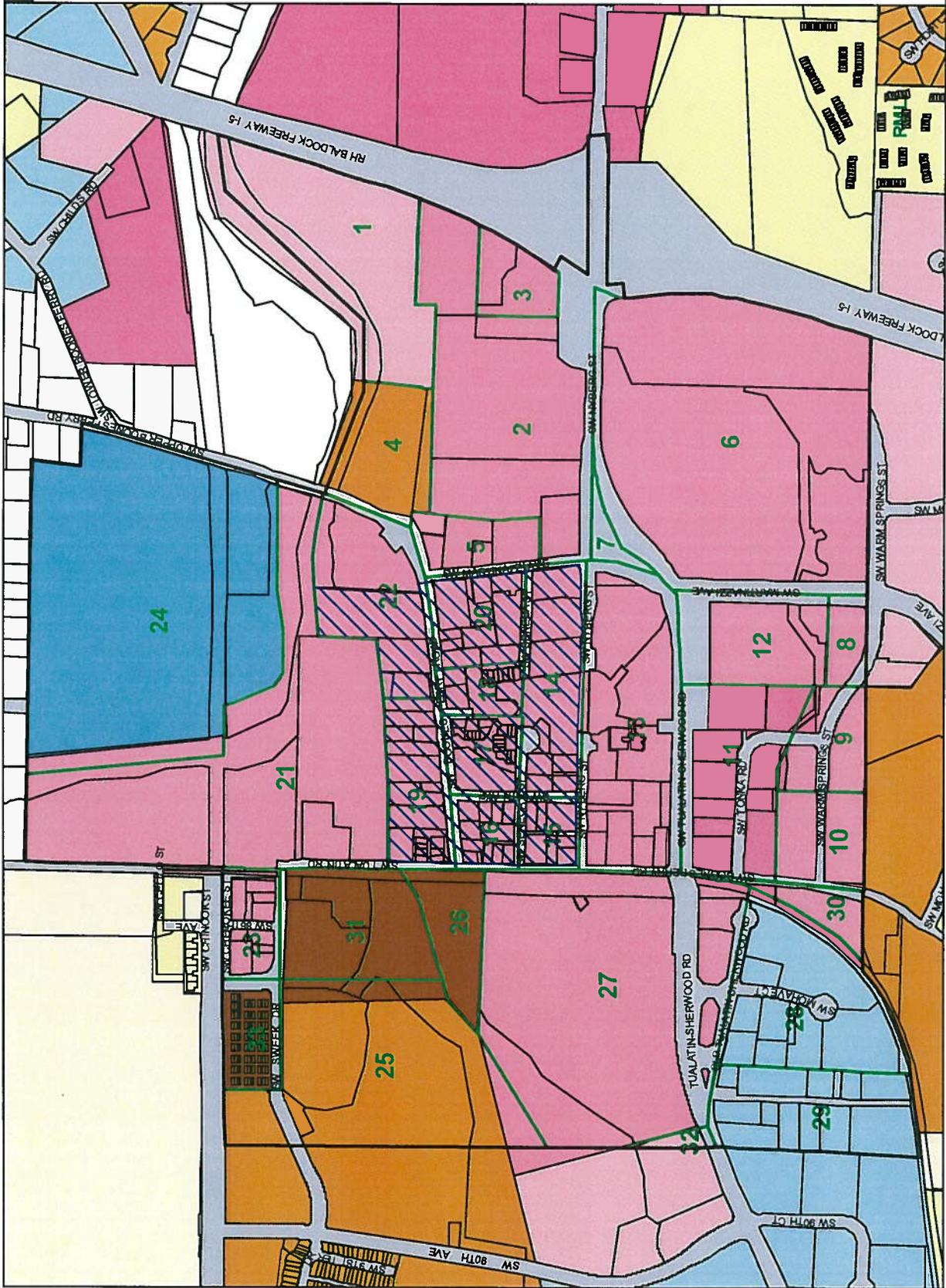
MANUFACTURING

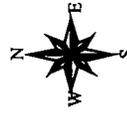
- ML Light
- MG General
- MP Park

Tualatin Development
Commission
RF 1-8,000

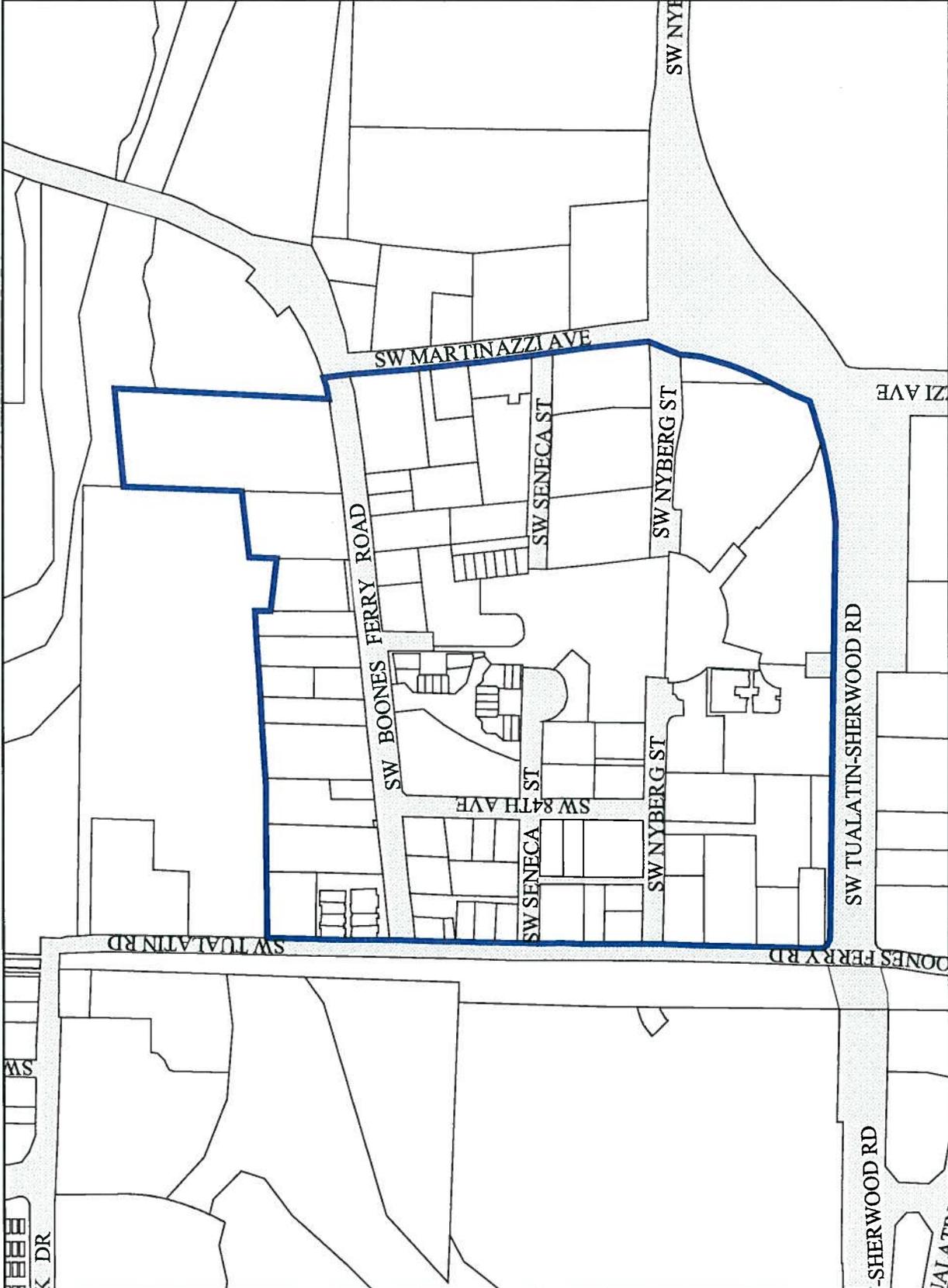


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CENTRAL URBAN RENEWAL REPORT

~~July 2006~~

October 2009

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APPENDICES:

- Appendix A: Resolution No. 74-21, dated September 23, 1974
Resolution No. 30-75, dated January 27, 1975
- Appendix B: Existing Structures Survey, 1976
- Appendix C: Building Condition Inventory, 1984
- Appendix D: Flood Control Report prepared by CH2M Hill, 1976
- Appendix E: Transportation Element of Tualatin Urban Renewal Plan
Prepared by Carl H. Buttke, June 13, 1977
- Appendix F: Traffic and Parking Report, Review and Update of the
Tualatin Urban Renewal Plan, Transportation Element
Prepared by Associated Transportation Engineering
and Planning, Inc., November 1982

SECTION II: URBAN RENEWAL REPORT

A. INTRODUCTION

Oregon Revised Statute (ORS) 457.095-(3) requires that an Urban Renewal Plan be accompanied by a Report. This document shall constitute the required report for the Tualatin Central Urban Renewal Plan.

The purpose of the report is to describe existing conditions in the Urban Renewal Area at the time the plan was established (1975) and to provide updated information for future planning. The report also contains projected fiscal impacts, detailed project cost and completion estimates, and a financial feasibility analysis.

The report was first written in 1975. Major updates of the plan were completed in 1977 and 1984. The Report was revisited as a part of the 1992 plan amendment. As a part of the 1992 amendment, this report was updated to correspond to the changes in the plan. The effort exerted in the 1992 report was intense in areas that are pertinent to the changes noted in the Plan and less intensive in areas that are not affected by the 1992 changes in the Plan.

The 2002 update corresponds to changes in the Plan. The report has intensive updates where necessary and less intensive updates to areas not affected by the 2002 Plan update.

The 2009 update corresponds to changes in the 2009 Plan.

[Section A amended by Ordinance 881-92, passed November 9, 1992, and by TDC Resolution 398-02 adopted March 11, 2002; and Ordinance _____, passed October 12, 2009.]

B. EXISTING CONDITIONS

The original Tualatin Central Urban Renewal Plan was adopted by the Tualatin City Council (Resolution No. 30-75) on January 27, 1975 (Appendix A). Existing conditions were found by this resolution to constitute blight as defined by ORS Chapter 457. Original conditions are reviewed herein to comply with ORS 457 as amended. Conditions as of 1992 are described in this Report as well as conditions as of 2002 as part of the updating process. 1984 and 1992 conditions remain as a part of the report to show the changes that have occurred over the years.

[Section B amended by Ordinance 881-92, passed November 9, 1992, and by TDC Resolution 398-02 adopted March 11, 2002.]

1. Physical Conditions

a. *LAND USE*

Original Conditions

The Urban Renewal Area in 1975 was comprised of 310.8 acres of mixed land uses, centered around the downtown Tualatin business district. The developed area was characterized by a diversity of residential, commercial and industrial uses as portrayed in Map 1, "Existing Land Use (1975)." Vacant land constituted approximately 160 acres of the total, or 51% of the Urban Renewal Area. Original conditions are discussed in more detail by sub-area as follows. Several roads have been either added or their names have been changed since 1975. The current names are used in the discussion below with the changed names following in parentheses after the first time it is used.

- The northern portion of the Urban Renewal Area includes land north of the Tualatin River and west of SW Boones Ferry Road. A mix of industrial uses and vacant land typified this portion in 1975. (Map 2, "Urban Renewal Sub-Areas")
- The western portion is located west of the Portland and Western (Burlington Northern) railroad tracks and SW Boones Ferry Road. In 1975, it consisted of a large tract of vacant land which contained a wetlands area, the historic Sweek House, a small residential/commercial area north of SW Tualatin Road, and an area of industrial and vacant land south of SW Tualatin-Sherwood Road. (Map 2)
- The southern portion is located south of SW Nyberg Street (formerly "Nyberg Road") where over half of the land was undeveloped in 1975. There was a pet food manufacturing plant (The Hervin Company), City Hall, and some commercial uses on the south side of SW Nyberg Street. A mix of commercial, industrial and residential uses were located along SW Tonka Street. SW Tualatin-Sherwood Road was not yet constructed. SW Nyberg Street from K-Mart to SW Boones Ferry Road was renamed "Nyberg Street" after the construction of the SW Tualatin-Sherwood Road bypass. (Map 2)

The Hervin plant occupied nearly nine acres of commercial land at the northwest corner of SW Martinazzi Avenue and SW Nyberg Street. A railroad spur which crossed SW Boones Ferry Road served the plant. As a manufacturing industry, Hervin constituted a major non-conforming use in a commercial district. Problems which the Hervin plant posed to downtown development included strong odors, noise, and traffic conflicts associated with the railroad spur.

- The eastern portion is located between Interstate 5 and SW Martinazzi Avenue (known as "80th Avenue" in 1975), bordered on the north by SW Boones Ferry Road and the Tualatin River and on the south by SW Nyberg Street. In 1975, it contained a large, vacant tract in the northeast corner and the historic Nyberg home in the southeast corner. A K-Mart store and its parking lot dominated the

developed area. An apartment complex was located next to the river (behind K-Mart), and the City Hall Annex Building stood among mostly vacant parcels on the east side of SW Martinazzi Avenue. (Map 2)

- The central portion is bounded on the north by the Tualatin River and includes the Community Park. It is bounded by SW Nyberg Street on the south, SW Boones Ferry Road on the west, and SW Martinazzi Avenue on the east. The 1975 plan recognized this area as the City's intended commercial core which was never fully developed. Spotted throughout the area were deteriorating homes, industrial uses, public uses, and commercial uses of varying age and quality. Parcel sizes varied widely and were divided among numerous ownerships which made it difficult to develop medium or large-scale development. (Map 2)

The original Plan summarized overall conditions in the Urban Renewal Area as follows:

"The Project Area is characterized by disorganized, inefficient and confusing traffic patterns; extreme pedestrian, vehicular and railroad conflicts and congestion; a disorganized and inefficient pattern of land uses; obsolete and deteriorating buildings and structures; tracts of vacant land which are physically and economically undevelopable under present conditions and which are subject to flooding. The physical conditions present substantial problems in providing essential public services such as police, fire, emergency services and public utilities. Urban Renewal action within the Project Area is essential to combat existing blight and deterioration and to prevent expansion of such blight and deterioration." (Section 102)

1992 Conditions

The Urban Renewal Area in 1992 consisted of 324.31 acres of land, of which 13.51 acres were added in 1984 to include portions of the SW Nyberg Street interchange area west of I-5.

Many physical changes have occurred in the Urban Renewal Area since 1975. Although major strides have been taken publicly and privately to redevelop blighted areas of the area, other areas are still in need of redevelopment efforts. Vacant land in 1975 comprised approximately 50% of the Urban Renewal Area, and now comprises approximately 40% (includes 4% wetlands) of the Urban Renewal Area, attesting to a steady growth in development. New commercial development has replaced many parcels which were formerly vacant, and some commercial redevelopment in the central business district has also occurred. In addition, many of the parcels acquired for the Tualatin Commons Redevelopment Project had buildings on them in 1975 but have since been demolished in preparation for the project. Many of these buildings were identified as irreparable in the 1984 report. In addition, the former Herwin pet food manufacturing facility was demolished, which was a major non-conforming use and a

source of odor, noise and traffic problems.

New commercial development has included a Fred Meyer retail store, a community shopping center (Martinazzi Square), a convenience oriented shopping center, retail pads, banks, small mixed-use buildings, small office buildings, medical offices, auto related retail uses, paint stores, and a self-storage facility.

The public sector has contributed to downtown development with a new post office, the Library/City office building, and four public parking lots (C, F, G and H).

Park improvements have included refurbishing houses into public centers and constructing and adding onto a Senior Center. These have occurred in the northern sub-area of the Urban Renewal Area. In addition, the Development Commission constructed an entryway project on SW Tualatin-Sherwood Road (Tualatin Commons Entryway Project).

Commercial redevelopment has also been significant, as a number of residences along SW Boones Ferry Road and SW Tualatin Road have converted to commercial uses.

Industrial development and redevelopment has been less intensive, but significant in the northern sub-area of the district across the Tualatin River with the construction of two office/warehouse complexes and redevelopment of another.

A master planning effort in the western sub-area of the Urban Renewal Area affected the vacant 53.98 acres of land known as the ZIAN ("Zidell") property (entire property is 135.6 acres, of which 53.98 acres are within the Urban Renewal Area). The result of this master planning effort included planning district changes of ML to CC (25.08 acres), ML to CO (1.41 acres) and RH/HR to RH (20.05 acres)

Table 1, "Existing Planning Districts: - 1992," illustrates the number of parcels and acres in each planning district in the Urban Renewal Area. The largest portion of the area (49.6%) is designated Central Commercial (CC), followed by General Manufacturing (MG)(12.4%) and Residential High Density (RH)(8.7%).

TABLE 1**EXISTING PLANNING DISTRICTS: 1992**

DISTRICT	NUMBER OF PARCELS	ACRE S	PERCENT OF TOTAL
Central Commercial (CC)	124	135.63	49.6%
General Commercial (CG)	11	9.41	3.4%
Office Commercial (CO)	2	11.69	4.3%
Light Manufacturing (ML)	1	.42	.2%
Light Manufacturing with CG Overlay (ML/CG)	23	17.6	6.4%
General Manufacturing (MG)	4	33.8	12.4%
Residential High Density (RH)	2	23.8	8.7%
Residential High Density/High Rise (RH/HR)	3	13.04	4.8%
CC,CG,RH,RH/HR with Parks and Greenways Overlay	6	27.83	10.2%
TOTAL	173	273.27	100%

Source: City of Tualatin

Notes: Totals do not include street and railroad rights-of-ways not identified as tax lots. The 1991/92 Washington County tax records identify 173 separate tax parcels within the Central Urban Renewal Area. The "Number of Parcels" column totals 176. This number is different than the total number of parcels because Map 2S123 Lot 100 is broken into four separate planning districts within the boundary of the Urban Renewal Area (CC, CO, RH, RH/HR).

Acreage includes boundary expansion in 1984 of 13.51 acres.

Table 2, "Existing Land Use: 1992", shows a total of 324.31 acres of land within the Urban Renewal Area with 173 individual land parcels. Developed land comprises 66.8% of the total, while vacant land comprises about one-third (33.2%) of the area. The large, 53.98-acre parcel in the western sub-area of the Urban Renewal Area contains nearly half of the vacant land totals.

Of the developed land, commercial and industrial uses are most prevalent. Combined

commercial uses comprise 21.2% of the area, and industrial uses comprise 11.8% of the area. Streets and railroad rights-of-way account for 16.1% of the area. Public uses (including parks, structures, and parking lots) comprise 11.2% of the developed land.

TABLE 2
EXISTING LAND USE: 1992

USE	NUMBER OF PARCELS	ACRES	PERCENT OF TOTAL
Commercial Retail	48	62.65	19.3%
Commercial Office	19	3.43	1.1%
Commercial Mixed Use	4	2.52	.8%
Industrial Warehouse	2	.8	.2%
Industrial Manufacturing	8	37.46	11.6%
Public (includes parks)	14	32.02	9.9%
Quasi-Public	4	1.10	.3%
Residential – Single Family	12	12.46	3.8%
Residential – Multi-Family	3	6.81	2.1%
Vacant	43	107.76	33.2%
Streets & Railroads R.O.W.	3	52.24	16.1%
Private Parking Lot	5	1.03	.3%
Public Parking Lot	9	4.15	1.3%
TOTAL	173	324.31	100.0%

Source: City of Tualatin

Notes: Four tax lots are identified as private or public streets or railroad rights-of-way. These four tax lots account for only 1.26 acres. The remainder is right-of-way not listed on tax maps.

Acreage includes boundary expansion in 1984 of 13.51 acres.

Table 3, "Commercial Land Use: 1992," shows in more detail the composition of commercial uses within the Central Urban Renewal Area. Retail commercial is the dominant commercial use, comprising 65.0% of the total, followed by commercial services, which comprise 21.9% of the total. Commercial office space (for general purpose and medical/dental combined), accounts for a total of only 5.0% of all commercial space. Restaurant uses account for 4.4% of the commercial space, while mixed commercial accounts for 3.7% of the total.

TABLE 3
COMMERCIAL LAND USE: 1992

USE	NUMBER OF PARCELS	ACRES	PERCENT OF TOTAL
Commercial Retail	19	44.55	65.0%
Commercial Services	22	15.01	21.9%
Commercial Mixed Use	4	2.52	3.7%
Commercial Office (General Purpose)	5	1.32	1.9%
Commercial Office (Medical/Dental)	14	2.11	3.1%
TOTAL	70	68.54	100.0%

Source: City of Tualatin

Notes: Acreage includes boundary expansion in 1984 of 13.51 acres.

Table 4, "Size of Parcels," illustrates the size distribution of parcels in the Urban Renewal Area and in the Core Area Parking District. Most parcels (76%) are smaller than 40,000 square feet, or roughly less than one acre in size (1 acre equals 43,560 square feet).

In the Core Area Parking District, where part of the Tualatin Commons Redevelopment Project is to be located, parcels of less than 40,000 square feet comprise 96 percent of the area, while only three parcels are at least 40,000 square feet in size. Twenty-one Core Area parcels are less than 5,000 square feet, which makes them difficult to develop under Tualatin Development Code standards.

TABLE 4
SIZE OF PARCELS: 1992

PARCEL SIZE (Square Feet)	NUMBER OF PARCELS	WITHIN CORE AREA PARKING DISTRICT
Less than 5,000	25	21
5,000- 25,000	90	48
25,000 – 40,000	16	6
40,000 and above	42	3
TOTAL	173	78

Source: City of Tualatin

Notes: Acreage includes boundary expansion in 1984 of 13.51 acres.

2001 CONDITIONS

The Urban Renewal Area in 2001 consists of 327.48 acres of land, of which 3.17 acres were added in 2001 to include portions of the SW Nyberg Street/I-5 interchange area. Map 3, "Existing Land Use 2001," shows the diverse mix of uses in the Urban Renewal Area.

Numerous physical changes have occurred in the Urban Renewal Area since 1992. Although major strides have been taken publicly and privately to redevelop blighted areas of the area, other areas are still in need of redevelopment efforts. Vacant land in 1992 comprised approximately 33.2% of the Urban Renewal Area and now comprises approximately 7.63% attesting to a continued steady growth in development. New commercial development has replaced many parcels which were formerly vacant, and commercial redevelopment in the central business district has also occurred. In addition, all of the parcels acquired for the Tualatin Commons Redevelopment Project that were vacant in 1992 have been developed.

New commercial development has included twenty projects that include the Tualatin Commons Redevelopment Project: Lakeside Center office building, Century Hotel and Hayden's Lakefront Grill, Ben Lake Building, Tualatin Commons Eatery, Tualatin Mews I and Tualatin Mews II. Other commercial development in the Urban Renewal Area includes Hedges Green Retail Center (Phase 1, Carl's Jr., Outback Restaurant, Phase 2 – two pad buildings), Schuck's Auto Parts, Pizza Hut, Elks Lodge, Hawthorne Suites Inn, Nyberg Creek Retail Center, Bushwackers, Tualatin Transmission, Nabco office/retail, Tualatin Drycleaners, and Aspen Place.

In addition to the new commercial development, there were thirty-eight expansion, remodel/facade improvement developments since 1992 of which nine were facade improvements funded in part by the Tualatin Development Commission.

Residential development has occurred since 1992 with the Villas on The Lake, Phases I-III, and Hedges Greene Apartments.

Additionally, mixed-use development of residential and commercial have occurred with the Tualatin Mews Phase I & II project.

The public sector has continued contributing to downtown development with a new post office, Tualatin Police Facility, demolition of one parking lot and construction of one new parking lot (Red, formerly A), expansion of a second lot (Yellow, formerly F) and expansion and reconstruction of a third public parking lot (White, formerly C).

Park improvements have included construction of the public portions of Tualatin Commons (Lake of the Commons, public plaza, restrooms, promenade) and the Tualatin Skate Park.

No new industrial development or redevelopment has occurred in the southwestern or north sub-areas of the Urban Renewal Area. In the southwestern sub-area, two commercial service uses (auto oriented) have been developed in the Light Manufacturing Planning District area under the commercial overlay provisions.

Table 5, "Planning Districts - 2001," illustrates the number of parcels and acres in each planning district in the Urban Renewal Area. (District boundaries are also shown on Map 6 of the Plan.) The largest portion of the area (61.26%) is designated Central Commercial (CC), followed by General Manufacturing (MG) (12.15%), and Residential High Density (RH) (7.73%).

TABLE 5
EXISTING PLANNING DISTRICTS: 2001

DISTRICT	NUMBER OF PARCELS	ACRES	PERCENT OF TOTAL
Central Commercial (CC)	156	166.36	61.26
General Commercial (CG)	15	7.76	2.86
Office Commercial (CO)	2	11.23	4.14
Light Manufacturing (ML)	0	0	0
Light Manufacturing with CG Overlay (ML/CG)	23	33	12.15
General Manufacturing (MG)	3	17.45	6.43
Residential High Density (RH)	6	20.98	7.73
Residential High Density/High Rise (RH/HR)	80	14.78	5.44
TOTAL	285	271.56	100%

Source: City of Tualatin
Notes: Totals do not include street and railroad rights-of-ways not identified as tax lots.

The total acreage for 2001 is lower than what was shown for 1992. The new numbers were generated from a Geographic Information System, which may have some small inaccuracies that would account for the difference.

Acreage includes boundary expansion in 2002 of 3.17 acres.

Table 6, "Existing Land Use: 2001," shows a total of 313.73 acres of land within the Urban Renewal Area with 285 individual land parcels. Developed land (excluding right-of-way) comprises 79.015% of the total, while vacant land comprises 7.55% of the area. Of the developed land, commercial and industrial uses are most prevalent. Combined

commercial uses comprise 38.03% of the area, and industrial uses comprise 11.97% of the area. Streets and railroad rights-of-way account for 13.446% of the area. Public uses (including parks, structures, and parking lots) comprise 17.96% of the developed land.

TABLE 6

EXISTING LAND USE: 2001

USE	NUMBER OF PARCELS	ACRES	PERCENT OF TOTAL
Commercial Retail	54	96.35	30.71
Commercial Office	24	7.19	2.29
Commercial Mixed Use	13	14.68	4.68
Comm./Res. Mixed Use	9	1.09	0.35
Industrial Warehouse	3	8.15	2.60
Industrial Manufacturing	4	29.40	9.37
Wholesale	2	2.27	.72
Quasi-Public	4	2.50	.80
Residential – Single Family	28	9.76	3.11
Residential – Multi-Family	81	17.60	5.61
Vacant	18	23.70	7.55
Streets & Railroads R.O.W.	N/a	42.17	13.44
Private Parking Lot	7	2.50	0.80
Public Parking Lot	14	4.39	1.40
Parks/Greenway	16	45.37	14.46
Water Quality	1	0.29	0.09
Public	7	6.32	2.01
TOTAL	285	313.73	100.0%

Source: City of Tualatin

Notes: Two tax lots are identified as private or public.

The total acreage for 2001 is lower than what was shown for 1992. The new numbers were generated from a Geographic Information System, which may have some small inaccuracies that would account for the difference.

Acreage includes boundary expansion in 2002 of 3.17 acres.

Table 7, "Commercial Land Use: 2001," shows in more detail the composition of commercial uses within the Central Urban Renewal Area. Retail commercial is the dominant commercial use, comprising 47.69% of the total, followed by commercial mixed use, which comprises 32% of the total and commercial services at 11%. Commercial office space (for general purpose and medical/dental combined), accounts for a total of only 8.43% of all commercial acreage.

TABLE 7

COMMERCIAL LAND USE: 2001

USE	NUMBER OF PARCELS	ACRES	PERCENT OF TOTAL
Commercial Retail	27	59.55	47.69
Commercial Services	24	13.74	11.00
Commercial Mixed Use	19	39.96	32.00
Comm./Res. Mixed Use	9	1.09	0.87
Commercial Office (General Purpose)	16	9.24	7.40
Commercial Office (Medical/Dental)	12	1.28	1.03
TOTAL	107	124.86	100.0%

Source: City of Tualatin

Note: Acreage does not include rights-of-way.

The total acreage for 2001 is lower than what was shown for 1992. The new numbers were generated from a Geographic Information System, which may have some small inaccuracies that would account for the difference.

Table 8, "Size of Parcels: 2001," illustrates the size distribution of parcels in the Urban Renewal Area and in the Core Area Parking District. Most parcels (81%) are smaller than 40,000 square feet, or roughly less than one acre in size (1 acre equals 43,560 square feet).

In the Core Area Parking District, where part of the Tualatin Commons Redevelopment Project is located, parcels of less than 40,000 square feet comprise 95 percent of the area, while five parcels are at least 40,000 square feet in size. (see Map 4 of the Plan.) 124 parcels are less than 5,000 square feet. Seventy-five of these parcels are associated with a residential condominium project. Forty-one of the parcels are within the Core Area Parking District of which 25 are residential or mixed-use components of the Tualatin Commons Project. Undeveloped or redevelopable parcels less than 5,000 square feet make them difficult to develop under Tualatin Development Code Standards.

