



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, April 28, 2008

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 Ed Truax
Councilor Chris Barhyte
Councilor Monique Beikman

Councilor Bob Boryska
Councilor Jay Harris
Councilor Donna Maddux

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 8380 SW Nyberg Street, 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 (voice) or 503.692.0574 (TDD). 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

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 10 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

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

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



A. CALL TO ORDER

Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Proclamation Declaring May 2008 Historic Preservation Month in the City of Tualatin
2. ~~Presentation by the Tualatin Arts Advisory Committee~~ [removed from the Agenda]
3. Chamber of Commerce Update
4. Tualatin Tomorrow "The Vision Continues" Presentation – Frank Bubenik

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA (Item Nos. 1 – 6)

Page #

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." At that time, any member of the audience may comment on any item pulled 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 Minutes for the Special Work Session of February 26, 2008, and 7
Meeting of April 14, 2008
2. ~~2007 Annual Report of the Tualatin Arts Advisory Committee~~ 21
[removed from the Agenda in its entirety]
3. Resolution No. 4777-08 Dedicating Deeds of Dedication and Easements Associated 28
with the SW Herman Road Improvement Project (City of Tualatin)
4. Resolution No. 4778-08 Accepting Deed of Dedication and Easement Associated..... 40
with the SW Herman Road Improvement Project (Lumber
Family Company, LLC)
5. Resolution No. 4779-08 Authorizing an Agreement Related to Existing Pole Signs With 54
Tualatin Group LLC for the Shoppes at Bridgeport Project
6. Resolution No. 4780-08 Granting a Conditional Use Permit for a Watchman's Dwelling 61
for a Self-Storage Facility in the General Manufacturing (MG)
and Light Manufacturing (ML) Planning Districts at
18270 SW Pacific Highway (CUP-08-01)

E. PUBLIC HEARINGS – Legislative or Other

- 1. Architectural Review Standards for Detached Single-Family Dwellings - PTA-06-05 66
- 2. Proposed Renaming of a Portion of SW 80th Avenue to SW Martinazzi Avenue 106
 - Ordinance No. 1259-08 Renaming a Portion of SW 80th Avenue to..... 109
SW Martinazzi Avenue

F. PUBLIC HEARINGS – Quasi-Judicial

None.

G. GENERAL BUSINESS (Item Nos. 1 - 5)

- 1. Council Direction on City of Tualatin Water Management and Conservation Plan.....112
- 2. Resolution No. 4781-08 Approving Draft Plan for Washington County Use of.....129
Deadly Physical Force by Police Officers
- 3. Resolution No. 4782-08 Approving the Installation of a Traffic Signal at160
SW Herman Road and SW 118th Avenue
- 4. Resolution No. 4783-08 Authorizing Installation of Stop Signs on.....167
SW 108th Avenue at SW Ibach Street
- 5. Resolution No. 4784-08 Approving the Installation of Crosswalks on SW 108th Avenue171
Between SW Willow Street and SW Nelson Street

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

PROCLAMATION

**PROCLAMATION DECLARING MAY 2008,
HISTORIC PRESERVATION MONTH IN THE CITY OF TUALATIN**

WHEREAS historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS "*This Place Matters*" is the theme for Historic Preservation Month 2008, cosponsored by the City of Tualatin in Tualatin, Oregon, and the National Trust for Historic Preservation:

NOW THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, that:

Section 1. The month of May, 2008, be declared Historic Preservation Month.

Section 2. All citizens of Tualatin are encouraged to recognize and participate in this special observance.

INTRODUCED and ADOPTED this 28th day of April, 2008.

CITY OF TUALATIN, OREGON

BY 

Mayor

ATTEST:

BY 

City Recorder



... business and community working together

March 21, 2008

Mayor Lou Ogden and
Tualatin City Councilors
18880 SW Martinazzi Ave
Tualatin, OR 97062

Dear Mayor Ogden and Councilors:

I am writing to officially inform you that the Tualatin Chamber of Commerce is once again planning to sponsor and produce the annual Tualatin Crawfish Festival. Our 58th annual event will occur on August 8, 9 & 10, 2008.

With this letter, we are formally requesting the City's permission to use the Community Park and the Tualatin Commons, as well as other specific portions of the downtown area, for activities that make up the Crawfish Festival. We are also requesting the same type of support from Community Services, Operations, Police and other appropriate departments as we have received in the past. As you well know, the City's financial and personnel support of the Festival keeps the event going and is instrumental in its success. The excellence of the Crawfish Festival is a reflection of our community and the ability of its residents and businesses to work together.

This year the Chamber will again be working with Mindy Woodard from Class Act Event Coordinators, as well as a strong volunteer base and Crawfish Committee.

As in previous years, our goal is to continue refining and enhancing what we already have, so we expect key elements of the Festival (activities, street closures, general schedule, etc.) to remain essentially the same.

We will be bringing back most, if not all, events from this past year. Discussions are under way for a new element or two, as well as improvements of returning events and activities. Specific details of the individual events, new and old, will be included in the proposal to the city. The Chamber and Class Act Events will continue to work closely with Carl Switzer and the city staff to coordinate all events, facilities and services.

On behalf of the Tualatin Chamber and the numerous service clubs and organizations which benefit from the Crawfish Festival, we want to thank you for your past support of this important and fun celebration. We look forward to working with each of you and with city staff again this year.

Best regards,

Carla Thaler
Executive Director
Tualatin Chamber of Commerce

P.O. Box 701
Tualatin, OR 97062
18791 SW Martinazzi Ave.

Phone: 503/692-0780
Fax: 503/692-6955
info@tualatinchamber.com
www.tualatinchamber.com



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date April 28, 2008

Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager [Signature]

DATE: April 28, 2008

SUBJECT: APPROVE MINUTES FOR THE SPECIAL WORK SESSION OF
FEBRUARY 26, 2008 AND MEETING OF APRIL 14, 2008

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Special Work Session on February 26, 2008, and the City Council Meeting on April 14, 2008.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes



SPECIAL TUALATIN CITY COUNCIL MEETING MINUTES OF FEBRUARY 26, 2008

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Bob Boryska, Jay Harris, Donna Maddux, and Ed Truax

STAFF

PRESENT: Sherilyn Lombos, City Manager, Doug Rux, Community Development Director, Mike McKillip, City Engineer; Kent Barker, Police Chief; Brenda Braden, City Attorney; Cindy Hahn, Assistant Planner; Carina Christensen, Assistant to the City Manager

ABSENT: None.

The special work session was called to order at 6:07 p.m. at the Tualatin Police Services Building.

1. ANNOUNCEMENTS – None.
2. ITEMS DISCUSSED

Town Center Plan Discussion

City Manager Sherilyn Lombos introduced the discussion on the Town Center Plan. In June 2005, Council accepted the Town Center Plan (TCP) final report, but deferred *adoption* until after the Tualatin Tomorrow Vision and Strategic Action Plan (VSAP) was completed. Staff is revisiting the TCP now that Tualatin Tomorrow has moved into the implementation phase. The objective is to revise the plan to reflect implementation of the Tualatin Tomorrow VSAP.

With the direction from Council, determination needs to be made on:

1. Council's vision for the Town Center.
2. The draft Vision Statement and Planning Parameters in the TCP consistent with Council's vision for the Town Center.
3. The Town Center boundary identified in the TCP is sufficient or should it be expanded or contracted, and if so, what should the additional areas be, and if contracted would should the boundary be.
4. Council agreement on most elements of the TCP align with strategies and action in the VSAP.
5. If TCP elements do not align with the VSAP, should they be expanded or new elements added to the TCP to correct areas of nonalignment.
6. With the existing traffic flow problems in the Town Center, new and redevelopment may create additional traffic and congestion, and with Council's desire for the Town Center to be a destination point, not a pass-through area for traffic, should the TCP be expanded or new elements added to address overall transportation and traffic flow issues in the Town Center.

The desired outcomes for Council consideration is:

1. Consensus by Council that the draft Vision Statement and Planning Parameters in the TCP are consistent with Council's vision for the Town Center.
2. Agreement on the Town Center boundary.
3. Direction on the course of action to be taken to address areas of nonalignment between the TCP and the Tualatin Tomorrow VSAP

4. Direction on the course of action to be taken to address overall transportation and traffic flow issues in the Town Center.
5. Identification of Council's issues or concerns that are not addressed in the TCP.
6. Direction on a course of action; and Council direction on implementation and schedule.

Assistant Planner Cindy Hahn presented a PowerPoint presentation, which began with maps indicating the TCP area and the Central Urban Renewal area.

Metro's *Town Center* definition is to provide localized services to tens of thousands of people within a two-three mile radius. Small city center examples include Lake Oswego, Tualatin, West Linn and Tigard. Large neighborhood center examples include Hillsdale, St. Johns, Cedar Mill, and Aloha. Characteristically they include one- to three-story buildings for employment and housing, have a strong sense of community identity and be well served by transit.

Metro's *Regional Center* definition is centers of commercial and local government services serving a market area of hundreds of thousands of people, regional centers become the focus of transit and highway improvements. They are characterized by two- to four-story compact employment and housing development serviced by high-quality transit. There are eight regional centers in Metro's growth concept; Gateway, downtown Hillsboro, downtown Beaverton, Washington Square, downtown Oregon City, Clackamas Town Center, downtown Gresham, and downtown Vancouver. Ms. Hahn explained the reasoning of why cities would choose between a town center or regional center. Local areas have the option of choosing a regional or town center.

Council discussed how the future concept of a "town center" could work in Tualatin and whether to have connections to other parts of Tualatin. It was suggested to keep Tualatin's existing Town Center boundary, but keep the Town Center feel throughout.

The TCP *draft Vision Statement* was discussed, which identifies that the Tualatin Town Center will be distinctive, of high-quality, have mixed-use development, a wide variety of residential dwellings, a wide variety of retail, professional and service employment opportunities, and have important recreation and cultural facilities. It was suggested adding an institutional/civic component to the draft Vision Statement.

The TCP *draft Planning Parameters* were reviewed, which included:

- Creating a unique pedestrian-oriented urban environment with excellent aesthetic qualities;
- Provide strong transit, bike and roadway connections;
- Establish clear and convenient connections between and among attractions;
- Provide a rich diversity of mixed-use and freestanding developments;
- Accommodate a mix of local- and regional-retail operations;
- Integrate natural features including the Tualatin River, Nyberg Creek, Hedges Creek and wetland areas;
- Improve the local property tax base through public/private and private investments;
- Enhance civic, social and cultural functions available to all ages and income levels;
- Preserve and enhance important view sheds into and from the Town Center;
- Provide and maintain adequate levels of public facilities to accommodate planned development;
- Consider flood mitigation strategies; and
- Consider reconfiguring Town Center boundary to optimize development opportunities and transportation linkages.

Council's *Vision Elements* included:

- Adequate parking;
- Bicycle and pedestrian paths and connections to neighborhoods (across arterials and collectors)
- Vibrant, multi-generational nightlife;
- Tall buildings;

- Cultural center/facility;
- Government center (city hall);
- River-oriented and integrated development;
- Build on existing streetscapes;
- Walkable retail;
- Urban parks;
- Own our own roads;
- Establish boundary of Town Center area.

A map of the TCP *draft Preferred Plan* was displayed. Reviewed were Land Use/Building Elements, Town Center Central Core, and Other Areas within the Town Center. It was discussed whether the plan is taking advantage of the river elements, such as walking, office space, etc. It was asked and discussed by Council if there is an interest in having hard manmade accessible development up to the river's edge, as opposed to the natural buffer. It was also suggested to remain more in broad development, as it will end up being market driven. Ms. Lombos said the river could be integrated in a meaningful way into development.

Transportation Elements were reviewed, which included:

- Streetscape and pedestrian improvements;
- New extension of Seneca Street from Martinazzi Road, to K-Mart site;
- Local street grid and loop road around K-Mart building;
- Lower Boones Ferry Road extension;
- Commuter Rail Station;
- Pedestrian trails on both sides of Tualatin River connected with pedestrian bridges;
- Tualatin Road extension to Hall Boulevard;
- Road connections between Lower Boones Ferry Road and SW 90th.

Parks/Natural/Other Elements were reviewed which included:

- Hedges Creek Watershed Enhancements;
- River and stream buffer restoration;
- Expanded recreational trail network;
- New "feature" at or in Commons Lake;
- Gateway signage and landscape at key locations.

Identified Issues were discussed:

Issue 1: Housing Choices & Types

Issue 2: Mixed-use & Innovative Development

Council discussed dwelling units and mentioned was the struggle of other cities to create a "night life" in their downtown area. Tualatin has Bridgeport Village, which was developed privately, however. Council said in the end much of what happens will be market driven, and not to force development, but rather let development happen. Mixed-use development concept of a downtown urban area is one way to have taller buildings, with residential mixed in. The question is whether the areas proposed for mixed use and more intensive development are consistent with Council's vision for the Town Center. Also mentioned is not have development that dumps out onto the already overburdened Tualatin-Sherwood Road.

Council discussed including areas such as the PacTrust site in the Town Center Plan, and the Central Design District to include a town center.

The area of land by the Kaiser Permanente site was mentioned and whether to keep that land as industrial zoned or change to commercial/office. Discussion followed. It was suggested that area be zoned commercial with some medical overlay.

Issue 3: Bicycle & Pedestrian Safety & Accessibility

Discussed was having a main route connectivity for pedestrian/bicycle access, and some thought was mentioned on having most of the bicycle paths moved off of the main roads. Question is should the TCP include a bicycle/pedestrian safety piece. Safety of shared roadway, with bicycle/pedestrians as part of the TCP was discussed. Council's goal is to create a safe, accessible environment for the City's shared roadways.

Issue 4: Streetscapes & Roadside Landscaping

Council agreed with the proposed elements, but suggested variety.

Issue 5: Commercial & Freight Traffic & Traffic Flow

How to realistically address traffic issues was discussed, and how to find ways to work with the current system, particularly with Tualatin-Sherwood Road and associated traffic problems there. On streets/intersections in the Town Center it was suggested they not be lower than Level of Service "C", however that may not be possible. Council said whether or not the I-5/99W connector is built, making any major changes to Tualatin-Sherwood Road is not realistic. Council also recognized the importance of overseeing Tualatin-Sherwood Road in the long term; it was never meant to be an interstate commerce road, and perhaps can look at ways to redirect traffic to other areas/streets without creating cut-through traffic.

Staff summarized Council's "vision statement" on what they ultimately want for the Town Center:

- Include mixed use to allow living and working in Tualatin;
- Integrate the river and other natural and river-oriented features;
- Have a distinctive feel with consistent and interesting design features;
- Enhance civic, social, commercial and cultural within walking distance;
- Provide strong bicycle and pedestrian safety roadway connections;
- Have a distinctive feel with interesting and consistent design features that may include a landmark;
- The Town Center is a destination, not a pass-through, and have access to existing residential neighborhoods.

The discussion concluded and staff proposed coming back to Council at a future work session with a refined list of projects. Staff will also be discussing with councilors urban renewal and maximum indebtedness. Ms. Lombos said with much information coming before Council, suggested an additional work session date of March 31, 2008.

3. OTHER ISSUES

City Manager Lombos said a request was made by the Tualatin National Wildlife Refuge organization for a donation from the City to support their upcoming grand opening celebration. Council authorized a \$1,500 donation to the National Wildlife Refuge.

4. ADJOURNMENT

The special work session adjourned at 8:23 p.m.

Sherilyn Lombos, City Manager

Recording Secretary



Town Center Plan



PTA 05-04 & PMA 05-02



February 26, 2008



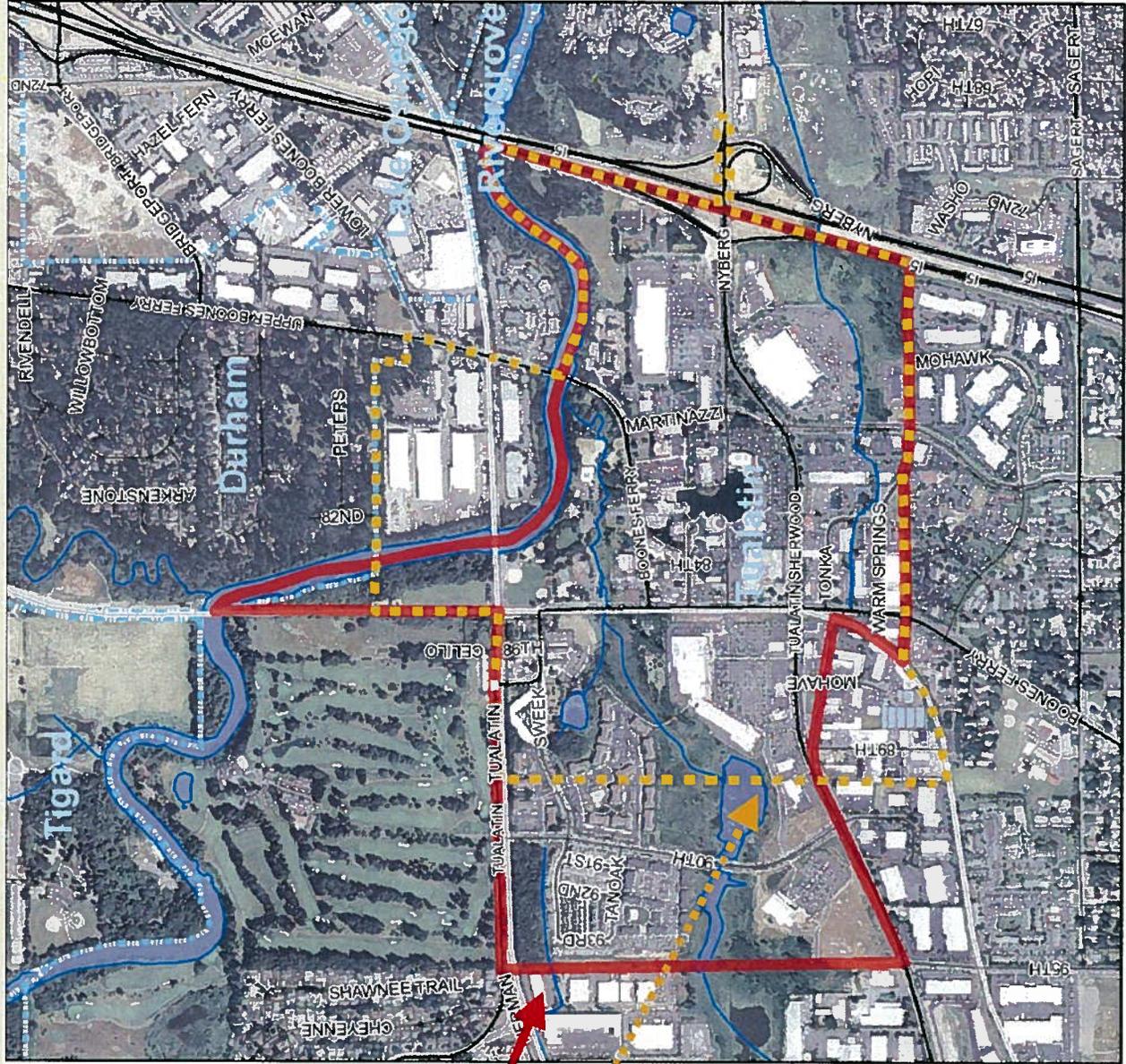
Background

- June 2005 –
 - Council accepted Tualatin Town Center Plan (TCP) Final Report
 - Council deferred TCP adoption until after completion of Tualatin Tomorrow Visioning Process
- January 2008 –
 - Staff reviewed TCP and Tualatin Tomorrow Vision and Strategic Action Plan (VSAP) to identify areas of alignment and non-alignment between the two plans
- February 2008 –
 - Staff presents findings to Council and seeks direction on revision of the TCP to reflect Council's vision and the Tualatin Tomorrow VSAP



Town Center Plan

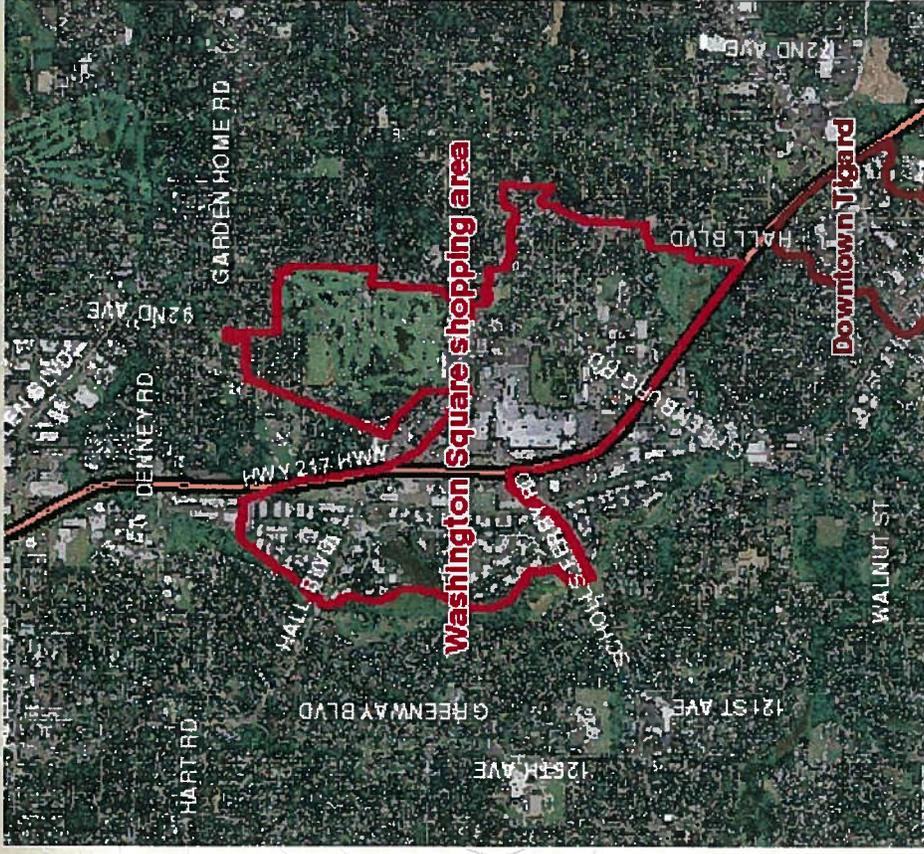
- TCP Area
- Central Urban
- Renewal Area





Metro's Regional Center Definition

- As centers of commerce and local government services serving a market area of hundreds of thousands of people, regional centers become the focus of transit and highway improvements.
- Characterized by two- to four- story compact employment and housing development served by high-quality transit.
- Eight regional centers in Metro's growth concept:
 - Gateway
 - Downtown Hillsboro
 - Downtown Beaverton
 - Washington Square
 - Downtown Oregon City
 - Clackamas Town Center
 - Downtown Gresham
 - Downtown Vancouver.





TCP Draft Vision Statement

The Tualatin Town Center will be:

- Distinctive
- High-quality
- Mixed-use development
- Wide variety of residential dwellings
- Wide variety of retail, professional and service employment opportunities
- Important recreational and cultural facilities



TCP Draft Planning Parameters

- Create a unique pedestrian-oriented urban environment with excellent aesthetic qualities;
- Provide strong transit, bicycle and roadway connections;
- Establish clear and convenient connections between and among attractions;
- Provide a rich diversity of mixed-use and free standing developments;
- Accommodate a mix of local- and regional-retail operations;
- Integrate natural features including the Tualatin River, Nyberg Creek, Hedges Creek, and wetland areas;
- Improve the local property tax base through public/private and private investments;
- Enhance civic, social and cultural functions available to all ages and income levels;
- Preserve and enhance important view sheds into and from the Town Center;
- Provide and maintain adequate levels of public facilities (sewer, water, storm water, streets and parks) to accommodate planned development
- Consider flood mitigation strategies; and
- Consider reconfiguring Town Center boundary to optimize development opportunities and transportation linkages.



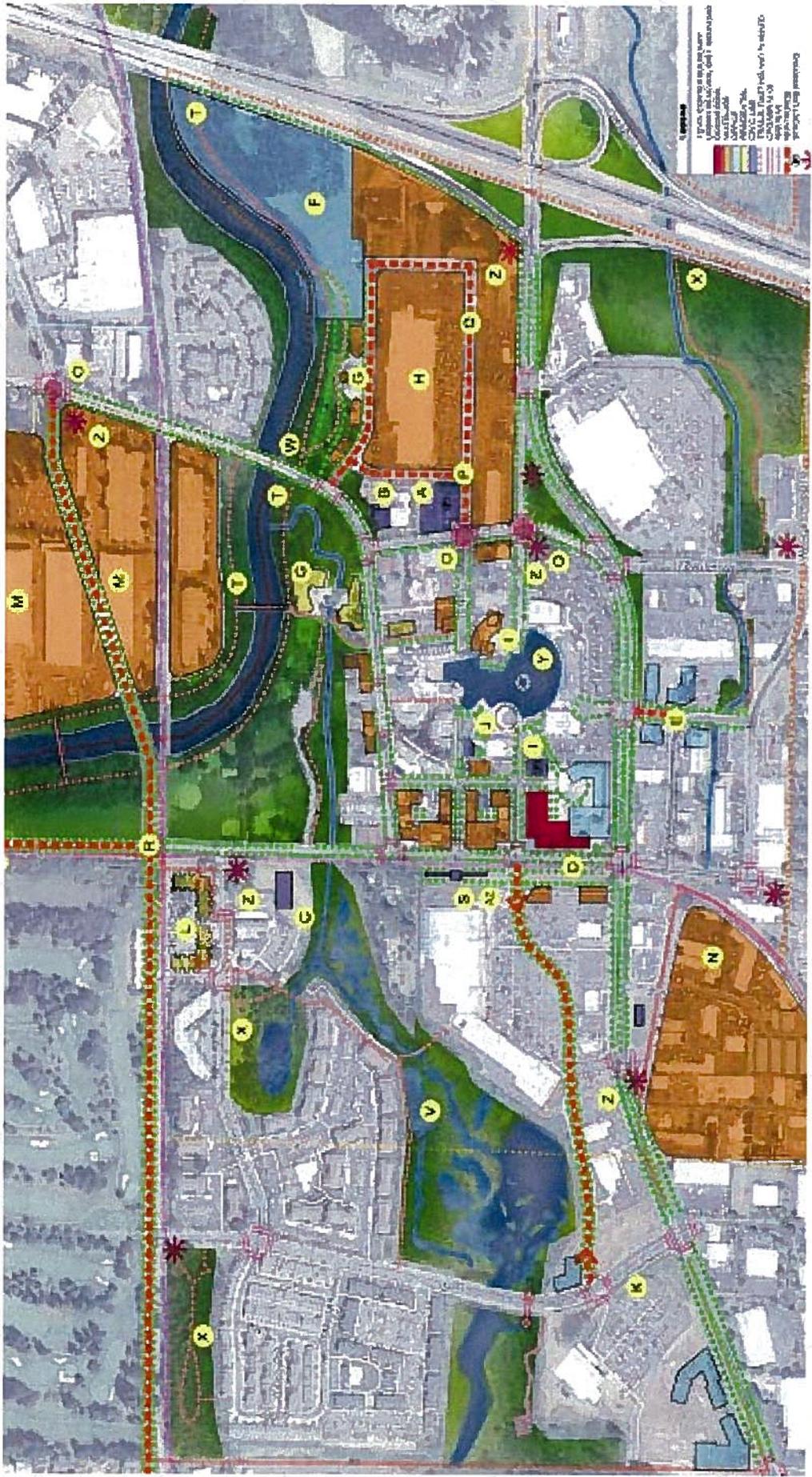
Council's Vision Elements

(Feb 6, 2008)

- Adequate parking
- Bicycle and pedestrian paths and connections to neighborhoods (across arterials and collectors)
- Vibrant, multi-generational night life
- Tall buildings (FAR, minimum building height)
- Cultural center/facility
- Government center (City Hall)
- River-oriented and integrated development
- Build on existing streetscapes
- Walkable retail
- Urban parks
- Own our own roads
- Establish boundary of Town Center area



TCP Draft Preferred Plan





Land Use/Building Elements (Town Center Central Core)

- A. New City Hall/Community Center located in mixed-use parking center near library
- B. Expanded library
- C. Alternate municipal building location
- D. Mixed-Use redevelopment along Lower Boones Ferry Road
- E. Redevelopment near Tonka Road/Tualatin Sherwood Intersection
- F. "Signature" Office development adjacent to I-5



- G. Residential and mixed-use along south side of Tualatin River (set back from River)
- H. Long term replacement of K-Mart building with mixed use development
- I. Mixed-Use redevelopment around the Lake of the Commons
- J. New City Cultural/Arts center



Land Use/Building Elements (Other Areas within Town Center)

- K. Office Development new Kaiser
Permanente site
- L. Residential and mixed use
redevelopment near intersection
of Tualatin Road and Chinook
Street
- M. Mixed-Use redevelopment north of
River & Town Center boundary
expansion
- N. Commercial redevelopment in the
South Industrial Area





Transportation Elements

O. Streetscape & pedestrian improvements & traffic calming

P. New extension of Seneca Street from Martinazzi Road to K-Mart Site

Q. Local Street Grid and Loop Road around K-Mart Building

R. Lower Boones Ferry Road extension across Tualatin River

S. Commuter Rail Station along Boones Ferry Road



T. Pedestrian Trails along both sides of Tualatin River connected with pedestrian bridges

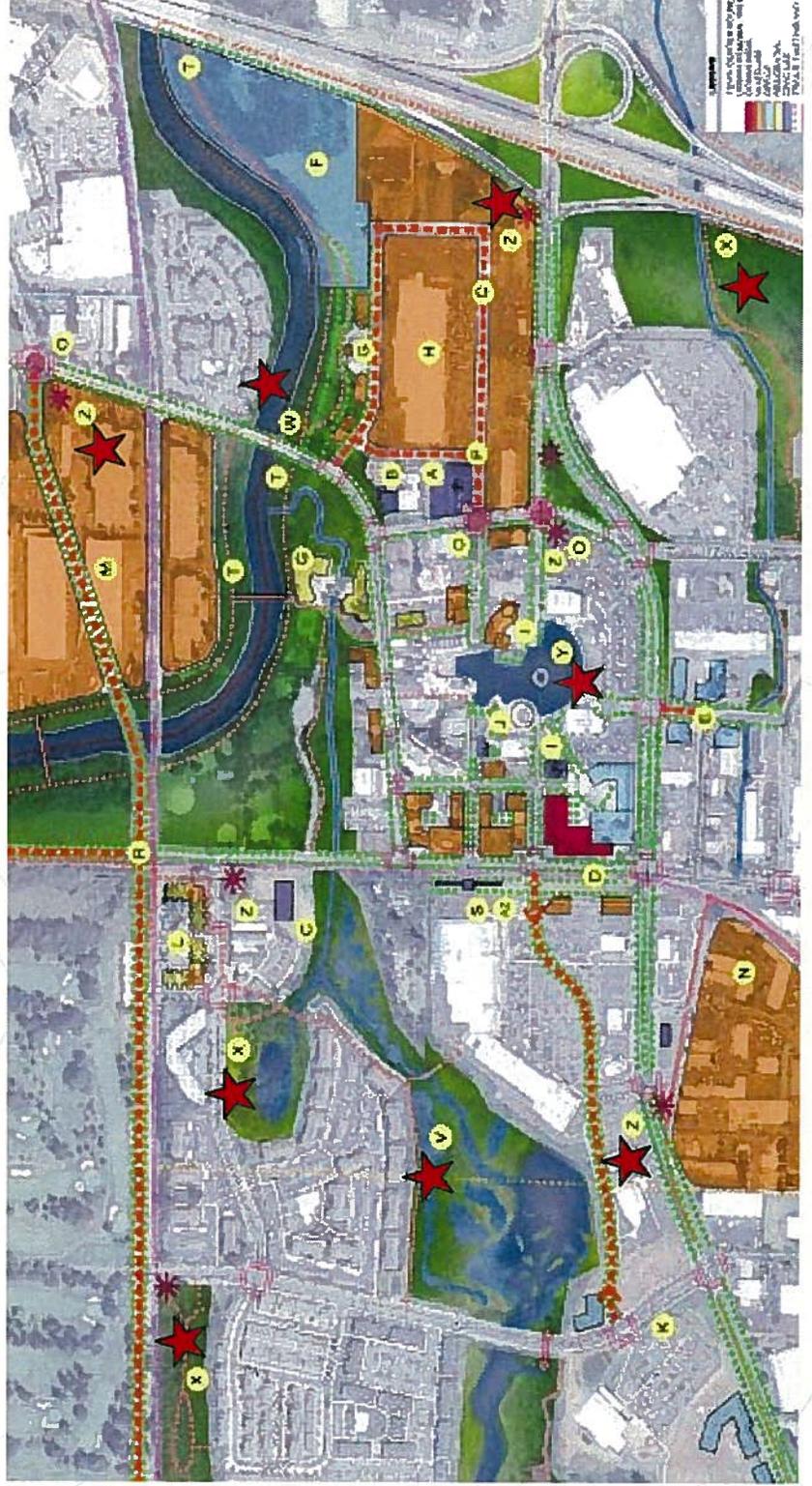
U. Tualatin Road extension to Hall Boulevard

AZ. Road connections between Lower Boones Ferry Rd and SW 90th



Parks/Natural/Other Elements

- V. Hedges Creek Watershed Enhancements (consistent with Master Plan)
- W. River and stream buffer restoration
- X. Expanded recreational trail network within City
- Y. New "feature" at or in Lake of the Commons
- Z. Gateway signage and landscape treatments at key locations





Issue 1: Housing Choices & Types

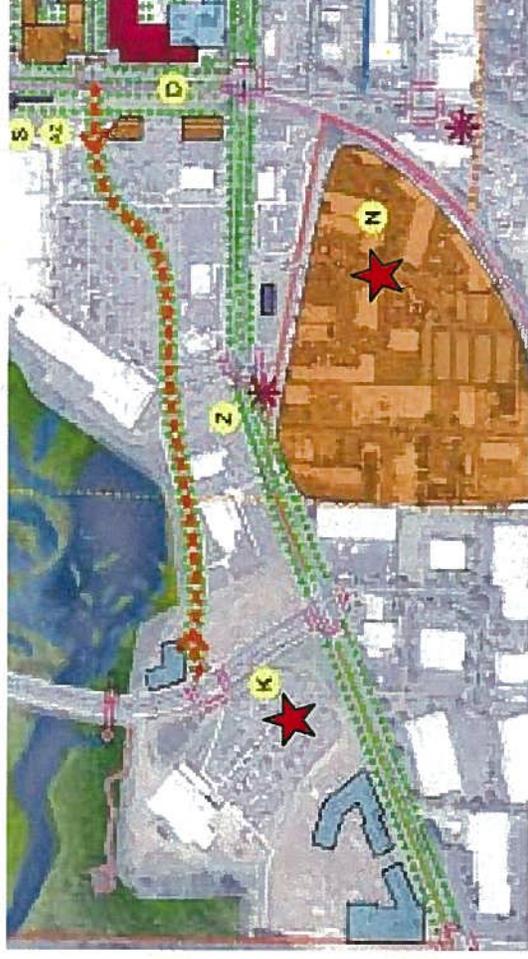
Several areas in the Town Center are identified for residential and mixed-use development, but the TCP does not include a housing element.

- Are areas proposed for residential and mixed-use consistent with Council's vision for the Town Center?
- Should a housing element be added to the TCP?
- Should Town Center housing be required to meet inclusive standards?



Issue 2: Mixed-use & Innovative Development

- Several areas in the Town Center are identified for a change in Planning District designation including:
- K – Light Manufacturing to Commercial Office
 - M – General Manufacturing to Central Commercial
 - N – ML with General Commercial Overlay to General Commercial





- Are areas proposed for mixed-use and more intensive development consistent with Council's vision for the Town Center?
- Does Council agree with the suggested changes in Planning District designation?
- Are there areas where less intense development would be appropriate?
- Should the Central Design District be extended to include the entire Town Center area?



Issue 3: Pedestrian & Bicycle Safety & Accessibility

The TCP addresses walkability, pedestrian connections, and bicycle amenities, but does not include an element that directly addresses development of a safety program or evaluation of accessibility barriers within Tualatin Commons.

- Are current elements of the TCP sufficient to address pedestrian/bicycle safety and accessibility issues?
- Should an element be added specifically addressing pedestrian/bicycle safety?
- Should an element be added specifically addressing accessibility issues?



Issue 4: Streetscapes & Roadside Landscaping

The TCP supports area wide streetscape and pedestrian improvements that help beautify streetscapes in the Town Center, but does not address the Street Trees Program or development of unique and recognizable landscaping standards to apply to City entrances and the Town Center.

- Should Elements O and Z of the TCP be expanded to address the Street Trees Program as it relates to the Town Center and gateways?
- Should the Street Trees Program be expanded and strengthened to apply improved standards to City entrances and the Town Center?



Issue 5: Commercial & Freight Traffic & Traffic Flow

Street improvements and connections that would help reduce overall congestion are proposed in the TCP including:

- P - New extension of Seneca Street from Martinazzi Road to the Kmart site.
- Q - Loop road behind the Kmart building.
- R - Lower Boones Ferry Road extension across the Tualatin River.
- U - Tualatin Road extension to Hall Boulevard.
- AZ - Connection between Lower Boones Ferry Road and SW 90th Avenue.

But the TCP does not include an element that directly addresses commercial and freight traffic and traffic flow in and around the Town Center.



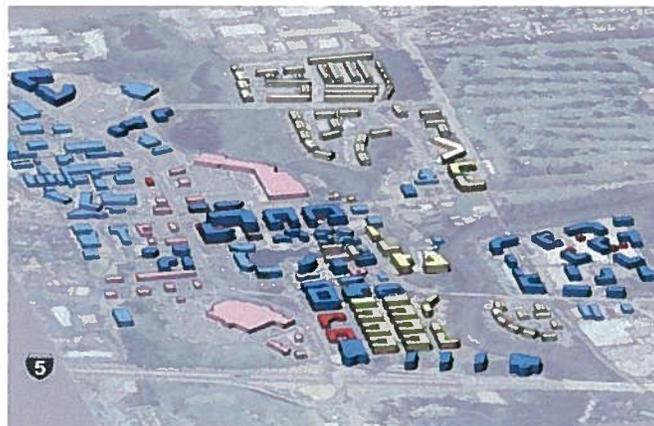
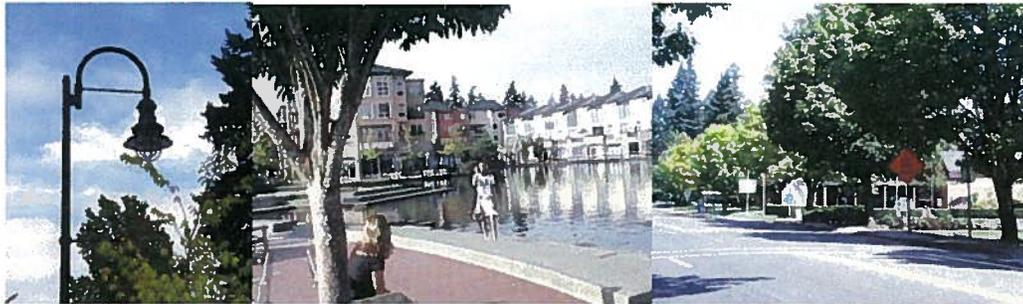
- Are current elements of the TCP sufficient to address overall traffic flow management in the Town Center?
- Does Council agree with the suggested street extensions and improvements?
- Should an element be added that specifically addresses commercial and freight traffic and traffic flow in and around the Town Center?





City of Tualatin
OREGON

Tualatin Town Center Plan Final Report



June 2005

Prepared by:



In association with:

**Leland Consulting Group, Kittelson and Associates
CH2M-Hill**

*This project was partially funded through a grant from the
Oregon Department of Land Conservation and Development.*

Tualatin Town Center Plan

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- Kendra Smith, Clean Water Services
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Tualatin Town Center Plan

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Tualatin Town Center Plan

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- A. Background Plans and Policies
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- C Town Center Development Concept Alternatives
- D Town Center Financial Tool Kit
- E Technical Advisory Committee Meeting Record
- F. Citizens Advisory Committee Meeting Record
- G. Public Open House Meeting Materials
- H. Preferred Alternative Traffic Analysis
- I. Evaluation of Water and Sewer Master Plans for Tualatin Town Center Proposed Land Use

Tualatin Town Center Plan

Executive Summary

The City received a grant from the Oregon Department of Land Conservation and Development to revisit the local vision for the Town Center and identify potential land use, transportation and environmental projects and priorities. Major objectives of the Town Center Plan include:

- Integrating various mixes of building types and uses;
- Encouraging more urban versus suburban development;
- Focusing on safe/efficient pedestrian and vehicle connections;
- Implementing required land use and transportation code amendments; and
- Enhancing local quality of life.

The city conducted a eight month planning process to establish a Tualatin Town Center Plan that synthesizes prior local plans and identifies current community objectives for energizing downtown. The draft vision statement below is intended to embody the spirit of local planning goals and objectives.

Draft Vision Statement:

The Tualatin Town Center will be a distinctive high-quality mixed-use development location with a wide variety of residential dwellings and retail, professional and service employment opportunities, and important recreational and cultural facilities.

Town Center development concepts were prepared by a consultant team (led by Otak) and reviewed and refined based upon input from the Technical Advisory Committee (TAC), Citizen's Advisory Committee (CAC) and public at large. The resulting preferred Town Center Plan is in Figure 1 and includes 26 planning elements (listed out on page 16) identifying important land use, transportation and natural enhancements that are intended to make Tualatin Town Center an excellent place to life, work, shop, visit and recreate. The ideas and concepts presented in this plan are intended to illustrate future development opportunities and possibilities for downtown Tualatin, and are not intended to create new mandates nor regulations.

If you would like to know more about the Town Center Plan, please contact:

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Figure ES-1 Preferred Town Center Plan



Pedestrian Bridge to Cook Park (not shown)



Preferred Plan

June 30, 2005

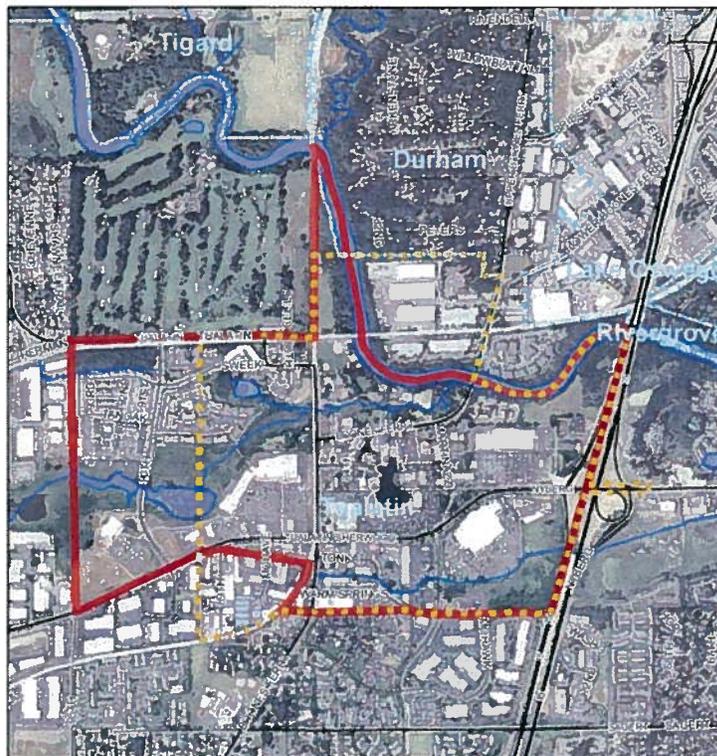
Plan History, Background and Vision

History

Tualatin’s Town Center traces its urban form to an evolution of the natural and built environment—and good transportation access. A new village called “Galbreath” started along the Tualatin River when ferry service began in 1853. In 1856, a bridge over the River linked the village with Boones Ferry Road. When Boones Ferry Road became one of the first “improved” roads in the region, the village thrived.

Near the turn of the 20th Century, the Portland & Willamette Railway Company provided a stop west of the River, and John Sweek platted a town around the depot—called Tualatin. In 1906, the Oregon Electric Railroad added a stop in Tualatin along the Portland-Salem line and the Town Center expanded. In the post World War II era, I-5 and Tualatin-Sherwood Road were constructed, and the Town Center attracted industrial and large format retailers, including Kmart and Fred Meyers. Efforts by the City in the 1980s led to the “re-creation” of a Town Center around the newly formed Lake of the Commons. Today, there are nearly 1,000 households, 300 businesses and 5,000 employees in the Town Center area. (See Figure 1.)

Figure 1. Existing Town Center Area



Tualatin Town Center Plan

Town Center Plan Objectives

The City received a grant from the Oregon Department of Land Conservation and Development to revisit the local vision for the Town Center and identify potential land use, transportation and environmental projects and priorities. Major objectives of the Town Center Plan include:

- Integrating various mixes of building types and uses;
- Encouraging more urban versus suburban development;
- Focusing on safe/efficient pedestrian and vehicle connections;
- Implementing required land use and transportation code amendments; and
- Enhancing local quality of life.

Planning Background and Vision

The City of Tualatin made a concerted effort to define and strengthen its Town Center for nearly three decades. This plan for the Town Center is intended to build upon many previous locally-adopted public planning documents, including:

- Tualatin Community Plan and Development Code;
- Metro Urban Growth Management Functional Plan;
- Tualatin Central Urban Renewal Plan;
- Tualatin Economic Development Action Plan;
- Central Tualatin Design Guidelines;
- Tualatin Transportation System Plan; and
- Hedges Creek Wetlands Master Plan.

These prior planning documents are summarized in Appendix A.

These background planning documents establish policies, goals and objectives that set the stage for long range planning within the Tualatin Town Center. The draft vision statement below is intended to embody the spirit of these diverse planning goals and objectives.

Draft Vision Statement:

The Tualatin Town Center will be a distinctive high-quality mixed-use development location with a wide variety of residential dwellings and retail, professional and service employment opportunities, and important recreational and cultural facilities.

Draft Planning Parameters:

- *Create a unique pedestrian-oriented urban environment with excellent aesthetic qualities;*
- *Provide strong transit, bicycle and roadway connections;*
- *Establish clear and convenient connections between and among attractions;*

Tualatin Town Center Plan

- *Provide a rich diversity of mixed-use and free standing developments;*
- *Accommodate a mix of local- and regional-retail operations;*
- *Integrate natural features including the Tualatin River, Nyberg Creek, Hedges Creek and wetland areas;*
- *Improve the local property tax base through public/private and private investments;*
- *Enhance civic, social and cultural functions available to all ages and income levels;*
- *Preserve and enhance important view sheds into and from the Town Center;*
- *Provide and maintain adequate levels of public facilities (sewer, water, storm water, streets and parks) to accommodate planned development;*
- *Consider flood mitigation strategies; and*
- *Consider reconfiguring town center boundary to optimize redevelopment opportunities and transportation linkages.*

Existing Conditions

The existing Tualatin Town Center consists of approximately 363.5 gross acres of land area. The two additional areas being evaluated for inclusion within an expanded Town Center boundary includes land within the Central Urban Renewal Plan District “North URD Subarea” and “South URD Subarea.” There are 4 tax lots totaling approximately 36.6 acres the North URD Subarea, and 25 tax lots with 19 acres in the South URD Subarea, as indicated in Table 1.

The total assessed property value in the Town Center Area is nearly \$280 million. This includes approximately \$101 million in land and \$178 million in improvements, according to the Washington County Assessor, as summarized in Table 1.

Tualatin Town Center Plan

**Table 1. Existing Development Area and Assessed Values
Tualatin Town Center Area**

	Existing Town Center Area	North URD Subarea	South URD Subarea	Total
Tax Lots	449	4	25	478
Ownerships	337	2	19	358
Land Area (acres)				
Public Streets	59.5	6.9	1.1	67.5
Public*	84	3.2	0.2	86.9
Private	220	33.4	18.8	271.7
Total area	363.5	43.5	20.1	426.1
Assessed Value (millions)				
Land Value	\$88.6	\$5.8	\$7.0	\$101.4
Building Value	\$152.9	\$14.2	\$11.1	\$178.2
Total value	\$241.5	\$20.0	\$18.1	\$279.6
<i>* includes public parks, open space and tax lots, but excludes public right of way.</i>				
<i>Source: City of Tualatin GIS mapping; assessed values from the Washington County Assessor, compiled by Otak, Inc.</i>				

In addition to public right-of-way in roads, the City of Tualatin controls or owns approximately 84 acres in 61 separate tax lots within the Town Center. The City also controls one tax lot in the North URD Subarea with about 3.2 acres and one tax lot in the South URD Subarea with 0.2 acres.

