



# TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, January 23, 2012

CITY COUNCIL CHAMBERS  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.  
REGULAR MEETING begins at 7:00 p.m.

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Mayor Lou Ogden  
Council President Monique Beikman  
Councilor Wade Brooksby    Councilor Frank Bubenik  
Councilor Joelle Davis        Councilor Nancy Grimes  
Councilor Ed Truax

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

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at [www.ci.tualatin.or.us/government/CouncilPackets.cfm](http://www.ci.tualatin.or.us/government/CouncilPackets.cfm), the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

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

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at [www.tvctv.org](http://www.tvctv.org). Council meetings can also be viewed by live *streaming video* on the City's website, the day of the meeting at [www.ci.tualatin.or.us/government/CouncilPackets.cfm](http://www.ci.tualatin.or.us/government/CouncilPackets.cfm).

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

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

### TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all provided all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 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)* employment of personnel; *ORS 192.660(2)(b)* 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.



**OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR JANUARY  
23, 2012**

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**A. CALL TO ORDER**  
Pledge of Allegiance

**B. ANNOUNCEMENTS**

1. Unveiling of the City of Tualatin 2012 Water Conservation Calendar

**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**

*The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and 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, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.*

1. Approval of the Minutes for the Work Session and Meeting of January 9, 2012
2. Establishment of an Ad Hoc Committee to Coordinate the 2012 Arbor Week Celebration
3. ~~Resolution Updating Changes to the Personnel Rules~~ **ITEM REMOVED FROM THE AGENDA IN ITS ENTIRETY**
4. Resolution No. **5085-12** Adding the City of West Linn as a New Member to the Metropolitan Area Communications Commission
5. Resolution No. **5086-12** Granting a Conditional Use Permit for Seasonal Products on Behalf of PrimeSource Building Products Inc. allowing Building Materials and Supplies, Wholesale Sales, and Warehousing in the General Manufacturing (MG) Planning District at 10295 SW Manhasset Drive (Tax Map 2S1 22DA, Tax Lot 500) (CUP-11-04)
6. Recommendations from the Council Committee on Advisory Appointments

**E. SPECIAL REPORTS**

1. Update on the Transportation System Plan and Linking Tualatin
2. 2011 Annual Report of the Tualatin Park Advisory Committee (TPARK)

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

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

**H. GENERAL BUSINESS**

1. Ordinance No. **1338-12** Amending References for Land Use Notice; Adding Citizen Involvement Organizations; and Amending TDC 1.031, 31.060, 31.063, 31.064 and 31.067 (PTA-11-09)
2. Ordinance No. **1339-12** Changing the Tualatin Planning Advisory Committee into a Planning Commission and Granting Decision-Making Authority over Specified Land Use Applications; and Amending Tualatin Development Code Chapters 1, 2, 31, 33, 34, 35, and 37 (PTA-11-11)
3. Ordinance No. **1340-12** Creating the Tualatin Planning Commission to Replace the Tualatin Planning Advisory Committee; and Amending Chapter 11-1 of the Tualatin Municipal Code
4. Ordinance No. **1341-12** Relating to Noxious Vegetation and Amending TMC 6-4-010, 6-4-060 and 6-4-090

**I. 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.*

**J. COMMUNICATIONS FROM COUNCILORS**

**K. EXECUTIVE SESSION**

**L. ADJOURNMENT**



City of Tualatin

# City Council SPEAKER REQUEST FORM

**IMPORTANT:** Any citizen attending Council meetings may speak on any item on the agenda. If you wish to speak, please complete this form and return to the **City Recorder**. *This document is a public record.*

NAME Kathy Newcomb DATE 1/23/12  
STREET ADDRESS 17515 SW Cheyenne Way  
STATE OR ZIP 97062 E-MAIL may be improved soon

I wish to speak during **CITIZEN COMMENTS** on a subject that is not on the current Council agenda. *(3-minute time limit per speaker)*

Subject Kathy Newcomb

I wish to speak on **AGENDA ITEM No.** C (TESTIMONY TIME MAY BE LIMITED)

           IN FAVOR                                 OPPOSED                                 NEUTRAL

**NOTE:** IF WRITTEN DOCUMENTATION IS PRESENTED PLEASE FURNISH AT LEAST ONE (1) COPY, ALONG WITH THIS FORM, TO THE CITY RECORDER FOR THE OFFICIAL RECORD.

Submitted for the record by  
Kathy Newcomb at the  
Jan. 23, 2012 Council meeting  
under "Citizen Comments!"

January 23, 2012

To the Tualatin City Council as a Citizen Comment

From: Kathy Newcomb, member of CIO 1

This is a follow-up regarding my concerns about "Linking Tualatin" and also the planned Open Houses, as considered with you on January 9.

I am happy to say that the problems with Linking Tualatin are **improving substantially**, with more awareness of the following issue: *Involvement through **the residential CIOs** is a necessity (along with already-planned involvement of commercial and industrial interests).*

(CIOs are the Citizen Involvement Organizations for our city -- six for residential areas and two for commercial and industrial members.)

**Two related improvements are underway.** FIRST is the rewrite planned for the *Linking Tualatin goals*, by the representative of the Angelo Group (the contractor for Linking Tualatin). *These goals are being rewritten, I was told Friday, to include more application to residents, especially through the CIOs.*

SECOND is a two-part project being undertaken by *Mike Riley, CIO Representative on the Tualatin Transportation Task Force.*

The first part involves identifying the CIO membership of the Task Force members. According to the December 15 minutes, "members have a responsibility to take information back to their groups." However, some of the appointed Citizen Representatives do not yet know which residential CIO they are in.

The second part involves contacting the Presidents or Land Use chairs of the residential CIOs (and others) to assure that they or their appointees will participate in information distribution.

FOLLOWUP ON OPEN HOUSES: Open Houses are helpful at the end of a process. But the "Three-Part Values Exercise" used on December 15 at the Task Force was an excellent, simplified version of the expanded Ashland exercise. The Ashland exercise is a method of involving about 15 or more people by phone or email from each of the residential (or other) CIOs. This seems popular with most people. (It saves people from having to go to meetings!)

MUCH APPRECIATION TO COUNCILOR JOELLE DAVIS -- THE ONLY COUNCILOR ACTUALLY PRESENT on JANUARY 19. HER SUPPORT OF RESIDENTS AND CIOs WAS OUTSTANDING. Compliments also to the JLA personnel, who welcome citizen involvement, provide good clear minutes, and try really hard to keep the meeting working properly.

## City Council Meeting

B. 1.

Meeting  
Date: 01/23/2012

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### ANNOUNCEMENTS

Unveiling of the City of Tualatin 2012 Water Conservation Calendar

#### SUMMARY

For several years we have looked at the prospect of partnering with the Tigard-Tualatin School District in having a conservation poster contest and creating a calendar displaying the student's artwork. This project would promote our conservation message and involve our students in the process.

For the 2010/11 budget, Engineering and Building increased the budget amount for water conservation and we proceeded with creation of what we hope to be the Annual Calendar.

Staff began speaking with the Tigard/Tualatin School District at the end of the school year of 2011 and determined that the beginning of the school year would be a good opportunity to begin the contest with the schools. At that time all four elementary schools had an interest in participating. With nearly 2,000 grade school students in the four schools we focused this year's entries on 4th graders. At the beginning of this school year, Bridgeport and Byrom Elementary schools opted out so we proceeded with Tualatin Elementary and the M.I.T.C.H. Charter School.

We received 60 drawings with 13 being chosen to adorn the 2012 calendar. The finished calendars were provided to the participating classes and the schools along with gift cards for the Lakeshore Learning Store for each of the thirteen students whose artwork was chosen for the calendar. Calendars were distributed to the other elementary schools in Tualatin in hopes of encouraging participation with next year's calendar. Calendars are free to the public and are available at the Library, on all City office counters, the Chamber of Commerce, Heritage Center, Juanita Pohl Center and the TTSD Office.

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## STAFF REPORT CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Maureen Smith, Executive Assistant

**DATE:** 01/23/2012

**SUBJECT:** Approval of the Minutes for the Work Session and Meeting of January 9, 2012

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### ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of January 9, 2012.

### RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

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**Attachments:** A - Work Session Minutes of January 9, 2012  
B - Meeting Minutes of January 9, 2012

**OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR  
JANUARY 9, 2012**

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Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby (arrived at 5:41 p.m.); Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Operations Director Dan Boss; Community Development Director Alice Rouyer; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Engineering Manager Kaaren Hofmann; Maintenance Services Division Manager Clayton Reynolds; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

**1. CALL TO ORDER****2. Website Redesign Update**

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Assistant to the City Manager Sara Singer presented a PowerPoint and gave an overview of the City's website. The City's website presence began approximately five years ago of development of a website with limited internal staff resources. The City's Tualatin Tomorrow Vision Plan has identified an update to the website, and the City Council identified a website update in their 2011-2012 Council goals that would enhance community involvement and interaction and provide a 24/7 "city hall." City staff also expressed a need for a more user-friendly website through a series of internal interviews. An internal web team, with a representative from each department was involved in identifying the needs of all departments, and developing a Request for Proposals (RFP), receiving a response of 21 proposals. The team narrow the proposals to three, and were interviewed, with the selection of Lake Oswego-based aHa! Consulting, Inc.

Brian Gilday, aHa! Consulting said their firm is excited to move forward with the website redesign and are committed to providing the best website and improving the City's web presence. He explained the internal process that has begun with staff and discussion followed on the redesign and its capabilities, such as an employee "intranet" and e-commerce function availability.

**3. Aquifer Storage and Recovery Update**

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Operations Director Dan Boss and Engineering Manager Kaaren Hofmann presented an update on the Aquifer Storage and Recovery (ASR) well, starting with a brief background and explanation of ASR, which is an underground storage of treated drinking water that is injected into an underground aquifer during the winter months and pumped back into the water system during the summer months when water demands are high. The project was conceived in 2001 with the Feasibility Report and has slowly progressed. The pump house was completed in 2009, rehabilitation of the well was completed in May 2011, and injection of water started again in June. During Cycle 3 approximately 20 million gallons were injected and recovery of 14 million gallons, with no reported water quality issue or complaints received. The goal for Cycle 4 is the injection of 450 gpm in November, injecting 100 million gallons of water, and recover 90 million gallons starting in July. With ongoing operating and monitoring, the project is breaking even, and may allow the City to reduce peaking factor in the summer months and may eventually reduce water rates from Portland. Staff reviewed the next steps to determine what chlorination facilities will be necessary once Cycle 4 is complete, ongoing monitoring, and well cleaning every four to five years.

Brief discussion followed on the savings derived from having ASR and being able to break even at a certain point.

#### 4. Basalt Creek Transportation Planning Update

Community Development Director Alice Rouyer and Management Analyst Ben Bryant presented a PowerPoint update on the Basalt Creek transportation planning. Also present was Washington County Principal Engineer Russ Knoebel. Staff reviewed the various project improvements and timelines of each, which include 124th Avenue Project (Tualatin-Sherwood Road to Tonquin Road), Boones Ferry Road Improvement Project (Norwood Road to Day Street), and East-West Alignment Concepts (i.e. Basalt Creek Area Transportation Refinement Plan). Washington County held an open house in December that was well attended, giving property owners and community members an opportunity to review and comment on the projects.

The various project improvements were discussed. Increased capacity and proposed alignments and access points were reviewed and questions were asked and explained by County Engineer Knoebel regarding the proposed transportation alignments and timelines, and the need at some point of providing I-5 improvements to provide adequate mobility for planned growth through 2035. Discussion followed.

Staff plans to return to Council in February after holding open houses for additional public comment, and come back again to Council in April for a decision. Council suggested to be certain that the community and Citizen Involvement Organizations (CIOs) be included in the projects as they progress.

#### 5. Update on Metro's *Climate Smart Communities Scenarios Project*

Planning Manager Aquilla Hurd-Ravich gave an update on Metro's work on the *Climate Smart Communities Scenarios Project*. The project responds to state mandates to reduce Green House Gases (GHG), established by the Legislature in 2007. In 2009 the Legislature directed Metro to "develop two or more alternative land use and transportation scenarios" by January 2012, to reduce GHG emissions from light-duty vehicles. Metro began work on Phase I in 2011, focusing on the region's current reduction efforts, which resulted in a "draft" findings report.

Staff continued with a review of the report and general policies, etc., and Phase I purpose and conclusions, with Phase II work beginning in 2012. Discussion on the project followed and mention made that some communities in the Metro area were not aware of this mandate. Council expressed frustration with Metro's decision-making process and what this will mean to cities. Discussion continued on review of the report and next steps. Council asked staff to arrange a Metro councilor to come speak on the issue at an upcoming Council meeting.

6. Council Meeting Agenda Review, Communications & Roundtable

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**CONSENT AGENDA**

Council reviewed the Consent Agenda with no changes. Councilor Brooksby made a comment on Consent Item D-4, Phase II Park Improvements.

7. **ADJOURNMENT**

Mayor Ogden adjourned the Work Session at 6:55 p.m.

Sherilyn Lombos, City Manager



Maureen Smith, Recording Secretary



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR  
JANUARY 9, 2012

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Present: Mayor Lou Ogden; Councilor Wade Brooksby; Councilor Frank Bubenik;  
Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Council President Monique Beikman; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Brenda Braden; Police Chief Kent Barker; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Assistant to the City Manager Sara Singer; Assistant Planner Colin Cortes; Program Coordinator Becky Savino; Teen Program Specialist Julie Ludemann; Management Analyst Ben Bryant; Executive Assistant Maureen Smith

**A. CALL TO ORDER**

Mayor Ogden opened the meeting at 7:01 p.m.

The Pledge of Allegiance was led by Councilor Grimes.

**B. ANNOUNCEMENTS**

**1. Tualatin Youth Advisory Council Update for January 2012**

Members of the Youth Advisory Council (YAC) presented a PowerPoint and gave an update on past month activities and events. It was asked and the YAC members explained their involvement in the City's Transportation System Plan (TSP) process, and that they have given their initial input. It was suggested that the Youth Advisory Council continue their involvement and participation in the City's TSP process.

**C. CITIZEN COMMENTS**

*Kathy Newcomb, SW Cheyenne Way, Tualatin, OR* was present and distributed her comments for the record, and referred to the "Linking Tualatin" project which she said appears to address only businesses, commercial and industrial, but not residents. She asked that this topic be reviewed at the next Council Work Session to address inclusion of residents and representatives of the Citizen Involvement Organizations (CIOs). Regarding "Open Houses" that have been held for various projects, Ms. Newcomb believes open houses do not provide a method of working out issues with all parties involved.

Mayor Ogden explained the Linking Tualatin project is the City's part in the corridor project. It is taking a broad look at the entire corridor study area, and there is substantial involvement in the process other than holding open houses. All components of the City, which include residential areas, and CIOs are included as part of the process. In response to Ms. Newcomb's request for clarification by the next work session of her comments, Mayor Ogden believes her concerns have been addressed, and asked that staff contact Ms. Newcomb for further discussion.

*Gary Thompson, Tualatin resident* suggested the lighting above the Council dais be adjusted.

#### **D. CONSENT AGENDA**

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Joelle Davis to approve the Consent Agenda as read.

**Vote: 5 - 0 MOTION CARRIED**

1. Approval of the Minutes for the Work Session and Meeting of December 12, 2011.
2. Resolution No. **5080-12** Accepting Public Improvements Constructed in Association with Walgraeve Tualatin Business Park (SW 112th and SW Myslony)
3. Resolution No. **5081-12** Authorizing an Intergovernmental Agreement Between the City of Durham and the City of Tualatin for the Performance of Police Services within the City of Durham's Boundaries
4. Resolution No. **5082-12** Accepting Public Improvements for Construction of Phase 2 Park Improvements Consisting of Sports Field Restoration, Pathway, and Native Plant Restoration and Enhancement Associated with the Lower Tualatin Pump Station
5. Resolution No. **5083-12** Establishing Regular Meetings of the City Council, Architectural Review Board and Tualatin Planning Commission and Repealing Resolution No. 5016-11

#### **E. SPECIAL REPORTS**

1. 2011 Annual Report of the Tualatin Arts Advisory Committee

Community Services Program Coordinator Becky Savino, Arts Advisory Committee Chair Buck Braden, and committee member Gary Thompson were present and gave a PowerPoint on the 2011 Tualatin Arts Advisory Committee (TAAC) Annual Report. The TAAC members thanked Councilor Bubenik for his participation on the committee as Council liaison, and staff member Becky Savino for her work on the TAAC.

The annual report was reviewed with Council and a summary of the committee's activities during the preceding year, such as ArtSplash, Concerts on the Commons, ArtWalk, Visual Chronicle, Student Visual Chronicle, with three student art purchases, support of outside agencies that included Broadway Rose Theatre, Lumiere Players theater group, and the Tualatin Heritage Center for their promotion of art programs. The Community Enhancement Award program was reviewed and the TAAC's involvement in the gateway monument feature.

Council thanked the members of the Arts Advisory Committee for their work on the committee and Councilor Bubenik also thanked the members of the committee and their commitment and involvement to the arts in the community.

#### **F. PUBLIC HEARINGS – Legislative or Other**

1. Amending the Tualatin Development Code (TDC) Chapter 31-Amending References for Land Use Notice, Adding Citizen Involvement Organizations as Recently Enacted in the Tualatin Municipal Code Chapter 11-9. Amending TDC 1.031, 31.060, 31.063, 31.064, and 31.067. Plan Text Amendment PTA-11-09

Mayor Ogden opened the Legislative public hearing.