TABLE 8

SIZE OF PARCELS: 2001

PARCEL SIZE (Square Feet)	NUMBER OF PARCELS	WITHIN CORE AREA PARKING DISTRICT
Less than 5,000	124	41
5,000- 25,000	83	40
25,000 – 40,000	23	7
40,000 and above	55	5
TOTAL	285	93

Source: City of Tualatin

b. BUILDING CONDITIONS

Intensive building condition inventories were taken in 1976 and 1984, and although different rating systems were used, the results are comparable. A less intensive inventory was taken in 1992 to show the general condition of the building stock in the area. A similar evaluation was conducted in 2001 as was conducted in 1992.

1976 Building Conditions

The consultant team of Broome, Oringdulph, O'Toole, Rudolph and Associates (BOORA) surveyed existing structures in the Urban Renewal Area in October, 1976, with the assistance of the District Fire Marshal. (See Appendix B, "Existing Structures Survey (1976).") Map 4, "Existing Buildings (1976)," shows those structures that were surveyed. In the rating system used, a composite score is assigned to each building. Scores range from 0 to 20 based on four factors, each worth a maximum of five points:

1. Age
2. Condition (actual or probable code violations, structural soundness, and appearance)
3. Accessibility (to pedestrians, parking)
4. Adaptability (capacity for expansion, reuse)

Results from the "1984 Structures Survey" are summarized as follows: Structures with a score of 0 are evaluated as being in "Good Existing Condition." Structures with a score of six or less are evaluated as having "Minor Problems," and are deemed suitable for rehabilitation and reuse. Structures with a score of seven or more are considered as "Major Problems," less suitable for rehabilitation and reuse. Of the 102 structures inventoried in 1984, 83 were evaluated as "Good Existing Condition" to "Minor Problems," and 19 were evaluated as "Major Problems."

1984 Building Conditions

Urban Renewal Staff surveyed existing structures in the Urban Renewal Area on May 8, 1984, with the assistance of the Tualatin Fire District Battalion Chief. The structures surveyed are portrayed in Map 5, "Existing Buildings (1984)." The rating system used was descriptive rather than numeric and is described briefly as follows: (See Appendix C for complete description).

New: New within past five years.

Standard: Good condition, no problems.

Minor Repair: Maintenance or aesthetic items, not code or safety related - a little peeling paint, loose trim, a few roof shingles missing, etc.

Major Repair: Major repair needed to preserve or maintain use of structure.

Irreparable: So badly rundown or in need of repair as to cause the structure to be questionable as to feasibility of retaining it.

Results of the Building Inventory are summarized in Table 9. Condition ratings for individual buildings are identified by tax lot in Appendix C, "The 1984 Building Condition Inventory."

TABLE 9

BUILDING CONDITIONS: 1984

<u>Rating</u>	<u>Number of Buildings</u>
New (within past 5 years)	19
Standard (good condition, no problems)	61
Minor Repair	12
Major Repair	2
Irreparable	14
TOTAL	108

A total of 108 structures were identified in 1984 as being located within the Urban Renewal Area, 16 of which were in need of major repair or were deemed irreparable. Nineteen new buildings were built between 1975 and 1984, and 73 structures were in standard condition or in need of only minor repairs.

In 1976 there were 19 structures in the "Major Repair/Irreparable" category. In 1984, 16 structures were identified in this category. Although a number of older structures were demolished, other structures were noted to have slipped from the "Minor Repair" to the "Major Repair" category as the building stock aged. Older residences were noted as dominating this category.

At the same time, there was significant construction during the period between 1975 and 1984, with the addition of 19 buildings of five years old or less. In 1976 there were 102 structures in the Urban Renewal Area, and in 1984 there were 108 structures. While some of the older buildings aged more in this period, the building stock improved over all with the new construction.

1992 Conditions

A less intensive survey of buildings was conducted in 1992. Of the 16 buildings identified in 1984 as "Major Repair/Irreparable," 11 had been demolished either publicly or privately. Although more new buildings (less than 5 years old) were identified in 1992 than 1984, more of the building stock is in standard/minor repair and significantly fewer buildings are classified as "Major Repair/Irreparable." The buildings left that were categorized as "Major Repair/Irreparable" are three residences (being considered for historic preservation), the VFW Hall, and the barn-like structure where United Rentals (formerly Anderson Rental) is located. Table 10 is a comparison of the 1984 study and the 1992 quick study.

TABLE 10

COMPARISON OF THE 1984 AND 1992 BUILDING CONDITIONS

Building Condition	1984	1992
New	19 (18%)	5 (5%)
Standard/Minor Repair	73 (67%)	91 (86%)
Major Repair/Irreparable	16 (15%)	5 (9%)
TOTAL STRUCTURES	108	105

2001 CONDITIONS

A survey of buildings was conducted in 2001 by the City of Tualatin Building Official. The structures surveyed are portrayed in Map 6, "Existing Buildings 2001." Five buildings have been demolished since 1992 (three residences and two commercial structures.) Twenty-eight new buildings were constructed in the past five years. Although more new buildings (less than 5 years old) were identified in 2001 than in 1992 or 1984, more of the building stock is in standard/minor repair and slight increase of buildings classified as "Major Repair/Irreparable." No buildings were identified as

irreparable. The buildings left that were categorized as "Major Repair/Irreparable" are three residences and four commercial buildings. Table 11 is a comparison of the 2001 and 1992 studies.

TABLE 11

COMPARISON OF THE 1992 AND 2001 BUILDING CONDITIONS

Building Condition	1992	2001
New	5	28
Standard/Minor Repair	91	219
Major Repair/Irreparable	5	7
TOTAL STRUCTURES	105	254

Note: Included in the number of buildings are condominium developments that appear as one building, but considered as separate buildings. This includes three buildings (Ben Lake Building, Tualatin Plaza, Tualatin Greene Condominiums).

c. HISTORIC STRUCTURES

Original Conditions

Buildings having historic merit include the Sweek House (which is on the National Register of Historic Places), the building that contains Rich's Kitchen, the old City Hall on SW Boones Ferry Road, the Victorian House at 18650 SW Boones Ferry Road, and the Nyberg House on SW Nyberg Road.

1984 Conditions

Structures considered to have historic merit are listed in the Tualatin Development Code, Chapter 73.140. Included were the Sweek House (on the National Register of Historic Places) and the Smith/Boone House on the same property, the brick building containing Rich's Kitchen, the Klothes Seller building (old Methodist Church), and the Nyberg House. Any alteration of historic structures must conform to Development Code standards.

1992 Conditions

Structures which are considered to have historic merit are listed in the Tualatin Development Code, Chapter 73.430. Included at present are the Sweek House (on the National Register of Historic Places) and the Smith/Boone House on the same property, the brick building containing Rich's Kitchen (Robinson Store), the old Methodist Church building, and the Nyberg House. Any alteration of historic structures must conform to Development Code standards.

Several other buildings in the Urban Renewal Area are currently being considered for inclusion for landmark designation. These buildings are as follows:

<u>Tax Map and Lot</u>	<u>Name or Location of Building</u>
1S23 300	Sweek House
1S23AA 1500	Little White House
1S23AA 1601	Wesch House
1S24BC 1400	House 18615 S.W. Boones Ferry Road
1S24BC 2502	Nyberg House
1S24BC 4100	Smith Row House
1S24BC 4700	Winona Grange #271

2001 Conditions

Structures that have historic merit are listed in the Tualatin Development Code, Chapter 68. Any alteration or demolition of historic structures must conform to Tualatin Development Code standards. The following list comprises structures within the Urban Renewal Area:

<u>Tax Map and Lot</u>	<u>Name or Location of Building</u>
2S123 300	Sweek House
2S123AA 1500	Little White House
2S123AA 1601	Wesch House
2S123 300	Smith/Boone House
2S124A 2502	Nyberg House
2S124BC 3001	Robinson Store
2S124CB 900	Methodist Church
2S124BC 4700	Winona Grange #271

d. NATURAL FEATURES

Original Conditions

The most significant natural features of the City are related to the City's rivers and streams: the Tualatin River, which passes through the northern part of the Urban Renewal Area; Hedges Creek, which drains the west-central portion of the Urban Renewal Area; and Nyberg Creek, which drains the southern portion of the Urban Renewal Area (Map 7 "Natural Areas and Wetlands"). The relatively flat topography creates conditions of high ground water and surface water ponding. This has created the marsh area near the Sweek House, and the swampy area along Nyberg Creek near Interstate 5. The Tualatin River is a constant flood threat to the downtown area and the solution to this problem has been a major task of the Plan.

Within the Central Business District, there are three significant tree masses: The group of trees between SW Boones Ferry Road and SW Seneca Street about midway between SW Martinazzi and SW 84th Avenues, the single large fir tree near the corner of SW Boones Ferry Road and SW Tualatin Road, and a grouping of fir trees just east of the Hervin plant.

1992 Conditions

Natural features of the Urban Renewal Area have been very well preserved over fifteen years of development. All of the significant tree masses remain. The fir trees between SW Tualatin-Sherwood Road, SW Nyberg Street and SW Martinazzi Avenue were, in part, preserved as a part of the Tualatin Commons Entryway Project. The large grove of trees directly to the west of SW Martinazzi Avenue in this area have been identified in the Tualatin Development Code as heritage trees.

The marsh area surrounding the Sweek House is in the Wetlands Protection District and is protected by specific development standards in the Tualatin Development Code. Hedges Creek has been carefully incorporated into the design of the Community Park, and Nyberg Creek still flows through the developing south-central area. Both Hedges Creek and Nyberg Creek are protected under the City's Greenway and Riverbank Protection District.

A wetlands management agreement was entered into by Zidell Corporation (owners of Tax Lot 100, Tax Map 2S123) to assist in the preservation of wetlands habitat in the Wetlands Protection District.

2001 Conditions

The City completed a comprehensive update of natural areas in 1995. Within the Urban Renewal Area, the Tualatin River, Hedges Creek in the west and central sub-areas, Nyberg Creek in the south sub-area, and Hedges Creek Wetland Protection District and Sweek Pond Management Area in the west sub-area, have been identified as significant resources (Map 8 "Natural Areas and Wetlands 2001"). Significant tree groves have also been identified such as Sweek Pond Management Area, Community Park and along the Tualatin River, Hedges Creek and Nyberg Creek. Chapter 72, Greenway Protection Overlay District (GPO) and Natural Areas of the Tualatin Development Code, contain the standards for these natural areas.

Of the significant tree masses identified in 1975 and 1992, several have been removed including the trees along SW Seneca Street, SW Nyberg Street and SW 84th Avenue for the Tualatin Commons Project; the single large fir near corner of SW Boones Ferry and SW Tualatin Road fell during the 1995 wind storm; trees in the northwest corner of the west sub-area for development of Hedges Green Apartments; and trees west of SW Martinazzi Avenue and north of SW Warm Springs Street. Remaining significant tree masses are identified on Map 9.

The 1995 Wetland and Natural Area work also identified wetlands within the Urban Renewal area. These include the Hedges Creek Wetland Protection District, Hedges Creek from Tualatin Road to the confluence with the Tualatin River, and Nyberg Creek from the Portland & Western Railroad tracks to Interstate 5. The total acreage of wetlands has increased over the original plan due to the level of accuracy of the new data.

Clean Water Services adopted regulations in 1991 addressing buffer areas adjacent to wetlands. These regulations have created additional open space adjacent to wetlands that encompass many of the significant tree groves within the Urban Renewal Area. Metro, through its Goal 5 process, is evaluating the appropriate amount of buffer areas adjacent to wetlands which could expand natural areas within the Urban Renewal Area.

e. *GEOLOGIC LIMITATIONS*

Original Conditions

As part of the Urban Renewal Plan Amendment of 1977, the firm of CH2M Hill examined geologic limitations in the Urban Renewal Area. The following discussion is taken from Memorandum Number 6 of that plan, December 28, 1976.

Soils

Most soils in the Urban Renewal Area have low-bearing capacity. A large percentage of the area also has soils that are soft and compressible. Because of this, sites for buildings of two stories or more should have a soils and foundation investigation to insure satisfactory building performance. The investigation and analysis should add no more than 3 to 5 percent to the cost of two-story buildings, less for higher buildings.

Ground Water

Most of the Urban Renewal Area has a ground water table that is less than five feet from the surface at certain times of the year. Because of this, basements in buildings will require extra design effort and are likely to be uneconomical.

Surface Water

Apart from flooding by the Tualatin River which is discussed elsewhere, surface drainage in much of the area is poor. This is the result of a combination of flat lying terrain and low soil permeability. Large, flat surface areas such as parking lots will have to be carefully graded to avoid puddles during the rainy season. Storm sewers will be at minimum grade and may require pump stations.

Seismic Considerations

The City of Tualatin lies in the Uniform Building Code Seismic Risk Area 2. No geologic features are mapped by the U. S. Geological Survey which would indicate that this is an incorrect zone designation. Designing buildings to meet Zone 2 criteria should be adequate to minimize seismic risks. Due to the discovery of data that indicates the metropolitan area is at a higher risk to earthquakes than previously thought, changing the zone to a higher criteria is being considered by federal authorities.

1992 Conditions

Soil, ground water, and seismic conditions remain the same in the Urban Renewal Area. To avoid impoundment of surface water, parking lots in the Urban Renewal Area have been constructed with slopes according to Development Code requirements. In addition, storm sewer drains have been installed in SW Martinazzi Avenue and SW Seneca Street.

2001 Conditions

Soil and ground water conditions remain the same in the Urban Renewal Area. Seismic conditions have remained relatively the same, except that the seismic risk area category has been raised to Level 3.

f. *FLOODING*

Original Conditions

A major source of the difficulty with redeveloping downtown Tualatin and a major blighting influence is the recurring flooding of the Tualatin River. Map 10 shows the 100-year floodplain in Tualatin. In 1977 the 100-year flood level in downtown Tualatin was 124.6 feet at the SW Boones Ferry Road bridge, which meant that much of the downtown was flooded at these times. During the 100-year flood, the Tualatin River leaves its banks near the City Park and sends about 8,000 cubic feet per second of water southerly through the center of town to Nyberg Creek which drains under the freeway back into the Tualatin River.

The Tualatin River is susceptible to floods because of the characteristics of the valley it passes through. The Tualatin drains 711 square miles before entering the Willamette River with watershed boundaries that nearly match the political boundaries of Washington County. The river originates on the eastern slope of the coast range at an elevation of 3,400 feet before dropping quickly into the flat, broad Tualatin Valley. The watershed averages 40 miles long (east-west) and 25 miles wide (north-south). About one-half of the watershed is on the valley floor, where the streams are flat with wide (1 to 1.5 mile) floodplains.

The last 3 miles of the Tualatin River flow through a narrow gorge and has a vertical drop of nearly 40 feet. In comparison, the total drop in elevation from river mile 6 to river mile 60 (near Forest Grove) is 50 feet. The gorge and natural reefs at river mile 3 (about 5 1/2 miles downstream from Tualatin) seriously limit the capacity of the river channel to pass flood flows. The gorge and its natural reefs act like a retention dam and the Tualatin Valley serves as a reservoir. For damaging floods to occur, large volumes of water must be present. Unlike most Oregon streams, the flat, wide Tualatin Valley floodplains store large amounts of water during flood periods. The coastal streams of Oregon reach peak flood flows in a matter of hours but recede within a day. The large volume floods of the Tualatin River, however, may take two days to reach peak flow and remain above flood stage for more than 10 days. Flood velocities are relatively low (4 to 6 feet per second).

Flood History

Flooding has been severe in the Tualatin Valley. Major flooding was reported shortly after settlement of the valley. The worst reported flood occurred in 1890 and was probably in excess of the 100-year flow. Between 1896 and 1914, four floods occurred that were close to the 100-year flood.

Stream-flow measurements started in 1928. During the period of 1940 to 1966, measurements of the U. S. Geological Survey stream gauge near Farmington showed that the Tualatin River exceeded flood stage 26 times.

Note: Flooding information is taken largely from CH2M Hill Memorandum Number 2, December 17, 1976, "The Urban Renewal Plan Update."

Flooding usually takes place between mid-November and mid-February as a result of high volume rainfalls and snow melt. Although melting snow contributes to flooding, it is not a necessary factor, as established by the 1933 flood, the worst flood in recorded history.

On January 18, 1974, a significant flood affected Tualatin. Photographs retained by the City show the extent of flooding in the Urban Renewal Area, most of which was inundated. Buildings constructed after the 1974 flood were built on fill or on raised foundations, which raises their ground floor level above the 100-year floodplain.

The most recent flood occurred in February 1996. Documentation retained by the City shows the extent of flooding in the Urban Renewal Area, which was largely inundated. Recently constructed buildings have either been built on fill or on raised foundations which raises their ground floor level at or above the 100-year flood plain.

Flood Control Alternatives

In 1976, alternative methods of flood control were examined in detail by the firm of CH2M Hill (Appendix D). These included increasing channel capacity, erecting flood

water barriers, constructing alternative flood water channels, and removing or modifying constrictions to the passage of flood waters. In 1976, the general alternative judged most feasible involved removal of rock reefs in the Tualatin River, construction of a new dam near the Lake Oswego diversion dam, minor channel improvements in other locations, the building of low berms in parts of the Urban Renewal Area, and construction of flood gates and pump stations at the mouth of Nyberg Creek and Hedges Creek.

In 1981, prior to completion of any of these actions, the City of Tualatin began to participate in the United States Department of Housing and Urban Development (HUD) Flood Insurance Program. HUD designated zones to define the Floodway, the 100-year Floodplain, and areas with separate insurance requirements. The City adopted Floodplain District regulations governing development within these areas to meet its obligations under the Flood Insurance Program.

1992 Conditions

Through participation in flood control projects on the Tualatin River, the Commission has made significant progress toward the original goal of providing flood protection for the downtown area.

In 1983-84, the Commission provided local share funds for an Army Corps of Engineers project which resulted in removal of the rock reefs downstream on the Tualatin (Map 2 of the Plan). This project in itself resulted in the removal of the "Floodway" designation in the Urban Renewal Area, allowing development to occur utilizing solid fill to the level of the 100-year flood. The area of the 100-year Floodplain remains unchanged.

A continuing flood control program is a major objective of this Plan. Further flood control improvements are now focused on replacement of the Lake Oswego Diversion Dam, as outlined in the Urban Renewal Plan, Section D (1a.), "Outline of Project Activities."

2001 Conditions

Development in the Urban Renewal Area, based on the City's Floodplain District regulations has allowed fill activities to occur. The City experienced a flood in February 1996 that significantly impacted the Urban Renewal Area. Subsequent to this flood, the City modified its floodplain regulations and now requires that the finished floor elevation be one foot above the designated base flood elevation in conformance with Chapter 70, Flood Plain District, of the Tualatin Development Code.

Clean Water Services, in conjunction with FEMA, is evaluating the flood plain for the Tualatin River. This evaluation could affect the boundary of the 100-year flood plain in the Urban Renewal Area as well as development regulations.

g. *TRANSPORTATION*

Original Conditions

The original conditions of the transportation system were described in the report as follows:

"Tualatin is well served by the regional rail and highway transportation network. This is a source of its recent rapid growth as well as many of its downtown problems. The Urban Renewal Area is bordered on the east by Interstate 5, and State Highway 212 (Nyberg/Tualatin-Sherwood Roads) passes east-west through the Renewal Area. SW Boones Ferry Road serves as an arterial through the Core (see Map 11, "Transportation").

The Burlington Northern railroad passes north-south through the western edge of the Central Business District and the Southern Pacific railroad passes along the northerly boundary of the Urban Renewal Area. Most of the traffic on this transportation network passes through Tualatin to and from major employment centers around the City.

Improving the transportation system is a key to solving the problems which confront downtown development. The transportation system -- streets, parking, pedestrian-ways, public transit -- has received close attention during the development of previous plans. The City retained Carl Buttke, a transportation consultant, to investigate the transportation problem in the Urban Renewal Area in 1977. His complete report is contained in Appendix E. The transportation system was again examined as part of the 1983 Plan Review and Update by the consulting firm of Associated Transportation Engineering and Planning, Inc. The conclusions of that study (Appendix F) were reviewed and, as appropriate, incorporated within the City of Tualatin Community Plan, Chapter 11. Transportation improvements within the Urban Renewal Area are thus treated within the context of the City's transportation process."

1992 Conditions

Transportation conditions in the Urban Renewal Area have been vastly improved since the adoption of the original Plan. The goal of relieving through-traffic congestion in central Tualatin has been furthered with the construction of the Tualatin-Sherwood Bypass in 1983. Other improvements include:

- Interchange work at SW Nyberg Road and I-5 to allow for better access to and from the northbound I-5 lanes from SW Nyberg Road;
- Traffic signals at SW Boones Ferry Road & SW Tualatin Road, SW Boones Ferry Road and SW Martinazzi Avenue, SW Upper and Lower

Boones Ferry Road, SW Martinazzi Avenue at Fred Meyer and Martinazzi Square, as well as those developed in conjunction with the construction of the Tualatin-Sherwood Bypass.

- Construction of the southern extension of SW Martinazzi Avenue;
- Construction of initial segment of the SW Tonka/Warm Springs loop;
- Removal of rail lines crossing SW Boones Ferry Road that served industrial uses on Block 13; and
- Construction of four public parking lots in the Core Area Parking District.

The Development Commission was involved in the funding of most of these projects, and the efforts have improved the traffic problems noted in the original plan.

As a part of the Zidell (ZIAN) master planning effort, the Development Commission participated in funding a study of future transportation improvements within the District. The options were studied as part of an overall traffic study conducted by the City of Tualatin.

2001 Conditions

Transportation conditions in the Urban Renewal Area have been improved since 1992, but remain a critical concern within the Urban Renewal Area. A number of improvements have been made since 1992 that include:

- Traffic signal coordination system;
- Traffic signals at SW Boones Ferry Road and SW Nyberg Street, SW Boones Ferry Road and SW Warm Springs Street, SW Tualatin-Sherwood Road at the Tualatin Commons main access, SW Tualatin Road and Sweek Drive;
- Reconstruction of SW Nyberg Street, SW Seneca Street, SW 84th Avenue, SW Tualatin Road and widening of SW Boones Ferry Road from SW Martinazzi Ave to SW 84th Avenue;
- Pedestrian crossings on SW Boones Ferry Road and SW Tualatin Road;
- Pedestrian sidewalks and walkways; and
- Construction of two public parking lots (Yellow and Red) and expansion of a third public parking lot (White) in the Core Area Parking District.

The Development Commission was involved in the funding of several of these projects, and the efforts have improved the traffic and pedestrian problems noted in the original plan and subsequent updates.

The City completed a Transportation System Plan in July 2001 that identified significant existing and future congestion on SW Tualatin-Sherwood Road, SW Boones Ferry Road, SW Martinazzi Avenue and at the SW Nyberg Street/I-5 interchange that impedes the removal of blighted conditions in the Urban Renewal Area. Map 12, "Transportation 2001," identifies the functional classification for the transportation system within the Urban Renewal Area. The classifications identified generally carry high volumes of traffic as the major transportation corridors pass through the downtown area in either a north/south or east/west orientation. The Urban Renewal Area is also identified as a pedestrian area in the Regional Transportation Plan.

The Transportation System Plan identifies a number of transportation projects in the Urban Renewal Area to relieve congestion and enhance pedestrian circulation, such as:

- a. Development of commuter rail and a commuter rail station;
- b. Double left-turn lane on SW Tualatin-Sherwood Road west bound to SW Boones Ferry Road southbound;
- c. Widening of SW Boones Ferry Road from SW Lower Boones Ferry Road to SW Tualatin-Sherwood Road including turn lanes, bike lanes, sidewalks;
- d. SW Nyberg Street/I-5 Interchange improvements;
- e. Signal interconnect projects on SW Boones Ferry Road and SW Tualatin-Sherwood Road;
- f. Driveway restrictions on SW Boones Ferry Road and SW Martinazzi Avenue;
- g. SW Hall Boulevard extension;
- h. SW Tualatin-Sherwood Road bike lanes;
- i. Loop Road (north half);
- j. Tualatin River pathway;
- k. Nyberg Creek pathway;
- l. SW Lower Boones Ferry Road extension across Tualatin River;
- m. Central Design District pedestrian street enhancements; and
- n. SW Nyberg Street widening from SW Martinazzi Avenue to I-5.

Improving the transportation system is critical to addressing congestion problems within the Urban Renewal Area by implementing the various transportation improvements identified in the Transportation System Plan.

The east sub-area that contains the north half of the Loop Road has preliminarily been identified as an area needing additional analysis for transportation improvements such as street and pedestrian connectivity. The Development Commission and Nyberg Limited Partnership, the majority property owner in the area, entered into a

Memorandum of Understanding on February 26, 2001, to collaboratively work on a redevelopment concept that includes evaluating the transportation system.

h. *INFRASTRUCTURE*

Sanitary Sewer - Original Conditions

Until 1978, the Urban Renewal Area was served by the City sewage treatment plant located west of the intersection of SW Martinazzi Avenue and SW Tualatin-Sherwood Road.

At this time, the treatment system had reached its capacity. Instead of expanding the plant, the City joined the Unified Sewerage Agency of Washington County (USA). The City sewage treatment plant was removed in 1978 when the lower Tualatin interceptor was constructed. This interceptor conveys sewage from the location of the old plant north through the Urban Renewal Area and across the Tualatin River to the Durham treatment facility.

Sanitary Sewer – 1992 Conditions

The Urban Renewal Area is currently well served by the existing sanitary sewer system. Map 13 outlines the existing sanitary sewer lines in the Urban Renewal Area. The area south of SW Tualatin-Sherwood Road drains by gravity to a point west of the intersection of SW Martinazzi Avenue and SW Tualatin-Sherwood Road. This is the site where the City of Tualatin's sewage treatment plant was located.

The portion of the Urban Renewal Area located north of SW Tualatin-Sherwood Road and south of SW Boones Ferry Road also drains to the old sewage treatment plant site by gravity. There is a line that crosses through the Herwin property between SW Nyberg Street and SW Tualatin-Sherwood Road that connects into the old sewage treatment plant.

The area north of SW Boones Ferry Road drains to a pump station located at the intersection of SW Boones Ferry Road and SW Martinazzi Avenue. This pump station pumps sanitary sewage to the intersection of SW Martinazzi Avenue and SW Seneca Street where it drains by gravity to the old sewerage treatment plant site and then north through the lower Tualatin interceptor to the Durham treatment facility.

The only large un-sewered property in the Urban Renewal Area is the Zidell (ZIAN) property located west of SW Boones Ferry Road. This property is bisected by the Bluff-Cipole sanitary sewer interceptor. In addition, there is a small un-sewered area immediately east of SW Boones Ferry Road between SW Nyberg Street and SW Tualatin-Sherwood Road, which contains the old Methodist Church, a commercial building, and the old city hall site. The Urban Renewal Plan, Section D. (1-c.) outlines sanitary sewer improvement activities which address these areas, shown also in Map 13.

2001 Conditions

The area north of SW Boones Ferry Road was modified in 1991 by Clean Water Services (formerly Unified Sewerage Agency) and removed a pump station. The area now drains by gravity in the Hedges Creek corridor and connects to the Lower Tualatin Interceptor extending to the Durham treatment facility.

The large un-sewered ZIAN property described in 1992 has been developed and sanitary sewer service constructed by the developer. The area immediately east of SW Boones Ferry Road between SW Nyberg Street and SW Tualatin-Sherwood Road, which contains the old Methodist Church, a commercial building, and the old city hall site still remains un-sewered.

The sewer line between SW Tualatin-Sherwood Road and SW Boones Ferry Road was upsized in 1994 by Clean Water Services to accommodate flows within the south and central sub-areas. The section of this line between SW Boones Ferry Road and Hedges Creek has been identified for upsizing and to be relocated to address capacity issues and to facilitate development north of SW Boones Ferry Road.

The east sub-area has preliminarily been identified as an area that needs additional analysis for sanitary sewer improvements. The Commission and Nyberg Limited Partnership, the majority property owner in the area, entered into a Memorandum of Understanding on February 26, 2001 to collaboratively work on a redevelopment concept that includes sanitary sewer.

The Urban Renewal Plan, Section D. (1-c.) outlines sanitary sewer improvement activities which address these areas, shown also in Map 14.

Storm Sewer - Original Conditions

In 1975, the Urban Renewal Area was served very poorly by storm sewers. The only existing storm drains were those in the K-Mart parking lot and an old, 12-inch line extending from Hedges Creek to Nyberg Creek under the Hervin plant. Standing water in roadways and parking lots was a continual problem in the Urban Renewal Area.