The relevant land use zones represented in the Town Center are summarized in Table 2, and illustrated in Figure 4. The main land use zones within the Town Center are: CC (Central Commercial); CG (General Commercial); CO (Commercial Office); MG (General Manufacturing); RH (High Density residential); and RH/HR (High Density/High-Rise residential). The South URD Subarea includes a primarily built-out industrial area zoned ML (Light Manufacturing). The North URD Subarea is primarily zoned MG with CC zoning along the river.

Tualatin Town Center Plan

Table 2. Existing Zoning (Acres)

Existing Zoning Classification	Existing Town Center Area	North URD Subarea	South URD Subarea	Total
CC	163.0	0	1.6	164.6
CG	19.8	0	0	19.8
CO	22.4	3.2	0	25.6
MG	25.9	33.4	0	59.3
ML	0.0	0	17.4	17.4
RH	56.2	0	0	56.2
RH/HR	19.7	0	0	19.7
Other*	0.4	0	0	0.4
Total	307.4	36.6	19.0	363.0
* includes 0.21 acres of single family and 0.2 acres of medium-high density residential				
Source: City of Tualatin GIS mapping, compiled by Otak, Inc.				

Figure 2 illustrates existing building density and Figure 3 shows the allowed building heights within the Town Center. While portions of the Town Center currently allow up to 125 foot high building structures with conditional use approval, the majority of the Town Center areas is zoned for structures between 45 and 75 feet. Appendix B summarizes findings from the Existing Conditions Analysis and lists the permitted uses and other key land use regulations for selected zoning classifications in the Town Center area.

Figure 2 Existing Building Density in Town Center Area



TUALATIN TOWN CENTER
Existing Conditions



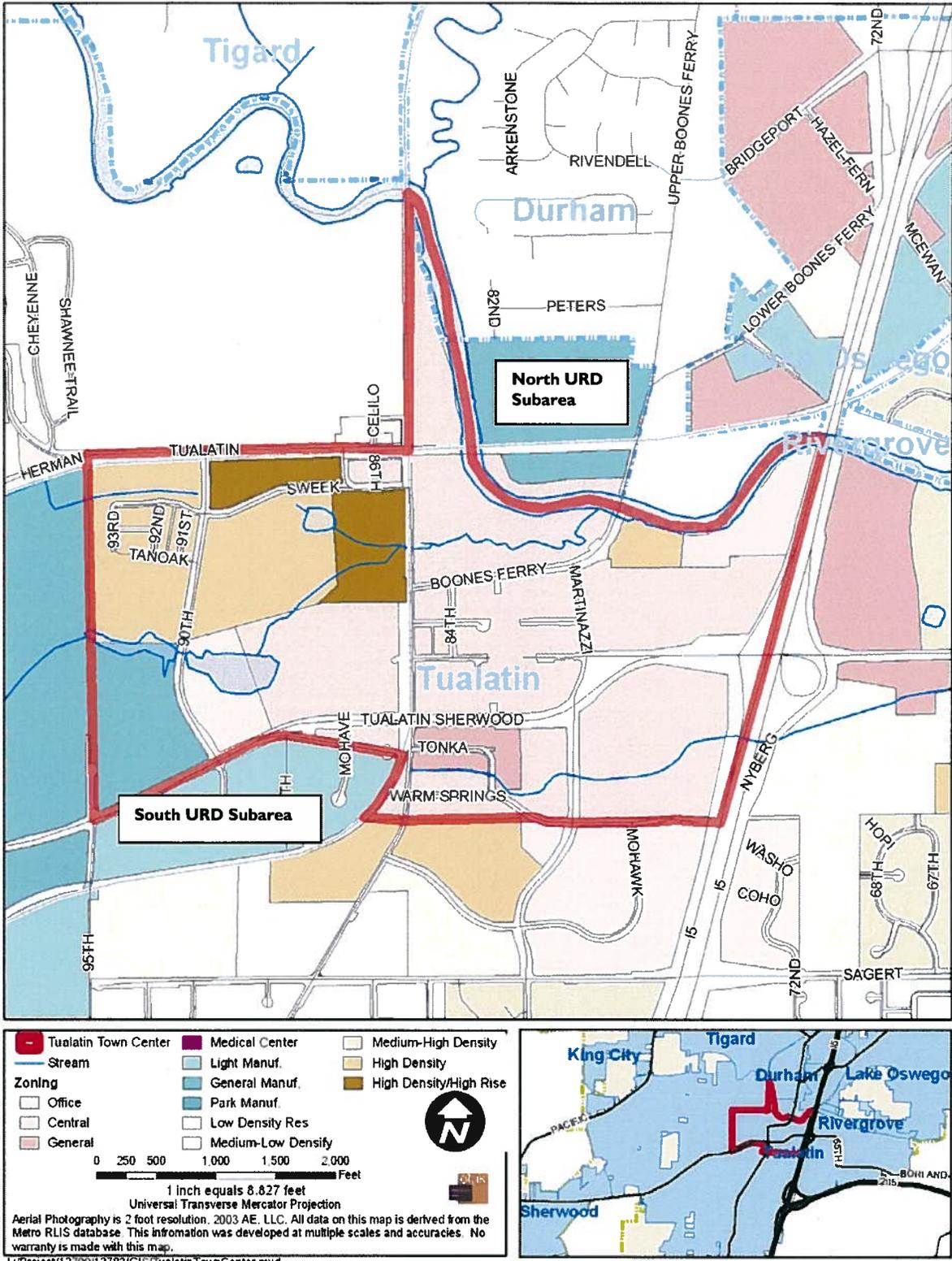
Figure 3. Allowed Building Heights within Town Center Area¹



¹ Note, the Tualatin Development Code expresses allowed building heights in feet, not levels.

Tualatin Town Center Plan

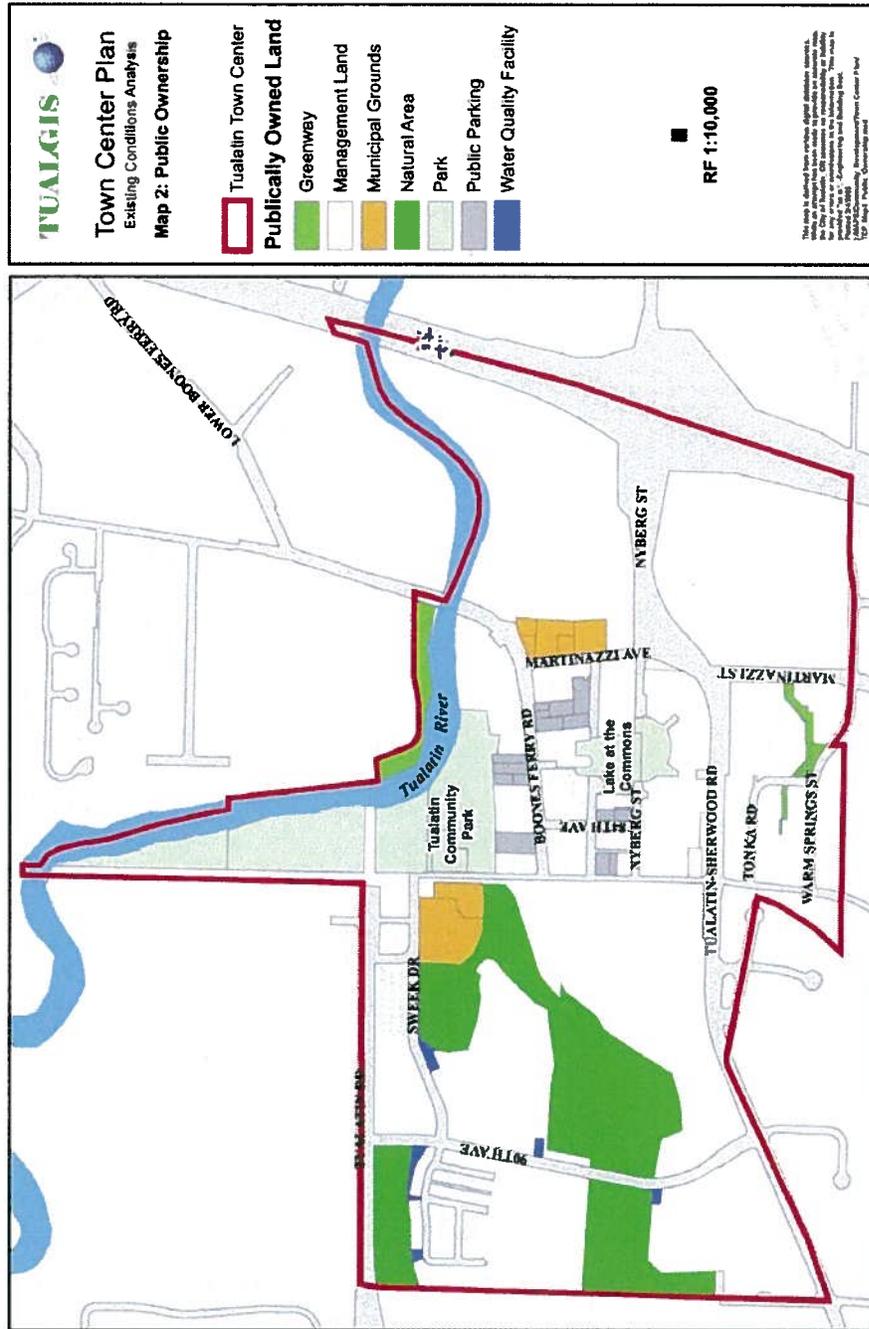
Figure 4. Existing Zoning in the Tualatin Town Center Area



Tualatin Town Center Plan

The City of Tualatin is the largest single property owner within the existing Town Center boundary. As shown in Figure 5, the City controls parks and natural areas, water quality facilities, several surface parking lots, and municipal buildings (including City Hall, Library, and Police department).

Figure 5. Public Ownership in Tualatin Town Center Area



Tualatin Town Center Plan

To better ascertain near- mid- and long-term redevelopment and development potential, Otak project team members conducted a tour with City staff on December 1, 2004 to review and classify the redevelopment potential for existing properties. The results of the preliminary development opportunities analysis are summarized in Table 3.

There appears to be ample redevelopment opportunities in the Town Center Area. Near-term (years 1-9) redevelopment opportunities include about 40 tax lots with 18 separate ownerships totaling 49 acres of land area. Mid-term (years 10-20) development opportunities include approximately 90 acres of land area, with 38 acres in the Town Center, 33 acres in the North URD Subarea, and 17 acres in the South URD Subarea. The remaining land area is considered to be built-out with high value development and/or within public parks, open space and floodways that are not suitable for intensive urban development.

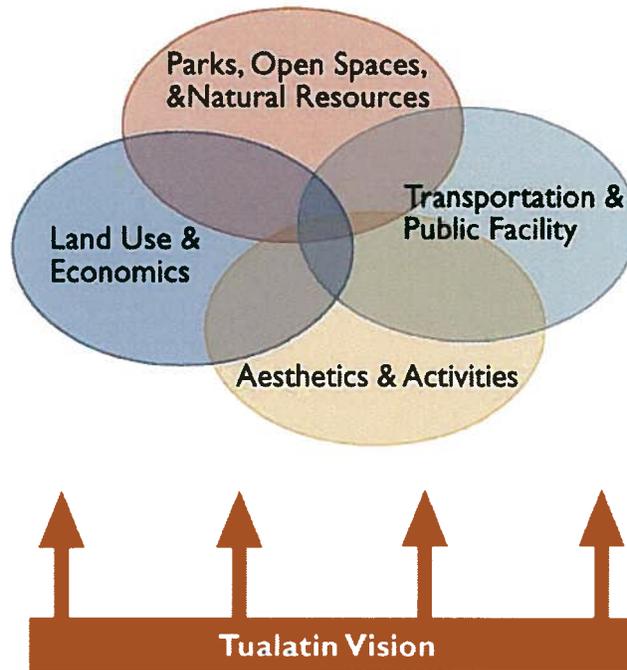
**Table 3. Development Opportunities
Tualatin Town Center Area**

Development Opportunity Classification	Existing Town Center Area	North URD Subarea	South URD Subarea	Total
Near Term (1-9 yrs)	49	0	0	49.2
Mid Term (10-20 yrs.)	38	33.4	17.2	88.9
Long Term (21+ yrs.)	140	0	1.6	141.6
Other*	76	3.2	0.2	79.3
Total	303	36.6	19.0	359.0
<i>* includes public parks, open space and right-of-way.</i>				
<i>Source: Otak/City of Tualatin site visit, December 1, 2004.</i>				

Town Center Development Alternatives & Evaluation Process

The process for developing Town Center development alternatives leveraged background plans and policies, with up to date input from local citizens, businesses and public agency “stakeholders.” The process attempted to weave together the vision into a tapestry of major plan elements that depict methods for enhancing: land use & economics; parks, open spaces, & natural resources; transportation & public facilities; and aesthetics & activities, as indicated in Figure 6.

Figure 6. Development Flow Diagram



Stakeholder Meetings

Local public and private “stakeholders” played an important role in defining potential issues and areas of improvement for the Town Center area. Otak obtained stakeholder input through small group design workshops and interviews conducted during the week of January 10. This initial round of public input served to identify local issues and objectives for the Town Center Area.

The small group workshops were organized into three separate meetings with a cross-section of interested stakeholders:

- Group 1: Business and Property Owners** – attended by Town Center property owners, developers, business managers, and small business owners.
- Group 2: Public Works and Infrastructure Officials** – attended by City and County planning and public works staff, Tualatin Planning Advisory Committee member, Tri-Met, local business owners, city transportation and public works consultants, and off-site trucking/transportation business managers.
- Group 3: Neighborhood Representatives/Parks and Recreation/School Group** – attended by Chamber of Commerce Board member; City of Tualatin Community Services Manager (via phone interview); Victoria Woods Neighborhood Association; Town Center resident,

Tualatin Town Center Plan

Urban Renewal Advisory Committee/CAC member; former Chair of Tualatin Planning Advisory Committee; Tualatin Riverkeepers; and Tualatin High School representative.

First Public Open House

The input from the small group discussions has been summarized into some detailed points and some general themes or “big ideas.” These “big ideas” were subsequently shared with the project Technical Advisory Committee and Citizen Advisory Committee for added input in January then taken to a public open house for further input on February 10, 2005. Please refer to Table 4.

Table 4. “Big Ideas” from Public and Stakeholders Groups*

Land Use/Building Elements
• New Public Community & Cultural Arts Center
• Expand Library & Create New Government Center
• Allow Mix of Building Heights (2-7 stories)
• Let Market Forces Drive Redevelopment Activity
• Create Entertainment District along Riverfront
• Mixed Use Redevelopment
Transportation Elements
• Main Street boulevards in Town Center
• New routes to lower truck traffic in Town Center
• Safe Pedestrian Access across major streets
• Provide more parallel roadway connections
Environmental/Parks/Other Elements
• Create new attractions along/in Lake
• Minimize Setbacks along River
• Enhance Wetland Area Landscaping & Trail links
• Enhanced River Recreation and Access
• Bell Tower On the Lake of the Commons
<i>* These are the elements that received at least 10 or more mentions/votes by focus groups and the public.</i>

Public Opinion Survey

In addition to the small group meetings and initial public open house, Otak assisted the City of Tualatin with the creation of a public opinion survey that was available via a link on the City’s website and was mailed to all recipients of the City’s monthly Newsletter. The survey was designed as a simple nine-question format to garner information about the respondents and their impression about transportation and pedestrian facilities, public and private development, and urban development characteristics.

Tualatin Town Center Plan

With a total return of 327 tabulated surveys, the results indicated the following:

- The vast majority of respondents are generally dissatisfied with existing auto access (76% of the respondents to this question indicated this “needs improvement”) and transit access/facilities also emerged as an element that “needs improvement.”
- The majority of respondents are generally dissatisfied with the existing library (73% of the respondents to this question indicated this “needs improvement”).
- All of the other public facility categories received favorable ratings, particularly parks, recreation, and safety & security.
- The majority of respondents are generally dissatisfied with the existing private retail/shopping and restaurant establishments in the Town Center area. All of the other categories received favorable ratings, particularly food/grocery stores, lodging and professional services.
- With regard to building height, the respondents strongly supported buildings less than five stories in height.
- When provided a list of potential pedestrian facilities improvements, the order of support by respondents is as follows:

Auto/Truck Traffic Calming or Re-routing	183
Enhance streets with landscaping, lights etc	144
Safer street crossings	101
Street trees	93
More pathway connections	86
Benches	78
Consolidated parking structure	48
Public art displays	41
Coordinated signage	40
New community center	39

Development Alternatives, Second Public Open House and Library Exhibit

The information obtained from the existing conditions analysis, stakeholder meetings, first public open house and public opinion surveys were used by the Otak team to create three distinctive Town Center Development alternatives. The alternatives were intended to illustrate a variety of ways to address local development/land use, transportation, and environmental/parks characteristics within the Town Center area.

At first Otak prepared two Town Center concepts, ranging from relatively low density (Alternative 1) to high density (Alternative 3) as “book ends” to show the level and type of change that could be envisioned by the consultant team. Meetings

Tualatin Town Center Plan

with the study Technical Advisory Committee and Citizens Advisory Committee resulted in additional feedback and input that was used to create a blended alternative (Alternative 2) with potential elements that they wanted the public to consider.

The three draft alternatives were summarized by Otak along with a series of “Big Ideas” for each one, and presented to the public at the second open house, and at a Library Exhibit. The three alternatives and their associated “big ideas” are described in Appendix C.

The project team received feedback on the three Town Center Development Alternatives through a public open house and a “Public Survey of Draft BIG IDEAS.” The second public open house held on April 13, and was attended by approximately 18 members of the public. After a presentation of the Town Center Draft Alternative Development Concepts by Otak, the public asked open ended questions to Otak and the City of Tualatin. In general, the public seemed to like and dislike various elements of each Town Center Alternative, and indicated emphasis on the need to improve the quality (design) of future development rather than the quantity.

A Town Center “BIG IDEAS” survey was distributed at the April 13, 2005 Open House and was made available at a Tualatin Public Library Exhibit from April 16 to April 25, 2005. The City received 34 completed surveys, including 10 from the open house, 17 from the Library Exhibit, and seven from members from the Citizen Advisory Committee (CAC), Urban Renewal Advisory Committee (URAC) and Architectural Review Board. With this level of response to a public survey, the project team identified areas of “potentially emerging consensus,” rather than statistically valid results.

To determine areas of potential consensus, Otak tabulated all indicated “likes” and “dislikes” for each specific BIG IDEA listed within each alternative--with a cutoff of significance arbitrarily established at 10 or more respondents on a single planning element. The potential areas of consensus have been incorporated into the Preferred Town Center Plan.

Town Center Plan Elements

The preferred development plan for the Tualatin Town Center attempts to accommodate locally preferred enhancements to land use/buildings; transportation facilities; and parks/natural/other elements. A listing of key elements within the preferred plan is provided in Table 5 and cross-referenced with Figure 7. Note, all of the plan elements are conceptual ideas that indicate development opportunities for the Town Center, they are not intended to be specific mandates or requirements.

Table 5. Key Elements in Tualatin Town Center Concept Plan

Key Elements

Land Use/Building Elements (Town Center Central Core)

- A. New City Hall/Community Center located in mixed-use parking center near library
- B. Expanded library
- C. Alternate municipal building location
- D. Mixed-Use redevelopment along Lower Boones Ferry Road
- E. Redevelopment near Tonka Road/Tualatin Sherwood Intersection
- F. "Signature" Office development adjacent to I-5
- G. Residential and mixed-use along south side of Tualatin River (set back from River)
- H. Long term replacement of K-Mart building with mixed use development
- I. Mixed-Use redevelopment around the Lake of the Commons
- J. New City Cultural/Arts center

Land Use/Building Elements (Other Areas within Town Center)

- K. Office Development new Kaiser Permanente site
- L. Residential and mixed use redevelopment near intersection of Tualatin Road and Chinook Street
- M. Mixed-Use redevelopment north of River & Town Center boundary expansion
- N. Commercial redevelopment in the South Industrial Area

Transportation Elements

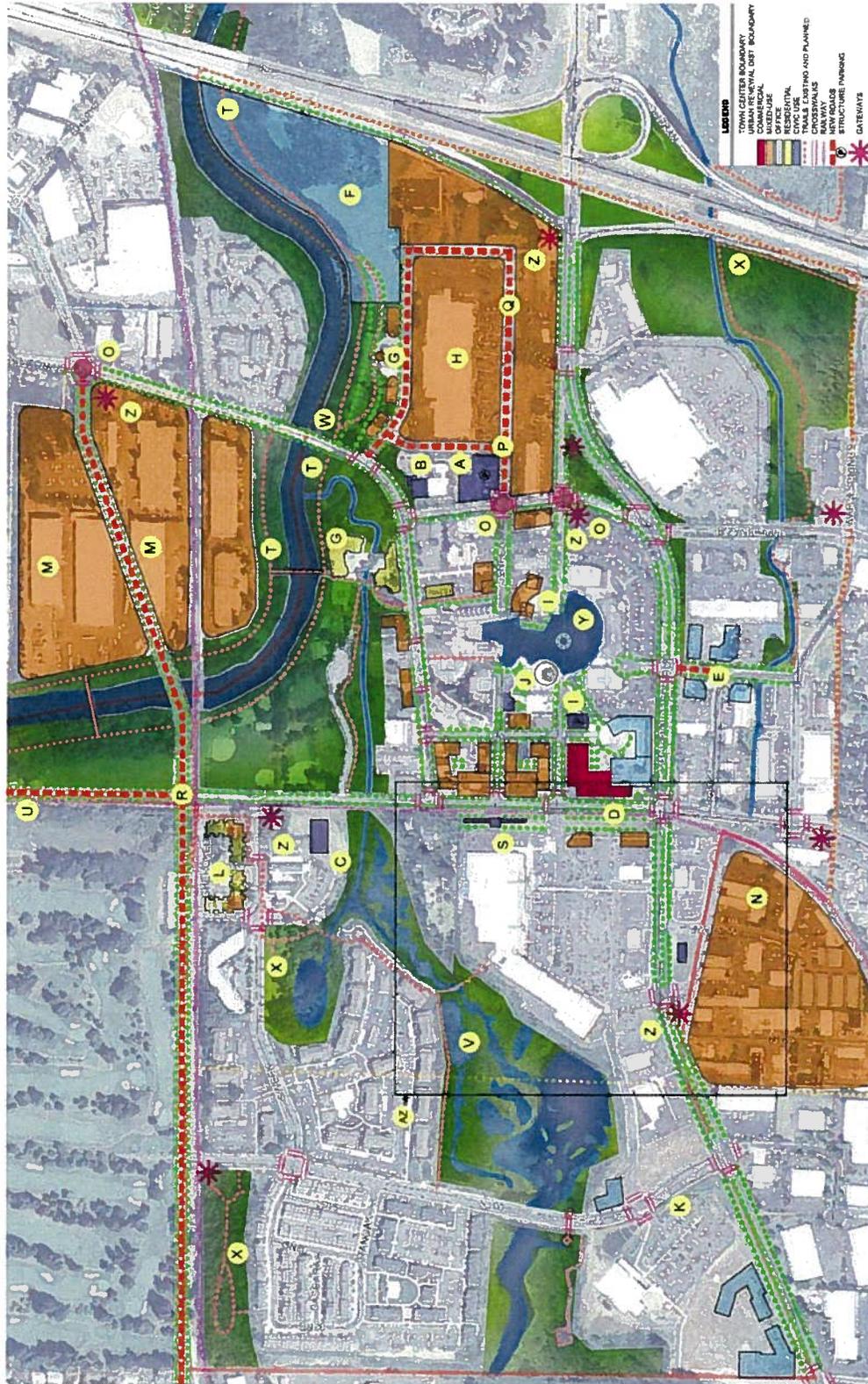
- O. Streetscape & pedestrian improvements & traffic calming
- P. New extension of Seneca Street from Martinazzi Road to K-Mart Site
- Q. Local Street Grid and Loop Road around K-Mart Building
- R. Lower Boones Ferry Road extension across Tualatin River
- S. Commuter Rail Station along Boones Ferry Road
- T. Pedestrian Trails along both sides of Tualatin River connected with pedestrian bridges
- U. Tualatin Road extension to Hall Boulevard
- AZ. Assume future consideration of East-West connection(s)

Parks/Natural/Other Elements

- V. Hedges Creek Watershed Enhancements (consistent with Master Plan)
- W. River and stream buffer restoration
- X. Expanded recreational trail network within City
- Y. New "feature" at or in Lake of the Commons
- Z. Gateway signage and landscape treatments at key locations

** Note, all of the alternatives support the I-5 to Hwy.99 Connector (south of Tualatin) to address traffic on Tualatin-Sherwood Rd.*

Figure 7. Preferred Town Center Development Concept Plan



Preferred Plan

June 30, 2005

Tualatin Town Center Plan

Land Use/Building Elements

A. New city hall/community center in mixed-use parking center near library

This project is envisioned to become the municipal government center for the Town Center, with physical and functional linkages to the City Library, Community Park and the Lake of the Commons. A new city hall and community center would be accommodated through demolition of the existing city hall structure and the eastward extension of Seneca Street. The project could be designed as a pedestrian oriented mixed use structure, with commercial and/or public community meeting space on the ground floor built into a parking structure, with public administration space on top or along side the parking structure. The parking structure should be sized as a public parking area to serve visitors in the core area.

B. Expanded library

Approved by Tualatin citizens in November 2004, the expanded library initiative is currently on hold due to the failure of a concurrent referendum on a supplemental library operations budget. The Town Center Plan assumes the library is eventually expanded to meet increasing demand by Tualatin's rising populace.

C. Alternate municipal building location

The City of Tualatin acquired additional land near the present location of police and fire departments to accommodate future public space needs. While the preferred Town Center Plan envisions a future City Hall to be located near its present location within a mixed use community/parking center (See project A), the city-owned site near the police/fire departments could also be considered during a more detailed City Hall location alternatives analysis.

D. Mixed-Use redevelopment along Lower Boones Ferry Road

The Town Center Plan identified several redevelopment opportunities along Boones Ferry Road, particularly along the eastern edge across from the planned Commuter Rail station. Future mixed-use development could be leveraged using a combination of city-owned land and urban renewal investments. Any combination of vertical or horizontal mixed-use development is visualized by the plan. Given the presence of the 100-year flood plain, some amount of commercial and parking is likely to be located on the ground level, with housing and/or office on upper levels. Please refer to Figure 8.

Figure 8. Potential Mixed-Use Concept along Lower Boones Ferry Road



Potential mixed-use redevelopment along Boones Ferry Road includes the former Clark Lumber site, and location of the former historic Methodist Church, which is slated for relocation. The Clark Lumber site, with its highly visible location, is considered to be an important catalyst project within the Town Center area. The pedestrian orientation and design of the building and choice of materials and tenants will likely set the tone for major mixed use redevelopment projects throughout the Town Center for years to come.

E. Redevelopment near Tonka Road/Tualatin Sherwood Intersection

In effort to help improve circulation within the Town Center area while concurrently increasing redevelopment at highly visible locations, this project envisions a long-term extension of Tonka Road to the existing Tualatin/Sherwood Road signalized intersection. This location is visualized as an excellent long-term location for more intensive commercial retail and office development.

F. “Signature” Office development adjacent to I-5

As major suburban office subareas, such as the Kruse Way corridor and Tigard Triangle mature, and regional population expands, new office subareas will need to emerge. This key element envisions a new office district along I-5 within the Town Center. The term “signature” office is used to depict the site and building characteristics of high-profile national or international tenants.

Tualatin Town Center Plan

H. Long-term replacement of Kmart building with mixed use development

The existing building occupied by Kmart and Michaels stores consists of one of the largest existing buildings and sites within the Town Center. Its visibility and proximity to/from I-5 makes it a very important project for establishing a high-quality development environment in the Town Center. The fact that the site is predominantly outside the 100-year floodplain makes it an excellent candidate for housing, including row houses, condominiums, congregate care facilities and apartments. Conceptual alternatives (included in Appendix C) illustrate a mix of housing and commercial development that can be developed if a newly established 250-foot street block grid is provided, with on and off-street parking. The alternatives that were prepared for this site are considered to be conceptual visions, not mandated plans.

I. Mixed-use redevelopment around the Lake of the Commons

There are several redevelopment opportunities around the Lake of the Commons to maintain and increase the momentum of private hotel, office, commercial and housing development.

J. New cultural/arts center

A new cultural arts center is possible near the site of the existing Grange building. This project may include a mix of public and private meeting space, arts/exhibit space, and function as a convocation center for large banquets and events.

K. Office Development new Kaiser Permanente site

A new employment center is emerging near the west end of the Town Center with a cluster of medical office buildings near the Kaiser Permanente site. In recognition of demographic trends, the aging population will require medical services at convenient locations that are accessible by auto, bus and walking or biking. Hence, the area around the Kaiser Permanente building is recommended for a zone change from Light Manufacturing to Office.

L. Residential and mixed-use redevelopment near intersection of Tualatin Road and Chinook Street

Redevelopment of high visibility “gateway” locations is an important component of the Town Center plan. Existing underutilized parcels near this important intersection are recommended for redevelopment into a mix of housing and commercial services to serve residents that are within an easy walk from this location.

Tualatin Town Center Plan

M. Mixed-use redevelopment north of the Tualatin River (and expansion of the Town Center boundary)

Another high visibility “gateway” location to the Town Center is the existing industrial area owned and managed by PacTrust. This location consists of over 30 acres of private land area and includes about three acres of city-owned land along the river bank. Given the location’s close proximity to the Town Center core, and the fact that it is above the flood plain and contained within an existing urban renewal district, it is a potential candidate for long-term redevelopment. A conceptual alternative in the Town Center plan supports a Town Center boundary change and a zoning change from General Manufacturing to Central Commercial (please see Appendix C). A change in use would only be recommended if proper transportation connections and public facilities are provided and adequately funded, including the planned Lower Boones Ferry extension to Tualatin Road/Chinook Street. The conceptual alternatives for this site that are included in Appendix C are considered to be conceptual visions, not mandated plans.

N. Mixed-use redevelopment in the south urban renewal area

Unlike the north urban renewal area, the south urban renewal area is under 19 separate ownerships and consists of only 20 acres. The Town Center Plan supports continued redevelopment of this area, but recognizes that the area is difficult to serve by additional road connections, given the existing rail line that runs along the west side of Boones Ferry Road. To help simplify future development permitting and in spirit of promoting redevelopment within the existing urban renewal district, the Town Center Plan supports a rezone of this area from Light Manufacturing (with a General Commercial overlay) to General Commercial.

Transportation Elements

O. Streetscape & pedestrian improvements & traffic calming

The Town Center Plan supports area wide streetscape and pedestrian improvements that help beautify and soften the “harsh” characteristics of the auto-oriented environment. This entails sidewalk and pedestrian crossing improvements, in combination with street lighting, landscape buffers, planted medians and trees and shrubs. This would build upon the City’s recent improvements to Boones Ferry Road, with treatments to Tualatin Sherwood Road, Tualatin Road, Martinazzi Road, Nyberg Road, and other existing and planned streets in the Town Center. Traffic calming improvements should consider colored cross walks, roundabouts, and stamped concrete circles or chicanes as measures to help lower vehicle speeds and improve pedestrian visibility and safety.

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P. New extension of Seneca Street from Martinazzi Road to Kmart site

In the future, as the existing City Hall site is redeveloped, the Town Center Plan supports the extension of Seneca Street to the east towards the Kmart site. This street is expected to become an important east-west pedestrian link with the planned Commuter Rail, the Lake of the Commons and new development to the east.

Q. Loop road behind Kmart building

The Town Center Plan supports adopted Transportation System Plan improvements, including the local loop road that would extend from Lower Boones Ferry Road around the Kmart building to connect with a future Seneca Street extension. A concept alternative, included in Appendix C illustrates how the potential loop road could become part of a future 250-foot block grid in this location. Note, that the conceptual visions included in this plan are intended to show possibilities, not mandated site plans.

R. Lower Boones Ferry Road extension across Tualatin River

The Town Center Plan supports adopted Transportation System Plan improvements, including the extension of Lower Boones Ferry Road to align with the existing Chinook Street/Tualatin Road corridor. This connection is considered to be important for reducing auto congestion within the Core area of the Town Center, and is expected to help alleviate congestion along the existing Boones Ferry Road alignment and Tualatin Sherwood Road. This road would also enable the north urban renewal area to redevelop in a way that considers cost sharing for major capital improvements.

S. Commuter rail station along Lower Boones Ferry Road

A new commuter rail line between Wilsonville and Beaverton Transit Center (with access to TriMet's Light Rail line) is being planned with a station and park and ride lot (with about 110 parking spaces) in the Town Center, west of Boones Ferry Road. This new rail station is expected to improve multi-modal access to/from the Town Center, and help increase visitation. Future pedestrian improvements and redevelopment along Lower Boones Ferry Road should attempt to improve visibility, image, and access to/from the new station platform and park and ride.

T. Pedestrian trails along both sides of Tualatin River and pedestrian bridges

City ownership along both sides of the Tualatin River creates a unique opportunity to create a recreational and commuter trail network that links the Town Center with surrounding the communities of Tigard, Durham, and Lake Grove. The Town Center Plan illustrates possible pedestrian bridge connections

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and pathway alignments that can be constructed as part of City and/or Portland Metro Parks improvements in the future.

U. Tualatin Road extension to Hall Boulevard

Another Transportation System Plan improvement planned in the Town Center includes the extension of Tualatin Road across the Tualatin River into Tigard. This improvement is considered to be very long-term and no funding sources have been identified.

AZ. Future consideration of East-West connection(s)

The Town Center Area is affected by local trips and trips along the corridor from I-5 to the central Oregon coast via Tualatin-Sherwood Road and State Highways 99W and 18. Tualatin-Sherwood Road is congested and from a planning and infra-structure standpoint, additional East-West routes in the Town Center Area need to be considered in the future. The City recognizes that constraints exist due to the existing built-up nature of the Town Center Area. Future considerations need to both address these constraints and involve business and property owners.

Parks/Natural/Other Elements

V. Hedges Creek watershed enhancements

The locally adopted Hedges Creek Wetlands master plan for Sweek Marsh includes several enhancements to the city-owned 29-acre wetlands located on the west side of the Town Center area. The Town Center Plan visualizes implementation of the Hedges Creek master plan improvements, particularly the multiuse pathways, habitat restoration, flood water detention/retention and environmental education.

W. River and stream buffer restoration

Tualatin River and its tributaries create a unique natural setting that defines the Town Center unlike any other urban center in the greater Portland Metro Region. The Town Center Plan supports local Clean Water Services and Metro efforts to help protect and enhance floodways along the Tualatin River and delineated local wetlands. It is anticipated that as existing non-conforming development seeks new building permits, the City will require proper building setbacks with restoration management plans focused on floodway restoration. This effort is required to help manage flood events, and protect life and property within the Town Center.

X. Expanded recreational trail network

The Town Center Plan supports adopted local plans, including the Transportation System Plan, Hedges Creek Wetlands master plan, and the Zian

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Natural Area Management Plan and their designation of future trails and natural area enhancements. Over time, as the multimodal trail network is expanded, and connections are improved with adjacent communities and Metro parks and open spaces, Town Center residents and businesses will benefit from increased non-auto accessibility and improved recreational amenities.

Y. New feature at the Lake of the Commons

While this plan does not recommend a specific public amenity at the Lake of the Commons, it recognizes the public opinion voiced through the planning process that a new feature or amenity is needed to invigorate visitors to visit the Lake of the Commons. The Plan supports a public icon and/or a water feature that functions as art and a visitation magnet. Considerations include a clock tower, high velocity periodic water fountain or geyser, or floating bridge/island. The plan supports additional public outreach and possibly a design competition to arrive at the most cost effective and exciting locally preferred feature.

Z. Gateway signage and landscape treatments at key locations

The Town Center is to remain as Tualatin's downtown—defining the city's identity for its residents, visitors and workers. To define the Town Center in a coordinated and unique manner, the Town Center Plan envisions adding thematic entryway treatments at key locations along major entry points: I-5 ramps at Tualatin Sherwood Road (east); Lower Boones Ferry Road (north and south); Tualatin Road (north); and the Tualatin Sherwood Road (west). High quality directional signage, landscaping, art, lighting and water features can be provided at designated locations using timeless materials, including wood, stone and water.

Implementation Strategy

To be effective an implementation strategy for downtown Tualatin must be more than just a land use plan. While the land use plan presents an image or vision of a physical place, it also helps to establish an understanding by which land use regulations can be modified in order that the vision and the code progress in a coordinated fashion. However, a successful implementation strategy is comprehensive, inclusive and holistic.

Consider that Phase I of downtown Tualatin was Tualatin Commons. Dedicated in 1994, the Commons gave a heart to the city—a mixed-use project around a publicly owned amenity and a sense of place. Tualatin Commons was a very big step for a very small town.

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Tualatin is growing up; its population has now reached approximately 25,000; substantial growth since the beginning of Tualatin Commons. If Phase I of the Town Center was establishing Tualatin Commons, then this current effort is Phase II—a much longer-term strategy than was the case with the Commons. In Phase II, Tualatin can explore a new paradigm for its Town Center. Tualatin Commons was a great success and now the City is ready to take growth and urbanization to the next level.

The expanded vision for downtown recognizes that all downtowns operate as a series of “districts.” That is, a combination of places make up the greater downtown—a civic center, a cultural center, employment concentrations, small or large housing communities or clusters, and open space and recreational areas. Each district has, by the nature of its uses, a character, a personality and an ambiance. Downtown Tualatin is now evolving to the point where these districts exist and are, for the most part, apparent. At the same time, most of the districts, with the possible exception of the Commons, are incomplete. There is more to do, room to grow, time for change.

In Europe’s older cities buildings may represent the tenth or even fifteenth generation of construction. Multiple buildings have occupied the same site, changing with time as buildings wear out and community needs change.

America, young by comparison to Europe, has sites in its larger cities where properties are now in their third, fourth or fifth generation of activity. Even Portland has places in its second set of uses and in rare occasions, a third generation of buildings occupying the same site. The point of this is that buildings that were part of the landscape in Tualatin 30, 35, or 40 years ago may now be approaching a condition where they are functionally obsolete, are no longer economically viable, are underachieving, requiring excessive maintenance, and are no longer able to function as intended. Such structures, especially if found to be not historically significant, may be ripe for replacement – with a higher and better use that has more value to the property owner. This is urban evolution.

City building and the creation of downtowns is an evolutionary process. Simply put, it takes time and patience. Urban transformation requires focus and dedicated leadership. A land use plan without leadership to support it is just an idea, a drawing, a wish. Perhaps 70 percent or more of public plans either outright fail or fizzle out way short of expectations due to a lack of focused leadership. That leadership must come from the combined efforts of the public and private sectors working together. Community leaders, whether business, civic, cultural, spiritual, or activist, combine to apply their experience and skills in a common direction to build the great downtowns of America.

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An implementation strategy for urbanization must be simple. The community should easily understand the strategy, particularly as communicated by its leadership. Tualatin's consultant team can help shape recommendations, but in the final analysis, if the vision is not intellectually and emotionally owned by public and private leadership, it will fail. A planning commission, a renewal agency and a city council working in unison is needed to ensure success. These were the leadership conditions and the unfaltering alliance of elected officials that made Tualatin Commons an authentic place and as successful as it is today. It could not have happened without that strong alliance and focused commitment to get the job done.

Another aspect of leadership and implementation is that change requires policy to back it up. Elected officials clearly communicate to the public what is going to happen and professional staff knows that it has the support of the elected city officers to carry out that mission.

One of the keys to success of Tualatin Commons was establishing "Tualatin Futures" community outreach group. This group of nearly 100 people acted as a highly successful "grass roots" resource to carry the story of the potential of Tualatin Commons into the neighborhoods with slide shows, community 'chats' in homes and coffee shops, and informal small group gatherings. It was an instrumental tool in helping the community understand what change was anticipated, why change is needed, and anticipated costs and benefits.

The elements of the implementation strategy, described in the following text, are relatively simple as a concept. There are always details to address as plans, projects and initiatives become refined and prioritized. The strategy, in the simplest terms, is agreeing on the mission and the vision, establishing priorities, defining and understanding sources of capital, working with property owners and developers to assure that proposed projects meet the emerging code and policy, and that public investment will be both leveraged and fully supportive of the vision. Following is a description of the strategic steps:

Leadership

Leadership is the single most important component for a successful long-term vision. Great leadership leads to great projects and poor leadership leads to failed projects. Experience shows us that if community leaders don't intellectually and emotionally "own" a project, it will not be successfully implemented. A long-term strategic outlook requires leaders from all sectors of the City of Tualatin community. Committed leaders:

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Desire success for the entire community.

- Generate strong and continual consensus around the vision.
- Are respected by the community and have strong leadership skills.
- Are able to motivate and organize stakeholders.
- Move forward and communicate the vision.

Select leaders that will see the vision through and can ‘pass the torch’ as the community grows and changes. Initial leadership can come from:

- Mayor;
- Urban Renewal Chair;
- 5 to 7 handpicked community leaders – individuals who bring the story to the public; and
- A revived “Tualatin Futures” committee – this group of 100 community members brings the story to the public, community and particularly involves the schools and the children of Tualatin.

Establish Districts

Tualatin Town Center is not a district unto itself, but is rather a collection of districts that, when combined, function as a stronger place, each district providing services and activities that complement the other districts within the Center. Each district, however, maintains its distinct character and authentic sense of place. Thus, Tualatin Town Center is comprised of many, many districts, including the following:

- Extended Downtown Commons
- Employment Zones
- Civic Center
- Cultural Center
- Retail Center / Clusters
- Housing/Mixed-Use Communities

Modify Policy / Code / Controls

A long-term outlook includes making sure the tools and tactics are in place behind the vision to assure success. The City needs to let the community, and particularly developers and property owners, know that they are “open for business.” This means that the policies, zoning, and codes are in place to support the long-term vision. Implementation is strengthened by the supportive City policies. Different districts will likely require code adjustments to bring about desired results. Areas to investigate for consistency with the long-term outlook include:

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- Set clear City vision and goals;
- Support for achieving standards—consultation, code enforcement, and assistance;
- Review current practices and identify and change policies as necessary;
- Encourage what is desired and strongly prohibit what is not; and
- Set standards high but achievable.

Investment Strategy / Policy

Private investment follows public commitment. Therefore, the City must “step up” when it comes to preparing the Town Center for investment in the long-term vision. Achievement may take the following forms:

- Remove regulatory barriers to investment;
- Make strategic public investments; and
- Prepare a current “vision” for the city that is compelling enough to establish the necessary leadership and focused enough to attract desired public and private investment.

Investment Resources – Financial toolkit, etc.

A great long-term vision takes resources from both the private and public sector. Investigation of all of the financial resources available to the public sector is useful for implementation of the long-term strategy. A live “financial toolkit” is essential to establish a financial resource base for desired projects. There are a variety of resources that may be used for financing projects in Phase II. A comprehensive, though incomplete, list of funding tools and resources are described in Appendix D Financial Toolkit. The financial toolkit should be regularly updated as new funding sources are located. Briefly, some resources include:

- Local: Urban Renewal, Business Improvement Districts, Permits and other public fee charges, Community Development Block Grants, and others.
- Regional: Metro funding, ODOT transportation funds, such as MTIP, STIP.
- State: Tax increment financing, Brownfield grants, PHP grants, Energy Tax Credits, and others.
- Federal: Community development grants, Brownfield grants, EPA grants, HUD, HFA, FHA loans, and others.

Establish Priorities

The strategy is not static, nor can all of the goals of the vision be accomplished at once. Implementation should never really end. With that in mind, the City of Tualatin Development Commission will investigate the most important “first” projects to concentrate resources toward. The what, where, and when should be

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answered for the first set of projects. This provides focus and concrete goals leadership that the public and private sectors can work toward achieving. Questions when establishing priorities should include:

- What goals, programs or projects might achieve an early success?
- Does this project support the long-term strategy of the City?
- Is there leadership who would support this project and carry it through to implementation?
- If there is public investment, will a 4 or 5:1 ratio (private to public capital) be achieved?

Communications and Marketing

Successful development of the City of Tualatin vision requires getting the word out about the opportunities and assets throughout the Town Center. Implementation should not ignore the need for an active communications and marketing effort.

- Both the organization and the leadership must communicate successful implementation.
- Clearly communicating and marketing the vision means making continual news from projects.
- Communication means acting as a liaison between stakeholders, projects, and the wider community.

A full-time marketing and communications coordinator, hired by the City, is a valuable tool to communicate the vision. With a marketing budget and a carefully picked full-time coordinator, the City of Tualatin becomes poised to bring Downtown Tualatin fully to life, reviving the initial energy and enthusiasm from ten years ago with the success of Phase I of the Town Center, the Tualatin Commons.

As part of the marketing effort, it will be useful to market (communicate) some early successes for the Town Center area: ongoing events the City has established that are well-attended and supported by the community already, as well as new programs or projects, should all be included. Success may include:

- Concerts
- Public Realm Seasonal Displays
- Announce within six months: three to five projects within the URA, such as:
 - a Senior housing project along the river;
 - b Offices along the I-5 exit on the Nyberg property;
 - c New City Hall/Civic center;
 - d Clark Lumber site redevelopment into office/mixed-use;

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- e Mixed-use housing project(s);
- f Local design competition for new public Lake attraction/art feature; and
- g Other projects consistent with the Town Center Plan.

Regulatory Policy Amendments

The City of Tualatin can build upon its ongoing success in the Town Center. As the population and employment levels increase in the greater Portland Metro Region, the Town Center will be under more pressure to redevelop. This Town Center Plan can function as a guide for future growth in a manner that's consistent with City policies and community objectives. The steps required to move the Town Center Plan into a regulatory framework include:

1. Holding a public hearing as part of City Council proceedings to accept the Town Center Plan, then revising the Plan, and completing formal acceptance with a vote of the Council;
2. Amending the local Development Code to change the Town Center boundary to include the north Urban Renewal subarea;
3. Amending the Development Code to change the zoning within the south Urban Renewal subarea to General Commercial and North Urban Renewal subarea to Central Commercial; and within the property adjacent to the Kaiser Permanente building to Commercial Office.
4. Amending the Transportation System Plan to include new local or collector roadway projects. This requires completing TSP amendments and requisite traffic impact modeling in accordance with Oregon Land Use Planning Goal 12 Transportation.

The other recommendations contained in the Implementation Strategy are advisory only, but are needed to maintain momentum for positive change within the Town Center. An ongoing concerted effort by the City will enable the community to focus their vision, prioritize public resources, and leverage desired private investment—in a manner that fosters housing and job opportunities, and energizes community spirit for years to come.