Planning Manager Aquilla Hurd-Ravich presented the staff report and entered the entire staff report into the record. She went on to explain what the proposed amendment entails adding language to add the Citizen Involvement Organizations (CIO) to the list of parties receiving all noticing requirements. They will include Notice of Hearing, Notice of Application and Opportunity to Comment, Notice of Annexation, and Notice of Neighbor Developer Meeting. The proposal amends the Tualatin Development Code Chapter 1.031 - Notice Requirements, Chapter 31.063 - Neighborhood/Developer Meetings; 31.064 - Land Use Applications and 31.067 - Procedure for Annexation.

#### **PROPOSERS**

*Mike Riley, vice-chair, Tualatin Planning Advisory Committee* was present and said the committee reviewed the proposed changes and recommend adoption of the amendment. Mr. Riley added he is actively involved in the Citizen Involvement Organization (CIO) program and from their point of view, this is an essential component of the process.

**OPPOSERS** - None.

#### **COUNCIL DISCUSSION**

It was asked and answered by staff that all CIOs will be notified as part of the notification process.

Mayor Ogden closed the public hearing.

#### COUNCIL DELIBERATION

MOTION by Councilor Joelle Davis, SECONDED by Councilor Nancy Grimes to approve Plan Text Amendment 11-09 as stated in the staff report and direct staff to prepare an ordinance approving the amendment.

**Vote: 5 - 0 MOTION CARRIED**

2. A Plan Text Amendment Changing the Tualatin Planning Advisory Committee (TPAC) into a Planning Commission; and Amending TDC 1.020, 1.030, 1.031, 2.050, 2.060, 31.077, 31.078, 33.010, 33.020, 33.022, 33.024, 33.025, 33.040, 33.050, 34.183, 34.184, 34.185, 34.186, 35.040, 35.050, 35.060, 35.080, 37.010, 37.030, and 37.040 (PTA-11-11)
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Mayor Ogden opened the Legislative public hearing.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report and attachments into the record. A PowerPoint was given outlining the process for Plan Text Amendment 11-11, changing the Tualatin Planning Advisory Committee to a Planning *Commission* and granting decision-making authority over specified land use applications. If approved the Planning Commission will meet in March 2012.

#### PROPONENTS

*Mike Riley, Vice-Chair, Tualatin Planning Advisory Committee* was present and noted the committee is in agreement and recommends approval of the amendment.

*Cathy Holland, Tualatin resident* spoke on her involvement with the Commercial Citizen Involvement Organization (CIO) and said she was in approval of the amendment.

OPPONENTS - None.

Mayor Ogden closed the public hearing.

#### COUNCIL DELIBERATION

MOTION by Councilor Joelle Davis, SECONDED by Councilor Frank Bubenik to approve the staff report and supporting attachments and direct staff to prepare an ordinance granting PTA-11-11.

#### DISCUSSION ON MOTION

Mayor Ogden commented there has been some concern expressed about transferring certain land use decision-making to a Planning Commission. Citizens have come to expect land use-type issues are dealt with by their elected officials, and Council feels a responsibility to the citizens and community, but believes the concerns have been adequately addressed.

**Vote: 5 - 0 MOTION CARRIED**

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

1. A Conditional Use Permit for Seasonal Products on Behalf of PrimeSource Building Products Inc. to Allow Building Materials and Supplies, Wholesale Sales, and Warehousing in the General Manufacturing (MG) Planning District at 10595 SW Manhasset Drive (Tax Map 2S1 22DA, Tax Lot 500) (CUP-11-04)

Mayor Ogden read language required by legislation before a comprehensive plan or land-use regulation [ORS 197.765(5) and (6)] and opened the public hearing. No bias or ex parte contact noted.

Assistant Planner Colin Cortes presented the staff report and entered the entire staff report into the record. The request is for Conditional Use Permit 11-04 by Seasonal Products to allow for building materials and supplies, wholesale sales, and warehousing by PrimeSource Building Products Inc. within the General Manufacturing (MG) Planning District at 10595 SW Manhasset Drive (Tax Map 2S1 22DA, Tax Lot 500).

Assistant Planner Cortes reviewed the request which allows for storage of building materials. No assembly or manufacturing will be done, and minor improvements will be made to the site. Staff has reviewed the request and the analysis and findings show PrimeSource storage of building materials and supplies meets conditional use criteria.

Staff recommends that Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 11-04.

**PROPONENTS**

*Jim Hermann, owner, Seasonal Products LLC* was present to answer questions if needed.

**OPPONENTS** - None.

**COUNCIL DISCUSSION**

Questions were asked and answered about addressing any issues with the surrounding businesses.

It was asked and Assistant Planner Cortes explained that this request required a conditional use permit because of a decision made by Council in 1994 which was done to avoid allowing a lumber yard-type facility. It is the ability of storage of building materials generating this conditional use permit request.

Mayor Ogden closed the public hearing.

**COUNCIL DELIBERATIONS**

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Wade Brooksby to approve the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 11-04.

**Vote: 5 - 0 MOTION CARRIED**

## **H. GENERAL BUSINESS**

1. Ordinance No. **1337-12** Relating to the Parks Charter Amendment; Identifying Certain Utility Activities Not Requiring a Vote; and Adding a New Chapter 5-7 to the Tualatin Municipal Code
- 

City Attorney Brenda Braden gave a brief review of the staff report and background of the proposed ordinance. Voters approved an initiative in March 2011 to amend the City Charter, requiring the City electors to vote to allow a major change in use on city parkland before such a change could occur. While there are some examples listed in the amendment of what would constitute a major change in use, it does not clearly define what would not be considered a major change, and has caused the public and franchised utilities to be concerned that some of their routine maintenance activities might be interpreted as requiring a vote before the maintenance could occur. That was not, and is not the intent of the chief petitioners on the initiative nor of the Protect the Parks group that gathered signatures to put the amendment on the ballot. The Protect the Parks group and utility representatives met to propose an ordinance that would spell out which activities would not trigger a vote to give some certainty to the utility companies. City Attorney Braden said the ordinance does not offer total protection, but goes a long way in providing it.

### PROPONENTS

*Annie Vigileos, SW Shawnee Trail, Tualatin, OR* encouraged Council to pass the ordinance and submitted two documents for the record; a joint issues list and meeting discussion document, and a copy of City Attorney Braden's Memorandum regarding implementation of parks Charter amendment. Ms. Vigileos believes these documents should be part of the ordinance, and also made a suggestion to include a reference in the ordinance of having a staff analysis/assessment. Ms. Vigileos said as a resident and park advocate she also would like the City to take the opportunity to review and update documented park policies that date back to the 1980s.

*Kathy Newcomb, SW Cheyenne Way, Tualatin, OR* said she fully endorsed Ms. Vigileos' comments, and noted the ordinances already in effect, and appears to address any concerns. Ms. Newcomb, as one of the chief petitioners of the Charter amendment, said it was a good experience to work with the utilities on this issue, and said the whole process went well.

OPPONENTS - None.

### COUNCIL DISCUSSION

It was asked about the suggestions made by Ms. Vigileos and the addition of language of inclusion of a staff analysis in the ordinance. Brief discussion followed on whether including staff analysis in the ordinance is necessary and it is by nature, implied. Staff noted that a review and update of park policies has already started, and staff can also begin adding an analysis/information portion in any staff report that relates to park issues.

Mayor Ogden concluded the discussion.

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

2. Resolution No. **5084-12** Accepting a Master Plan for the Blake Street Right-of-Way and Designating it as Ibach Greenway

---

Community Services Director Paul Hennon presented the staff report and said the purpose is to provide information on the acceptance of a master plan for the Blake Street Right-of-Way and renaming it "Ibach Greenway."

Director Hennon gave a PowerPoint and said the proposed master plan is for the undeveloped Blake Street right-of-way, which includes a multi-use path within a landscaped corridor that closes a gap between the sidewalk at the corner of 108th Avenue and Blake Street and the sidewalk in the 110th Place cul-du-sac. The proposed pathway would strengthen Tualatin's interconnected transportation system of on- and off-street pedestrian and bikeway facilities while providing an opportunity to help create a stronger neighborhood, promote health and wellness, and provide a buffer between industrial and residential areas. The design element was reviewed and noted there were alternative viewpoints and concerns, which are highlighted in the staff report. He reviewed the one-time capital costs and the ongoing maintenance costs, but noted there is not adequate funds to build now. However, if accepted by Council, staff will apply for a grant, requiring matching funds from the City, and if not approved, it becomes one of the unfunded parks areas until funding could be determined. The Tualatin Parks Advisory Committee (TPARK) has reviewed and recommended approval of the master plan and the naming as Ibach Greenway.

**PROPONENTS**

*Scott Campbell, SW Byrom Terrace, Tualatin, OR* said his property adjoins the master plan site and appreciates the work that has been done by staff, by a continuation of effort to provide a buffer between residential and industrial. It will not only create a visual buffer but help with noise complaints from the nearby industrial area.

*Julie Makarowsky, Tualatin, OR* said she was in full support of the master plan, but said she was contacted by the Helenius family, long-time residents of Tualatin about postponing the naming of the site. Ms. Makarowsky gave a brief background of the Helenius family having been in Tualatin for many years and she asked that the naming of the greenway be postponed for further review. Council thanked Ms. Makarowsky for bringing the information forward.

*Scott Peterson, SW 110th Place, Tualatin, OR* said he wanted to give his full support of the project and the effort that went into improving the right-of-way, and also his appreciation of safety improvements. He supports this project but has also heard there is still concerns about safety in and near the proposed greenway.

*Ted Jenkins, SW 108th Avenue, Tualatin, OR* lives near the proposed greenway area and said there is not only a traffic issue, but a noise issue. 108th is a noisy and busy road and said he would appreciate concern shown about the safety and noise factor there.

#### COUNCIL DISCUSSION

Discussion followed on the project and priority level, and the safety issues of the 108th Avenue curve which is not inside the City limits. The safety and traffic issues of the 108th curve is bigger than what this project could entail, and Council was not aware there was also noise issues.

Mr. Peterson commented again about the greenway and reiterated that it isn't that he doesn't want to see the project happen, but where it would be on a priority list. He also commented that people are bringing up the issue of looking at the whole corridor, not just the right-of-way, and questioned the validity of 108th Avenue not being inside the city limits.

Discussion followed and possible grant funding and when it could be available was discussed. It was asked and staff explained that with the timeline of the trail grant funding and that this project being the most "shovel-ready" was a factor in bringing this forward now. Also discussed were the costs of the annual maintenance which is funded from the City budget, and other ways the maintenance issue costs could be addressed.

Mayor Ogden concluded the oral portion of the discussion.

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Nancy Grimes to adopt the resolution accepting the master plan for the undeveloped Blake Street right-of-way, and direct staff to implement the process of incorporating it into the Parks and Recreation Master Plan and Tualatin Development Code, proceed with construction as funds become available, and delay the "naming" of the right-of-way.

**Vote: 5 - 0 MOTION CARRIED**

**I. ITEMS REMOVED FROM CONSENT AGENDA**  
None.

**J. COMMUNICATIONS FROM COUNCILORS**

**K. EXECUTIVE SESSION**

*None.*

**L. ADJOURNMENT**

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Joelle Davis to adjourn the meeting at 9:08 p.m.

**Vote: 5 - 0 MOTION CARRIED**

Sherilyn Lombos, City Manager



Maureen Smith / Recording Secretary



## STAFF REPORT

### CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Paul Hennon, Community Services Director

**FROM:** Carl Switzer, Parks & Recreation Manager

**DATE:** 01/23/2012

**SUBJECT:** Establishment of an Ad Hoc Committee to Coordinate the 2012 Arbor Week Celebration

---

#### ISSUE BEFORE THE COUNCIL:

Council will consider the establishment of an Ad Hoc Committee to develop the Arbor Week proclamation and assist in the planning of the 2012 Arbor Week celebration. The Arbor Week celebration increases public awareness of the contribution that trees make to the lives of those that live, work and play in Tualatin.

#### RECOMMENDATION:

The Tualatin Park Advisory Committee (TPARK) recommends the Council establish an ad hoc committee to coordinate the 2012 Arbor Week celebration and appoint a Councilor to participate on the committee.

#### EXECUTIVE SUMMARY:

April 1 - 7, 2012, marks the City of Tualatin's 26th annual Arbor Week celebration. Since 1987, Tualatin has celebrated Arbor Week with tree planting ceremonies and special tree-themed activities and events. The purpose of the Arbor Week celebration is to increase public awareness of the contribution that trees make to the lives of those that live, work and play in Tualatin. The Arbor Week ad hoc Committee will develop and recommend to Council an Arbor Week Proclamation to be read at the March 26, 2012 Council meeting. An Arbor Week observance and proclamation are mandatory requirements of the Tree City USA designation. The Arbor Week celebration entails several months of planning and preparation. A draft timeline is attached.

The proposed Ad Hoc Committee to coordinate the 2012 Arbor Week Celebration is comprised of the following membership:

1. Stephen Ricker, Tualatin Park Advisory Committee
2. Connie Ledbetter, Tualatin Park Advisory Committee
3. Tualatin City Council Representative (TBD)
4. Julie Wickman, Tualatin Public Library
5. Chanda Stone, Operations Department

6. Consulting Arborist (TBD)
7. Business Representative (TBD)
8. Carol Hoss, Tualatin Historical Society
9. Gillian Downey, Youth Advisory Council
10. Mary Ruiz, Youth Advisory Council

The Arbor Week Celebration is a primary opportunity for the City to further its public involvement and education efforts, including the following information.

*VISION STATEMENT* from 2001 Urban Forestry Management Plan:

Tualatin is a community often identified and remembered through our trees.

The urban forest provides a framework for the community through our greenways, wetlands, open spaces, remnant forests and parks, connected by thousands of street trees and the treed corridors of our creeks.

Tualatin builds and grows with trees in mind. Development in Tualatin has sought to create and preserve a balance between the natural and urban world. For over two decades, Tualatin has been recognized by the National Arbor Day Foundation for our efforts to preserve, care for, and enhance the urban forest.

Tualatin sees the health of the urban forest as vital to the sense of well being we enjoy here by providing stable and adequate funding to maintain and enhance the urban forest resource. The urban forest in Tualatin gives back much more than it receives.

It purifies and cools our water, cleans our air, gives shelter and food to wildlife and fish, shades us from summer heat and blocks cold winter winds, increases the value of our homes, and fosters a sense of community and place. Tualatin has been, and will continue to be, committed to caring for the urban forest.

#### *THE BENEFITS OF TREES*

The benefits trees provide are endless. In general, trees are planted to provide shade to a location, restore the environment or give extra beauty to a site. However, trees provide benefits beyond these common examples. The benefits trees provide can be divided into four simple categories: social, community, environmental, and economic.

Trees provide social benefits by making the places we live more pleasant and appealing. People are known to feel more at ease around trees, and it is common to hear reports of hospital patients experiencing easier recoveries when their rooms are located within sight of trees. Trees help provide a "sense of place" within a community, that binds residents together. This is evidenced by the resistance often exhibited towards the removal of trees in a community.

Community benefits that trees provide include the screening of objectionable views, increasing privacy, reducing glare and reflection, directing pedestrian traffic, decreasing auto speeds, or complementing architecture. Although many trees are located on private property, their size often makes them a part of the community as a whole.

Trees benefit the environment around us by improving the air we breathe, cooling warm urban areas, increasing wildlife habitat, conserving and purifying water, and moderating the effects of the sun, wind and rain. By planting and caring for trees, we return to a more natural environment.

Trees can also provide significant economic benefits. These can be realized both directly and indirectly. The direct benefits are many times linked to energy cost reductions. For instance, a properly shaded home can cost less to cool in warm summers. Also, homes surrounded by trees can sometimes realize an increase in property values of 5-20% versus a non-landscaped home.

Some of the more indirect economic impacts can be tied to how a region benefits from a healthy urban forest. Storm water is a good example of how healthy trees can reduce costs to an entire region or community. It is a commonly supported fact that treed areas help reduce the amount of polluted runoff or erosion that reaches a public storm water system. This can translate to cost savings in not having to build larger treatment facilities or pay for costly erosion cleanup.

Trees will give back many times what they receive through the investment made in their planting, maintenance, and care.

#### *PUBLIC INVOLVEMENT AND EDUCATION PROGRAMS*

The City of Tualatin has been recognized as a Tree City USA for more than two decades and has received numerous Growth Awards through that same program for efforts in urban forestry education, preservation, planting, maintenance, and planning.

The City currently sponsors activities that increase the level of knowledge and awareness of residents and community leaders about urban forestry in Tualatin. Some of the programs and activities include:

- Arbor Week activities
- Heritage Tree program
- Famous and Historic Tree plantings
- Tree City USA program participation
- Community volunteer program
- Public education and outreach on urban forestry issues
- "Tree for a Fee" tree replacement program to replace street trees that are removed and to fill open spaces

#### **OUTCOMES OF DECISION:**

An Arbor Week observance and proclamation are mandatory requirements of the Tree City USA designation. If the Council establishes the ad hoc committee to coordinate the 2012 Arbor Week celebration it provides a mechanism to meet the program requirements of being designated a Tree City USA and allow the City of Tualatin to continue to participate in the program.

If the committee is not established another mechanism will have to be identified to allow the City to meet the mandatory requirements to participate in the Tree City USA program or else cease participation in the Tree City USA program.

#### **FINANCIAL IMPLICATIONS:**

There are no financial implications to establishing the ad hoc committee.

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**Attachments:** 2012 Arbor Week Planning Timeline



# City of Tualatin

[www.ci.tualatin.or.us](http://www.ci.tualatin.or.us)

## 2012 Arbor Week Planning Timeline

January 10	TPARK recommends Council establish an ad hoc committee to coordinate Arbor Week celebration
January 23	City Council establishes ad hoc committee
February 9	<b>Ad hoc committee meeting*</b>
March 8	<b>Ad hoc committee meeting*</b>
March 13	TPARK meeting - Ad hoc committee report - Review of Arbor Week proclamation
March 26	City Council presentation ceremony for Tree City USA, Heritage Trees, and reading of Arbor Week Proclamation
<b>April 1 - 7</b>	<b>Arbor Week</b>

\*Arbor Week ad hoc Committee meetings are from 4:00 p.m. to 5:00 p.m. at the Juanita Pohl Center Multi-Purpose Room in beautiful Tualatin Community Park at 8513 SW Tualatin Road.



# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL  
Date 1-23-12  
Recording Secretary M&M

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Sara Singer, Assistant to the City Manager

**DATE:** 01/23/2012

**SUBJECT:** Resolution Adding the City of West Linn as a New Member to the Metropolitan Area Communications Commission

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### ISSUE BEFORE THE COUNCIL:

The Metropolitan Area Communications Commission (MACC) has recommended that the City of Tualatin approve the addition of the City of West Linn to the MACC membership. A resolution has been prepared for City Council review and approval.

### RECOMMENDATION:

MACC unanimously recommends that the City of Tualatin approve the addition of the City of West Linn to the MACC Membership.

### EXECUTIVE SUMMARY:

The City of Tualatin is a member of the Metropolitan Area Communications Commission (MACC) Intergovernmental Agreement (IGA). The IGA requires that every member jurisdiction approve the addition of any new member. At their November 16, 2011 meeting, MACC unanimously recommended that the City of Tualatin, along with the other 13 MACC members, approve the addition of the City of West Linn to the MACC Membership.

The MACC staff report has been attached to this report for additional background information. Approving the City of West Linn would result in the following benefits to the existing members of the IGA:

- A small drop in MACC operating costs. Each member pays for MACC services based on its percentage of franchise fees generated by member jurisdictions' cable television subscribers. Therefore, since MACC's costs are relatively fixed, additional members will result in lower cost for all members.
- Greater clout resulting from an additional 6,000 cable subscribers when negotiating a new franchise with Comcast.
- Additional contributions to MACC's PEG/PCN Grant Fund. At the time a new franchise is negotiated with Comcast, West Linn would contribute its proportionate share to the Grant Fund.

There were no disadvantages identified for adding the City of West Linn to the membership.

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**Attachments:**    A - Resolution  
                          B - MACC Report

RESOLUTION NO. 5085-12

RESOLUTION APPROVING THE ADDITION OF THE CITY OF WEST LINN,  
OREGON AS A NEW MEMBER OF THE METROPOLITAN AREA  
COMMUNICATIONS COMMISSION

WHEREAS the Metropolitan Area Communications Commission, (hereinafter "MACC"), is an intergovernmental commission formed under ORS Chapter 190, with the membership of Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard and Tualatin ("Current Members"); and the Current Members are bound by an Intergovernmental Agreement ("IGA"), adopted by each jurisdiction and effective February 13, 2003; and

WHEREAS the IGA contains provisions permitting the addition of MACC members; and

WHEREAS those provisions require the unanimous approval of all Current Members of a new MACC member, following a recommendation by the MACC Board of Commissioners; and

WHEREAS the City of West Linn has expressed interest, by letter and resolution, in joining MACC; and

WHEREAS MACC has determined that the addition of the City of West Linn will not impair MACC's services to the Current Members, nor will it result in any loss of franchise fee revenue to the Current Members; and

WHEREAS on November 16, 2011, the MACC Board of Commissioners considered the criteria set forth in Section 6.B of the IGA and unanimously recommended that the Current Members approve the addition of the City of West Linn to MACC.

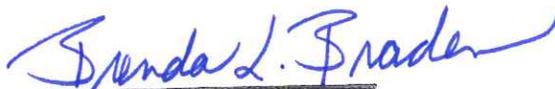
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Tualatin City Council hereby approves the addition of the City of West Linn as a new member of the Metropolitan Area Communications Commission.

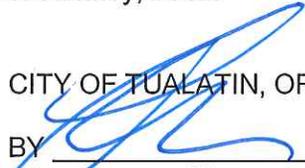
Section 2. This Resolution shall be effective upon its adoption by the Tualatin City Council and signature by the Mayor.

INTRODUCED AND ADOPTED this 23 day of January, 2012.

APPROVED AS TO LEGAL FORM

  
CITY ATTORNEY

CITY OF TUALATIN, OREGON

BY   
Mayor

ATTEST:  
BY   
City Recorder



## METROPOLITAN AREA COMMUNICATIONS COMMISSION

REPRESENTING: BANKS, BEAVERTON, CORNELIUS, DURHAM, FOREST GROVE, GASTON, HILLSBORO, KING CITY, LAKE OSWEGO, MILWAUKIE, NORTH PLAINS, RIVERGROVE, TIGARD, TUALATIN AND WASHINGTON COUNTY  
Cable TV Franchise Regulation • Telecommunications Advice and Support • Public Communications Network (PCN) • Tualatin Valley Community TV

### MACC STAFF REPORT

#### **Add the City of West Linn as a New Member to MACC**

Prepared by the staff of the Metropolitan Area Communications Commission  
December 2011

#### **MACC RECOMMENDS ADDING THE CITY OF WEST LINN AS A NEW MEMBER OF MACC**

At their November 16th meeting, the Board of Commissioners (Commission) of the Metropolitan Area Communications Commission (MACC) unanimously recommended that your jurisdiction, along with the other 13 MACC members, approve the addition of the City of West Linn to the MACC membership.

**MACC Intergovernmental Agreement and the Role of Your Jurisdiction –** Your City is a member of the MACC Intergovernmental Agreement (IGA). The IGA requires that every member jurisdiction approve the addition of any new member. While the MACC Commission has the responsibility for reviewing new member jurisdictions and *recommending action* by the existing membership, each current MACC member jurisdictions *must accept* West Linn in order for it to become a member – if any one of the affected jurisdictions votes no, it vetoes the approval.

Jurisdiction action is typically accomplished through a resolution. A draft resolution is attached (see Attachment A – Draft Approval Resolution). MACC staff will be present at the Council meeting to answer any questions you have, and we welcome questions in advance.

**Background** – With the upcoming renewal of the MACC/Comcast cable franchise (by February 1, 2014), this is the appropriate time to determine whether new members are appropriate. The MACC Commission extended an invitation to nearby communities in the Spring of 2011 and the City of West Linn expressed interest in MACC membership.

On November 16, the MACC Commission considered the criteria set out in the IGA and determined that West Linn would be a positive addition to MACC. A Resolution (see Attachment B - MACC Recommending Resolution) recommending that current member jurisdictions approve of West Linn's membership was unanimously passed by the Commission.

### **Benefits to Existing Members of Adding West Linn**

- A small drop in MACC operating costs. Each member pays for MACC services based on its percentage of franchise fees generated by member jurisdictions' cable television subscribers. Therefore, since MACC's costs are relatively fixed, additional members will result in lower cost for all members.
- Greater clout resulting from an additional 6,000 cable subscribers when negotiating a new franchise with Comcast.
- Additional contributions to MACC's PEG/PCN Grant Fund. At the time a new franchise is negotiated with Comcast, West Linn would contribute its proportionate share to the Grant Fund.

**Interim IGAs until Comcast Renewal.** In order to be part of the Comcast renewal process, the addition of West Linn must be approved no later than March 2012. This will allow their full participation in the franchise renewal process, including the significant franchise needs assessment work.

However, West Linn will remain under its current, separate Comcast franchise until MACC's renewal is completed (through 2013). A transition period is needed to accommodate this gap. The individual IGA West Linn has already adopted (see attached Resolution - Attachment C) provides for this interim period.

Significant provisions of the IGA include:

Franchise Fee Support – West Linn will pay the same proportionate share of franchise fees as current MACC members. West Linn will support MACC operations (18%) and PEG Access – TVCTV (10%) for a total of 28%.

Franchise Administration – Upon approval, MACC will immediately assume the administrative duties of West Linn's Comcast franchise. MACC staff can absorb the issues and demands of the city within its current staffing and budget.

PEG Access Support - The City of West Linn currently contracts with Willamette Falls TV (WFTV) for Public Access services and for their council meeting coverage. The city is expected to end its contractual relationship with WFTV on June 30, 2012 and coverage of West Linn meetings would become TVCTV's responsibility on July 1st. West Linn citizens will be able to use TVCTV Public Access services at our new Beaverton facility. Switching West Linn public meetings from WFTV to TVCTV will require some new equipment, but those costs will not affect current members' fees or grant fund opportunities.

**Future Services to the New Members:** Following the adoption of a new franchise with Comcast (in 2014), West Linn will enjoy the same benefits as other MACC members, including use of the PCN, access to the MACC PEG/PCN Grant Fund, and all TVCTV services. West Linn will gain a seat at the MACC Commission table and will adopt, with the current MACC members, a new, updated MACC IGA during the renewal process.

**Commission Action** – the MACC Board of Commissioners unanimously recommends that the MACC jurisdictions approve West Linn's membership.

If you have questions about this process, the City of West Linn or MACC's recommendation, please contact your City's MACC representative. MACC staff: Fred Christ, MACC Policy and Regulatory Affairs Manager is available at 503-645-7365 x206, or via email: [fchrist@maccor.org](mailto:fchrist@maccor.org).

Enclosed Attachments: A – Draft Approval Resolution  
B – MACC Recommending Resolution (11/16/11)  
C – Pending MACC/West Linn IGA  
D – Questions and Answers Regarding MACC  
Membership

**Attachment A**

[City/County of \_\_\_\_\_, Oregon]

**RESOLUTION No. \_\_\_\_\_**

**A RESOLUTION APPROVING THE ADDITION OF THE CITY OF WEST LINN,  
OREGON AS A NEW MEMBER OF THE METROPOLITAN AREA  
COMMUNICATIONS COMMISSION**

**WHEREAS**, the Metropolitan Area Communications Commission, (hereinafter "MACC"), is an intergovernmental commission formed under ORS Chapter 190, with the membership of Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard and Tualatin ("Current Members"); and

**WHEREAS**, the Current Members are bound by an Intergovernmental Agreement ("IGA"), adopted by each jurisdiction and effective February 13, 2003; and

**WHEREAS**, the IGA contains provisions permitting the addition of MACC members; and

**WHEREAS**, those provisions require the unanimous approval of all Current Members of a new MACC member, following a recommendation by the MACC Board of Commissioners; and

**WHEREAS**, the City of West Linn has expressed interest, by letter and resolution, in joining MACC; and

**WHEREAS**, MACC has determined that the addition of the City of West Linn will not impair MACC's services to the Current Members, nor will it result in any loss of franchise fee revenue to the Current Members; and

**WHEREAS**, on November 16, 2011, the MACC Board of Commissioners considered the criteria set forth in Section 6.B of the IGA and unanimously recommended that the Current Members approve the addition of the City of West Linn to MACC.

**Now, therefore,**

**BE IT RESOLVED BY THE [CITY COUNCIL/BOARD OF COMMISSIONERS]:**

**Section 1.** The [City Council/Board of Commissioners] hereby approves the addition of the City of West Linn as a new member of the Metropolitan Area Communications Commission.

**Section 2. Effective Date.**

This Resolution shall be effective upon its adoption by the [ City Council/Board of Commissioners] and signature by the [Mayor/Chair].

## Attachment B

Amended November 17, 2011

### METROPOLITAN AREA COMMUNICATIONS COMMISSION

#### RESOLUTION 2011- 06

**A RESOLUTION RECOMMENDING APPROVAL BY THE MACC MEMBER JURISDICTIONS OF THE ADDITION OF THE CITIES OF HAPPY VALLEY and WEST LINN AS MEMBERS OF MACC and AUTHORIZING THE ADMINISTRATOR TO EXECUTE INTERGOVERNMENTAL AGREEMENTS WITH THE CITIES OF HAPPY VALLEY and WEST LINN**

**WHEREAS**, MACC is organized by intergovernmental agreement originally entered into in April 1980, most recently amended as of February 13, 2003 (the "MACC IGA") with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard and Tualatin as participating signatories (together, the "MACC Jurisdictions"); and

**WHEREAS**, the MACC IGA permits the addition of new members by unanimous consent of the MACC Jurisdictions; and

**WHEREAS**, the cities of Happy Valley and West Linn ("Prospective Members") have requested membership in MACC; and

**WHEREAS**, the Commission has considered the criteria set forth in Section 6.B of the MACC IGA and recommends that the Prospective Members become members of MACC; and

**WHEREAS**, the Prospective Members' current cable franchise agreements are materially different from the MACC Jurisdictions' current cable franchises, which differences require a separate intergovernmental agreement between the parties until the Prospective Members' franchises are renewed on the same terms as the MACC Jurisdictions' franchises, at which time the parties intend to amend the MACC IGA to include the Prospective Members' and

**WHEREAS**, the Commission approves the terms of the separate intergovernmental agreements between MACC and the cities of Happy Valley and West Linn, subject to unanimous approval of the MACC Jurisdictions.

**THEREFORE BE IT RESOLVED by the METROPOLITAN AREA COMMUNICATIONS COMMISSION:**

Section 1. Recommendation to Member Jurisdictions.

The Commission hereby recommends that each of the MACC Jurisdictions consent to the addition of the cities of Happy Valley and West Linn as members of the Metropolitan Area Communications Commission, with all benefits and responsibilities set forth in the MACC IGA and the applicable Intergovernmental Agreement attached hereto as Exhibits A and B.

Section 2. Authorization to Sign IGA with the City of Happy Valley.

The MACC Administrator is authorized to sign an Intergovernmental Agreement with the City of Happy Valley substantially in the form attached hereto as Exhibit A, provided that the City

adopts the IGA no later than December 16, 2011, and after the MACC Administrator has received unanimous consent from the governing body of each MACC Jurisdiction for the addition of the City of Happy Valley as a MACC member.

Section 3. Authorization to Sign IGA with the City of West Linn.

The MACC Administrator is authorized to sign an Intergovernmental Agreement with the City of West Linn as adopted by the City on November 14, 2011 and attached hereto as Exhibit B, after the MACC Administrator has received unanimous consent from the governing body of each MACC Jurisdiction for the addition of the City of West Linn as a MACC member.

Section 4. Effective Date.

This Resolution shall be effective upon its adoption by the Commission and signature by the MACC Chair.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA  
COMMUNICATIONS COMMISSION THIS 16<sup>TH</sup> DAY OF NOVEMBER, 2011.**



---

Chris Barhyte, MACC Chair

**INTERGOVERNMENTAL AGREEMENT**

Between

**CITY OF WEST LINN, OREGON**

and the

**METROPOLITAN AREA COMMUNICATIONS COMMISSION**

This Agreement is made and entered into by the City of West Linn, a municipal corporation of the State of Oregon (hereafter the "City") and the Metropolitan Area Communications Commission (hereafter "MACC") an intergovernmental commission established in accord with ORS Chapter 190.

**RECITALS**

**WHEREAS**, MACC is organized by intergovernmental agreement originally entered into in April 1980, most recently amended as of February 13, 2003 (the "MACC IGA") with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard and Tualatin as participating signatories (together, the "MACC Jurisdictions"); and

**WHEREAS**, the MACC IGA permits the addition of new members by unanimous consent of the Member Jurisdictions; and

**WHEREAS**, the City desires to become a member of MACC; and

**WHEREAS**, the City's current cable franchise agreement is materially different from the MACC Jurisdictions' current cable franchises, which differences require a separate agreement between the parties until the City's franchise is renewed on the same terms as the MACC Jurisdictions' franchises, at which time the parties intend to amend the MACC IGA to include the City.

**NOW, THEREFORE**, in consideration of the mutual promises, agreements, and covenants contained herein, the City and MACC agree as follows:

**ARTICLE 1 - PURPOSE OF AGREEMENT**

The purpose of this Agreement is to add the City as a new member of MACC, with all benefits and obligations of membership as set forth in the MACC IGA, including but not limited to negotiation, administration and regulation of the City's cable franchise agreement(s).

**ARTICLE 2 - TERMS AND CONDITIONS**

**2.1 General Terms.** Except as expressly set forth herein, the City and MACC agree to be bound by the terms and conditions of the MACC IGA, which by this reference is incorporated herein in its entirety with the exception of Exhibit A thereto as amended by Resolution 2005-04, which sets forth the allocation of franchise fee revenues for MACC administration and support for Public, Educational and

Government ("PEG") Access. In lieu of the obligations of the Member Jurisdictions set forth in Exhibit A of the MACC IGA, the City agrees to allocate twenty eight percent (28%) of its franchise fees for both MACC administration and support for PEG Access (the "Franchise Fee Allocation"). The City and MACC agree that this amount approximates the contribution made by Member Jurisdictions as set forth in Exhibit A of the MACC IGA. The City will direct the cable operator(s) to remit all franchise fees to MACC, which may retain twenty eight percent (28%) of the franchise fees and shall, within 30 days from the due date of the cable operator(s)' payment, forward the remainder to the City.

**2.2 Additional City Obligations.** The parties acknowledge that the basic costs associated with the connection between City facilities, the cable system and MACC shall be included as part of the Franchise Fee Allocation. To the extent such costs exceed \$35,000, the City agrees to pay any and all additional costs associated with restructuring physical telecommunications equipment (e.g., Comcast and MACC equipment costs), and any necessary fiber connections between City facilities and the cable system, to enable the cablecast of PEG programming to and from MACC's facility and/or the cable operator. Any costs paid by the City pursuant to this Section shall be in addition to the City's Franchise Fee Allocation.