A major project undertaking of the Urban Renewal Agency has been the installation of storm sewer drains in SW Martinazzi Avenue and SW Seneca Street in 1979. Drainage has also been installed in conjunction with the Tualatin-Sherwood Bypass and SW Tonka/Warm Springs Road improvements and as part of the public parking lots which have been constructed.

Storm Sewer – 1992 Conditions

Currently all parts of the Urban Renewal Area are served by the storm sewer system, and the overall master plan of the City of Tualatin's storm drainage system has been almost entirely implemented in this area.

Storm drainage in the Urban Renewal Area is disposed of in several different locations, as shown on Map 15. The property located west of SW Boones Ferry Road drains into the Hedges Creek Wetlands and then proceeds east in Hedges Creek to the Tualatin River. The property north of SW Boones Ferry Road drains directly into Hedges Creek. The property north of SW Nyberg Street and east of SW Martinazzi Avenue drains directly into the Tualatin River. The property between SW Boones Ferry Road and SW Nyberg Street drains down SW Martinazzi Avenue into Nyberg Creek south of Fred Meyer. The property between SW Nyberg Street, SW Boones Ferry Road, and SW Martinazzi Avenue drains into Nyberg Creek and then crosses under SW Martinazzi Avenue and heads east in Nyberg Creek to the Tualatin River.

Storm sewer projects in 1992 which are in need of completion are outlined in the Urban Renewal Plan, Section D. (1-c.), and are shown in Map 15.

2001 Conditions

A number of modifications have been made to the storm sewer system as part of the Tualatin Commons Redevelopment Project. Map 16 identifies the current storm drain system. The project, in part, changed the route of storm sewer lines in the downtown area due to the construction of the Lake of the Commons that required the vacation of portions of SW Nyberg Street and SW Seneca Street.

In addition to these changes, Clean Water Services implemented new water quality requirements in 1991. The regulations were modified in 2000. Today water quality facilities are required to treat new impervious surface areas and natural area buffers are required adjacent to wetlands, streams and rivers within the Urban Renewal Area.

Clean Water Services in 1995 also adopted the Hedges Creek Sub-Basin Plan that affects Hedges Creek running east/west through the Urban Renewal Area. This plan calls for enhancements to the storm drain system to address storm flows discharging into the Tualatin River.

The east sub-area has preliminarily been identified as an area that needs additional analysis for storm sewer improvements. The Development Commission and Nyberg Limited Partnership, the majority property owner in the area, entered into a Memorandum of Understanding on February 26, 2001, to collaboratively work on a redevelopment concept that includes storm sewer.

Water Lines - Original Conditions

In 1975, water was available in the Urban Renewal Area through the City's connection to the City of Portland water supply. However, some additional water lines and improvements to existing lines were needed to further development in the Urban Renewal Area. New water lines have since been installed to serve Fred Meyer, the Tonka/Warm Springs area, SW Mohave Court, the Community Park and Tualatin Road business area, and businesses adjacent to Parking Lot C (see Map 17). SW Nyberg Street has had a two-inch water line replaced with an eight-inch line, and sections of SW Seneca Street have been upgraded to an eight-inch line. In addition, a pumping station has been constructed near SW Martinazzi Avenue and SW Warm Springs Street.

Water Lines – 1992 Conditions

The Urban Renewal Area is served by service level "A" of the City of Tualatin Water System, shown in Map 17. The City of Tualatin receives water through its 36-inch transmission line from the City of Portland Water System. There is a pressure reducing station in the Tualatin City Park where water enters the service level "A" system from the transmission main.

All properties in the Urban Renewal Area are served with water service. As properties develop, some lines may need to be extended or upgraded depending on the fire flow requirements of developments in the Urban Renewal Area. Water project activities in 1992 are outlined in Section D. (1-c.) of the Urban Renewal Plan, and are shown in Map 17.

2001 Conditions

As part of the Tualatin Commons Redevelopment Project, water lines in SW Nyberg Street and SW Seneca Street were replaced with new lines.

The water line in SW Boones Ferry Road and SW Tualatin Road was augmented with a new 24-inch line in 1996/97 by the City.

All properties in the Urban Renewal Area are served with water service. As properties develop or redevelop, some lines may need to be extended or upgraded depending on the fire flow requirements of developments in the Urban Renewal Area. Water project activities are outlined in Section D. (1-c.) of the Urban Renewal Plan, and are shown in Map 18.

The east sub-area has preliminarily been identified as an area that needs additional analysis for water system improvements. The Development Commission and Nyberg Limited Partnership, the majority property owner in the area, entered into a Memorandum of Understanding on February 26, 2001, to collaboratively work on a redevelopment concept that includes water system improvements.

Street Lights - Original Conditions

In 1975, only a minimum of public street lighting was provided on SW Nyberg, SW Tualatin-Sherwood, and SW Boones Ferry Roads.

Street Lights – 1992 Conditions

Installation of a safe, attractive street lighting system throughout the Central Business District has been a major task of the Tualatin Development Commission. Street lights have been installed as a part of road improvements to the Tualatin-Sherwood Bypass, SW Martinazzi Avenue, and SW Seneca Street. Street lighting has also been provided for all of the public parking lots which have been built. Future street lighting improvements will be made, as above, in conjunction with street, parking lot, and public space construction.

2001 Conditions

Installation of street lighting in the Central Business District has occurred in the form of lights on utility poles, new street lights as part of road improvements, and in lights in public parking lots. There still remain areas which have inadequate illumination in various areas of the Urban Renewal Area and lighting is not uniform in the type of lights provided. Future lighting improvements will need to be made in conjunction with street, parking lot, and public space construction.

Overhead Utility Lines –2001 Conditions

Overhead utility lines continue to diminish the emerging character of the central downtown area. As transportation projects have been implemented, the overhead lines have been placed underground to improve the area's aesthetics. Several lines remain to be under grounded along SW Boones Ferry Road from the Tualatin River to Tualatin Road and from SW Tualatin Road to SW Tualatin-Sherwood Road and in the Black Parking Lot. Future overhead utility under grounding should be made in conjunction with street, parking lot and public space construction.

[Section B-1 amended by Ordinance 881-92, passed November 9, 1992, and by TDC Resolution 398-02 adopted March 11, 2002.]

2. Social Conditions

Original Conditions

Original social conditions may be discussed generally in terms of housing and population characteristics. There has never been a large residential population in the Urban Renewal Area. The 1975 estimated population was 326 persons in 132 residential housing units as follows¹:

80 multi-family dwelling units
52 single-family dwelling units
132 total dwelling units

The Riverview Apartment complex on SW Boones Ferry Road accounted for approximately 180 persons within 73 dwelling units. There was only one other seven-unit apartment, and single-family homes were located mostly on SW Boones Ferry Road, the central business district, SW Tualatin Road, and SW Tonka Street.

The general appearance of the Central Business District in 1975 was one of many blighted and rundown residences mixed in among a few sound homes and some new businesses.

¹ Population estimates for 1975 and 1984 were derived from 1980 Block Group #1 statistics for Tualatin, which gives the average household size as 2.47 persons per unit.

1992 Conditions

Social conditions in the Urban Renewal Area have changed somewhat since the adoption of the original Urban Renewal Plan, most noticeably within the Central Business District, where residences have been converted to or redeveloped as commercial uses.

With the addition of the high-density apartments built in the northwest section, the vast majority of populace living in the Urban Renewal Area live in apartment complexes. Many of the older single-family residences have been converted to businesses or acquired and demolished by the Development Commission or the private sector. Population estimates in the Urban Renewal Area have not been accomplished in conjunction with the 1992 amendment effort.

One of the goals of the Tualatin Commons Redevelopment Project is to create living units within and surrounding the Project.

2001 Conditions

Social conditions in the Urban Renewal Area have changed significantly since the adoption of the original Urban Renewal Plan, most noticeably within the central sub-area within the Tualatin Commons Redevelopment Project, where single family and multifamily residences have been constructed and in the west sub-area north of the Hedges Creek Wetland Protected Area with multifamily housing. Only a few older single-family residences remain in the Urban Renewal Area.

The 2000 estimated population is 1,264 persons in 486 residential housing units as follows²:

451 multi-family dwelling units
35 single-family dwelling units
486 total dwelling units

² Population estimates for 2000 were derived from 2000 Census information for Tualatin, which gives the average household size as 2.6 persons per unit.

[Section B-2 amended by Ordinance 881-92, passed November 9, 1992, and by TDC Resolution 398-02, adopted March 11, 2002.]

3. Economic Conditions

Original Conditions

Original economic conditions in the Urban Renewal Area have been documented in several studies, including the Economic Study produced for the 1977 Renewal Plan, the Pacific Economica Report from the 1983 Review and Update, and the Village Square Market Analysis for the present update. The earlier studies are summarized briefly, followed by a synopsis of the Village Square Market Analysis, which was the focus of the Plan.

a. *THE 1977 ECONOMIC AND MARKET ANALYSIS*

As part of the amended 1977 Plan, the Larry Smith Company produced a comprehensive study of the potential demand for commercial outlets, office space and housing in the downtown core. Economic conditions in the downtown core were described as follows: "The central business district . . . lacks a strong statement of those types of activities which normally constitute a central business district. The major commercial enterprises lie to the east of SW 80th adjacent to I-5. The scattered businesses within the Central Business District, while urban-oriented, are as readily found in suburban locales . . ."

The study projected that by 1995 the City would need an additional 250,000 square feet of commercial space and about 41,000 square feet of office space. The greatest potential for development in the Central Business District was judged to be multi-family housing.

The study found that in spite of the underdeveloped state of the Central Business District, economic growth was expected to expand in accordance with the healthy population growth rate of Tualatin and its surrounding cities.

b. *THE 1983 PACIFIC ECONOMICA REPORT*

As part of the Review and Update of the Urban Renewal Plan, Pacific Economica undertook extensive shopper and business person surveys in Tualatin. The firm also

analyzed population trends, the business climate and income characteristics, as well as other economic indicators.

The consultants found that in 1983 there was a market for an additional 150,000 to 200,000 square feet of leasable retail floor area in Tualatin. They concluded that “. . . A downtown redevelopment project could be supported and is viable from a market, land use, and circulation and parking standpoint.”

It was recommended that Tualatin develop the downtown area into a full-service community shopping center.

c. THE 1984 VILLAGE SQUARE MARKET ANALYSIS

The staff of the Development Commission, assisted by LeBlanc & Company Economic Planning and Development Consultants, conducted a market analysis in 1984 for the Village Square project. The study concluded that the Village Square trade area consisted of a primary area of approximately 22,000 people and a secondary area of approximately 52,000 people.

LeBlanc & Company recommended a project consisting of 80,000 to 100,000 square feet of retailing and personal services with additional office space to the extent it could be accommodated on the site. The development was not an "anchored" center, but had more of a specialty or services focus. It was noted that such an atypical center would require an aggressive marketing effort.

d. THE 1992 TUALATIN COMMONS MARKET ANALYSIS

Following unsuccessful attempts by two major developers to construct the Village Square project during the late 1980s, the Development Commission returned to the community for input on how to proceed with this project. Community members sent a strong message to continue seeking a pedestrian-oriented downtown with a strong civic focus.

The project was renamed from Village Square to Tualatin Commons. Working with citizen objectives for the area and an updated market analysis, a concept plan was created featuring a 3+ acre lake surrounded by a mix of restaurants, office buildings, housing, open space, and possible public buildings. This concept was adopted by the Development Commission on July 27, 1992.

The following information is summarized from the Market Analysis for Tualatin Commons prepared by Leland Consulting Group:

PLAN OBJECTIVES

The concept plan prepared for the Tualatin Commons was designed to respond to the City's directives and to create a "downtown" - a place to gather and a symbol of the spirit of the community. Development of a "downtown" will set Tualatin apart from other communities in the region, send a message of pride out to the region, and provide a base for future development to follow over the next 50 years.

One of the community objectives for Tualatin Commons is to retain its retail market share within the Tualatin community. Tualatin Commons is located in close proximity to the Fred Meyer Shopping Center, Martinazzi Square Shopping Center, and K-Mart/Safeway Shopping Center. In addition, the Zidell property, located to the west of Tualatin Commons, is scheduled for additional strip center development. One of the strong recommendations given by the public during the public forum in 1990, was the desire to not create another strip center in the heart of downtown. In fact, the development of the Zidell property for additional shopping facilities provides the opportunity to retain the retail market share in downtown and do so without having to compete with Tualatin Commons.

Throughout the planning process, the City staff and consultant team has consistently attempted to build a plan which meets the needs of the citizens of Tualatin for a central place in the heart of the community and, at the same time, attract tax and employment-generating businesses and land use components that might not otherwise locate in the City of Tualatin. Development of the lake serves as both an amenity to serve the public as well as to attract private sector capital into the community.

This combination of uses around a central water feature accomplishes several strategic objectives:

- The plan is divisible into a number of smaller projects by independent developers. This reduces the City's dependence on having to negotiate with a single developer who would do the whole project.
- The project can be phased, allowing some components to be developed immediately followed by other project elements as soon as financing becomes available.
- Uses are introduced into the downtown that might not otherwise locate in Tualatin - regional and national restaurants, a small business hotel and freestanding office buildings.
- These uses are activity generators, create employment opportunities, generate taxes, help pay for an array of public facilities and amenities and help to bring a vitality to the center of the City.

MARKET OPPORTUNITIES

The proposed land use components are responsive to each of the City's directives and are particularly representative of market opportunities - individually and in combination with each other. Today's real estate market is in a state of tremendous transition. Lending requirements for commercial developments have become extremely restrictive.

However, discussions with representatives of the local and national lending community reflect an attitude which recognizes a condition of near pent-up demand and anticipates a responsiveness to this demand within the next several years.

HOUSING

Market trends and existing zoning designations within the City of Tualatin support an upward shift in the number of multi-family housing units into the next decade. Future single-family (home ownership) developments will include both detached and attached housing products (row housing, town homes, zero lot line, patio homes, etc.). In addition to the traditional demand for detached single-family homes, market trends and changes in the demographics of the resident population are influencing the demand for alternative and affordable types of housing such as rental multi-family and attached owner-occupied units. Some of the major factors are rising housing costs, a desire for low maintenance ownership housing options, an increase in the number of single-parent households, and an increase in the number of self-employed workers operating their businesses from their homes.

Housing growth projections prepared by the City and the Metropolitan Service District (Metro) for Tualatin anticipate that an additional 3,548 multi-family and 2,199 single-family units will enter the market during the present decade. Based on construction completed since 1990, this represents an additional 418 multi-family and 265 single-family units each year. Less the number of housing units currently proposed for the market, demand will be met through 1992 and 1993 for multi-family and single-family respectively.

OFFICE

Market trends such as employers relocating their operations to less expensive locations outside the Portland Central Business Core and consolidation of facilities will continue to provide opportunities for properties such as Tualatin Commons. Based on projections of growth among office workers within the Southwest Suburban Market Area, and assuming a 15 to 20 percent market share, annual demand for office space within the Tualatin market is estimated to be approximately 49,000 to 67,000 square feet between 1992 and 1995. Given limited space for multi-tenant users, the office product proposed for the Commons is Class B+ space - quality space, but not as expensive as the Class A corporate space such as found on Kruse Way.

RESTAURANTS

An under supply of national and regional chain restaurants serving the market makes the Tualatin Commons an extremely competitive location for development of new restaurant space. Demand for restaurants is generated by two principle sources - office workers and the resident population. The factor most favoring future growth of restaurant space within the Tualatin market will be residential growth. Total support for restaurant space from employees and households within the immediate market equals approximately 11,100 square feet or three to four, national and/or regional properties.

HOTEL

There are currently 2,048 guest rooms with the southwest suburban market, with an average market occupancy of 74 percent. Industry standards indicate that a stable market experiences an occupancy of 70 percent. By these standards, there are 22,323 room nights in excess of stabilization or 87 rooms which the subject property could compete for.

Demand for lodging room nights is generated principally by office and industrial employees within specific industry classifications. Existing and projected employment within the southwest market could be expected to generate annual demand for an additional 6,780 room nights from 1992 to 1995. Demand from leisure travelers, small groups and business patrons represent approximately 30 percent of the market. Given the unique character of the site and the proposed amenities, the Tualatin Commons property could be expected to capture 15 to 20 percent of the existing leisure market share, or 16,500 to 22,000 room nights of demand.

[Section B-3 amended by Ordinance 881-92, passed November 9, 1992, and by TDC Resolution 398-02 adopted March 11, 2002.]

4. Plan Impacts

Development within the Area will be accompanied by the expected impacts of development. Residential development will result in population growth and will require higher levels of services such as water, sewer, schools, police and fire protection. Commercial and industrial development will place additional demands on the transportation system. However, these impacts can be seen as resulting from the implementation of the Tualatin Community Plan and the corresponding land use designations and planning district standards. The Tualatin Central Urban Renewal Plan exists primarily to implement the Community Plan and in itself results in little intensification of land use within the Area. Exceptions to this include instances where (1) minimum lot sizes within certain Blocks of the area are smaller than for similar uses outside the area, and (2) more intensive uses are allowed within certain Blocks. The impacts of these instances where the Plan may in itself result in greater intensity of

development on the overall environment of city of Tualatin or on the ability of the City or other jurisdictions to provide adequate services at a reasonable cost are not seen as significant.

C. REASONS FOR SELECTION OF THE URBAN RENEWAL AREA

Resolutions 74-21 and 30-75 of the City of Tualatin declared the need for a Renewal Agency and adopted the Urban Renewal Plan in conformance with ORS 457. These resolutions establish the existence of blight and the necessity for establishing an Urban Renewal Area as per ORS 457.010 and 457.020, and are contained in Appendix A.

The land area added to the Urban Renewal Area in 1984 is characterized by similar conditions of flooding and lack of adequate services.

The land area added to the Urban Renewal Area in 2002 is characterized by similar conditions previously identified and by conditions of inadequate transportation infrastructure.

Land Area and Assessed Value Qualifications

The Urban Renewal Area as amended by this Plan is in conformance with ORS 457.420-2.b, which states that the land area and assessed value of all urban renewal areas within a city (population less than 50,000) may not exceed 25% of the total land area and assessed value of the city.

In 1984 the Central Urban Renewal Area contained 324.31 acres or 7.8% of the 4,146 acres within the City of Tualatin. In 1985 the Leveton Tax Increment District was created. In 1992, Tualatin's two urban renewal districts totaled 734.8 acres, or 13.7% of the 5,363 acres within the City at the beginning of 1992.

In 2001/02 the Central Urban Renewal Area contained 327.48 acres or 6.61% of the 4,951.95 acres within the City of Tualatin. In 2001/02, Tualatin's two urban renewal districts totaled 707.78 acres, or 14.29% of the 4,951.95 acres within the City.

Total assessed value of the Central Urban Renewal District in 1983/84 was \$58,399,157, or 14.8% of the \$394,167,470 value of the City. By 1991/92 the percentage of assessed value dropped slightly to 14.6% even with the addition of the Leveton Tax Increment District. The combined assessed value of the two urban renewal districts in 1991/92 was \$116,352,981 which includes both base values and increment. Total assessed value of the City of Tualatin in 1991/92, less the urban renewal base and increment, was \$793,985,631.

In 2001/02 the total assessed value of the Central Urban Renewal District was \$149,015,313 or 7.59% of the \$1,962,476,195 value of the City. Combined with the assessed value of the Leveton Tax Increment District, the total was \$258,424,652,

which includes both base values and increment, or 13.17% of the assessed value of the City. Total assessed value of the City of Tualatin in 2001/02, less the urban renewal base and increment, was \$1,704,051,543.

[Section C amended by Ordinance 881-92, passed November 9, 1992, and by TDC Resolution 398-02, adopted March 11, 2002.]

D. RELATIONSHIP BETWEEN PROJECTS AND CONDITIONS IN THE URBAN RENEWAL AREA

The blighted conditions of the Urban Renewal Area are well documented and legally recognized by Resolutions 74-21 and 30-75 of the City of Tualatin which declare the area as blighted and adopt the Urban Renewal Plan. Projects described in Section D. (1) of the Plan are designed to correct the conditions described in the above listed resolutions. Adverse conditions which remain may be described generally as follows:

- The central business district is underdeveloped and contains blighted areas.
- 58% of the Renewal Area lies in the floodplain.
- Transportation access, circulation, and parking problems hinder the full development of the Urban Renewal Area.

The major projects proposed in this Plan are the Tualatin Commons Redevelopment Project and the Central Design District Enhancement Project. The major goal is "to encourage and facilitate commercial development in the Urban Renewal Area with an emphasis on establishing a visible and viable central business district." (Goals and Objectives of the Urban Renewal Area, Goal 1).

Expansion of the Tualatin public library has been identified as essential to establishing a viable central business district. As outlined in the Physical Conditions and Social Conditions of this report, increased employment, housing and population have occurred within the Plan Area increasing the demand for civic facilities. Expansion of the library is necessary to meet the growing demands as additional development occurs (Goals and Objectives of the Urban Renewal Area, Goal 4).

Specific transportation improvement projects are scheduled yearly by the Tualatin Development Commission. Major improvement projects planned are the construction of street improvements as part of the Tualatin Commons Project, Central Design District Enhancement Project (streetscape enhancements, SW Boones Ferry Road and SW Martinazzi Avenue widening, street intersection improvements), pedestrian facilities, widening of the I-5/Nyberg Street interchange and construction of the north half of the Loop Road. Other planned improvements are documented in the Transportation Element of the Tualatin Development Code.

[Section D amended by Ordinance 881-92, passed November 9, 1992, and by TDC Resolution 398-02, adopted March 11, 2002, and Ordinance No.1213-06 passed July 10, 2006.]

E. ESTIMATED PROJECT COST AND REVENUE SOURCES

Revenues for the urban renewal projects called for in the Plan are shown in Table 12. The primary source of revenue are the proceeds of tax increment bonds. The proceeds of bonds issued prior to FY 2001/2002 account for much of the beginning balance shown in Table 12. Short-term bonds issued and repaid within one year are the primary source of revenues from FY 2001/2002 through FY 2010/2011, when projects are anticipated to be complete.

The costs of the projects called for in the Plan include materials and services and capital outlays. A reimbursement to the Administration Fund covers the administrative costs of the Plan.

The Shilo Inn case issued in December 2001 by the Oregon Supreme Court may affect project revenues identified in Table 12. Once resolution is reached on the impacts of revenues for urban renewal, the financial information should be updated.

[Section E amended by Ordinance 881-92, passed November 9, 1992, TDC Resolution 398-02, adopted March 11, 2002, and Ordinance No.1213-06 passed July 10, 2006; and Ordinance No. _____ passed October 12, 2009.]

F. ANTICIPATED PROJECT START AND COMPLETION DATES

Table 12 also shows the years in which the projects are started and completed. All projects are anticipated to be completed by the end of FY 2010/2011.

[Section F amended by Ordinance 881-92, passed November 9, 1992, and by TDC Resolution 398-02, adopted March 11, 2002, and Ordinance No.1213-06 passed July 10, 2006; and Ordinance No. _____ passed October 12, 2009.]

TABLE 12 PROJECT REVENUE, COSTS and SCHEDULE

Insert Table

G. ESTIMATED TAX INCREMENT REVENUE REQUIREMENTS AND ANTICIPATED YEAR OF DEBT RETIREMENT

Table 13 shows the estimated annual tax increment revenues and the use of those revenues for payment of debt service on existing long-term and future short-term bonds. A total of \$9,747,577 (estimated) in tax increment revenues are projected to be collected, with \$414,192 (estimated) to be refunded to taxing districts at the close of FY 2010/2011, at which time all debt is estimated to be retired.

[Section G amended by Ordinance 881-92, passed November 9, 1992 by TDC Resolution 398-02, adopted March 11, 2002, and Ordinance No. 1213-06 passed July 10, 2006; and Ordinance No. _____ passed October 12, 2009.]

TABLE 13
TAX INCREMENT REVENUES

Insert Table

H. FINANCIAL FEASIBILITY ANALYSIS

The financial feasibility of the Plan hinges on the reasonable expectations that projected revenues will cover anticipated project costs. To the extent that tax increment revenues are projected as sufficient for debt service on the debt undertaken by the Commission, the projections of the amounts of tax increment revenues must be reasonable.

The project costs shown in Section E have been estimated to the best ability of the Commission. The revenue projections shown are similarly believed to be reasonable, and are sufficient to cover project costs.

[Section H amended by Ordinance 881-92, passed November 9, 1992 and by TDC Resolution 398-02, adopted March 11, 2002.]

I. FISCAL IMPACTS ON TAXING JURISDICTIONS

The passage of Ballot Measure 50 in 1997 resulted in substantial changes to Oregon's property tax system, and these changes affect the fiscal impacts of tax increment financing. The property tax system is now primarily a "rate-based" system, in which taxing districts have been granted taxing authority in the form of maximum property tax rates. The amount of funds these districts levy in any one year is a function of their property tax rate and the assessed value within the district, not counting the incremental assessed value in urban renewal areas located therein.

The fiscal impacts are the foregoing of property tax revenues on the incremental assessed value. Table 14 shows the estimated impacts on overlapping taxing districts, both during and after indebtedness is being retired. (These figures assume that all the growth in assessed value within the urban renewal area would have occurred without the urban renewal plan, which overestimates the actual impact.) The table also shows that within four years of the estimated termination of tax increment financing, the taxing districts will have received greater revenue gains than the amounts foregone during the period from FY 2001/2002 through FY 2009/2010.

[Section I amended by Ordinance 881-92, passed November 9, 1992 and by TDC Resolution 398-02, adopted March 11, 2002.]

TABLE 14
IMPACT ON TAXING DISTRICTS

Insert Table

J. RELOCATION REPORT

1. Relocation Analysis

As a result of the proposed Tualatin Commons Redevelopment Project (formerly "Village Square Redevelopment Project,") the following properties will be required to relocate:

TABLE 15

Properties that Received Relocation Assistance

<u>Residential Properties</u>		<u>Commercial Properties</u>	
Tax Map	Tax Lot	Tax Map	Tax Lot
2S1-24BC	2000	2S1-24BC	1501
2S1-24BC	2100*	2S1-24BC	1600
		2S1-24BC	1690
		2S1-24BC	2501
		2S1-24BC	5100
		2S1-24BC	5190
		2S1-24BC	5202

*Tax Lot 2100 was a mixed-commercial/residential use.

Source: Washington County Department of Assessment and Taxation, October 20, 1983.

[Section J-1 amended by Ordinance 881-92, passed November 9, 1992, and by TDC Resolution 398-02, adopted March 11, 2002.]

2. Relocation Methods

The Plan anticipates the acquisition and redevelopment of property which may result in the displacement of residents and businesses. The Commission intends to establish a Relocation Policy which will call for the Commission's assistance to those residents and businesses displaced. Such assistance may include providing information regarding suitable locations, payment of moving expenses, and other payments as deemed necessary.

All relocation activities will be undertaken and payments made in accordance with the requirements of ORS 281.045 - 281.105 and any other applicable laws or regulations. Relocation payments will be made as provided in ORS 281.060.