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Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
GHT = Growth, Housing and Towncenter			
GHT 3	<p>Coherent Development Plan. Develop and implement a clear and coordinated plan for the coherent development of all aspects of Tualatin, including housing, businesses, recreation, roads, etc., with flexibility to deal with changing circumstances over time.</p>		<p>Note: Staff is in the process of reviewing the Tualatin Town Center Plan (Final Report, June 2005) to align it and Tualatin Tomorrow for a final Town Center Plan and implementing regulations. The Town Center Plan builds upon many previous locally-adopted public planning documents, including:</p> <ul style="list-style-type: none"> • Tualatin Community Plan and Development Code; • Metro Urban Growth Management Functional Plan; • Tualatin Central Urban Renewal Plan; • Tualatin Economic Development Action Plan; • Central Tualatin Design Guidelines; • Tualatin Transportation System Plan; and • Hedges Creek Wetlands Master Plan.
Action GHT 3.1	<p>City Action Plan Implementation. Formalize city implementation of Tualatin Tomorrow Vision and Action Plan actions. Integrate Actions into ongoing City operations and planning through processes such as:</p> <ul style="list-style-type: none"> • Prioritizing development planning based on analysis of actions provided by the Tualatin Tomorrow Vision and Action Plan • Revising the City of Tualatin's development plans for land-use mix to reflect implementation of the Vision and Action Plan. 		<p>See Note under Strategy GHT 3.</p>
GHT 4	<p>Development Choices. Build on Tualatin's strong community identity, priorities and values to drive development choices, directing new developments to provide local benefits – even if inviting to outside interests.</p>		<p>Note: The Draft Vision Statement and Draft Planning Parameters in the Tualatin Town Center Plan (Final Report, June 2005) address Strategy GH4, building on Tualatin's identity, priorities and values to drive development choices and direct new development.</p>

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Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
			<p>Draft Vision Statement: The Tualatin Town Center will be a distinctive high-quality mixed-use development location with a wide variety of residential dwellings and retail, professional and service employment opportunities, and important recreational and cultural facilities.</p> <p>Draft Planning Parameters:</p> <ul style="list-style-type: none"> • Create a unique pedestrian-oriented urban environment with excellent aesthetic qualities; • Provide strong transit, bicycle and roadway connections; • Establish clear and convenient connections between and among attractions; • Provide a rich diversity of mixed-use and free standing developments; • Accommodate a mix of local- and regional-retail operations; • Integrate natural features including the Tualatin River, Nyberg Creek, Hedges Creek and wetland areas;
			<ul style="list-style-type: none"> • Improve the local property tax base through public/private and private investments; • Enhance civic, social and cultural functions available to all ages and income levels; • Preserve and enhance important view sheds into and from the Town Center; • Provide and maintain adequate levels of public facilities (sewer, water, storm water, streets and parks) to accommodate planned development; • Consider flood mitigation strategies; and • Consider reconfiguring town center boundary to optimize redevelopment opportunities and transportation linkages.

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Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
GHT 9	Funding for Infrastructure. Develop a strong system of infrastructure funding including System Development Charges (SDCs) to help cover the capital costs, maintenance and improvements of schools, roads and other infrastructure required as Tualatin grows and develops.		Note: The Implementation Strategy in the Tualatin Town Center Plan (Final Report, June 2005) addresses Strategy GHT 9 by providing a recommended Investment Strategy / Policy and Investment Resources (Financial Toolkit, Appendix) that can be used to identify sources of funding and guide investment decisions in the Town Center.
Action GHT 9.1	Infrastructure Funding Options. Explore and evaluate the feasibility of using innovative funding methods and sources for City infrastructure funding.		See Note under Strategy GHT 9.
GHT 11	Housing Choices and Types. Develop a range of housing choices and types in Tualatin and promote a balanced community with a diversity of persons living, recreating, shopping and working within the city.	G	Residential and mixed-use along south side of Tualatin River (set back from River). Note: No descriptive text for this Element is contained in the Tualatin Town Center Plan (Final Report, June 2005), however, several Elements, including D, H, I, and L, identify areas in the Town Center appropriate for mixed-use development that could include upper-floor housing, row houses, condominiums, congregate care facilities and apartments.
Action GHT 11.1	Town Center Housing Types. Consider a housing element for the Town Center plan, including guidelines and tools to promote development of a mix of higher-density and affordable housing. Consider requiring Town Center housing to meet inclusive standards.		See Note under Strategy GH 11.
GHT 13	Vibrant, Identifiable Town Center. Develop a unique, vibrant and identifiable Town Center for Tualatin, preserving its history and heritage, while providing arterial transit access, cycle and pedestrian-friendly features, places people like to shop, and easy recreational access.		Note: The Tualatin Town Center Plan (Final Report, June 2005) directly addresses Strategy GH 13 through its Draft Vision Statement, Draft Planning Parameters, and recommended Land Use / Building, Transportation, and Parks / Natural / Other Elements which, when combined, aim to develop a unique, vibrant, and identifiable Town Center.

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Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
Action GHT 13.1	<p>Town Center Awareness. Develop/implement a Tualatin Town Center/Tualatin Commons public awareness campaign for the purpose of generating revenue/awareness/interest in Tualatin.</p>		<p>See Note under Strategy GH 13. In addition, the Implementation Strategy in the Tualatin Town Center Plan (Final Report, June 2005) includes Communications and Marketing strategies designed to generate awareness of and interest in the Town Center.</p>
Action GHT 13.2	<p>Town Center Parking. Develop increased parking capacity within or near the Tualatin Town Center through:</p> <ul style="list-style-type: none"> • Considering feasibility of a parking structure to ensure adequate parking for the Town Center area • Partnering with businesses • Constructing a multi-level parking structure. 		<p>Note: Element A (discussed below under Strategy GH 14) of the Tualatin Town Center Plan (Final Report, June 2005) is the only one to specifically address parking in the Town Center area. This Element envisions a pedestrian oriented mixed use structure, with commercial and/or public community meeting space on the ground floor built into a parking structure, with public administration space on top or along side the parking structure. The parking structure should be sized as a public parking area to serve visitors in the core area.</p>
GHT 14	<p>Mixed-Use in Town Center. Develop mixed-uses in Tualatin Town Center, with amenities such as mixed-use development, financial and retail services, a non-commercial district with government and social services, civic and cultural features, and high-density housing.</p>	A	<p>New city hall/community center in mixed-use parking center near library. This project is envisioned to become the municipal government center for the Town Center, with physical and functional linkages to the City Library, Community Park and the Lake of the Commons. A new city hall and community center would be accommodated through demolition of the existing city hall structure and the eastward extension of Seneca Street. The project could be designed as a pedestrian oriented mixed use structure, with commercial and/or public community meeting space on the ground floor built into a parking structure, with public administration space on top or along side the parking structure. The parking structure should be sized as a public parking area to serve visitors in the core area.</p>

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Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
		B	Expanded library. Approved by Tualatin citizens in November 2004, the expanded library initiative is currently on hold due to the failure of a concurrent referendum on a supplemental library operations budget. The Town Center Plan assumes the library is eventually expanded to meet increasing demand by Tualatin's rising populace.
		C	Alternate municipal building location. The City of Tualatin acquired additional land near the present location of police and fire departments to accommodate future public space needs. While the preferred Town Center Plan envisions a future City Hall to be located near its present location within a mixed use community/parking center (See project A), the city-owned site near the police/fire departments could also be considered during a more detailed City Hall location alternatives analysis.
		F	"Signature" Office development adjacent to I-5. As major suburban office subareas, such as the Kruse Way corridor and Tigard Triangle mature, and regional population expands, new office subareas will need to emerge. This key element envisions a new office district along I-5 within the Town Center. The term "signature" office is used to depict the site and building characteristics of high-profile national or international tenants.
		J	New cultural/arts center. A new cultural arts center is possible near the site of the existing Grange building. This project may include a mix of public and private meeting space, arts/exhibit space, and function as a convocation center for large banquets and events.

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Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
		K	<p>Office Development new Kaiser Permanente site. A new employment center is emerging near the west end of the Town Center with a cluster of medical office buildings near the Kaiser Permanente site. In recognition of demographic trends, the aging population will require medical services at convenient locations that are accessible by auto, bus and walking or biking. Hence, the area around the Kaiser Permanente building is recommended for a zone change from Light Manufacturing to Office.</p>
Action GHT 14.1	<p>Innovative Development. Solicit and encourage innovative design in the Town Center.</p>		<p>Note: As shown above, several Elements of the Tualatin Town Center Plan (Final Report, June 2005) address innovative design by recommending high quality mixed-use development throughout the Town Center. In addition, the Draft Vision Statement and Draft Planning Parameters call for "distinctive high-quality" development, a "unique pedestrian-oriented urban environment with excellent aesthetic qualities, a "rich diversity" of development, and preservation and enhancement of "important view sheds" into and from the Town Center. Further, The Central Tualatin Concept Plan and Design Guidelines (October 2001; contained in TDC Sections 73.600 and 73.610) encourage innovative development in the Central Design District (TDC Figure 73-4), which is located at the heart of the Town Center. These Design Guidelines could be extended to include the entire Town Center, thus requiring similar development innovation throughout the area.</p>

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Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
Action GHT 14.2	Mixed-Use Redevelopment. Expand mixed-use opportunities through redevelopment.	D	Mixed-Use redevelopment along Lower Boones Ferry Road. The Town Center Plan identified several redevelopment opportunities along Boones Ferry Road, particularly along the eastern edge across from the planned Commuter Rail station. Future mixed-use development could be leveraged using a combination of city-owned land and urban renewal investments. Any combination of vertical or horizontal mixed-use development is visualized by the plan. Given the presence of the 100-year flood plain, some amount of commercial and parking is likely to be located on the ground level, with housing and/or office on upper levels.
			Potential mixed-use redevelopment along Boones Ferry Road includes the former Clark Lumber site, and location of the former historic Methodist Church, which is slated for relocation. The Clark Lumber site, with its highly visible location, is considered to be an important catalyst project within the Town Center area. The pedestrian orientation and design of the building and choice of materials and tenants will likely set the tone for major mixed use redevelopment projects throughout the Town Center for years to come.
		E	Redevelopment near Tonka Road/Tualatin Sherwood Intersection. In effort to help improve circulation within the Town Center area while concurrently increasing redevelopment at highly visible locations, this project envisions a long-term extension of Tonka Road to the existing Tualatin/Sherwood Road signalized intersection. This location is visualized as an excellent long-term location for more intensive commercial retail and office development.

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Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
		H	<p>Long-term replacement of Kmart building with mixed use development. The existing building occupied by Kmart and Michaels stores consists of one of the largest existing buildings and sites within the Town Center. Its visibility and proximity to/from I-5 makes it a very important project for establishing a high quality development environment in the Town Center. The fact that the site is predominantly outside the 100-year floodplain makes it an excellent candidate for housing, including row houses, condominiums, congregate care facilities and apartments. Conceptual alternatives (included in Appendix C) illustrate a mix of housing and commercial development that can be developed if a newly established 250-foot street block grid is provided, with on and off-street parking. The alternatives that were prepared for this site are considered to be conceptual visions, not mandated plans.</p>
		I	<p>Mixed-use redevelopment around the Lake of the Commons. There are several redevelopment opportunities around the Lake of the Commons to maintain and increase the momentum of private hotel, office, commercial and housing development.</p>
		L	<p>Residential and mixed-use redevelopment near intersection of Tualatin Road and Chinook Street. Redevelopment of high visibility "gateway" locations is an important component of the Town Center plan. Existing underutilized parcels near this important intersection are recommended for redevelopment into a mix of housing and commercial services to serve residents that are within an easy walk from this location.</p>

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Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
		M	<p>Mixed-use redevelopment north of the Tualatin River (and expansion of the Town Center boundary). Another high visibility "gateway" location to the Town Center is the existing industrial area owned and managed by PacTrust. This location consists of over 30 acres of private land area and includes about three acres of city-owned land along the river bank. Given the location's close proximity to the Town Center core, and the fact that it is above the flood plain and contained within an existing urban renewal district, it is a potential candidate for long-term redevelopment. A conceptual alternative in the Town Center plan supports a Town Center boundary change and a zoning change from General Manufacturing to Central Commercial (please see Appendix C).</p> <p>A change in use would only be recommended if proper transportation connections and public facilities are provided and adequately funded, including the planned Lower Boones Ferry extension to Tualatin Road/Chinook Street. The conceptual alternatives for this site that are included in Appendix C are considered to be conceptual visions, not mandated plans.</p>
		N	<p>Mixed-use redevelopment in the south urban renewal area. Unlike the north urban renewal area, the south urban renewal area is under 19 separate ownerships and consists of only 20 acres. The Town Center Plan supports continued redevelopment of this area, but recognizes that the area is difficult to serve by additional road connections, given the existing rail line that runs along the west side of Boones Ferry Road. To help simplify future development permitting and in spirit of promoting redevelopment within the existing urban renewal district, the Town Center Plan supports a rezoning of this area from Light Manufacturing (with a General Commercial overlay) to General Commercial.</p>

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
Action GHT 14.3	Developer Incentives. Analyze existing tools and programs and consider providing incentives to those developers who meet or exceed Town Center development goals and who minimize development cost impacts to the City.		See <i>Note under Strategy GH 9 that addresses the Implementation Strategy in the Tualatin Town Center Plan (Final Report, June 2005)</i> .
GHT 15	Diverse Retail Opportunities. Offer a wide range of business and retail opportunities in Tualatin Town Center, geared to a variety of needs and income levels with good accessibility for vehicles and pedestrians.		See Elements A, B, C, F, J and K under Strategy GH 14 that address a mixed-use in the Town Center and Elements D, E, H, I, L, M and N under Strategy GH 14.2 that address mixed-use redevelopment. See Notes under these Elements.
Action GHT 15.1	Town Center Plan – Tualatin Vision Alignment. Incorporate Tualatin Tomorrow planning considerations for mixed-use development, accessibility and affordability in the Town Center Plan.		Note: This is the purpose of current planning activities, as evidenced by this comparison matrix.
Action GHT 15.2	Town Center Plan Public Involvement. Create a public involvement process for Town Center Plan implementation.		Note: The Implementation Strategy contained in the Tualatin Town Center Plan (Final Report, June 2005) calls for strong Leadership, possibly including a revived "Tualatin Futures" committee, to bring the Town Center Plan "story" to the public and community. It also recommends Communications and Marketing strategies to implement the plan.
Action GHT 15.3	Town Center Plan Adoption. Adopt the Tualatin Town Center Plan.		Note: This is the end goal of the current planning process.
GHT 16	Pedestrian/Bicycle-Friendly Town Center. Ensure that Tualatin's Town Center is safe and friendly for bicyclists and pedestrians, with bicycle- and pedestrian-friendly intersections and amenities.		Several Elements, including A, K, L, O, P, S, T, and X address walkability and pedestrian connections in the Town Center. See Notes under these Elements, above.

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
		T	Pedestrian trails along both sides of Tualatin River and pedestrian bridges. City ownership along both sides of the Tualatin River creates a unique opportunity to create a recreational and commuter trail network that links the Town Center with the surrounding communities of Tigard, Durham, and Lake Grove. The Town Center Plan illustrates possible pedestrian bridge connections and pathway alignments that can be constructed as part of City and/or Portland Metro Parks improvements in the future.
		X	Expanded recreational trail network. The Town Center Plan supports adopted local plans, including the Transportation System Plan, Hedges Creek Wetlands Master Plan, and the Zian Natural Area Management Plan and their designation of future trails and natural area enhancements. Over time, as the multimodal trail network is expanded, and connections are improved with adjacent communities and Metro parks and open spaces, Town Center residents and businesses will benefit from increased nonauto accessibility and improved recreational amenities.
Action GHT 16.1	Pedestrian Safety Programs. Develop, promote and implement a community-wide program for pedestrian safety including driver awareness of pedestrian right-of-way regulations to reduce pedestrian/auto conflicts. Convene a walker/bicyclist group to provide input for pedestrian/bicycle safety campaign.		See Element O under Strategy GHT 21. This Element includes traffic calming improvements in the Town Center to "help lower vehicle speeds and improve pedestrian visibility and safety".

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
Action GHT 16.2	<p>Commons Accessibility Issues. Evaluate accessibility barriers within the Tualatin Commons including:</p> <ul style="list-style-type: none"> • Evaluating public perception • Providing recommendations on elimination of barriers, if any • Further implementing pedestrian access and design standards in the Town Center. 		<p>Note: The Tualatin Town Center Plan (Final Report, June 2005) does not address accessibility issues.</p>
Action GHT 16.3	<p>Bicycle Safety Program. Develop, promote and implement a community-wide program on bicycle safety including:</p> <ul style="list-style-type: none"> • Promoting the program at community events including an annual Tualatin Town Center bicycle-safety event • Convening a walker/bicyclist group to provide input for pedestrian/bicycle safety campaign. 		<p>Note: The Tualatin Town Center Plan (Final Report, June 2005) does not address bicycle safety programming.</p>
Action GHT 16.4	<p>Design Standards. Enforce design standards – including street crossings – in new developments.</p>		<p>See Note under Action GHT 14.1 that addresses innovative development.</p>
GHT 17	<p>Commercial Traffic Diversion. Utilize a variety of means to minimize the impact of commercial through-traffic in Tualatin, diverting a significant portion of this traffic out of the Tualatin Town Center and neighborhoods.</p>		<p>Note: Several Elements, including O, P, Q, R, U, and AZ, address street improvements or connections within the Town Center that would help reduce overall congestion. However, the Tualatin Town Center Plan (Final Report, June 2005) does not specifically address commercial traffic diversion.</p>
Action GHT 17.1	<p>Freight Transportation Alternatives. Develop incentives to reduce large truck travel, especially at peak hours, on streets surrounding Town Center and neighborhood roads. Incentives could include:</p> <ul style="list-style-type: none"> • Development of a toll for peak-hour road usage • Establishment of defined truck routes. 		<p>See Note under Strategy GHT 17.</p>

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
GHT 18	Urban Design Standards. Develop enhanced, flexible standards to promote ongoing community attractiveness in Tualatin and a cohesive urban design.		<i>See Note under Action GHT 14.1 that addresses innovative development.</i>
Action GHT 18.1	City Housing Standards Evaluation. Review current proposed urban housing design standards to consider the housing variety and mixed-use standards of the Town Center Plan.		<i>See Note under Strategy GHT 11 that addresses housing choices and types.</i>
GHT 21	Beautiful Streetscapes. Ensure beautiful streetscapes throughout Tualatin, promoting the ongoing maintenance of street easements through a variety of means.	O	Streetscape & pedestrian improvements & traffic calming. The Town Center Plan supports area wide streetscape and pedestrian improvements that help beauty and soften the "harsh" characteristics of the auto-oriented environment. This entails sidewalk and pedestrian crossing improvements, in combination with street lighting, landscape buffers, planted medians and trees and shrubs. This would build upon the City's recent improvements to Boones Ferry Road, with treatments to Tualatin Sherwood Road, Tualatin Road, Martinazzi Road, Nyberg Road, and other existing and planned streets in the Town Center. Traffic calming improvements should consider colored cross walks, roundabouts, and stamped concrete circles or chicanes as measures to help lower vehicle speeds and improve pedestrian visibility and safety.
Action GHT 21.1	Street Trees Program and Standards. Expand and strengthen the City of Tualatin Street Trees program including: <ul style="list-style-type: none"> • Researching current best practice streetscape standards • Applying improved standards, unique and recognizable, to City entrances and Town Center. 		See Element O under Strategy GHT 21. This Element includes streetscape improvements that are expected to include trees. However, the Tualatin Town Center Plan (Final Report, June 2005) does not specifically address the Street Tree Program or standards.

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
GHT 22	<p>Community Gateways. Develop distinct gateways at key entry points into Tualatin, promoting the community's identity and distinguishing it from surrounding cities. Utilize structures, art, signage and landscaping to enhance these gateways.</p>	Z	<p>Gateway signage and landscape treatments at key locations. The Town Center is to remain as Tualatin's downtown—defining the city's identity for its residents, visitors and workers. To define the Town Center in a coordinated and unique manner, the Town Center Plan envisions adding thematic entryway treatments at key locations along major entry points: I-5 ramps at Tualatin Sherwood Road (east); Lower Boones Ferry Road (north and south); Tualatin Road (north); and Tualatin Sherwood Road (west). High quality directional signage, landscaping, art, lighting and water features can be provided at designated locations using timeless materials, including wood, stone and water.</p>
Action GHT 22.2	<p>Identity Support – City Entrances. Create City entryways at strategic locations that reflect the community's identity.</p>		<p>See Element Z under Strategy GHT 22 that addresses community gateways.</p>
GLC = Governance, Leadership and Community Engagement			
GLC 11	<p>Sense of Community. Ensure that Tualatin's sense of community remains strong and healthy, and that people who live and work in Tualatin feel a sense of ownership and responsibility in the community and what happens here.</p>		<p>See Notes under Strategy GHT 13 addressing a vibrant, identifiable Town Center, and Action GHT 13.1 that addresses Town Center awareness.</p>

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
Action GLC 11.3	Town Center Monument. Consider construction of a Town Center iconic structure, such as a tower, to enhance the image of city center.	Y	New feature at the Lake of the Commons. While this plan does not recommend a specific public amenity at the Lake of the Commons, it recognizes the public opinion voiced through the planning process that a new feature or amenity is needed to invigorate visitors to visit the Lake of the Commons. The Plan supports a public icon and/or a water feature that functions as art and a visitation magnet. Considerations include a clock tower, high velocity periodic water fountain or geyser, or floating bridge/island. The plan supports additional public outreach and possibly a design competition to arrive at the most cost effective and exciting locally preferred feature.
TTC= Traffic, Transportation and Connectivity			
TTC 4	Downtown Parking. Develop ample public parking in Tualatin Town Center in order to better accommodate local businesses, services and retail establishments.		See Note under Action GHT 13.2 that addresses Town Center parking.
Action TTC 4.1	Parking/Funding Adequacy. Determine appropriate parking needs and: <ul style="list-style-type: none"> • Create a long-term parking and funding plan for downtown Tualatin. • Increase parking as a component of development in downtown Tualatin, if necessary. 		See Notes under Strategy GHT 9 addressing funding for infrastructure and Action 13.2 that addresses Town Center parking.
TTC 5	Improved Traffic Management. Develop and institute an improved traffic management system in Tualatin to optimize traffic signals and mass transit for better traffic flow at consistent speeds throughout the city.		Note: Several Elements, including O, P, Q, R, U, and AZ, address street improvements or connections within the Town Center that would help reduce overall congestion. However, the Tualatin Town Center Plan (Final Report, June 2005) does not specifically address traffic management.

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
Action TTC 5.1	<p>Heavy-freight Management. Evaluate innovative ways to address the impacts of heavy truck/freight distribution routes within Tualatin. Consider remedial alternatives such as:</p> <ul style="list-style-type: none"> • Designating and improving truck routes • Encouraging use of roadways during non-peak hours • Providing incentives to use alternate routes • Providing incentives to shift business hours for freight delivery/receiving • Using street designs such as roundabouts and landscaping features • Considering future resurgence of railroad mode as a freight mover 		See Notes under Strategy GHT 17 addressing commercial traffic diversion and Strategy TTC 5.
TTC 6	<p>Improved Traffic Flow. Improve the flow of traffic in Tualatin through special routes and lanes, roadway improvements and other measures, relieving traffic congestion and promoting the flow of local residential traffic.</p>	P	<p>New extension of Seneca Street from Martinazzi Road to Kmart site. In the future, as the existing City Hall site is redeveloped, the Town Center Plan supports the extension of Seneca Street to the east towards the Kmart site. This street is expected to become an important east-west pedestrian link with the planned Commuter Rail, the Lake of the Commons and new development to the east.</p>
		Q	<p>Loop road behind Kmart building. The Town Center Plan supports adopted Transportation System Plan improvements, including the local loop road that would extend from Lower Boones Ferry Road around the Kmart building to connect with a future Seneca Street extension. A concept alternative, included in Appendix C, illustrates how the potential loop road could become part of a future 250-foot block grid in this location. Note, that the conceptual visions included in this plan are intended to show possibilities, not mandated site plans.</p>

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
		R	<p>Lower Boones Ferry Road extension across Tualatin River. The Town Center Plan supports adopted Transportation System Plan improvements, including the extension of Lower Boones Ferry Road to align with the existing Chinook Street/Tualatin Road corridor. This connection is considered to be important for reducing auto congestion within the Core area of the Town Center, and is expected to help alleviate congestion along the existing Boones Ferry Road alignment and Tualatin Sherwood Road. This road would also enable the north urban renewal area to redevelop in a way that considers cost sharing for major capital improvements.</p>
		U	<p>Tualatin Road extension to Hall Boulevard. Another Transportation System Plan improvement planned in the Town Center includes the extension of Tualatin Road across the Tualatin River into Tigard. This improvement is considered to be very long-term and no funding sources have been identified.</p>
		AZ	<p>Connection between Lower Boones Ferry Road and SW 90th Avenue. A potential new Transportation System Plan improvement project that is recommended by the Town Center Plan includes a public street connection between Lower Boones Ferry Road in vicinity of the planned commuter rail station and SW 90th Street. This public street would likely be classified as a Collector roadway and could be required as a condition of additional development in the area bounded by Tualatin Sherwood Road, SW 90th Street, Lower Boones Ferry Road, and Hedges Creek wetlands.</p>

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
Action TTC 6.1	<p>Traffic Flow Management. Evaluate Tualatin traffic flow management options such as:</p> <ul style="list-style-type: none"> • Promoting usage of additional Protected Permissive Phasing (left turn on flashing yellow light) • Establishing regular frequency to evaluate and re-time lights along Tualatin-Sherwood Road • Encouraging staggered dismissal times for public and private schools • Offering incentives for van/car pooling • Exploring feasibility for making a one-way street grid • Exploring one-way loop road • Exploring expansion of Tualatin-Sherwood Road to two lanes in each direction. 		<p>Note: Several Elements, including O, P, Q, R, U, and AZ, address street improvements or connections within the Town Center that would help reduce overall congestion. However, the Tualatin Town Center Plan (Final Report, June 2005) does not address traffic flow management specifically.</p>
TTC 12	<p>Roadside Landscaping. Develop new programs and activities to improve and enhance City standards for and involvement in roadside landscaping.</p>		<p>See Element O under Strategy GHT 21 that addresses beautiful streetscapes.</p>
Action TTC 12.1	<p>Roadside Landscape. Support and expand roadside landscaping. Update to include unique and innovatively designed landscaping requirements with strong aesthetic identity for road-sides adjacent to new developments and re-development projects.</p>		<p>See Element O under Strategy GHT 21 that addresses beautiful streetscapes.</p>

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
TTC 13	Regional Transit Linkage. Strengthen Tualatin's linkages with the regional transit system (bus, rail, etc.), improving transit service and connections within the city and to other parts of the region for the local population at all times of day.	S	Commuter rail station along Lower Boones Ferry Road. A new commuter rail line between Wilsonville and Beaverton Transit Center (with access to TriMet's Light Rail line) is being planned with a station and park and ride lot (with about 110 parking spaces) in the Town Center, west of Boones Ferry Road. This new rail station is expected to improve multi-modal access to/from the Town Center, and help increase visitation. Future pedestrian improvements and redevelopment along Lower Boones Ferry Road should attempt to improve visibility, image, and access to/from the new station platform and park and ride.
TTC 15	Walkable Commercial Areas. Promote greater walkability and pedestrian-friendly features in all of Tualatin's commercial areas.		Several Elements, including A, K, L, O, P, S, T, and X address walkability and pedestrian connections in the Town Center. See Notes under these Elements.
PRN = Parks, Recreation and Natural Areas			
PRN 1	Clean Waterways. Promote clean waterways in Tualatin suitable for swimming, fishing and animal habitat. Work with upstream communities to influence the protection of waterways and enforcement of clean water laws.	W	River and stream buffer restoration. Tualatin River and its tributaries create a unique natural setting that defines the Town Center unlike any other urban center in the greater Portland Metro Region. The Town Center Plan supports local Clean Water Services and Metro efforts to help protect and enhance floodways along the Tualatin River and delineated local wetlands. It is anticipated that as existing non-conforming development seeks new building permits, the City will require proper building setbacks with restoration management plans focused on floodway restoration. This effort is required to help manage flood events, and protect life and property within the Town Center.

TT-TCP Draft Land Use Matrix

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
PRN 3	<p>Open Space Planning. Utilize the City's comprehensive planning system to promote the preservation of open space that contributes to the community's overall quality of life.</p>	V	<p>Hedges Creek watershed enhancements. The locally adopted Hedges Creek Wetlands master plan for Sweek Marsh includes several enhancements to the city-owned 29-acre wetlands located on the west side of the Town Center area. The Town Center Plan visualizes implementation of the Hedges Creek master plan improvements, particularly the multiuse pathways, habitat restoration, flood water detention/retention and environmental education.</p>

**TCP LANDUSE MATRIX
COMPARISON OF TT AND TCP - DISCUSSION ITEMS**

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
GHT 11	Housing Choices and Types.	G, D, H, I, L	Several Elements of the TCP identify areas in the Town Center appropriate for residential and mixed-use development that could include upper-floor housing, row houses, condominiums, congregate care facilities and apartments. However, the TCP does not include a housing element.
Action GHT 11.1	Town Center Housing Types.		
		Discussion Items:	<p>Are areas proposed for residential and mixed-use development consistent with Council's vision for the Town Center?</p> <p>Should a housing element be added to the TCP?</p> <p>Should Town Center housing be required to meet inclusive standards?</p>

TCP LANDUSE MATRIX COMPARISON OF TT AND TCP - DISCUSSION ITEMS

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
GHT 14	Mixed-Use in Town Center.	D, E, F, H, I, J, K, L, M, N	Several Elements of the TCP identify areas in the Town Center appropriate for mixed-use and more intensive retail and office development. These Elements also envision changing the Planning District designation in specific areas including: <ul style="list-style-type: none"> • K - Light Manufacturing (ML) to Commercial Office (CO) • M - General Manufacturing (MG) to Central Commercial (CC) • M - Expansion of the Town Center boundary • N - ML with General Commercial overlay to General Commercial (CG)
Action GHT 14.1	Innovative Development.		
Action GHT 14.2	Mixed-Use Redevelopment.		
<p>Discussion Items:</p> <p>Are areas proposed for mixed-use and more intensive retail and office development consistent with Council's vision for the Town Center?</p> <p>Does Council agree with the suggested changes in Planning District designation as outlined above?</p> <p>Given that new development and redevelopment may create additional traffic and congestion in the Town Center, are there areas where less intense development would be appropriate?</p> <p>As a means to encourage innovative development, should the Central Design District (TDC Figure 73-4) be extended to include the entire Town Center area, thus applying the Central Design District Guidelines to the entire Town Center?</p>			

**TCP LANDUSE MATRIX
COMPARISON OF TT AND TCP - DISCUSSION ITEMS**

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
GHT 16	Pedestrian/Bicycle-Friendly Town Center.	A, K, L, O, P, S, T, X	pedestrian connections, and bicycle amenities in the Town Center. However, the TCP does not include an element that directly addresses development of a pedestrian/bicycle safety program or evaluation of accessibility barriers within the Tualatin Commons.
Action GHT 16.1	Pedestrian Safety Programs.		
Action GHT 16.2	Commons Accessibility Issues.		
Action GHT 16.3	Bicycle Safety Program.		
TTC 15	Walkable Commercial Areas.		

Discussion Items: Are current Elements of the TCP sufficient to address pedestrian/bicycle safety and accessibility issues?

Should an element be added to the TCP specifically addressing pedestrian/bicycle safety?

Should an element be added to the TCP specifically addressing accessibility issues within the Tualatin Commons?

**TCP LANDUSE MATRIX
COMPARISON OF TT AND TCP - DISCUSSION ITEMS**

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
GHT 17	Commercial Traffic Diversion.	O, P, Q, R, U, AZ	Several Elements of the TCP address street improvements and connections that would help reduce overall congestion. The TCP does not include an element that directly addresses commercial traffic diversion, freight transportation alternatives, heavy-freight management, or overall traffic flow management. Specific street extensions and improvements include:
Action GHT 17.1	Freight Transportation Alternatives.		• P - new extension of Seneca Street from Martinazzi Road to the Kmart site.
TTC 5	Improved Traffic Management.		• Q - Loop road behind the Kmart building.
Action TTC 5.1	Heavy-freight Management.		• R - Lower Boones Ferry Road extension across the Tualatin River.
TTC 6	Improved Traffic Flow.		• U - Tualatin Road extension to Hall Boulevard.
Action TTC 6.1	Traffic Flow Management.		• AZ - Connection between Lower Boones Ferry Road and SW 90th Avenue.
		Discussion Items:	Are current Elements of the TCP sufficient to address overall traffic flow management in the Town Center?
			Does Council agree with the suggested street extensions and improvements as outlined above?
			Should an element be added to the TCP specifically addressing commercial traffic diversion, freight transportation alternatives, heavy-freight management, and overall traffic flow management in and around the Town Center?

**TCP LANDUSE MATRIX
COMPARISON OF TT AND TCP - DISCUSSION ITEMS**

Tualatin Tomorrow		Town Center Plan	
Strategy	Description	Element	Description
GHT 21	Beautiful Streetscapes.	O, Z	Element O of the TCP supports area wide streetscape and pedestrian improvements that help beautify streetscapes in the Town Center. Element Z addresses gateway signage and landscape treatments at key locations to identify Tualatin and the Town Center. However, neither Element addresses the Street Trees Program and development of unique and recognizable standards to apply to City entrances and the Town Center.
Action GHT 21.1	Street Trees Program and Standards.		
GHT 22	Community Gateways.		
Action GHT 22.2	Identity Support – City Entrances.		
TTC 12	Roadside Landscaping.		
Action TTC 12.1	Roadside Landscape.		
		Discussion Items:	
			Should Element O or Z be expanded to address the Street Trees Program as it relates to the Town Center and Town Center gateways?
			Should the Street Trees Program be expanded and strengthened to apply improved standards that are unique and recognizable to City entrances and the Town Center?



City of Tualatin

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Approved By Tualatin City Council
Date April 28, 2008
Recording Secretary J. Kirby

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF APRIL 14, 2008

PRESENT: Mayor Lou Ogden; Councilors Monique Beikman, Bob Boryska [*arrived 5:56 p.m.*], Jay Harris, Donna Maddux, and Ed Truax; Doug Rux, Acting City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Dan Boss, Operations Director; Don Hudson, Finance Director; Eric Underwood, Development Coordinator; Carina Christensen, Assistant to the City Manager; Aquilla Hurd-Ravich, Senior Planner; Carl Switzer, Parks and Recreation Manager; Will Harper, Associate Planner; Maureen Smith, Recording Secretary

ABSENT: City Manager Sherilyn Lombos* [** denotes excused*] Councilor Chris Barhyte

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:45 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Refunding of Police Bond

Finance Director Don Hudson gave an informational update. In February 2008, Council passed a resolution authorizing the sale of the City's General Obligation Refunding Bonds, at which the bond sale refunded the 1999 Police Facility bonds. In March the refunding bonds were sold, reducing the average interest rate, with a total savings of over \$148,000 over the life of the bonds. Also by spending a majority of the bond reserve from the police facility reduced the City's outstanding general obligation bonds. The net impact is a savings of over \$0.31 over the life of the bonds, with the majority of the savings included in the first three years, including no levy for the police facility bonds in the upcoming fiscal year.

Mayor Ogden asked and Mr. Hudson explained that it will be less homeowners will end up paying. Also asked was why not levy to pay the bond off sooner. Mr. Hudson said there is not enough savings. Discussion followed on how this information could be conveyed to the public. Brief discussion followed.

2. Annual Fee Schedule Update

Senior Planner Aquilla Hurd-Ravich gave a brief background on the methodology of the annual fee schedule and phasing of the various fees. Some years back the Council recommended review of fees be put on a regular schedule to keep them current. At that time some fees were dropped and the remaining fees were divided into three groups to be reviewed on a revolving three-year schedule. Councilor Harris said he had asked about this issue as Tualatin is one of the lowest jurisdictions in the area when it comes to fees, and suggested perhaps a "sliding scale" type of fee could be looked at, such as a 10-lot versus a 60-lot subdivision.

Also discussed is if Council wants to be at cost recovery fees, actual costs versus fee. Council interest in looking at market rate? Boryska said it'd just come back to the property owner. Mr. Rux explained that when Council looked at this issue a few years back, actual cost recovery was looked at and Council at that time, did not want to go that direction. However, staff will look at what actual cost recovery would be. Council suggested looking at comparables from other cities. Councilor Truax suggested passing the fee schedule that is on tonight's agenda, and revisit the fee issue at a future discussion.

3. *November 2008 Bond Measure Update*

Community Services Director Paul Hennon reported on feedback on the draft program from the ad hoc committee (AHC). Staff is currently making revisions from Council's special work session discussion on April 8, 2008, and the outcome of tonight's discussion. Mr. Hennon distributed a handout summarizing comments made by the AHC, ranging from the community center was too large, to it was the right size, and combination of major components, that there were not enough sports fields to there was a good mix of facilities reflecting the priority of the first survey, and that there should be more funding to support land acquisition for trails.

Mr. Hennon said although staff was clear about the major priorities set by Council at the April 8, 2008 meeting, clarification is needed on some projects. Mr. Hennon reviewed the list with Council and after discussion arrived at the following:

- No (*by all Council present*) to picnic shelter at north end of new sports fields at Jurgens Park;
- No (*Yes – Harris, Ogden; No – Beikman, Boryska, Maddux, Truax*) to Stoneridge Park Phase 2 plantings and play equipment;
- Yes (*by all Council present*) to Brown's Ferry Park Amphitheater, add terracing for better seating, at a cost of \$100,000 or less;
- Preliminary Yes (*by all Council present*) to Atfalati Park play area and fountain repair, subject to cost which had not yet been determined, staff will return with information;
- No (*by all Council present*) to Community Center "Rock Wall".

A grant program, suggested at \$500,000 was mentioned and discussed. Staff will learn more about what is intended and if there is a way to do this in compliance with prevailing wage rules regarding paying prevailing wage if any public funds are used (even if by volunteers).

Park maintenance and repairs were discussed and staff will develop a short list of priority projects that could be included in the bond/and or paid for with park maintenance utility fee (by assessing the fee before needed for new projects and/or as part of new fee basis). Staff has asked the consultant to prepare this information as a component of the feasibility study, which is not done as yet. Mr. Hennon said the maintenance needs would easily be \$500,000 and could go as high as \$5 million, depending on what was included (scope and timeframe). Mr. Hennon said adding the deferred maintenance to the scope of the park maintenance utility fee was a change from previous Council direction, which had directed that it not be included.

A community garden was suggested, at an approximate cost of \$50,000. Brief discussion followed with staff to work on a concept with capital and operating costs estimates, and will return with more information.

Also discussed was surveying for just a community center and sports complex, and see where the interest lies. The package of having a sports center and community center is favored by some members of the Tualatin Organization of Sports (TOS) and Mr. Hennon commented he wasn't sure the entire TOS group would agree and

further discussion will be needed. In the various packages presented, only one has aquatics and Mr. Hennon said the other packages didn't look at paring down, while leaving the aquatics piece in. It was suggested to see what the second survey would bring.

Mr. Hennon said at the April 8, 2008 special work session, his understanding was to fit projects to \$55 million, but there had also been discussion of a range; other associated costs were not considered in setting the \$55 million cap. Discussion followed with Council concluding there may not be a lot of difference in community support between \$55 and \$56 million and the information should be developed with Council deciding what, if any, will be included in a bond measure after the results of the second survey.

Mr. Hennon said the next steps will be drafting programs, refreshing capital and operating costs, bond and fee information will be forwarded next week to Council. Preparation of the second survey will proceed using the \$55 million as the basis for the financial numbers used given the survey schedule, will be too late to amend the survey after the next Council meeting on April 28, 2008.

4. Councilor Truax mentioned the recent "group home" issue in the Seminole Trail neighborhood raised by the neighbors. Mr. Rux said the Building Division has placed a stop work on the house remodeling as a building permit was not obtained. Staff has also spoken with the property owner and is looking at statutory requirements and how it fits under the Tualatin Development Code (TDC). Council requested staff to keep close tabs on this issue. It was noted there are group homes in Tualatin now, but need to look at the whole picture.

C. CITIZEN COMMENTS

N/A

D. CONSENT AGENDA

There were no comments or questions by the Council on the Consent Agenda.

E. PUBLIC HEARINGS – Legislative or Other

N/A

F. PUBLIC HEARINGS – Quasi-Judicial

N/A

G. GENERAL BUSINESS

2. Ordinance No. 1258-08 Related to the Library Advisory Committee; Modifying the Duties of the Committee; and Amending TMC 11-4-030, 11-4-040, and 11-4-070

MOTION by Councilor Harris, **SECONDED** by Councilor Boryska for first reading by title only. MOTION by Councilor Harris, **SECONDED** by Councilor Boryska for second reading by title only. **MOTION CARRIED**. The poll was unanimous. *[Barhyte absent.]* MOTION by Councilor Harris, **SECONDED** by Councilor Truax to place adoption of the Ordinance on the Consent Agenda. **MOTION CARRIED**.

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

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

Doug Rux, Acting City Manager

Recording Secretary *Maureen Smith*



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council
Date April 28, 2008
Recording Secretary J. Kirby

TUALATIN CITY COUNCIL MINUTES OF APRIL 14, 2008

PRESENT: Mayor Lou Ogden; Councilors Monique Beikman, Bob Boryska, Jay Harris, Donna Maddux, and Ed Truax; Doug Rux, Acting City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Paul Hennon, Community Services Director; Carina Christensen, Assistant to the City Manager; and Maureen Smith, Recording Secretary

ABSENT: City Manager Sherilyn Lombos*, Councilor Chris Barhyte* [** denotes excused*]

Mayor Ogden called the meeting to order at 7:01 p.m.

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

A. CALL TO ORDER

Councilor Boryska led the Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Tualatin Youth Advisory Committee Update*

Members of the Youth Advisory Committee (YAC) were present and gave an update on recent activities. The YAC hosted the "Green Week" Kick-Off event on April 12, 2008, which is a week-long event dedicated to increasing environmental awareness in Tualatin. It was very successful and well attended. The YAC members said it made a difference to them, and they also asked for it to be an annual event. They requested that Council officially adopt a "Green Week" Proclamation. An update was also given on the Congressional Cities Conference. Council asked for more information about "Green Week" and the YAC said more information is on the City's website.

Mayor Ogden wanted to mention his appreciation of the local business sponsors for the "Green Week" event, and said the Council would be interested in doing a yearly proclamation for "Green Week". Mayor Ogden suggested the YAC host the next Kick-Off event, and to get with staff to put together a proclamation.

2. *Proclamation Declaring April 13 – 19, 2008 as "National Library Week" in the City of Tualatin*

The Proclamation declaring National Library Week was read by Councilor Beikman. Mayor Ogden complimented the City's Library staff during the remodeling transition, and noted that circulation actually increased with the temporary Library location. Mayor Ogden also mentioned there is a movement to create a "Friends of the Library" foundation.

3. *Proclamation Declaring April 27 – May 3, 2008 as "National Volunteer Week" in the City of Tualatin*

Councilor Maddux read the Proclamation declaring National Volunteer Week.

C. CITIZEN COMMENTS

Frank Bubenik, 17445 SW 107th, Tualatin, and Candice Kelly, 8720 SW Tualatin Road, Tualatin, co-chairs of the Tualatin Tomorrow vision project, presented information on the May 8th "Shape Tualatin's Future" event at Legacy Meridian Park Hospital Education Center from 5:30 p.m. to 7:30 p.m. and will cover what has been accomplished and what's in the future for the project. They encouraged all to attend and noted many of the partners will be attending to share information also. There will be free refreshments, door prizes, and child care provided. They will be back in two weeks for a more formal presentation to Council. More information is available at the website at www.tualatintomorrow.org.

Katie Bailey, 8200 SW Seminole Trail, Tualatin, OR, was present to comment on a house at the end of the cul-de-sac on Seminole Trail, that is going to be a "halfway house." Ms. Bailey also distributed a petition signed by neighbors, with additional letters, etc. to ask that the use be disallowed. She said the owner of the house has added five more rooms to the current space without acquiring a building permit; the owner is in the construction business and should be aware of laws, permits, etc. There will apparently be up to 8 people, which would create a variety of vehicles, and Ms. Bailey said there currently isn't enough room on the cul-de-sac, and this use should be located on an arterial or collector street as the Tualatin Development Code (TDC) says. Ms. Bailey said it is a very unsafe, crowded situation, and is unsafe and unmanageable for postal delivery and emergency vehicles, etc. with the amount of people that will be living at the house. She requested a hearing on the issue.

Mayor Ogden noted a number of issues and concerns were raised, and Council also just became aware of this issue. Council has asked that staff go through the TDC and how it relates to this situation. Mayor Ogden said he did not believe there can be a public hearing held on this matter, but staff will look at the TDC carefully and make certain there is complete compliance. Staff will look at this issue as quickly as possible. Ms. Bailey asked if the neighbors could be notified when staff has more information available.

Susan Banks, 8625 SW Seminole Trail, Tualatin, OR, said she just found out about this a few days ago herself. There are eight children that live in the cul-de-sac, that play outside. With eight additional people and vehicles, there would be no room in the cul-de-sac, as there is barely enough room now. She said there is only spots for four additional cars that could be parked. Ms. Banks said her first concern is safety, and she also wanted to know why she wasn't notified, and said it is a separate issue of the occupants itself.

Council President Truax said this matter was mentioned in the Council work session held earlier this evening, and Council has asked staff to thoroughly research the issue, look at every opportunity and take every step possible to protect the cul-de-sac. Councilor Boryska wanted all to be aware that the Council just found out about this issue, and neighbors actually knew before Council did.

Jim Bailey, 8700 SW Seminole Trail, Tualatin, OR, said he lives next door to the house and said it seems this has been done under the radar. The property owner has signed a contract with Oxford House Rehabilitation and said no effort was made to contact neighbors and the City. He said he would appreciate the Council staying abreast of the issue.

D. CONSENT CALENDAR

Item G-2 was adopted by the Council and placed on the Consent Agenda at work session.

MOTION by Councilor Truax, SECONDED by Councilor Maddux to adopt the Consent Agenda as amended and read:

1. Approval of Minutes for the Meeting of March 24, 2008
 2. Approve a New Liquor License Application for Fiorano Restaurant
 3. Use of Remaining Funds from the A2 Reservoir Bond Sale Revenues
 4. Resolution No. 4771-08 Authorizing Deed of Dedication and Public Utility Easement Associated With the Aquifer Storage and Recovery Pump House Project (Tax Map 2S1 34AD, Tax Lots 5400 & 5500)
 5. Resolution No. 4772-08 Accepting Public Improvements Constructed for Meridian Business Park
 6. Resolution No. 4773-08 Accepting Public Improvements Constructed for 17645 SW Jurgens Road
 7. Resolution No. 4774-08 Accepting Deeds of Dedication and Easements Associated With the SW Herman Road Improvement Project (Merlo Station and Brockway)
 8. Resolution No. 4775-08 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 4756-08
 9. Resolution No. 4776-08 Authorizing Amendment to the Intergovernmental Agreement for Towing Coordination Services
- G-2 Ordinance No. 1258-08 Related to the Library Advisory Committee; Modifying the Duties of the Committee; and Amending TMC 11-4-030, 11-4-040, and 11-4-070

MOTION CARRIED.

E. PUBLIC HEARINGS – *Legislative or Other*

1. Proposed Renaming of a Portion of SW Boones Ferry Road to SW McEwen Road

Ordinance No. 1257-08 Renaming a Portion of SW Boones Ferry Road to SW McEwen Road

Mayor Ogden opened the public hearing.

City Engineer Mike McKillip briefly explained that a public hearing was held on February 25, 2008 renaming a portion of SW Boones Ferry Road to SW McEwen Road. The original public hearing notice was not published in the newspaper and the ordinance that passed needs to be repealed and a new ordinance adopted. Staff was in contact with all the property owners and received no comments at that time.

Staff recommends Council accept public testimony on this matter and adopt the ordinance renaming a portion of SW Boones Ferry Road to SW McEwan Road in Clackamas County.

PROPOSERS/OPPONENTS – None.

Mayor Ogden closed the public hearing.

MOTION by Councilor Truax, SECONDED by Councilor Boryska to adopt the ordinance. *MOTION WITHDRAWN AND RESTATED.*

MOTION by Councilor Boryska, SECONDED by Councilor Maddux to accept staff's recommendation.

Discussion on Motion

Councilor Harris asked and City Attorney Braden said under certain circumstances an ordinance can be passed on the same night as the public hearing.

MOTION CARRIED.

MOTION by Councilor Harris, SECONDED by Councilor Boryska for first reading by title only. MOTION by Councilor Beikman, SECONDED by Councilor Boryska for second reading by title only. MOTION CARRIED. The poll was unanimous. [*Barhyte absent*]. MOTION by Councilor Beikman, SECONDED by Councilor Harris to adopt the Ordinance renaming a portion of SW Boones Ferry Road to SW McEwan Road. MOTION CARRIED.