**2.3 MACC Obligations.** In addition to the obligations set forth in Section 2.1, MACC agrees to provide the following services as part of the Franchise Fee Allocation (unless otherwise noted):

- a. Staff necessary to produce live coverage of up to a combined total of four City Council meetings and work sessions per month at no cost to the City, provided that the meetings are held at facilities with cameras and other necessary equipment. MACC agrees to produce additional meetings beyond that required in the previous sentence at a cost of \$35.00 per hour, provided that MACC receives sufficient advance notice and a trained staff person is available. If two staff persons are required, the hourly rate will be \$55.00.
- b. Video productions highlighting events or aspects of the jurisdiction, referred to as "deliverables," on the same proportionate basis (according to franchise fees derived from customers within the jurisdiction) as other MACC Jurisdictions. For FY 2012, MACC will provide up to one (1) deliverable to the City.
- c. As part of the transition, MACC will work with the City to assist in identifying a possible local studio alternative to TVCTV in Beaverton, and/or a local distribution option for equipment borrowing by City residents.

### **ARTICLE 3 - TERM OF AGREEMENT**

**3.1 Effective Date.** This Agreement shall take effect only after an affirmative recommendation from the MACC Commission and the unanimous consent of all Member Jurisdictions as required by Sections 4.D(2) and 6.B of the MACC IGA. This Agreement shall take effect on the date of last signature below, provided that the requirements in the preceding sentence have been met.

**3.2 Term and Termination.** Consistent with Section 6 of the MACC IGA, this agreement is perpetual and shall remain in effect until (i) the MACC IGA is terminated as provided therein; (ii) the City withdraws from MACC as provided in Sections 4.D and 6.D of the MACC IGA; or (iii) the MACC IGA is amended to include the City as a party thereto and such amendment is duly executed by the City.

### **ARTICLE 4 - AMENDMENTS**

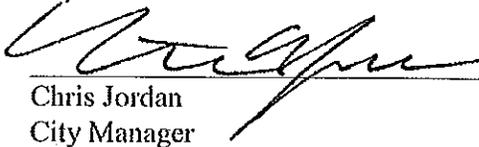
This Agreement may be amended only as permitted in Section 7.D of the MACC IGA.

The City and MACC hereby agree to all provisions of this Agreement and the MACC IGA as incorporated by reference into this Agreement. Each person signing below represents that he/she is duly authorized to execute this Agreement on behalf of the affected party.

FOR the Metropolitan Area Communications  
Commission

FOR the City of West Linn, Oregon

\_\_\_\_\_  
Bruce Crest, Administrator  
MACC

  
\_\_\_\_\_  
Chris Jordan  
City Manager

\_\_\_\_\_  
Date

Nov. 15, 2011  
Date

**MACC MEMBERSHIP for WEST LINN**

Questions and Answers

**Q: Will the addition of West Linn increase my jurisdiction's costs?**

A: No. There will be no greater (and probably marginally less) cost to current MACC members if West Linn joins.

**Q: Will the addition of West Linn decrease services to my jurisdiction?**

A: No. Services to West Linn will be funded by West Linn at the same rate that MACC members pay.

**Q: What are the benefits to my jurisdiction if West Linn is added to MACC?**

A:

- 1) The cost to any individual member will probably go down by a small margin.
- 2) The bargaining power of MACC will increase a bit due to the addition of approximately 6,000 additional subscribers to the MACC base.
- 3) Some economies of scale are added at MACC by adding a jurisdiction that borders existing jurisdictions.

**Q: What is the downside of adding West Linn?**

A: There is no downside that we can think of.



# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 1-23-12

Recording Secretary M. Smith

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Linda Odermott, Paralegal  
Brenda Braden, City Attorney

**DATE:** 01/23/2012

**SUBJECT:** Resolution Granting a Conditional Use Permit for Seasonal Products on Behalf of PrimeSource Building Products Inc. allowing Building Materials and Supplies, Wholesale Sales, and Warehousing in the General Manufacturing (MG) Planning District at 10295 SW Manhasset Drive (Tax Map 2S1 22DA, Tax Lot 500) (CUP-11-04)

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### ISSUE BEFORE THE COUNCIL:

Council will consider a Resolution that would grant a Conditional Use Permit to allow Seasonal Products to have building materials and supplies, wholesale sales, and warehousing in the General Manufacturing (MG) Planning District at 10595 SW Manhasset Drive (Tax Map 2S1 22DA , Tax Lot 500).

### RECOMMENDATION:

Staff recommends that Council approve the Resolution granting CUP-11-04.

### EXECUTIVE SUMMARY:

On January 9, 2012, Council held a quasi-judicial public hearing on CUP-11-04 to decide whether to grant a conditional use permit to Seasonal Products to allow building materials and supplies, wholesale sales, and warehousing by PrimeSource Building Products, Inc. within the General Manufacturing (MG) Planning District. At the conclusion of the public hearing, Council approved the staff report by a vote of 5-0 with Councilors Truax and Beikman absent. Staff is bringing back the Resolution for adoption that will grant CUP-11-04 with the following conditions:

- The applicant shall comply with all applicable policies and regulations of the Tualatin Development Code (TDC).
- The applicant shall remain in compliance with all conditions of approval of Architectural Review AR-90-33 and Minor Architectural Review MAR-11-09.
- If there is a change to the site development that would necessitate Architectural Review (AR), the City may require review of CUP-11-04 to ensure compliance with conditions of approval.
- The applicant shall operate the proposed use in a manner consistent with statements

made in the application materials dated November 21, 2011.

---

**Attachments:** A - Resolution

RESOLUTION NO. 5086-12

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR SEASONAL PRODUCTS ON BEHALF OF PRIMESOURCE BUILDING PRODUCTS, INC. TO ALLOW BUILDING MATERIALS AND SUPPLIES, WHOLESALE SALES, AND WHAREHOUSING IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 10595 SW MANHASSET DRIVE (TAX MAP 2S1 22DA, TAX LOT 500) (CUP -11-04).

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on January 9, 2012, upon the application of Seasonal Products LLC, on behalf of proposed tenant PrimeSource, a purveyor of construction fasteners; 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 1,00 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 5-0] with Councilors Truax and Beikman 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 January 9, 2012, marked "Exhibit C," attached and incorporated by reference; and

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

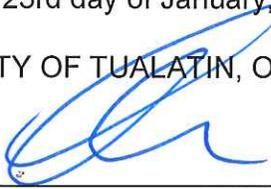
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Council grants CUP-11-04 allowing building materials and supplies, wholesale sales, and warehousing in the General Manufacturing (MG) Planning District at 10595 SW Manhasset Drive (Tax Map 2S1 22DA, Tax Lot 500)(CUP-11-0) with the following conditions:

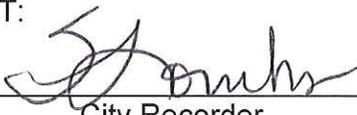
- The applicant shall comply with all applicable policies and regulations of the Tualatin Development Code (TDC).
- The applicant shall remain in compliance with all conditions of approval of Architectural Review AR-90-33 and Minor Architectural Review MAR-11-09.
- If there is a change to the site development that would necessitate Architectural Review (AR), the City may require review of CUP-11-04 to ensure compliance with conditions of approval.
- The applicant shall operate the proposed use in a manner consistent with statements made in the application materials dated November 21, 2011.

INTRODUCED AND ADOPTED this 23rd day of January, 2012.

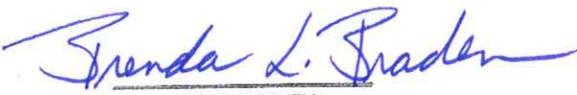
CITY OF TUALATIN, Oregon

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.



## AFFIDAVIT OF MAILING

STATE OF OREGON                    )  
  ) ss  
COUNTY OF WASHINGTON        )

I, Lynette Sanford, being first duly sworn, depose and say:

That on the 28th day of November, 2011, I served upon the persons shown on Exhibit A, attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit B, attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit A are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Dated this 28th of November, 2011

Lynette Sanford  
Signature

SUBSCRIBED AND SWORN to before me this 28th day of November, 2011.



Maureen A Smith  
Notary Public for Oregon

My commission expires: July 4, 2013

RE: CUP-11-04: A Conditional Use Permit for PrimeSource, Building Materials and Supplies, Wholesale Sales, and Warehousing in the General Manufacturing (MG) Planning District at 10595 SW Manhasset Drive (Tax Map 2S1 22DA, Tax Lot 500)

EXHIBIT A



City of Tualatin  
18880 SW Martinazzi Ave  
Tualatin, OR 97062

---

A public hearing will be held before the City Council:

**Monday, January 9, 2012**  
**7 p.m.**  
**Council Building**  
**18880 SW Martinazzi Ave**  
**Tualatin, OR 97062**

To consider:

- A Conditional Use Permit (CUP-11-04)
- Building materials and supplies, wholesale sales, and warehousing
- Pursuant to Tualatin Development Code (TDC) 61.030(1) & 60.040(1)(b)
- Located at 10595 SW Manhasset Dr (Tax Lot 2S1 22DA 500) in the General Manufacturing (MG) Planning District.

**To view the application materials visit [www.ci.tualatin.or.us/landusenotices](http://www.ci.tualatin.or.us/landusenotices).**

This meeting and any materials being considered can be made accessible upon request. For additional information, contact **Colin Cortes, AICP, CNU-A** at **503-691-3024** or **[ccortes@ci.tualatin.or.us](mailto:ccortes@ci.tualatin.or.us)**.

**PLEASE PASS THIS NOTICE ALONG TO NEIGHBORS AND INTERESTED PARTIES.**



City of Tualatin  
18880 SW Martinazzi Ave  
Tualatin, OR 97062

---

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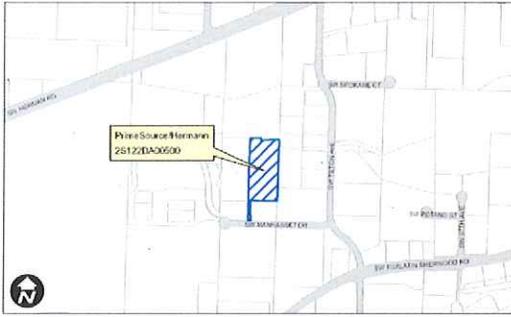
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# NOTICE OF HEARING AND OPPORTUNITY TO COMMENT

## CITY OF TUALATIN, OREGON



You received this mailing because you own property within 1,000 feet (ft) of the site.

In reviewing the conditional use the City Council must find that:

- (1) The use is listed as a conditional use in the underlying planning district;
- (2) The characteristics of the site are suitable for the proposed use;
- (3) The proposed use is timely;
- (4) The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the uses of surrounding properties for the primary uses listed in the underlying planning district;
- (5) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

- **All citizens are invited to attend and be heard upon the application.** Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.
- **Individuals wishing to comment** may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.
- **Copies of the application,** all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and copies will be provided at a reasonable cost. A copy of the staff report, resolution, and supporting documents will be available for inspection at no cost at the Tualatin Planning Division and Tualatin Library at least seven days prior to the hearing, and will be provided at reasonable cost.



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2S122AD 01000  
Marshall Associated LLC  
Po Box 278  
Tualatin, OR 97062-0278

2S122DA 00200  
Wetlands Conservancy Inc The  
Po Box 1195  
Tualatin, OR 97062-1195

2S122DA 00600  
Tualatin & Coon Rapids LLC  
Po Box 2399  
Kailua Kona, HI 96745-2399

2S122DA 00900  
Pacific Metal Company  
10700 SW Manhasset Dr  
Tualatin, OR 97062-8608

2S122DA 01300  
Manhasset Business Center Owners  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DA 01600  
Manhasset Business Center Owners  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DA 01900  
Manhasset Business Center Owners  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DA 90011  
Lic LLC  
4514 SW Trail Rd  
Tualatin, OR 97062-7787

2S122DA 90041  
Tualatin Industrial Ventures LLC  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DD 00200  
Axiom Industries Inc  
Po Box 1147  
Tualatin, OR 97062-1147

2S122AD 01100  
Travis Garske  
Po Box 729  
Colbert, WA 99005-0729

2S122DA 00300  
Wetlands Conservancy Inc The  
Po Box 1195  
Tualatin, OR 97062-1195

2S122DA 00700  
Frank Properties LLC  
10655 SW Manhasset Dr  
Tualatin, OR 97062-8588

2S122DA 01000  
Manhasset Business Center Owners  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DA 01400  
Manhasset Business Center Owners  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DA 01700  
Manhasset Business Center Owners  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DA 90000  
Manhasset Drive Industrial  
1001 SW 5th Ave Ste 2000  
Portland, OR 97204

2S122DA 90021  
Tualatin Industrial Ventures LLC  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DD 00100  
Bt Property LLC  
Po Box 28606  
Atlanta, GA 30358-0606

2S122DD 00300  
Nds Investment  
Po Box 68  
Tualatin, OR 97062-0068

2S122DA 00100  
Carolla Fritzler  
6061 SW Prosperity Park Rd  
Tualatin, OR 97062-6737

2S122DA 00400  
Bc Calkin LLC  
Po Box 3450  
Tualatin, OR 97062-3450

2S122DA 00900  
Pacific Metal Company  
10700 SW Manhasset Dr  
Tualatin, OR 97062-8608

2S122DA 01000  
Manhasset Business Center Owners  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DA 01500  
Manhasset Business Center Owners  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DA 01800  
Manhasset Business Center Owners  
1498 SE Tech Center Pl #150  
Vancouver, WA 98683-5518

2S122DA 90000  
Manhasset Drive Industrial  
1001 SW 5th Ave Ste 2000  
Portland, OR 97204

2S122DA 90031  
Cjo Properties LLC  
14859 SW 162nd Ter  
Tigard, OR 97224-0826

2S122DD 00100  
Bt Property LLC  
Po Box 28606  
Atlanta, GA 30358-0606

2S122DD 00400  
Sidiel LLC  
6550 SW 63rd Ave  
Portland, OR 97221-1026

2S122DD 00400  
Anthro Corporation  
10450 SW Manhasset Dr  
Tualatin, OR 97062-8591

2S123BC 00100  
Paramount Development LLC  
5516 SW Hamilton St  
Portland, OR 97221-2068

2S123BC 00800  
Olazaba Enterprises Inc  
4308 Solar Way  
Fremont, CA 94538-6335

2S123BC 01000  
Marshall Associated LLC  
Po Box 278  
Tualatin, OR 97062-0278

2S123CB 00100  
Pacific Foods Properties LLC  
19480 SW 97th Ave  
Tualatin, OR 97062-8505

2S123CB 00100  
Inpaco Corporation  
Po Box 1039  
Wilmington, DE 19899-1039

2S123CB 00102  
Wire Components Precision  
10230 SW Spokane Ct  
Tualatin, OR 97062-8823

2S123CB 00401  
Thomas Nisbet  
15896 SE 82nd Dr  
Clackamas, OR 97015-8576

2S123CB 00700  
Wetlands Conservancy Inc The  
Po Box 1195  
Tualatin, OR 97062-1195

2S123CB 00900  
Leasing Abbey  
19480 SW 97th Ave  
Tualatin, OR 97062-8505

2S122DD 00500  
1701 Nw 14th LLC  
3030 NW 29th Ave  
Portland, OR 97210-1708

2S123BC 00200  
Two In The Key LLC  
21820 SW Aebischer Rd  
Sherwood, OR 97140-8604

2S123BC 00900  
United States Of America  
160 Inverness Dr W #400  
Englewood, CO 80112-5005

2S123BC 01100  
Marshall Associated LLC  
Po Box 278  
Tualatin, OR 97062-0278

2S123CB 00100  
Pacific Nutritional Foods  
9960 SW Potano St  
Tualatin, OR 97062-8492

2S123CB 00101  
Wetlands Conservancy Inc  
Po Box 1195  
Tualatin, OR 97062-1195

2S123CB 00200  
Northwest Natural Gas Company  
220 NW 2nd Ave  
Portland, OR 97209-3943

2S123CB 00600  
Wetlands Conservancy Inc The  
Po Box 1195  
Tualatin, OR 97062-1195

2S123CB 00800  
Wetlands Conservancy Inc The  
Po Box 1195  
Tualatin, OR 97062-1195

2S123CB 00900  
Leasing Abbey  
19480 SW 97th Ave  
Tualatin, OR 97062-8505

2S122DD 00600  
James Huston  
2268 SE Mulberry Dr  
Milwaukie, OR 97267-4541

2S123BC 00800  
Pacific Northwest Properties LP  
Po Box 2206  
Beaverton, OR 97075-2206

2S123BC 01000  
Marshall Assoc Cntr  
18855 SW Teton Ave  
Tualatin, OR 97062-8882

2S123BC 01100  
Conger Northwest Inc  
2429 N Borthwick Ave  
Portland, OR 97227-1704

2S123CB 00100  
Pacific Nutritional Foods  
9960 SW Potano St  
Tualatin, OR 97062-8492

2S123CB 00102  
Pascuzzi Investment LLC  
10250 SW North Dakota St  
Tigard, OR 97223-4237

2S123CB 00400  
Wetlands Conservancy Inc  
9675 SW Tualatin Sherwood Rd  
Tualatin, OR 97062-8560

2S123CB 00601  
Wetlands Conservancy Inc The  
Po Box 1195  
Tualatin, OR 97062-1195

2S123CB 00900  
Elsinore Development Group LLC  
19480 SW 97th Ave  
Tualatin, OR 97062-8505

2S123CB 01000  
Pipe Facility LLC  
4706 SE 18th Ave  
Portland, OR 97202-4789

2S123CB 01001  
Lbj LLC  
Po Box 308  
Tualatin, OR 97062-0308

2S123CB 01400  
Sw Teton Properties LLC  
19500 SW Teton Ave  
Tualatin, OR 97062-8825

2S123CB 01600  
Wetlands Conservancy Inc  
9675 SW Tualatin Sherwood Rd  
Tualatin, OR 97062-8560

2S123CB 01900  
Teton Park LLC  
19602 Derby Ct  
West Linn, OR 97068-2207

2S123CC 00500  
Sw Teton Properties LLC  
19500 SW Teton Ave  
Tualatin, OR 97062-8825

2S123CC 00700  
Anthro Corporation  
10450 SW Manhasset Dr  
Tualatin, OR 97062-8591

2S123CC 01400  
Teton Rb LLC  
15825 NE Eilers Rd  
Aurora, OR 97002-8508

2S123CC 01500  
Air Liquide America Ltd Ptshp  
Po Box 460149  
Houston, TX 77056-8149

2S126B0 00105  
Air Liquide America Ltd Ptshp  
Po Box 460149  
Houston, TX 77056-8149

2S123CB 01100  
Fulbright Development LLC  
19335 SW Teton Ave  
Tualatin, OR 97062-8847

2S123CB 01400  
Manufacturing Premier  
19500 SW Teton Ave  
Tualatin, OR 97062-8825

2S123CB 01700  
Parrish-Church LLC  
Po Box 2687  
Tualatin, OR 97062-2687

2S123CB 02000  
Teton Industrial Park LLC  
Po Box 2510  
Tualatin, OR 97062-2510

2S123CC 00600  
Anthro Corporation  
10450 SW Manhasset Dr  
Tualatin, OR 97062-8591

2S123CC 00800  
Anthro Corporation  
10450 SW Manhasset Dr  
Tualatin, OR 97062-8591

2S123CC 01500  
Air Liquide America Ltd Ptshp  
Po Box 460149  
Houston, TX 77056-8149

2S123CC 01500  
Air Liquide America Ltd Ptshp  
Po Box 460149  
Houston, TX 77056-8149

2S123CB 01200  
Lp 560 LLC  
19495 SW Teton Ave  
Tualatin, OR 97062-8846

2S123CB 01500  
Stavig Limited Partnershi  
11695 SE 147th Ave  
Happy Valley, OR 97086

2S123CB 01800  
Teton Park LLC  
19602 Derby Ct  
West Linn, OR 97068-2207

2S123CB 02100  
Conservancy The Wetlands  
Po Box 1195  
Tualatin, OR 97062-1195

2S123CC 00700  
Anthro Corporation  
10450 SW Manhasset Dr  
Tualatin, OR 97062-8591

2S123CC 00900  
Anthro Corporation  
10450 SW Manhasset Dr  
Tualatin, OR 97062-8591

2S123CC 01500  
Air Liquide America Ltd Ptshp  
Po Box 460149  
Houston, TX 77056-8149

2S123CC 01500  
Air Liquide America Ltd Ptshp  
Po Box 460149  
Houston, TX 77056-8149



# NOTICE

## NEIGHBORHOOD / DEVELOPER MEETING

11/19/2011 11:00 a.m.