3. Cost Enumeration

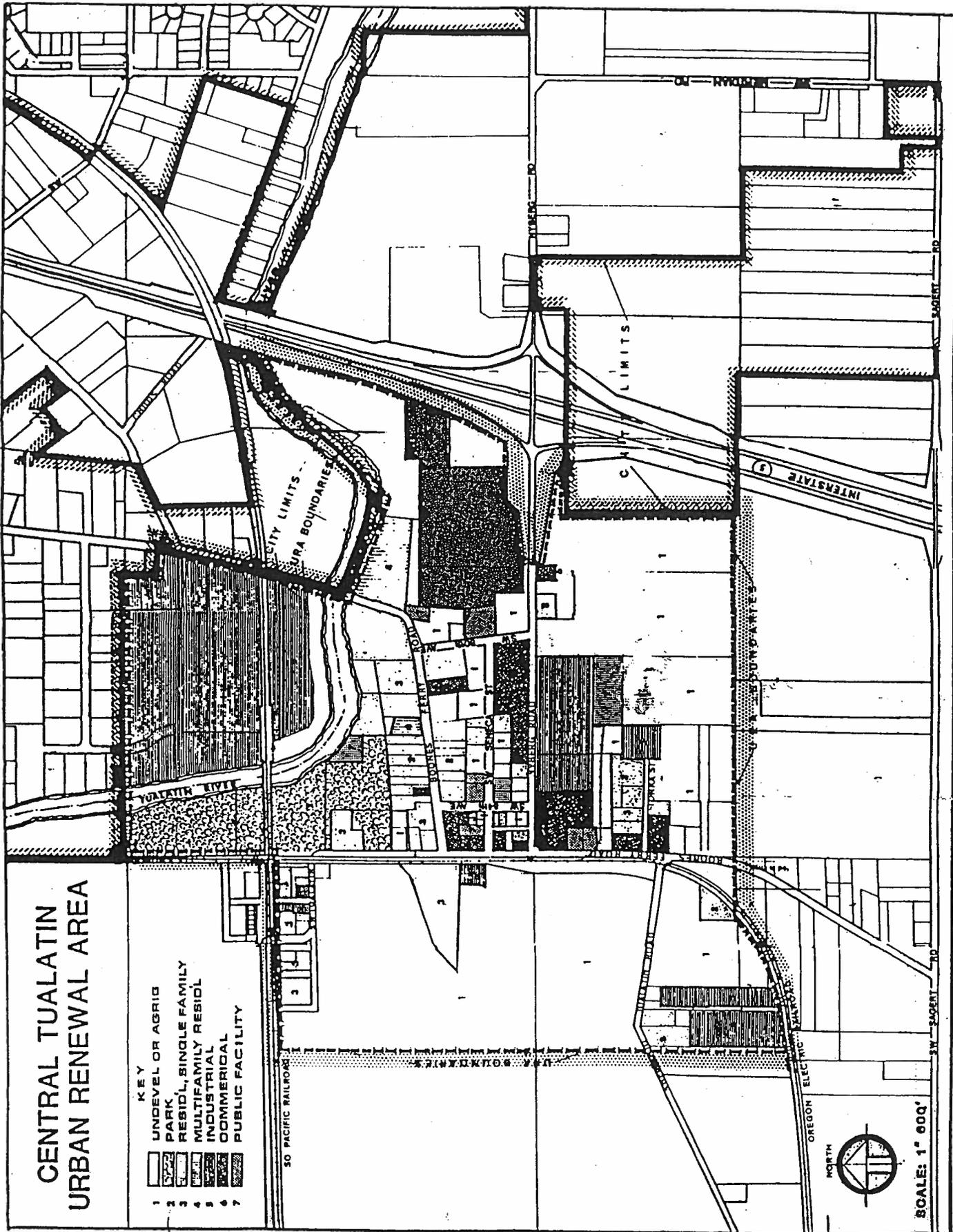
Two single-family residential units, one of which was also a commercial business, were acquired by the Development Commission. The 1985/86 assessed building value of these two units determined by the Washington County Department of Assessment and Taxation was as follows:

<u>Tax Lot</u>	<u>Assessed Building Value</u>
2000	\$ 100
2100	\$11,300

[Section J-3 amended by Ordinance 881-92, passed November 9, 1992.]

CENTRAL TUALATIN URBAN RENEWAL AREA

- KEY
- 1 UNDEVELOPED OR AGRIC
 - 2 PARK
 - 3 RESID, SINGLE FAMILY
 - 4 MULTIFAMILY RESID
 - 5 INDUSTRIAL
 - 6 COMMERCIAL
 - 7 PUBLIC FACILITY



NORTH

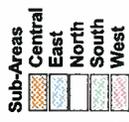
SCALE: 1" = 600'

Urban Renewal Sub-Areas

Map 2



Urban Renewal Area Blocks

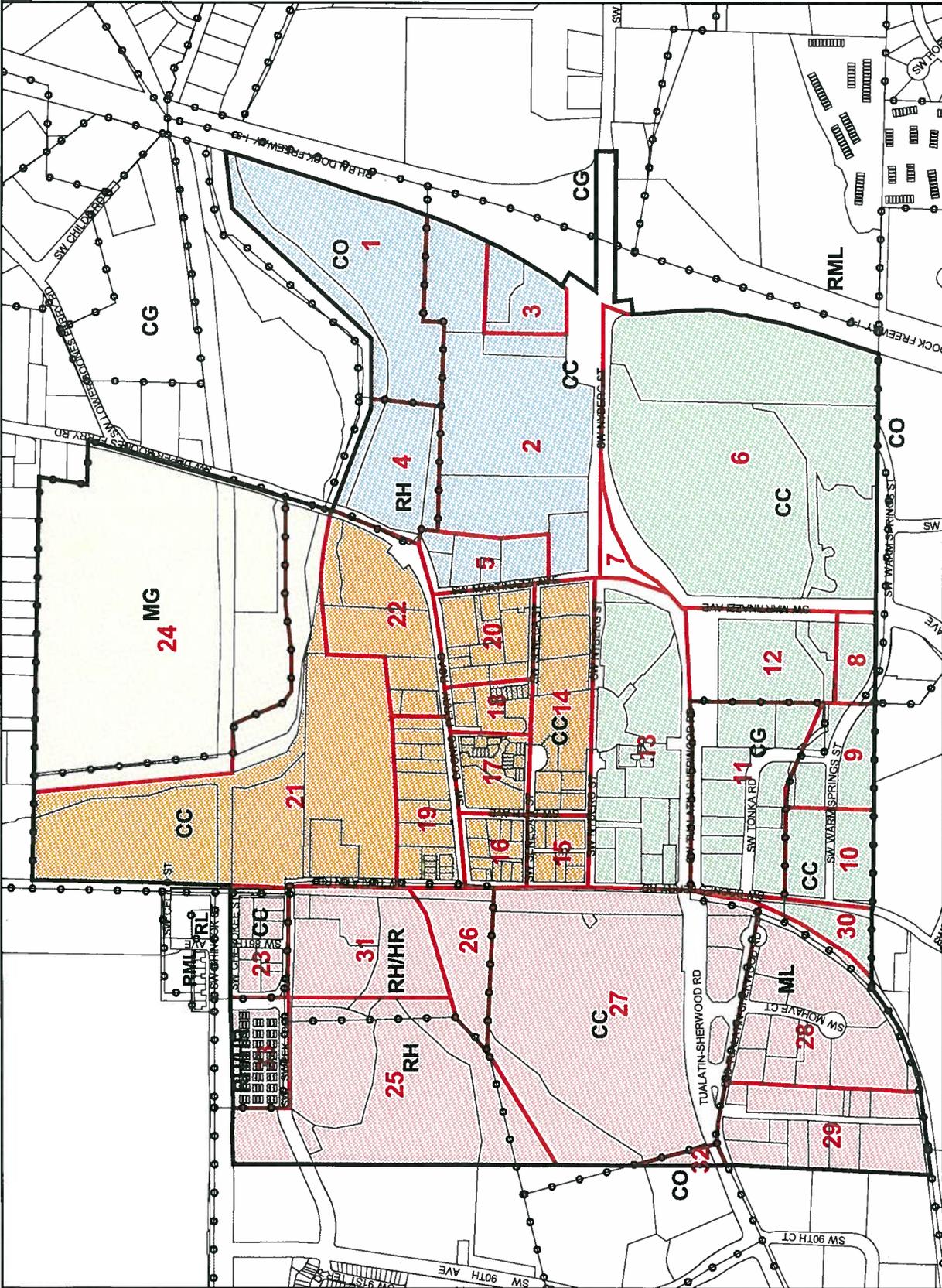


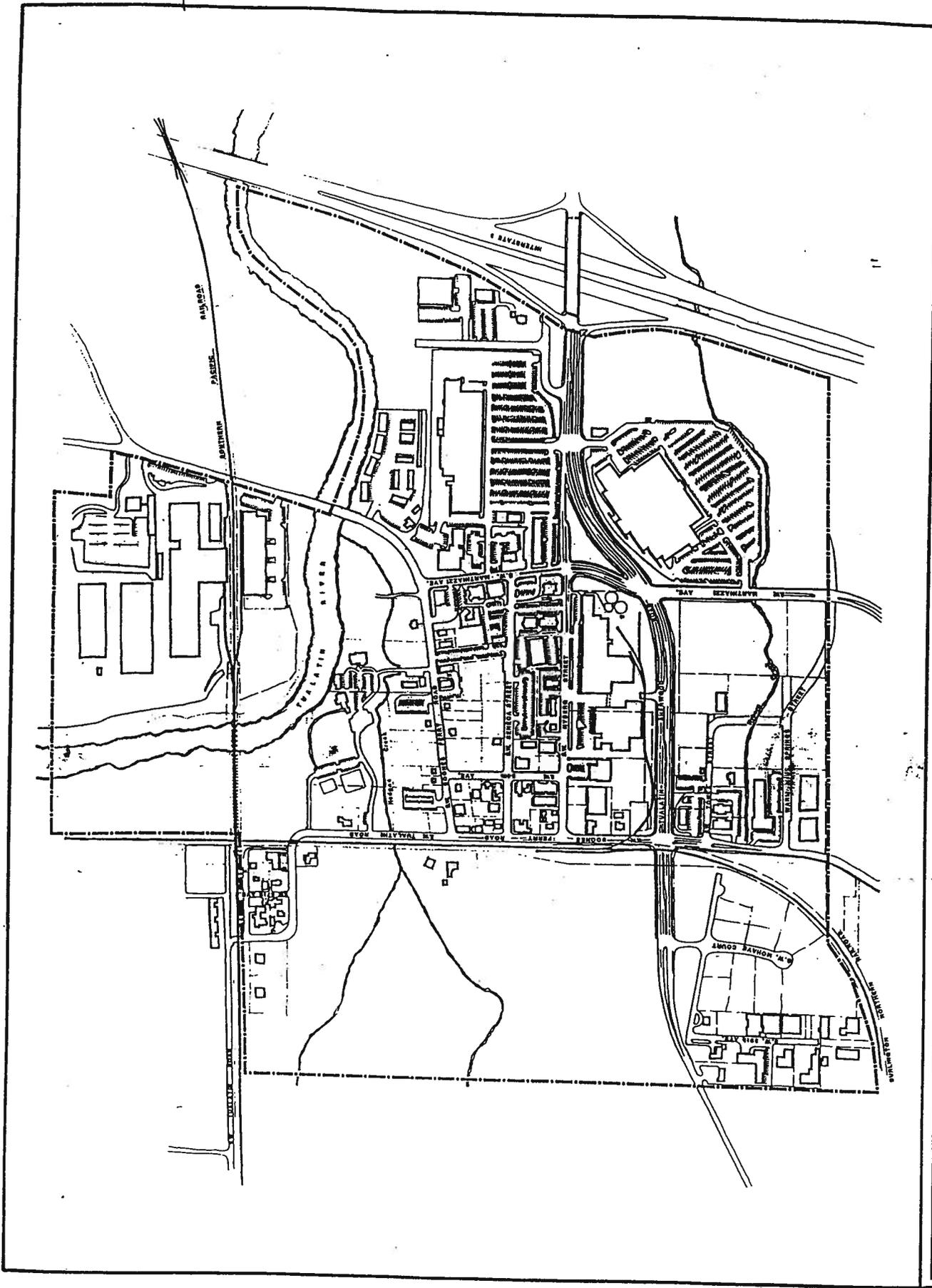
Tualatin Development Commission

RF 1:8,000

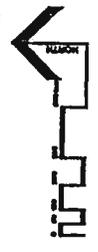


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EXISTING BUILDINGS (1984)

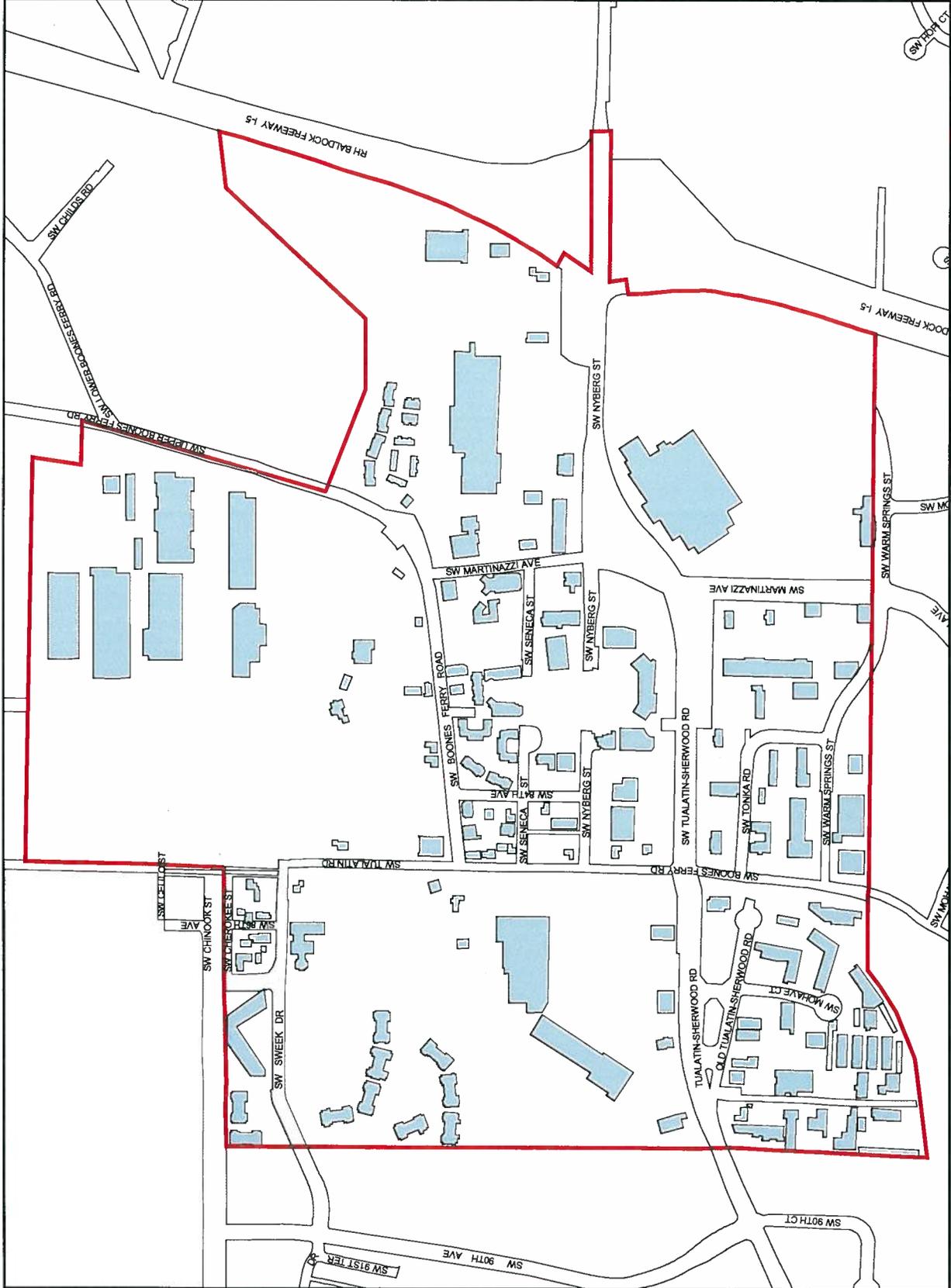


TUALATIN
DEVELOPMENT
COMMISSION





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Printed 12/18/01



TUALATIN

Geographic Information System

**Central Urban
Renewal Area**

Significant Tree
Masses 2001

Map 9

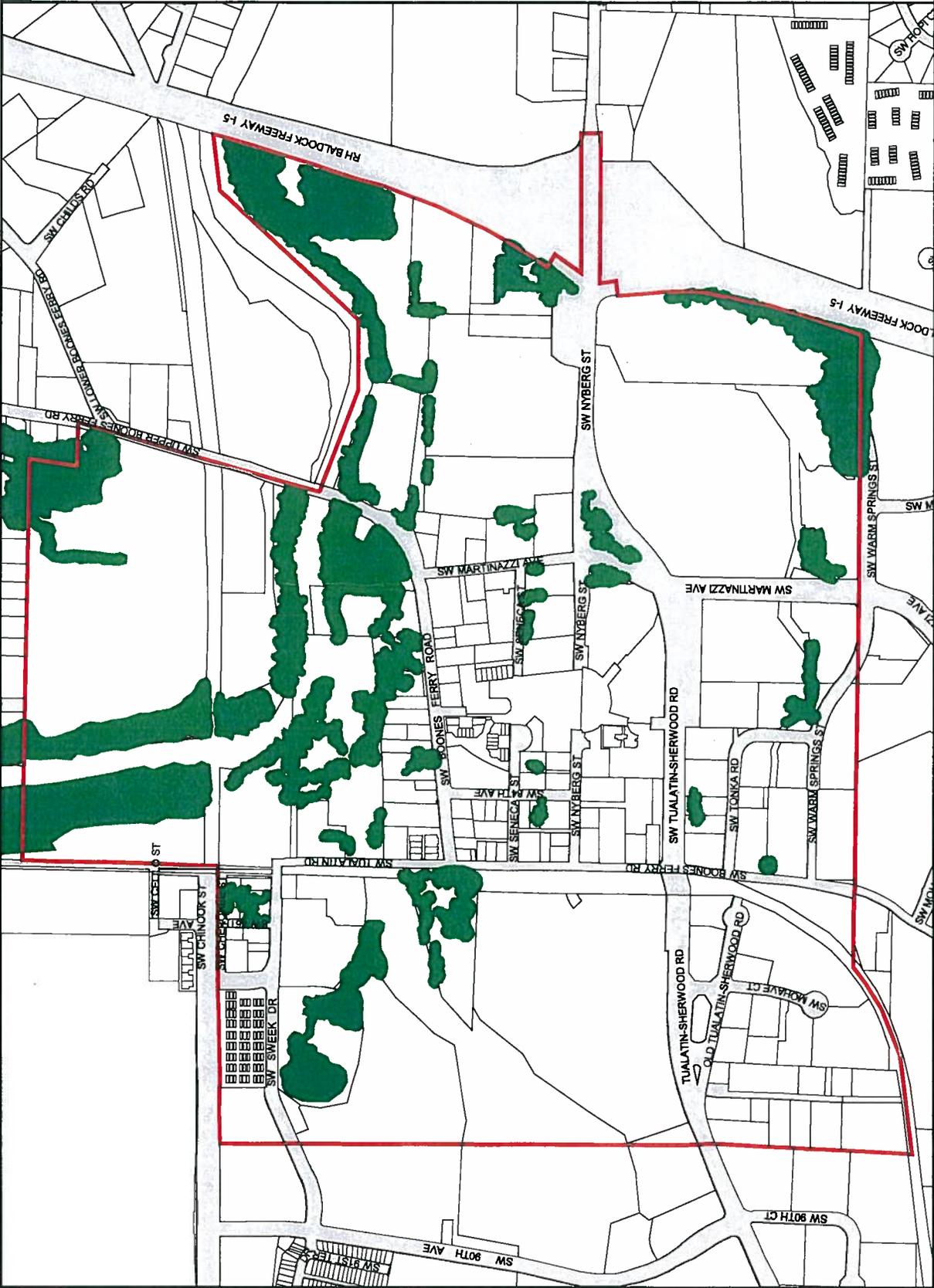
- Significant Tree Masses
- Central Urban Renewal Area

Tualatin Development
Commission

RF 1:8,000



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TUALATIN

Geographic Information System

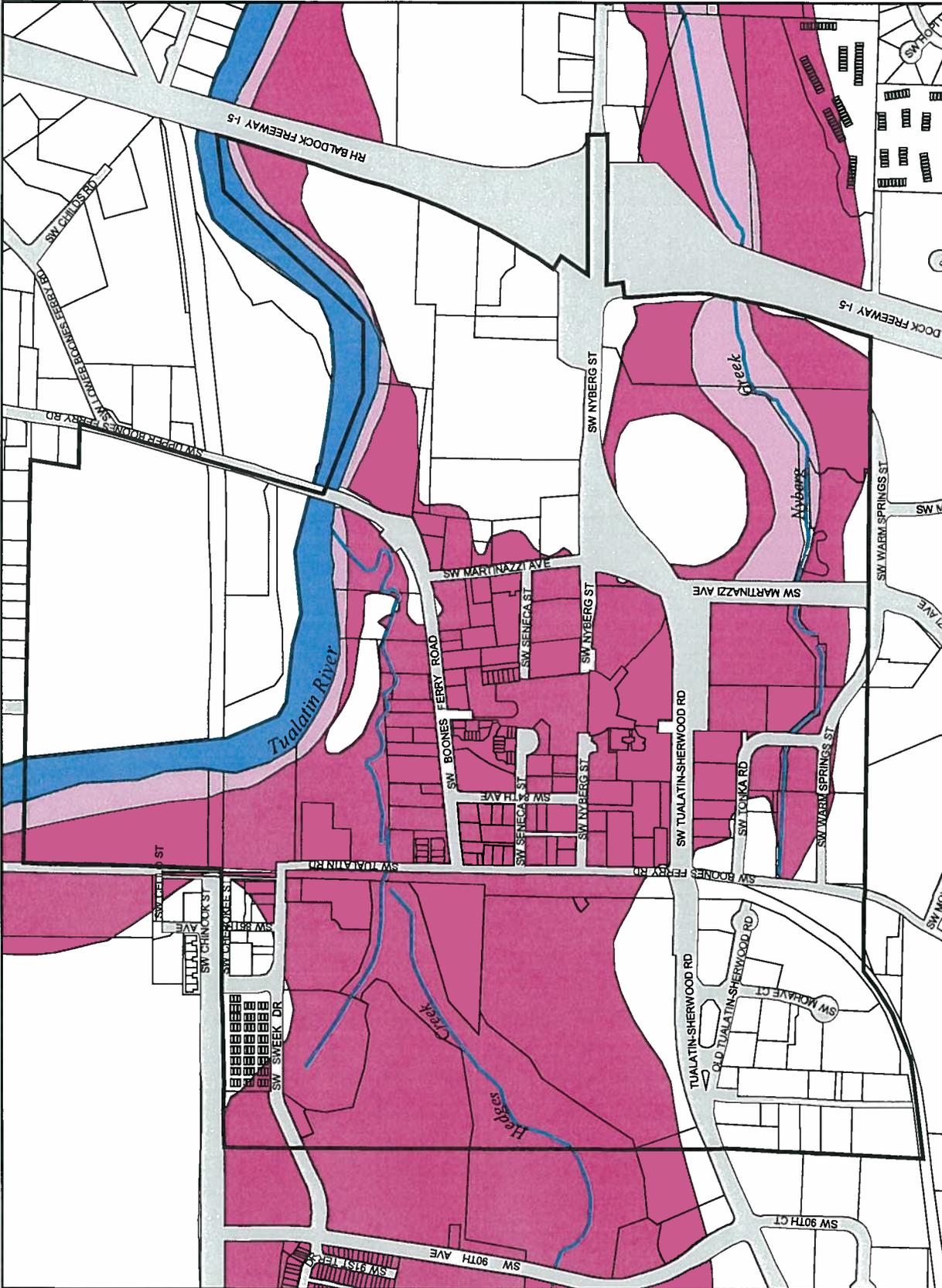
**Central Urban
Renewal Area**
Floodplain Protection
District 2001
Map 10

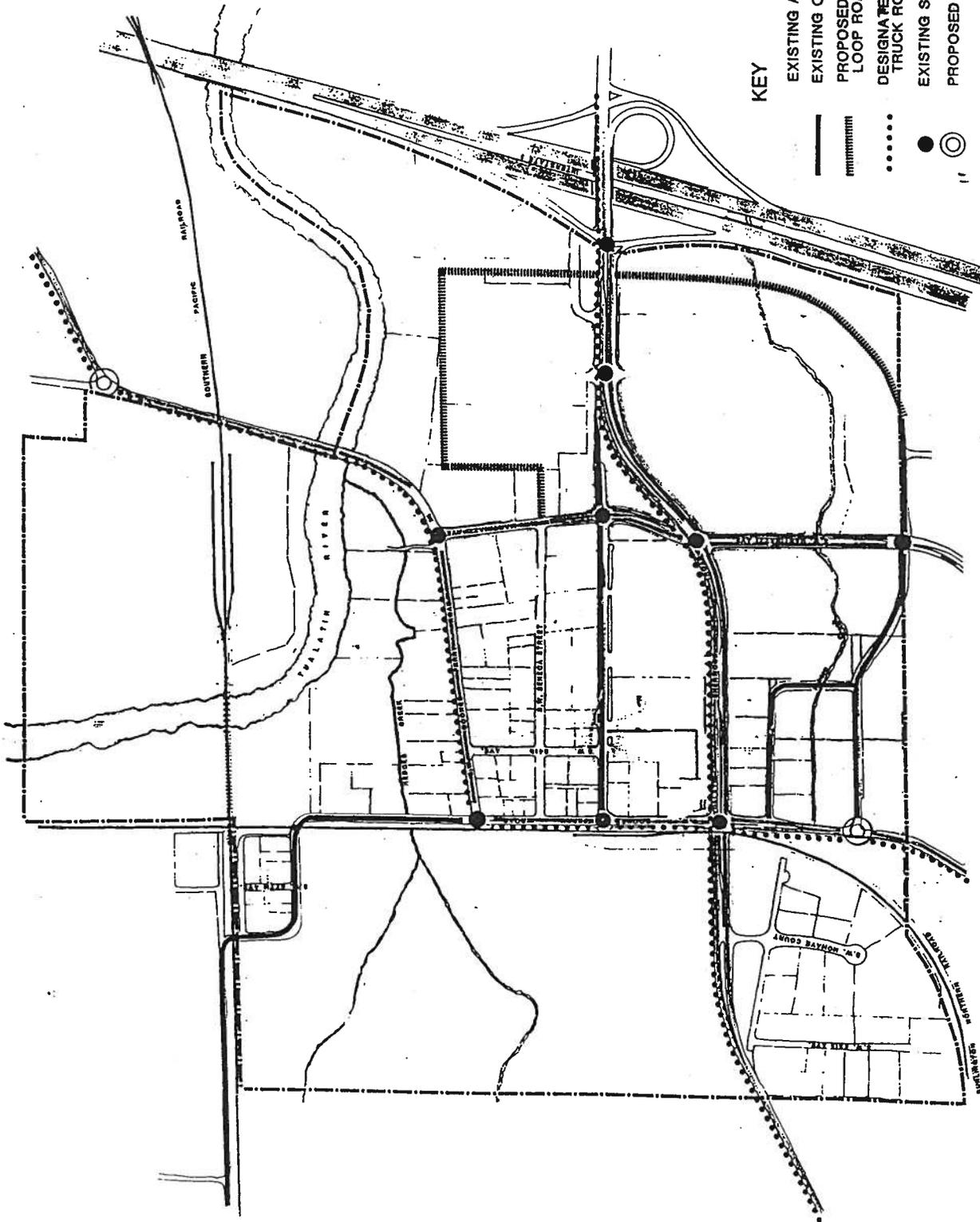
-  Urban Renewal Area
-  Floodway
-  100 Year Floodplain

Tualatin Development
Commission
RF 1:8,000



This map is derived from various digital database sources. The City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is for informational purposes only. Engineering and Planning Department Phone 503/821





KEY

- EXISTING ARTERIAL
- EXISTING COLLECTOR
- PROPOSED LOOP ROAD
- DESIGNATED TRUCK ROUTE
- EXISTING SIGNAL
- PROPOSED SIGNAL