F. PUBLIC HEARINGS – Quasi-Judicial

1. Conditional Use Permit for a Watchman's Dwelling for a Self-Storage Facility at 18270 SW Pacific Highway (CUP-08-01)

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

Associate Planner Will Harper presented the staff report and entered the entire staff report into the record. Mr. Harper gave a background on the proposed conditional use permit. Proposed use is a dwelling unit for a watchman and family at the facility. With approval of a CUP for a watchman's dwelling, occupant will need to get permit improvements. Staff report reviewed the criteria for conditions of approval.

Staff recommends Council adopt the staff report and direct staff to prepare a resolution granting CUP-08-01 for a Watchman's Dwelling for a Self-Storage Facility at 18270 SW Pacific Highway.

PROPONENTS

Mary Briggs, president of Kevin Howard Real Estate, 14855 SE 82nd Drive, Clackamas, OR, representing the applicant, said they have been in the self-storage business for over 30 years, and almost all facilities have a "watchman's dwelling", She was present to answer any questions Council may have.

OPPONENTS – None.

Mayor Ogden closed the public hearing.

COUNCIL DELIBERATIONS

MOTION by Councilor Truax, SECONDED by Councilor Boryska to adopt the staff report and direct staff to prepare a resolution granting CUP-08-01 – Conditional Use Permit for a Watchman's Dwelling. MOTION CARRIED.

G. GENERAL BUSINESS**1. Proposed Renaming of a Portion of SW 80th Avenue to SW Martinazzi Avenue**

City Engineer Mike McKillip briefly presented the staff report to initiate the process for renaming Martinazzi Avenue. Staff was recently notified by the Washington County Surveyor's Office the name was never changed from 80th Avenue to Martinazzi Avenue. It has been called "Martinazzi" since approximately 1979.

MOTION by Councilor Truax, SECONDED by Councilor Boryska to adopt the staff Report to initiate the process for renaming a portion of SW 80th Avenue to SW Martinazzi Avenue. MOTION CARRIED.

H. ITEMS REMOVED FROM CONSENT AGENDA

None.

I. EXECUTIVE SESSION

None.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Maddux noted she will be out of town for the next two Council meetings (April 28 and May 12, 2008). As the representative for the Washington County Commission on Children and Families, the focus is on various areas this year, looking to bring more funds to the different organizations and garner more awareness to the community. Councilor Maddux said she agreed to on their Planning Committee to work on the Resource Center issue.

Mayor Ogden noted the Arbor Day celebration and "Green Week" Kick-Off event that was held this past Saturday. Also it is not too late to attend the upcoming "Celebrate Tualatin" event on Thursday, April 17, 2008 at the Tualatin Country Club, which is an event honoring volunteers, and a "Go Green" event.

K. ADJOURNMENT

MOTION by Councilor Boryska, SECONDED by Councilor Maddux to adjourn the meeting at 8:04 p.m. MOTION CARRIED.

Doug Rux, Acting City Manager

Recording Secretary





Approved By Tualatin City Council

Date April 28, 2008

Recording Secretary J. Kerby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager SL

FROM: Doug Rux, AICP, Community Development Director DR
Eric Underwood, Development Coordinator EU

DATE: April 28, 2008

SUBJECT: RESOLUTION DEDICATING DEEDS OF DEDICATION AND EASEMENTS ASSOCIATED WITH THE SW HERMAN ROAD IMPROVEMENT PROJECT (CITY OF TUALATIN)

ISSUE BEFORE THE COUNCIL:

Whether the Tualatin City Council should adopt a resolution authorizing dedicating Deeds of Dedication and Slope/Utility Easements and accepting these documents as part of the SW Herman Road Improvement Project.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- The Fiscal Year 07/08 Leveton Tax Increment District Project Fund contains a capital project to design roadway improvements, and acquire rights-of-way and easements for the SW Herman Road Improvement Project.
- The project area consists of SW Herman Road from SW Teton Avenue to SW 124th Avenue.
- This public improvement project is funded by the Tualatin Development Commission ("Commission") and is from SW 108th Avenue to SW 124th Avenue. The City is funding improvements from SW Teton Avenue to SW 108th Avenue.
- The primary purpose of constructing the roadway is to better facilitate freight mobility and industrial traffic flow within the District and to improve storm water drainage as well as overall roadway conditions.
- As part of the project, rights-of-way and utility, slope, and permanent easements have been identified.

- The documents to be dedicated are from the following:
 - City of Tualatin properties. (Deeds of Dedication and Slope/Utility Easements).
 - Tax Map No. 2S122 0600
 - Tax Map No. 2S122AD 0200
 - Tax Map No. 2S122AD 0300
- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval of the request to dedicate Deeds of Dedication and Easements will result in the following:

1. Allow the Commission to proceed with right-of-way acquisitions and obtainment of easements necessary to construct roadway improvements.
2. Allow the SW Herman Road Improvement Project to maintain its current timeline.

Denial of the request to dedicate Deeds of Dedication and Easements will result in the following:

1. The project will be delayed.
2. The Commission will not be able to obtain all rights-of-way and easements necessary to construct roadway improvements.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to dedication of Deeds of Dedication and Easements are as follows:

1. Put project on hold.
2. Modify design of roadway improvements.

FINANCIAL IMPLICATIONS:

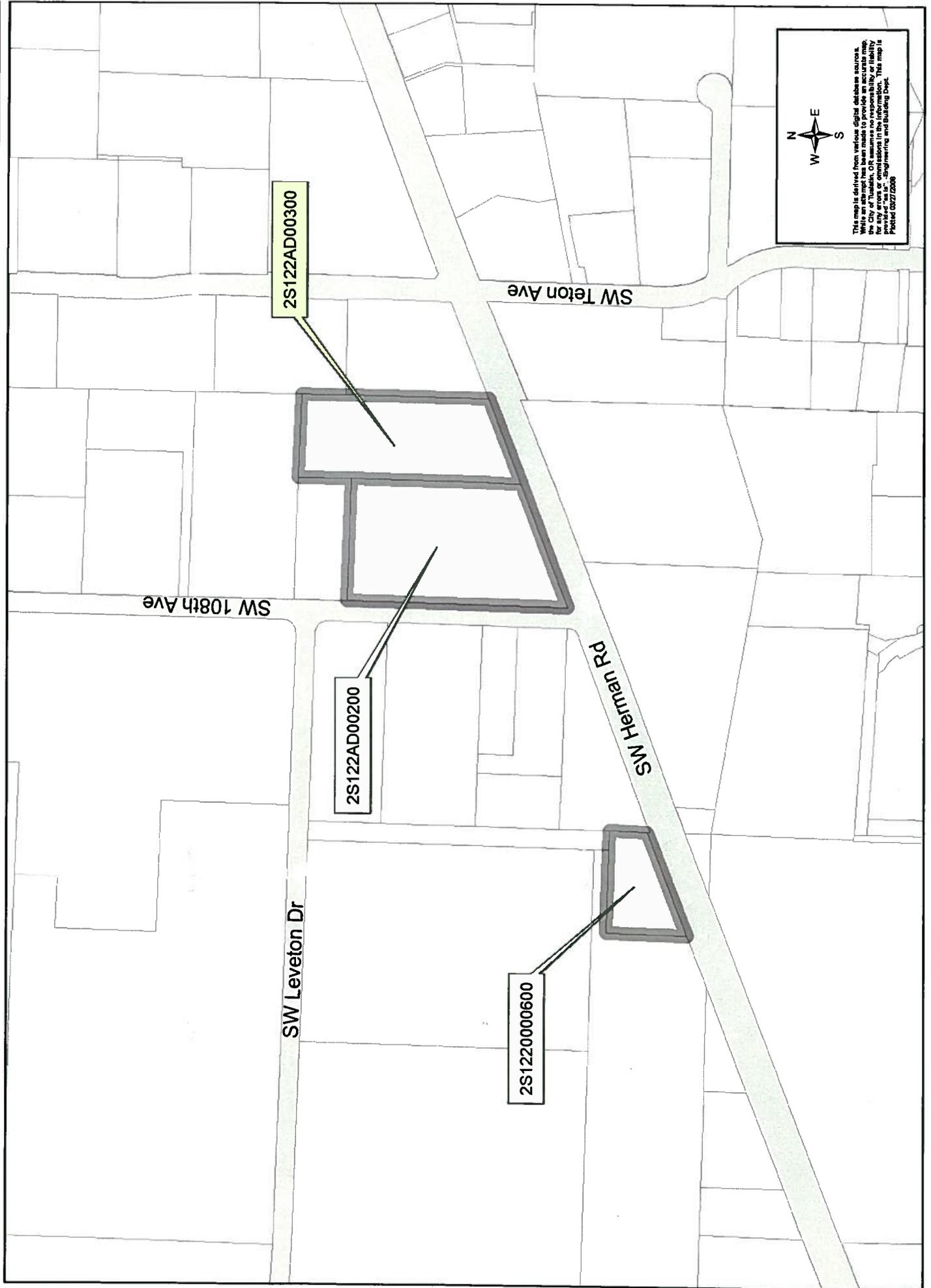
There are no financial implications for the dedication of the Deeds of Dedication and Easements.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

Attachments: A. Rights-of-Way and Slope/Utility Easements Map
 B. Resolution

Deeds of Dedication and Easements / SW Herman Rd



This map is derived from various digital data sources. The City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is prepared by the Engineering and Building Dept. Packet 03/27/2008

RESOLUTION NO. 4777-08

RESOLUTION DEDICATING DEEDS OF DEDICATION
AND EASEMENTS IN ASSOCIATION WITH THE
SW HERMAN ROAD IMPROVEMENT PROJECT (CITY
OF TUALATIN)

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

Section 1. The City Council authorizes dedicating rights-of-way and easements
associated with

- a. Tax Map No. 2S122 0600
- b. Tax Map No. 2S122AD 0200
- c. Tax Map No. 2S122AD 0300

Section 2. The attached documents, Exhibits 1 and 2 are hereby accepted by the
City of Tualatin.

Section 3. The City Recorder shall be instructed to cause said Deeds of
Dedication and Slope/Public Utility Easements to be recorded in the Book of
Records of the Washington County Recorder.

INTRODUCED AND ADOPTED this 28th day of April, 2008.

CITY OF TUALATIN, OREGON

By _____
Mayor

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ATTEST:

By  _____
City Recorder

Resolution No. 4777-08

EXHIBIT A

**Herman Road Improvement Project
June 25, 2007**

**Tax Map No. 2S122 0600
City of Tualatin**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described as TRACT C, PARTITION PLAT 1993-098, recorded in Document No. 93082346, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 74+29.00 To 75+29.00	50.00 feet in a straight line to 52.00 feet
From 75+29.00 To 75+32.00	52.00 feet in a straight line to 50.00 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 103 square feet (0.002 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described as TRACT C, PARTITION PLAT 1993-098, recorded in Document No. 93082346, Washington County Book of Records, said parcel being that portion of said property included in a strip of land 60.00 feet in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489), and EXCEPT that portion described in PARCEL 1.

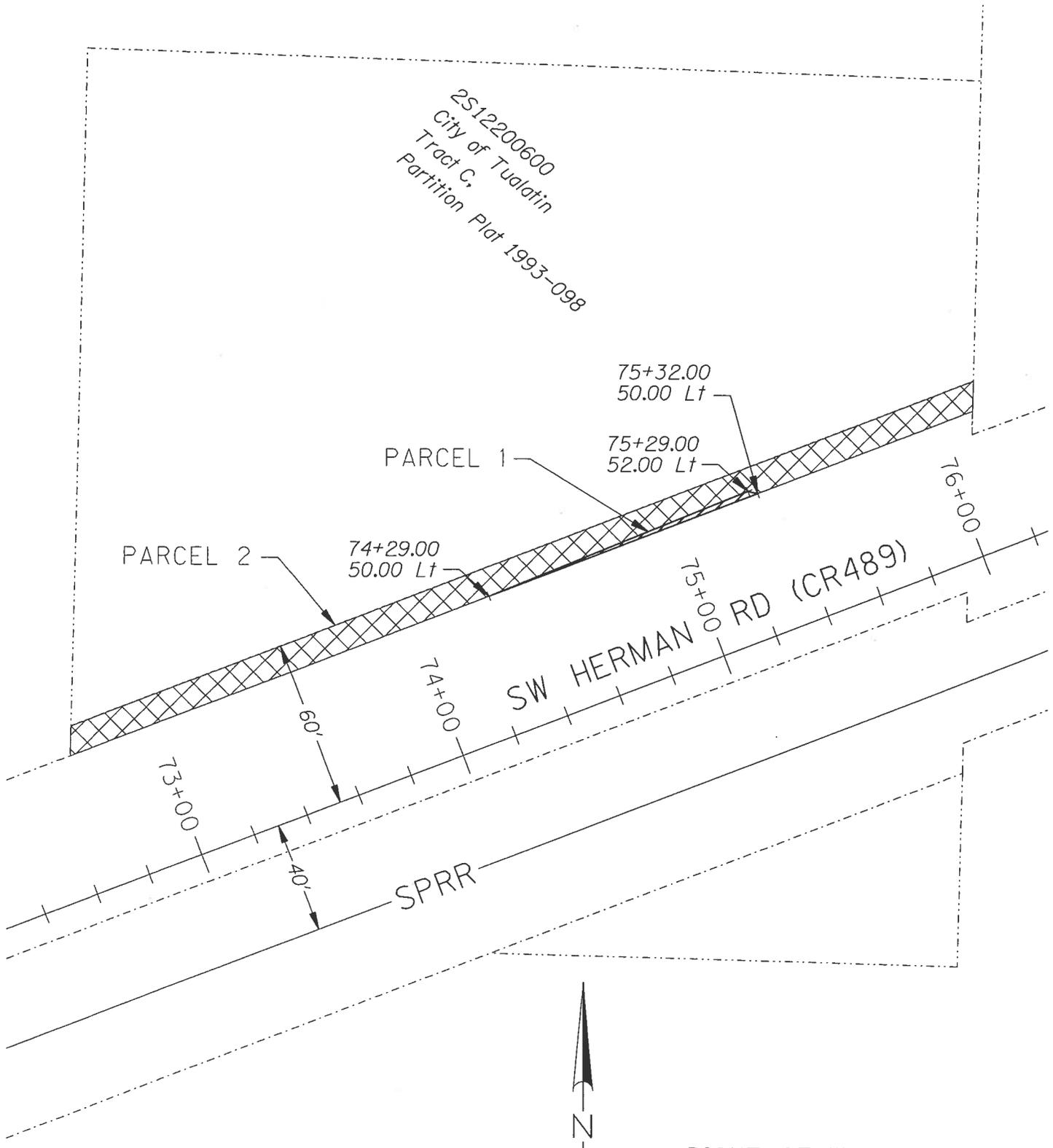
This area of land contains 3,360 square feet (0.077 acres), more or less.

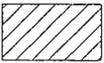


RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B

2512200600
City of Tualatin
Tract C,
Partition Plat 1993-098



-  PARCEL 1
-  PARCEL 2
- RIGHT OF WAY DEDICATION
- SLOPE EASEMENT



RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007

EXHIBIT A

**Herman Road Improvement Project
June 28, 2007**

**Tax Map No. 2S122AD 0200
Tax Map No. 2S122AD 0300
THE CITY OF TUALATIN**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a deeds to THE CITY OF TUALATIN, in Document No. 78-26817, Book 1032, Page 224, and Document No. 2000010193, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 83+70.00 To 84+00.00	100.00 feet in a straight line to 48.75 feet
From 84+00.00 To 85+54.00	48.75 feet
From 85+54.00 To 86+55.50	48.75 feet in a straight line to 49.25 feet
From 86+55.50 To 87+47.00	49.25 feet in a straight line to 51.00 feet
From 87+47.00 To 88+20.00	51.00 feet in a straight line to 52.75 feet
From 88+20.00 To 89+18.00	52.75 feet in a straight line to 54.75 feet

EXHIBIT A -Continued

PARCEL 1 - RIGHT-OF-WAY DEDICATION -Continued

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
------------------------------------------	---------------------------------------------------------

From 89+18.00 To 90+10.50	54.75 feet in a straight line to 55.25 feet
------------------------------	---------------------------------------------

From 90+10.50 To 90+60.00	55.25 feet in a straight line to 45.00 feet
------------------------------	---------------------------------------------

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT therefrom that portion lying within the existing right-of-way of SW 108th Ave. (County Road 1278).

This area of land contains 9,563 square feet (0.220 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a deeds to THE CITY OF TUALATIN, in Document No. 78-26817, Book 1032, Page 224, and Document No. 2000010193, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 83+40.00 To 84+02.00	63.00 feet
From 84+02.00 To 85+54.00	55.25 feet
From 85+54.00 To 89+18.00	55.25 feet in a straight line to 61.25 feet
From 89+18.00 To 90+11.00	61.25 feet in a straight line to 61.75 feet
From 90+11.00 To 90+60.00	61.75 feet in a straight line to 45 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489), EXCEPT therefrom that portion lying within the existing right-of-way of SW 108th Ave. (County Road 1278), and EXCEPT that portion described in PARCEL 1.

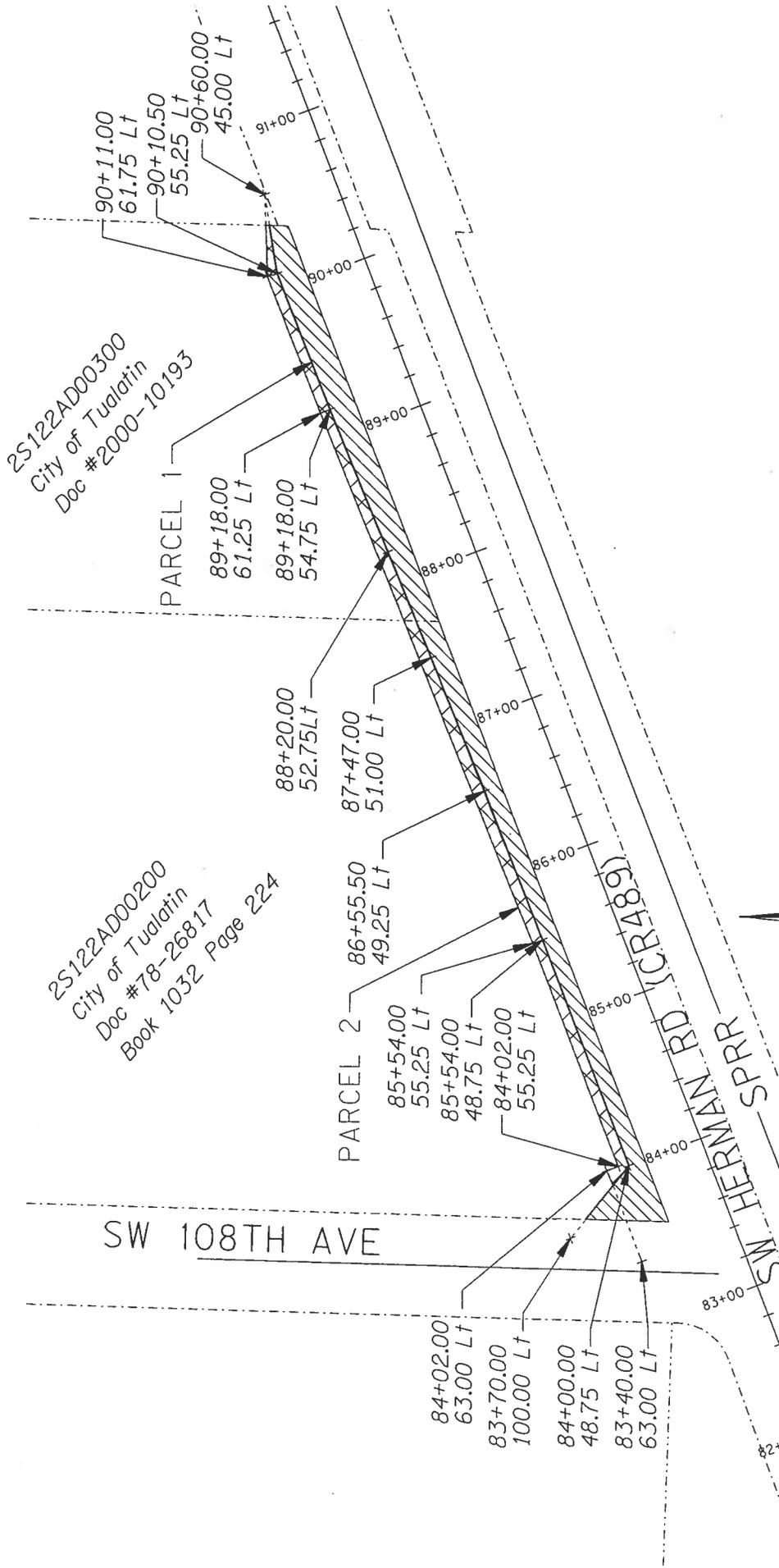
This area of land contains 4,352 square feet (0.100 acres), more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Joseph W. Hurliman
OREGON
JAN. 14, 2003
JOSEPH W. HURLIMAN
58960 LS

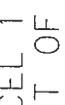
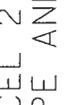
RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B



RIGHT OF WAY DEDICATION
 CITY OF TUALATIN
 HERMAN ROAD
 IMPROVEMENT PROJECT
 JUNE, 2007



-  PARCEL 1
-  RIGHT OF WAY DEDICATION
-  PARCEL 2
-  SLOPE AND UTILITY EASEMENT 1"=100'



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, AICP, Community Development Director *DR*
Eric Underwood, Development Coordinator *EU*

DATE: April 28, 2008

SUBJECT: RESOLUTION ACCEPTING DEED OF DEDICATION AND EASEMENTS ASSOCIATED WITH THE SW HERMAN ROAD IMPROVEMENT PROJECT (LUMBER FAMILY COMPANY, LLC)

ISSUE BEFORE THE COUNCIL:

Whether the Tualatin City Council should adopt a resolution accepting Deeds of Dedication and Slope/Utility Easements as part of the SW Herman Road Improvement Project.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached resolution.

EXECUTIVE SUMMARY:

- This action is not a public hearing.
- The Fiscal Year 07/08 Leviton Tax Increment District Project Fund contains a capital project to design roadway improvements, and acquire rights-of-way and easements for the SW Herman Road Improvement Project.
- The project area consists of SW Herman Road from SW Teton Avenue to SW 124th Avenue.
- This public improvement project is funded by the Tualatin Development Commission ("Commission") from SW 108th Avenue to SW 124th Avenue. The City is funding improvements from SW Teton Avenue to SW 108th Avenue.
- The primary purpose of constructing the roadway is to better facilitate freight mobility and industrial traffic flow within the District and to improve storm water drainage as well as overall roadway conditions.

- As part of the project, rights-of-way and utility, slope, and permanent easements have been identified.
- The acceptance of the Deeds of Dedication and Easements are conditioned on the Commission at their April 28, 2008 meeting adopting a resolution authorizing compensation for the Deeds of Dedication and Easements for the amounts noted in the attached documents.
- The Commission at its August 13, 2007 meeting directed the acquisition of rights-of-ways and easements.
- The document to be accepted is from the following:
 - Lumber Family Company, LLC (Deed of Dedication and Slope/Utility Easements).
- The Deed of Dedication and Easements are being presented to the Council for acceptance because the subject project is for a public street improvement and the Commission does not accept these types of documents.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Approval of the request to accept Deed of Dedication and Easements will result in the following:

1. Allow the Commission to obtain the rights-of-way and easements needed to construct roadway improvements.
2. Allow the SW Herman Road Improvement Project to maintain its current timeline.

Denial of the request to accept Deed of Dedication and Easements will result in the following:

1. The project will be delayed.
2. The Commission will need to decide whether or not to renegotiate right-of-way and easement acquisition costs.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to acceptance of Deed of Dedication and Easements are as follows:

1. Renegotiate right-of-way and easement need and acquisition costs with current property owners.
2. Put project on hold.

FINANCIAL IMPLICATIONS:

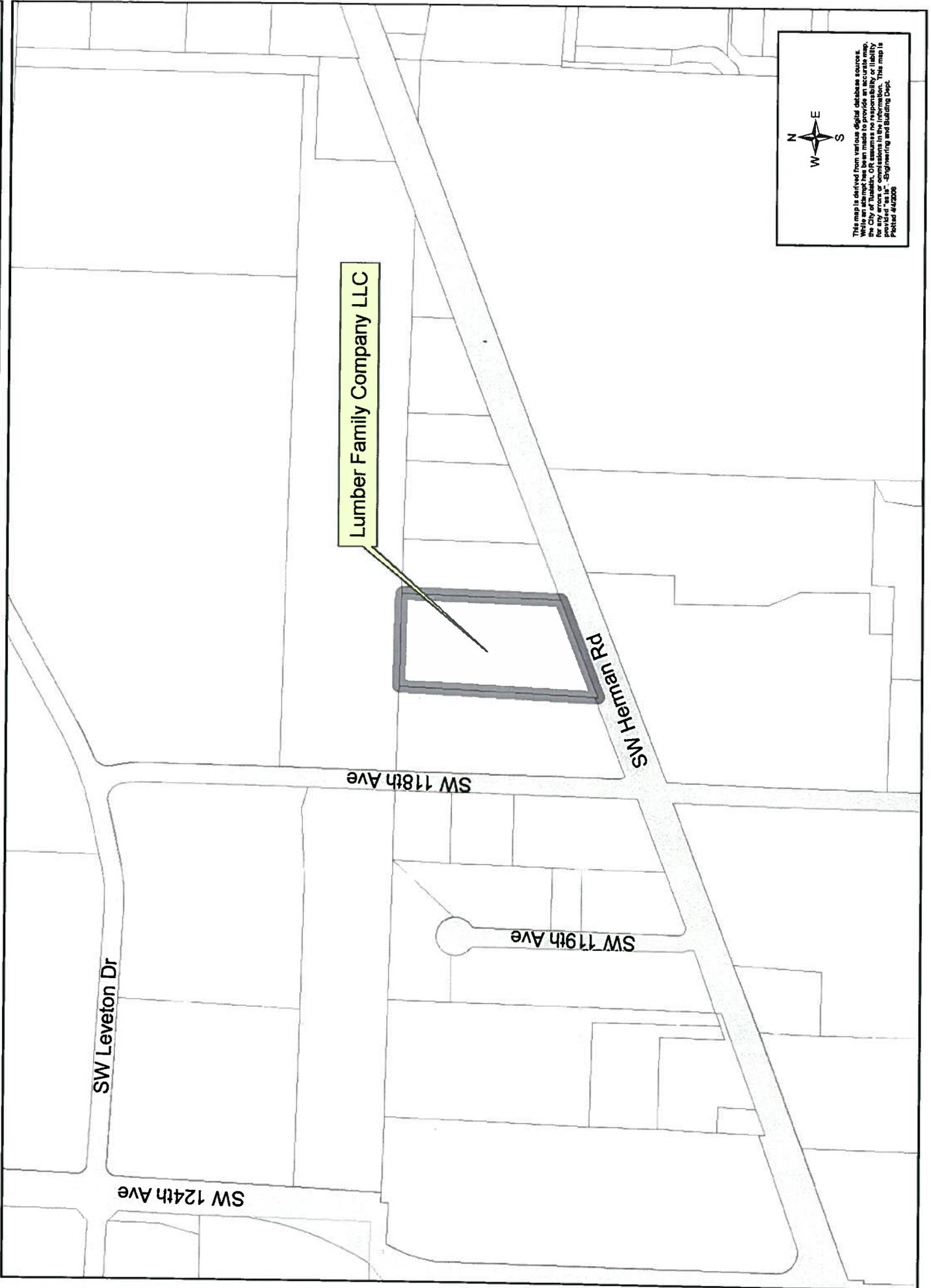
Compensation for the Deed of Dedication and Easements was addressed by the Commission at their April 28, 2008 meeting and is not applicable to acceptance of these documents.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

Attachments: A. Right-of-Way and Slope/Utility Easements Map
 B. Resolution with Exhibit

Deeds of Dedication and Easements / SW Herman Rd



This map is derived from various digital database sources. While every effort has been made to ensure accuracy, the City of Tualsis, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided as a guide only. -Engineering and Planning Dept. P0004 4/2020

RESOLUTION NO. 4778-08

RESOLUTION ACCEPTING DEED OF DEDICATION
AND EASEMENTS IN ASSOCIATION WITH THE
SW HERMAN ROAD IMPROVEMENT PROJECT
(LUMBER FAMILY COMPANY, LLC)

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

Section 1. The attached document, Exhibit 1 is hereby accepted by the City of
Tualatin:

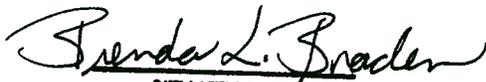
- a. Deed of Dedication and Slope/Public Utility Easement from Lumber
Family Company, LLC.

Section 2. The City Recorder shall be instructed to cause said Deed of
Dedication and Slope/Public Utility Easements to be recorded in the Book of
Records of the Washington County Recorder.

Section 3. The acceptance of the Deed of Dedication and Easements are
conditioned on the Tualatin Development Commission adopting a resolution
authorizing compensation for the Deed of Dedication and Easements.

INTRODUCED AND ADOPTED this 28th day of April, 2008.

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

CITY OF TUALATIN, OREGON

By 
Mayor

ATTEST:

By 
City Recorder

Resolution No. 4778-08



CITY OF TUALATIN, OREGON

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Lumber Family Company LLC (the "GRANTOR"), grants to the City of Tualatin (the "CITY"), its successors in interest and assigns, the following real property with the tenements, hereditaments and appurtenances, situated in the County of Washington, State of Oregon, for the use of the public as a public way forever, for street, road, right-of-way and public utility purposes, bounded and described as follows, to wit:

*See attached legal description
and attached map of description*

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

The true consideration of this conveyance is **Thirty Thousand Four Hundred Sixty-Five and No/100 Dollars (\$30,465.00)** and other valuable consideration, the receipt of which is acknowledged by GRANTOR.

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, except encumbrances stated in the attached and incorporated exhibit entitled "Excepted Encumbrances", and that GRANTOR, 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.

EXECUTED this 11 day of January, ~~2007~~ ²⁰⁰⁸ *MRJ*

Lumber Family Company LLC

Roy C. Lumber
Name (print or type)
Roy Lumber
Signature
Owner
Title

Jean H Lumber
Name (print or type)
Jean H Lumber
Signature
Owner
Title

Michael R. Lumber
Michael R Lumber
owner

STATE OF OREGON)
County of Washington) ss

On this 11 day of January, ^{2008 (11)} ~~2007~~, before me, the undersigned, a Notary Public, personally appeared Michael Roy Lumber, Royston Christopher Lumber and Jean Harriet Lumber. who are known to be the Owner and Owner of Lumber Family Company LLC and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]
Notary Public for Oregon

My commission expires: 09/12/2010



CITY OF TUALATIN, OREGON
By [Signature]
Mayor

ATTEST:
By [Signature]
City Recorder

EXHIBIT A

**Herman Road Improvement Project
June 26, 2007**

**Tax Map No. 2S122C 2300
LUMBER FAMILY
COMPANY LLC**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to LUMBER FAMILY COMPANY LLC, an Oregon limited liability company, recorded on August 23, 1996, in Document No. 96075957.1, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), which centerline is described as follows:

Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

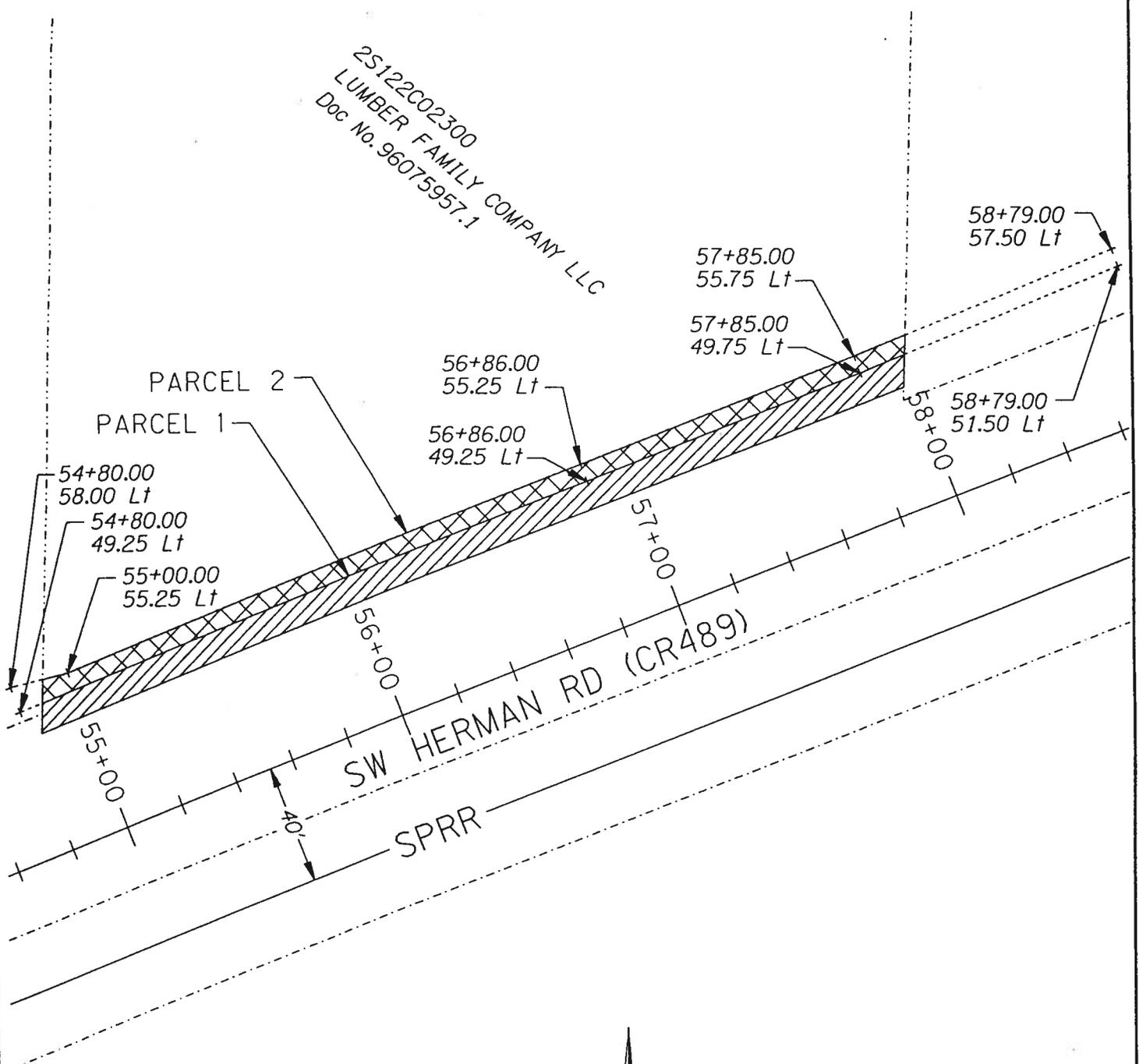
<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 54+80.00 To 56+86.00	49.25 feet
From 56+86.00 To 57+85.00	49.25 feet in a straight line to 49.75 feet
From 57+85.00 To 58+79.00	49.75 feet in a straight line to 51.50 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 2,927 square feet (0.067 acres), more or less.

EXHIBIT B

25122C02300
LUMBER FAMILY COMPANY LLC
Doc No. 96075957.1



-  PARCEL 1
-  PARCEL 2
-  RIGHT OF WAY DEDICATION
-  SLOPE AND UTILITY EASEMENT

1"=50'

RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007



CITY OF TUALATIN, OREGON

SLOPE AND PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Lumber Family Company LLC (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 Slope and Public Utilities, including but not limited to water, sewer, storm drain, power, telephone, cable television, and natural gas lines and facilities on the following described land:

See attached legal description and map

This Slope and Public Utility Easement is granted for the purpose of design, construction, operation, reconstruction, maintenance, and repair of a slope and utility in support of and to protect and save from damage the adjacent public right-of-way used for a public roadway, sidewalk, and related improvements and to allow installation of public utilities systems in this area.

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, landscape maintenance, 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.

Except as otherwise provided, upon completion of construction by CITY, the CITY shall restore the disturbed surface of the property to the condition reasonably similar to the previous state, and shall indemnify and hold the GRANTOR harmless against all loss, costs, or damage arising out of the exercise of the rights granted. Nothing contained in this easement shall be construed as requiring the CITY, its successors in interest or assigns to maintain landscaping, walkways, parking, or other surface or subsurface improvement made or constructed by or on behalf of the GRANTOR, its heirs, successors in interest or assigns.

The true and actual consideration paid for this transfer consists of **Two Thousand One Hundred Eighty-Five and No/100 Dollars (\$2,185.00)** or includes other property or other value given or promised, the receipt of which is acknowledge by the GRANTOR.

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, except encumbrances, easements, restrictions and rights-of-way of record and those common and apparent on the land, and that GRANTOR, 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.

EXECUTED this 11 day of January, ²⁰⁰⁸ ~~2007~~

(Handwritten initials)

Lumber Family Company LLC

Roy Lumber R.L.

Name (print or type)

ROY LUMBER R.L

Signature

OWNER

Title

Jean H Lumber

Name (print or type)

Jean H Lumber

Signature

owner

Title

Michael R. Lumber
Michael R Lumber
owner

STATE OF OREGON)

County of Washington)

) ss
)

On this 11 day of January, ²⁰⁰⁸ ~~2007~~ before me, the undersigned, a Notary Public, personally appeared Michael Roy Lumber, Royston Christopher Lumber & Jean Harriet Lumber and acknowledged the foregoing instrument to be her voluntary act and deed.



Before me:

(Signature)

Notary Public for Oregon

My commission expires:

09-12-2010

CITY OF TUALATIN, OREGON

By

(Signature)
Mayor

ATTEST:

By

(Signature)

City Recorder

EXHIBIT A

**Herman Road Improvement Project
June 26, 2007**

**Tax Map No. 2S122C 2300
LUMBER FAMILY
COMPANY LLC**

PARCEL 1 - RIGHT-OF-WAY DEDICATION

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Beginning at station 34+82.00, said point being South 4°53'13" East, 1440.06 feet from the West quarter corner of Section 22, Township 2 South, Range 1 West, said point also being 40.00 feet from the centerline of the Southern Pacific Railroad centerline when measured at right angles, said point also being on the centerline of SW 124th Avenue as shown on Survey No. 29,817 filed with Washington County Surveyor's office;

Thence North 68°56'37" East, parallel with and 40.00 feet from said Railroad centerline, 5913.76 feet to station 93+95.76; said point being at the intersection with the centerline of SW Teton Avenue.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 54+80.00 To 56+86.00	49.25 feet
From 56+86.00 To 57+85.00	49.25 feet in a straight line to 49.75 feet
From 57+85.00 To 58+79.00	49.75 feet in a straight line to 51.50 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489).

This area of land contains 2,927 square feet (0.067 acres), more or less.

EXHIBIT A -Continued

PARCEL 2 – PERMANENT SLOPE AND UTILITY EASEMENT

A parcel of land lying in that tract of real property in Section 22, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, Washington County, Oregon and being more particularly described in a Deed to LUMBER FAMILY COMPANY LLC, an Oregon limited liability company, recorded on August 23, 1996, in Document No. 96075957.1, Washington County Book of Records, said parcel being that portion of said property included in a strip of land variable in width, lying northerly of the centerline of SW Herman Road (County Road 489), said centerline described in PARCEL 1.

The widths in feet of the strip of land above referred to are as follows:

<u>SW HERMAN ROAD STATION</u>	<u>WIDTH ON NORTHERLY SIDE OF CENTERLINE</u>
From 54+80.00 To 55+00.00	58.00 feet in a straight line to 55.25 feet
From 55+00.00 To 56+86.00	55.25 feet
From 56+86.00 To 57+85.00	55.25 feet in a straight line to 55.75 feet
From 57+85.00 To 58+79.00	55.75 feet in a straight line to 57.50 feet

EXCEPT therefrom that portion lying within the existing right-of-way of SW Herman Road (County Road 489) and EXCEPT that portion described in PARCEL 1.

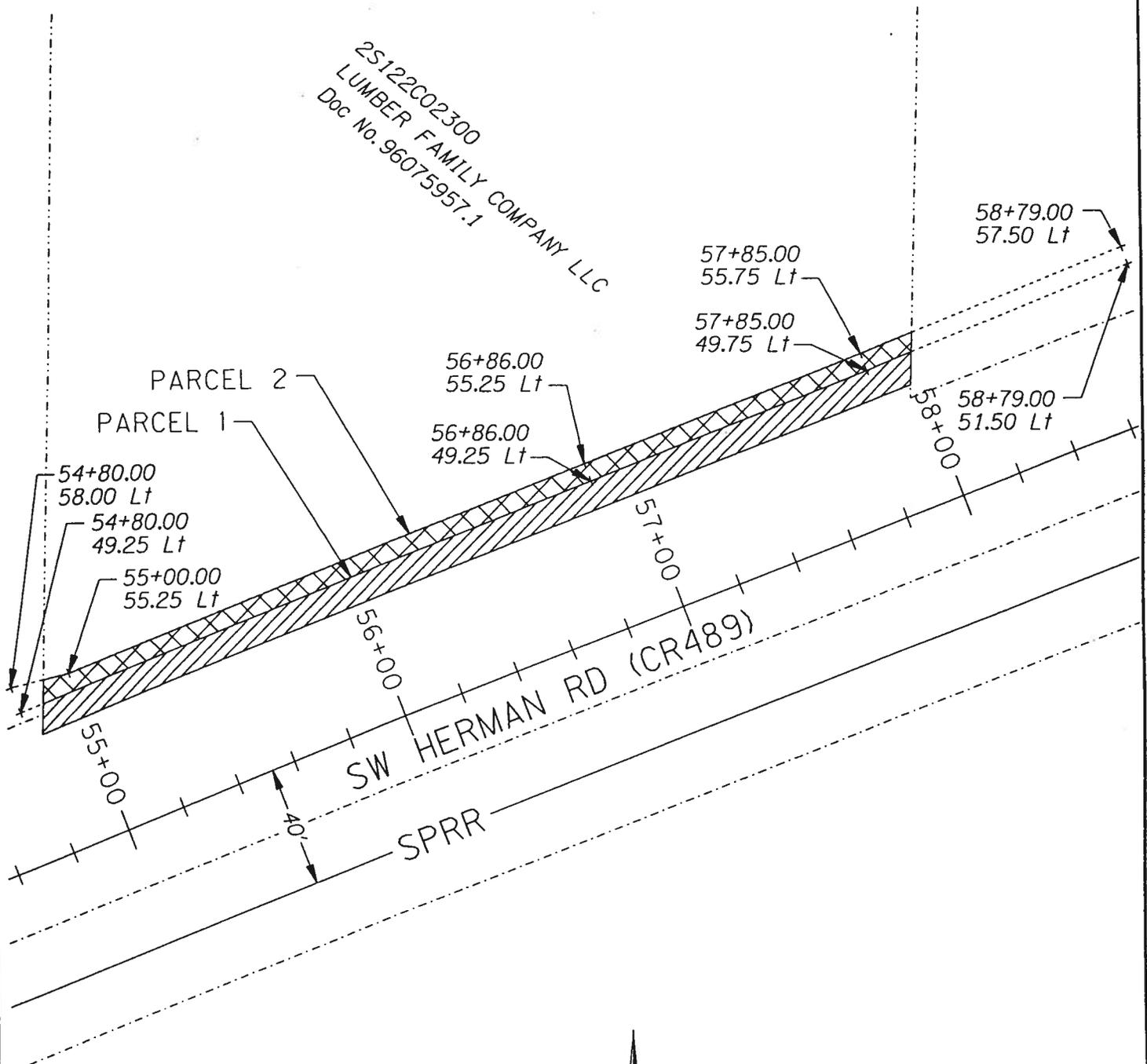
This area of land contains 1,884 square feet (0.043 acres), more or less.

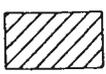


RENEWAL: 6/30/09
SIGNED: 6/29/07

EXHIBIT B

2S122C02300
LUMBER FAMILY COMPANY LLC
Doc No. 96075957.1



-  PARCEL 1
RIGHT OF WAY DEDICATION
-  PARCEL 2
SLOPE AND UTILITY EASEMENT



1"=50'

RIGHT OF WAY DEDICATION
CITY OF TUALATIN
HERMAN ROAD
IMPROVEMENT PROJECT
JUNE, 2007



Approved By Tualatin City Council

Date April 28, 2008

Recording Secretary G Kirby

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, AICP, Community Development Director *DR*
William Harper, AICP, Associate Planner *WH*

DATE: April 28, 2008

SUBJECT: RESOLUTION AUTHORIZING AN AGREEMENT RELATED TO EXISTING POLE SIGNS WITH TUALATIN GROUP LLC FOR THE SHOPPES AT BRIDGEPORT PROJECT

ISSUE BEFORE THE COUNCIL:

The Council will consider a resolution authorizing the Mayor to sign an agreement between the City and the Tualatin Group LLC related to the proposed removal and retention of four (4) existing freestanding pole signs on the Shoppes at Bridgeport-Hotel and Retail Center project.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution.

EXECUTIVE SUMMARY:

Tualatin Group LLC is in the process of redeveloping the former Traveller's Inn, Easy Rider Motor Cycle, Hair Connection and Barbara Johnson retail buildings and the Arco and Shell Service Stations properties at 7211-7265 SW Hazelfern Road to a hotel and retail shops development known as the Shoppes at Bridgeport. The development was approved by the Architectural Review Board in AR-07-14. Currently, there are four legal freestanding pole signs remaining on the site including three freeway oriented activity signs for the former motel and service stations and a large pole sign for the former motorcycle repair shop (originally for a service station use at that location).

At a January 28, 2008 work session, the City Council directed staff to propose a program to remove large freestanding pole signs. This is being worked on as Plan Text Amendment PTA-08-01 that would remove the existing Freeway Oriented Activity Area provisions in TDC Chapter 38-Sign Regulations and revise the Non-Conforming Sign provisions of TDC 35.200 to redefine what a non-conforming sign is and provide options for allowing modifications to the structure of non-conforming signs when the dimensions

of the sign (height, sign face area, sign type, etc.) are brought more into compliance with existing sign standards. PTA-08-01 is scheduled for a public hearing on May 27, 2008.

Based on this direction, Staff met with Mr. Steve Johnson of Tualatin Group LLC to discuss the freestanding pole signs on the Shoppes at Bridgeport project property. Mr. Johnson chose to retain three of the existing signs for the Shoppes at Bridgeport development as allowed by the Sign Regulations and Non-conforming Sign standards. Mr. Johnson proposed to the Community Development staff to remove one pole sign (Sign #1 motorcycle shop); reface and retain the former motel pole sign (Sign #2) and remove it in 10 years; and reface and retain Signs #3 and #4.

Staff determined that Mr. Johnson's proposal is in compliance with the Tualatin Development Code and would not preclude applying the sign regulations to the Shoppes at Bridgeport development in the future. To specify the terms of the proposal and provide both the City and Tualatin Group LLC a basis of understanding, Mr. Johnson and the Community Development department drafted the attached agreement. Mr. Johnson has signed the agreement and with the authorization by the City Council, the agreement will be signed by the Mayor and recorded. This resolution will authorize the Mayor to sign the agreement on behalf of the City.

OUTCOMES OF DECISION:

If Council approves the resolution and agreement, one sign comes down, one sign remains for up to 10 years and then will be removed, and two signs remain subject to Tualatin Development Code regulations.

If Council does not approve the agreement, all the signs can remain.

FINANCIAL IMPLICATIONS:

None.