10595 SW Manhasset Drive

360-225-1705



## Neighborhood/Developer Meeting

Pursuant to TDC 31.063, Seasonal Products LLC posted a Notice of Neighborhood Meeting sign and mailed notice as required by TDC 31.064. The Neighborhood/Developer meeting was held on November 19, 2011 at 11:00 a.m. Attending the meeting were the applicants, Jim and Sharon Hermann from Seasonal Products LLC. There were no neighbors or other persons in attendance.

# NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

<b>NOTICE</b>
<b>NEIGHBORHOOD / DEVELOPER MEETING</b>
__/__/2010 __:__.m.
SW _____
503-__-__

18"

24"

In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning>.

As the applicant for the

CONDITIONAL USE PERMIT-10595 SW MANHASSET DR. project, I

hereby certify that on this day, Nov. 5, 2011 sign(s) was/were posted on the

subject property in accordance with the requirements of the Tualatin Development Code

and the Community Development Department - Planning Division.

Applicant's Name: Sharon Hermann (SEASONAL PRODUCTS LLC)  
(PLEASE PRINT)

Applicant's Signature: Sharon Hermann

Date: 11-18-2011

**CUP-11-04 ATTACHMENT C:**

**ANALYSIS AND FINDINGS**

In order to grant the proposed Conditional Use Permit, the request must meet the approval criteria of Tualatin Development Code (TDC) Section 32.030. The applicant prepared a narrative that addresses the criteria, which is within the application materials (Attachment B), and staff has reviewed this and other application materials and included pertinent excerpts below:

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

The subject property, Tax Lot 2S1 22DA 500, is within a General Manufacturing (MG) Planning District. "Building materials and supplies, wholesale sales, and warehousing " is a conditional use within MG pursuant to TDC 61.030(1) & 60.040(1)(b).

The criterion is met.

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

**Size:** The minimum lot size within an MG Planning District is 20,000 square feet (s.f.) or approximately 0.46 acres. The subject property is approximately 3.38 acres, exceeds the minimum lot size requirement, and is already developed via Architectural Review AR-90-33. The applicant seeks to lease vacant tenant space within the existing building.

The site size is suitable for the proposed use.

**Shape:** The subject property is a flag lot with access from SW Manhasset Drive. The site is already developed.

The lot shape is suitable for the proposed use.

**Location:** The proposed use is located within an MG Planning District with access from SW Manhasset Drive. The site is already developed.

The location is suitable.

**Topography:** The developed site has negligible slope, which would not interfere with the proposed use.

**Improvements:** The site was originally developed through Architectural Review AR-90-33. The applicant seeks to lease vacant tenant space within the existing building. The applicant proposes not to

**EXHIBIT**

Analysis and Findings

C

change the building exterior or site development such that Architectural Review would be required pursuant to TDC 73.040. The applicant had proposed minor changes to existing fencing, outdoor storage, and parking that staff approved through Minor AR MAR-11-09 in October 2011.

The Engineering Division Memorandum (Attachment D) identifies no problems regarding public facilities that would result from the proposed use.

Natural Features: Because the site is already developed, no natural features remain.

Criterion 2 is met.

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

The following information is reproduced from the Engineering Division Memorandum (Attachment D):

*Transportation:* The site is adjacent to the street SW Manhasset Drive designated by the City of Tualatin as a Local Commercial Industrial (BCI) with a total width of 60 feet. This includes two 13-foot travel lanes, a 14-foot center turn lane, 4-foot planter strips, and 6-foot sidewalks. The street has been fully constructed with curb tight sidewalks and the planter strip on the outside.

*Reasonable Worst Case Site Trip Generation:*

The submitted application included an evaluation of trip generation, created by Charbonneau Engineering, of the existing 43,200 square foot building. The evaluation compares the existing reasonable worst case of manufacturing to the proposed use of warehousing.

Project	Site Use	ITE	ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Reasonable Worst Case	Manufacturing	140	165	25	7	32	12	20	32
CUP 11-04	Warehouse	150	154	10	3	13	4	10	14
<b>Net Trip Chage</b>			-11	-15	-4	-19	-8	-10	-18

The proposed trip generation for ADT, AM Peak, and PM Peak is less than the currently allowed reasonable worst case trip generation for this zone. This CUP will not degrade the LOS at nearby intersections.

Washington County has not commented as of this writing.

*Water, Sanitary, & Storm:* Connections to City systems currently exist. For the future Architectural Review, downstream sizing for all public utilities will need to be evaluated by the developer for the change from permitted uses to the proposed development. Any upsizing will be a requirement in the Architectural Review decision.

Criterion 3 is met.

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

The subject property is in an MG Planning District. Surrounding land uses by cardinal direction and planning district include:

N:	MG	Hedges Creek
E:	MG	Cascade Acoustics Inc.
S:	MG	Skedco, Epe Corp.
W:	MG	Trans-Pak

There are no residential areas adjoining the subject property. The buildings in the vicinity of the subject property are general industrial buildings with manufacturing, warehousing, and wholesaling uses.

All industrial uses regardless of planning district are subject to TDC 63, which contains environmental regulations of noise, vibration, air quality, odors, and heat and glare. Staff expects that noise, vibration, air quality, odors, and heat and glare are not nuisances within the area of the subject property. The applicant's narrative states:

PrimeSource is not in the lumber business. It's [sic] outside storage are typically products like, Roofing, Felt Paper, Rebar, Wire Fencing, Foam Board, T -Post's, Silt Fence and Barrier Fence.

The applicant's narrative describes storage of building materials as in keeping with the intent and regulations of an MG Planning District.

Based on the applicant's submitted information and staff review, the proposed use would not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying planning districts.

Criterion 4 is met.

## **5. The proposal is consistent with plan policies.**

The applicable Tualatin Community Plan policies are in TDC Chapter 7 "Manufacturing Planning Districts," Sections 7.030 "Objectives" and 7.040 "Manufacturing Planning District Objectives." Other TDC Sections that are not part of the Community Plan yet are relevant include Chapter 32 "Conditional Uses," Section 32.030 Conditional Uses – Siting Criteria and Chapter 61 "General Manufacturing Planning District (MG)," Section 61.031 "Restrictions on Conditional Uses."

TDC 7.030(1) states, "Encourage new industrial development." The conditional use request is for building materials and supplies within an existing site development. Approval would allow the owner to lease vacant tenant to the applicant, a business seeking to relocate from outside city limits. The applicant's narrative states:

Although the change in use will potentially be less intense from an employment standpoint, this will be a first location within the State of Oregon for the new tenant, and will create 8-10 new jobs.

Therefore, allowing the use maintains industrial development and indirectly promotes the objective.

TDC 7.030(2) states, "Provide increased local employment opportunity." Approval would allow the owner to lease vacant tenant space to the applicant, a business seeking to relocate from outside city limits. The applicant's narrative states:

Although the change in use will potentially be less intense from an employment standpoint, this will be a first location within the State of Oregon for the new tenant, and will create 8-10 new jobs.

TDC 7.040(2)(a) states that the MG Planning District is, "Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke." As quoted from the applicant's narrative for discussion of Criterion 4, storage of building materials and supplies within an existing site development would generate no significant noise, dust, odor, vibration, or smoke that would affect other businesses or the public.

TDC 60.041 restricts conditional uses within the MG Planning District that involve (1) the retail sale of products manufactured, assembled, packaged or wholesaled on the site and (2) other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site. The request is for approval of a conditional use within MG. Because the applicant proposes no retail sales, and the subject property is not subject to the Special Setbacks for Commercial Uses pursuant to TDC 60.035 and illustrated by TDC Map 9-5 "Special Commercial Setback & Commercial Services Overlay" the restrictions are not applicable.

CUP-11-04: PrimeSource / Hermann – Building Materials and Supplies  
Attachment C – Analysis and Findings  
January 9, 2012  
Page 5

The proposal satisfies those objectives and policies of the TDC that are applicable to the proposed use.

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above analysis and findings, the storage of building materials and supplies, wholesale sales, and warehousing by PrimeSource Building Products Inc. (CUP-11-04) meets the criteria of TDC 32.030.



# STAFF REPORT

## CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 1-23-12

Recording Secretary MSmith

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Maureen Smith, Executive Assistant

**DATE:** 01/23/2012

**SUBJECT:** Recommendations from the Council Committee on Advisory Appointments

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### ISSUE BEFORE THE COUNCIL:

Should the City Council approve appointments to various Advisory Committees and Boards?

### RECOMMENDATION:

Staff recommends the City Council approve the recommendations from the Council Committee on Advisory Appointments (CCAA) and appoint the below listed individual(s).

### EXECUTIVE SUMMARY:

The Council Committee on Advisory Appointments met and interviewed citizens interested in participating on City advisory committees and boards. The Committee recommends appointing and/or reappointing the following individual(s):

<b>Individual(s)</b>	<b>Advisory Committee / Board</b>	<b>Term</b>
Ed Casey	Tualatin Tomorrow Advisory Committee	Full (2 year) term expiring 01/31/14
Adam Butts	Tualatin Tomorrow Advisory Committee	Full (2 year) term expiring 01/31/14
Michael Ward	Architectural Review Board (Alternate Engineer position)	Partial term expiring 06/30/13

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**Attachments:**

**City Council Meeting**

**E. 1.**

**Meeting Date:** 01/23/2012

**Submitted By:** Cindy Hahn, Community  
Development

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**SPECIAL REPORTS**

Update on the Transportation System Plan and Linking Tualatin

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**Attachments**

A - PowerPoint Presentation

# City of Tualatin

## Transportation System Plan

### + Linking Tualatin Update



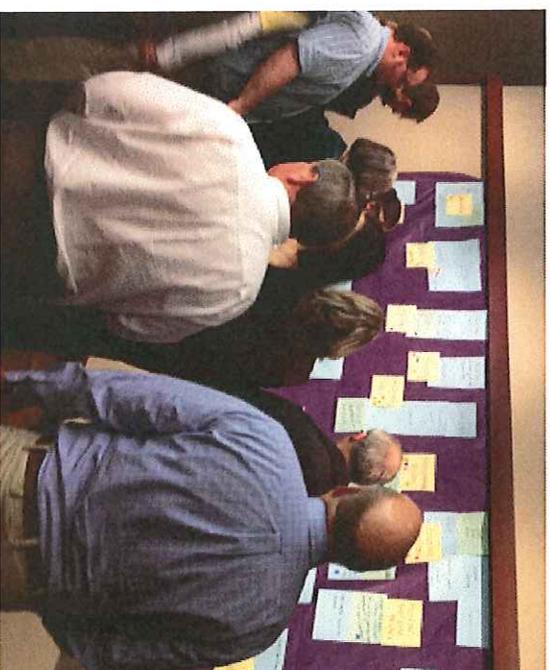
January 23, 2012

# Transportation Task Force

- November 29<sup>th</sup>
  - Roles & Responsibilities
  - Overview of Projects
  - Transportation System Plan 101



- December 15<sup>th</sup>
  - TSP Existing Conditions
  - Value Statements for both TSP & Linking Tualatin



# Transportation Task Force

- January 19<sup>th</sup>
  - Goals & Objectives Review
    - Transportation System Plan
    - Linking Tualatin
  - Introduction to Future Conditions / Land Use Scenarios – TSP
  - Introduction to Working Groups



# Technical Work – TSP

## CH2MHILL

### TECHNICAL MEMORANDUM#5

CH2MHILL®

#### Existing Conditions Report

PREPARED FOR:

Tualatin Transportation System Plan Project Management Team

PREPARED BY:

Tera Lingley, CH2M HILL  
Kate Lyman, CH2M HILL  
Darren Hippenthal, CH2M HILL  
Alan Snook, DKS & Associates  
Nate Dorcas, DKS & Associates  
Theresa Carr, CH2M HILL  
Eryn Daemling Kabe, JJA

COMPLET:

DATE:

December 30, 2011

PROJECT NUMBER:

427318.A1.05

This memorandum describes the current (2011) transportation system in Tualatin, including existing conditions, opportunities, and deficiencies. The report evaluates the roadway network, public transportation routes and service, bicycle facilities, pedestrian facilities, rail facilities, airports, and pipelines within the project study area. It also describes general land use patterns and major activity centers that generate traffic. The information used to describe the existing system and identify deficiencies in this report came from the City of Tualatin, Washington and Clackamas Counties, the Oregon Department of Transportation (ODOT), Metro, and the consultant team through a site visit on October 12, 2011.

The information in this memo serves as the starting point for a discussion by the broader community about the current state of the transportation system in Tualatin. This information will be used to help inform the project ideas and alternatives to be developed into Tualatin's Transportation System Plan (TSP).

- Draft Existing Conditions Report complete & available for review
- Draft Plan & Policy Report under review
- Draft Goals & Objectives being formulated
- Future Conditions work underway with review next month

# Technical Work – Linking Tualatin



**CH2MHILL**

**Angelo**  
planning group

LAND USE PLANNING • TRANSPORTATION PLANNING • PROJECT MANAGEMENT

**Memorandum**

Date: December 30, 2011  
To: Cindy Hahn, City of Tualatin  
Amanda Husted, Brandy Steffen, City of Tualatin

MEMORANDUM

CH2MHILL

Linking Tualatin Public Outreach Plan

PREPARED FOR: City of Tualatin  
PREPARED BY: Brandy Steffen, CH2MHILL  
DATE: December 30, 2011

**Introduction**

This memo describes the proposed public outreach plan for the Linking Tualatin Project. It is built on the findings and previous outreach efforts, conducted by the City of Tualatin's Transportation System Plan (TSP) and other recent projects. More information about the TSP can be found on the project website ([www.tualatinisp.org](http://www.tualatinisp.org)) and in the Public Involvement Strategy Memo from Jeanne Lawson Associates (JLA) (see attachment).

- Draft Goals & Objectives being formulated
- Public Outreach Plan under review
- Plans & Policies Review underway
- Focus Area Selection Criteria being identified
- Key Transit Connections Map being developed





# Upcoming Events



JANUARY							FEBRUARY						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7							
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29			

**MARCH**

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

	TASK FORCE
	WORKING GROUP
	OPEN HOUSE / DESIGN CHARRETTE
	TUALATIN PLANNING ADVISORY COMMITTEE (TPAC)
	CITY COUNCIL - WORK SESSION
	CITY COUNCIL - SPECIAL REPORT

## **City Council Meeting**

**E. 2.**

**Meeting Date:** 01/23/2012

**Submitted By:** Carl Switzer, Community Services

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### **SPECIAL REPORTS**

2011 Annual Report of the Tualatin Park Advisory Committee (TPARK)

#### **SUMMARY**

##### **1. Background**

2011 was the 35th anniversary of the Tualatin Park Advisory (TPARK) Committee's formation and service to the community and it was a productive year for the committee members.

The Tualatin Park Advisory Committee (TPARK) was established by Ordinance 418-77, adopted November 28, 1977, and incorporated into the Tualatin Municipal Code as Chapter 11-2. The ordinance prescribes the TPARK's role in advising the Council on matters relating to parks and recreation. TPARK also serves as the Tree Committee pursuant to Tualatin Municipal Code Chapter 1-23. In this capacity, TPARK makes recommendations to staff and council on urban forestry related issues.