TRANSPORTATION



TUALATIN
DEVELOPMENT
COMMISSION

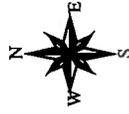


Central Urban
Renewal Area
Transportation 2001
Map 12

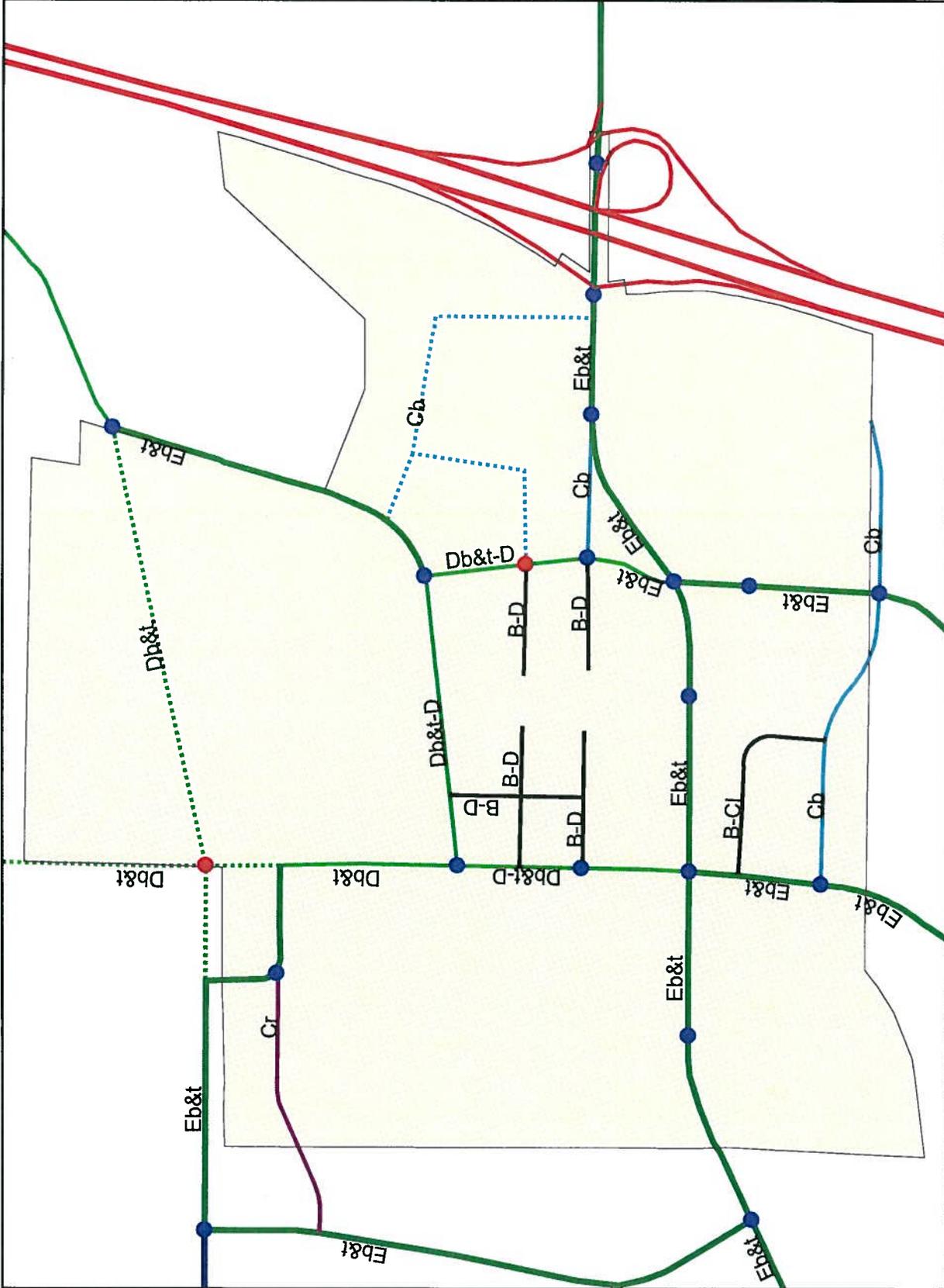
- Signals**
- Existing Traffic Signal
 - Proposed Traffic Signal

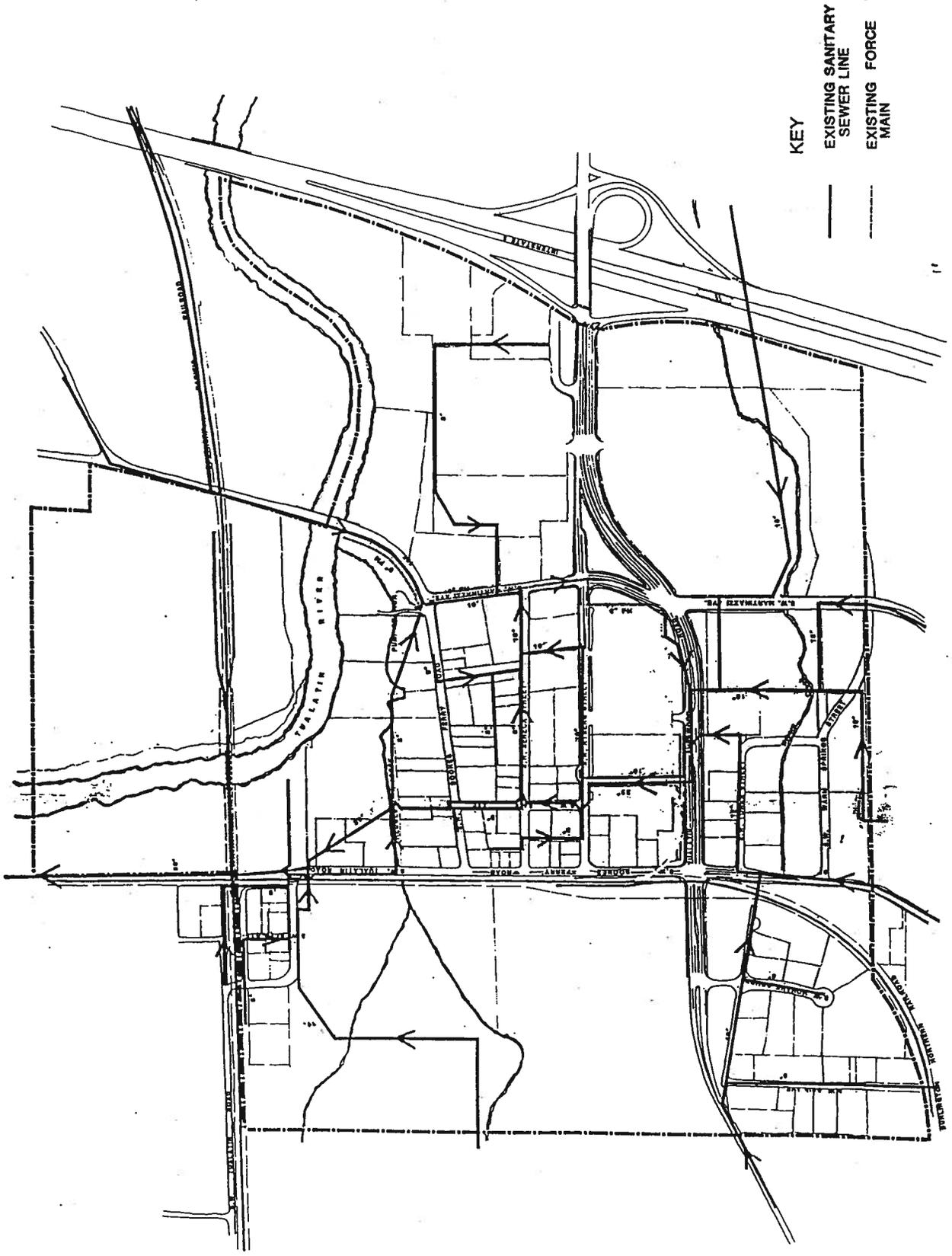
- Functional Classification**
- Freeway
 - Ramp
 - Expressway
 - Major Arterial
 - Minor Arterial
 - Major Collector
 - Minor Collector
 - Residential Collector
 - Local Commercial
 - Industrial/Local Downtown
 - Urban Renewal Area

Tualatin Development
Commission
RF 1:8,000



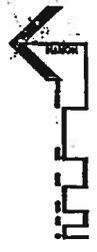
This map is derived from various digital database sources. The City of Tualatin assumes no responsibility or liability for any errors or omissions that may appear hereon. It is intended for use as a planning and design document. Project # 131901





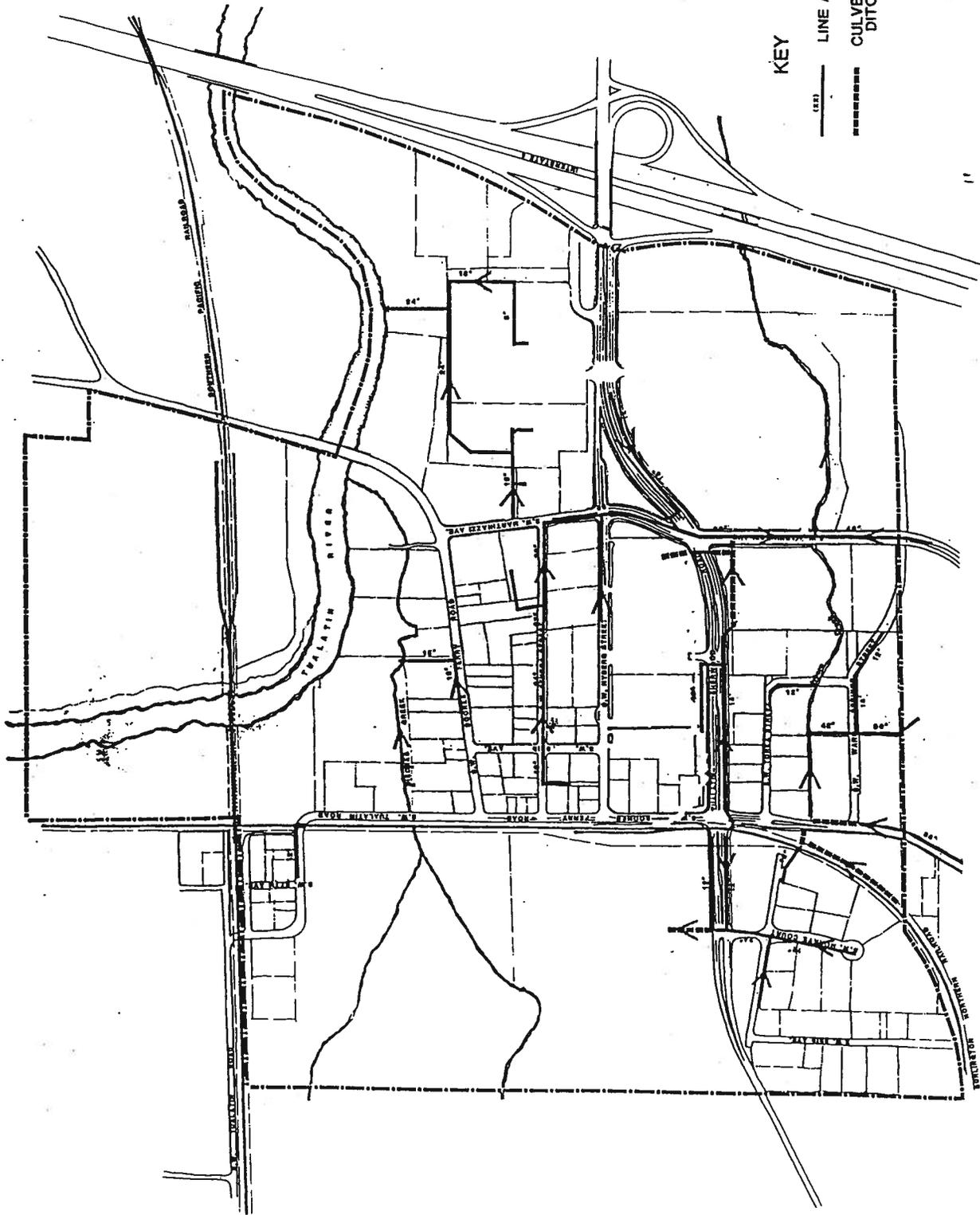
KEY
 ——— EXISTING SANITARY SEWER LINE
 - - - EXISTING FORCE MAIN

SANITARY SEWER



TUALATIN DEVELOPMENT COMMISSION





KEY

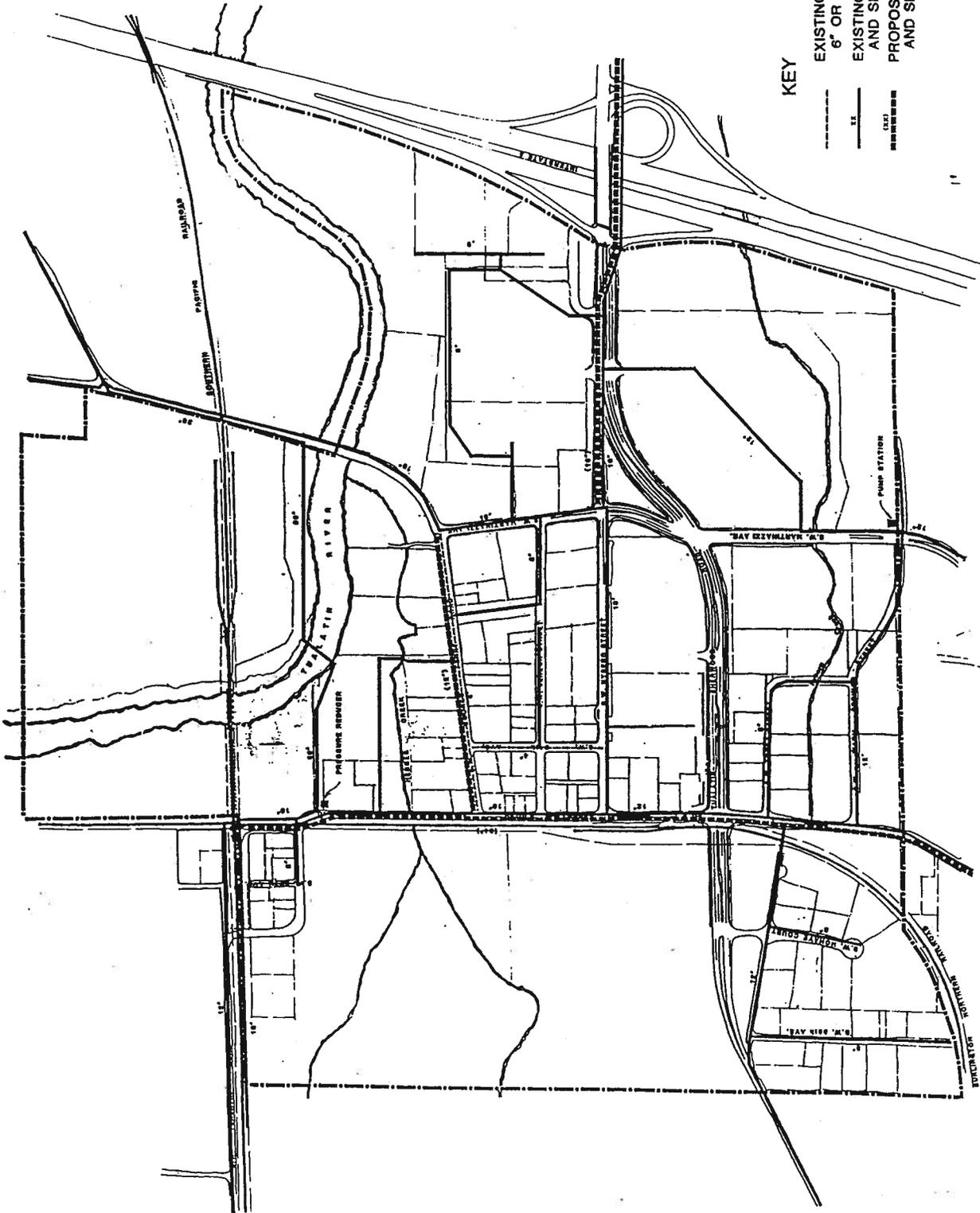
- LINE AND SIZE
- - - - - CULVERT OR DITCH



TUALATIN
DEVELOPMENT
COMMISSION



STORM SEWER



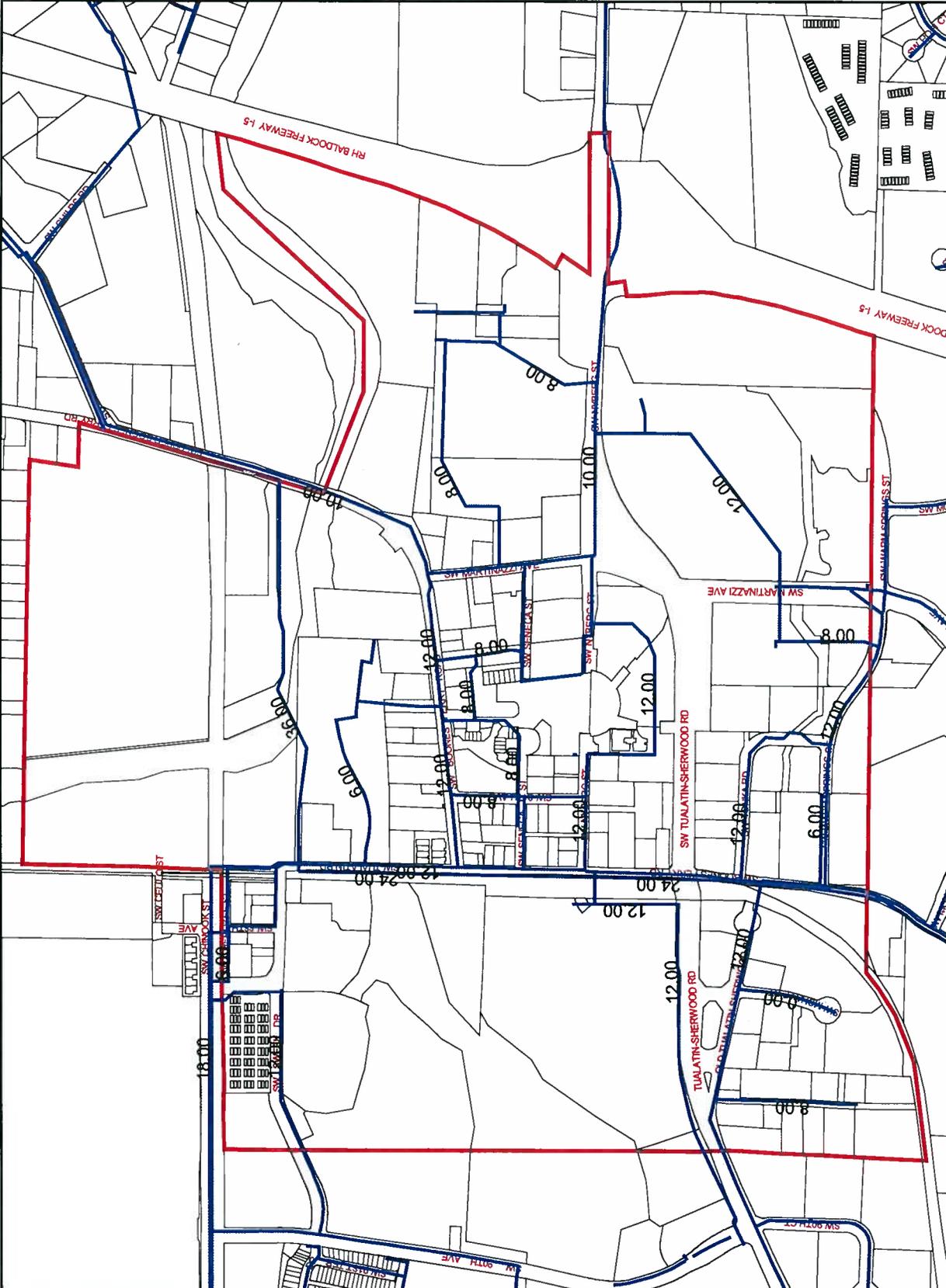
KEY

- EXISTING LINE 6" OR SMALLER
- - - EXISTING LINE AND SIZE
- PROPOSED LINE AND SIZE

 <p>TUALATIN DEVELOPMENT COMMISSION</p>	 <p>NORTH</p>	<p>WATER</p>	<p>17</p>
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This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the user should verify the information in the information system for any errors or omissions in the information. This map is not to be used for engineering and building department purposes. 1/20/01



ATTACHMENT B

PTA-09-05: BACKGROUND INFORMATION

Pertinent background information obtained from the proposed PTA-09-05 and other supporting documents is summarized in this section.

The amendment was initiated by the Community Development Department, Economic Development Division, at the direction of the Tualatin City Council and Tualatin Development Commission.

The Central Urban Renewal Plan ("Plan") was adopted on January 27, 1975 and has been amended 22 times to reflect changed conditions. The Plan established an Urban Renewal Plan Area, which the City Council found to be blighted and deteriorated because of the following conditions:

- Deleterious land uses;
- The lack of flood protection;
- The lack of adequate drainage facilities and public rights-of-way;
- Traffic congestion and railroad/motor vehicle conflicts and the public safety hazards resulting therefrom; and
- The inaccessibility and inadequacy of public facilities and services.

This Plan Text Amendment serves as the Council Approved Amendment process as outlined in Section I of the Central Urban Renewal Plan.

Maximum Indebtedness

The Central Urban Renewal Plan (CURP) updated July 26, 2006, lists capital projects to be conducted within the District. The listed projects are subject to a cap known as the maximum indebtedness amount. Simply stated, this is the maximum amount of tax dollars the agency can collect to spend on listed capital projects in the CURP. The identified maximum indebtedness amount is \$27,705,384. Only projects listed in the CURP are eligible for CURP expenditures.

CURP Amendment Process

Presently, the Central Urban Renewal Plan does not list funding for commuter rail train horn mitigation. In order to make this project eligible for urban renewal funding, an amendment has to be made to the Plan. This amendment is known as a Council Approved Amendment, requiring a recommendation from the Tualatin Planning Advisory Committee (TPAC) and a public hearing and ordinance adoption by the City Council. This process also requires a recommendation from URAC and the Tualatin Development Commission. The reasons a Council Approved Amendment is required are:

- Commuter Rail train horn noise mitigation is a new project that serves or performs a substantially different function from any project, activity or program specified in the Plan and is estimated to cost more than \$500,000.

- It may require changes in the Plan, which alters the major assumptions, purposes, and objectives underlying the Plan.

The specific language for a Council Approved Amendment is outlined on Pages 39-40 of the Plan section of the CURP.

Projects

Pages 15-26 of the Plan section of the CURP list the projects anticipated to be constructed under the maximum indebtedness authority of the District. The two primary categories of improvements are for the Tualatin Commons Redevelopment Project and the Central Design District Enhancement Project. There are specific subset projects under these two major categories as well as individually-listed projects that do not fall under these two major topic areas.

The projects identified in the Plan are all within the maximum indebtedness amount listed in the Plan. A specific list is contained on Page 39 of the Report section of the CURP as Table 12. Just because a project is listed does not mean that it has to be constructed or that, if circumstances change, a substitute project can be proposed and listed to take its place. In order to expend dollars on a commuter rail train horn noise mitigation project, the list of projects needs to be revisited and a determination made as to which project or projects should be modified or dropped from the Plan.

Staff conducted an analysis of possible projects that could be deleted or modified and substituted with a commuter rail train horn mitigation project of \$1.3 million based on the existing Table 12. These include:

- East Commons (\$2.4 million)
- Tualatin-Sherwood Road (\$900,000) *This project is currently in the design phase*
- Boones Ferry Road – Martinazzi to Lower Boones Ferry Road (\$50,000)
- Clock Bell Tower (Commons Landmark) (\$30,000)
- Modifying the scope of various projects to reduce dollar amounts or entirely delete the projects to cover the commuter rail train horn noise mitigation. Examples could include: Tualatin-Sherwood Road Enhancements, Commons Landmark, and Boones Ferry Road from Martinazzi Avenue to Lower Boones Ferry Road.

Extension of Plan

In addition to deleting projects or changing their scope, there is another option to delete a project and, prior to expiration of the Plan, to extend the life of the Plan by increasing the maximum indebtedness amount and add the project or projects back into the Plan. Currently, the Plan is anticipated to stop tax increment collection in FY 09/10 and complete all projects in FY 11/12. This process would require a Substantial Amendment to the Plan. The Tualatin Development Commission has been working through an evaluation process for increasing the maximum indebtedness since October 2007.

SUMMARY OF CURP SECTIONS TO BE MODIFIED

The following list summarizes the various sections of the CURP modified by this proposal:

Plan

- History of Adoption and Amendment
- Land Use, Objective, Goal 7: Transit
- Description of Project
- Outline of Project Activities, b. Roads and Streets
- Outline of Project Activities, g. Transit Facilities

Report

- Estimated Costs and Revenue Sources including Table 12
- Anticipated Start and Completion Dates including Table 12
- Estimated Tax Increment Revenue Requirements and Anticipated Year of Debt Retirement including Table 13

The proposed amendment to the Plan has one primary component, Council Approved Amendment, with a recommendation from the Commission as identified in Section I of the Plan. This includes addition of the commuter rail train horn mitigation project, deletion or modification of selected current capital projects, reallocation of funds equal to the cost of the commuter rail train horn mitigation project, and altering major assumptions, purposes and objectives underlying the Plan to support the project.

Plan Section

A. History of Adoption and Amendment

Updating this section to add the proposed amendment (PTA-09-05) as Amendment 23.

B. Identification of Funding Participation for Commuter Rail Train Horn Mitigation

The amendment establishes the required goals and objectives to support mitigating commuter rail train horn noise.

C. Description of Project

Adding a new bullet point for train horn noise mitigation and working with the City on mitigating noise impacts.

D. Outline of Project

Deletion of the East Commons project full funding and adding the commuter rail train horn mitigation as a transit project.

Report

This section updates the Report (Attachment A) portion of the Plan. Modifications have been made to the following sections to reflect the addition of the commuter rail train horn noise mitigation as a capital project and deleting East Commons as a capital project.

- A. Estimated Project Costs and Revenues: This section was updated for all financial information concerning implementation of the Plan. Projections indicate the District can finance the projects identified with an estimated date of closing the District in Fiscal Year 11/12.
- B. Anticipated Project Start and Completion Dates: This section was updated for all the projects anticipated start and completion dates. Projections indicate the District can complete all projects in Fiscal Year 11/12.
- C. Estimated Tax Revenue Requirements and Anticipated Year of Debt Retirement: Text changes have occurred identifying the estimated year of debt retirement.

All updates to the Report bring the Report up to date with current conditions in the District based on adding the commuter rail train horn noise mitigation project.

ATTACHMENT C

PTA-09-05: ANALYSIS AND FINDINGS

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

A. Granting the amendment is in the public interest.

The public interest is to promote a vibrant and economically successful downtown area within the Central Urban Renewal District (CURD) by removing blight and responding to changing circumstances within the District. Commuter rail service began in February 2009 operating on a morning and afternoon schedule. With initiation of this service, additional impacts have occurred to businesses and residents within the CURD area in the form of train horn noise. The City has been working on a solution to mitigate the impacts of this blight condition, working with TriMet and Washington County. The issue at hand is the 32 trains that run daily on the Westside Express (WES) line. At each railroad crossing the trains are required by federal regulations to blow their horns four (4) times. In addition, the train engineer provides a toot of the horn when leaving the Tualatin station. This noise impact has a direct affect on the quality of life for residents within the CURD as well as businesses operating within the district.

To address this concern, the City, TriMet and Washington County have been working on creating a quiet zone through Tualatin, which, in part, includes the CURD. On June 8, 2009 the City entered into an Intergovernmental Agreement (IGA) with Tri Met and Washington County regarding WES Train Horn Noise Mitigation. The resolution expressed their intent to proceed with planning and designing potential noise mitigation treatments while seeking funding to implement these measures through a future amendment or a separate Intergovernmental Agreement.

On July 13, 2009 the City Council conducted a work session on Quiet Zone Study Update. Four of the study intersections are located within the CURD (Tualatin Road, Nyberg Street, Tualatin-Sherwood Road and Boones Ferry Road Pedestrian Crossing) (See Exhibit 1). The balance of the intersections are located outside of the CURD. The Tualatin Central Urban Renewal District was identified as one of the potential funding sources for mitigation within the CURD. The identified funding need within CURD is up to \$1.3 million.

On July 27, 2009 the City Council adopted Resolution No. 4913-09 authorizing an Intergovernmental Agreement with TriMet and Washington County regarding WES Train Horn Noise Mitigation Funding. Contained in the Staff Report was a summary of funding sources including the American Recovery and Reinvestment Act (ARRA), Tualatin Central Urban Renewal District (CURD) and Washington County. Crossing treatments within the CURD identified were: Tualatin Road – Wayside Horn & Pedestrian Gates; Nyberg Street – Wayside Horn; Tualatin-Sherwood Road – Wayside Horn; Boones Ferry Road Pedestrian Crossing – Wayside Horn. The noise mitigation treatments under this IGA cover intersections outside of the CURD only.

Providing mitigation measures within the CURD will assist in promoting continued redevelopment opportunities for commercial and residential uses. Examples are the proposed Robinson Crossing II commercial building at SW Boones Ferry Road and SW Seneca Street, directly across the street from the WES Tualatin station and the desired redevelopment of the Clark Lumber site at the corner of SW Tualatin-Sherwood Road and SW Boones Ferry Road for commercial/retail development. Looking further into the 20-year future for the Town Center, the City Council has identified aspirations of additional 2,800–4,500 jobs and 50–400 residential dwelling units. The train horn noise issue created by WES would affect the ability to attract this future development investment. Addressing this noise issue through mitigation measures will position the City to achieve the development aspirations which is in the public interest. Exhibits 2 and 3 graphically depict impacts of train horn noise mounted on a train and stationary mounted Wayside Horns in the CURD area.

Granting the amendment is in the public interest. Criterion “A” is met.

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

The public interest is protected by the proposed amendment by ensuring the financial information in the CURP Report ensures that funds are estimated to be available to implement the CURP over the life of the Plan with the substitution of the commuter rail train horn noise mitigation. Though the East Commons project is proposed to have significantly reduced funding, or implemented only if funding is available as a CURD-funded project, other funding opportunities could exist for this project in the future. These include:

1. Adding the project back as a fully-funded project to the Plan prior to Plan expiration and increasing the maximum indebtedness amount.
2. Working to obtain funding through the Major Streets Transportation Improvement Program (MSTIP) for the East Commons project.
3. Working to obtain funding through the Metropolitan Transportation Improvement Program (MTIP) for the East Commons project.
4. Combination of the three alternatives above.