Attachments: A. Resolution and Agreement

RESOLUTION NO. 4779-08

A RESOLUTION AUTHORIZING AN AGREEMENT RELATED TO EXISTING POLE SIGNS WITH TUALATIN GROUP LLC FOR THE SHOPPES AT BRIDGEPORT PROJECT

WHEREAS Tualatin Group LLC is in the process of redeveloping the former Traveler's Inn, Easy Rider Motor cycle, Hair Connection and Barbara Johnson retain buildings and the former Arco and Shell service stations; and

WHEREAS there are currently four legal freestanding pole signs remaining on the site, including three freeway-oriented signs; and

WHEREAS the developer has chosen to retain three of the existing signs for the Shoppes at Bridgeport development, as allowed by the Sign Code; and

WHEREAS the Council is interested reducing the number and size of pole signs in Tualatin; and

WHEREAS the developer has proposed to remove Sign #2 in ten years and reface and retain only Signs #3 and #4 after the ten years has elapsed; and;

WHEREAS the agreement would not preclude the City from applying its Sign Code to the property in the future.

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

Section 1. The City Council authorizes the Mayor to sign the attached agreement as referenced above.

INTRODUCED AND ADOPTED this 28th day of April, 2008.

CITY OF TUALATIN, Oregon

By _____
Mayor

ATTEST:

By Stomba
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

AGREEMENT

This Agreement is entered into by and between the CITY OF TUALATIN, Oregon, ("City") and TUALATIN GROUP, LLC, an Oregon limited liability corporation, ("Group") located at 201 Liberty Street S.E., Salem, Oregon.

Recitals

WHEREAS, the Group is in the process of developing a hotel and retail facilities, to be known as the Shoppes at Bridgeport, at the site located at 7211-7265 SW Hazelfern Avenue in Tualatin, Oregon, more particularly described in Attachment A; and

WHEREAS, there are currently four large, free-standing pole signs on the five tax lots located on the property as shown in Attachment B; and

WHEREAS, the Group wishes to retain some of those signs to bring attention to its new development; and

WHEREAS, the four existing pole signs on the Shoppes at Bridgeport are currently or may become non-conforming in respect to the Tualatin Development Code Sign Regulations, but the four existing pole signs are allowed to remain under current Sign Regulations; and

WHEREAS, the City is interested in bringing more of the signs located in Tualatin into compliance with the current sign code; and

WHEREAS, the parties wish to work together toward this goal.

NOW, THEREFORE, the parties agree as follows:

1. The Group will remove the former "Easy Rider" pole sign (Map 2S113DC Tax Lot 501)(Sign #1) during construction of the Shoppes development.
2. The Group will retain the former "Travelers Inn" (Best Western) pole sign (Map 2S113DC Tax Lot 300)(Sign #2) for 10 years, which will commence on the date of the Temporary Occupancy Permit or Occupancy Permit for the Shoppes at Bridgeport Hotel, whichever is issued first by the City. At the end of the 10-year period, the Group or its successor in interest will remove the sign at their expense.
3. The Group will retain the two pole signs on the SW Hazelfern Road frontage [the former Shell (Map 2S113DC Tax Lot 400)(Sign #3) and former Arco (Map 2S113DC Tax Lot 100) sign (Sign #4)].

4. The Group will obtain sign face change permits for the three retained signs.
5. The City will not object to the Group retaining the former "Travelers Inn" sign (Sign #2) for the 10-year period, and retaining Signs #3 and #4 subject to Sign Regulations and Non-Conforming Sign standards. The City will allow the Group to change the sign faces with a sign permit or modify a sign in a manner that brings it into closer compliance with the current sign code.
6. Nothing in this Agreement shall be construed as exempting the signage from existing or future sign standards or requirements.
7. This Agreement is effective upon signing and shall terminate when the old Travelers Inn sign has been removed at the end of the 10-year period as required in Section 2.
8. This constitutes the entire agreement between the parties for sign issues at the Shoppes.
9. This Agreement is effective on this 28th day of April, 2008.

TUALATIN GROUP LLC

By VIPS HOTELS INC
Member

By [Signature]
PRESIDENT

CITY OF TUALATIN

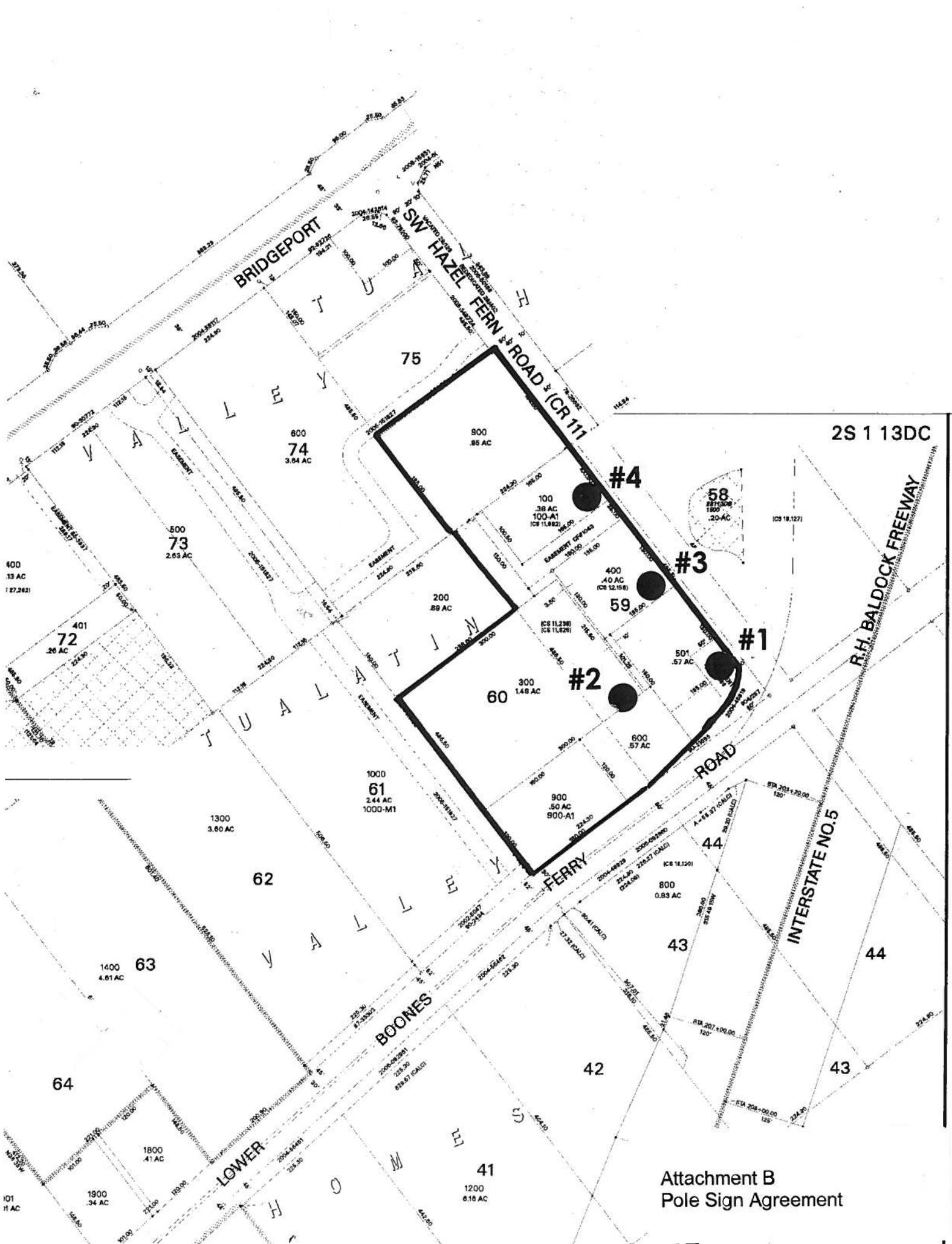
By [Signature]
Mayor

ATTEST:

By [Signature]
City Recorder

SHOPPES AT BRIDGEPORT--PROJECT DESCRIPTION

The Shoppes at Bridgeport project as approved in AR-07-14 is a commercial development in the General Commercial (CG) Planning District that includes three (3) multi-tenant retail buildings [approximately 35,700 square feet (s.f.) floor area], a 4-level hotel (125 units) and a 3-level parking structure on 5.3 acres of property currently comprised of seven parcels of land located on SW Lower Boones Ferry Road and SW Hazel Fern Road



Attachment B
Pole Sign Agreement



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney *BB*

DATE: April 28, 2008

SUBJECT: A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A WATCHMAN'S DWELLING FOR A SELF-STORAGE FACILITY IN THE GENERAL MANUFACTURING (MG) AND LIGHT MANUFACTURING (ML) PLANNING DISTRICTS AT 18270 SW PACIFIC HIGHWAY (CUP-08-01).

ISSUE BEFORE THE COUNCIL:

The Council will consider a resolution that would grant a conditional use permit for a watchman's dwelling for a self-storage facility at 18270 SW Pacific Highway, described as Tax Map 2S121A, Tax Lot 2600.

RECOMMENDATION:

Staff recommends that the City Council approve the resolution granting CUP-08-01.

EXECUTIVE SUMMARY:

On April 14, 2008, the City Council held a quasi-judicial public hearing (CUP-08-01) to decide whether to grant a conditional use permit to Tualatin Storage, LLC, which would allow a watchman's dwelling use in the General Manufacturing (MG) and Light Manufacturing (ML) Planning Districts. At the conclusion of the public hearing, the Council approved the Staff Report [Vote 6-0] with Councilor Barhyte absent, and directed Staff to bring back a resolution granting CUP-08-01.

FINANCIAL IMPLICATIONS:

Revenue for Conditional Use Permits has been budgeted for Fiscal Year 07/08.

PUBLIC INVOLVEMENT:

The Applicant conducted a Neighbor/Developer meeting at 18270 SW Pacific Highway (subject property) on February 5, 2008, to explain the Conditional Use Permit proposal to neighboring property owners and to receive comments. No members of the public or nearby property owners attended the meeting.

Attachments:

- A. Resolution
- B. Exhibit A – Affidavit of Mailing
- C. Exhibit B – Affidavit of Posting
- D. Exhibit C – Staff Report dated April 14, 2008

RESOLUTION NO. 4780-08

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A WATCHMAN'S DWELLING FOR A SELF-STORAGE FACILITY IN THE GENERAL MANUFACTURING (MG) AND LIGHT MANUFACTURING (ML) PLANNING DISTRICTS AT 18270 SW PACIFIC HIGHWAY (CUP-08-01).

WHEREAS a public hearing was held before the City Council of the City Of Tualatin on April 14, 2008, upon the application of Kevin Howard of Tualatin Storage, LLC, for a Conditional Use Permit to allow a watchman's dwelling use in the General Manufacturing (MG) and Light Manufacturing (ML) Planning Districts at 18270 SW Pacific Highway, described as Tax Map 2S121A, Tax Lot 2600; and

WHEREAS notice of public hearing was given as required by the Tualatin Development Code by mailing a copy of the notice to affected property owners located within 300 feet of the property, which is evidenced by the Affidavit of Mailing marked "Exhibit A," attached and incorporated by this reference, and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council heard and considered the testimony and evidence presented on behalf of the applicant, the City staff, and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 6-0] with Councilor Barhyte absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, the Council makes, enters, and adopts as its findings of fact the findings and analysis in the City staff report, dated April 14, 2008, marked "Exhibit C," attached and incorporated by reference; and

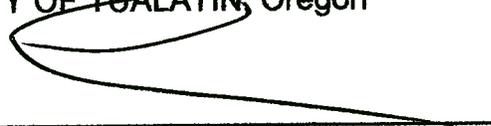
WHEREAS based upon the foregoing Findings of Fact, the Council finds that the applicant has provided sufficient evidence to demonstrate that all of the requirements of the Tualatin Development Code relative to a conditional use have been satisfied and that granting the conditional use permit is in the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

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

Section 1. Kevin Howard and Tualatin Storage, LLC, are granted a Conditional Use Permit to allow a watchman's dwelling use in the General Manufacturing (MG) and Light Manufacturing (ML) Planning Districts at 18270 SW Pacific Highway (Tax Map 2S121A, Tax Lot 2600).

INTRODUCED AND ADOPTED this 28th day of April, 2008.

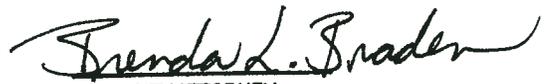
CITY OF TUALATIN, Oregon

By  _____
Mayor

ATTEST:

By  _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING RESOLUTION ARE ATTACHED TO THE ORIGINAL. THEY HAVE BEEN OMITTED FROM THE COUNCIL PACKET AS A CONSERVATION MEASURE. IF THESE EXHIBITS NEED TO BE EXAMINED, PLEASE CONTACT THE CITY RECORDER.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

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

DATE: April 28, 2008

SUBJECT: ARCHITECTURAL REVIEW STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS (PTA 06-05)

ISSUE BEFORE THE COUNCIL:

City Council consideration of a City-initiated Plan Text Amendment (PTA) amending the Tualatin Development Code (TDC) to add design standards for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts.

RECOMMENDATION:

- The Tualatin Planning Advisory Committee (TPAC) voted 7-0 on March 13, 2008, recommending that the City Council approve PTA-06-05.
- Staff recommends City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-06-05 based on the draft ordinance and proposed text amendment language in Attachment A.
- Staff also recommends City Council direct staff to bring back a Level I and Level II Single-family Architectural Review fee schedule for Council review and adoption by resolution.

EXECUTIVE SUMMARY:

- This matter is a legislative action and City Council will consider the matter in a legislative public hearing.
- This is a Plan Text Amendment (PTA) amending the Tualatin Development Code (TDC).
- In summer 2005, Council directed staff to examine the City's existing single-family dwelling development standards and provide recommendations to address Council's design-related concerns. Council's three primary issues included:

STAFF REPORT: PTA-06-05 Single-family Architectural Review

April 28, 2008

Page 2 of 6

- blank building walls facing neighboring properties or visible from public streets;
- the mass and bulk of houses imposing on neighboring properties or public streets; and
- the imposing height and mass of a house built on a higher elevation grade than neighboring properties or public streets.
- Between summer 2005 and summer 2007, staff worked with the TPAC and Council to develop standards addressing Council's design-related concerns. Council ultimately concluded that blank building walls would be the first issue addressed in a City-initiated Plan Text Amendment (PTA).
- In fall 2007, staff presented a visual survey of single-family development in Tualatin to Council as a tool and point of discussion to further define Council's concerns about blank building walls. Council directed staff to develop a menu of Level I (Clear & Objective) standards, as well as Level II (Discretionary) criteria for single-family dwelling design review. Staff presented the draft standards and criteria to Council at a February 11, 2008 work session and Council directed staff to proceed with TPAC review of the proposed text amendment with the goal of returning to Council in April 2008 for a legislative hearing on PTA-06-05.
- One outstanding issue from the February 11, 2008 work session was that of applicability of the proposed standards with respect to additions to, and remodels and renovations of existing dwellings. Council directed staff to review this with TPAC and incorporate their recommendation in the proposed text amendment. At the March 13, 2008 meeting, TPAC recommended the standards be applied to the following types of single-family construction:
 - a new single-family dwelling
 - an addition or alteration to an existing single-family dwelling when it results in:
 - a 35% or more expansion of the structure's existing footprint or
 - a new second or higher story or
 - a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).

TPAC's recommendation has been incorporated into the proposed text amendment language contained in Attachment A.

- The proposed staff version of the PTA language is provided in Attachment A. The Analysis and Findings section of this report is provided in Attachment B.
- The policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 2.02-Introduction; TDC 5.020-Residential Planning Growth; TDC 10.020-Community Design; TDC 31-General Provisions; TDC Chapter 40-Low Density Residential Planning District; TDC Chapter 41-Medium Low Density Residential Planning District; TDC Chapter 73-Community Design Standards. The Analysis and Findings section of this report (Attachment B) considers the applicable policies and regulations.
- Before granting the proposed PTA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment B) examines the application with respect to the criteria for a PTA.

OUTCOMES OF DECISION:

Approval of the PTA will result in the following:

- Adds design standards for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts by amending the standards in TDC Sections:
 - 31.063 Neighborhood/Developer Meetings.
 - 31.071 General Provisions – Architectural Review Procedure.
 - 33.010 Authorization to Grant or Deny Variances and Minor Variances.
 - 40.140 Low Density Residential Planning District – Community Design Standards.
 - 41.130 Medium Low Density Residential Planning District – Community Design Standards.
 - 73.040 Community Design Standards – Architectural Review Plan Approval Required.
 - 73.170 Community Design Standards – Structure Design – Multi-family Uses.
 - 73.180 Community Design Standards – Objectives.
 - 73.190 Community Design Standards – Standards.
- Addresses Council's concern with blank building walls facing neighboring properties or visible from public streets and promotes functional, safe, innovative and attractive single-family dwellings that are compatible with the surrounding environment within the City of Tualatin.
- Further, the text amendment will:
 - Enhance Tualatin through the creation of attractively designed housing and streetscapes;
 - Encourage originality, flexibility and innovation in structure design;
 - Avoid stark unarticulated building façades (elevations) and encourage sufficient relief in façades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures;
 - Provide continuity in design by utilizing architectural materials and style employed on the front façade on the remaining sides of the structure;
 - Discourage monotonous, drab, unsightly, dreary and inharmonious development; and
 - Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of the text amendments.

Denial of the PTA request will result in the following:

- The existing code will remain unchanged with no standards for single-family design.
- Council's concern with blank building walls facing neighboring properties or visible from public streets will not be addressed and functional, safe, innovative and attractive single-family dwellings that are compatible with the surrounding environment within the City of Tualatin will not be encouraged.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for City Council are:

- Approve the proposed PTA with alterations.

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

FINANCIAL IMPLICATIONS:

Fiscal impacts are anticipated as a result of the proposed PTA. The PTA includes both Level I (Clear and Objective) standards by which ministerial approval may be administratively granted and Level II (Discretionary) criteria by which a property owner may choose to have his/her proposal discretionarily reviewed as a limited land use decision. Attachment C is a flowchart that illustrates the Level I and Level II review processes.

- Impact on staff resources of review under Level I (Clear and Objective) standards includes the following:
 - Process: Applicant submits application for Level I Single-family Architectural Review to Community Development Department, where current planning staff review the proposal for compliance with Level I standards (see Attachment C). After Level I approval, applicant submits application for Building Permit, with Level I approval attached, to Engineering & Building Department for review, processing and approval.
 - Fiscal Impact: For each application, it is anticipated that Level I review will require approximately 0.5 hour of current planning staff time, and routing and records-keeping activities will require approximately 0.5 hour of office coordination staff time.

Direct₁	Minimum Hours	Cost
Associate Planner	0.5	\$22.92
Assistant Planner	0.5	\$18.60
Office Coordinator	0.5	\$17.25
Indirect₂	---	
Indirect Cost Allocation		\$14.00
Total (range)		\$49.82 - 54.17

1. Cost for staff time is calculated as salary plus benefits (*City of Tualatin Adopted Budget 2007-2008*).

2. Cost for space, technology, telecommunications, utilities, etc. (*Fiscal Year 2007-2008*).

- City Council must consider whether to adopt a new Level I review fee to recover all, or a portion of, the cost of approximately 1.0 hour of additional staff time per application. Staff recommends a flat fee of \$50 for Level I Single-family Architectural Review.
- Impact on staff resources of review under Level II (Discretionary) criteria includes the following:
 - Process: If the application does not meet Level I standards or the applicant chooses to have the application reviewed under Level II Single-family Architectural Review criteria, the applicant submits required information to Community Development Department (see Attachment C). Application is handled pursuant to City's limited land use review procedures, including notice of application to surrounding property owners, reviewing comments,

issuing a notice of decision, and providing an appeal period. Following Level II approval, applicant submits application for Building Permit, with Level II approval attached, to Engineering & Building Department for review, processing and approval.

- Fiscal Impact: For each application, it is anticipated that the Level II application process will be nearly identical to the process already in place for commercial Architectural Review (AR) applications. The application fee structure currently in place for multi-family and commercial Architectural Review is:

Project Value Under \$5,000	\$100.00
\$5,000-\$24,999.99	\$470.00
\$25,000-\$99,999.99	\$850.00
\$100,000-\$499,999.99	\$1,415.00
\$500,000 and greater	\$2,070.00

- The City Council must consider whether to use this existing fee structure to recover a portion of the cost of processing Level II Single-family AR applications, or whether to adopt a new Level II review fee to recover all, or a portion of, the cost of a Level II review. Staff recommends a flat rate fee of \$700 for Level II Single-family Architectural Review.

PUBLIC INVOLVEMENT:

The Community Development Department hosted a public open house on Wednesday, November 15, 2006. The open house was advertised in the November City of Tualatin newsletter, the November Chamber of Commerce newsletter, in the Tualatin Times Calendar of Events, on the City's website, and announced at the November 13, 2006 City Council meeting. A summary of open house comments is contained in Attachment D.

During 2007, work continued on the single-family design standards. Members of the construction industry were consulted and attended TPAC meetings in an advisory capacity as needed.

On March 7, 2008, staff met with the following members of the construction industry to discuss the proposed single-family design standards and to solicit their comments:

- Ernie Platt, Director of Local Government Affairs, Home Builders Association of Metropolitan Portland
- Ken Gertz, President, Gertz Fine Homes
- Steven Lucas, Design Department Manager, Legend Homes.

Both Ken Gertz and Steven Lucas also attended the March 13, 2008 TPAC meeting to provide comment and an industry perspective to the discussion on the proposed text amendment language. Attachment E is a staff memorandum to TPAC (dated March 11, 2008) that contains suggested revisions to the draft text amendment language based on discussion at the March 7, 2008 meeting, which was used at the March 13, 2008 TPAC meeting as a basis for review of the proposed standards.

STAFF REPORT: PTA-06-05 Single-family Architectural Review

April 28, 2008

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- Attachments:**
- A. Draft Ordinance and Proposed Text Amendment Language
 - B. Analysis and Findings
 - C. Single-family Architectural Review Flowchart
 - D. Summary of Open House Comments
 - E. Staff Memorandum to TPAC Dated March 11, 2008

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ORDINANCE NO. _____

AN ORDINANCE CREATING ARCHITECTURAL REVIEW STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS; AMENDING TDC 31.063, 31.071, 33.010, 40.140, 41.130, 73.040, 73.170, 73.180, AND 73.190 (PTA-06-05).

WHEREAS in the summer of 2005 the City Council directed staff to examine the City's existing single-family dwelling development standards and to provide recommendations to address Council's design-related concerns; and

WHEREAS the City Council considered a City-initiated Plan Text Amendment (PTA) amending the Tualatin Development Code (TDC) to add design standards for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts; and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication on April 10, 2008, in The Times, a newspaper of general circulation within the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on April 28, 2008, and heard and considered the testimony and evidence presented by the City staff and those appearing at the hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application by a vote of [], with _____; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes, enters, and adopts as its Findings of Fact the findings and analysis in the staff report dated April 28, 2008, marked as "Exhibit C," attached and incorporated by this reference; and,

WHEREAS based upon the foregoing Findings of Fact, the City Council finds that it is in the best interests 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. Therefore,

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THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 31.063 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 31.063 Neighborhood/Developer Meetings

(1) This section applies to the following types of Land Use applications: Annexations; Architectural Reviews, ***except Level I (Clear and Objective) Single-family Architectural Review***; Conditional Uses; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; and Variances, except for variances to existing single family residences.

(2) Prior to the submittal of an application listed in TDC 31.063(1) and following a pre-application meeting held with the City, the developer shall host a meeting for the surrounding property owners. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(3) The Neighborhood/Developer Meeting shall be held on a weekday evening, or weekend no earlier than 10:00 a.m. and no later than 6:00 p.m., at a location within the City of Tualatin.

(4) The applicant shall mail notice of the meeting:

- (a) at least 14 days and no more than 28 days prior to the meeting;
- (b) to owners of properties within 300 feet of the subject property, any City-recognized Neighborhood Associations under TDC 31.065 whose boundaries are within 300 feet of the subject property, and to the Community Development Director and City Engineer of Tualatin; and
- (c) that states the date, time and location of the meeting and briefly discusses the nature and location of the proposal.

(5) Failure of a property owner to receive notice shall not invalidate the Neighborhood/Developer Meeting proceedings.

(6) The applicant shall post notice of the meeting by posting a waterproof sign on the subject property at least 14 days before the meeting. This sign shall be supplied by the applicant.

(7) The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and expressed.

(8) The applicant is required to hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.

(9) If an applicant fails to hold a neighborhood meeting, the application shall be deemed incomplete.

(10) The application shall include the following materials related to the Neighborhood/Developer meeting:

- (a) the mailing list for the notice;
- (b) a copy of the notice;

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- (c) an affidavit of the mailing and posting;
- (d) the original sign-in sheet of participants;
- (e) the meeting notes described in TDC 31.063(7).

(11) Applications shall be submitted to the City within 180 days of the Neighborhood/Developer meeting. If an application is not submitted in this time frame, the Developer shall be required to hold a new Neighborhood/Developer meeting.

Section 2. TDC 31.071 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 31.071 Architectural Review Procedure.

(1) An applicant for a building or other permit subject to architectural review, ***except Level I (Clear and Objective) Single-family Architectural Review***; shall discuss preliminary plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for Architectural Review of a development in the Central Design District shall conduct a Neighborhood Meeting subject to TDC 73.071(5). An applicant for Architectural Review of a development in other parts of the City shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. ***An applicant for Single-family Architectural Review shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to TDC 31.071(7).*** Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall submit to the Community Development Director an Architectural Review Plan application which shall contain:

- (a) The project title;
- (b) The names, addresses and telephone numbers of the property owners, applicants, architect, landscape architect and engineer;
- (c) The signatures of the property owners and applicants;
- (d) The site address and the assessor's map number and tax lot number;
- (e) A Service Provider Letter from the Unified Sewerage Agency indicating a "Stormwater Connection Permit" will likely be issued;
- (f) Any necessary wetland delineations applicable to the site;
- (g) Any Fill/Removal Permit issued by the Oregon Division of State Lands and the Army Corps of Engineers;
- (h) The application fee as established by City Council resolution;
- (i) A site plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped greenways, mixed solid waste and recyclables storage and railroad tracks. A site plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the Community Development Director. The site plan shall illustrate the location of existing structures, existing facility utilities, and whether they will be retained as part of the project. The site plan shall indicate the

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location of entrances and exits, pedestrian walkways and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. The site plan shall also indicate conditions and structures on adjacent properties sufficient to demonstrate that the proposed development is coordinated with existing or proposed developments on adjacent properties. Where the applicant proposes to change the existing topography, then a proposed grading plan shall be submitted drawn at a scale of 1":10', 1":20' or 1":30'. Trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site shall be indicated on the grading plan.

(j) A landscape plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.

(k) Architectural drawings or sketches, drawn at a scale of 1/16":1', 1/8":1' or 1/4":1', including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Building perspectives may also be needed.

(l) Specifications as to type, color and texture of exterior surfaces of proposed structures.

(m) A public utility facilities plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location, size and grade of all existing and proposed utility facilities, including but not limited to sanitary and storm sewers; water lines and fire hydrants; streets and sidewalks; water quality swales, traffic study information as required by the City Engineer pursuant to TDC 74.440 and other utility facilities as required by the City Engineer. A grading plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the City Engineer.

(n) Developments in the Central Design District shall provide the Neighborhood Meeting notes and evidence of the notice and posting required in TDC 31.071(5) and shall provide narrative statements considering each of the Design Guidelines in TDC 73.610.

(o) A completed City fact sheet on the project.

(p) An 8½" x 11" black and white site plan suitable for reproduction.

(q) A letter from the franchise solid waste and recycling hauler reviewing the proposed solid waste and recyclables method and facility.

(r) A Clean Water Services Service Provider Letter or Pre-screen for the proposed development.

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(s) An acoustical engineer's report as required by the Community Development Director.

(t) The information on the Neighborhood/Developer meeting specified in TDC 31.063(10).

(u) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify ODOT Rail Division and the railroad company that the application has been received.

(2) The applicant shall submit a verified statement showing that a sign has been posted on the property in a conspicuous location which indicates that a development proposal has been submitted to the City and the name of a person or persons who may be contacted in order to inquire about specific aspects of the proposal. The sign size, copy size, copy content, height, location and maintenance shall be determined by the Community Development Director with the objective of providing members of the public passing the site with reasonable notice, such that an interested person would have an opportunity to inquire further.

(3) For purposes of identifying property owners to receive notification of decisions and hearings, if any, the names and addresses of the owner or owners of record (fee title) as shown in the current, or within 30 days of the completed application, computer roll of the County Assessor shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, or registered architect, landscape architect, engineer, surveyor, attorney, or where the City is the applicant, the Community Development Director. The list of property owners shall be updated not less than every 90 days by the applicant, until a final decision is rendered.

(4) For an application to be approved, it shall first be established by the applicant that the proposal conforms to the Tualatin Development Code, and applicable City ordinances and regulations. For Expedited Architectural Review Plan Applications the application shall describe the manner in which the proposal complies with each of the expedited criterion for an Expedited Application. Failure to conform is sufficient reason to deny the application.

(5) The purpose of the Neighborhood Meeting in TDC 31.071(1) is to provide a means for the applicant and surrounding neighbors to meet to review a development proposal and identify issues regarding the proposal so they can be addressed prior to the application submittal. The Neighborhood Meeting shall be held in the Central Design District and the meeting shall be held on a weekday evening, or weekend at a reasonable time. The applicant shall mail notice of the meeting at least 14 days prior to the meeting to owners of properties within 300 feet of the subject property. The applicant shall post notice of the meeting by posting a sign on the subject property at least 14 days before the meeting. The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and submit them with the application. The

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applicant shall hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.

(6) The Community Development Director may require information in addition to that stated in this section.

(7) An applicant for a new Single-family dwelling or an addition or alteration to an existing Single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling) shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to this section. An application for Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

(a) Level I (Clear and Objective) Single-family Architectural Review application:

(i) A completed City fact sheet;

(ii) The names, addresses, and telephone numbers of the property owners and applicants;

(iii) The signatures of the property owners and applicants;

(iv) The site address and the assessor's map number and tax lot number;

(v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, roof lines, deck/porch/balcony lines, impervious ground surfaces, driveway location and driveway slope, and trees 8" or greater in diameter; and

(vi) Three copies of building elevations, drawn to scale, for all sides of the dwelling and including a calculation of the percentage of window coverage (glazing) for each elevation.

(b) Level II (Discretionary) Single-family Architectural Review application:

(i) All information required for Level I Single-family Architectural Review in TDC 31.071(7)(a);

(ii) One black and white copy (no larger than 11"x17") of each submittal, of a size suitable for reproduction and distribution;

(iii) A narrative statement that describes the manner in which the proposed development meets each of the approval criteria set forth in TDC 73.190;

(iv) Neighborhood/Developer Meeting information specified in TDC 31.063(10);

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(v) A verified statement showing that required signage, as described in TDC 31.071(2), has been posted on the property in a conspicuous location; and

(vi) Current notification information for all owners of properties within 300 feet of subject property as specified in TDC 73.071(3).

Section 3. TDC 33.010 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 33.010 Authorization to Grant or Deny Variances and Minor Variances.

(1) Variances may be granted under the requirements of the TDC as follows when it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of the TDC would cause an undue or unnecessary hardship:

(a) The City Council may grant variances, including variances that are part of a Subdivision, or a Partition Application. The City Council may grant minor variances in conjunction with a Subdivision, Partition or Property Line Adjustment that the City Engineer, without reaching a decision on the application, has forwarded to the City Council for review, or that has been appealed to the City Council.

(b) The City Engineer may grant minor variances when they are part of a Subdivision, Partition or Property Line Adjustment Application.

(c) The Planning Director may grant minor variances that are not part of a Subdivision, Partition or Property Line Adjustment Application.

(2) Variances may be requested to the TDC Chapters 40-69 and 71-73 and the Sign Standards, TDC 38.100, 38.110, 38.120 and 38.140-38.240, ***except that variances to the Level I (Clear and Objective) Single-family Architectural Review standards referenced in TDC 40.140 and 41.130 and set forth in TDC 73.190(1)(a) shall be prohibited.*** Variances to the requirements of TDC Chapter 70, Floodplain District, shall be in accordance with TDC 70.160.

(3) Minor variances may be requested to the lot area, lot width, building coverage, setbacks, projections into required yards and structure height development standards for permitted uses in the Residential Low Density Planning District (RL) and single family dwellings in Small Lot Subdivisions in the RL and Residential Medium to Low Density Planning District (RML). Minor variances may not be requested, nor approved, for more than 10% of the lot area and for no more than 20% of the lot width, building coverage, setback, projections into required yards, structure height, and the small lot location standards in TDC 40.055(3).

(4) Minor variances shall not be requested, nor shall they be approved, to the regulations in TDC Chapter 38, Sign Regulations.

(5) Variances and minor variances shall not be requested, nor shall they be approved, to allow a use of land that is not allowed in a planning district.

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Section 4. TDC 40.140 is amended to read as follows (Language to be removed in strikeout / New language in *Bold Italic*):

Section 40.140 Community Design Standards.

~~Refer to TDC Chapter 73.~~

(1) Development of the following is subject to the provisions set forth in TDC 40.140(2) and standards and criteria set forth in TDC Chapter 73, in addition to all other applicable TDC standards:

(a) A new single-family dwelling.

(b) An addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).

(i) Where a single-family dwelling addition or alteration described in TDC 40.140(1)(b) is proposed, TDC 40.140(2) applies only to the portion of the structure being altered or added.

(2) No building permits shall be issued for development described in TDC 40.140(1) until plans for the proposed development have been approved pursuant to one of the following two review options, and all other applicable TDC standards are met:

(a) LEVEL I – Clear and Objective Single-family Architectural Review.

(i) A Level I Single-family Architectural Review decision is a ministerial decision.

(ii) Application for Level I (Clear and Objective) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(a).

(iii) Proposed development that meets all standards set forth in TDC 73.190(1)(a) shall be administratively approved by the Community Development Director.

(iv) Variances to standards set forth in TDC 73.190(1)(a) are prohibited.

(v) Development unable to meet one or more of the standards set forth in TDC 73.190(1)(a) may alternatively submit application for Level II (Discretionary) Single-family Architectural Review.

(b) LEVEL II – Discretionary Single-family Architectural Review.

(i) Proposed development that meets all approval criteria set forth in TDC 73.190(1)(b) shall be approved by the Community Development Director.

(ii) Application for Level II (Discretionary) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(b).

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(iii) A Level II (Discretionary) Single-family Architectural Review application shall be processed as a limited land use decision pursuant to the provisions set forth in TDC 31.071(7)(b).

(3) Where a site, structure, or object is designated a historic landmark, and proposed development is subject to TDC Chapter 68 Historic Certificate of Appropriateness review, conditions of Certificate of Appropriateness approval may, at the discretion of the decision-making authority, include modification of one or more of the standards set forth in TDC 73.190(1)(a), or modification of one or more of the discretionary approval criteria set forth in TDC 73.190(1)(b), in order to meet the Certificate of Appropriateness approval criteria.

Section 5. TDC 41.130 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 41.130 Community Design Standards.

~~Refer to TDC Chapter 73.~~

(1) Development of the following is subject to the provisions set forth in TDC 41.130(2) and standards and criteria set forth in TDC Chapter 73, in addition to all other applicable TDC standards:

(a) A new single-family dwelling.

(b) An addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling).

(i) Where a single-family dwelling addition or alteration described in TDC 41.130(1)(b) is proposed, TDC 41.130(2) applies only to the portion of the structure being altered or added.

(2) No building permits shall be issued for development described in TDC 41.130(1) until plans for the proposed development have been approved pursuant to one of the following two review options, and all other applicable TDC standards are met:

(a) LEVEL I – Clear and Objective Single-family Architectural Review.

(i) A Level I Single-family Architectural Review decision is a ministerial decision.

(ii) Application for Level I (Clear and Objective) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(a).

(iii) Proposed development that meets all standards set forth in TDC 73.190(1)(a) shall be administratively approved by the Community Development Director.

(iv) Variances to standards set forth in TDC 73.190(1)(a) are prohibited.

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(v) Development unable to meet one or more of the standards set forth in TDC 73.190(1)(a) may alternatively submit application for Level II (Discretionary) Single-family Architectural Review.

(b) LEVEL II – Discretionary Single-family Architectural Review.

(i) Proposed development that meets all approval criteria set forth in TDC 73.190(1)(b) shall be approved by the Community Development Director.

(ii) Application for Level II (Discretionary) Single-family Architectural Review shall be made pursuant to the application procedures set forth in TDC 31.071(7)(b).

(iii) A Level II (Discretionary) Single-family Architectural Review application shall be processed as a limited land use decision pursuant to the provisions set forth in TDC 31.071(7)(b).

(3) Where a site, structure, or object is designated a historic landmark, and proposed development is subject to TDC Chapter 68 Historic Certificate of Appropriateness review, conditions of Certificate of Appropriateness approval may, at the discretion of the decision-making authority, include modification of one or more of the standards set forth in TDC 73.190(1)(a), or modification of one or more of the discretionary approval criteria set forth in TDC 73.190(1)(b), in order to meet the Certificate of Appropriateness approval criteria.

Section 6. TDC 73.040 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.040 Architectural Review Plan Approval Required.

(1) Except for single-family dwellings and the creation of an accessory dwelling unit that does not increase the gross floor area of the single-family dwelling ***an addition or alteration to an existing single-family dwelling when it results in less than a 35% expansion of the structure's existing footprint or less than a 35% alteration of an existing wall plane or only affects the wall plane of the side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling***, as permitted by these standards, no new building, condominium, townhouse, accessory dwelling unit that increases the gross floor area of the single-family dwelling, ***addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling)***, manufactured dwelling park, small-lot subdivision, landscape improvement (excluding greenways, parks and other Parks and Recreation Department road side improvements), parking lot improvement or expansion, above ground public utility facility (sewer or water pump stations, pressure reading stations and water reservoir), electrical substation, above ground natural

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gas pumping station, installation of decorative lighting (e.g. neon), exterior painting, awnings, murals, wireless communication facility, attached wireless communication facility or exterior major remodeling shall occur until the architectural review plan required under TDC 31.071 has been reviewed and approved by the Community Development Director and City Engineer or their designees, or by the Architectural Review Board or City Council for conformity with applicable **standards or** criteria.

(2) No new single-family dwelling or addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), as permitted by these standards, shall occur until the architectural review application under TDC 31.071(7) has been reviewed and approved by the Community Development Director or their designee for conformity with the applicable standards or criteria.

(23) Construction, site development and landscaping shall be carried out in substantial accord with the approved architectural review plan **or application**. Review of the proposed architectural review plan **or application** and any changes thereto shall be conducted in accordance with Chapter 31.

Section 7. TDC 73.170 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

Section 73.170 Structure Design – Single-family and Multi-family Uses.

(1) Purpose – Single-family Uses.

The purpose of single-family building design objectives and standards is to implement the purposes and objectives of TDC 73.020(2). The objectives and standards are intended to promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment. This concerns the building form including the articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features.

(2) Purpose – Multi-family Uses.

The purpose of multi-family, including townhouse, building design objectives and standards is to implement the purposes and objectives of TDC 73.020(2) . The objectives and standards are intended to promote functional, safe, innovative and attractive buildings which are compatible with the surrounding environment. This concerns the building form including the articulation of walls, roof design, materials, colors, placement of elements such as windows, doors, mechanical equipment and identification features.

Section 8. TDC 73.180 is amended to read as follows (Language to be removed in ~~strikeout~~ / New language in ***Bold Italic***):

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Section 73.180 Objectives – Single-family and Multi-family Uses.

(1) Objectives – Single-family Uses.

All new single-family dwellings, including an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. Development subject to Level I (Clear and Objective) Single-family Architectural Review approval may be permitted to vary from one or more of the clear and objective standards set forth in TDC 73.190(1)(a), provided that the Level II (Discretionary) approval criteria set forth in TDC 73.190(1)(b) are considered. New single-family dwellings, including an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling), shall be designed, to the maximum extent practicable, to:

(a) Enhance Tualatin through the creation of attractively designed housing and streetscapes.

(b) Encourage originality, flexibility and innovation in structure design.

(c) Avoid stark unarticulated building façades (elevations) and encourage sufficient relief in façades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures.

(d) Provide continuity in design by utilizing architectural materials and style employed on the front façade (elevation) on the remaining sides of the structure.

(e) Discourage monotonous, drab, unsightly, dreary and inharmonious development.

(f) Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of TDC 73.170(1).

(2) Objectives – Multi-family Uses.

All multi-family projects, including townhouses, should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In the case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Townhouses may necessitate a different balancing than multi-family developments, such as apartments. Buildings shall be designed, to the maximum extent practicable, to:

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(4a) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors.

(2b) Enhance energy efficiency through the use of landscape and architectural elements, such as arcades, sunscreens, lattice, trellises, roof overhangs and window orientation.

(3c) Create subclusters and stagger unit alignments.

(4d) Utilize functional building elements such as carports and garages, balconies, entry areas and sun screens where possible to accomplish unit identity, pride of place and visual diversity.

(5e) Give consideration to organization, design and placement of windows as viewed on each elevation. The system may be a variation on a theme or consistent symmetry and must operate in concert with the provision of adequate interior privacy, safety, daylight and ventilation.

(6f) Select building materials which contribute to the project's identity, form and function, as well as to the existing site and surrounding natural landscape and development.

(7g) Select colors in consideration of lighting conditions under which the structure is viewed, the ability of the material to absorb, reflect or transmit light, and the color's functional role (whether to blend into the environment, express a particular character, discriminate materials, define form and volume or simply as an identification feature such as with color coding).

(8h) Minimize disruption of natural site features such as topography, trees and water features.

Section 9. TDC 73.190 is amended to read as follows (Language to be removed in strikeout / New language in *Bold Italic*):

Section 73.190 Standards – *Single-family and Multi-family Uses.*

(1) *Standards - Single-family Uses.*

Except for the side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, the standards in this section shall apply to all sides of a new single-family dwelling or to an addition or alteration to an existing single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane. The wall plane shall be defined as all vertical surfaces on one side of a dwelling including walls, garage doors, entries, gable ends, dormers, etc., and excluding any roof areas. Garage door windows may be counted toward the required window coverage percentage in TDC 73.190(1)(a). Cornices, eaves, canopies, decks, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may extend or project into a required front or rear yard setback area not more than three feet (3') and into a required side yard not more than two feet (2'), or into the required open space as established by

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coverage standards in TDC Chapter 40 Low Density Residential Planning District (RL) or Chapter 41 Medium Low Density Residential Planning District (RML).

(a) Level I (Clear and Objective) Single-family Architectural Review. Dwellings shall:

(i) On the front façade (elevation), provide windows that occupy at least twelve percent (12%) of the wall plane, provide at least three (3) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least five (5) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on the front façade (elevation) may be reduced in two percent (2%) increments to not less than eight percent (8%) of the wall plane for each additional Residential Wall Design Element provided.

(ii) On each side elevation, except for a side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, provide windows that occupy at least eight percent (8%) of the wall plane, provide at least two (2) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on each side elevation may be reduced by two percent (2%) to not less than six percent (6%) of the wall plane if one (1) additional Residential Wall Design Element is provided on the same side elevation as that on which the reduction is made.

(iii) On the rear elevation, provide windows that occupy at least twelve percent (12%) of the wall plane, provide at least two (2) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and provide at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v). The amount of required window coverage on the rear elevation may be reduced by two percent (2%) to not less than ten percent (10%) of the wall plane if one (1) additional Residential Wall Design Element is provided.

(iv) Residential Roof Design Elements.

(A) Dormer, such as hipped, gabled, shed, or eyebrow dormer design, which is a projecting structure built out from a sloping roof and housing a window, vent, or decorative element.

(B) Pitched or sloping roof, such as a gable roof, which slopes downward in two parts from a central ridge forming a gable at each end, or hip roof, which has sloping ends and sides that meet at an inclined projecting angle.

(C) Roof eave of at least twelve inches (12").

(D) Roof overhang (bargeboard or verge board) of at least six inches (6") measured outward from the face of the dwelling wall or wall plane.

(E) Window, decorative vent, door, decorated

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verge boards, trusses, false beams, corbels, brackets, or other decorative element(s) in gable ends.

(F) Variation in roof pitch, height of roof planes, or roof orientation, such as in a roof with multi-level eaves.

(v) Residential Wall Design Elements.

(A) Recessed entry – front façade only.

(B) Portico – front façade only. A roofed porch-like space, open along at least one side, connected to the main dwelling entrance, supported by columns or pillars, and either protruding from or recessed within the main dwelling structure.

(C) Covered porch at least thirty-six square feet (36 sq. ft.) in area and at least four feet (4') deep.

(D) Balcony, which projects from the wall plane and is enclosed by a railing or parapet (low protective wall).

(E) Vertical offsets, at least two (2), either projecting or recessed, and at least six inches (6") deep and a minimum of four feet (4') long.

(F) Horizontal offset, either projecting or recessed, at least twelve inches (12") deep.

(G) Bay window, box window, or box bay, which projects at least twelve inches (12") outward from the wall plane and forms a bay, alcove, or window seat in an interior room of the dwelling.

(H) Column or pilaster, either complete or engaged (where one part of its surface is in contact with a wall plane), and in the wall plane, at a change in wall plane, or at a corner of the dwelling.

(I) Exterior chimney of brick, stone, composite masonry or similar materials.

(J) Engaged tower, either square, rectangular, circular or polygonal in form.

(K) Window trim or surround (casing) at least three and one-half inches (3.5") wide that completely surrounds the window, either with or without a sill beneath the window.

(L) Window grids, windows with multi-paned sashes, or elliptical, palladian, segmental arch, semicircular, or similarly shaped windows.

(M) Lintel, arch, or similar decorative header casing on windows, the main entry door, portico, garage door(s), or other opening in the wall plane.

(N) Shutters, as a matched pair for or on a window, either movable or fixed, designed to cover a window and filter light, and usually of wood or similar construction and paneled or fitted with louvers.

(O) Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar.

(P) Decorative or "architectural" garage door(s),

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with or without windows, and including patterning relief at least five-eighths inch (5/8") deep over the door(s) surface, excepting the window area if windows are present.

(Q) Decorative trellis or trelliswork, consisting of open rafter ends or beams and cross pieces to create the appearance of a structure over which climbing plants might be trained to grow.

(R) Band, band course, band molding, belly band, belt course, or similar horizontal element of relatively slight projection marking a division in the wall plane and adding architectural interest to a façade or elevation.

(b) Level II (Discretionary) Single-family Architectural Review. Dwellings shall demonstrate consistency with the objectives of the specific standard from which relief is sought as outlined in TDC 73.180(1), in light of the following discretionary guidelines:

(i) All roofs should be pitched or sloping and articulated by use of such elements as dormers, gables, overhangs or eaves, and should have variations in roof pitch, height of roof planes, or roof orientation to create visual interest and avoid monotony in appearance.

(ii) Architectural articulation and other design elements, such as balconies, porches, dormers, bay windows, vertical or horizontal offsets, variations in cladding, or moldings should be used on all sides of the dwelling (except for a side of a single-family dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling) to avoid stark unarticulated building façades (elevations), to minimize the scale and visual impact of a continuous flat wall surface, and to create a sense of visual interest for passersby and neighboring property owners.

(iii) The architectural character (i.e., exterior materials, architectural articulation, design elements, etc.) of the front façade (elevation) of the dwelling should be utilized on all sides of the structure to create a unified appearance and to avoid a single block or box appearance.

(iv) New dwellings should be designed and situated on a property in order to create and maintain a visual sense of harmony with surrounding development and should not overwhelm the scale of surrounding development.

(v) The overall architectural design of the dwelling should foster a compatible, positive relationship with the scale and character of the street, and the scale and character of surrounding existing development.

(2) Standards - Multi-family Uses.

The following standards are minimum requirements for multi-family and townhouse development.

(4a) Storage

(a) Except as provided in Subsection (4a)(b), enclosed storage areas are required and shall be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Garages

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are not intended to satisfy storage requirements. Each storage area shall be a minimum of 6 feet in height and have a minimum floor area of:

(iA) 24 square feet for studio and one bedroom units;

(iiB) 36 square feet for two bed-room units; and

(iiiC) 48 square feet for greater than two bedroom units.

(bii) For townhouses and residential and mixed use residential developments in the Central Design District, or within the Mixed Use Commercial Overlay District as determined in the Architectural Review process, some provision shall be made for outdoor storage adjacent to private outdoor areas. Such provisions shall be reviewed for adequacy through Architectural Review and shall be designed to accommodate barbecues or other small deck equipment.