Section 11-2-190 of the Tualatin Municipal Code states that the committee shall file its annual report of the activities of the committee with the City Council. The annual report shall include a survey and report of the committee's activities during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, program implementation measures within the City, or the future activities of the committee. The report may include any other matters deemed appropriate by the committee for recommendation and advice to the Council.

The current Tualatin Park Advisory Committee members are: Stephen Ricker, Bruce Andrus-Hughes, Kay Dix, Connie Ledbetter, Dana Paulino, Valerie Pratt (Vice Chair), and Dennis Wells (Chair).

##### **2. Roles of the Committee**

###### **A. Park and Recreation Planning and Development**

Recommend and make suggestions to the City Council regarding all matters relating to public parks, and recreation, including consideration of the provisions of any comprehensive plan, project plan or agency plan of the City of Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin, and other government agencies having plans or projects affecting the City of Tualatin.

###### **B. Policies and Programs**

Formulate comprehensive and community-wide park and recreation systems and programs to serve the horticultural, environmental, historical, recreational, cultural and leisure needs of all City residents.

###### **C. Urban Forestry**

Serve as the City's designated Tree Committee and annually review submitted applications for the Heritage Tree program.

### **3. Actions and Accomplishments in Support of Roles in 2011**

#### **A. Park and Recreation Planning and Development**

1. Juanita Pohl Center Addition and Renovation
2. Chieftain Dakota Greenway
3. Tualatin Community Park - North Field Restoration
4. Tonquin Trail Master Plan
5. Master Plan for Blake Street Right-of-Way
6. Review and comment a variety of City, Development Commission, and regional plans and projects

#### **B. Policy and Programs**

1. Consideration of Revisions to the Tualatin Park Advisory Committee's Enabling Ordinance
2. Trail User Counts
3. Dog Park Grand Opening
4. Friends of the Tualatin Dog Park
5. Dog Waste Station Program
6. Heritage Center Annual Report
7. Proclamations
  - a. Arbor Week
  - b. National Recreation and Parks Month
8. Support the Community Services Department Vision and Missions

#### **C. Tree Committee**

1. Tree City USA and Arbor Week Ad Hoc Committee Formation and Leadership
2. Heritage Tree program

### **4. Action Plan for 2012**

1. Continue to fulfill the duties prescribed.
2. Refresh the Tualatin Parks Advisory Committee ordinance to include more specific language about recreation.
3. Participate in and collaborate with the new Citizen Involvement Organizations.
4. Assist in public education and involvement activities associated with Arbor Week and celebrating Tualatin's 25th year as a Tree City USA.

### **5. Detailed Description of Actions and Accomplishments in 2011**

See Attachment A.

### **6. Recommendations**

TPARK requests that Council accept the annual report and recommends that the City:

1. Update the Parks and Recreation Master Plan
2. Pursue public financing to expand the system of parks, greenways and natural areas, including increasing the number of sports fields and the interconnected system of on-and-off street pedestrian and bikeway facilities.

3. Continue supporting and growing the availability of public recreational opportunities for people of all ages as funding becomes available, such as was done in FY 10/11 when the Council increased funding for recreation programs at the Juanita Pohl Center to support the Council Goal of increasing recreation programs for older adults.

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#### **Attachments**

A - 2011 Tualatin Park Advisory Committee Annual Report

B - PowerPoint



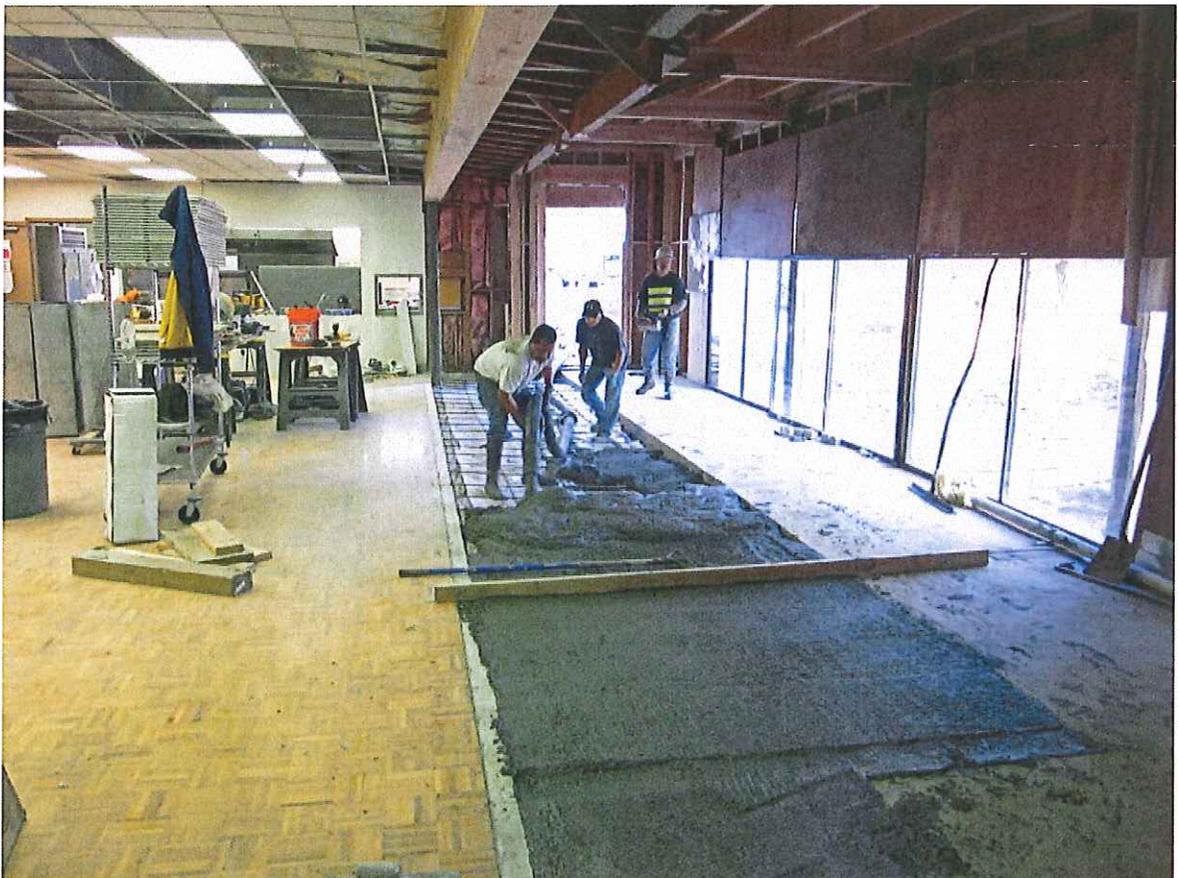
## 2011 Annual Report Tualatin Park Advisory Committee

The following is a summary of the most significant accomplishments of the Tualatin Park Advisory Committee (TPARK) in 2011 and a summary of current projects.

### A. PARK AND RECREATION PLANNING AND DEVELOPMENT

#### 1. Juanita Pohl Center Addition and Renovation

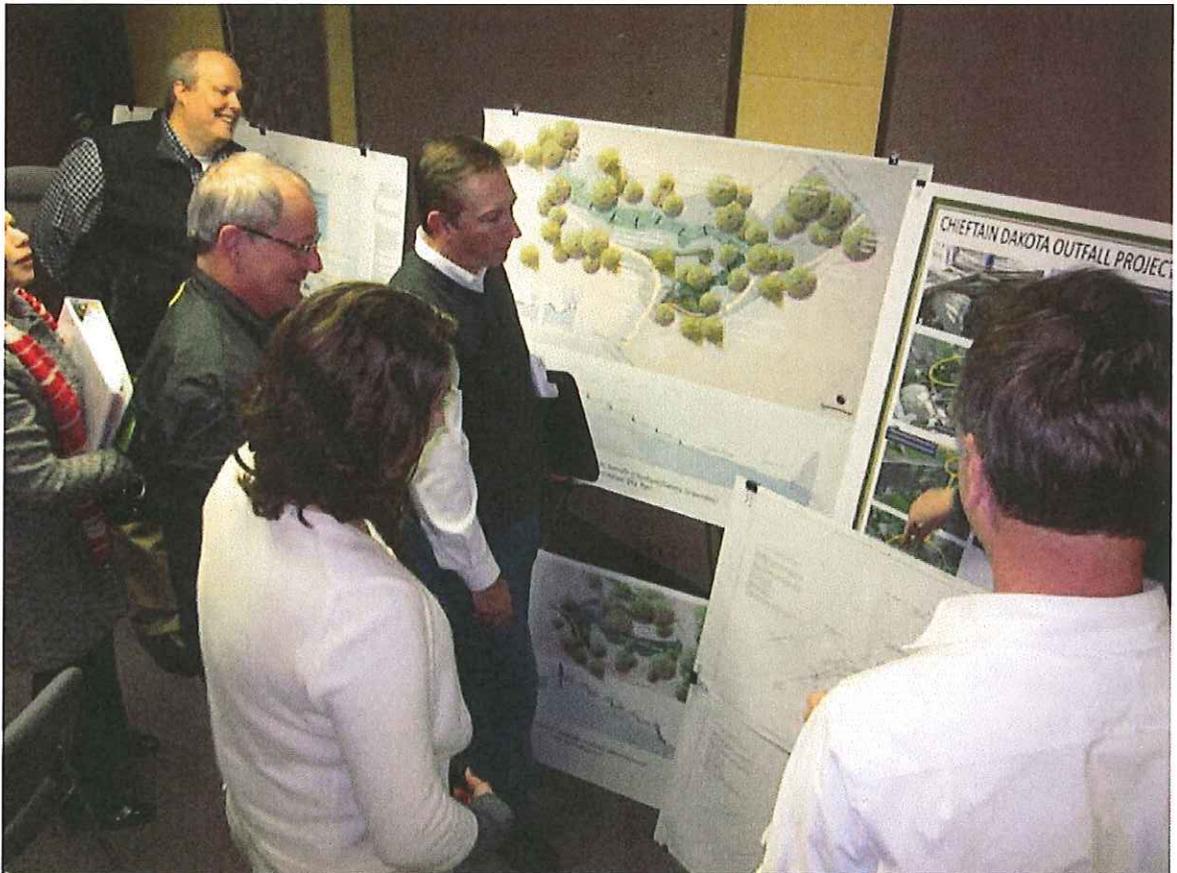
In addition to the Juanita Pohl Center Steering Committee, TPARK's meetings served as public involvement opportunities for the community to provide input to the remodel of the Juanita Pohl Center. TPARK received public testimony and provided staff recommendations on the project.



Status: Under construction with completion in spring of 2012.

2. Chieftain Dakota Greenway Creek Restoration, Pathway and Storm Water Improvements

TPARK's meetings served as public involvement opportunities for the community to provide input to a project to improve the storm water treatment entering Saum Creek and improve the adjacent pathway in the Chieftain Dakota Greenway. TPARK received public testimony and provided staff recommendations on the project.



Status: Design work complete, construction will restart later in 2012.

3. Tualatin Community Park Dog Park and North Field Restoration

TPARK reviewed the design and construction of the Tualatin Dog Park and renovated sports field and provided input and recommendations to staff.



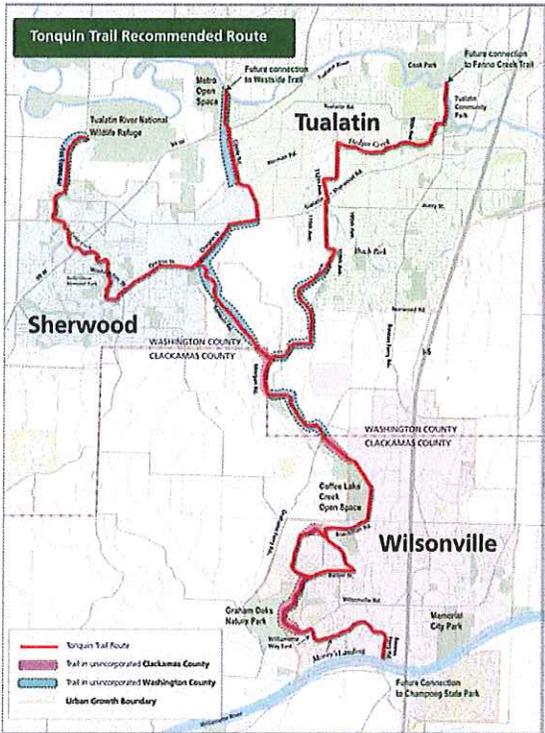
Status: Final acceptance by Council was on January 9, 2012

4. Tonquin Trail Master Plan

TPARK discussed and made recommendations to staff and Council on their preferences for the trail alignment. TPARK's representative on the Project Steering Committee is Connie Ledbetter and in that role has been an active part of the development of the Master Plan.

# Tonquin Trail

## MASTER PLAN



Status: Master Plan scheduled for completion and adoption in summer 2012.



6. Review and Comment on Project Plans and Planning Processes

Review and comment a variety of City, Development Commission, and regional plans and projects

- Basalt Creek/West Railroad Concept Plan
- Gateway and Tualatin-Sherwood Road Enhancement Project
- SW Concept Plan
- SW Corridor Plan
- Transportation System Plan

Status: Several of these plans, such as the Transportation System Plan, are on-going.

**B. Policy and Programs**

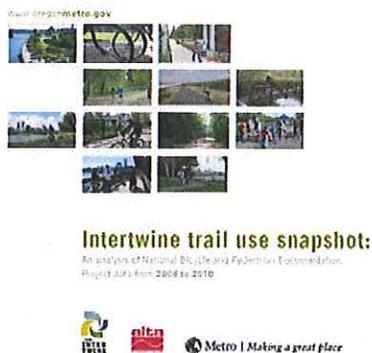
1. Consideration of Revisions to the Tualatin Park Advisory Committee's Enabling Ordinance

TPARK is in the process of reviewing its enabling ordinance to see if they have any recommendations on clarifying, updating, or otherwise modifying its language.

Status: Continue review and deliberation in winter/spring of 2012.

2. Trail User Counts

For the third year in a row, TPARK members participated in the trail user count project. Based on these and previous counts Metro's *Intertwine Trail Use Snapshot 2008-2010* calculated that the Tualatin River Greenway had 310,491 annual users.



Status: Annual endeavor

3. Dog Park Grand Opening

In 2010 TPARK recommended the dog park rules and in 2011 helped implement the Grand Opening of the Tualatin Dog Park.



Status: Tualatin Dog Park open and very popular!

4. Friends of the Tualatin Dog Park

TPARK members helped organize and publicize the first meeting of the Friends of the Tualatin Dog Park.



Status: Ongoing

5. Dog Waste Station Program

TPARK studied the issue of having an outside vendor provide dog waste stations in Tualatin's parks and made a recommendation to Council.

Status: Issue has been tabled until more can be learned from the experience of other local agencies.

6. Heritage Center Annual Report

TPARK received the 2010 Heritage Center Annual Report from the Tualatin Historical Society and made the recommendation for Council to accept the report.



Status: Council accepted the 2010 Tualatin Heritage Center Annual Report on February 14, 2011.

7. Proclamations

a. Arbor Week

TPARK recommended that Council proclaim April 3-9, 2011 Arbor Week in Tualatin.

Status: Council made the proclamation on March 28, 2011.

b. National Recreation and Parks Month

TPARK recommended that Council proclaim the month of July 2011 as Park and Recreation Month in Tualatin.

Status: Council made the proclamation on June 27, 2011.

8. Support the Community Services Department Vision and Missions

TPARK recognizes and supports the Community Services Department's vision and missions.

VISION STATEMENT

We create community through people, facilities, programs, and the natural environment.

MISSIONS

The following missions help achieve the vision.

***Strengthen Community Image and Sense of Place***

Parks, library, recreation facilities, programs and community events are key factors in strengthening community image and creating a sense of place.

***Support Economic Development***

Library, parks, recreation programs and facilities attract and retain businesses and residents, and increase property values.

***Strengthen Safety and Security***

Parks and libraries provide safe environments for recreation. Facilities, programs and services help reduce criminal activity.

***Promote Health and Wellness***

Participation at parks and libraries improves physical, psychological, and emotional health.

***Foster Human Development and an Informed Citizenry***

Libraries and recreation services foster social, intellectual, lifelong learning, physical and emotional development through access to information, programs and materials that promote literacy.

***Increase Cultural Unity***

Parks, libraries, and recreation increase cultural unity through experiences that promote cultural understanding and celebrate diversity.

***Protect Natural and Cultural Resources***

Natural and cultural resources are protected through acquisition and management of open space, such as parks, greenways, natural areas; and learning and discovery take place through library collections and interpretive facilities and programs.

***Provide Recreational Experiences***

A variety of benefits to individuals and society are achieved through participation in programmed and self-facilitated recreation and volunteerism. Recreation experiences are important as an end in themselves for personal enjoyment.

### C. URBAN FORESTRY

#### 1. Tree City USA and Arbor Week ad hoc Committee Formation and Leadership

TPARK recommended to Council the establishment of the ad hoc committee and approved the Arbor Week proclamation, recommending that Council make the proclamation. TPARK members Connie Ledbetter and Valerie Pratt served on the ad hoc committee.



Status: Council established the ad hoc committee on January 24, 2011 and Council made the proclamation on March 28, 2011.

2. Heritage Tree program

TPARK reviewed the Heritage Tree nomination for the maple trees at the Winona Grange and recommended that Council accept the trees into the program.



Status: Grange maples adopted into Heritage Tree program by Council on March 28, 2001.