This amendment does not remove the need for the East Commons project from the Transportation System Plan or Chapter 11 Transportation from the TDC. It only modifies the potential funding sources for this future transportation capital improvement project.

The addition of the commuter rail train horn noise mitigation project in the CURP does acknowledge a higher priority need for the City as expressed by the City Council, residents, and businesses of Tualatin.

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

Criterion "B" is met.

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

4.050(1) Provide a plan that will accommodate a population range of 22,000 to 29,000.

The proposed amendment will not impair the ability to accommodate the projected population range. No housing will be deleted by the proposal to add the commuter rail train horn noise mitigation funding project and significantly reducing funding for the East Commons project.

6.030(1) Encourage commercial development.

Proposed projects in the CURP are primarily infrastructure projects to assist in removing blight. Removal of blight enhances the opportunities for commercial development within the commercial designated areas of the Plan and ancillary residential development. Additionally, projects in the Plan assist in reducing costs to developers for off-site improvements that allow for higher-quality designed commercial or residential developments, which increase or maintains property values. The proposed amendment meets the objective.

6.030(2) Provide increased employment opportunities.

Substitution of the commuter rail train horn noise mitigation project and significantly reducing funding of the East Commons project will provide for increased employment opportunities in both the near and long-term. Employment can occur in the design and construction of the mitigation measures and could lead to increased long-term employment from redevelopment of commercial and residential land. The objective is met.

11.610(2)(a) Provide an interconnected system of streets, pedestrian and bicycle facilities, and other forms of transportation, which will link the community; minimize travel distances and vehicle miles traveled; and safely, efficiently and economically move motor vehicles, pedestrians, bicyclists, transit vehicles, trucks, and trains to and through the area when fully urbanized.

The proposed amendment does not preclude the ability to implement the transportation system. The TSP remains in place; only significantly reducing funding of the East Commons project modifies the potential funding mechanism. There remains an integrated plan for interconnected streets, pedestrian and bicycle facilities in the CURD, as noted in Chapter 11 of the TDC and in the CURP. This objective is met.

11.160(3)(a) Provide a transportation system that is adequate to handle the truck, transit, and automobile traffic in such a way to encourage industrial development, the preservation of existing residential neighborhoods, the minimization of industrial traffic

and congestion in the Town Center area, and the successful implementation of the City's economic development goals.

The TSP identifies the necessary transportation system for the next 20 years (2020). Potential funding sources for the projects are listed along with unfunded projects. Within the Town Center where the Central Urban Renewal District is located, traffic congestion is well documented. One of the projects listed to address congestion is the East Commons improvement. It is proposed that this project be significantly reduced in funding as a CURP funded project and retain its place on the unfunded list in the TSP until such time as funding can be identified. Overall, the TSP will continue to identify the need for the East Commons improvements, but identified funding will not be listed. This objective is met.

11.160(7) (b) Upgrade existing transportation facilities and work with public transportation providers to ensure services that improve access to all users.

The CURP identifies upgrading certain elements of the transportation system within the central downtown area for better access to businesses and residents within the Plan area and meets the objective.

11.160(10) (a) Develop a Capital Improvements Program and funding mechanisms for all transportation facilities that complies with the requirements of Statewide Planning Goal 12, Transportation.

The CURP functions, in part, as a capital improvement program to remove blight in the Plan area. Projects and funds have been identified in the Plan and Report to address transportation needs in the CURP area. Significantly reducing funding of the East Commons project retains the project as an unfunded status in the TSP. Other funding sources will need to be identified in the future to construct this project. The objective is met.

The proposed amendment is consistent with the applicable objectives of the Tualatin Community Plan. Criterion "C" is met.

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

The various characteristics of areas in the City.

The area, for purposes of this amendment, is the Central Urban Renewal Plan area. The proposed amendment will enhance the area through the identified capital improvement project (commuter rail train horn noise mitigation) to assist in removing blight conditions that exist within the Plan area.

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

Transit improvements are an identified component of the Central Urban Renewal Plan. The plan identifies participation in funding commuter rail near the downtown area as an objective. A consequence of providing this transportation alternative is associated noise impacts that make redevelopment in the downtown area less desirable. Identifying a project that assists in mitigating these noise impacts will assist in positioning the City for future development and redevelopment within in the downtown area.

Trends in land improvement and development.

Development within the CURP area is projected to continue into the future. The proposed amendment will assist in this development by providing needed noise mitigation from the operating commuter rail line. The amendment anticipates additional development downtown at increased densities above what exists today based on vacant parcels and redevelopment potential of older developments. This is supported by the Local Aspirations work conducted by the City in 2009 and accepted by the City Council in April 2009.

Property values.

The proposed amendment will enhance property values in the CURP area, providing noise mitigation for the operating commuter rail line that will increase property values and promote new investment in commercial and residential development within the Plan area.

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

The proposed amendment assists in the economics of the CURP area by identifying train horn noise mitigation as a capital project that will remove blight and enhance the marketability of the area. Adequate infrastructure will be provided for additional development within the CURP area, along with identifying the Town Center as a unique place from the balance of the Tualatin community.

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

The proposed amendment does not affect right-of-way and access.

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

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

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

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

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

The City Council identified the CURP area as having blighted conditions in 1975 and adopted the Plan to address removal of the blight. The proposed amendment to the Plan continues that effort to remove blight and to react to changed circumstances with the Plan area. Overall, the amendment will continue to protect the public health, safety and welfare by authorizing projects that will enhance the quality of the Plan area.

Proof of a change in a neighborhood or area.

There have been changes in the area with the operating of a commuter rail line through Tualatin. There are impacts from WES on the livability and business operation with the CURD. Allowing tax increment funding participation in mitigating the noise impacts from commuter rail address the need to provide a quality neighborhood environment.

A mistake in the plan map or text.

None is alleged.

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

Criterion "D" is met.

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

The Tigard-Tualatin School District Facility Plan was considered in the proposed amendment. No additional housing is identified in the proposed amendment. There are no housing impacts on the School District

F. Oregon Statewide Planning Goals

The Central Urban Renewal Plan functions, in part, as a capital improvement plan within a defined geographic area. The Plan is part of the Community Plan and is adopted by reference. The proposed amendment to the Plan is consistent with the proposed amendments to the Community Plan, which, in turn, is consistent with the State of Oregon Planning Goals and Administrative Rules. Additionally, the proposed amendment meets the requirement of ORS 457 concerning urban renewal plan consistency with the local community plan.

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

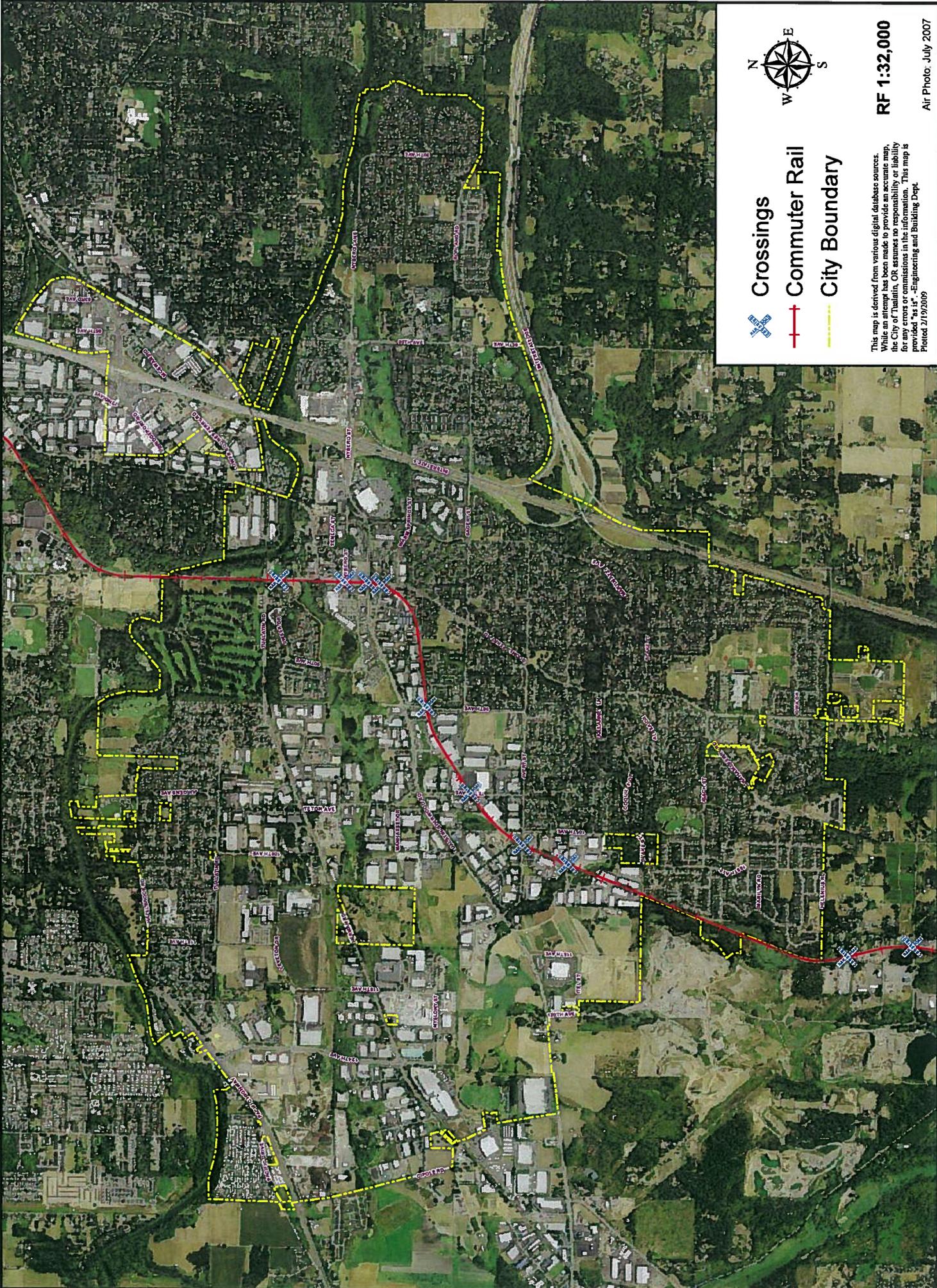
ORS 457 requires that an urban renewal plan be consistent with the local Community Plan. The Community Plan (Tualatin Development Code) was amended previously to be consistent with the Urban Growth Management Functional Plan by the City. The proposed amendment to the CURP is consistent with the proposed amendments to the Community Plan, thus is consistent with the Urban Growth Management Functional Plan. It can also be noted the proposed amendment will further the development of the Town Center in which the CURP is located, enhancing the Town Center area as a mixed-use development area.

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

Criterion G was considered and found to not be applicable to this amendment because it does not have any impact on Level of Service on transportation facilities.

- Exhibits:
1. CURD Crossing Locations
 2. Noise Contours Train Mounted Horns
 3. Noise Contours Stationary Mounted Wayside Horns

Commuter Rail in Tualatin, OR



- Crossings
- Commuter Rail
- City Boundary

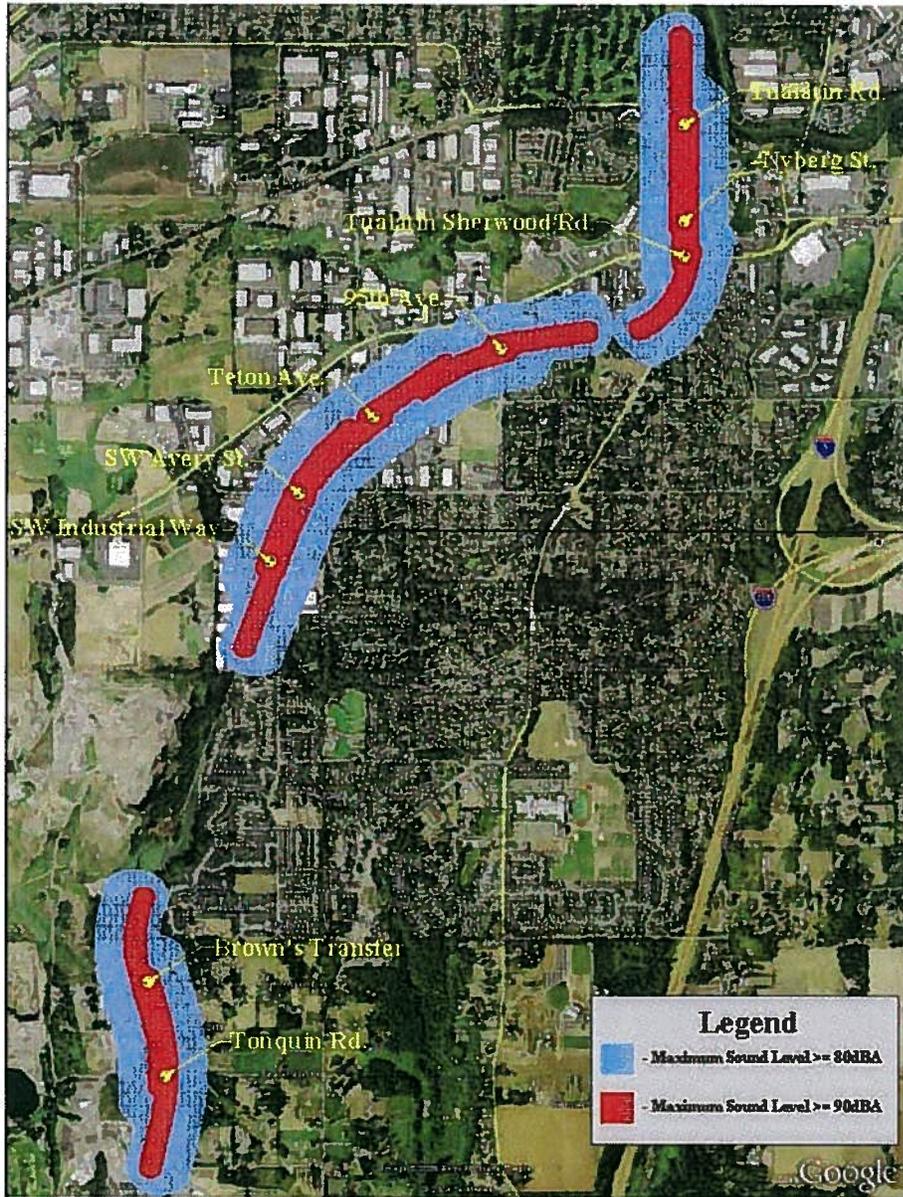
This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR, assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept.
Plotted 2/19/2009

RF 1:32,000

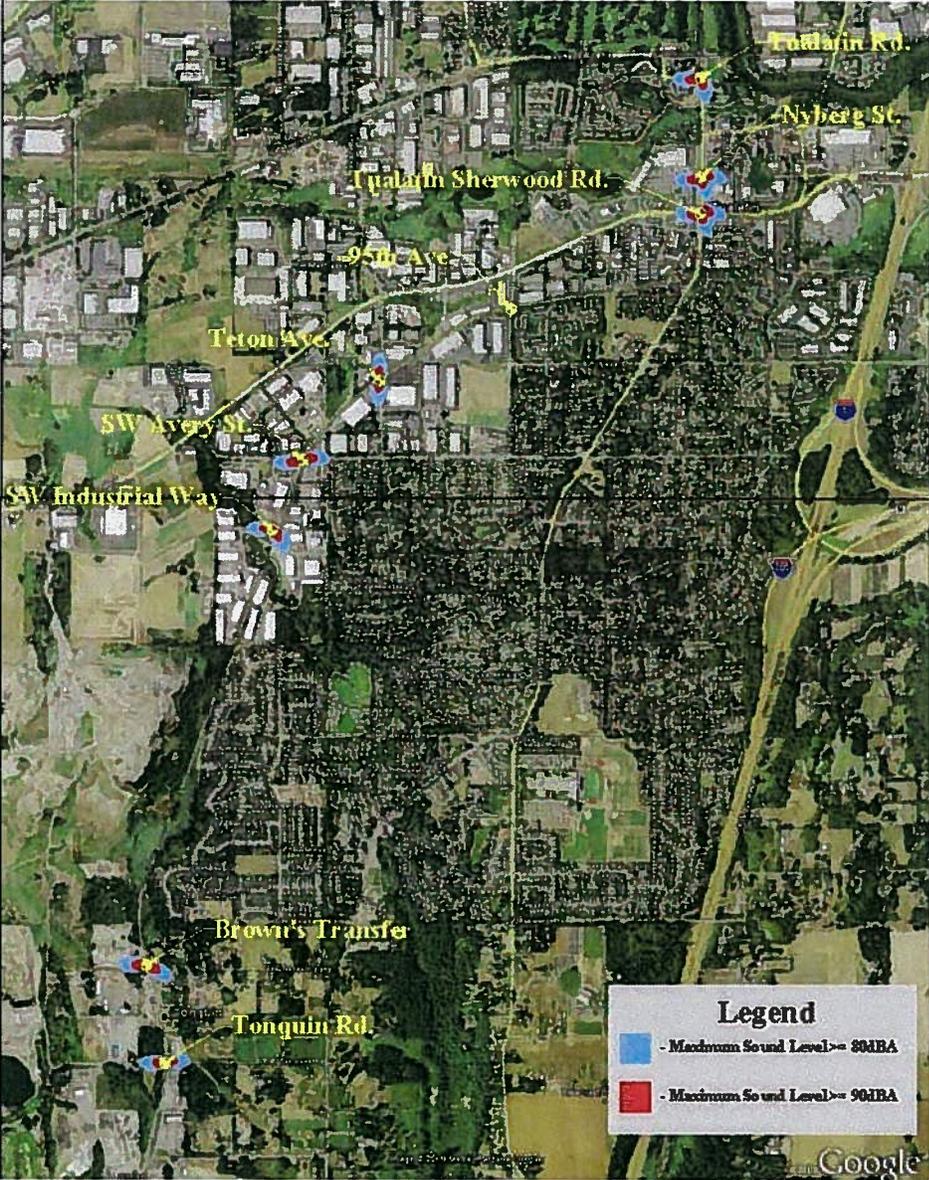
Air Photo: July, 2007

Exhibit 1

Noise Contours from the Train Mounted Horn



Noise Contours from the Stationary Mounted Wayside Horn



ORDINANCE NO. 1290-09

AN ORDINANCE RELATING TO MODIFICATIONS OF THE TUALATIN
CENTRAL URBAN RENEWAL PLAN; AMENDING TDC 30.010
(PTA-09-05)

WHEREAS upon the application by the Tualatin Community Development Department, Economic Development Division, a public hearing was held before the Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin, on September 28, 2009 relating to amending the Central Urban Renewal Plan ("Plan") to identify commuter rail train horn noise mitigation as a project within the Plan; and

WHEREAS notice of a public hearing was given as required by mailing notice to property owners within the Central Urban Renewal District and posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting and Affidavit of Mailing, marked "Exhibits A and B;" and a notice of public hearing was given as required under the Tualatin Community Plan by publication on September 24, 2009, in The Times, a newspaper of general circulation within the City which is evidenced by the Affidavit of Publication marked "Exhibit C," attached and incorporated by this reference; and

WHEREAS the Tualatin City Council conducted a public hearing on October 12, 2009, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Tualatin City Council vote resulted in approval of the application by a vote of 6-0 with Mayor Ogden absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Tualatin City Council and especially the City staff report, the Tualatin City Council makes and adopts as its Findings of Fact the findings and analysis in the staff report dated October 12, 2009, which are incorporated by this reference, and;

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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 30.010 is amended to read as follows:

The Tualatin Urban Renewal Plan, 1975, as amended by the Tualatin Central Urban Renewal Plan, 1984, 1987, 1992, 2002, and 2006, and 2009 and thereafter referred to as the "Tualatin Central Urban Renewal Plan," is hereby adopted as part of the Tualatin Community Plan and is incorporated by reference into the Tualatin Development Code.

INTRODUCED AND ADOPTED THIS 12th day of October, 2009.

CITY OF TUALATIN, Oregon

BY 

Mayor Pro Tem

ATTEST:

BY 

City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

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 2nd day of September, 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. City of Tualatin Police Department
2. City of Tualatin City Center Building

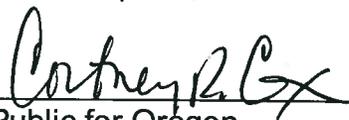
Dated this 2nd day of September 2009.



Stacy Crawford

Subscribed and sworn to before me this 2nd day of September, 2009.





Notary Public for Oregon
My Commission expires: 9/21/2011

RE: PTA-09-05—AN ORDINANCE RELATING TO MODIFICATIONS OF THE TUALATIN CENTRAL URBAN RENEWAL PLAN AND AMENDING TDC 30.010

EXHIBIT **A**



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, October 12, 2009, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 09-05—AN ORDINANCE RELATING TO MODIFICATIONS OF THE TUALATIN CENTRAL URBAN RENEWAL PLAN AND AMENDING TDC 30.010

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. **For information contact Doug Rux at (503) 691-3018.** This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on September 24, 2009

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Carol Rutherford, being first duly sworn, depose and say:

That on the 2nd day of September, 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.

Carol Rutherford
Carol Rutherford

SUBSCRIBED AND SWORN to before me this 2nd day of September 2009.



Linda Kay Odermott
Notary Public for Oregon
My commission expires: March 30, 2013

RE: PTA-09-05—AN ORDINANCE RELATING TO MODIFICATIONS OF THE TUALATIN CENTRAL URBAN RENEWAL PLAN; AMENDING TDC 30.010

EXHIBIT B

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Carol Rutherford, 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 2nd day of September, 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 2nd day of September 2009.



Carol Rutherford

Subscribed and sworn to before me this 2nd day of September, 2009.





Notary Public for Oregon
My Commission expires: March 30, 2013

RE: PTA-09-05—AN ORDINANCE RELATING TO MODIFICATIONS OF THE TUALATIN CENTRAL URBAN RENEWAL PLAN; AMENDING TDC 30.010



COMMUNITY NEWSPAPERS

6605 SE Lake Road, Portland, OR 97222 • PO Box 22109 Portland OR 97269-2109
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS

I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Tualatin
Notice of Public Hearing/PTA 09-05
TT11363

A copy of which is hereto annexed, was published in the entire issue of said newspaper for

1
week in the following issue:
September 24, 2009

Charlotte Allsop
Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
September 24, 2009.

Robert A. Burgess
NOTARY PUBLIC FOR OREGON
My commission expires

Acct #108462
Attn: Stacy Crawford
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062

Size: 2 x 7.75
Amount Due \$140.28*
*remit to address above

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, October 12, 2009, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA) 09-05 —AN ORDINANCE RELATING TO MODIFICATIONS OF THE TUALATIN CENTRAL URBAN RENEWAL PLAN AND AMENDING TDC 30.010

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. **For information contact Doug Rux at (503) 691-3018.** This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

Publish 09/24/2009.

TT11363

EXHIBIT C



STAFF REPORT

CITY OF TUALATIN

****Sign Variance****

Approved By Tualatin City Council

Date 10-12-09

Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

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

FROM: Doug Rux, Community Development Director *[Signature]*
William Harper, Associate Planner *[Signature]*

DATE: October 12, 2009

SUBJECT: SIGN VARIANCE FOR DICK'S SPORTING GOODS STORE IN THE GENERAL COMMERCIAL (CG) PLANNING DISTRICT AT 17799 SW LOWER BOONES FERRY ROAD (TAX MAP 21E18BC, TAX LOT 1001) (SVAR-09-01)

ISSUE BEFORE THE CITY COUNCIL:

A request for a Sign Variance that would allow: 1. A wall sign with taller letters and increased sign face height from the maximum allowed in the General Commercial (CG) Planning District; 2. A wall sign with increased sign face area from the maximum 150 sq. ft. allowed on a wall with an area greater than 5,000 sq. ft. in a CG Planning District.

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Sign Variance request.
- The applicant is Steven L. Pfeiffer, Attorney, representing ImageOne Industries for a Dick's Sporting Goods (DSG) store building tenant. Madrona Watumull LLC is the owner of the 4.42 acres, Tax Lot 1001 (Map 21E18BC) subject property located at 17799 SW Lower Boones Ferry Road in the CG Planning District. The property is part of the Meridian Square Shopping Center development that consists of a Safeway Marketplace store, the Dick's Sporting Goods tenant space (Former Joe's/GI Joe's store location) and two pad buildings adjoining SW Lower Boones Ferry Road with several small tenant spaces including Arby's, Baskin Robbins and Wu's Kitchen. The three properties in the Meridian Square Center share access from SW 65th Avenue, SW 63rd Avenue and SW Lower Boones Ferry Road and share parking. The vicinity of the site includes

commercial development to the east, south (across SW Lower Boones Ferry Road) and west (South Lake Center across SW 65th Avenue) of the DSG store and the light industrial development to the north (Meridian Business Park, Children's Hour school & other industrial developments). The I-5 Freeway and Exit 290 Interchange (north bound lane overpass) are approximately 950 ft. from the subject property (SW corner) and approximately 1,200 ft. from the DSG building tenant entrance. A Vicinity Map, a Tax Map and a Site Map are included as Attachments A, B & C respectively. The applicant's materials including a site plan are included as Attachment D.

- Dick's Sporting Goods is currently in the process of renovating the former Joe's store building with both interior and exterior improvements and planning a November, 2009 store opening. The exterior improvements include replacing a mansard/canopy with a redesigned raised entrance façade (up to a 40 ft. height) and windows on the south elevation (facing SW Lower Boones Ferry Road), new paint and trim work and replacement landscaping in the parking area. The wall area of the remodeled south elevation is approximately 6,500 sq. ft. The applicants intend to locate wall signs on the new south elevation and seek the Sign Variance to allow a taller sign letter and face height and additional sign face area.
- The Sign Code allows wall signs in the CG Planning District with the following standards:
 - TDC38.200(1)(d)(iv) "Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than 1/2 the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet."
 - TDC38.200(1)(d)(v) "Area: ...and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed."
- Previous wall signs on the subject building south elevation include the "GI Joe's" signs approved in S-96-21/22/43 with sign face heights of 4 ft. & 2 ft. and a total sign face area of 150 sq. ft. and the "Joe's" wall signs approved in S-07-43/44 with a sign face heights of 4 ft. and 1.7 ft. and a total sign face area of 120 sq. ft. Wall signs on the Safeway Marketplace store south elevation includes signs approved in S-03-58/59 with sign face heights of 2-4 ft. and a total south wall sign face area of 150 sq. ft.
- The Dick's Sporting Goods application proposes "A variance to allow a front wall sign with 6-foot high letters with a total sign area of 156 square feet where 4 feet is the maximum allowed height and 150 square feet is the maximum allowed sign area." (Attachment D pg. 1). In the Introduction, the applicant states:

"Due to the unique and extraordinary location and configuration of the subject retail structure and its relationship to surrounding developed properties, which results in diminished retail visibility by the traveling public, the subject property suffers an operational and marketing hardship that does not

generally apply to other properties in the same planning district." (Attachment D, pg. 1).

- The Applicant has prepared a narrative that describes the sign variance request and addresses the Sign Variance approval criteria (Attachment D). Attachment E is the Background Information and staff has reviewed the Applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment F).
- The City Council has both granted and denied Sign Variances. SVAR-92-01 for the Best Western (Pole Sign-Height increase) was approved. Sign Variances SVAR-92-02 for Sweetbrier Inn (Pole sign-Increased Height & Area); SVAR-95-01 for Ben Lake Building (Additional Freestanding Sign); SVAR-95-02 for Michaels Crafts (Wall Sign-Increased Height & Area); and SVAR-96-01 for GI Joe's (Wall Sign -Increased Height) were not approved by Council.
- The application was submitted on August 12, 2009 and determined complete on September 10, 2009. The statutory 120th day within which a decision must be made is January 8, 2010. This hearing is on day 42. A public hearing notice was mailed to property owners within 300 feet of the subject property.
- The applicable policies and regulations that apply to the proposed Sign Variance include: TDC 6.030 Commercial Planning District Objectives; TDC 20.030-Sign Design Objectives; TDC Chapter 33-Variances; TDC Chapter 38-Sign Regulations.
- Before granting the proposed sign variance, the City Council must find that the sign variance criteria 1-6 listed in TDC 33.022 are met: The Analysis and Findings (Attachment F) examines the application in respect to the criteria for granting a Sign Variance. In the Analysis and Findings, Staff finds that the applicant has not demonstrated that Sign Variance Criteria 1, 2, 3 & 4 relating to hardship circumstances, minimum remedy and preservation of a property right possessed by others in the same Planning District have been met.
- Attachment G is a Resolution for denial of the Dick's Sporting Goods Sign Variance.

OUTCOMES OF DECISION:

Approval of the Sign Variance request will result in the following:

1. Allows Dick's Sporting Goods to obtain a sign permit for and erect a wall sign with six (6) foot high letters and 156 square feet of sign face area on the south elevation of the building on the subject property, located in a CG Planning District.