(2b) Carports and Garages

(ai) If carports and garages are provided for multi-family development, except townhouses, the form, materials, color and construction shall be compatible with the complex they serve.

(bii) At least one garage space shall be provided for townhouses.

INTRODUCED AND ADOPTED this _____ day of _____ 2008.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY _____
City Recorder

ATTACHMENT B

PTA-06-05: ANALYSIS AND FINDINGS

The eight (8) approval criteria of Section 1.032-Burden of Proof of the Tualatin Development Code (TDC) must be met if the proposed Plan Text Amendment (PTA) is to be granted.

1. Granting the amendment is in the public interest.

The City Council's #1 Goal for Tualatin is: **Enhance sense of place and City beautification.** In addition, the **Community Vision and Strategic Action Plan, Strategy GHT 18, Urban Design Standards** states the following: **Develop enhanced, flexible standards to promote ongoing community attractiveness in Tualatin and a cohesive urban design.**

The **purpose** of the proposed single-family dwelling design standards is to **promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment.** This concerns the building form including the articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features.

The **objectives** of the proposed standards include:

- a. **Enhance Tualatin through the creation of attractively designed housing and streetscapes;**
- b. **Encourage originality, flexibility and innovation in structure design;**
- c. **Avoid stark unarticulated building façades (elevations) and encourage sufficient relief in façades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures;**
- d. **Provide continuity in design by utilizing architectural materials and style employed on the front façade (elevation) on the remaining sides of the structure;**
- e. **Discourage monotonous, drab, unsightly, dreary and inharmonious development; and**
- f. **Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of the text amendments.**

The public interest is best protected by granting the proposed text amendment, because the amendment serves to promote and protect the general welfare of the City by ensuring that functional, safe, innovative and attractive single-family dwellings are designed and constructed in the RL and RML Planning Districts in the City. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for

good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation.

Criterion 1 is met.

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

Single-family development is occurring in the City of Tualatin, both as new construction on previously vacant property and/or newly annexed property and as redevelopment on previously developed residential land that has been partitioned or subdivided. Some remodels and additions to existing single-family dwellings also occur. In the future, land within the Urban Growth Boundary (UGB) that has not yet been annexed to the City, such as between the southern City limit and the City of Wilsonville, will be available for single-family residential development and redevelopment.

If adopted at this time, the proposed PTA-06-05 will ensure that all new single-family dwelling construction, as well as additions or alterations that add 35% or more to the footprint of the dwelling, add a second or higher story, or result in a 35% or more alteration of an existing wall plane will be required to comply with the proposed design standards. As discussed above, such compliance serves to promote and protect the general welfare of the City by ensuring that functional, safe, innovative and attractive single-family dwellings are designed and constructed in the RL and RML Planning Districts in the City. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation.

Criterion 2 is met.

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

TDC 2.020 Introduction. Purpose. The general purpose of this Plan is to guide the physical development of the City so as to preserve the natural beauty of the area while accommodating economic growth. ...The Plan is also intended to provide for diverse living and working environments of the highest quality. The proposed text amendment serves to guide the physical development of the City by providing design standards for single-family dwelling construction in the RL and RML Planning Districts that enhance Tualatin through the creation of attractively designed housing and streetscapes. The proposed standards also provide for diverse living environments of the highest quality by

encouraging originality, flexibility and innovation in dwelling design while discouraging monotonous, drab, unsightly, dreary and inharmonious development.

TDC 5.020 Residential Planning Growth. Assumptions. (1) Provide for the housing needs of existing and future City residents. (2) Provide housing opportunities for residents with varied income levels and tastes that are aesthetically and functionally compatible with the existing community housing stock. The proposed text amendment does not affect the amount of single-family residential housing that currently exists or that will be constructed in Tualatin in the future. Rather the amendment affects the quality of construction and physical appearance of dwellings. The overall purpose of the standards is to promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment, thus the proposed amendment directly addresses the desire to provide housing opportunities that are aesthetically and functionally compatible with the existing community housing stock.

TDC 10.020 Community Design. Design Objectives. (1) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development. Two objectives of the proposed text amendment are to enhance Tualatin through the creation of attractively designed housing and streetscapes and to encourage originality, flexibility and innovation in structure design in single-family dwellings in the RL and RML Planning Districts.

(2) Discourage monotonous, drab, unsightly, dreary and inharmonious development. Two objectives of the proposed text amendment are to avoid stark unarticulated building facades and encourage sufficient relief in facades of dwellings to avoid a single block or box appearance by mixing contrasting vertical and horizontal elements in the roof and walls of structures; and to discourage monotonous, drab, unsightly, dreary and inharmonious development in single-family dwellings in the RL and RML Planning Districts.

(3) Promote the City's natural beauty and visual character and charm by insuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures and other improvements. The purpose of the proposed single-family dwelling design standards is to promote functional, safe, innovative and attractive buildings that are compatible with the surrounding environment. Further, the proposed text amendment is intended to enhance Tualatin through the creation of attractively designed housing and streetscapes and to provide continuity in design and guidelines for good design at reasonable costs and with multiple options while encouraging originality, flexibility and innovation.

(5) Stabilize and improve property values and prevent blighted areas and thus increase tax revenues. (6) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services. (8) Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment; and thus promote and protect the peace, health and welfare of the City. The purpose of the proposed text amendment is to promote functional, safe, innovative and attractive single-family dwellings that are compatible with the surrounding environment in the RL and RML Planning Districts. Further, an objective of the amendment is to enhance Tualatin through the creation of attractively designed housing and streetscapes. The design standards are expected to help stabilize and improve property values, prevent blight, achieve the beneficial influence of pleasant environments for living on behavioral patterns, and sustain the comfort, health, tranquility and contentment of residents while attracting new residents by reason of the City's favorable environment. Thus the peace, health, and welfare of the City will be promoted and protected.

Criterion 3 is met.

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

The various characteristics of the areas in the City:

As discussed earlier in this document, single-family development is occurring in the City of Tualatin, both as new construction on previously vacant property and/or newly annexed property and as redevelopment on previously developed residential land that has been partitioned or subdivided. Some remodels and additions to existing single-family dwellings also occur. In the future, land within the Urban Growth Boundary (UGB) that has not yet been annexed to the City, such as between the southern City limit and the City of Wilsonville, will be available for single-family residential development and redevelopment.

As new single-family development has occurred, the focus of design has been on the front façade of the structure with little to no attention given to the articulation or architectural features of the remaining walls of the dwelling, even when the dwelling is located on a corner lot, or the side or back of the dwelling faces an arterial or collector street and is visible to public from the right-of-way or sidewalk. The result is blank, unarticulated, uninteresting walls that detract from the streetscape and the overall attractiveness and beauty of the City. One noted example is single-family dwellings that back to SW Borland Road. The purpose of the proposed text amendment is to avoid this type of single-family development in the future by encouraging attractive, innovative, original and flexible design.

The suitability of the areas for particular land uses and improvements in the areas:

The proposed text amendment applies to single-family residential dwellings in the RL and RML Planning Districts.

Trends in land improvement and development:

Trends in land improvement and development are discussed above under “various characteristics of the areas in the City”.

Property values:

As discussed earlier in this document, the purpose of the proposed text amendment is to promote functional, safe, innovative and attractive single-family dwellings that are compatible with the surrounding environment in the RL and RML Planning Districts. Further, an objective of the amendment is to enhance Tualatin through the creation of attractively designed housing and streetscapes. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public’s interests by providing guidelines for good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation. The design standards are expected to help stabilize and improve property values and prevent blight.

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

There is no evidence that the proposed amendment hinders any property owners’ ability to conduct an economic enterprise, nor is there any evidence that the proposed amendment hinders future development of any areas.

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

There is no evidence that the proposed amendment will affect needed right-of-way and access for and to particular sites in the area.

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

There is no evidence that the proposed amendment will affect natural resources of the City or the protection and conservation of said resources.

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

There is no evidence that the proposed amendment will affect prospective requirements for the development of natural resources in the City.

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

As discussed earlier in this document, the public interest is best protected by granting the proposed text amendment, because the amendment serves to promote and protect the general welfare of the City by ensuring that functional, safe, innovative and attractive single-family dwellings are designed and constructed in the RL and RML Planning Districts in the City. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation.

Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider:

This factor is not relevant to consideration of the proposed amendment.

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

Criterion 4 is met.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered.

School facility capacity is affected when additional students are added to the Tigard-Tualatin School District. The proposed amendment will have no impact on student population or on school facility capacity.

Criterion 5 is met.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 14 Statewide Goals, 11 Goals were considered and found to not be applicable to the proposed amendment. Staff has determined that Goals 1, 2, and 10 are applicable and must be addressed.

Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The general public, through Tualatin's local program of citizen involvement, including public Tualatin Planning Advisory Committee (TPAC) meetings, has the opportunity to participate in the development and adoption of legislation needed to carry out the Tualatin Community Plan objectives. The proposed PTA-06-05 includes two complimentary sets of code standards: Level I (Clear and Objective) standards and Level II (Discretionary) criteria. The proposed amendment provides that Level II discretionary review be carried out as a limited land use process that includes citizen involvement. The proposed amendment is consistent with Statewide Planning Goal 1.

Goal 2: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

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

Goal 10: To provide for the housing needs of citizens of the state.

As discussed earlier in this document, the public interest is best protected by granting the proposed text amendment, because the amendment serves to promote and protect the general welfare of the City by ensuring that functional, safe, innovative and attractive single-family dwellings are designed and constructed in the RL and RML Planning Districts in the City. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation. The proposed amendment is therefore in conformance with the intent of Goal 10, which is to provide for the housing needs of citizens of the state.

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

Criterion 6 is met.

7. Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

The proposed PTA-06-05 amends the Tualatin Development Code (TDC) to add Level I (Clear and Objective) Design Standards and Level II (Discretionary) Design Criteria and a process for Single-Family Architectural Review for detached single-family dwellings in the Low Density Residential (RL) and Medium Low Density Residential (RML) Planning Districts (PTA 06-05). The proposed amendment does not affect the amount of land dedicated to particular uses, nor does it change the existing designation of land within the City. The proposed amendment recognizes that the residents, property owners, and business owners in Tualatin have a vested interest in the appearance of their community, and the proposed single-family dwelling design standards support and protect the public's interests by providing guidelines for good design at reasonable costs and with multiple options to achieve the desired continuity in design while encouraging originality, flexibility and innovation. Granting the amendment is consistent with the Metropolitan Service District's (METRO) Urban Growth Management Functional Plan.

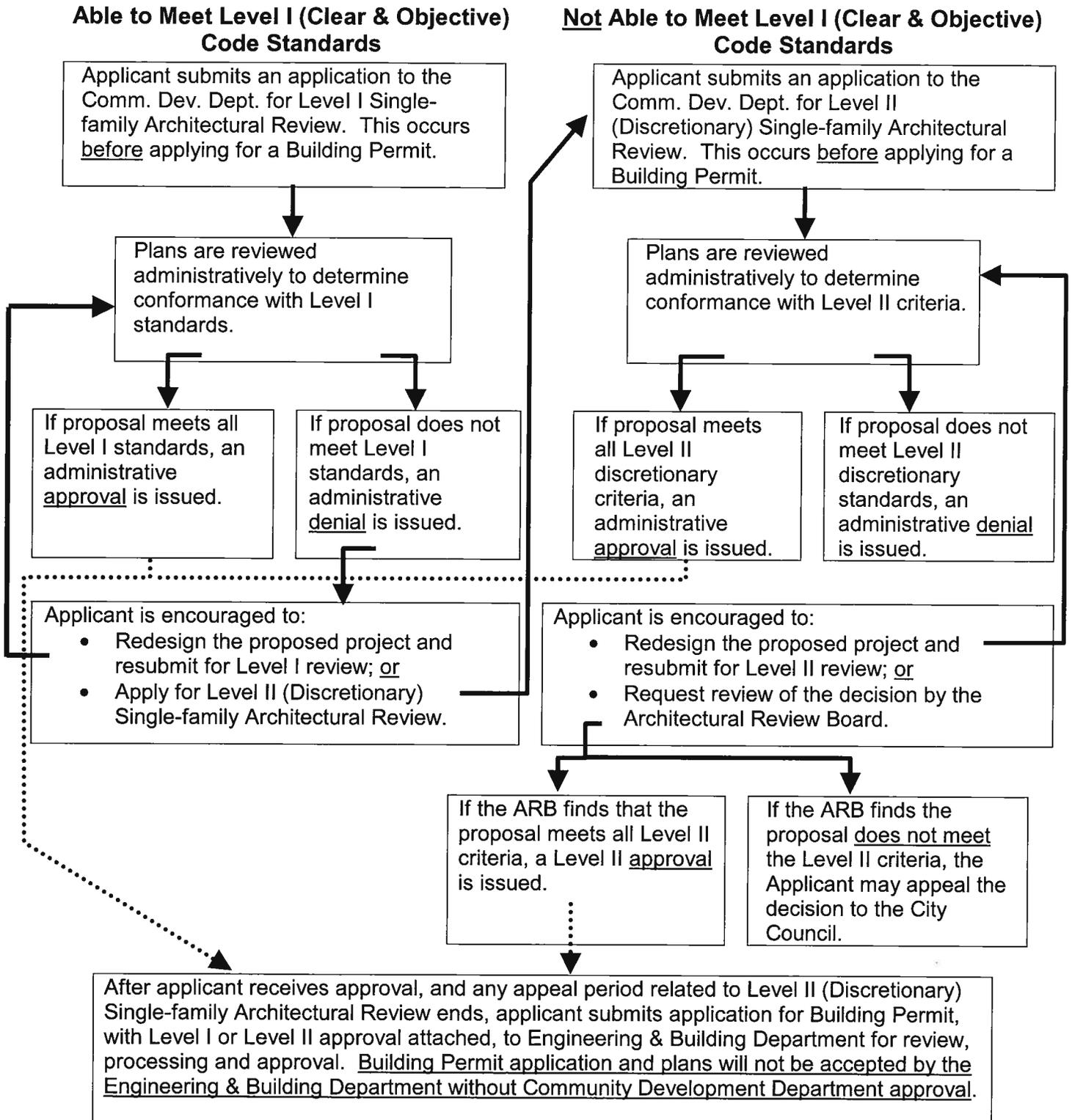
Criterion 7 is met.

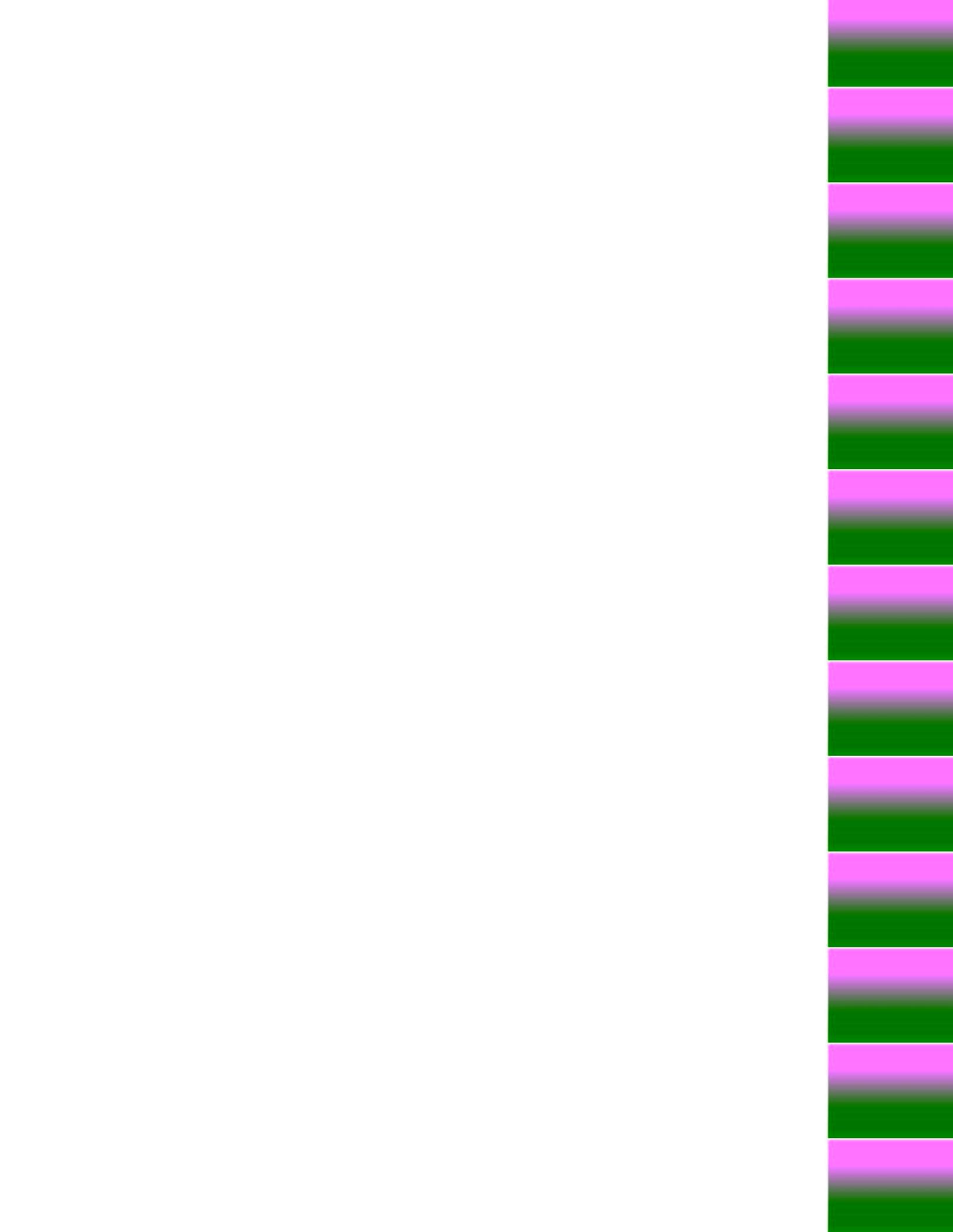
8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

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

ATTACHMENT C

SINGLE-FAMILY ARCHITECTURAL REVIEW FLOWCHART





2 I have no concerns with the number, size, and placement of garage doors.

1 The height of fences allowed in the front yard of new houses should be controlled so that the house looks less compound-like and appears more connected with the neighborhood.

1 I have no concerns with the height of fences allowed in front yards.

4 Above-ground swimming pools over a certain height should be visually screened by fence or vegetative hedge, so that the pool is not visually intrusive on neighbors.

 I have no concerns with unscreened above-ground swimming pools in neighboring yards.

Do you have any other comments concerning construction of new homes?

"Concern is for cost of homes in general. The UGB needs to be expanded to allow for larger lot sizes which would solve many of these concerns."

"Tiny lots cause more neighborhood problems."

Q. I think that new houses should be designed with roof heights, roof pitches, wall heights, wall articulation, and setbacks that are more consistent with existing neighboring homes. (check one)

 Strongly Agree 3 Agree Disagree Strongly Disagree 1 No Opinion

Q. I think the following types of projects should be required to meet regulations to control roof heights, roof pitches, wall heights, wall articulation, and setbacks that are consistent with existing neighboring homes. (mark all that you agree with)

3 New one-story homes. 3 New two-story & taller homes.

3 Second-story additions to existing homes. 3 All additions to existing homes.

1 No one who remodels/builds a house should have to meet these kind of regulations to be consistent with existing neighboring homes.

Q. I think that a property owner should be required to hold a neighborhood meeting with surrounding property owners before he/she can submit an application to the City for the following type of construction. (mark all that you agree with)

2 New one-story homes. 2 New two-story & taller homes.

2 Second-story additions to existing homes. 2 All additions to existing homes.

3 No one who remodels/builds a house should have to hold a meeting with the neighborhood.

Q. I have the following opinion concerning construction cost increases which might potentially be incurred by property owners who want to build a house under new regulations to better control design issues. (check one)

I think the benefit gained by the community in having new single-family homes that are more consistent with existing neighboring homes outweighs any potential cost increase incurred by homebuilder.

I think existing regulations are just fine and increased design regulations will be too burdensome on homebuilders.

Write-In Response:

One respondent said that he is somewhere between these two considerations.

I think there should be no regulations at all and a property owner should be able to build whatever size or style of house they want, regardless of impact on neighbors.

12. Tell us who you are. (mark all that apply)

Long-Time Resident (5+ years) *Newer Resident (1-4 years)*

Tualatin Home Owner *Tualatin Business Owner* *Chamber Member*

Interested Architect / Engineer *Interested Contractor / Homebuilder*

13. How did you hear about the Open House? (mark all that apply)

Times Newspaper *City Newsletter* *Chamber of Commerce Newsletter*

City Website *Council Meeting* *Word of Mouth*

14. Please provide any additional comments (use back of page if you need additional space).

"The restrictions on design, etc should be primarily the responsibility of the CC&R's developed by the subdivider. The homebuyer can base his decision to purchase or not purchase based upon his review of the CC&R's. I am not a proponent of the UGB."

TUALATIN PLANNING ADVISORY COMMITTEE MEETING

March 13, 2008 @ 7:00 p.m.

Council Chambers – 18880 SW Martinazzi Avenue

PTA-06-05 – AMEND THE TUALATIN DEVELOPMENT CODE (TDC) TO ADD CRITERIA AND A PROCESS FOR SINGLE-FAMILY ARCHITECTURAL REVIEW FOR DETACHED SINGLE-FAMILY DWELLINGS (PTA 06-05)

Suggested revisions to Proposed Text Amendment Language contained in Attachment A of the March 13, 2008 Staff Report. These revisions were prepared after meeting on March 7, 2008, with the following members of the construction industry:

Ernie Platt
Director of Local Government Affairs
Home Builders Association of Metropolitan Portland

Ken Gertz
President
Gertz Fine Homes

Steven Lucas
Design Department Manager
Legend Homes

Revisions prepared by: Cindy L. Hahn, AICP
Assistant Planner
City of Tualatin
Community Development Department
Planning Division

Prepared on: March 11, 2008

73.190 (1) Standards – Single-family Uses.

Except for the side of a dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling, the standards in this section shall apply to all sides of a new single-family dwelling or accessory dwelling unit that increases the gross floor area of a single-family dwelling. Cornices, eaves, canopies, decks, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may extend or project into a required front or rear yard setback area not more than three (3) feet and into a required side yard not more than two (2) feet, or into the required open space as established by coverage standards in TDC Chapter 40 Low Density Residential Planning District (RL) or Chapter 41 Medium Low Density Residential Planning District (RML).

73.190 (1)(a) Level I (Clear and Objective) Single-Family Architectural Review.

Dwellings shall provide:

		Existing version:	Possible revision:
(i)		Windows that occupy at least fifteen (15) percent (%) of the wall plane, excluding the roof and any windows in a garage door.	<p>Windows that occupy at least <u>twelve percent (12%)</u> of the wall plane <u>on the front façade and at least eight percent (8%) of the wall plane on each remaining side of the dwelling including the rear, but excepting the side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling. The wall plane shall be defined as all vertical surfaces on one side of a dwelling including walls, garage doors, entries, gable ends, dormers, etc., and excluding any roof areas. Garage door windows may be counted toward the required window glazing percentage.</u></p> <p>Questions: Is "wall plane" as defined above satisfactory? On side walls: Should window credit be given for pop-outs at 50% of pop-out area?</p>
(ii)		Front façade. At least three (3) of the Residential Roof Design Elements in TDC 73.190(1)(a)(iv) and at least five (5) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v).	No change.
(iii)		Each remaining side of dwelling. At least two (2) of the Residential Roof Design Elements in 73.190(1)(a)(iv) and at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v) on each wall.	Each remaining side of dwelling, <u>except the side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling.</u> At least two (2) of the Residential Roof Design Elements in 73.190(1)(a)(iv) and at least four (4) of the Residential Wall Design Elements in TDC 73.190(1)(a)(v) on each wall.
(iv)		Residential Roof Design Elements.	
	(A)	Dormer, such as hipped, gabled, shed, or eyebrow dormer design, which is a projecting structure built out from a sloping roof and housing a window.	Dormer, such as hipped, gabled, shed, or eyebrow dormer design, which is a projecting structure built out from a sloping roof and housing a window, <u>vent, or decorative element.</u>
	(B)	Pitched or sloping roof, such as a gable roof, which slopes downward in two parts from a central ridge forming a gable at each end, or hip roof, which has sloping ends and sides that meet at an inclined projecting angle.	No change.
	(C)	Roof overhang or eave of at least eight (8) inches.	<p>Roof eave (<u>rafter end or tail</u>) of at least <u>six (6) inches.</u></p> <p>Roof overhang (<u>bargeboard or verge board</u>) of at least <u>twelve (12) inches (measured outward from the face of the dwelling wall or wall plane).</u></p>
	(L)		<u>Window, decorative vent, decorated verge boards, trusses, false beams, corbels, brackets, or other decorative element(s) in gable ends.</u>
	(D)	Variation in roof pitch, height of roof planes, or roof orientation, such as in a roof with multi-level eaves.	No change.

(v)	Residential Wall Design Elements.		
	(A)	On the front façade, recessed entry at least two (2) feet behind the wall plane and at least eight (8) feet wide.	Recessed entry – front façade only, <u>at least three and one-half (3.5) feet or forty-two (42) inches wide and two (2) feet or twenty-four (24) inches deep.</u>
	(L)		<u>Portico – front façade only, a roofed porch-like space, open along at least one side, connected to the main dwelling entrance, supported by columns or pillars, and either protruding from or recessed within the main dwelling structure.</u>
	(B)	At least two (2) vertical offsets, either projecting or recessed, or at least sixteen (16) inches in depth and [at least?] eight (8) feet long.	Vertical offsets, at least two (2), either projecting or recessed and at least sixteen (16) inches deep and a minimum of eight (8) feet long. Question: Is 8-foot minimum too long? If so, what is a better length?
	(C)	Horizontal offset, either projecting or recessed, of at least sixteen (16) inches in depth.	Horizontal offset, either projecting or recessed, at least <u>twelve (12) inches deep.</u>
	(D)	Bay window, [box window, or box bay,] which projects at least twelve (12) inches outward from the wall plane and forms a bay or alcove in an interior room of the dwelling.	Bay window, <u>box window, or box bay</u> , which projects at least twelve (12) inches outward from the wall plane and forms a <u>bay, alcove, or window seat</u> in an interior room of the dwelling.
	(E)	Column or pilaster, either complete or engaged (where one part of its surface is in contact with a wall plane), and in the wall plane, at a change in wall plane, or at a corner of the dwelling.	No change.
	(F)	Covered porch at least thirty-six (36) square feet in area and at least four (4) feet deep.	No change.
	(G)	Balcony, which projects from the wall plane and is enclosed by a railing or parapet.	Balcony, which projects from the wall plane and is enclosed by a railing or parapet (<u>low, protective wall</u>).
	(H)	Exterior chimney of brick, stone, composite masonry or similar materials.	No change.
	(I)	Engaged tower, either square, rectangular, circular or polygonal in form.	No change.
	(J)	Window trim or surround [casing? require sill?] at least four (4) inches wide that completely surrounds the window.	Window trim or surround (<u>casing</u>), at least <u>two and one-half (2.5) inches wide</u> that completely surrounds the window, <u>either with or without a sill beneath the window.</u>
	(K)	Window grids or windows with multi-paned sashes.	Window grids, windows with multi-paned sashes, <u>or elliptical, palladian, segmental arch, semicircular, or similarly shaped windows.</u>
	(L)		<u>Lintel, arch, or similar decorative header casing on windows, the main entry door, portico, garage door(s), or other opening in the wall plane.</u>
	(L)		<u>Shutters, as a matched pair for or on a window, either movable or fixed, designed to cover a window and filter light, and usually of wood or similar construction and paneled or fitted with louvers.</u>

	(L)	Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar.	
	()		<u>Decorative or "architectural" garage door(s) with at least one row of windows and patterning relief at least five-eighths [5/8] inch deep over the remainder of the door(s) surface.</u>
	()		<u>Decorative trellis or trelliswork, consisting of open rafter ends or beams and cross pieces to create the appearance of a structure over which climbing plants might be trained to grow.</u>
	()		<u>Band, band course, band molding, belly band, belt course, or similar horizontal element of relatively slight projection, marking a division in the wall plane and adding architectural interest to the façade.</u>



Approved By Tualatin City Council
Date April 28, 2008
Recording Secretary J. Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Michael A. McKillip, City Engineer *McK*

DATE: April 28, 2008

SUBJECT: PROPOSED RENAMING OF A PORTION OF SW 80th AVENUE
TO SW MARTINAZZI AVENUE

ISSUE BEFORE THE COUNCIL:

This is a public hearing to accept testimony on the proposed renaming of the section of SW 80th Avenue, from SW Boones Ferry Road to SW Warm Springs Street, to SW Martinazzi Avenue. The Council initiated this item on April 14, 2008.

RECOMMENDATION:

Staff recommends Council accept public testimony on this matter and adopt the attached ordinance renaming a portion of SW 80th Avenue to SW Martinazzi Avenue.

EXECUTIVE SUMMARY:

- The proposed street name change is a housekeeping item to get the official street name to match up with the existing street name signs and the common name that the community knows and uses.
- The Washington County Surveyor's office recently alerted the City to the fact that the street from SW Boones Ferry Road to SW Warm Springs Street has not had an official street name change from SW 80th Avenue to SW Martinazzi Avenue, although the City appears to have been using the SW Martinazzi Avenue name since about 1979.
- This street name change is needed to match up the legal street names with the addresses assigned to structures along the street and with the street name signs currently installed.

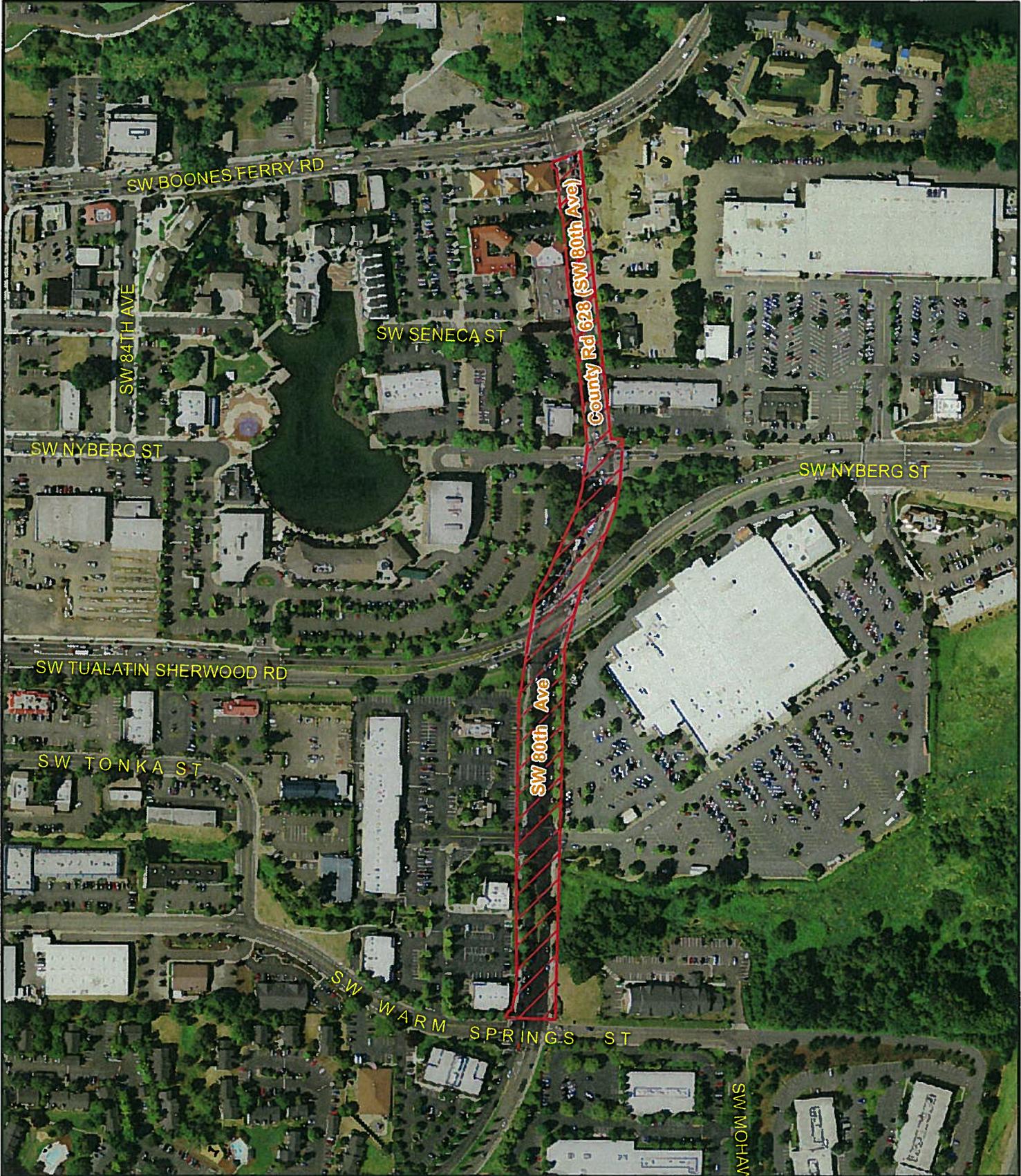
FINANCIAL IMPLICATIONS:

The Publication of Notice will be published once in *The Oregonian*. The cost of publication is \$282.

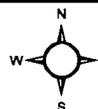
- Attachments:**
- A. Map
 - B. Ordinance to adopt
 - C. Notice of Hearing

Martinazzi Ave Right-of-Way Renaming

Air Photo: July 2007



Right-of-Way to be renamed Martinazzi Ave



RF 1:3,600

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 4/1/2008

ORDINANCE NO. 1259-08

AN ORDINANCE RENAMING A PORTION OF SW
80TH AVENUE TO SW MARTINAZZI AVENUE

WHEREAS on April 14, 2008, the City Council approved the City Engineer's recommendation for a public hearing for renaming the portion of SW 80th Avenue, from SW Boones Ferry Road to SW Warm Springs Street, to SW Martinazzi Avenue; and

WHEREAS based upon the Council approval of the City Engineer's recommendation, a notice of public hearing was given as required under ORS 127.120 by publication on April 23, 2008, in *The Oregonian*, a newspaper of general circulation within the City and within six miles of the limits of the City which is evidenced by the Affidavit of Publication marked "Exhibit A," attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on April 28, 2008, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the recommendation 6-0, with Councilor Barhyte absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated April 28, 2008, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report, which is marked "Exhibit B," attached and incorporated by this reference; and

WHEREAS based upon the foregoing Findings of Fact, the City finds that it is in the best interest of the residents and inhabitants of the City and the public interest will be served by adopting the street name change and the new street name at this time; and the street name conforms to the Tualatin Community Plan.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The portion of SW 80th Avenue, from SW Boones Ferry Road to SW Warm Springs Street, is changed to SW Martinazzi Avenue.

Section 2. The proposed street name change will get the official street name to match up with the existing street name signs and the common name the community knows and uses.

Section 3. The proposed street name change will match up the legal street name with the addresses assigned to structures along the street.

Section 4. The City Recorder is directed to file a certified copy of this ordinance with the Washington County Clerk, the Washington County Assessor, and the Washington County Surveyor.

Section 5. This ordinance is necessary for the immediate preservation of the public safety and shall take effect immediately upon passage.

INTRODUCED AND ADOPTED THIS 28th day of April 2008.

CITY OF TUALATIN, Oregon

BY _____

Mayor

ATTEST

BY _____

City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Brader
CITY ATTORNEY

NOTICE OF HEARING

CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Tualatin, Oregon commencing at 7:30 p.m. on Monday, April 28, 2008, at the Council Building, Tualatin City Center, 18880 SW Martinazzi Avenue, Tualatin, Oregon, to hear and consider:

Renaming a portion of SW 80th Avenue, from SW Boones Ferry Road to SW Warm Springs Street, to SW Martinazzi Avenue.

All citizens are invited to attend and be heard upon the proposed action. Individuals wishing to comment in writing must do so prior to the hearing or present written or oral testimony to the City Council at the hearing.

All documents and evidence, applicable criteria, and the City 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 upon request. Arrangements can be made to provide these materials in alternative formats, such as large type or audiocassette tape. For information, contact Claudia Harris, Engineering & Building Department, at 503 691-3032 (voice) or 692-0574 (Text Telephone) no later than 24 hours prior to the meeting.

The City will also upon request endeavor to arrange for a qualified sign language interpreter for persons with speech or hearing impairments. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. two working days prior to the meeting date (same phone numbers as listed above).

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO *THE OREGONIAN*: Please publish on April 23, 2008.
(Do not publish in *Food Day*.)



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *McK/GK*

DATE: April 28, 2008

SUBJECT: COUNCIL DIRECTION ON CITY OF TUALATIN WATER MANAGEMENT AND CONSERVATION PLAN

ISSUE BEFORE THE COUNCIL:

Council is asked to comment and give direction on completion of the City of Tualatin Water Management and Conservation Plan (WMCP).

RECOMMENDATION:

Staff recommends Council consider directions the WMCP can take and give guidance on how to complete the WMCP.

EXECUTIVE SUMMARY:

As part of the Tualatin-Portland agreement for purchase of drinking water Tualatin is required to submit a WMCP. Attached is a draft of the plan.

In the past Tualatin's' WMCP has been to:

- Participate in the Regional Water Providers Consortium Conservation message
- Provide newsletter articles about water conservation for inclusion into the City's monthly newsletter
- Distribute water conservation information at the Crawfish Festival and other events when appropriate
- Encourage customers to use the water they need but to not waste it

This is an opportunity for the Council to give direction on several areas of potential increases in the WMCP activities. For example:

- Should Tualatin adopt a rate structure that has increasing unit costs, as more water is purchased?
- Should Tualatin provide rebates for purchase and installation of water efficient appliances?
- Should Tualatin offer financial assistance to large customers to audit their water use and identify ways to reduce water use?
- Should Tualatin encourage all types of landscaping to be more water efficient? Even to encourage the non-watering of lawns in the summer?
- Should watering of Tualatin parks be limited?

The FY08/09 budget contains a proposed increase in water conservation supplies to be more proactive in getting the word out about water conservation. It does not include rebates or other types of incentives.

OUTCOMES OF DECISION:

Direction from Council will be included in the final WMCP.

FINANCIAL IMPLICATIONS:

Water conservation may have an impact on water rates in Tualatin. As less water is sold, unit prices of water may need to increase to cover the costs of operating the water system.

Attachments: A. Draft WMCP

WATER MANAGEMENT & CONSERVATION PLAN

For the City of Tualatin



**Prepared by
Michael A. McKillip, City Engineer
Tualatin, Oregon**

April 2008

Note: Shaded areas are items where Council direction is requested.

DRAFT

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DRAFT

EXECUTIVE SUMMARY

The City of Tualatin is submitting this Water Management and Conservation Plan (WMCP) in accordance with the Tualatin Portland Regional Water Sales Agreement.

Overview of Plan Findings

The City of Tualatin provides water to its own citizens, with a population of approximately 26,000 people. Tualatin also sells water by agreement to the City of Sherwood, as well as providing emergency water supplies to the Cities of Tigard and Lake Oswego.

Tualatin purchases water from the City of Portland under contract. The source of water is the Bull Run Watershed and the Columbia South Shore Well Field systems.

This WMCP is based on the 2005 Water Master Plan. The Plan documents additional demands projected over the next 20+ years. Maximum Daily Demand (MDD) is projected to rise from 8.7 million gallons per day (mgd) in 2007 to 17.2 mgd at buildout. Average day demand (ADD) is projected to rise from 4.8 mgd to 7.6 over this time period.

To assist in meeting these needs, the City will include water conservation activities in its plan for future water supplies. Other elements of the supply plan are aquifer storage and recovery (ASR), the purchase of additional water from Portland, and potential changes in land uses.

The Tualatin Portland Regional Water Supply Agreement requires that Tualatin purchase a guaranteed amount of water. Currently the amount of water purchased exceeds the guaranteed purchase amount.

SECTION 1: INTRODUCTION

The City of Tualatin has developed this Water Management and Conservation Plan (WMCP) to address the requirements of the Tualatin Portland regional Water Supply Agreement.

1.1 System Overview

Tualatin draws water from one primary source: Portland's Bull Run Watershed and Columbia South Shore Well Field. Water is delivered to Tualatin by gravity through the Washington County Supply Line, Tualatin-Metzger supply line, and the Tualatin-Portland Water Line. Gravity supply serves the A and B service levels. The Norwood Pump Station serves the C service level.

The current population of Tualatin is approximately 26,000. The 2005 Water Master Plan is based on a projected population of 29,500.

Tualatin also provides water by agreement through an intertie to the City of Sherwood, with a population of approximately 16,000 people. There are also interties with Tigard and Lake Oswego that are used for emergencies.

1.2 Proposed Dates for Future Submittals

Tualatin anticipates submitting its next update of the WMCP five years from now in accordance with the Tualatin Portland Regional Water Supply Agreement.

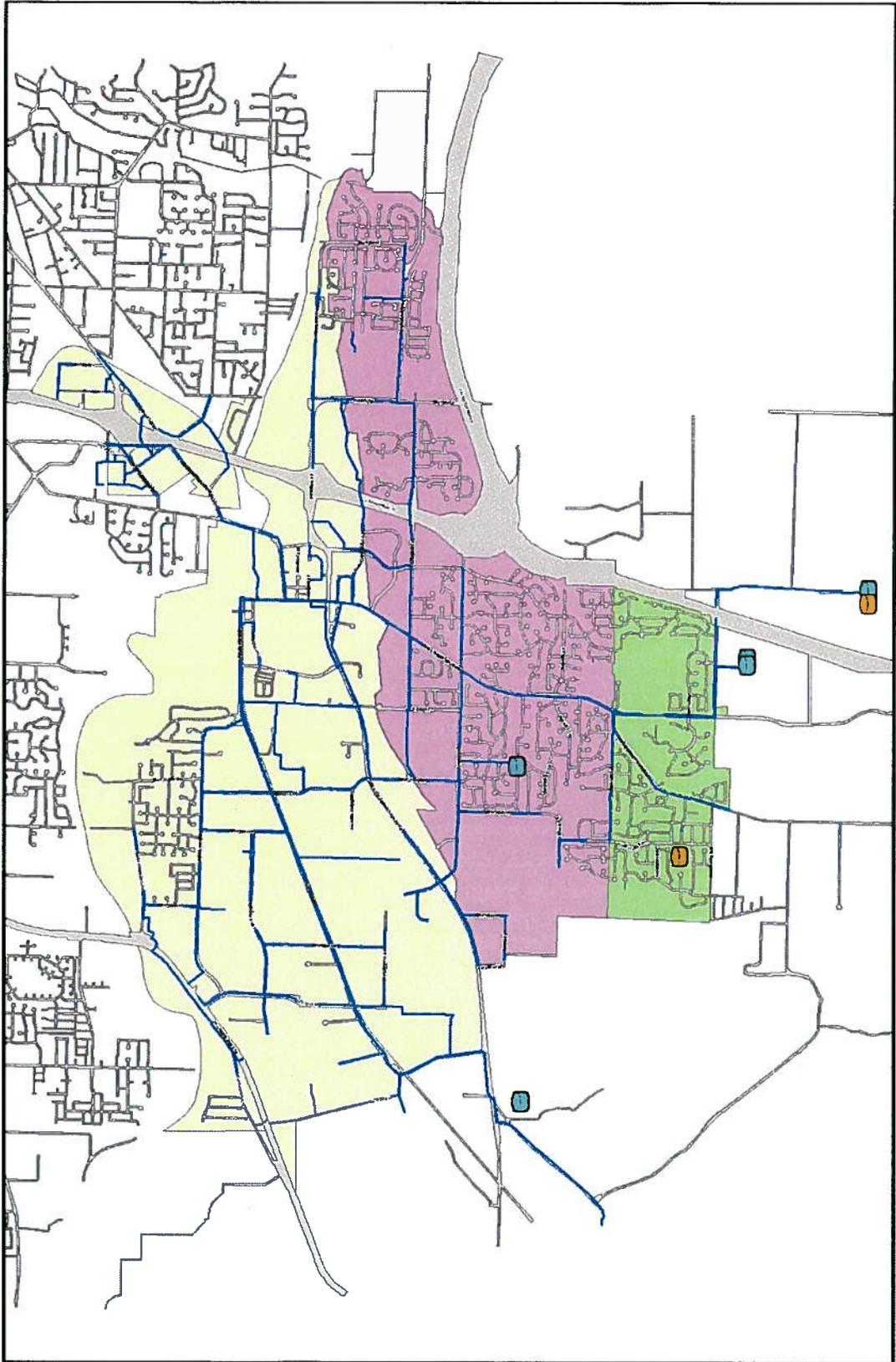
SECTION 2: WATER SUPPLIER DESCRIPTION

2.1 Service Area, Customer Characteristics, and Water Usage

Tualatin serves the entire population within its city limits, as well as some customers outside city limits but within the Urban Growth Boundary (UGB). Exhibit 2-1 shows the water service area, 12" supply lines, and existing and future reservoirs. The City also delivers water on a wholesale basis to the City of Sherwood. Most of Tualatin and all of Sherwood are located in Washington County; the portion of Tualatin east of 65th Avenue is located in Clackamas County.

The 2005 Water Master Plan was based on a peaking factor of 2.5 for the system. Currently the system is operating within the assumptions of the master plan. The peaking factor is driven by peaking characteristics of the various customer classes served by the City. For example, residential uses exhibit a pronounced peaking pattern in the summer months due to outdoor irrigation of turf and landscape materials. Many commercial customers in Tualatin also have turf that is irrigated. Uses at City parks and schools also increase substantially, with highest use occurring typically in August. In contrast, the City's large industrial customers have peak uses that may occur at any time of year and do not coincide with irrigation peaks.

City of Tualatin: Water System



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. Revised 4/16/2008

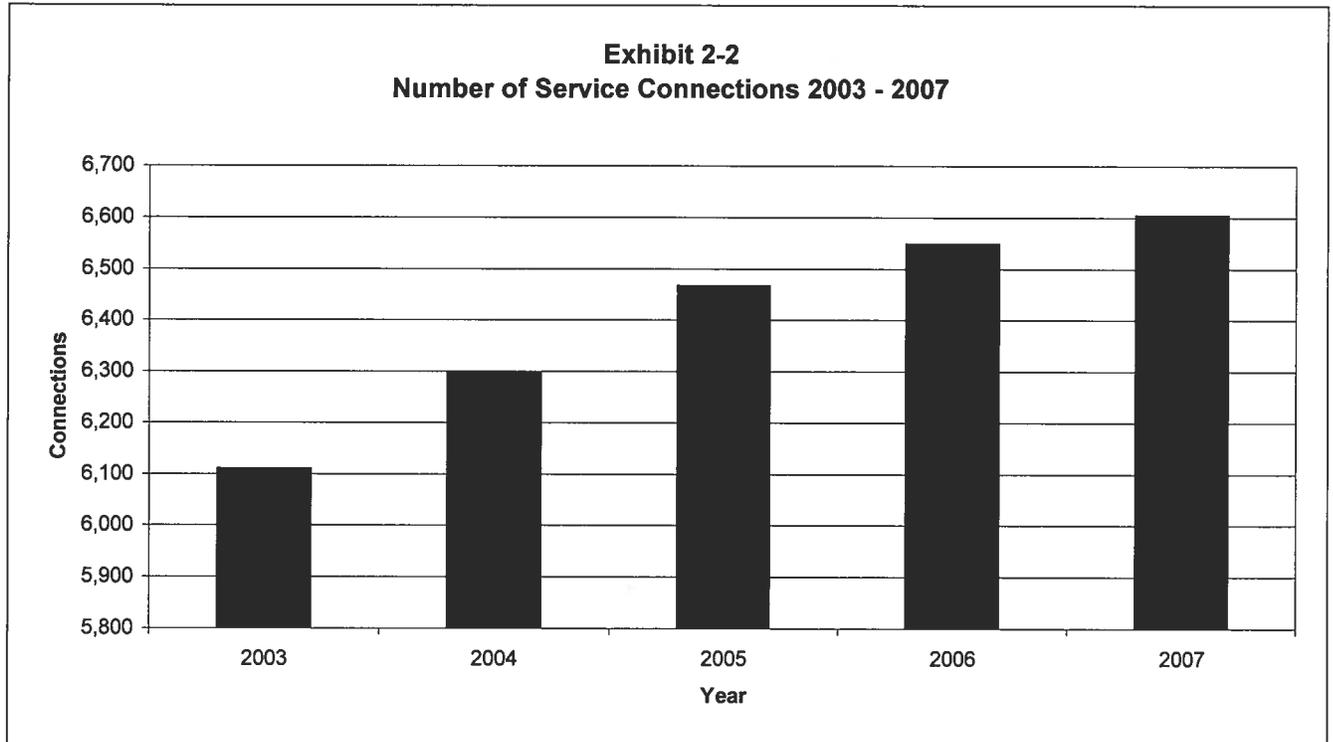


RF 1:40,000

- Existing Reservoirs
- Future Reservoirs
- Water Lines (12" diameter and above)
- Service Level A
- Service Level B
- Service Level C

Exhibit 2-1

Tualatin provides water to residential, commercial, and industrial customers, as well as a hospital, schools, and municipal facilities. Exhibit 2-2 displays the number of service connections from 2003 to 2007. Over that time-period, the number of connections grew by about 7.5%.