# Tualatin Park Advisory Committee

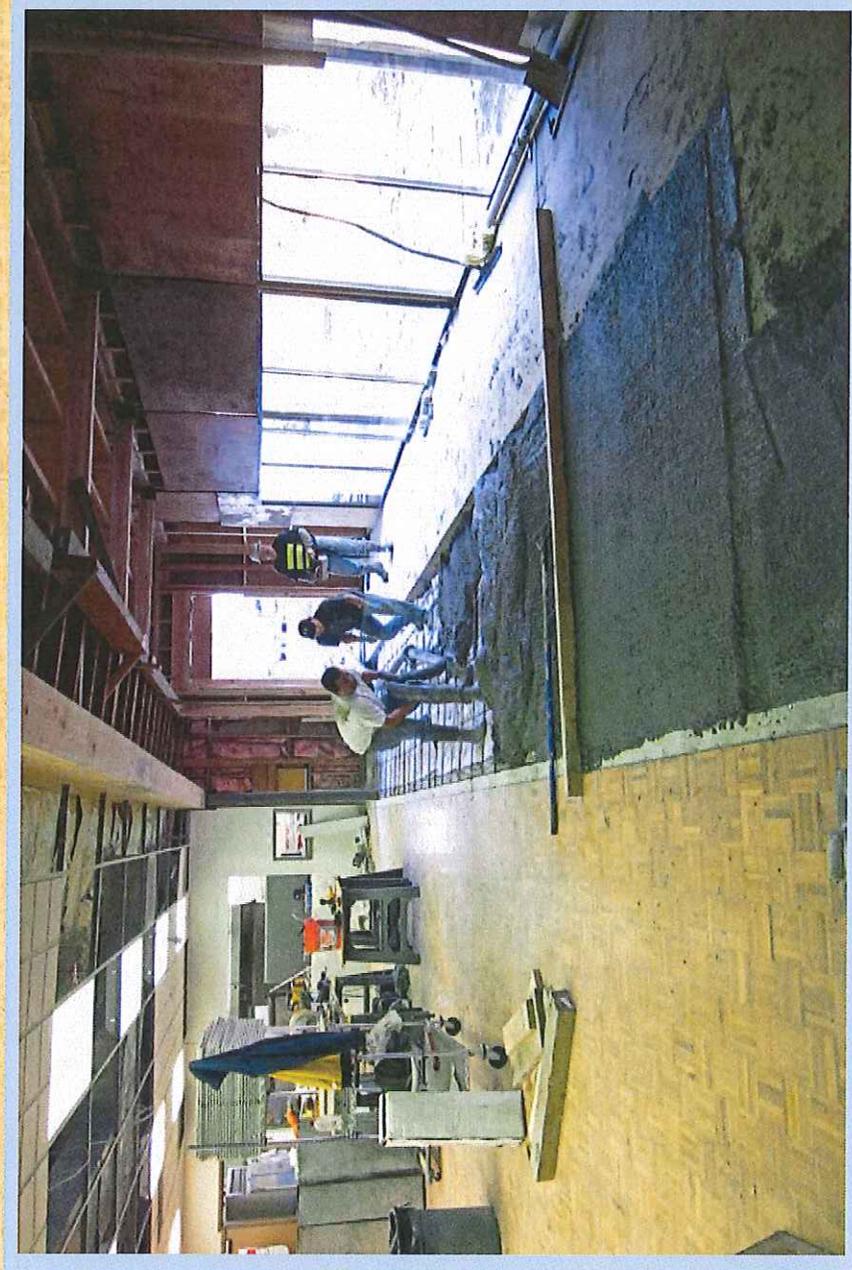
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2011 Annual Report

## A. Park and Recreation Planning and Development

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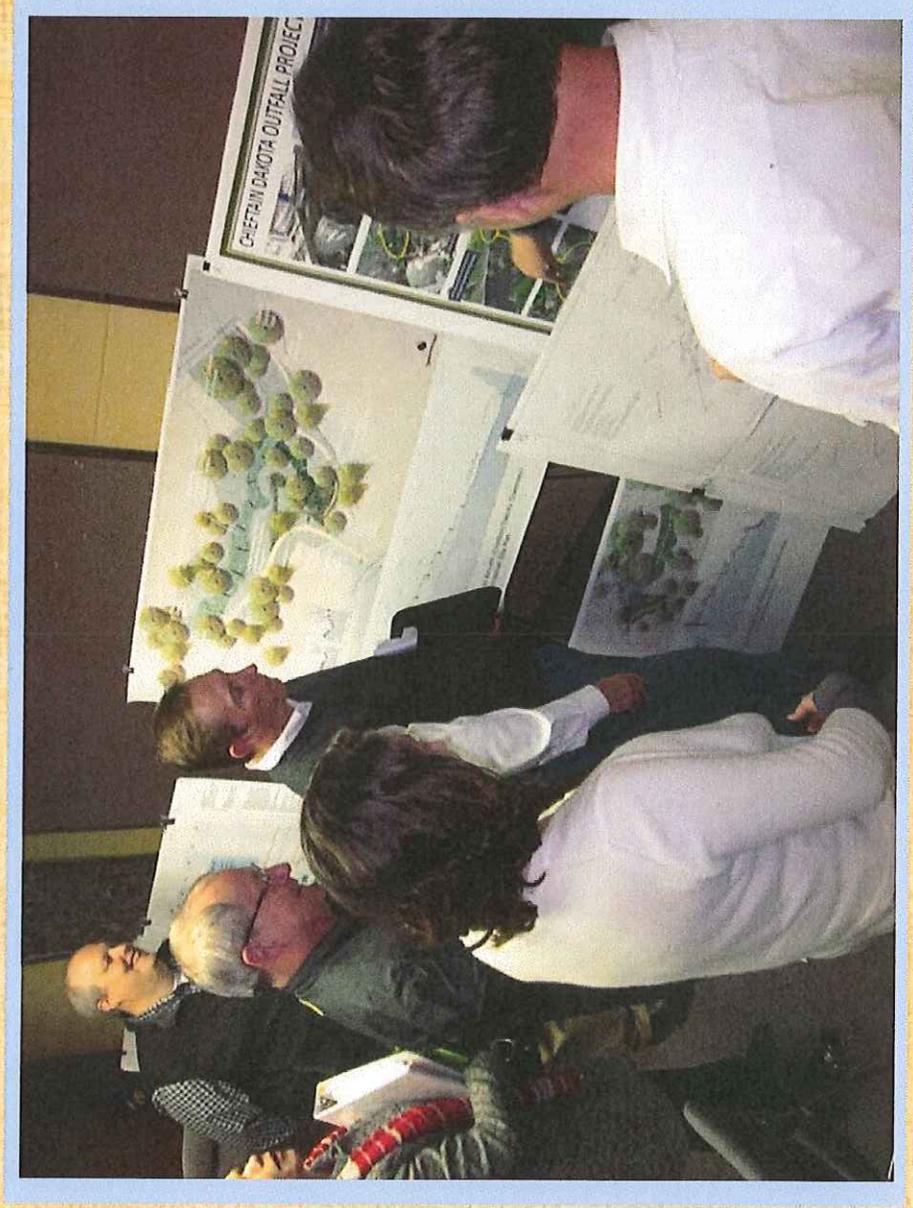
### 1. Juanita Pohl Center Addition and Renovation



## A. Park and Recreation Planning and Development

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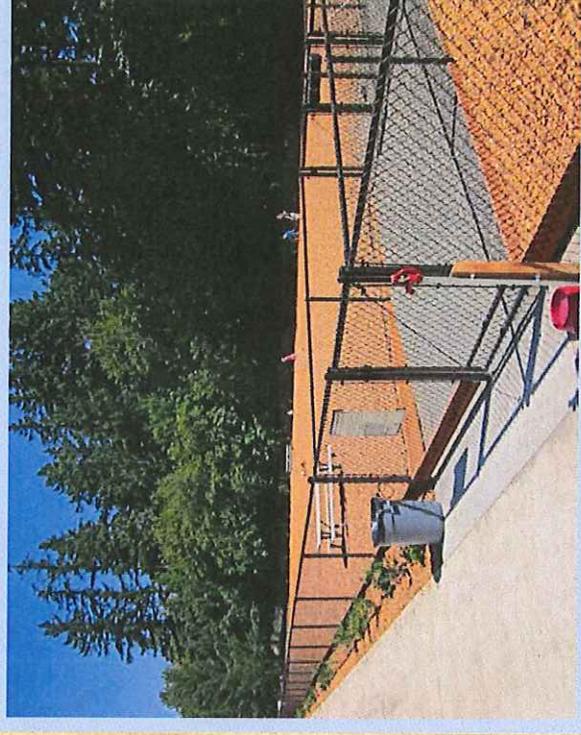
### 2. Chieftain Dakota Greenway Creek Restoration, Pathway and Storm Water Improvements



## A. Park and Recreation Planning and Development

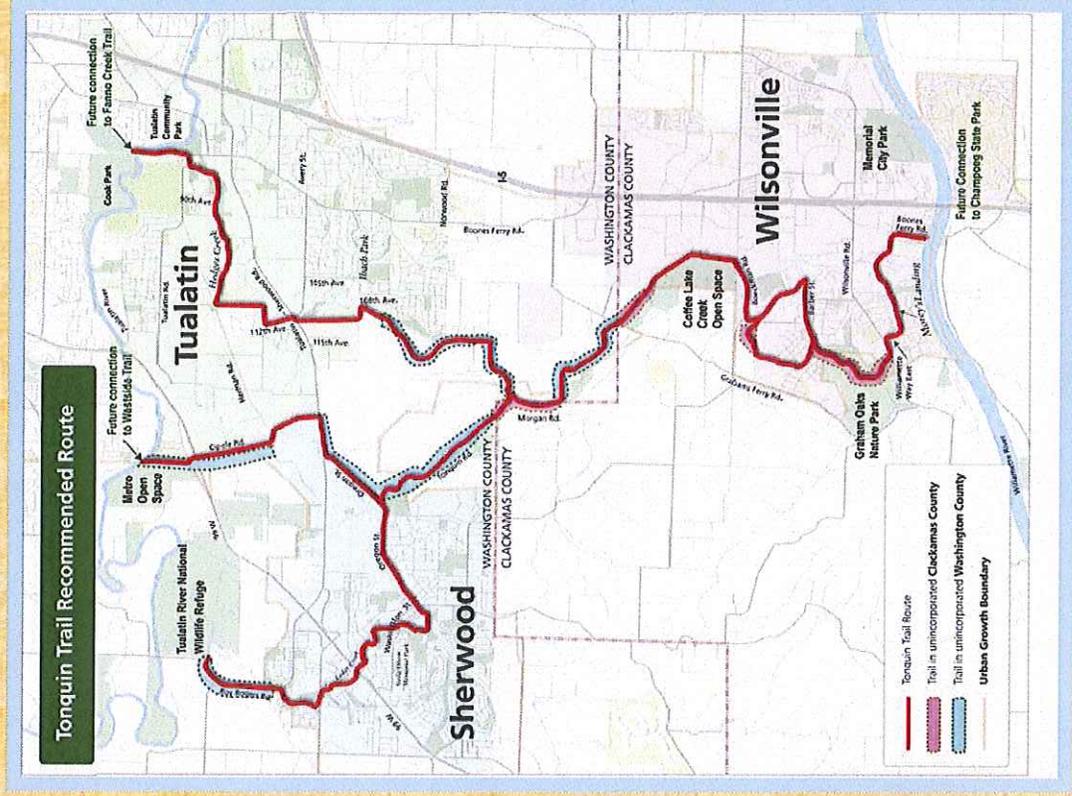
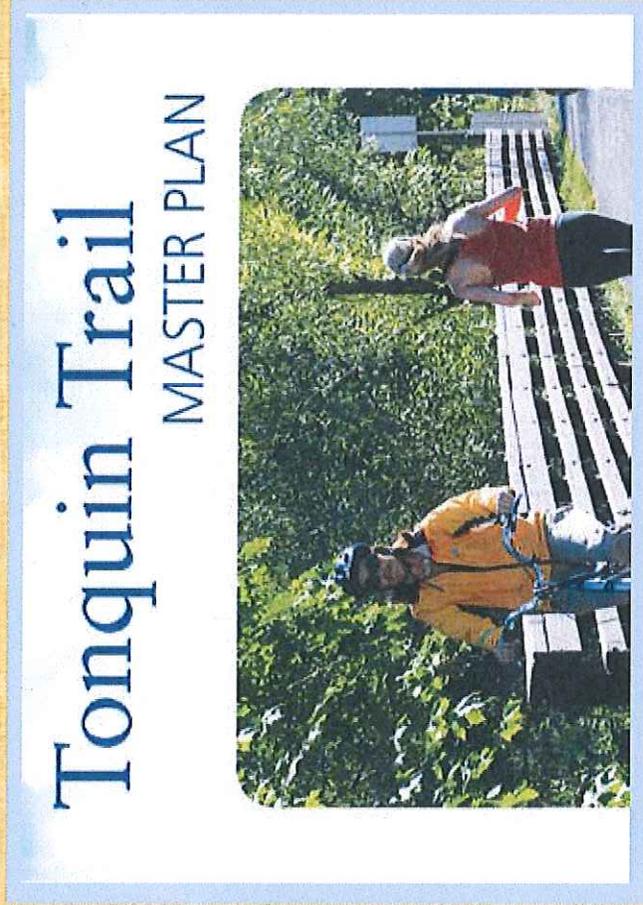
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### 3. Tualatin Community Park Dog Park and North Field Restoration



# A. Park and Recreation Planning and Development

## 4. Tonquin Trail Master Plan



# A. Park and Recreation Planning and Development

## 5. Master Plan for Blake Street Right-of-Way



### Preferred Master Plan



ibach Greenway  
Date: 12/2/15

Original document is 11" x 17" when printed at 300 x 300.  
alra

## A. Park and Recreation Planning and Development

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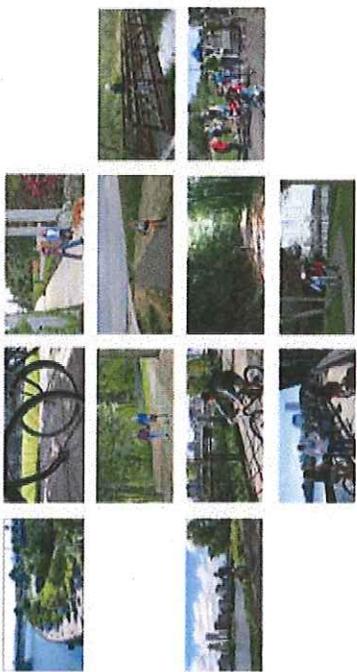
### 6. Review and Comment on Project Plans and Planning Processes

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- Gateway and Tualatin-Sherwood Road Enhancement Project
- SW Concept Plan
- SW Corridor Plan
- Transportation System Plan

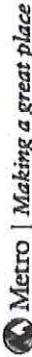
## B. Policy and Programs

1. Consideration of Revisions to the Tualatin Park Advisory Committee's Enabling Ordinance
2. Trail User Counts

[www.oregonmetro.gov](http://www.oregonmetro.gov)

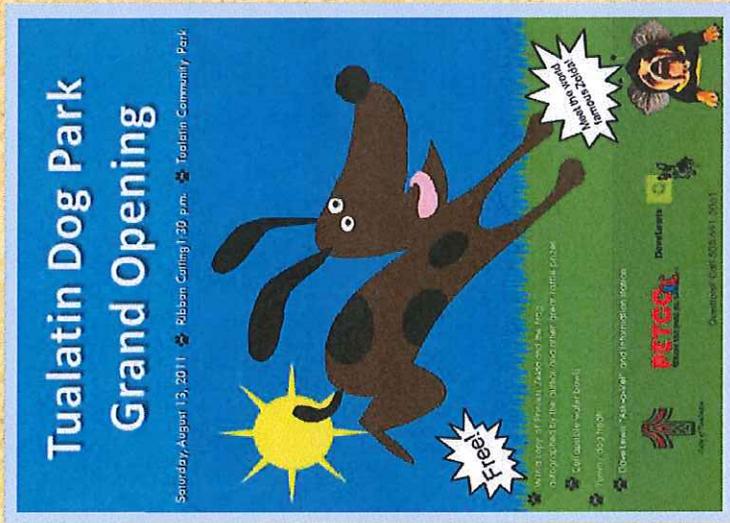


**Intertwine trail use snapshot:**  
An analysis of National Bicycle and Pedestrian Documentation  
Project data from 2008 to 2010.



## B. Policy and Programs

### 3. Dog Park Grand Opening



## B. Policy and Programs

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### 4. Friends of the Tualatin Dog Park



## B. Policy and Programs

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5. Dog Waste Station Program
6. Heritage Center Annual Report



## B. Policy and Programs

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### 7. Proclamations

- Arbor Week
- July is Park and Recreation Month in Tualatin

### 8. Support the Community Services Department Vision and Missions

#### VISION STATEMENT

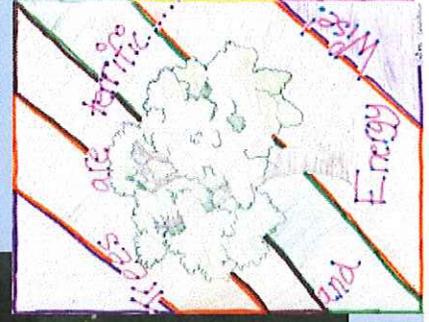
We create community through people, facilities, programs, and the natural environment.