Denial of the Sign Variance request will result in the following:

1. The applicant will not be allowed to construct the proposed wall sign with letters larger than 6 ft. and a sign face area greater than 150 sq. ft.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

- Approve the proposed Sign Variance with findings to support a determination that the applicant has met each of criteria 1-6 in TDC 33.022.

- Deny the request for the proposed Sign Variance with findings that state which criteria in TDC 33.022 the applicant has failed to meet.
- Continue the discussion of the proposed Sign Variance and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

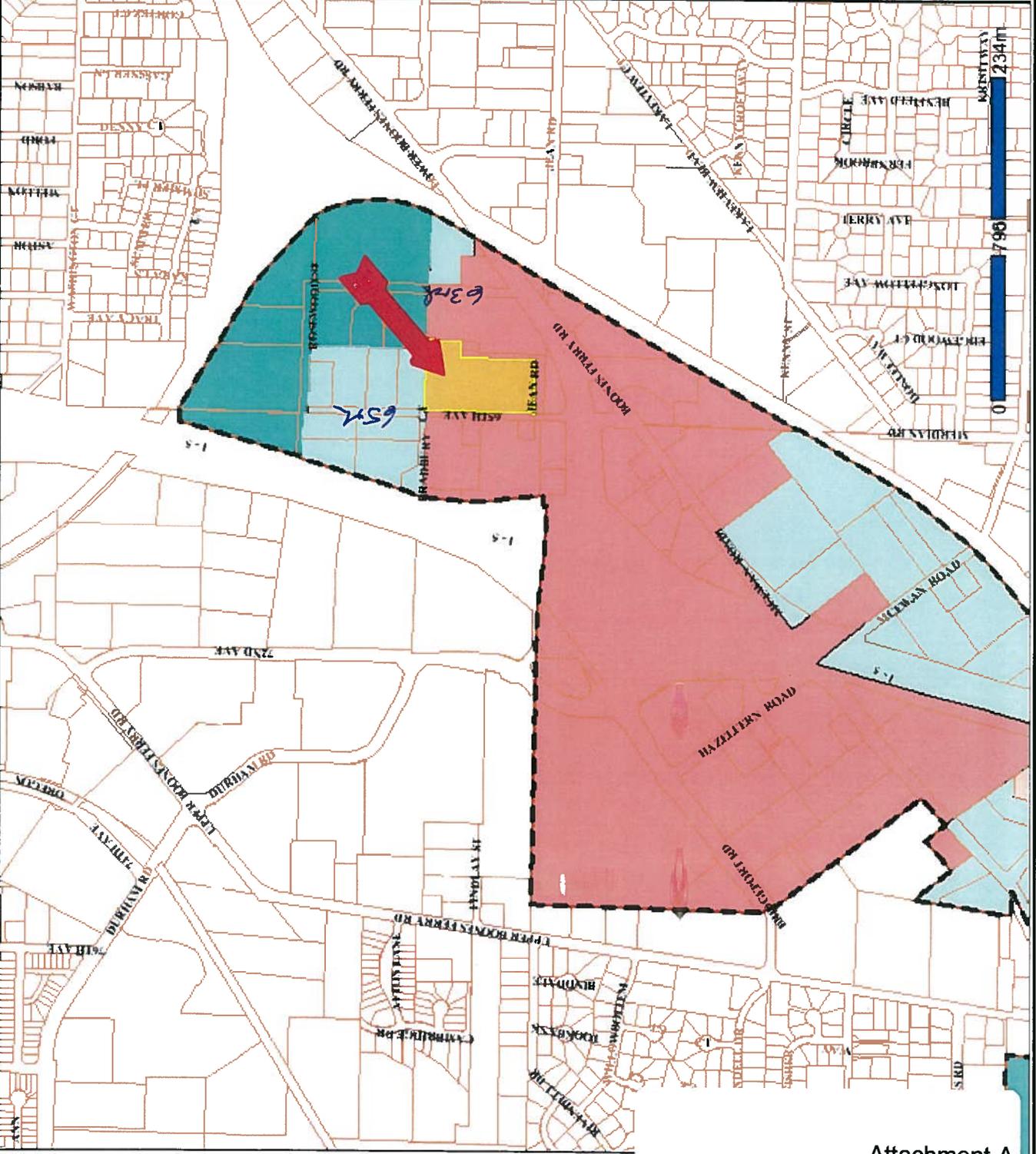
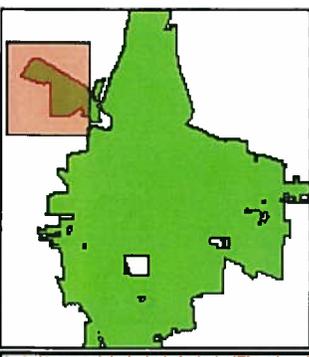
The applicant submitted the required \$646.00 fee with the Sign Variance SVAR-09-01. Revenue for Sign Variances has been budgeted for Fiscal Year 09/10.

PUBLIC INVOLVEMENT:

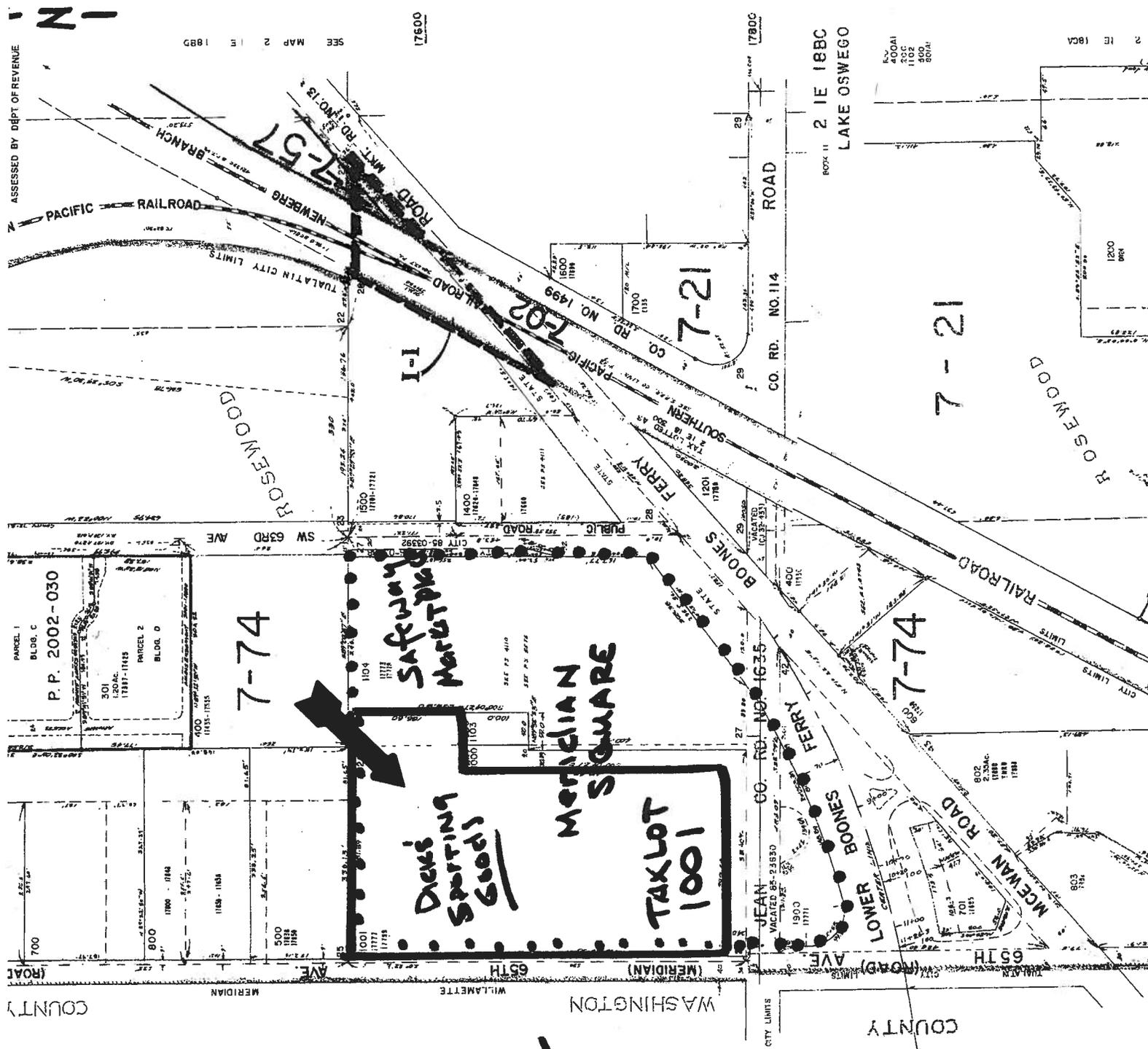
The Applicant conducted a Neighbor/Developer meeting at the Tualatin Public Library on September 3, 2009, to explain the Sign Variance proposal to neighboring property owners and to receive comments. Aside from the applicants' representatives, no one attended the meeting.

- Attachments:**
- A. Vicinity Map
 - B. Tax Map
 - C. Site Aerial Map
 - D. Applicant's Materials and Supporting Information
 - E. Background Information
 - F. Analysis and Findings
 - G. Draft Resolution

TualMap: Dick's Sporting Goods Vicinity Map



Attachment A
Vicinity Map



COUNTY

MERIDIAN

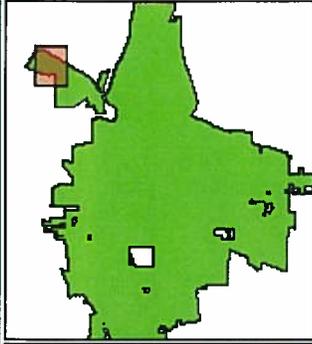
WILANETTE

WASHINGTON

COUNTY

LAKESIDE CENTER
SW 1/4

TualMap: Area of Interest Map

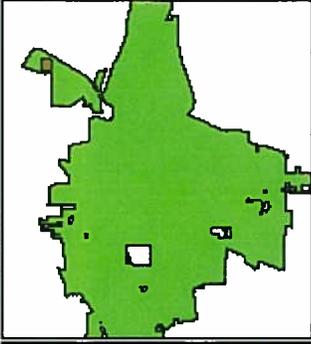


N

oring Goods Building

SVAR-09-01

TuaMap: Dick's Sporting Goods Aerial Closeup





City of Tualatin

www.ci.tualatin.or.us

CITY OF TUALATIN
RECEIVED

AUG 12 2009

COMMUNITY DEVELOPMENT
PLANNING DIVISION

APPLICATION FOR SIGN VARIANCE

BUSINESS NAME ImageOne Industries CONTACT PERSON Steven L. Pfeiffer PHONE 503-727-2261
 ADDRESS 1120 NW Couch, Tenth Floor CITY Portland STATE OR ZIP 97209-4128
 APPLICANT'S NAME ImageOne Industries PHONE 503-727-2261
c/o Perkins Cole LLP
 ADDRESS 1120 NW Couch, Tenth Floor CITY Portland STATE OR ZIP 97209-4128

AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.

REPRESENTATIVE'S

APPLICANT'S SIGNATURE [Signature] DATE 8/12/09

PROPERTY OWNER'S NAME Madronna Watumull LLC PHONE 503-225-0701

ADDRESS 210 SW Morrison, Suite 600 D CITY Portland STATE OR ZIP 97204

PROPERTY OWNER'S SIGNATURE (See attached) DATE _____

Power of attorney/letter of authorization required if not signed by owner.

BUILDING OWNER'S NAME _____ PHONE 503-225-0701

(If different than property owner.)

ADDRESS _____ CITY _____ STATE _____ ZIP _____

BUILDING OWNER'S SIGNATURE _____ DATE _____

Power of attorney/letter of authorization required if not signed by owner.

VARIANCE REQUEST

A BRIEF STATEMENT OF THE VARIANCE REQUESTED AND THE SIGN ORDINANCE SECTION NO. Increase Wall Sign Area and Letter Height pursuant to TDC Section 33.022

SUBMIT SEPARATE SHEETS WITH THE SUPPORTING MATERIAL ADDRESSING THE SIGN VARIANCE CRITERIA [TDC 33.020 (6-11)] AND EXPLAINING WHY AND HOW THE REQUESTED VARIANCE MEETS THE CRITERIA.

PROJECT INFORMATION

PLANNING DISTRICT General Commercial PROPOSED/EXISTING USE Retail

TAX MAP NO. 21E18BC01001 TAX LOT NO. 1001 PARCEL SIZE 4.42 acres

Date App Rcvd: 8-12-09 Received by WH/SC
 Receipt # 739059 Variance Fee \$646.00
 Sign Variance Case No. 09-01

Date App Complete 9-10-09
 Circle one: Cash Check

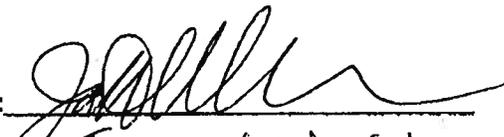
City of Tualatin

Madronna Watumull LLC is the owner of that certain real property located in the City of Tualatin, Clackamas County, State of Oregon, described as 17799 SW Boones Ferry Road, a parcel of land in the Southwest quarter of the Northwest quarter of Section 18, Township 2 South, Range 1 East, of the Willamette Meridian, said parcel being a portion of Lots 26 and 27, Rosewood Subdivision.

Madronna Watumull LLC hereby authorizes Steve Pfeiffer and Perkins Coie LLP to submit to the City of Tualatin the application for sign variance on behalf of ImageOne Industries.

Dated this 13 day of August, 2009.

MADRONNA WATUMULL LLC

By: 

Name: JAMES H WINKLER

Title: President of its Manager

BEFORE THE CITY OF TUALATIN CITY COUNCIL

In the Matter of an Application for a Sign Variance by ImageOne Industries to Allow a Variance to the Wall Sign Area and Letter Height on Property Located in the General Commercial Zoning District)	NARRATIVE ADDRESSING
)	APPLICABLE APPROVAL
)	CRITERIA IN TUALATIN
)	DEVELOPMENT CODE
)	("TDC") SECTION 33.022
)	
)	

I. INTRODUCTION

This application is filed on behalf of ImageOne Industries ("ImageOne") and requests approval of the following sign variance for a proposed Dick's Sporting Goods store in the General Commercial Zoning District:

A variance to allow a front wall sign with 6-foot high letters and with a total sign area of 156 square feet where 4 feet is the maximum allowed height and 150 square feet is the maximum allowed sign area. The Sign Plan and Elevation Study, which is attached as **Exhibit 1**, depict the color, dimensions and specific sign proposal.

Tualatin Development Code (the "TDC") Section 33.022 authorizes the City Council to grant a sign variance where the applicable approval criteria are met. Due to the unique and extraordinary location and configuration of the subject retail structure and its relationship to surrounding developed properties, which results in diminished retail visibility by the traveling public, the subject property suffers an operational and marketing hardship that does not generally apply to other properties in the same planning district. For the reasons set forth below, the limited increase in letter height and sign area is the minimum remedy necessary to eliminate the hardship and will preserve the same property rights that are possessed by owners of other property in the same planning district. Based on the responses to the applicable approval criteria discussed more fully below, ImageOne respectfully requests approval of this proposed sign variance.

II. DESCRIPTION OF SITE

The subject property (the "Site") is located at the site of the former Joe's sporting goods store on the corner of Lower Boones Ferry Road and 65th Avenue. The Site is situated somewhat lower than the I-5 freeway and is not visible from the freeway. The Site itself is set back from and has no frontage along Lower Boones Ferry Road, and any view corridor from the street is impeded by large trees and other landscaping. Photos of the Site taken from Lower Boones Ferry Road are attached as **Exhibit 2**. Additionally, the existing building for which the wall sign variance is requested is located at the rear of the Site behind two large restaurants that directly front the street, and which obstruct the traveling public's view of the Site. A photo of one of the restaurants in front of the subject building is attached as **Exhibit 3**. Moreover, the Site and subject building is surrounded on all sides by other large buildings and structures of equal

height, limiting its retail exposure and visibility. Aerial photographs of the Site, subject building and surrounding areas are attached as **Exhibit 4**.

The Site is zoned General Commercial and is part of a Major Commercial Center. Currently, there exists one pole sign along Lower Boones Ferry Road and one monument sign on the corner of Lower Boones Ferry Road and 65th Avenue. The Site itself is greater than 3 acres in size and qualifies as its own Major Commercial Center. TDC Section 38.220. As such, upon confirmation of Major Commercial Center status, the Site is entitled to an additional new pole sign and a new monument sign along Lower Boones Ferry Road, as well as a new monument sign along 65th Avenue.¹ TDC Section 38.220. The subject building is also entitled to wall signs on each of the building's façades. TDC Section 38.220.

The applicant requests a variance only to the subject building's front wall sign letter height and sign area. Given the limited signage benefits afforded by the specific circumstances of this particular Site and building locations, the applicant is willing to forego the other three façade signs and the additional pole and monument signs to which it is entitled, and rely instead upon one wall sign subject to the requested variance.² The benefit of approving the variance is two-fold. First, the absence of additional wall signs and additional pole or monument signs will reduce signage clutter at the Site and in the immediate vicinity. Second, the variance will allow greater visibility of the existing building's front façade, thus making the Site easier to find and providing more retail interest for the entire Major Commercial Center by the traveling public.

III. DESCRIPTION OF REQUESTED VARIANCE

This application requests a variance to the letter height and total sign area of the front façade sign on one building located on the subject Site. This application proposes that the front façade sign have a letter height of 6 feet instead of 4 feet and a total sign area of 156 square feet instead of 150 square feet. As described below, the variances are justified by the location and configuration of the subject Site and the building location within the Major Commercial Center.

Specifically, the subject Site is an internal lot with no frontage along the main public roadway, Lower Boones Ferry Road. *See Exhibit 4*. The Site is situated somewhat lower than the I-5 freeway and is not visible from the freeway. In addition, the existing building for which the wall sign variance is requested is further set back from Lower Boones Ferry Road and located at the rear of the Site behind two large restaurants that directly front the street, and which obstruct the traveling public's view of the building. *See Exhibits 2 and 3*. The existing building is also surrounded on all sides by other large buildings and structures of equal height, limiting its retail exposure and visibility. *See Exhibit 4*.

¹ The additional signage is dependent on the inclusion of the adjacent lot within the newly designated Major Commercial Center and an amendment to the "Easements with Covenants and Restrictions Affecting Land," dated January 23, 1985, which governs the use of the common areas within the existing Major Commercial Center.

² If this sign variance request is approved, the applicant requests that any conditions of approval, including any restriction on the construction of additional pole or monument signage on the Site, apply only if this variance is utilized.

As applied to the prospective tenant, Dick's Sporting Goods, the increase in letter height is only requested for five letters -- "Dick's" -- which results in a minimal increase in total sign area. *See Exhibit 1.* By increasing the front façade letter height, and thus the total sign area, the Site will achieve greater visibility, leading to easier access and greater retail interest from the traveling public. Approval of the variance will have a positive effect on businesses within the Major Commercial Center due to the likely increase in pass-by customers. In addition, if this proposed variance is granted, the applicant will forego the additional wall signage, as well as the additional pole and monument signage to which it is entitled, reducing the amount of sign clutter on the building and along Lower Boones Ferry Road and 65th Avenue.

IV. APPLICABLE APPROVAL CRITERIA

The approval criteria for a sign variance are contained in TDC Section 33.022. The City Council may grant a sign variance where it can be shown that all applicable approval criteria are met. A pre-application conference is required for a sign variance, and the applicant and owner's representative have met with the Community Development Director and city staff several times to discuss plans for the subject Site. TDC Section 33.030. The approval criteria and the applicant's responses are shown below.

1. **TDC 33.022(1): "A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and the conditions are a result of lot size or shape or topography over which the applicant or owner has no control."**

RESPONSE: The exceptional or extraordinary circumstances that apply to this property that are not generally applicable to other properties in the General Commercial planning district are the location and configuration of the Site, as well as its relationship to surrounding developed properties, and the location of the subject building within the Major Commercial Center.

As shown on **Exhibit 4**, the subject Site is an interior lot that does not front any major public roadway. Due to the topography of the area, the Site is not visible from the I-5 freeway. Moreover, due to the dense landscaping and foliage limiting views of the subject building, and the deficient street frontage, the subject building is not clearly and readily visible from afar by the public traveling on Lower Boones Ferry Road. *See Exhibits 2 and 3.* Additionally, the subject building is located at the rear of the Site behind two large restaurants and is surrounded on all sides by other large buildings and structures of equal height. *See Exhibit 4.*

As shown on **Exhibit 1**, the letter height variance is only requested for five letters contained in the entire sign, resulting in a minor increase in total sign area. Visually, the proposed front facade sign appears appropriately sized and to scale with the rest of the building, especially because it is located in the rear of the lot and set back from the major public roadway. Due to the physical shape, circumstances, and location of the subject Site and subject building, the proposed front wall sign design results in the equivalent amount of signage allowed to other owners of property within the General Commercial planning district.

The City Council can find that these are exceptional circumstances not generally applicable to the General Commercial zone.

2. **TDC 33.022(2): "The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or from the financial situation of the applicant or owner or the company, or from regional economic conditions."**

RESPONSE: The Site's topography and other physical characteristics necessitating the requested variance are not the result of the applicant or owner or their personal circumstances. As mentioned above, the hardship results from the topography of the Site, precluding visibility from the freeway, and the Site and subject building location and relationship to surrounding developed properties. The subject building is set back from the major public roadway, is located behind two large restaurants that front the roadway, and is surrounded on all other sides by buildings and structures of equal height which diminish its retail exposure and visibility. The relevant property right in the General Commercial planning district is the right to enjoy retail visibility and effectiveness of signage. Without the requested variance, the subject Site will suffer the ability to identify and market itself effectively, resulting in the diminished potential for successful retail services or uses on the Site.

3. **TDC 33.022(3): "The variance is the minimum remedy necessary to eliminate the hardship."**

RESPONSE: The requested variance is the minimum variance necessary to adjust the subject building's retail visibility in order to account for the deficient view corridors and the lack of frontage along the major public roadway, and to provide effective signage on the front of the subject building.

As noted, to mitigate any effect from the requested variance, the applicant would agree to forego the three additional facade signs and the additional pole and monument signage to which it is entitled in order to avoid any extra sign clutter on the building or obstacles along Lower Boones Ferry Road and 65th Avenue.

4. **TDC 33.022(4): "The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district, however, nonconforming or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request."**

RESPONSE: The relevant property right in the General Commercial planning district is the right to enjoy retail visibility and effectiveness of signage. Without the requested variance, the subject Site will suffer the ability to identify and market itself effectively, resulting in the likely failure of commercial and retail businesses on the Site.

5. **TDC 33.022(5): "The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity."**

RESPONSE: The proposed variance to increase a wall sign's letter height and total sign area will not be detrimental to the general public health, safety and welfare. Additionally, the requested variance will not be injurious to properties or improvements in the vicinity. To the contrary, approval of the variance will have a positive effect on nearby businesses within the Major Commercial Center due to the likely increase in pass-by customers.

6. **TDC 33.022(6): "The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030."**

RESPONSE: The variance will not be materially detrimental to the applicable Sign Design Objectives of TDC Section 20.030. The background of the Sign Design section is shown in TDC 20.010 and states, in part, as follows: **"Clear and effective signage is essential to the successful operation of businesses and public and semi-public uses and can, without distraction, facilitate vehicular, bicycle and pedestrian movement. Signage can also, however, be a significant contributor to visual clutter and blight."**

This variance is not detrimental to the background of the Sign Design section. In fact, this variance is appropriate because it serves to create clear and effective signage for the successful operation of the business on the Site and because, if approved, the applicant will agree to forego the three additional façade signs and the additional pole and monument signage to which it is entitled, which will avoid visual clutter and blight along Lower Boones Ferry Road and 65th Avenue. The variance is based upon five fundamental justifications:

- the Site is an interior lot which does not face a major public roadway;
- the Site is not visible from the freeway because of the topography of the Site and the intervening landscaping and dense foliage;
- the building for which the wall sign variance is proposed is located at the rear of the Site, is blocked by two large restaurants that front the major public roadway, and is surrounded on all other sides by large buildings and structures of equal height;
- the proposed letter height and total sign area are appropriately sized for the subject building and are of appropriate scale considering the subject building is set so far back from the major public roadway; and
- the proposed variance will allow clear and effective signage essential to the successful operation of the business on the Site and will likely improve the retail attraction of nearby businesses in the same Major Commercial Center.

The variance is related to the physical limitations for this Site.

Additionally, the variance will not be materially detrimental to the Sign Design Objectives listed in TDC Section 20.030. The relevant Sign Design Objectives are as follows:

"(6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.

(7) Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin.

* * *

(9) Protect and enhance the City's economy.

(10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.

(11) Allow greater sign heights and dimensions for Major Commercial Centers."

These objectives recognize that the City should balance the visual aesthetics of signs with the need for signs that are large and visible enough to clearly and effectively identify a business or use, and that the City should allow flexibility in sign height and dimension, especially in Major Commercial Centers. In this case, these objectives are fulfilled by flexibility to allow a variance to the letter height and total sign area for an appropriately sized and scaled front façade sign, which will increase retail visibility to the subject building and contribute to the effective identification and successful operation of all of the businesses within the Major Commercial Center. In addition, these objectives are fulfilled by the willingness of the applicant to forego the three additional façade signs, as well as the additional pole and monument signs to which it is entitled, along Lower Boones Ferry Road and 65th Avenue, if this variance is approved. By foregoing such additional signage on the other façades and along the street frontages, this variance will limit sign clutter and protect and enhance the visual appearance of the City.

The City Council can find that this variance will not be materially detrimental to any of the applicable Sign Design Objectives and will, in fact, promote and encourage such objectives.

V. CONCLUSION

The applicant respectfully requests that the City Council approve the proposed variance.

EXHIBITS

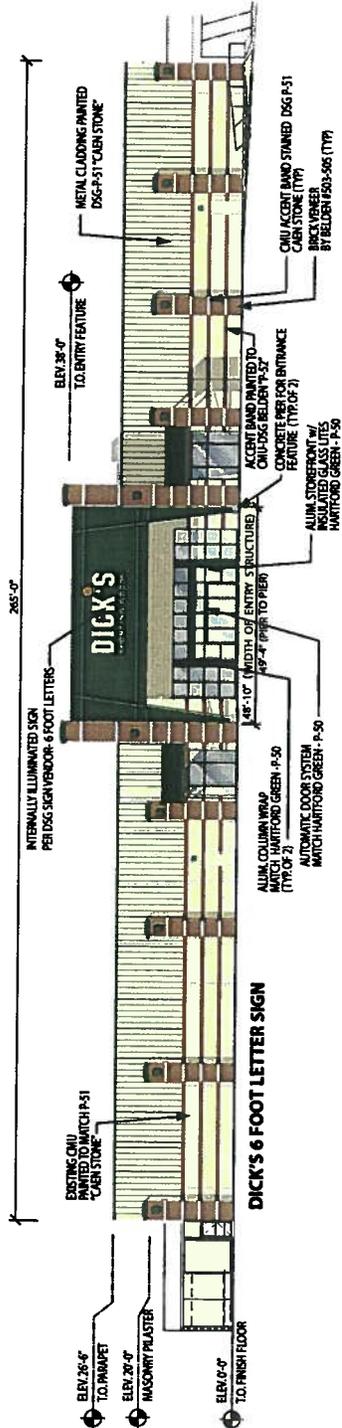
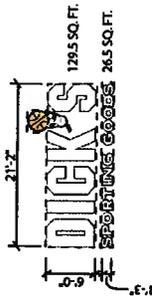
1. Sign Plan and Elevation Study.
2. Photos of the Site and subject building from Lower Boones Ferry Road.
3. Photo of one restaurant in front of subject Site and subject building.
4. Aerial photos of subject Site and subject building.