As shown in Table 2-1, total water sold to Tualatin customers has increased by nearly 17% over the past five years.

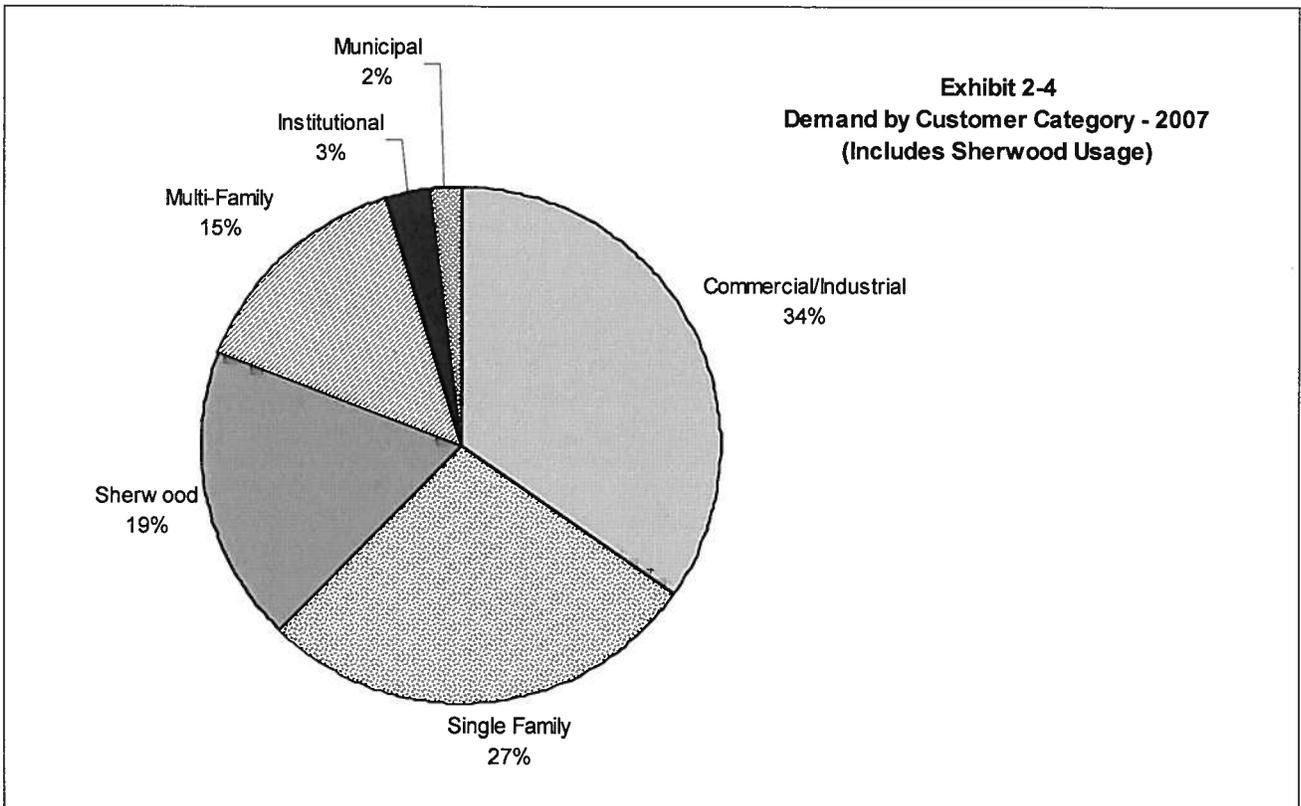
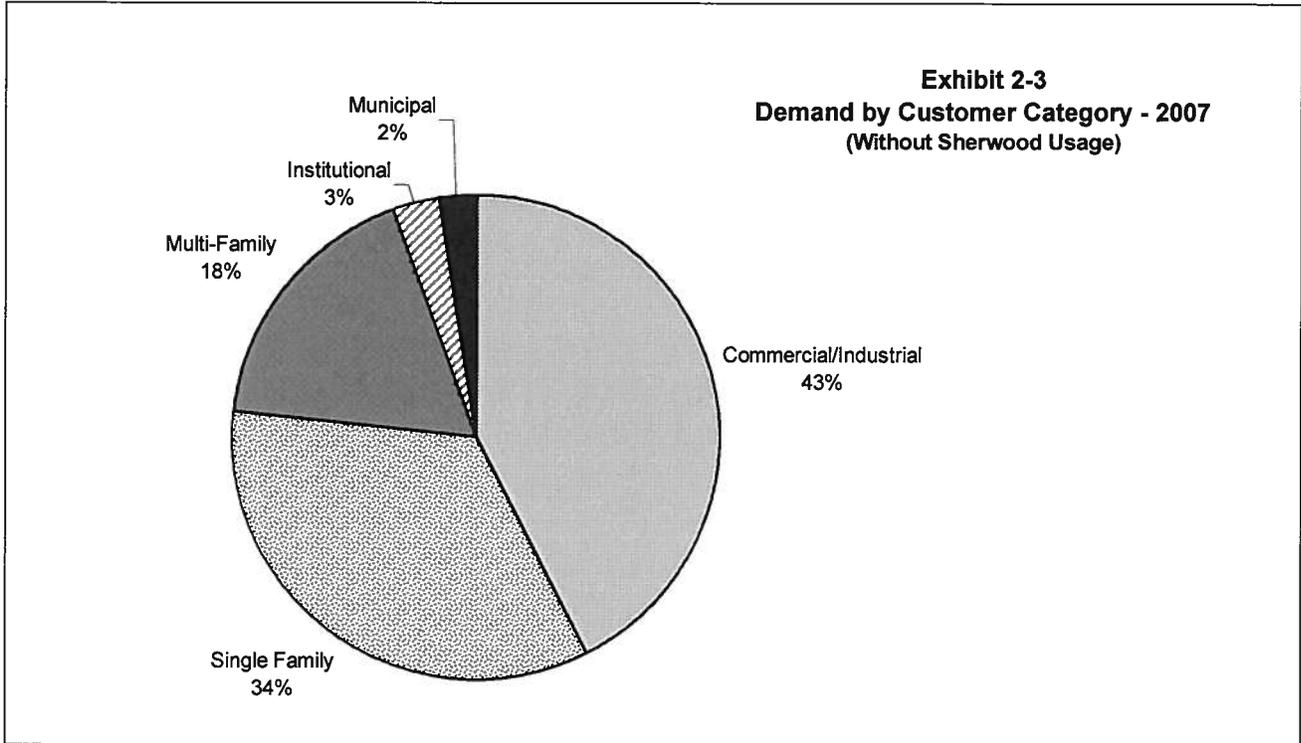
**Table 2-1
Water Sold by Category (mgd) - Tualatin**

Category	2003	2004	2005	2006	2007
Single Family	1.48	1.51	1.40	1.53	1.44
Multi-Family	0.70	0.67	0.68	0.76	0.76
Commercial/Industrial	1.62	1.57	1.61	1.71	1.81
Institutional	0.14	0.14	0.13	0.15	0.14
Municipal – Tualatin	0.11	0.15	0.08	0.10	0.09
TOTAL	4.04	4.04	3.90	4.25	4.24

**Table 2-2
Water Sold to Sherwood (mgd)**

Category	2003	2004	2005	2006	2007
Wholesale – Sherwood	0.50	0.37	0.36	0.58	0.97

The breakdown of water uses by customer category is shown in Exhibits 2-3 and 2-4 for year 2007.



Sales to the top five customers by volume are shown in Table 2-3.

Table 2-3					
Top Five Customers in Tualatin					
Average Day Demand (gpd)					
Customer	2003	2004	2005	2006	2007
Pacific Food of Oregon					
(2x) 4" meter	87,263	99,046	96,056	106,652	132,931
Fujimi Corp					
6" meter	62,140	?	31,064	46,346	115,185
Meridian Park Hospital					
6" meter	47,697	43,580	44,015	46,346	43,699
City of Tualatin					
Various sizes	45,425	49,216	35,434	46,036	43,655
Novellus					
6" meter	43,559	38,145	33,487	37,891	33,698
Total	286,084	229,987	240,056	283,271	369,168

2.2 Adequacy and Reliability of Supply Sources

At this time, the City's sources of supply are sufficient to meet its needs, and to sell water to Sherwood until their new source is brought on line (about 2010). Reliability of the city's supplies is good. In an emergency, Tualatin has interties with Lake Oswego and Tigard. While this may result in reduced supply to some pressure zones, the distribution system can be used to move water throughout the system. During drought conditions in the early 1990s the City's supplies proved adequate to meet community needs.

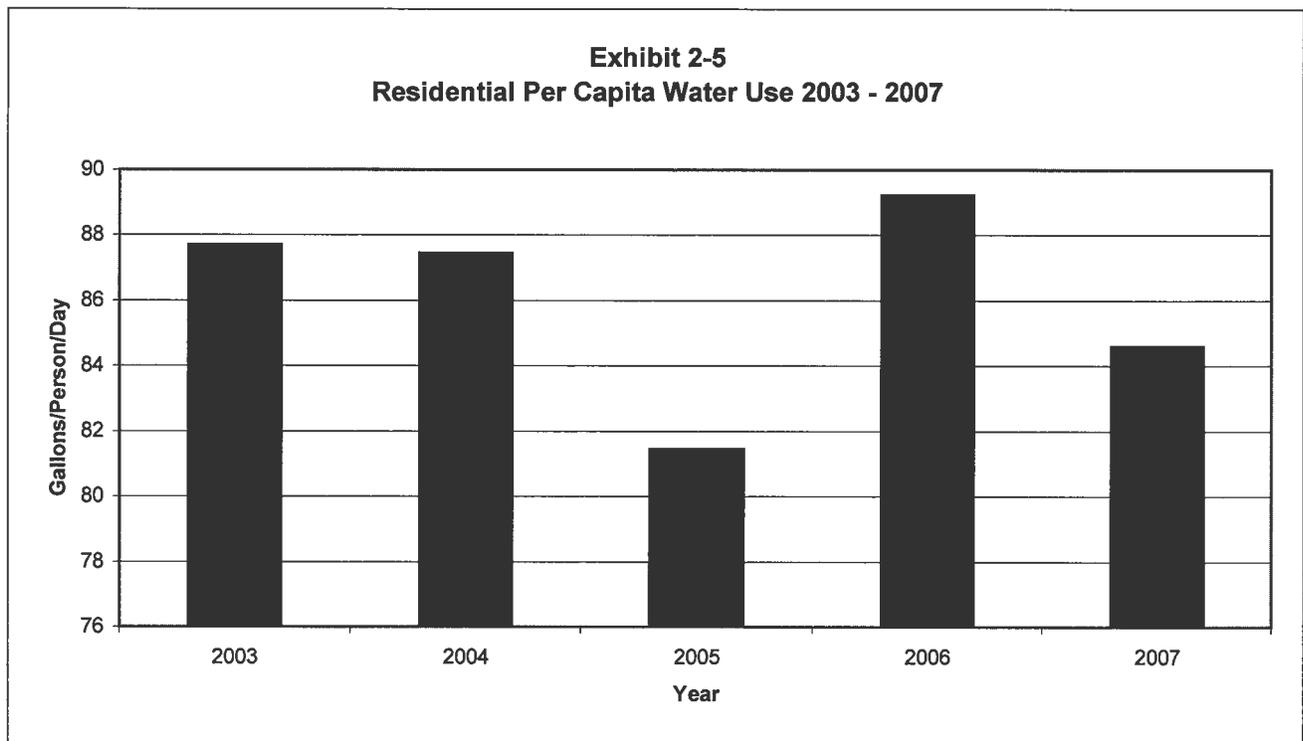
The City has an intertie with Sherwood to deliver water. Sherwood is expected to begin receiving water from Tualatin Valley Water District and the Willamette River in about 2010.

Tualatin is participating with Tualatin Valley Water District to construct a pump station that will enable Tualatin to get water from the Trask Tualatin System in case of emergency when water cannot be supplied from Portland.

A comparison between water purchased and billed sales indicates that the water system produces approximately 4 to 5% more water than is delivered to customers through their meters. Table 2-4 displays this comparison for the past five years. The difference between production and sales is termed "non-revenue water." It includes water used for beneficial purposes, such as flushing of water mains to meet water quality objectives, uses of water for fire fighting, and authorized withdrawals from fire hydrants at construction sites. It may also include some unauthorized uses, leakage and other losses.

Table 2-4 Non-Revenue Water (mgd)					
	2003	2004	2005	2006	2007
Water Purchased	4.72	4.35	4.5	5.03	5.48
Billed Sales	4.54	4.41	4.26	4.83	5.23
Non-Revenue Water	0.18	0	0.24	0.20	0.25
% of Total Purchase	3.74%	0%	5.32%	4.03%	4.55%

The City does not have a means to directly measure flushing, firefighting and other authorized uses. Water main leaks occur occasionally and are repaired. However, there have been no major leaks in the past 10 years that would result in major losses to the system. In the absence of direct measurements, and given the amount of non-revenue water shown above, it is estimated that system leakage is generally under 5%.



SECTION 3: WATER CONSERVATION ELEMENT

In accordance with OAR 690-150, this section describes water conservation activities the City plans to implement during the next 20 years. Some of these activities are ongoing, while others are new.

3.1 Existing Conservation Program

Tualatin's conservation program consists of the following elements:

- Participation in the Regional Water Providers Consortium
- Including articles in the City newsletter on water conservation topics
- Providing information at various City buildings and facilities
- Providing information and handouts at Crawfish Festival and other public events
- Assisting customers in locating leaks in service lines

3.2 Proposed New Conservation Program

To enhance this program the City has increased its budget to be able to provide a larger presence in the community for water conservation efforts.

3.2.1 Source and Customer Metering Program

Source Meters

Tualatin's source meter is calibrated by the City of Portland.

Customer Meters

Customer meters may become less accurate as they age, and occasionally fail altogether. The City currently calibrates all customer meters 3" and larger every year. There are approximately 50 meters of this size in the system. Smaller meters are replaced when failures occur, as reported by customers or city meter readers. The City will continue these policies in the future as part of its overall approach to metering.

3.2.2 Water System Audits

Tualatin does not conduct a formal water audit of the system usage. Engineering and Operations Departments monitor the water purchased vs. the water sold to see if the ratios change. If they do, other programs will be implemented.

3.2.3 Leak Detection and Repair or Replacement of Water Mains

Based on the data provided in Section 2.2 of this WMCP, total non-revenue water is approximately 4 to 5%. Since much of this represents water that is used for authorized purposes, but not billed, system leakage is believed to be below 10%. Based on this estimate of system leakage, the State Rules do not require a leak detection program.

3.2.4 Water Rates and Billing Practices

The City currently has a rate structure that includes a water usage charge per ccf (hundred cubic feet) used per month, a service charge per meter per month, and a facilities charge based on meter size per month.

The Division 86 Rules require all water suppliers to have a rate structure that is based, at least in part, on the quantity of water metered at the service connection. The City's existing rate structure meets this requirement, for all metered services.

For water suppliers servicing a population over 7,500 the Division 86 Rules require consideration of rate structures that "support and encourage water conservation." Tualatin serves a population of approximately 26,000, and therefore is subject to this requirement. While the City believes that its current rate structure is suitable for the Tualatin community, the City may review its rate structure to assess whether it should be changed. Therefore, a rate study will be commissioned by a qualified analyst specializing in utility finances. The rate study will be carried out in the next two to three years. It will include an evaluation of changing to an inverted block rate structure for all customer classes, and will assess the impact of the City's water customers. The Council will then determine whether to make alterations in the existing rate structure.

The City currently bills its customers every month. This practice will be continued in the future.

3.2.5 Public Education

As described in Section 3.1, Tualatin currently carries out public education activities to encourage wise use of water by customers. The City will expand its public education program as follows:

- Encourage water efficiency throughout City of Tualatin-owned facilities, including posting signs that encourage employees to avoid waste wherever possible. Replace current toilets in City-owned facilities with high-efficiency toilets whenever possible.
- Continue free leak detection tests for customers who suspect a leak. City staff will help determine the location of the leak if the leak is outdoors and offer free brochures with conservation information and a free conservation kit when applicable.

- Publish **three** water conservation articles in the City's monthly newsletter, *Tualatin Today*, which all water customers receive by mail. Article topics will include tips to reduce seasonal peak demand (outdoor measures); tips to reduce base demand (indoor measures); information about available water conservation programs, such as incentives for commercial and industrial users; and introduction of other important conservation related measures described herein, such as the Regional Water Providers Consortium Web page.
- Create a water conservation Web page to be published on the **City's Web site**. The site will contain information about how to conserve water, programs available to customers, and links to Regional Water Providers Consortium and to an American Water Works Association (AWWA) *Waterwise* site.
- Distribute water conservation brochures at community events **twice per year** and provide brochures at key City office sites frequented by customers. Brochures include tips on water saving irrigation techniques and methods to reduce consumption indoors.

The City views these actions as essential to supporting the overall water conservation program. However, estimating water savings from public education is subject to extensive assumptions and was not attempted with the limited budget available for water conservation planning.

3.2.6 Technical and Financial Assistance (includes Retrofits & Replacements)

Tualatin's conservation program consists of **targeted efforts to reduce peak demand by the residential, commercial and industrial classes**. This is appropriate for the Tualatin water system because peak demand is the primary reason that new source development needs to be considered. Reduction in peak demand may help to delay or minimize the need for new source projects, with cost savings to the City's customers.

For residential customers, Tualatin will initiate a program that offers technical and financial assistance and finances retrofit and replacement of existing fixtures. The program will include distribution of free water conservation kits to residential customers. The kits will include an automatic-stop hose nozzle, a hose repair kit, and an irrigation gauge (to measure volume of water applied.)

The kits will be advertised on the City's Web site and in one or more of the City's newsletter articles (depending upon customer demand to the kits). The kits will also be distributed to customers when warranted during a water leak detection visit.

For commercial and industrials customers, technical and financial assistance will also be available. The City will offer a \$200 subsidy for irrigation audits to commercial and industrial customers with high seasonal peaking. To qualify for the subsidy,

participating customers must have the irrigation audits performed by a certified Irrigation Auditor. Ten new customers will be notified of the opportunity by mail annually.

3.2.7 Reuse and Recycling of Water

Tualatin has considered opportunities available for water re-use, recycling, and non-potable water. Clean Water Services owns and operates the Durham Treatment Plant. In the past these uses have not been financially beneficial to Tualatin.

In an effort to encourage customers to utilize water reuse, recycling, and non-potable water opportunities unassociated with wastewater treatment plant effluent, Tualatin will offer rebates to the ten largest commercial and industrial water users. The rebates will pay for the services of a registered Professional Engineer to study the customer's business operations and determine opportunities for water reuse. Each rebate will be for \$1,000 or half the cost of the study whichever is less. These ten businesses are the same ones that are being offered a rebate for having an irrigation audit performed. The rebate offer will be repeated once every three years.

SECTION 4: WATER CURTAILMENT ELEMENT

Tualatin has agreed to participate with the City of Portland and other wholesalers in a Curtailment Plan should the Bull River and Columbia South Shore Well Field be unable to supply all the needs of the system.



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

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

FROM: Kent Barker, Chief of Police *[Signature]*

DATE: April 28, 2008

SUBJECT: RESOLUTION APPROVING DRAFT PLAN FOR "WASHINGTON COUNTY USE OF DEADLY PHYSICAL FORCE BY POLICE OFFICERS"

ISSUE BEFORE THE COUNCIL:

A new law directs a planning authority in each county to develop a plan to meet specific criteria. Some of the criteria include proper training on the use of deadly force; adequate support for officers and civilian members of the community involved in a deadly force incident and all families affected by a deadly force incident; and a process for investigating a deadly force incident and determining whether the use of deadly force complied with state law and department policy.

The process requires the plan to be submitted to the governing body of each law enforcement agency in Washington County for an approval or disapproval vote by April 30, 2008.

RECOMMENDATION:

Staff recommends the City Council adopt the attached Resolution.

EXECUTIVE SUMMARY:

Pursuant to Senate Bill 111, Washington County District Attorney Robert Hermann and Washington County Sheriff Rob Gordon co-chaired a planning committee that developed a draft plan regarding the use of deadly force by law enforcement in Washington County.

The final draft of the Washington County plan was completed on February 20, 2008 and meets all the criteria established in Senate Bill 111. The main elements of the plan include:

- Plans for Education, Outreach, and Training to law enforcement and community members
- Guidelines and regulations dealing with the Immediate Aftermath

- Establishes the Washington County Major Crimes Team as the investigation team
- Specifies that the District Attorney has the discretion to resolve issues of potential criminal responsibility resulting from a police officer's use of deadly physical force
- Outlines actions to be taken for reporting and debriefing of a deadly force incident
- Requires agencies to report estimated costs for fiscal impact on an annual basis
- Directs planning authority to meet on an annual basis to revise plan if/when necessary
-

Additional representatives on the planning committee included:

- Chief Kent Barker – Tualatin Police Department
- Lieutenant Marlene West – Oregon State Police
- Detective Wayne Hart – Forest Grove Police Department – Union Representative
- Richard Inukai – Citizen

Washington County Sheriff Rob Gordon will provide testimony to the City Council regarding this plan.

FINANCIAL IMPLICATIONS:

There is no significant impact to our current or the proposed 2008-09 fiscal year budgets.

Attachments:

- A. Washington County use of Deadly Force by Police Officers Plan
- B. Senate Bill 111
- C. Resolution



Washington County Use of Deadly Physical Force by Police Officers Plan

February 20, 2008
Final Draft

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Members of the Planning Authority

Sheriff Rob Gordon – co-chair

District Attorney Robert Hermann – co-chair

Lieutenant Marti West – Oregon State Police

Chief Kent Barker – Tualatin Police Department

Detective Wayne Hart – Forest Grove Police Department – Union Representative

Richard Inukai - Citizen

Preamble

Police officers serve and protect their fellow Oregonians. The use of deadly physical force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. The purpose of this Plan is not to set the standards for the use of such force, or to be a substitute for agency policy regarding use of force, but rather to provide a framework for a consistent response to an officer's use of deadly physical force that treats all people affected by the event fairly, and promotes public confidence in the criminal justice system.

Section 1: Administration

- 1) In the event that a member of the planning authority stops service, a replacement shall be appointed as provided in Section 2 (1) of Senate Bill 111, Oregon Laws 2007.
- 2) There shall be six voting members of the Planning Authority. The approval of the Plan, elements or revisions thereof, shall be by majority vote.
- 3) The presence of 2/3 of the voting members shall be required in order to hold any vote.
- 4) Any meeting of a quorum of the voting members of the Planning Authority is subject to Oregon's open meeting law.

Section 2: Applicability of the Plan

This plan shall be applicable, as set forth herein, to any use of deadly physical force resulting in a serious physical injury or the death of a person by a police officer acting in the course of and in furtherance of his/her official duties, occurring within Washington County, Oregon.

The planning authority shall submit the plan developed under Senate Bill 111, and revisions of the plan, to the governing body of each law enforcement agency within the county, except for the Department of State Police and the Department of Justice.

A governing body shall approve or disapprove the plan submitted to it under Senate Bill 111 within 60 days after receiving the plan. The governing body may not amend the plan.

If the plan is approved by at least two-thirds of the governing bodies to which the plan is submitted, the planning authority shall submit the approved plan to the Attorney General. No later than 30 days after receiving the plan, the Attorney General shall review the plan for compliance with the minimum requirements described in Senate Bill 111. If the Attorney General determines that the plan complies with the minimum requirements, the Attorney General shall approve the plan. Upon approval of the plan each law enforcement agency within the county to which the plan applies is subject to the provisions of the plan.

Section 3: Definitions

Law Enforcement Agency: The Department of State Police, the Department of Justice, a district attorney, a political subdivision of the State of Oregon and a municipal corporation of the State of Oregon, that maintains a law enforcement unit as defined in ORS 181.610 (12)(a)(A).

Plan: The final document approved by the Planning Authority, adopted by two-thirds of the governing bodies employing law enforcement agencies, and approved by the Attorney General and including any approved revisions which shall become part of this Plan.

Deadly Physical Force: Physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury. ORS 161.015 (3) Physical force that creates a substantial risk of death or serious bodily injury.

Serious Physical Injury: Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. ORS 161.015 (8)

Physical Injury: Impairment of physical condition or substantial pain. ORS 161.015 (7)

Police Officer: A person who is:

- (a) A police officer or reserve officer as defined in ORS 181.610; and
- (b) Employed by a law enforcement agency to enforce the criminal laws of this state.

Involved Officer: (a) A police officer whose official conduct or official order to use deadly physical force was a cause in fact of the death of a person. As used in this paragraph, "order to use deadly physical force" means an order issued to another officer to use deadly physical force in a specific incident or an order or directive establishing rules of engagement for the use of deadly physical force for a specific incident. (b) A police officer (or other law enforcement agency employee) whose official conduct was not a cause in fact of the death of a person but whose official involvement in an incident in which the use of deadly physical force by a police officer resulted in the death of a person:

- (A) Began before or during the use of the deadly physical force; and
- (B) Was reasonably likely to have exposed the police officer to greater stresses or trauma than other police officers experienced as a result of their involvement in the incident before or during the use of the deadly physical force. SB 111 SECTION 5 (1) (a) and (b)

Section 4: Education, Outreach and Training

Education, outreach and training regarding the use of deadly physical force

Police officers, attorneys employed by state or local government within the county and members of the community shall receive appropriate education, training and outreach regarding the use of deadly physical force.

(1) Law enforcement agencies in Washington County shall continue to require appropriate training for all law enforcement officers to prepare them for appropriate and authorized use of force in the conduct of their assigned duties. Officers will also receive at least the training required by the Department of Public Safety Standards and Training to maintain certification to help ensure their appropriate use of deadly force. The training will include a review of state and county law and policy.

(2) Agencies are encouraged to provide ongoing education, training and other resources to the general public, including the mental health community. Such training may be a Citizens' Academy or other formalized education which includes municipal, county and state laws, policies and practices regarding use of deadly force.

(3) Agencies are encouraged to provide explanatory materials to help ensure general public understanding of the legal and policy requirements associated with use of deadly force without compromising the integrity of any investigation.

(4) At least once per calendar year the District Attorneys office shall conduct, co-sponsor, and/or endorse a seminar/training regarding the use of deadly force and the investigation of such incidents. Attorneys employed by state and local governments within the county will be notified and encouraged to attend.

Section 5: Immediate Aftermath

In response to any incident in which a police officer employed by a law enforcement agency in Washington County used deadly force:

(1) The employee's law enforcement agency shall pay the costs of at least two sessions with a mental health professional that are attended by the officer. The first session should be held within 15 days of the incident, schedule permitting, and the second must be held within six months after the incident in which the officer was involved.

(a) Each involved officer shall attend at least one of the sessions described in paragraph (1) of this subsection.

(b) Sessions with a mental health professional under this subsection may not be substituted for a fitness for duty examination required or requested as a condition of employment by the law enforcement agency that employs the involved officer.

(c) For at least 72 hours immediately following an incident in which the use of deadly physical force by a police officer resulted in the death or serious physical injury of a person, a law enforcement agency may not return an involved officer to duties that might place the officer in a situation in which the officer may have to use deadly physical force.

(d) A law enforcement agency is encouraged to employ additional procedures such as peer counseling, family counseling, spousal support, spiritual counseling, stress trauma response or other appropriate support.

(e) A law enforcement agency is encouraged to provide additional training, including re-qualification with the weapon used prior to return of the involved officer to their duties. Re-qualification provides reassurance for the officer's skills, willingness to engage in expected responsibilities, and the readiness of the officer's weapon system. It provides documentation for the agency that the officer maintains the required degree of weapon proficiency, and that the officer is fit to return to duty in the officer's assigned position.

Section 6: Investigation

Investigation of an incident in which a police officer used deadly physical force.

- (1) The Washington County Major Crimes Team will conduct all investigations in which a police officer uses deadly physical force.
- (2) The Washington County Major Crimes Team Protocol provides specific detail on conducting such an investigation, including provision that an investigation will be led or co-led by an officer from a law enforcement agency other than the law enforcement agency which employs the officer involved in the use of deadly physical force.

Section 7: District Attorney's Discretion

The district attorney for Washington County has discretion to resolve issues of potential criminal responsibility resulting from a police officer's use of deadly physical force.

- (1) When an incident of the use of deadly physical force by an officer occurs, and death or serious physical injury results, the agency shall, as soon as practicable notify the District Attorney's Office.
 - (a) Notification shall be made to the District Attorney, Chief Deputy, or other senior member of the District Attorney's staff.
- (2) When a use of deadly physical force by an officer occurs, and death or serious physical injury results, the District Attorney, and/or a senior member of his staff will consult with the agency regarding the investigation and implementation of the other elements of this plan.
- (3) The District Attorney has the sole statutory and constitutional duty to make the decision on whether to present a matter to a Grand Jury.
 - (a) Preliminary Hearings (ORS 135.070) will not be used as a method of reviewing an officer's use of deadly force.
 - (b) An inquest (ORS 146.135-165) will not be used as a method of reviewing an officer's use of deadly force.
 - (c) The District Attorney will review the Major Crime Team's investigation and make the decision on whether to present the case to a Grand Jury.
 - (1) The timing of the decision will be made by the District Attorney at such time as he has determined that sufficient information is available to competently make the decision.
 - (d) If the District Attorney decides to present a case to the Grand Jury, the District Attorney shall promptly notify the Major Crime Team's lead investigator, the involved officer's agency, and the involved officer's representative.
 - (e) If the District Attorney decides that the investigation reveals that the officer's use of deadly force was justified under Oregon law, and that Grand Jury review is unnecessary, the District Attorney shall so notify the Agency, the involved officer, the involved officer's representative, and the public. Additionally, the District Attorney will make records of the investigation available to the public, subject to Oregon public records laws.

Section 8: Reporting and Debriefing

Certain actions shall be taken following an incident in which a police officer employed by a law enforcement agency in Washington County used deadly physical force.

(1) A law enforcement agency shall collect at least the following information relating to incidents in which a police officer's use of deadly physical force resulted in the death of a person:

- (a) The name, gender, race, ethnicity and age of the decedent.
- (b) The date, time and location of the incident.
- (c) A brief description of the circumstances surrounding the incident.

(2) A law enforcement agency shall promptly submit the information collected under paragraph (1) of this subsection to the Department of Justice and will provide a copy of the information to the District Attorney of Washington County.

(3) The Department of Justice shall compile and periodically publish information submitted under subsection (2) of this section. The department, by rule, may specify a form to be used by law enforcement agencies in submitting information under subsection (2) of this section.

(4) If a form is provided by the Department of Justice for submitting this information, it shall be used in submitting this information.

(5) The law enforcement agency employing a police officer involved in a use of deadly force incident shall conduct a debriefing after the incident as a normal part of their procedure.

(6) The debriefing conducted under subsection (5) of this subsection by the agency, including any suggested changes in agency policies, shall be submitted to the Planning Authority. The Planning Authority's plan for data collection, debriefing, and plan revision should include two distinct procedures for deriving lessons from deadly force incidents that result in the death. First, law enforcement agencies should conduct an evaluation of the incident to determine whether changes to the agency's use of deadly force policy or other procedures are advisable [subsection (5) of this section]. Second, the Planning Authority itself should conduct an assessment of existing County Use of Deadly Physical Force by Police Officers plans in light of experience. Based on that assessment, the Planning Authority could propose changes to those plans. Revised plans would require approval by the governing bodies in the same manner that those bodies approved or disapproved of the original plan.

Section 9: Estimated Costs

The Planning Authority shall report the estimated fiscal impact on the law enforcement agencies to which the plan applies of each element of this plan.

At the conclusion of each fiscal year following the adoption of the plan, each agency shall submit to the administrator of the plan, a report outlining the fiscal impact of each element of the plan as described in sections (a) to (e) of Section 2 (4) of Senate Bill 111, Oregon Laws 2006.

Section 10: Plan Revision

The Washington County Use of Deadly Force Planning Authority will meet at least annually to review and discuss the operation of this plan.

If a revision of this Plan becomes advisable, the Planning Authority shall meet and discuss such a revision. If the Planning Authority adopts a revision, such revision shall be submitted for approval as provided by statute.

Section 11: Governing Body Approvals

(Please Circle "Approved" or "Disapproved" to indicate your selection.)

Beaverton

Approved or disapproved by: _____

Date: _____

Cornelius

Approved or disapproved by: _____

Date: _____

Forrest Grove

Approved or disapproved by: _____

Date: _____

Hillsboro

Approved or disapproved by: _____

Date: _____

King City

Approved or disapproved by: _____

Date: _____

North Plains

Approved or disapproved by: _____

Date: _____

Sherwood

Approved or disapproved by: _____

Date: _____

Tigard

Approved or disapproved by: _____

Date: _____

Tualatin

Approved or disapproved by: _____

Date: April 28, 2008

Washington County Sheriff's Office

Approved or disapproved by: _____

Date: _____

Appendix: Agency Policies

Beaverton Police Department

Cornelius Police Department

Forest Grove Police Department

Hillsboro Police Department

King City Police Department

North Plains Police Department

Oregon State Police

Sherwood Police Department

Tigard Police Department

Tualatin Police Department

Washington County Sheriff's Office

Senate Bill 111

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Creates planning authority in each county to develop plan concerning use of deadly physical force by police officers. Directs planning authority to submit plan to governing body of each law enforcement agency within county except Department of State Police and Department of Justice. Specifies required elements of plan. Directs governing body to approve or disapprove plan.

Authorizes Department of Justice, to extent funds are appropriated for such purposes, to make grants to law enforcement agencies for expenses incurred in implementing and revising approved plans.

Establishes procedures for law enforcement agencies to follow in dealing with use of deadly physical force and for grand jury proceedings in which use of deadly physical force is element.

Appropriates moneys from General Fund to Department of Justice for grants and for grand jury recording and transcription costs.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to use of physical force; creating new provisions; amending ORS 132.090, 132.330, 132.430,
3 146.135, 181.640 and 181.662; appropriating money; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. As used in sections 1 to 7 of this 2007 Act:**

6 (1) "Employ," when used in the context of the relationship between a law enforcement
7 agency and a police officer, includes the assignment of law enforcement duties on a volunteer
8 basis to a reserve officer.

9 (2) "Law enforcement agency" means the Department of State Police, the Department
10 of Justice, a district attorney, a political subdivision of the State of Oregon and a municipal
11 corporation of the State of Oregon, that maintains a law enforcement unit as defined in ORS
12 181.610 (12)(a)(A).

13 (3) "Police officer" means a person who is:

14 (a) A police officer or reserve officer as defined in ORS 181.610; and

15 (b) Employed by a law enforcement agency to enforce the criminal laws of this state.

16 **SECTION 2. (1) There is created in each county a deadly physical force planning author-**
17 **ity consisting of the following members:**

18 (a) The district attorney and sheriff of the county.

19 (b) A nonmanagement police officer selected by the district attorney and sheriff. If there
20 are unions representing police officers within the county, the district attorney and sheriff
21 shall select the police officer from among candidates nominated by any union representing
22 police officers within the county.

23 (c) If at least one city within the county employs a police chief, a police chief selected
24 by the police chiefs within the county.

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted.
New sections are in boldfaced type.

1 (d) A representative of the public selected by the district attorney and sheriff. The person
2 selected under this paragraph may not be employed by a law enforcement agency.

3 (e) A representative of the Oregon State Police selected by the Superintendent of State
4 Police.

5 (2) The district attorney and sheriff are cochairpersons of the planning authority.

6 (3) The law enforcement agency that employs the police officer selected under subsection
7 (1)(b) of this section shall release the officer from other duties for at least 16 hours per year
8 to enable the officer to serve on the planning authority. The agency shall compensate the
9 officer at the officer's regular hourly wage while the officer is engaged in planning authority
10 activities.

11 (4) The planning authority shall develop a plan consisting of the following:

12 (a) An element dealing with education, outreach and training regarding the use of deadly
13 physical force for police officers, attorneys employed by state or local government within the
14 county and members of the community.

15 (b) An element dealing with the immediate aftermath of an incident in which a police
16 officer used deadly physical force.

17 (c) An element dealing with the investigation of an incident in which a police officer used
18 deadly physical force.

19 (d) An element dealing with the exercise of district attorney discretion to resolve issues
20 of potential criminal responsibility resulting from a police officer's use of deadly physical
21 force.

22 (e) An element dealing with collecting information regarding a police officer's use of
23 deadly physical force, debriefing after an incident in which a police officer used deadly
24 physical force and revising a plan developed under this subsection based on experience.

25 (f) An estimate of the fiscal impact on the law enforcement agencies to which the plan
26 applies of each element described in paragraphs (a) to (e) of this subsection.

27 (5) The planning authority shall conduct at least one public hearing in the county before
28 submitting a plan, or a revision of a plan, to the governing bodies in the county under sub-
29 section (7) of this section.

30 (6) The planning authority may consult with anyone the planning authority determines
31 may be helpful in carrying out its responsibilities.

32 (7) The planning authority shall submit the plan developed under subsection (4) of this
33 section, and revisions of the plan, to the governing body of each law enforcement agency
34 within the county except for the Department of State Police and the Department of Justice.

35 (8) A governing body shall approve or disapprove the plan submitted to it under sub-
36 section (7) of this section within 60 days after receiving the plan. The governing body may
37 not amend the plan.

38 (9) If the plan is not approved by at least two-thirds of the governing bodies to which the
39 plan is submitted, the planning authority shall develop and submit a revised plan.

40 (10) If the plan is approved by at least two-thirds of the governing bodies to which the
41 plan is submitted, the planning authority shall submit the approved plan to the Attorney
42 General. No later than 30 days after receiving the plan, the Attorney General shall review
43 the plan for compliance with the minimum requirements described in section 3 of this 2007
44 Act. If the Attorney General determines that the plan complies with the minimum require-
45 ments, the Attorney General shall approve the plan. Upon approval of the plan:

1 (a) Each law enforcement agency within the county to which the plan applies is subject
2 to the provisions of the plan; and

3 (b) Each law enforcement agency subject to the plan is entitled to grants as provided in
4 section 4 of this 2007 Act.

5 (11) If the plan is not approved by the Attorney General, the planning authority shall
6 develop and submit a revised plan.

7 (12) Notwithstanding subsection (10)(a) of this section, a law enforcement agency is not
8 subject to a provision of a plan approved under subsection (10) of this section that:

9 (a) Conflicts with a provision of a city or county charter or a general ordinance that
10 applies to the law enforcement agency; or

11 (b) Imposes an obligation not required by section 5 of this 2007 Act if complying with the
12 provision would require the law enforcement agency to budget moneys, or submit a revenue
13 measure for a vote of the people, in order to comply with the provision.

14 (13) The Attorney General shall periodically publish all approved plans.

15 (14) A law enforcement agency within a county has a duty to participate in good faith in
16 the planning process of the planning authority for the county.

17 (15) A person bringing an action challenging the validity or enforceability of a plan ap-
18 proved under subsection (10) of this section shall serve the Attorney General with a copy of
19 the complaint. If the Attorney General is not a party to the action, the Attorney General
20 may intervene in the action.

21 SECTION 3. In the plan required by section 2 (4) of this 2007 Act, a deadly physical force
22 planning authority shall, at a minimum:

23 (1)(a) Address, under section 2 (4)(a) of this 2007 Act, the manner in which each law
24 enforcement agency within the county will comply with section 5 (2) of this 2007 Act; and

25 (b) Attach a copy of each policy adopted under section 5 (2) of this 2007 Act to the plan.

26 (2) Address, under section 2 (4)(b) of this 2007 Act, the manner in which each law
27 enforcement agency within the county will comply with section 5 (3)(a) and (4) of this 2007
28 Act.

29 (3) Address, under section 2 (4)(c) of this 2007 Act, the manner in which each law
30 enforcement agency within the county will comply with section 5 (5)(a) of this 2007 Act.

31 (4) Address, under section 2 (4)(d) of this 2007 Act, the manner in which the district at-
32 torney of the county will comply with ORS 146.135 (2).

33 (5) Address, under section 2 (4)(e) of this 2007 Act, the manner in which each law
34 enforcement agency within the county will comply with section 5 (6) of this 2007 Act.

35 SECTION 4. (1) As used in this section, "expenses" does not include personnel costs.

36 (2) To the extent that funds are appropriated to it for such purposes, the Department
37 of Justice shall make grants to law enforcement agencies to reimburse the law enforcement
38 agencies for expenses incurred in implementing and revising the plans required by section 2
39 of this 2007 Act. A grant under this section may not exceed 75 percent of the expenses in-
40 curred by the law enforcement agency.

41 (3) The department may not make a grant under this section to a law enforcement
42 agency unless the law enforcement agency is subject to a plan that has been approved by the
43 Attorney General under section 2 (10) of this 2007 Act.

44 (4) The department shall adopt rules necessary for the administration of this section.

45 SECTION 5. (1) As used in this section, "involved officer" means:

1 (a) A police officer whose official conduct, or official order to use deadly physical force,
2 was a cause in fact of the death of a person. As used in this paragraph, "order to use deadly
3 physical force" means an order issued to another officer to use deadly physical force in a
4 specific incident or an order or directive establishing rules of engagement for the use of
5 deadly physical force for a specific incident.

6 (b) A police officer whose official conduct was not a cause in fact of the death of a person
7 but whose official involvement in an incident in which the use of deadly physical force by a
8 police officer resulted in the death of a person:

9 (A) Began before or during the use of the deadly physical force; and

10 (B) Was reasonably likely to have exposed the police officer to greater stresses or trauma
11 than other police officers experienced as a result of their involvement in the incident before
12 or during the use of the deadly physical force.

13 (2) A law enforcement agency shall adopt a policy dealing with the use of deadly physical
14 force by its police officers. At a minimum, the policy must include guidelines for the use of
15 deadly physical force.

16 (3)(a) For each involved officer employed by a law enforcement agency, the law enforce-
17 ment agency shall pay the costs of at least two sessions with a mental health professional
18 that are attended by the officer. The sessions must be held within six months after the in-
19 cident in which the officer was involved.

20 (b) An involved officer shall attend at least one of the sessions described in paragraph
21 (a) of this subsection.

22 (c) Sessions with a mental health professional under this subsection may not be substi-
23 tuted for a fitness for duty examination required or requested as a condition of employment
24 by the law enforcement agency that employs the involved officer.

25 (4) For at least 72 hours immediately following an incident in which the use of deadly
26 physical force by a police officer resulted in the death of a person, a law enforcement agency
27 may not return an involved officer to duties that might place the officer in a situation in
28 which the officer has to use deadly physical force. A law enforcement agency may not reduce
29 an involved officer's pay or benefits as a result of the law enforcement agency's compliance
30 with this subsection. Notwithstanding section 4 (1) of this 2007 Act, a personnel cost in-
31 curred in complying with this subsection by a law enforcement agency employing 40 or fewer
32 police officers is an expense for purposes of section 4 of this 2007 Act.

33 (5)(a) A law enforcement agency employing an involved officer shall include at least one
34 police officer from a different law enforcement agency in the investigation of the incident in
35 which the involved officer was involved.

36 (b) The failure of a law enforcement agency to comply with paragraph (a) of this sub-
37 section is not grounds for suppressing evidence obtained in the investigation.

38 (6)(a) A law enforcement agency shall collect at least the following information relating
39 to incidents in which a police officer's use of deadly physical force resulted in the death of
40 a person:

41 (A) The name, gender, race, ethnicity and age of the decedent.

42 (B) The date, time and location of the incident.

43 (C) A brief description of the circumstances surrounding the incident.

44 (b) A law enforcement agency shall promptly submit the information collected under
45 paragraph (a) of this subsection to the Department of Justice.

1 (7) The department shall compile and periodically publish information submitted under
 2 subsection (6) of this section. The department, by rule, may specify a form to be used by law
 3 enforcement agencies in submitting information under subsection (6) of this section.

4 **SECTION 6.** Conclusions and recommendations for future action made by or for a law
 5 enforcement agency that result from activities conducted pursuant to the element of a plan
 6 described in section 2 (4)(e) of this 2007 Act are not admissible as evidence in any subsequent
 7 civil action or administrative proceeding.

8 **SECTION 7.** (1) Notwithstanding sections 2, 3, 5 (3) and (6) and 12 of this 2007 Act, if
 9 sufficient moneys are not appropriated to the Department of Justice for purposes of making
 10 grants under section 4 of this 2007 Act, a deadly physical force planning authority created
 11 by section 2 of this 2007 Act or a law enforcement agency is not required to comply with any
 12 requirement of section 2, 3 or 5 (3) or (6) of this 2007 Act for which the law enforcement
 13 agency is entitled to reimbursement under section 4 of this 2007 Act.

14 (2) If sufficient moneys are not appropriated to the Department of Justice to pay the
 15 costs of recording and transcribing testimony before a grand jury as required by section 12
 16 of this 2007 Act:

17 (a) The Department of Justice is not required to comply with section 12 (5) of this 2007
 18 Act; and

19 (b) A district attorney is not required to comply with section 12 of this 2007 Act.

20 **SECTION 8.** ORS 132.330 is amended to read:

21 132.330. (1) The district attorney may submit an indictment to the grand jury in any case when
 22 the district attorney has good reason to believe that a crime has been committed which is triable
 23 within the county.

24 (2) The district attorney may present facts to the grand jury about an incident in which
 25 a police officer used deadly physical force.

26 **SECTION 9.** ORS 132.090 is amended to read:

27 132.090. (1) Except as provided in subsections (2) and (3) of this section and section 12 of this
 28 2007 Act, no person other than the district attorney or a witness actually under examination shall
 29 be present during the sittings of the grand jury.

30 (2) If not otherwise required under section 12 of this 2007 Act, upon a motion filed by the
 31 district attorney in the circuit court, the circuit judge may appoint a reporter who shall attend the
 32 sittings of the grand jury to take and report the testimony in any matters pending before the grand
 33 jury, and may appoint a parent, guardian or other appropriate person 18 years of age or older to
 34 accompany any child 12 years of age or younger, or any person with mental retardation, during an
 35 appearance before the grand jury. The circuit judge, upon the district attorney's showing to the
 36 court that it is necessary for the proper examination of a witness appearing before the grand jury,
 37 may appoint a guard, medical or other special attendant or nurse, who shall be present in the grand
 38 jury room and shall attend such sittings.

39 (3) The district attorney may designate an interpreter who is certified under ORS 45.291 to in-
 40 terpret the testimony of witnesses appearing before the grand jury. The district attorney may des-
 41 ignate a qualified interpreter, as defined in ORS 45.288, if the circuit court determines that a
 42 certified interpreter is not available and that the person designated by the district attorney is a
 43 qualified interpreter as defined in ORS 45.288. An interpreter designated under this subsection may
 44 be present in the grand jury room and attend the sittings of the grand jury.

45 (4) No person other than members of the grand jury shall be present when the grand jury is

1 deliberating or voting upon a matter before it.

2 (5) As used in this section, "mental retardation" has the meaning given that term in ORS
3 427.005. Mental retardation may be shown by attaching to the motion of the district attorney:

4 (a) Documentary evidence of intellectual functioning; or

5 (b) The affidavit of a qualified person familiar with the person with mental retardation. "Quali-
6 fied person" includes, but is not limited to, a teacher, therapist or physician.

7 **SECTION 10.** The Legislative Assembly finds that:

8 (1) Grand juries originally were created and have existed for centuries as a check against
9 potential abuse of the government's power to charge individuals with crimes.

10 (2) Grand jury proceedings are kept secret to help protect witnesses, victims and grand
11 jurors against retaliation and innocent persons against wrongful accusations of crime.

12 (3) As authorized by law and as guided by the policies of law enforcement agencies, police
13 officers may cause the death of a person by the use of deadly physical force.

14 (4) The use of deadly physical force by a police officer that results in the death of a
15 person requires a level of public scrutiny that uniquely justifies limited intrusions into the
16 secrecy historically accorded grand jury proceedings.

17 **SECTION 11.** Section 12 of this 2007 Act is added to and made a part of ORS 132.310 to
18 132.390.

19 **SECTION 12.** (1) As used in this section:

20 (a) "Certified shorthand reporter" has the meaning given that term in ORS 8.415.

21 (b) "Involved officer" has the meaning given that term in section 5 of this 2007 Act.

22 (c) "Police officer" has the meaning given that term in section 1 of this 2007 Act.

23 (2) A proceeding before a grand jury must be on the record and recorded by a certified
24 shorthand reporter as provided in this subsection if the proceeding has been convened to
25 examine the use of deadly physical force by a police officer that resulted in the death of a
26 person. When a proceeding is required to be on the record under this subsection, the district
27 attorney shall ensure that a certified shorthand reporter attends the sittings of the grand
28 jury to take and report the questioning and testimony of all witnesses. The certified short-
29 hand reporter may not record any information that reveals the identity of a grand juror. The
30 certified shorthand reporter may not be present during, or record, the deliberations of the
31 grand jury.

32 (3) Unless the certified shorthand reporter can show good cause why the time should be
33 extended, no later than seven days after a grand jury in a proceeding required to be on the
34 record under subsection (2) of this section determines that no criminal charges should be
35 returned or returns an indictment indorsed "not a true bill," the certified shorthand reporter
36 shall provide a certified transcript of the report to the district attorney of the county in
37 which the incident occurred.

38 (4)(a) No later than five days after receiving the transcript from the certified shorthand
39 reporter, the district attorney shall send notice of the following to all witnesses who ap-
40 peared before the grand jury:

41 (A) The witness's right to file a petition under subsection (6) of this section;

42 (B) The time period within which the petition must be filed; and

43 (C) The witness's right to review the transcript and submit objections to the accuracy
44 of the transcript as provided in paragraph (b) of this subsection.

45 (b) No later than seven days after the district attorney sends the notice required by

1 paragraph (a) of this subsection, a witness may:

2 (A) Review, under the supervision of the district attorney, the portion of the grand jury
3 transcript in which the witness's testimony is transcribed; and

4 (B) Submit an objection to the accuracy of the transcription of the witness's testimony.
5 A witness submitting an objection under this subparagraph shall attach the objection to the
6 transcript.

7 (c) No earlier than eight days after sending the notice required by paragraph (a) of this
8 subsection, the district attorney shall provide a copy of the complete transcript to each in-
9 volved officer in the incident and to the law enforcement agency that employs each involved
10 officer.

11 (5) The Department of Justice shall pay the costs of the recording and the transcripts
12 required by subsections (2) and (3) of this section.

13 (6)(a) No later than 14 days after the district attorney sends the notice required by sub-
14 section (4)(a) of this section, the district attorney, an involved officer, the law enforcement
15 agency employing the involved officer or any witness who appeared before the grand jury
16 may petition the circuit court for a judgment sealing all or part of the transcript or delaying
17 the public release of all or part of the transcript. The petition must be served on the district
18 attorney, the involved officer and the law enforcement agency employing the involved officer.
19 The petition must be supported by an affidavit showing why the public interest in disclosure
20 is outweighed by one of the factors listed in subsection (7)(b) of this section.

21 (b) If no petition is timely filed, the district attorney shall make the transcript available
22 to any person upon request and payment of copying fees set under ORS 192.440.

23 (7)(a) No later than seven days after service under subsection (6)(a) of this section, the
24 district attorney, an involved officer or the law enforcement agency that employs the in-
25 volved officer may file an objection to the petition. If no objection is timely filed, the court
26 may rule without a hearing on the petition. If an objection is timely filed, the court shall hold
27 a hearing on the petition no later than seven days after the time for filing objections has
28 expired.

29 (b) The court shall deny the petition unless the court finds that the public interest in
30 disclosure is outweighed by:

31 (A) The impairment of the proceeding or prosecution of any criminal matter related to
32 the proceeding;

33 (B) The probable prejudice to the right of a witness who appeared before the grand jury
34 or of an involved officer to a fair trial; or

35 (C) The privacy right of a witness who appeared before the grand jury.

36 (8) When the court determines that all or part of the transcript should be sealed or that
37 disclosure of all or part of the transcript should be delayed, the court shall enter a judgment
38 sealing the transcript or portions of the transcript or delaying the public release of the
39 transcript or portions of the transcript.

40 (9) A judgment sealing or delaying release of all or any portion of a transcript based on
41 subsection (7)(b)(B) or (C) of this section has no further effect with respect to public release
42 of the transcript after a witness whose testimony is subject to the judgment:

43 (a) Files a civil action against an involved officer or the law enforcement agency em-
44 ploying the involved officer; or

45 (b) Gives testimony, including depositions, in a civil or criminal action arising out of the

1 incident in which deadly physical force was used.

2 (10) The testimony of a police officer who is the subject of an investigation of the use of
3 deadly physical force and who is called as a witness before a grand jury in a proceeding re-
4 quired to be on the record under subsection (2) of this section is not admissible evidence in
5 a civil proceeding except:

6 (a) When the testimony before the grand jury is compelled under ORS 136.617; or

7 (b) When the testimony before the grand jury is offered as a prior inconsistent statement
8 to impeach the witness.

9 (11) This section does not create a cause of action.

10 (12) The failure of a certified shorthand reporter to record all of the grand jury pro-
11 ceeding required to be recorded under subsection (2) of this section does not affect the va-
12 lidity of any indictment or prosecution that arises from the proceeding.

13 **SECTION 13.** ORS 146.135 is amended to read:

14 146.135. (1) The district attorney for the county where the death occurs may order an inquest
15 to obtain a jury finding of the cause and manner of death in any case requiring investigation.

16 (2) The district attorney may not order an inquest under this section concerning a death
17 that resulted from a police officer's use of, or order to use, deadly physical force until after
18 the district attorney has determined that the police officer did not commit a crime or a
19 grand jury has received testimony concerning the incident and has declined to indict the
20 police officer. As used in this subsection, "police officer" has the meaning given that term
21 in section 1 of this 2007 Act.

22 [(2)] (3) For the purpose of conducting an inquest, the district attorney shall have the powers
23 of a judicial officer as described by ORS 1.240 and 1.250.

24 [(3)] (4) The district attorney shall advise the jury of inquest as to its duties and instruct the
25 jury on questions of law.

26 [(4)] (5) The district attorney shall cause a record of the inquest proceedings to be made which
27 shall include the written order of inquest, a record of the testimony of witnesses and the written
28 verdict of the jury.

29 [(5)] (6) Within a reasonable time after the verdict is returned, the record of inquest shall be
30 filed in the district medical examiner's office for the county where the inquest was held.

31 [(6)] (7) A copy of the order of inquest and verdict of the jury shall be filed in the State Medical
32 Examiner's office.

33 [(7)] (8) The record of inquest shall be available for inspection as provided by ORS 146.035 (5).

34 **SECTION 14.** ORS 146.135, as amended by section 13 of this 2007 Act, is amended to read:

35 146.135. (1) The district attorney for the county where the death occurs may order an inquest
36 to obtain a jury finding of the cause and manner of death in any case requiring investigation.

37 (2) The district attorney may not order an inquest under this section concerning a death that
38 resulted from a police officer's use of, or order to use, deadly physical force [*until after the district*
39 *attorney has determined that the police officer did not commit a crime or a grand jury has received*
40 *testimony concerning the incident and has declined to indict the police officer*]. As used in this sub-
41 section, "police officer" has the meaning given that term in section 1 of this 2007 Act.

42 (3) For the purpose of conducting an inquest, the district attorney shall have the powers of a
43 judicial officer as described by ORS 1.240 and 1.250.

44 (4) The district attorney shall advise the jury of inquest as to its duties and instruct the jury
45 on questions of law.

1 (5) The district attorney shall cause a record of the inquest proceedings to be made which shall
 2 include the written order of inquest, a record of the testimony of witnesses and the written verdict
 3 of the jury.

4 (6) Within a reasonable time after the verdict is returned, the record of inquest shall be filed in
 5 the district medical examiner's office for the county where the inquest was held.

6 (7) A copy of the order of inquest and verdict of the jury shall be filed in the State Medical
 7 Examiner's office.

8 (8) The record of inquest shall be available for inspection as provided by ORS 146.035 (5).

9 **SECTION 15.** ORS 181.662 is amended to read:

10 181.662. (1) The Department of Public Safety Standards and Training may deny the application
 11 for training, or deny, suspend or revoke the certification, of any instructor or public safety officer,
 12 except a youth correction officer or fire service professional, after written notice and hearing con-
 13 sistent with the provisions of ORS 181.661, based upon a finding that:

14 (a) The public safety officer or instructor falsified any information submitted on the application
 15 for certification or on any documents submitted to the Board on Public Safety Standards and
 16 Training or the department.

17 (b) The public safety officer or instructor has been convicted of a crime or violation in this state
 18 or any other jurisdiction.

19 (c) The public safety officer or instructor does not meet the applicable minimum standards,
 20 minimum training or the terms and conditions established under ORS 181.640 (1)(a) to (d).

21 **(d) The public safety officer failed to comply with section 5 (3)(b) of this 2007 Act.**

22 (2) The department shall deny, suspend or revoke the certification of a fire service professional,
 23 after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding
 24 that the fire service professional has been convicted in this state of a crime listed in ORS 137.700
 25 or in any other jurisdiction of a crime that, if committed in this state, would constitute a crime
 26 listed in ORS 137.700.

27 (3) The department may deny, suspend or revoke the certification of any fire service professional
 28 after written notice and hearing consistent with the provisions of ORS 181.661, based upon a finding:

29 (a) That the fire service professional falsified any information submitted on the application for
 30 certification or on any documents submitted to the board or the department; or

31 (b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold
 32 the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other
 33 than a crime described in subsection (2) of this section.

34 (4) The department shall deny, suspend or revoke the certification of any public safety officer
 35 or instructor, except a youth correction officer, after written notice and hearing consistent with the
 36 provisions of ORS 181.661, based upon a finding that the public safety officer or instructor has been
 37 discharged for cause from employment as a public safety officer.

38 (5) The department, in consultation with the board, shall adopt rules specifying those crimes and
 39 violations for which a conviction requires the denial, suspension or revocation of the certification
 40 of a public safety officer or instructor.

41 (6) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a pub-
 42 lic safety officer or instructor, the department may:

43 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the
 44 public safety officer or instructor; or

45 (b) Revise or render void an order suspending or revoking the certification.

1 (7) The department shall deny, suspend or revoke the accreditation of a training or educational
2 program or any course, subject, facility or instruction thereof if the program, course, subject, facility
3 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181.640
4 (1)(g) or 181.650 (3).

5 **SECTION 16.** (1) A deadly physical force planning authority created by section 2 of this
6 2007 Act shall submit the plan required by section 2 (4) of this 2007 Act to the governing
7 bodies described in section 2 (7) of this 2007 Act no later than July 1, 2008.

8 (2) Notwithstanding section 2 (3) of this 2007 Act, for the period of time from the effective
9 date of this 2007 Act to June 30, 2008, the law enforcement agency that employs the police
10 officer selected under section 2 (1)(b) of this 2007 Act shall release the officer from other
11 duties for at least 80 hours to enable the officer to serve on the planning authority. The
12 agency shall compensate the officer at the officer's regular hourly wage while the officer is
13 engaged in planning authority activities during that period of time.

14 **SECTION 17.** A law enforcement agency shall adopt the policy required by section 5 (2)
15 of this 2007 Act no later than July 1, 2008.

16 **SECTION 18.** (1) A law enforcement agency that participates in the development of the
17 plan required by section 2 (4) of this 2007 Act shall keep track of the expenses it incurs by
18 reason of its participation. For purposes of this subsection and subsection (2) of this section,
19 "expenses" includes, but is not limited to, personnel costs.

20 (2) The Department of Justice shall award a law enforcement agency one credit for each
21 dollar of expenses incurred before July 1, 2008, by reason of the law enforcement agency's
22 participation in the development of the plan required by section 2 (4) of this 2007 Act.

23 (3) Notwithstanding section 4 (2) of this 2007 Act, when a law enforcement agency applies
24 for a grant under section 4 of this 2007 Act, the department, to the extent that funds are
25 appropriated to the department for the purpose, shall make a grant that exceeds 75 percent
26 of the expenses incurred by the law enforcement agency if the law enforcement agency has
27 unused credits awarded under subsection (2) of this section. When the department makes a
28 grant that exceeds 75 percent of the expenses incurred by a law enforcement agency, the
29 department shall deduct the amount of the grant that exceeds 75 percent from the credits
30 awarded the law enforcement agency under subsection (2) of this section.

31 (4) The department may adopt rules necessary for the administration of this section.

32 **SECTION 19.** ORS 132.430 is amended to read:

33 132.430. (1) When a person has been held to answer a criminal charge and the indictment in
34 relation thereto is not found "a true bill," it must be indorsed "not a true bill," which indorsement
35 must be signed by the foreman and filed with the clerk of the court, in whose office it shall remain
36 a public record. **Except for the recording and transcript required by section 12 of this 2007**
37 **Act,** in the case of an indictment not found "a true bill" against a person not so held, the same,
38 together with the minutes of the evidence in relation thereto, must be destroyed by the grand jury.

39 (2) When an indictment indorsed "not a true bill" has been filed with the clerk of the court, the
40 effect thereof is to dismiss the charge; and the same cannot be again submitted to or inquired of by
41 the grand jury unless the court so orders.

42 **SECTION 20.** A law enforcement agency, as defined in section 1 of this 2007 Act, may not
43 use moneys it receives under section 4 of this 2007 Act to supplant moneys from another
44 source that the law enforcement agency has been previously authorized to expend.

45 **SECTION 21.** There is appropriated to the Department of Justice, for the biennium be-

1 ginning July 1, 2007, out of the General Fund, the amount of \$300,000 for the purpose of
2 carrying out the provisions of sections 4 and 12 (5) of this 2007 Act.

3 **SECTION 22.** ORS 181.640 is amended to read:

4 181.640. (1) In accordance with any applicable provision of ORS chapter 183, to promote
5 enforcement of law and fire services by improving the competence of public safety personnel and
6 their support staffs, and in consultation with the agencies for which the Board on Public Safety
7 Standards and Training and Department of Public Safety Standards and Training provide standards,
8 certification, accreditation and training:

9 (a) The department shall recommend and the board shall establish by rule reasonable minimum
10 standards of physical, emotional, intellectual and moral fitness for public safety personnel and in-
11 structors.

12 (b) The department shall recommend and the board shall establish by rule reasonable minimum
13 training for all levels of professional development, basic through executive, including but not limited
14 to courses or subjects for instruction and qualifications for public safety personnel and instructors.
15 Training requirements shall be consistent with the funding available in the department's
16 legislatively approved budget.

17 (c) The department, in consultation with the board, shall establish by rule a procedure or pro-
18 cedures to be used by law enforcement units, public or private safety agencies or the Oregon Youth
19 Authority to determine whether public safety personnel meet minimum standards or have minimum
20 training.

21 (d) Subject to such terms and conditions as the department may impose, the department shall
22 certify instructors and public safety personnel, except youth correction officers, as being qualified
23 under the rules established by the board.

24 (e) The department shall deny applications for training and deny, suspend and revoke certifi-
25 cation in the manner provided in ORS 181.661, 181.662 and 181.664 (1).

26 (f) The department shall cause inspection of standards and training for instructors and public
27 safety personnel, except youth correction officers, to be made.

28 (g) The department may recommend and the board may establish by rule accreditation stan-
29 dards, levels and categories for mandated and nonmandated public safety personnel training or ed-
30 ucational programs. The department and board, in consultation, may establish to what extent
31 training or educational programs provided by an accredited university, college, community college
32 or public safety agency may serve as equivalent to mandated training or as a prerequisite to man-
33 dated training. Programs offered by accredited universities, colleges or community colleges may be
34 considered equivalent to mandated training only in academic areas.

35 (2) The department may:

36 (a) Contract or otherwise cooperate with any person or agency of government for the procure-
37 ment of services or property;

38 (b) Accept gifts or grants of services or property;

39 (c) Establish fees for determining whether a training or educational program meets the accred-
40 itation standards established under subsection (1)(g) of this section;

41 (d) Maintain and furnish to law enforcement units and public and private safety agencies infor-
42 mation on applicants for appointment as instructors or public safety personnel, except youth cor-
43 rection officers, in any part of the state; and

44 (e) Establish fees to allow recovery of the full costs incurred in providing services to private
45 entities or in providing services as experts or expert witnesses.

1 (3) The department, in consultation with the board, may:

2 (a) Upon the request of a law enforcement unit or public safety agency, conduct surveys or aid
3 cities and counties to conduct surveys through qualified public or private agencies and assist in the
4 implementation of any recommendations resulting from such surveys.

5 (b) Upon the request of law enforcement units or public safety agencies, conduct studies and
6 make recommendations concerning means by which requesting units can coordinate or combine their
7 resources.

8 (c) Stimulate research by public and private agencies to improve police, fire service, corrections
9 and adult parole and probation administration and law enforcement.

10 (d) Provide grants from funds appropriated or available therefor, to law enforcement units,
11 public safety agencies, special districts, cities, counties and private entities to carry out the pro-
12 visions of this subsection.

13 (e) Provide optional training programs for persons who operate lockups. The term "lockup" has
14 the meaning given it in ORS 169.005.

15 (f) Provide optional training programs for public safety personnel and their support staffs.

16 (g) Enter into agreements with federal, state or other governmental agencies to provide training
17 or other services in exchange for receiving training, fees or services of generally equivalent value.

18 (h) Upon the request of a law enforcement unit or public safety agency employing public safety
19 personnel, except youth correction officers, grant an officer, fire service professional, telecommu-
20 nicator or emergency medical dispatcher a multidiscipline certification consistent with the minimum
21 requirements adopted or approved by the board. Multidiscipline certification authorizes an officer,
22 fire service professional, telecommunicator or emergency medical dispatcher to work in any of the
23 disciplines for which the officer, fire service professional, telecommunicator or emergency medical
24 dispatcher is certified. The provisions of ORS 181.652, 181.653 and 181.667 relating to lapse of cer-
25 tification do not apply to an officer or fire service professional certified under this paragraph as
26 long as the officer or fire service professional maintains full-time employment in one of the certified
27 disciplines and meets the training standards established by the board.

28 (i) Establish fees and guidelines for the use of the facilities of the training academy operated
29 by the department and for nonmandated training provided to federal, state or other governmental
30 agencies, private entities or individuals.

31 (4) Pursuant to ORS chapter 183, the board, in consultation with the department, shall adopt
32 rules necessary to carry out the board's duties and powers.

33 (5) Pursuant to ORS chapter 183, the department, in consultation with the board, shall adopt
34 rules necessary to carry out the department's duties and powers.

35 (6) For efficiency, board and department rules may be adopted jointly as a single set of combined
36 rules with the approval of the board and the department.

37 (7) The department shall obtain approval of the board before submitting its legislative concepts,
38 Emergency Board request or budget requests to the Oregon Department of Administrative Services.

39 (8) **The Department of Public Safety Standards and Training shall develop a training
40 program for conducting investigations required under section 5 of this 2007 Act.**

41 **SECTION 23. The Department of Public Safety Standards and Training shall complete
42 development of the training program required by ORS 181.640 (8) no later than August 31,
43 2008. The department shall submit a report summarizing the training program to the legis-
44 lative interim committees dealing with the judiciary no later than September 30, 2008.**

45 **SECTION 24. (1) Sections 4, 10 to 12 and 20 of this 2007 Act and the amendments to ORS**

1 132.090, 132.430, 181.640 and 181.662 by sections 9, 15, 19 and 22 of this 2007 Act become op-
2 erative on July 1, 2008.

3 (2) The amendments to ORS 146.135 by section 14 of this 2007 Act become operative on
4 July 1, 2009.

5 **SECTION 25.** (1) Notwithstanding the effective date of section 5 of this 2007 Act, section
6 5 (3) to (7) of this 2007 Act applies to incidents occurring on or after July 1, 2008.

7 (2) Section 12 of this 2007 Act applies to incidents occurring on or after July 1, 2008.

8 **SECTION 26.** This 2007 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
10 on its passage.
11 _____

RESOLUTION APPROVING DRAFT PLAN FOR WASHINGTON
COUNTY USE OF DEADLY PHYSICAL FORCE BY POLICE OFFICERS

WHEREAS Senate Bill 111 (2007) directs a planning authority in each county to develop a plan to meet specific criteria with regard to use of deadly force by police officers; and

WHEREAS the plan must include criteria for proper training on the use of deadly force, adequate support for officers involved in a deadly force incident; adequate support for families and civilian members of the community involved in such incidents; and a process for investigating a deadly force incident and determining whether the use of deadly force complied with state law and department policy; and

WHEREAS Washington County's planning authority has drafted a plan to meet the requirements of Senate Bill 111; and

WHEREAS the process requires that the plan be submitted to the governing body of each law enforcement agency in Washington County for approval or disapproval by April 30, 2008; and

WHEREAS as the duly elected governing body of the City of Tualatin, having been presented with the final draft of the Washington County Use of Deadly Physical Force by Police Officers Plan, as required by Senate Bill 111, the Tualatin City Council has thoroughly reviewed the Plan in its entirety.

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

Section 1. The City Council finds that the Washington County Use of Deadly Physical Force by Police Officers Plan as drafted meets the needs of the citizens of Washington County.

Section 2. The City of Tualatin approves and adopts the Washington County Use of Deadly Physical Force by Police Officers Plan as presented.

INTRODUCED AND ADOPTED this 28th day of April, 2008.

CITY OF TUALATIN, OREGON

By Lou Ogden
Mayor

ATTEST 
By 
City Recorder

Approved as to Legal Form:


Brenda L. Braden
City Attorney



Approved By Tualatin City Council

Date April 28, 2008

Recording Secretary G. Kirby

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *sl*

FROM: Michael A. McKillip, City Engineer *met/ok*
Kaaren Hofmann, Civil Engineer *KH/ok*

DATE: April 28, 2008

SUBJECT: RESOLUTION APPROVING THE INSTALLATION OF A TRAFFIC SIGNAL AT SW HERMAN ROAD AND SW 118TH AVENUE

ISSUE BEFORE THE COUNCIL:

Shall the City Council allow the installation of a traffic control signal at the intersection of SW 118th Avenue and SW Herman Road.

RECOMMENDATION:

Council should discuss the issue and if Council agrees with installing the traffic signal adopt the attached resolution.

EXECUTIVE SUMMARY:

The City Council is asked to exercise its discretion to determine whether a traffic signal should be installed at SW 118th Avenue and SW Herman Road since such a signal does not clearly fall within the enumerated standards of the Manual of Uniform Traffic Control Devices (MUTCD).

- This is not a public hearing.
- The Tualatin Development Commission has budgeted for the installation of a traffic signal at the intersection of SW 118th Avenue and SW Herman Road.
- Oregon Administrative Rules OAR 734-020-0005 requires traffic control devices installed in Oregon to comply with the MUTCD as modified by the Oregon Supplement.
- The proposed project does not meet warrants under the MUTCD at this time.

OUTCOMES OF DECISION:

If the Council approves the installation, construction can begin soon. There is no bid date scheduled at this time. Design is anticipated to be complete by April 2008, but right-of-way and permits are still being acquired.

If Council decided to wait until warrants are met construction will be delayed. We don't know how long have to wait for traffic to increase to meet warrants.

FINANCIAL IMPLICATIONS:

This project has been budgeted in the Leveton Urban Renewal Plan.

DISCUSSION:

According to the MUTCD,

- “To be effective, a traffic control device should meet five basic requirements:
 - a. Fulfill a need;
 - b. Command attention;
 - c. Convey a clear, simple meaning;
 - d. Command respect from road users; and
 - e. Give adequate time for proper response.”
- “The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment.”
- “Traffic control signals that are properly designed, located, operated and maintained will have one or more of the following advantages:
 - a. They provide for the orderly movement of traffic.
 - b. They increase the traffic-handling capacity of the intersection.
 - c. They reduce the frequency and severity of certain types of crashes, especially right angle collisions. (Emphasis added.)
 - d. They are coordinated to provide for continuous or nearly continuous movement of traffic at a definite speed along a given route under favorable conditions.
 - e. They are used to interrupt heavy traffic at intervals to permit other traffic, vehicular or pedestrian, to cross.”
- “Traffic control signals are often considered a panacea for all traffic problems at intersections. Improper or unjustified traffic control signals can result in one or more of the following disadvantages:
 - a. Excessive delay;
 - b. Excessive disobedience of the signal indications;

- c. Increased use of less adequate routes as road users attempt to avoid the traffic control signal; and
- d. Significant increases in the frequency of collisions (especially rear-end collisions).”

Facts of the Situation

- o The Tualatin Development Commission has budgeted for the installation of a traffic signal at the SW 118th Avenue/SW Herman Road intersection.
- o The Leveton Tax Increment District will expire in 2011; therefore, after that date the money to construct this facility will no longer be available from this funding source.
- o The Transportation System Plan notes that when the Leveton area and other industrial areas are completely built out a signal will be warranted at this location.
- o Even with the currently approved developments in this area (i.e., Laika, DPI expansion, and Leveton Business Park) the traffic volumes will not warrant the need for a traffic signal.
- o OAR 734-020-0005 requires that traffic control devices installed in Oregon comply with the MUTCD.
- o SW 118th Avenue and SW Herman Road are City of Tualatin roads. Any construction in these roads is required to comply with the PWCC and obtain a public works permit.
- o SW 118th Avenue crosses the railroad tracks and the railroad parallels SW Herman Road adjacent to the south right-of-way line.
- o The railroad crossing is currently unprotected.
- o The project is installing railroad protective devices and upgrading the railroad crossing.
- o There are 13 documented accidents at this intersection in the past six (6) years. Ten during turning movements, 1 involved a collision with a train, and 2 involved alcohol/drugs.
- o There is a safety issue at this intersection considering the number of accidents that have occurred here in the last 6 years and the unprotected railroad crossing.
- o The signal will address these safety issues by allowing protected turning movements.
- o Protective devices will provide warnings of approaching trains.

Past direction of Council

- o Council has not addressed this issue before this time.

Applicable policy or law

- o Oregon Administrative Rules adopts the MUTCD to guide the proper location of traffic control devices.
- o Following the MUTCD helps protect the City from claims for damages resulting from accidents in such locations if accidents occur.
- o While the MUTCD generally requires traffic control devices to meet warrants, the MUTCD also recognizes that properly designed and located traffic signals reduce the frequency and severity of crashes.

- Decisions that require the exercise of discretion under these facts are best made by the City Council to best establish and protect the City's policies.
- Council must find that installing the signal at this time has a higher public benefit than waiting until warrants are met.

Reasons for installation include:

1. Safety at the railroad crossing – a protected crossing will significantly limit any potential conflicts between vehicles that stop on the railroad tracks as they are waiting for gaps to turn onto or cross SW Herman Road and the trains approaching SW 118th Avenue.
2. Funding is currently available.
3. Reduce turning movement accidents – there have been 10 collisions at this intersection that a signal could have prevented by designating appropriate vehicular rights-of-way.

Reasons to not install include:

1. Delays on Herman Road that do not occur now – when a signal is installed the vehicles on SW Herman Road will have to stop at this intersection where they don't have to stop now to allow vehicles on SW 118th Avenue to access SW Herman Road.
2. Delays on 118th Avenue – as a NO RIGHT TURN ON RED sign will be installed on the northbound SW 118th Avenue leg per the Railroad Crossing Order, the vehicles going northbound to eastbound will have to wait longer than they do now.

PUBLIC INVOLVEMENT:

There have been two Open Houses held on this project. One Open House occurred on January 25, 2007; the most recent was held on August 16, 2007. Most attendees were in favor of this project.

Attachments: A. Vicinity Map
 B. Resolution



**Vicinity Map - SW
118th Avenue/SW
Herman Road**

Legend

Scale 1:12,089
1 in = 1,007 ft



RESOLUTION NO. 4782-08

RESOLUTION APPROVING THE INSTALLATION OF A
TRAFFIC SIGNAL AT SW HERMAN ROAD AND SW 118TH
AVENUE

WHEREAS Oregon Administrative Rules OAR 734-020-0005 requires traffic control devices installed in Oregon to comply with the MUTCD as modified by the Oregon Supplement; and

WHEREAS the installation of a traffic signal at the intersection of SW Herman Road and SW 118th Avenue does not meet warrants under the MUTCD at this time; and

WHEREAS the Tualatin Development Commission has budgeted for the installation of a traffic signal at the SW 118th Avenue/SW Herman Road intersection; and

WHEREAS the Transportation System Plan notes that when the Leveton area and other industrial areas are completely built out a signal will be warranted at this location; and

WHEREAS SW 118th Avenue crosses the railroad tracks and the railroad parallels SW Herman Road adjacent to the south right-of-way line; and

WHEREAS the railroad crossing is currently unprotected; and

WHEREAS the project is installing railroad protective devices and upgrading the railroad crossing; and

WHEREAS there is a safety issue at this intersection considering the number of accidents that have occurred here in the last 6 years and the unprotected railroad crossing; and

WHEREAS the signal will address these safety issues by allowing protected turning movements and protective devices will provide warnings of approaching trains.

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

Section 1. The installation of a traffic signal at the intersection of SW Herman Road and SW 118th Avenue has a higher public benefit than waiting until warrants are met.

Section 2. The Leveton Tax Increment District shall install a traffic signal at the intersection of SW Herman Road and SW 118th Avenue.

INTRODUCED AND ADOPTED this 28th day of April, 2008.

CITY OF TUALATIN, OREGON

By _____
Mayor

ATTEST:

By *[Signature]*
City Recorder

118 Herman Traffic Signal RES 042808

APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY



Approved By Tualatin City Council

Date April 28, 2008

Recording Secretary J. Kirby

STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *McK*
Kaaren Hofmann, Civil Engineer *KH*

DATE: April 28, 2008

SUBJECT: RESOLUTION AUTHORIZING INSTALLATION OF STOP SIGNS
ON SW 108TH AVENUE AT SW IBACH STREET

ISSUE BEFORE THE COUNCIL:

Shall the City Council allow the installation of stop signs at the SW 108th Avenue/SW Ibach Street Intersection.

RECOMMENDATION:

Council should discuss the issue and if Council agrees with installing the stop signs, adopt the attached resolution.

EXECUTIVE SUMMARY:

There is a project budgeted to complete SW 108th Avenue from SW Willow Street to SW Nelson Street. We knew that there would be consequences to realigning the street such as increased speed and we noted that we wanted to take a holistic approach to this project to make sure we didn't create other problems that would need to be solved later. We have been looking at some additional measures as part of this project to address that issue and the perceived speeding concern. The installation of stop signs on SW 108th Avenue at the intersection with SW Ibach Street was one measure that was proposed to address the issue.

There are seven policies used to determine the location of stop signs within the City. The policy that applies to this intersection is:

- "Intersection of collector streets with collector streets are four-way stops."

The stop sign has not already been installed because other policies state that the street with the most vehicles should not be stopped. It is just recently that the traffic volumes on SW Ibach Street have become comparable to SW 108th Avenue.

Stop signs should not be used to control speed. In fact, they are more likely to cause an increase in speeding as the vehicles move away from the stop sign. There is also an increase in noise due to the idling and braking vehicles at the stop sign location.

The attached resolution formally authorizes the installation of this stop sign in accordance with Tualatin Municipal Code 8-3.030.

OUTCOMES OF DECISION:

If the Council approves the installation, construction can begin soon.

If Council does not approve the installation, other options to address the neighborhood's concerns will need to be found.

FINANCIAL IMPLICATIONS:

This project has been budgeted in the Road Development Fund.

PUBLIC INVOLVEMENT:

There has been one Open House held on this project. Letters have also been sent to the neighbors with this proposal. One of the neighbors responded by stating:

“We are the owners of a residence on the corner of 108th and Koller. Our lot borders the intersection of 108th and Ibach. We are writing this correspondence to object to the plan of installing stop signs at this intersection. Our immediate concern is the significant increase in traffic noise, the result of every car having to accelerate to speed from a dead stop...all only 50 feet from our deck. This plan will reduce the livability of our back yards and potentially reduce property values.

Even if the stop sign idea had merit, it doesn't seem fair that the solution will negatively impact 5 or 6 houses around the stop sign in an attempt to improve (allegedly) conditions farther up the hill. In fact, at the public meeting, it sounded like most of the concern was about noise resulting from cars and motorcycles racing *up* the hill. A sign at the bottom only worsens the problem of noise as the speeders resort to “wide open throttle” from the stop to the top. You might ask: what if you had stop signs at the top and the bottom of the hill? If one stop is good, is two better? My guess is that *everyone* would be unhappy with the regular roar of acceleration as opposed to the more common swoosh of passing cars. The speeders will still speed between the stop signs and every vehicle will make more noise trying to navigate 108th St. The stop signs are a bad idea and won't deliver the intended results.”

RESOLUTION NO. 4783-08

RESOLUTION AUTHORIZING INSTALLATION OF STOP
SIGNS ON SW 108TH AVENUE AT SW IBACH STREET

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

Section 1. In accordance with Tualatin Municipal Code 8-3.030, installation of
two stop signs are authorized at the following intersection:

1. The southeast corner of SW 108th Avenue and SW Ibach Street.
2. The northwest corner of SW 108th Avenue and SW Ibach Street.

Section 2. The Operations Director is authorized to implement this resolution by
maintaining the appropriate signs and/or markings at the above listed intersection.

INTRODUCED AND ADOPTED this 28th day of April, 2008.

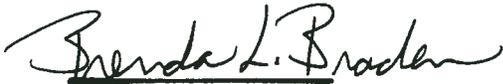
~~CITY OF TUALATIN, OREGON~~

BY _____
Mayor

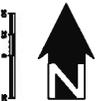
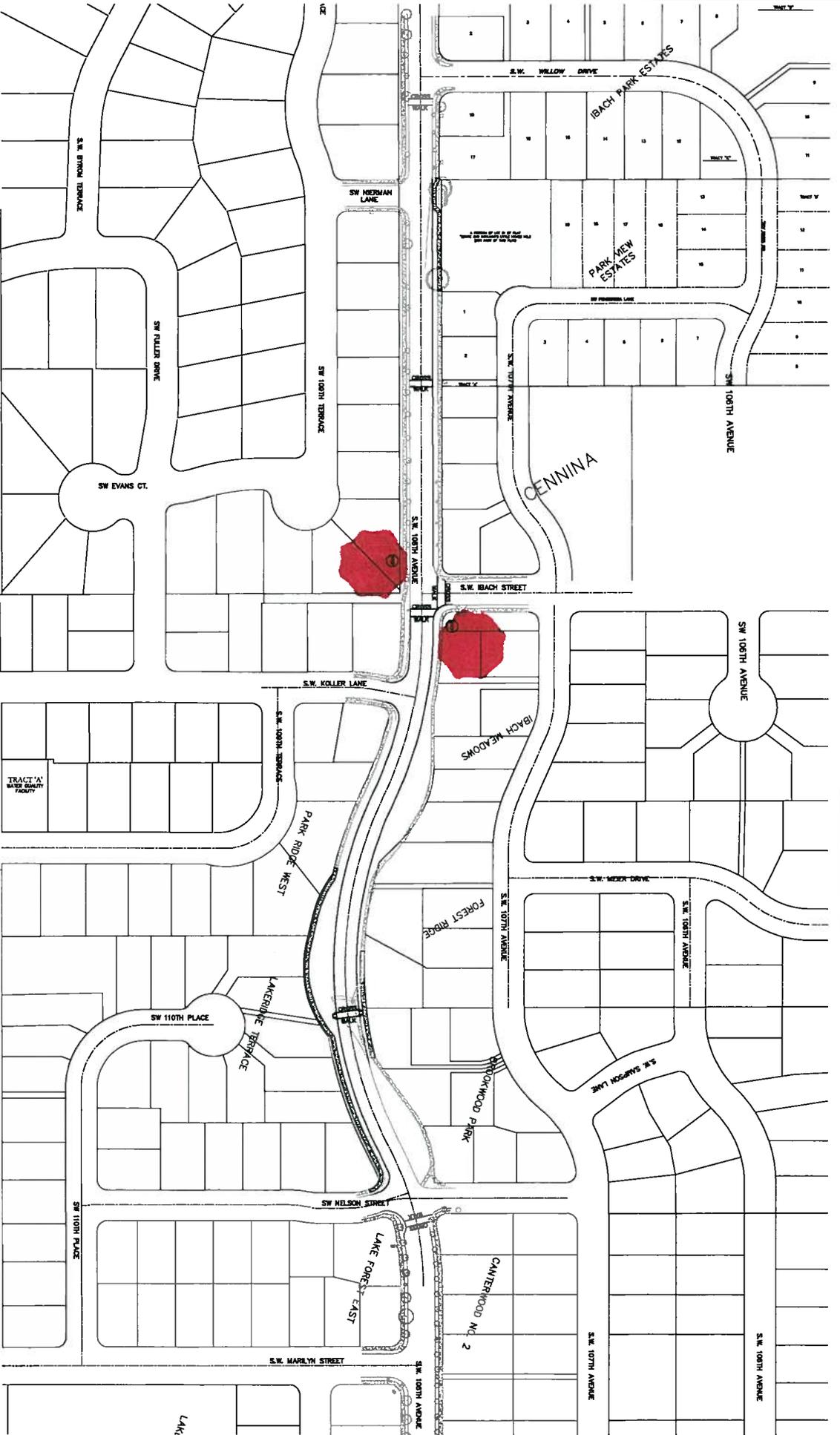
ATTEST:

BY 
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

108th Avenue





Approved By Tualatin City Council

Date April 28, 2008

Recording Secretary J. Kirby

STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MAK/cx*
Kaaren Hofmann, Civil Engineer *KH/cx*

DATE: April 28, 2008

SUBJECT: RESOLUTION APPROVING THE INSTALLATION OF
CROSSWALKS ON SW 108TH AVENUE BETWEEN
SW WILLOW STREET AND SW NELSON STREET

ISSUE BEFORE THE COUNCIL:

Shall the City Council allow the installation of crosswalks on SW 108th Avenue from SW Willow Street to SW Nelson Street.

RECOMMENDATION:

Council discuss the issue and if Council agrees with installing the crosswalks adopt the attached resolution.

EXECUTIVE SUMMARY:

The City Council is asked to exercise its discretion to determine whether crosswalks should be installed on SW 108th Avenue between SW Willow Street and SW Nelson Street since such crosswalks do not clearly fall within the enumerated standards of the Manual of Uniform Traffic Control Devices (MUTCD).

- This is not a public hearing.
- There is a project budgeted to complete SW 108th Avenue from SW Willow Street to SW Nelson Street.
- State law OAR 734-020-0005 requires that all traffic control devices installed in Oregon comply with the Manual of Uniform Traffic Control Devices (MUTCD) as modified by the Oregon Supplement.

- The current proposed project does not meet MUTCD guidance for crosswalk installations.
- During the public involvement marked crosswalks was one suggested solution by the residents in the area.

OUTCOMES OF DECISION:

If the Council approves the installation, construction can begin soon with marked crosswalks.

If Council does not approve the installation, other options to address the neighborhood's concerns will need to be found.

FINANCIAL IMPLICATIONS:

This project has been budgeted in the Road Development Fund.

DISCUSSION:

According to the MUTCD,

- "To be effective, a traffic control device should meet five basic requirements:
 - a. Fulfill a need;
 - b. Command attention;
 - c. Convey a clear, simple meaning;
 - d. Command respect from road users; and
 - e. Give adequate time for proper response."
- "The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment."
- "Marked crosswalks also should be provided at other appropriate points of pedestrian concentration, such as all loading islands, midblock pedestrian crossings, or where pedestrians could not otherwise recognize the proper place to cross."
- "Crosswalk lines should not be used indiscriminately. An engineering study should be performed before they are installed at locations away from highway traffic signals or STOP signs."
- "Because nonintersection pedestrian crossings are generally unexpected by the road user, warning signs should be installed..."

Facts of the Situation

- There is a project budgeted to complete SW 108th Avenue from SW Willow Street to SW Nelson Street.
- This project includes the installation of crosswalks at six locations along SW 108th Avenue per the attached drawing.
- Pedestrian counts were taken on 3/19/08 and 3/22/08. On Saturday, March 22nd there were 11 pedestrians that crossed SW 108th Avenue north of SW Ibach Street and 39 that crossed SW 108th Avenue south of SW Ibach Street from 9:00 am to 7:00 pm.
- The current proposed project does not meet MUTCD guidance for crosswalk installations because there is not a large pedestrian concentration trying to cross at these locations.
- The neighbors believe that there is a safety issue with speeding on SW 108th Avenue.
- The crosswalks are generally proposed at intersections or where an existing pedestrian accessway that allows pedestrians access to SW 108th Avenue.
- The visually and texturally different crosswalks will provide a different 'feel' than other streets and can provide some traffic calming benefits.

Past direction of Council

- The Council has not addressed the crosswalk issue before this time.

Applicable policy or law

- Oregon Administrative Rules adopts the MUTCD to guide the proper location of traffic control devices.
- Following the MUTCD helps protect the City from claims for damages resulting from accidents in such locations if accidents occur.
- Decisions that require the exercise of discretion under these facts are best made by the City Council to best establish and protect the City's policies.
- Council must find that installing the crosswalks at this time has a public benefit to provide traffic calming rather than a true safety benefit.

Criteria applied to make decision

- Council must find that installing the crosswalks in these locations provides a public benefit to address the speeding concern of the neighbors.

PUBLIC INVOLVEMENT:

There has been one Open House held on this project. Letters have also been sent to the neighbors with this proposal. One concern has been broached about the location of the crosswalk at SW Willow Street due to sight distance issues. This concern has been evaluated and it has been determined that adequate sight distance exists for both the vehicles and pedestrians.

RESOLUTION NO. 4784-08

RESOLUTION APPROVING THE INSTALLATION OF CROSSWALKS
ON SW 108TH AVENUE BETWEEN SW WILLOW STREET AND SW
NELSON STREET

WHEREAS Oregon Administrative Rules OAR 734-020-0005 requires traffic control devices installed in Oregon to comply with the MUTCD as modified by the Oregon Supplement; and

WHEREAS the installation of crosswalks on SW 108th Avenue does not meet warrants under the MUTCD at this time; and

WHEREAS the Tualatin City Council has budgeted for realignment of SW 108th Avenue; and

WHEREAS the neighbors believe that there is a safety issue with speeding on SW 108th Avenue; and

WHEREAS the crosswalks are generally proposed at intersections or where an existing pedestrian accessway that allows pedestrians access to SW 108th Avenue; and

WHEREAS the visually and texturally different crosswalks will provide a different 'feel' than other streets and can provide some traffic calming benefits.

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

Section 1. The installation of crosswalks on SW 108th Avenue at this time has a public benefit to provide traffic calming rather than a true safety benefit.

Section 2. The City Engineer shall install crosswalks on SW 108th Avenue per the attached map.

INTRODUCED AND ADOPTED this 28th day of April, 2008.

CITY OF TUALATIN, OREGON

By _____
Mayor

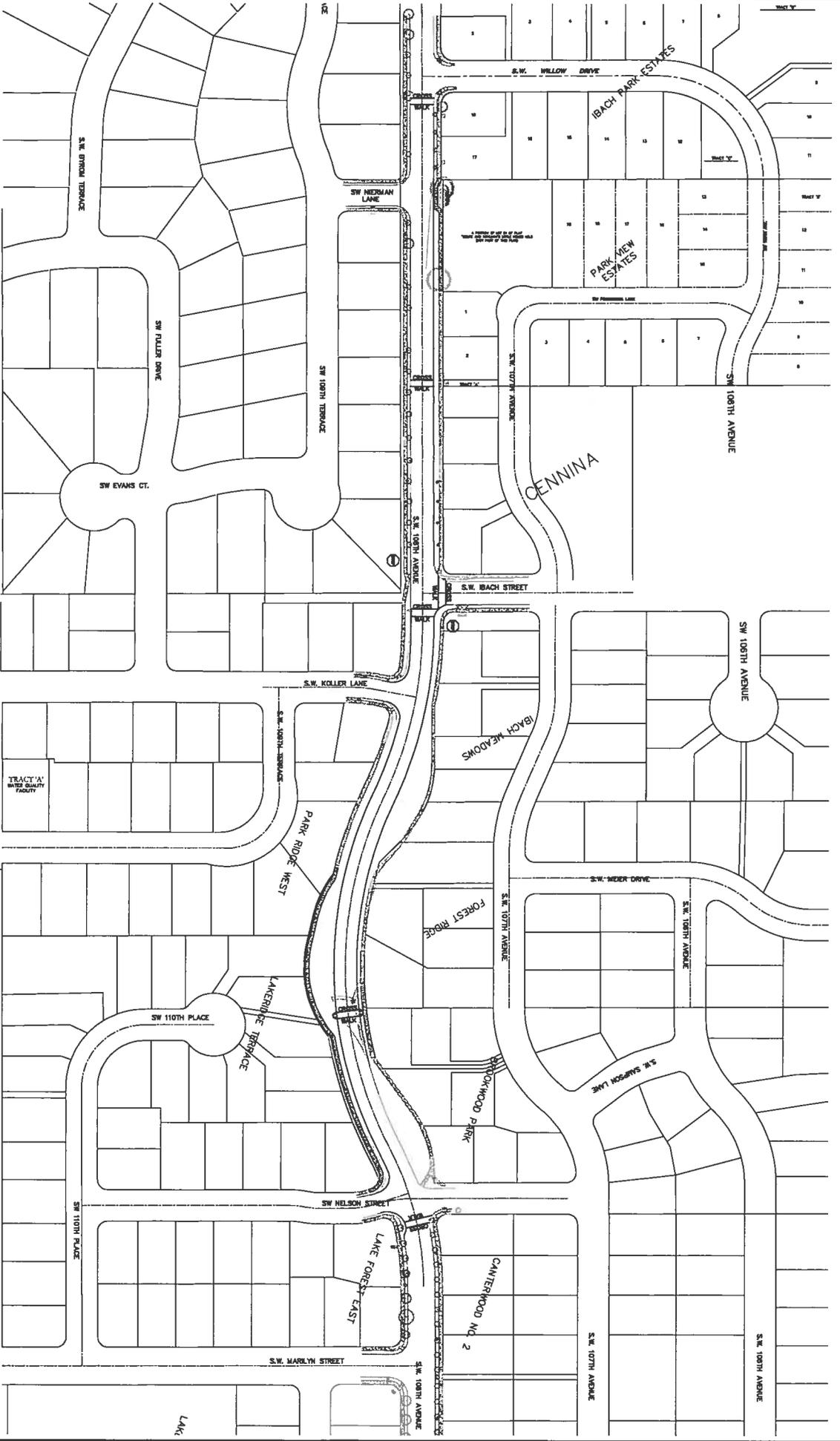
APPROVED AS TO LEGAL FORM

Brenda L. Braden
CITY ATTORNEY

ATTEST:

By *[Signature]*
City Recorder

108th Avenue



CES|NW