MERIDIAN SQUARE
TUALATIN, OR
ELEVATION STUDY
STORE # 675

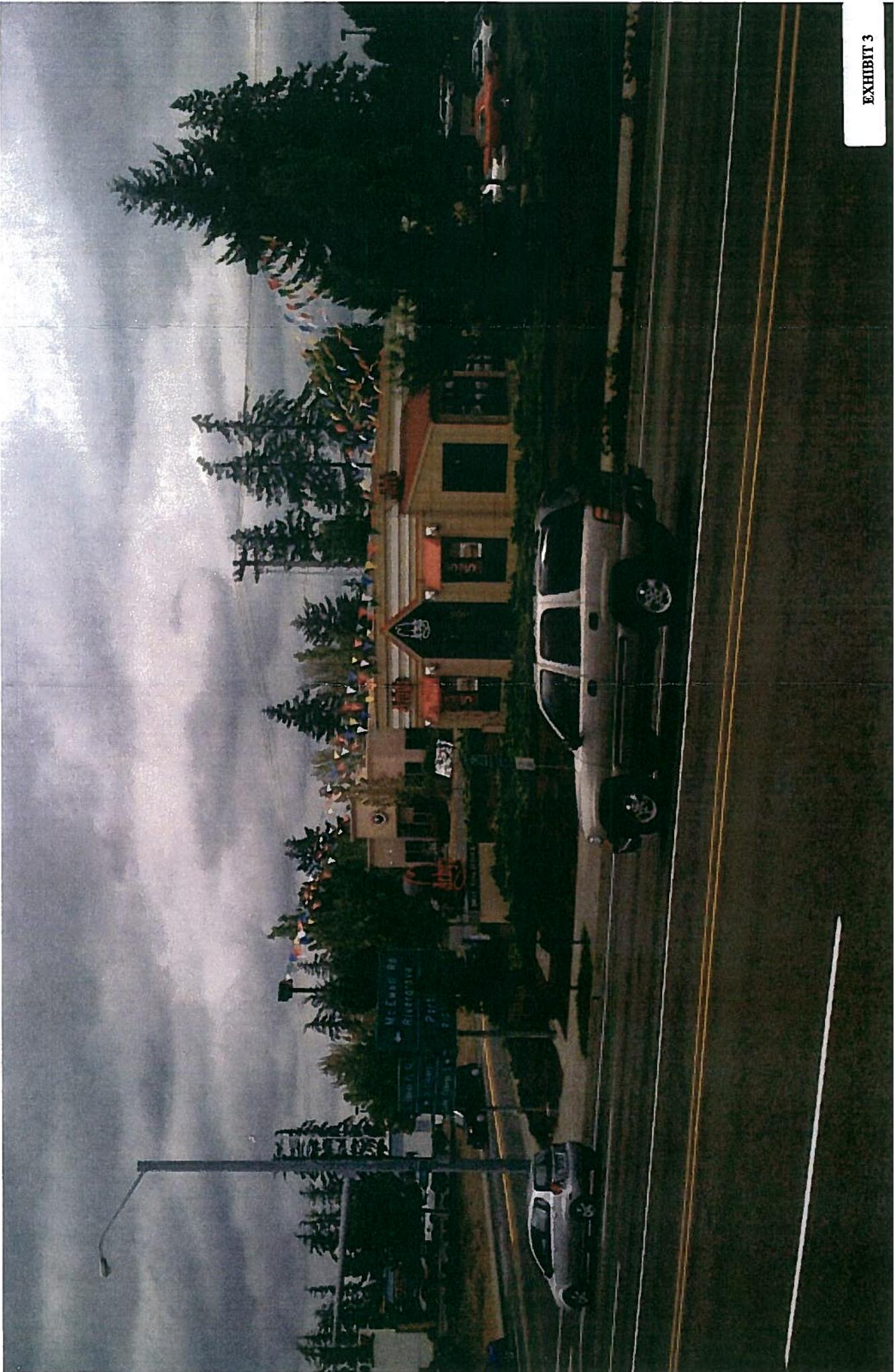


NMM ARCHITECTS 308 Broadway, 4th Floor Meriden, CT
Phone: 615-544-8170 Fax: 615-544-8141 www.nmm.com











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ATTACHMENT E

SVAR-09-01: BACKGROUND INFORMATION

Pertinent background information obtained from the submitted application for SVAR-09-01 and other supporting documents is summarized in this section.

The applicant is Steven L. Pfeiffer, Attorney, representing ImageOne Industries for a Dick's Sporting Goods store building tenant. Madrona Watumull LLC is the owner of the 4.42 acres, Tax Lot 1001 (Map 21E18BC) subject property located at 17799 SW Lower Boones Ferry Road in the CG Planning District. The property is part of the Meridian Square Shopping Center development.

Dick's Sporting Goods is currently in the process of renovating the former Joe's store building with both interior and exterior improvements and planning a November 2009 store opening. The exterior improvements include replacing a mansard/canopy with a redesigned raised entrance façade (up to a 40 ft. height) and windows on the south elevation (facing SW Lower Boones Ferry Road), new paint and trim work and replacement landscaping in the parking area.

The applicant intends to locate wall signs on the new south elevation of the building and seeks the Sign Variance to allow taller sign letter, face height and additional sign face area. A Vicinity Map, a Tax Map and a Site Map are included as Attachments A, B & C respectively. The applicant's materials including a site plan are included as Attachment D.

ATTACHMENT F

SVAR-09-01: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 33.022(1)-(6) must be met if the proposed Sign Variance to allow Dick's Sporting Goods wall signs with a taller sign letter and face height and additional sign face area is to be granted. The Applicants prepared a narrative that addresses the Sign Variance criteria (Attachment D). Staff has reviewed the Applicants' material and included pertinent excerpts with each of the criteria in the analysis and findings below.

1. A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and the conditions are a result of lot size or shape or topography over which the applicant or owner has no control.

The Dick's Sporting Goods facility is located on the 4.42 acres, Tax Lot 1001 (Map 21E18BC) subject property located at 17799 SW Lower Boones Ferry Road in the CG Planning District (Attachments 1-3). The store is located on the north portion of the subject property with the finished floor at a slightly higher elevation (approx. 2-3 ft.) than SW Lower Boones Ferry Road on the south and slightly lower (approx. 1-2 ft.) than the abutting SW 65th Avenue on the west. The site elevation (near the building entrance) is 171-174 ft. and the new building façade wall height is at 212 ft., compared to the 190 ft. elevation of the I-5/Lower Boones Ferry Road North-Bound lanes overpass (the freeway is higher in elevation than the Dick's Sporting Goods store floor

The property is part of the Meridian Square (Retail) Shopping Center development originally built in 1985-1986 that today consists of a Safeway Marketplace store, the Dick's Sporting Goods tenant space (Former Joe's/GI Joe's store location) and two pad buildings adjoining SW Lower Boones Ferry Road with several small tenant spaces including Arby's, Baskin Robbins and Wu's Kitchen. The three properties in the Meridian Square Center share access from SW 65th Avenue, SW 63rd Avenue and SW Lower Boones Ferry Road, share parking and share sign space on a (non-conforming) freestanding pole sign.

The building's south elevation has a wall area of approximately 6,500 sq. ft. The Sign Regulations for the CG Planning District allows building walls with a wall area (width x height) greater than 5,000 sq. ft. to have up to 3 wall signs with a maximum sign letter/sign face height of four (4) ft. and a total (all wall signs on that wall) of 150 sq. ft. of sign area. The Dick's Sporting Goods application proposes a variance to allow a six (6) ft. letter height on one sign and a total of 156 sq. ft. of sign face area for two signs on the south elevation wall (Attachment D, pg. 1). The reasons for the larger wall sign dimensions are given as:

“Due to the unique and extraordinary location and configuration of the subject retail structure and its relationship to the surrounding developed properties, which results

in diminished retail visibility by the traveling public, the subject property suffers an operational and marketing hardship that does not generally apply to other properties in the same planning district." (Attachment D, pg. 1)

The applicant describes the site as

"...situated somewhat lower than the I-5 Freeway and is not visible from the freeway. The site itself is set back from and has no frontage along Lower Boones Ferry Road and any view corridor from the street is impeded by large trees and other landscaping." "The subject site is an internal lot..." "In addition, the existing building for which the wall sign variance is requested is further set back from Lower Boones Ferry Road and located at the rear of the site behind two large restaurants that directly front the street, and which obstruct the traveling public's view of the building. The existing building is also surrounded on all sides by other large buildings and structures of equal height, limiting its retail exposure and visibility." (Attachment D, pp. 1-2)

In addressing Criterion 1 (Attachment D, pp. 3-4), the applicant states:

"The exceptional or extraordinary circumstances that apply to this property that are not generally applicable to other properties in General Commercial Planning District are the location and configuration of the site, as well as its relationship to surrounding developed properties, and the location of the subject building with the Major Commercial Center."

"As shown in Exhibit 4, the subject site is an interior lot that does not front any major public roadway. Due to the topography of the area, the site is not visible from the I-5 freeway. Moreover, due to the dense landscaping and foliage limiting views of the subject building, and the deficient street frontage, the subject building is not clearly and readily visible from afar by the public traveling on Lower Boones Ferry Road. Additionally, the subject building is located at the rear of the site behind two large restaurants and is surrounded on all sides by other large buildings and structures of equal height."

The applicant concludes that "Due to the physical shape, circumstances and location of the subject site and subject building, the proposed front wall sign design results in the the equivalent amount of the signage allowed to other owners of property within the General Commercial Planning District." (Attachment D, pg. 3)

Staff finds that the applicant's claims of "exceptional or extraordinary conditions applying to the property that do not generally apply to other properties in the same planning district" are unsupported and invalid. The subject property and building were constructed by the original developer in 1985 as part of the Meridian Square Shopping Center with a site and building location in respect to the I-5 Freeway and Lower Boones Ferry Road, a site configuration, street frontages, and building designs that were approved in Architectural Review and were appropriate and suitable for commercial

businesses that were located there. The current lot configurations that put the Dick's Sporting Goods tenant building with a direct frontage on SW 65th Avenue and with shared access to SW Lower Boones Ferry Road and SW 63rd Avenue were a result of various property owner actions in the 1980's and 1990's to divide the center properties as they are today. The Dick's Sporting Goods (and former GI Joe's/Joe's store from 1985-2009) building and the Safeway Marketplace building in Meridian Square is a shopping center design typical of the 1960's-1990's with large retail buildings located behind fields of shared surface parking, smaller retail tenant pads located along a commercial street and shared primary access to busier arterial or major collector streets. This commercial/shopping center design and configuration is common in Tualatin's Commercial areas and examples include the South Lake Center (next to Meridian Square), BigKmart/Mercury Development center and the Hedges Green Retail Center. The Fred Meyer, Nyberg Crossing and Nyberg Woods centers also exhibit a similar retail site design typology with building/store entrance orientations to central parking areas rather than to public streets. Location of a commercial building such as Dick's Sporting Goods at the rear of a property or commercial center and not unobstructed to or abutting the busiest arterial street is common in Tualatin's commercial areas. This is not exceptional or extraordinary conditions that do not apply generally to other commercial (CC or CG) Planning District properties and do not create or result in a hardship.

Most commercial developments and buildings in Tualatin do not enjoy direct and unobstructed visibility to I-5 freeway traffic. The number of large retail buildings in shopping centers abutting or visually unobstructed to I-5 or the two I-5 interchanges in Tualatin is limited to two buildings in South Lake Center, two buildings in The Pointe at Bridgeport (SW Bridgeport Road), three buildings in the Nyberg Woods center, and two buildings in Nyberg Crossing. Other buildings in the Meridian Square Shopping Center such as Safeway and other commercial buildings in nearby Marissa Plaza (SW McEwan Road/Lower Boones Ferry Road) [Players (former Michaels) & 24 Hr. Fitness], and the Big K Mart and Michaels Crafts buildings do not have direct or unobstructed visibility to the I-5 for wall signs. Each of these centers have one or two large freestanding signs on the center properties that provide some visual access from the I-5 roadway and interchanges. The Dick's Sporting Goods store's lack of direct and unobstructed visibility from I-5 freeway and interchange traffic to the building wall sign is not an exceptional or extraordinary condition that does not apply generally to other commercial (CC or CG) Planning District properties and does not create or result in a hardship.

The applicant's contend that landscaping and vegetation limit views of the building from SW Lower Boones Ferry Road. From the time that Meridian Square was constructed in 1985 to today, the TDC Community Design Standards in Chapter 73 required parking lot and parking perimeter tree and shrub landscaping. The deciduous shade trees that were planted, replaced and exist on the site were subject to the requirements of Architectural Reviews on the Meridian Square and neighboring commercial developments. The purpose of the tree standards is to improve the appearance and

beauty of commercial areas of the city by buffering and shading parking lots and vehicle areas from adjacent developments and public streets with trees that will be large enough to make a difference. All commercial development in Tualatin is subject to the tree standards of TDC Chapter 73 and all are required to have the tree plantings. The presence of medium size deciduous trees in the parking area and perimeter of the Dick's Sporting Goods site and the Meridian Square Shopping Center is a required site feature and the trees locations between the building and the street does not create an exceptional or extraordinary condition and a hardship.

The topography of the Meridian Square Shopping Center and subject property remains relatively unchanged since development of the center in 1985 and the South Lake Center in 1985-1987 with a favorable elevation relative to SW Lower Boones Ferry Road (building slightly higher in elevation) and to the elevation of the deck of the I-5 Freeway northbound lanes at Exit 290 (building floor is 16 ft. lower and the top of the new façade is 22 ft. higher than the freeway surface). Except for the maturing of landscaping and trees and some lane widening on I-5, the building's visibility to SW Lower Boones Ferry Road is relatively unchanged from the time the development was constructed. The Dick's Sporting Goods building may not enjoy a location adjacent to the freeway like the neighboring South Lake Center buildings are, but its relative elevation and the surrounding topography are not entirely unfavorable and do not create an exceptional or extraordinary situation.

The applicant does not establish the exceptional or extraordinary conditions associated with the Dick's Sporting Goods site, building and proposed wall sign and does not prove a hardship. Criterion 1 is not met.

2. The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or from the financial situation of the applicant or owner or the company, or from regional economic conditions.

In addressing Criterion 2 (Attachment D, pg. 4), the applicant states:

"The Site's topography and other physical characteristics necessitating the requested variance are not the result of the applicant or owner or their personal circumstances. As mentioned above, the hardship results from the topography of the site, precluding visibility from the freeway, and the site and subject building location and relationship to surrounding developed properties." "Without the requested variance, the subject site will suffer the ability to market and identify itself effectively, resulting in diminished potential for successful retail service or uses on the Site."

As addressed under Criterion 1 above, the existing physical and property conditions on the Dick's Sporting Goods building and the Meridian Square commercial center site are relatively unchanged since the area was developed in the mid 1980's. The conditions present today are primarily the result of the actions of the previous owners and

developers of Meridian Square, including the GI Joe's/Joe's business that was the first and only tenant of the subject building. The visibility of building wall signs in the Meridian Square center from the I-5 freeway has been increased or decreased by owner actions when the center was developed in its current location and owner actions when the buildings and other improvements of the center were built. There is no evidence that lack of direct freeway visibility for a wall sign is an exceptional circumstance or condition. Dick's Sporting Goods is currently in the process of raising the entry façade of the building in a manner that will increase the height of the wall (to 40 ft.) and increase opportunity for improved exposure of a wall sign on the building's south elevation. The remodeling will result in an improvement to the building's commercial features and characteristics, reducing disadvantages and perceived hardship. The physical conditions of the Dick's Sporting Goods building and Meridian Square Shopping Center and any constraints on the visibility of wall signs are a result of the actions of the previous or current developer and owners of the building and therefore self-imposed.

Criterion 2 is not met.

3. The variance is the minimum remedy necessary to eliminate the hardship.

In addressing Criterion 3, the applicant states:

"The requested variance is the minimum necessary to adjust the subject building's retail visibility in order to account for the deficient view corridors and the lack of frontage along the major public roadway, and to provide effective signage on the front of the subject building." "...to mitigate any effect from the requested variance, the applicant would agree to forego the three additional façade signs and the additional pole and monument signage to which it is entitled in order to avoid any extra sign clutter on the building or obstacles along Lower Boones Ferry Road and 65th Avenue. (Attachment D, pg. 4)

"As applied to the prospective tenant, Dick's Sporting Goods, the increase in letter height is only requested for five letters—"DICK'S"—which results in a minimal increase in total sign area. See Exhibit 1" (Attachment D, pg. 3)

"As shown in Exhibit 1, the letter height variance is only requested for five letters contained in the entire sign, resulting in a minor increase in the total sign area. Visually, the proposed front façade sign appears appropriately sized and to scale with the rest of the building..." (Attachment D, pg. 3). "The proposed letter height and total sign area are appropriately sized for the subject building and are of appropriate scale considering the subject building is set so far back from the major public roadway."., (Attachment D pg. 5)

The application notes the potential for the Dick's Sporting Goods property and building to increase the freestanding signage for the Tax Lot 1001 portion of the Meridian

Square development and to take advantage of allowed wall signage under the existing sign regulations and without a sign variance. During a pre-application conference for the sign variance, City Staff provided the applicants with information that the Sign Code allowed formation of a separate Major Commercial Center (MCC) for the Dick's Sporting Goods Building (property greater than 3 acres and a building greater than 30,000 sq. ft. floor area). As a separate MCC, the property owner could place a freestanding MCC pole sign up to 20 ft. tall with 100 s.f. sign face area in a location on Tax Lot 1001 that would improve signage visibility to SW Boones Ferry Road and potentially to other roadways such as I-5. The existing Meridian Square (with Safeway Marketplace/Dick's Sporting Goods copy) non-conforming freestanding pole sign adjacent to SW Lower Boones Ferry Road could remain on adjacent Tax Lot 1104, subject to non-conforming sign requirements. City staff also explained that the Sign Code allows the sign face height to be "doubled" (2 x 4ft = 8ft.) when the sign face area is reduced to 1/2 of the area allowed (75/150 sq. ft.). The code also allows two individual sets of wall sign copy, permitted as two individual wall signs, to be "stacked" one above the other, to allow copy up to 4 ft. in height on both signs and an opportunity to enlarge the "face" of the wall sign message. (For example, putting -DICK'S- copy in Sign #1 immediately above -Sporting Goods- in Sign #2) Dick's Sporting Goods chose not to pursue the staff suggested options, submitted the variance application for taller letters & increased sign area, and offered to forgo using the suggested MCC freestanding sign and wall sign options as "mitigation" for the proposed larger wall sign.

Staff agrees generally with the applicant's statements about the scale of the proposed sign dimensions relative to the building wall size and the building's location relative to the Meridian Square SW Lower Boones Ferry Road arterial public street frontage. On the basis of scale & proportion to the building, the proposed 6 ft. letter height and minor increase in total sign face area on the building's over 6,800 sq. ft. south elevation is supportable.

The application provides no evidence that the proposed variance for 6 ft. high wall sign letters and increased wall sign area is the minimum necessary to achieve relief or eliminate a valid hardship. There is no evidence that wall sign visibility from SW Boones Ferry Road or I-5 is an entitlement for this property or any properties in commercial districts under the exceptional and extraordinary circumstances and self-imposed hardship criteria of TDC 33.022. The applicants rejected signage opportunities under the existing Sign Code that would have provided a new freestanding sign in a suitable location on the property and provided a way to configure the wall sign copy in a manner similar to the wall sign design shown in the application. The Sign Variance provisions of TDC 33.022 to not provide a mechanism for exchanging allowed signs for a variance to sign standards in order to meet the minimum remedy necessary Criterion #3.

Criterion 3 is not met.

4. The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district, however, nonconforming or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request.

In addressing Criterion 4, the applicant states:

"The relevant property right in the General Commercial Planning District is the right to enjoy retail visibility and effectiveness of signage. Without the requested variance the subject site will suffer the ability to identify and market itself effectively, resulting in the likely failure of commercial and retail businesses on the site." (Attachment D pg. 4)

Staff finds that there is no evidence presented in the application and no provisions in the TDC establishing that retail visibility and direct, unobstructed visibility of wall signs from arterial streets and the I-5 freeway is a property right possessed by businesses located in the CG or other commercial Planning Districts. As addressed in the findings of Criterion 1, the buildings in the same commercial center as Dick's Sporting Goods have the same or less wall sign visibility from the I-5 freeway, and perhaps more or the same direct visibility of a building entrance and wall signs from SW Lower Boones Ferry Road. Other retail commercial centers in the CG or even CC Planning Districts have similar or even less exposure to the I-5 freeway, freeway interchanges or to an arterial street compared to the Dick's Sporting Goods building. While some properties such as South Lake Center enjoy the benefits of adjacency or proximity to the I-5 freeway and to arterial streets, each individual property or development has its own physical location, site, building and sign conditions that are advantages or disadvantages. There is no property right or entitlement for the visibility or exposure of a wall sign associated with a particular location or development in the CG Planning District. The variance is not necessary to preserve a property right that other properties in the CG Planning District possess.

Criterion 4 is not met.

5. The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity.

In addressing Criterion 5, the applicant states:

"The proposed variance to increase a wall sign's letter height and total sign area will not be detrimental to the general public health, safety and welfare. Additionally the requested variance will not be injurious to properties or improvements in the vicinity. To the contrary, approval of the variance will have a positive effect on nearby businesses within the Major Commercial Center due to the likely increase in pass-by customers." (Attachment D pg. 5)

Staff agrees that the public health, safety and welfare will not be damaged by allowing a larger wall sign and there will not be injury to nearby buildings or properties in the vicinity of the Dick's Sporting Goods store.

Criterion 5 is met.

6. The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030.

The applicant believes the variance will not be "materially detrimental to the Sign Objectives of TDC 20.030 and cites the Sign Design Objectives Section 20.030" (6-7, & 9-11):

"These objectives recognize that the City should balance the visual aesthetics of signs with the need for signs that are large and visible enough to clearly and effectively identify a business or use, and that the City should allow flexibility in sign height and dimension, especially in Major Commercial Centers. In this case, these objectives are fulfilled by flexibility to allow a variance to the letter height and total sign area for an appropriately sized and scaled front façade sign, which will increase retail visibility to the subject building and contribute to the effective identification and successful operation of all of the businesses within the Major Commercial Center" (Attachment D pp. 5-6)

Staff agrees that Tualatin Community Plan objectives in TDC Chapter 20 (Sign Design) listed by the applicant are applicable to the Dick's Sporting Goods variance request. Staff provides an alternative evaluation of the balance of the applicants' interests and the public interest in the objectives when considering a sign variance for larger signs.

20.030(6) "Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through."

20.030(7) "Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin."

20.030 (10) "Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter."

20.030(11) Allow greater sign heights and dimensions for Major Commercial Centers."

The TDC sign regulations were implemented in accordance with the four objectives listed above, balancing the allowed number and size of signs and the quality of community aesthetics with the basic needs of business for identification. Each planning district has a specific set of wall and freestanding sign standards based on the basic use, the level of activity associated with a use, the size of the development and considerations of general locations in the City such as downtown or on busier public streets. The TDC currently allows Major Commercial Centers such as Meridian Square and larger buildings such as the Dick's Sporting Goods building larger wall and

freestanding signage in accordance with 20.030(11). The current standards are intended to meet the public interest objectives in 20.030(6, 7 & 9). There is no evidence in this Sign Variance application that the existing wall sign standards for the CG Planning District are insufficient to adequately identify a business or use such as the Meridian Square center or the Dick's Sporting Goods business.

The proposed "forgoing such additional signage..." (MCC Freestanding sign, other wall signs) as mitigation for the variance may have an effect on meeting objective 20.030(10) to reduce sign clutter.

While Staff disagrees with applicant's contentions the sign variance is needed and a conclusion that the applicable sign objectives are entirely "fulfilled" with the sign variance proposal, the applicants' discussion of the applicable objectives is sufficient to meet Criterion #6.

Staff Conclusion

Based on the application and the above findings and analysis, the proposed Dick's Sporting Goods Sign Variance for wall signs does not meet Criteria 1-4 in TDC 33.022.

RESOLUTION NO. _____

A RESOLUTION DENYING THE REQUEST FOR 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 21E18BC, TAX LOT1001) (SVAR-09-01)

WHEREAS upon the application by Dick's Sporting Goods (DSG), a quasi-judicial public hearing was held before the Tualatin City Council on October 12, 2009 relating to the request for a sign variance; and

WHEREAS notice of public hearing by posting a copy of the notice in two public and conspicuous places within the City on _____, which is evidenced by the Affidavit of Posting marked "Exhibit A;" and by mailing a copy of this notice under the Tualatin Community Plan on _____, which is evidenced by the Affidavit of Mailing marked "Exhibit B", attached and incorporated by this reference; and

WHEREAS the Committee 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 TDC 38.200(1)(d)(iv) and (v) outline sign standards; and

WHEREAS after the conclusion of the quasi-judicial public hearing the Council vote resulted in denial of the appeal and affirmation of the Community Development Director's decision as written, [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 October 12, 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 not provided sufficient evidence to demonstrate that the legal requirements for a sign variance set forth in the Tualatin Development Code have been satisfied.

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

Section 1. The application submitted by Dick's Sporting Goods (DSG) is denied.

INTRODUCED AND ADOPTED this 12th day of October, 2009.

CITY OF TUALATIN, Oregon

By _____
Mayor

ATTEST:

By _____
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 18th day of September, 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:

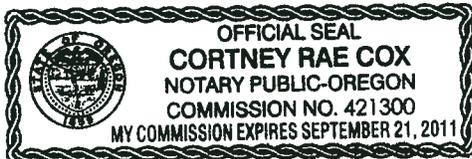
1. City of Tualatin Police Department
2. City of Tualatin City Center Building

Dated this 18th day of September 2009.

Stacy Crawford
Stacy Crawford

Subscribed and sworn to before me this 18th day of September, 2009.

Courtney Rae Cox
Notary Public for Oregon
My Commission expires: 9/21/2011



RE: SVAR-09-01—SIGN VARIANCE FOR DICK'S SPORTING GOODS IN THE GENERAL COMMERCIAL (CG) PLANNING DISTRICT AT 17799 SW LOWER BOONES FERRY ROAD (TAX MAP 21E18BC, TAX LOT 1001)

EXHIBIT A



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, October 12, 2009**, at the Council Building, 18880 SW Martinazzi Avenue, to consider:

SVAR-09-01—SIGN VARIANCE FOR DICK'S SPORTING GOODS IN THE GENERAL COMMERCIAL (CG) PLANNING DISTRICT AT 17799 SW LOWER BOONES FERRY ROAD (TAX MAP 21E18BC, TAX LOT 1001)

In reviewing the sign variance the City Council must find that:

- (1) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and the conditions are a result of lot size or shape or topography over which the applicant or owner has no control.;
- (2) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or from the financial situation of the applicant or owner or the company, or from regional economic condition;
- (3) The variance is the minimum remedy necessary to eliminate the hardship;
- (4) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district, however, nonconforming or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request;
- (5) The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity;
- (6) The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030.

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 **William Harper, Associate Planner, at (503) 691-3027**. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

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

That on the 18th day of September, 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
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 18th day of Sept., 2009.



Cortney Rae Cox
Notary Public for Oregon
My commission expires: 9/21/2008

RE: SVAR-09-01—SIGN VARIANCE FOR DICK'S SPORTING GOODS IN THE GENERAL COMMERCIAL (CG) PLANNING DISTRICT AT 17799 SW LOWER BOONES FERRY ROAD (TAX MAP 21E18BC, TAX LOT 1001)

EXHIBIT B

Exhibit "A"

2S113AD 00300
Fahey Investment LLC
17605 SW 65th
Tualatin, OR 97062

2S113AD 00400
Golden Key LLC
309 10th St
Lake Oswego, OR 97034

2S113AD 00700
6700 Bradbury LLC
6700 SW Bradbury Ct
Portland, OR 97224

2S113AD 01100
Marquardt Investments LLC
6870 NW Helvetia Rd
Hillsboro, OR 97124

2S113AD 00600
South Lake Center LLC
PO Box 529
Eugene, OR 97440

2S113DA 00100
Orwa Pioneer LLC
8320 NE Highway 99
Vancouver, WA 98665

2S113AD 00601
South Lake Center LLC
PO Box 2609
Carlsbad, CA 92018

21E18BC00400
Norman Harrison
17540 SW 63rd Ave
Lake Oswego, OR 97035

21E18BC00500 & 00800
James Berrey LLC
6305 Rosewood St Suite D
Lake Oswego, OR 97035

21E18BC00700 & 01000
Berrey Properties
6305 Rosewood St Suite D
Lake Oswego, OR 97035

21E18BC01103
Berrey Properties LLC
6305 Rosewood St Suite D
Lake Oswego, OR 97035

21E18BC01104
Safeway Inc
1371 Oakland Blvd #200
Walnut Creek, CA 94596

21E18CB00400
Fardanesh Enterprises LLC
6155 SW Seymour St
Portland, OR 97221

21E18CB00600
Hansen Trust-Lake Oswego LLC
Walgreen CO 9625
PO Box 901
Deerfield, IL 60015

21E18CB00701
Pliska Investments LLC
PO Box 607
Gresham, OR 97030

21E18CB01900
Berrey Properties LLC
6305 Rosewood St Suite D
Lake Oswego, OR 97035

21E18BC00301
Stephen Berrey Trust
6305 Rosewood St Suite D
Lake Oswego, OR 97035

21E18BC01001
Madrona Watumull LLC
210 SW Morrison St Suite 600
Portland, OR 97204



City of Tualatin

www.ci.tualatin.or.us

Exhibit "B"

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