#### MISSIONS

- \* Strengthen Community Image and Sense of Place
- \* Strengthen Safety and Security
- \* Foster Human Development and an Informed Citizenry
- \* Protect Natural and Cultural Resources
- \* Support Economic Development
- \* Promote Health and Wellness
- \* Increase Cultural Unity
- \* Provide Recreational Experiences

## C. Urban Forestry

1. Tree City USA and Arbor Week ad hoc Committee Formation and Leadership



## C. Urban Forestry

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### 2. Heritage Tree program





## STAFF REPORT CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Linda Odermott, Paralegal  
Brenda Braden, City Attorney *BB*

**DATE:** 01/23/2012

**SUBJECT:** An Ordinance Amending References for Land Use Notice; Adding Citizen Involvement Organizations; and Amending TDC 1.031, 31.060, 31.063, 31.064 and 31.067 (PTA-11-09)

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### ISSUE BEFORE THE COUNCIL:

Council will consider an Ordinance that would:

- Add Citizen Involvement Organizations (CIO) to the list of parties receiving Notice of Hearing, Notice of Application and Opportunity to Comment, Notice of Annexation, and Notice of Neighbor Developer Meeting; and
- Amend TDC 1.031 - Notice Requirements, TDC 31.060 - Definitions, TDC 31.063 - Neighborhood/Developer Meetings, TDC 31.064 - Land Use Applications and TDC 31.067 - Procedure for Annexation.

### RECOMMENDATION:

Staff recommends that Council approve the Ordinance adding CIO to the list of parties to receive Notice of Hearing, Notice of Application and Opportunity to Comment, Notice of Annexation and Notice of Neighbor Developer Meeting and Amending TDC 1.031, 31.060, 31.063, 31.064 and 31.067 (PTA-11-09).

### EXECUTIVE SUMMARY:

On January 9, 2012, the Council held a public hearing on the Ordinance to decide whether to approve the Ordinance amending references for Land Use and adding Citizen Involvement Organizations (CIO) to the list of parties to receive various Notices. At the conclusion of the public hearing, the Council voted to approve adoption of the Ordinance by a vote of 5-0 with Councilors Truax and Beikman absent. Staff is bring backing the Ordinance for formal adoption at this Council Meeting.

### OUTCOMES OF DECISION:

If Council adopts the Ordinance, Citizen Involvement Organizations would receive notices of land use applications as a matter of course, thereby assuring that they would be aware of land use activities in the City.

If Council decides to not adopt the Ordinance, Citizen Involvement Organizations would not be added to the list of parties who receive various land use notices.

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**Attachments:**    A - Ordinance

ORDINANCE NO. 1338-12

AN ORDINANCE AMENDING REFERENCES FOR LAND USE NOTICE; ADDING CITIZEN INVOLVEMENT ORGANIZATIONS; AND AMENDING TDC 1.031, 31.060, 31.063, 31.064, AND 31.067 (PTA-11-09)

WHEREAS upon the application of Community Development Department, a public hearing was held before the City Council of the City of Tualatin on January 9, 2012, related to a Plan Text Amendment of the Tualatin Development Code (TDC); and amending TDC 1.031, 31.060, 31.063, 31.064 and 31.067 (PTA-11-09); and

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

WHEREAS the Council conducted a public hearing on January 9, 2012, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [5-0] with Councilors Truax and Beikman absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated January 9, 2012, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 1.031 is amended to read as follows:

(1) Notice of the public hearing at which the Council shall consider the proposed amendments shall be given by publication in a newspaper of general circulation within the City not less than ten (10) City business days prior to the hearing and by posting in two (2) public and conspicuous places within the City not less than ten (10) City business days prior to the hearing. Notice of the public hearings shall be provided to designated representatives of recognized Citizen Involvement Organizations. In the case of quasi-judicial text or map amendments, additional notice shall be given as follows: notice of the proposed amendment shall be mailed to property owners of property and recognized neighborhood associations located within 1,000 feet of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision, the notice area shall extend to include the entire subdivision of which the lots are a part, and the applicant shall identify these subdivisions for staff as part of the mailing notification list. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include additional phases. Notice of the public hearing for an amendment, either legislative or quasi-judicial, which affects the transportation system, shall be provided to ODOT and to Metro.

(2) Sign Posting: The applicant shall ~~as follows~~ both provide and post on the subject property a sign that conforms to the standard design established by the City for signs notifying the public of land use actions:

(a) Minimum Design Requirements: The sign shall be waterproof, and the face size shall be eighteen (18) by twenty-four (24) inches (18 x 24) with text being at least two (2) inches tall.

(b) On-site Placement: Prior to plan amendment submittal, the applicant shall place a sign along the public street frontage, along the public right-of-way (ROW) of the street nearest the subject property. A subject property having more than one public street frontage shall have at least one posted sign per frontage with each frontage having one sign. For a subject property that has a single frontage that is along a dead-end street, the applicant shall post an additional sign along the public ROW of the nearest through street. The applicant shall not place the sign within the public ROW; however, for a subject property that has no public street frontage or that has a single frontage that is along a dead-end street, the applicant may place the sign within the public ROW of the nearest street.

(c) Proof of posting: The applicant shall submit as a part of the plan amendment submittal, an affidavit of posting to the Community Development Director or when applicable, the City Engineer.

(d) Removal: If the sign disappears prior to the final decision date of the plan amendment, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) calendar days after the City makes a final decision on the subject land use application.

(3) For purposes of identifying the property owners to receive notification of hearing, the names and addresses of the owner or owners of record as shown in the current, or within thirty (30) days of a 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, registered architect, landscape architect, engineer, surveyor, or attorney, or where the City is the applicant, the Community Development Director. The list of property owners shall be updated not less than every ninety (90) days by the applicant, until a final decision is rendered.

(4) The City shall provide written notice to the Tigard-Tualatin School District not less than ten (10) City business days prior to the hearing when considering a plan amendment or land use regulation amendment that significantly impacts school capacity.

Section 2. TDC 31.063 is amended to read as follows:

(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; Historic Landmark actions, including designation, removal of designation, demolition, relocation, or alteration or new construction: Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; Tree Removal Permit; Transitional Use Permit; 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 located within the mailing area designated in TDC 31.064(1)(c). Notice of the meeting shall be provided to Recognized Neighborhood Associations within the Notice Area of TDC 31.064(1)(c) and to designated representatives of recognized Citizen Involvement Organizations. 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 so they can be considered prior to the application submittal. 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 at least 14 calendar days and no more than 28 calendar days prior to the meeting mail notice of the meeting pursuant to TDC 31.064(1) stating the date, time and location of the meeting and briefly discussing 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, at least 14 calendar days before the meeting, post a sign pursuant to TDC 31.064(2). If the sign disappears prior to the meeting date, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) days after the meeting date.

(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;
- (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 3. The following definition is added to TDC 31.060 in alphabetical order to read as follows:

Citizen Involvement Organization. As provided in the Tualatin Municipal Code Chapter 11-9 Citizen Involvement Organization Program.

Section 4. TDC 31.064 is amended to read as follows:

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; Historic Landmark actions, including designation, removal of designation, demolition, relocation, or alteration or new construction; Industrial Master Plans; Partitions; Plan Map Amendments for a specific property; Plan Text Amendments for a specific property; Subdivisions; Tree Removal Permit; Transitional Use Permit; and Variances, except for variances to existing single family residences.

(1) Mail: An applicant shall mail notice of a Neighborhood/Developer Meeting and the City shall mail notice of application submittal as follows:

(a) Recipients: The mailing recipients shall be the applicant, the owners of the subject property, and owners of property within the Mailing Area of TDC 31.064(1)(c), and recognized neighborhood associations as defined in TDC 31.060 and recognized through TDC 31.065 and within the Mailing Area of TDC 31.064(1)(c), and designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9~~the boundaries of which include the subject property.~~

(b) Recipient Identification: The City shall use the names and addresses of the owner or owners of record as shown in the current, or within thirty (30) days of a completed application, computer roll of the County Assessor. The applicant shall be responsible for having one of the following prepare the list: a land title company; a land use planning consultant authorized by the State of Oregon to conduct business in the state; a registered architect, landscape architect, engineer, surveyor, or attorney; or where the City is the applicant, the Community Development Director or when applicable the City Engineer. The applicant shall update the list of property owners no less than every ninety (90) days until a final land use decision is rendered. The applicant shall provide a copy of the list of recipients and their current mailing addresses as part of the land use application.

(c) Mailing Area, Buffer, or Distance: The mailing area shall extend 1,000 feet from the boundaries of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision, the notice area shall extend to include the entire subdivision of which the lots are part, and the applicant shall identify these subdivisions for staff as part of the mailing notification list. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases.

(d) ARB: The notice of application submittal for an Architectural Review application subject to review by the Architectural Review Board (ARB) shall have the minimum information pursuant to TDC 31.074(3).

(2) Sign Posting: The applicant shall as follows both provide and post on the subject property a sign that conforms to the standard design established by the City for signs notifying the public of land use actions:

(a) Minimum Design Requirements: The sign shall be waterproof, and the face size shall be eighteen (18) by twenty-four (24) inches (18 x 24) with text being at least two (2) inches tall.

(b) On-site Placement: Prior to land use application submittal, the applicant shall place a sign along the public street frontage of the subject property or, if there is no public street frontage, along the public right-of-way (ROW) of the street nearest the subject property. A subject property having more than one public street frontage shall have at least one posted sign per frontage with each frontage having one sign. For a subject property that has a single frontage that is along a dead-end street, the applicant shall post an additional sign along the public ROW of the nearest through street. The applicant shall not place the sign within public ROW pursuant to TDC 38.100(1); however, for a subject property that has no public street frontage or that has a single frontage that is along a dead-end street, the applicant may place the sign within public ROW of the nearest street.

(c) Proof of Posting: The applicant shall submit as part of the land use application submittal an affidavit of posting to the Community Development Director or when applicable the City Engineer.

(d) Removal: If the sign disappears prior to the final decision date of the subject land use application, the applicant shall replace it within forty-eight (48) hours. The applicant shall remove the sign no later than fourteen (14) days after the City makes a final decision on the subject land use application.

Section 5. TDC 31.067 is amended to read as follows:

(1) The purpose of this Section is to establish a procedure to be used in conjunction with Metro Code 3.09 and Oregon Revised Statutes for annexing territory to the City Limits.

(2) An applicant for an annexation to the City Limits shall discuss the proposed annexation with the Community Development Director, or designee, and City Engineer, or designee, in a pre-application conference prior to submitting an application. An applicant for an annexation shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063.

(3) Sign Posting: The applicant shall post a sign pursuant to TDC 31.064(2).

(4) After the pre-application conference, the applicant shall submit to the Community Development Department an Annexation Application which shall contain:

- (a) The Application for Annexation form;
- (b) The Petition to Annex to The City of Tualatin form;
- (c) A legal description of the subject territory including any abutting public street right-of-way that is not yet in the City Limits;
- (d) The Certification of Legal Description and Map form;
- (e) The Certification of Property Ownership form;
- (f) The Certification of Registered Voters form;
- (g) The Property Owner Information Sheet form;
- (h) The City application fee, and the Metro application fee in a separate check made payable to Metro;
- (i) The 3 column by 10 row matrix sheet listing the Assessors Map Number and Tax Lot Number, name and mailing address for:
  - (i) the owner (fee title) of the subject territory, and
  - (ii) recipients pursuant to TDC 31.064(1) and the governing jurisdiction of any public street right-of-way to be annexed;
- (j) The Request For Expedited Procedure form if the expedited process is desired by the applicant;
- (k) The Annexation Property Information Sheet form;
- (l) A copy of the County Assessors Maps showing the subject territory, any public street right-of-way to be annexed and the lots within 1,000 feet of the subject territory including any public street right-of-way. The subject territory and right-of-way to be annexed shall be outlined with a wide, light colored ink marker;
- (m) If necessary, a letter from the County or State Road Authority stating its consent to annex the right-of-way described in the legal description; and
- (n) The Community Development Director may require information in addition to the above.
- (o) The information on the Neighborhood/Developer meeting specified in TDC 31.063(10).

(p) 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.

(5) The Community Development Director shall set the City Council public hearing date.

(a) For an Expedited Application the hearing shall be at least 20 days after the application is complete to allow for the Metro Code 3.09.045 comment period.

(b) For a Nonexpedited Application the hearing shall be at least 45 days after the application is complete to allow for the Metro Code 3.09.030 comment period and the date shall be determined within 30 days after the application is complete.

(6) The City Council shall conduct a quasi-judicial public hearing, or a legislative public hearing if the proposed annexation is a legislative action, and before granting the annexation shall find the application conforms to TDC Objectives 4.050(20) and (21) and the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes.

(7) For quasi-judicial and legislative Expedited Annexation Applications public hearing notice shall be provided as follows:

(a) Mail notice at least 20 calendar days prior to the hearing to property owners (fee title) in accordance with TDC 31.077, and City recognized neighborhood associations whose boundaries are within 1,000 feet of the subject territory, designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9 and to Necessary Parties as defined in Metro Code 3.09, and

(b) Post notice in two public and conspicuous places.

(8) For quasi-judicial and legislative Nonexpedited Annexation Applications public hearing notice shall be provided as follows:

(a) Mail notice at least 45 calendar days prior to the hearing to property owners (fee title) in accordance with TDC 31.077, City recognized neighborhood associations whose boundaries are within 1,000 feet of the subject territory, designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9, and to Necessary Parties as defined in Metro Code 3.09;

(b) Post notice in two public and conspicuous places and post 2 weatherproof notices at least 45 calendar days prior to the hearing along the subject territory's public street frontage, or if there is no public street frontage, along a public street right-of-way near the subject territory, and

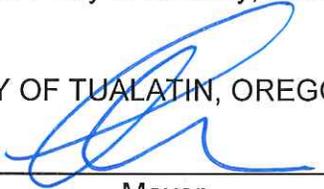
(c) Publish one notice at least 17 calendar days prior to the hearing in a newspaper of general circulation in the affected territory.

(d) For quasi-judicial and legislative Nonexpedited Annexation Applications initiated by less than 100% of the owners and less than 50% of the electors in the territory, notice shall be provided in accordance with Oregon Revised Statutes, Chapter 222.

INTRODUCED AND ADOPTED this 23rd Day of January, 2012.

CITY OF TUALATIN, OREGON

BY

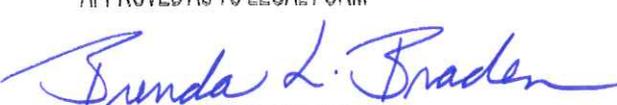
  
\_\_\_\_\_  
Mayor

ATTEST:

BY

  
\_\_\_\_\_  
City Recorder

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
CITY ATTORNEY

ITEMS REFERRED TO AS EXHIBITS IN THE FOREGOING ORDINANCE 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.



6605 SE Lake Road, Portland, OR 97222 • PO Box 22109 Portland OR 97269-2109  
 Phone: 503-684-0360 Fax: 503-620-3433  
 E-mail: [legals@commnewspapers.com](mailto:legals@commnewspapers.com)

**AFFIDAVIT OF PUBLICATION**

State of Oregon, County of Washington, SS  
 I, Charlotte Allsop, being the first duly sworn,  
 depose and say that I am the Accounting Manager  
 of *The Times* (serving Tigard, Tualatin &  
 Sherwood), a newspaper of general circulation,  
 published at Beaverton, in the aforesaid county  
 and state, as defined by ORS 193.010 and  
 193.020, that

**City of Tualatin  
 Notice of Public Hearing/PTA 11-09  
 TT11619**

A copy of which is hereto annexed, was published  
 in the entire issue of said newspaper for  
**1**  
 week in the following issue:  
**December 22, 2011**

*Charlotte Allsop*

Charlotte Allsop (Accounting Manager)  
 Subscribed and sworn to before me this  
 December 22, 2011.

*Jerrin L. Sipe*

NOTARY PUBLIC FOR OREGON  
 My commission expires *Sept 1, 2015*

Acct #108462  
 Attn: Lynette Sanford  
 City of Tualatin, Planning Department  
 18880 SW Martinazzi Ave  
 Tualatin, OR 97062

Size: 2 x 5  
 Amount Due: \$90.50\*  
 \*Please remit to the address above.



**City of Tualatin**  
[www.ci.tualatin.or.us](http://www.ci.tualatin.or.us)

**NOTICE OF HEARING  
 CITY OF TUALATIN, OREGON**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, January 9, 2012 at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

**Plan Text Amendment (PTA) 11-09 Amending the Tualatin Development Code (TDC) Chapter 31.065 - Amending References for Land Use Notice, Adding Citizen Involvement Organizations as Recently Enacted in the Tualatin Municipal Code Chapter 11-9. Amending TDC 1.031; 31.060; 31.064, and 31.067. Plan Text Amendment PTA-11-09.**

The proposal would add Citizen Involvement Organizations (CIO) to the list of parties receiving Notice of Hearing, Notice of Opportunity to Comment, Notice of Annexation and Notice of Neighbor/ Developer Meeting.

**To grant the amendment**, Council must find the proposal meets the criteria of Tualatin Development Code 1.032(1-10) relating to the public interest; timeliness; conformity with objectives of the Tualatin Community Plan; consideration of the factors listed in Section 1.032(4); the Tigard-Tualatin School District Facility Plan; the Statewide Planning Goals; the Metro Urban Growth Management Functional Plan; and impact on the transportation system.

**You are invited to attend and participate in the public hearing.** Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at no cost prior to the hearing.

**Individuals wishing to comment may do so** in writing to the Planning Division prior to the hearing or present written or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited.

**To view the application materials** visit [www.ci.tualatin.or.us/landusenotices](http://www.ci.tualatin.or.us/landusenotices). This meeting and any materials being considered can be made accessible upon request. For additional information, contact William Harper at 503-691-3027 or [wharper@ci.tualatin.or.us](mailto:wharper@ci.tualatin.or.us).

CITY OF TUALATIN, OREGON

Publish 12/22/2011. TT11619

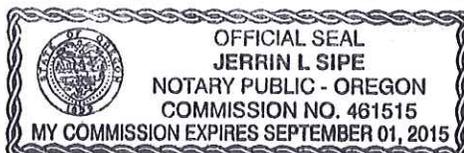


EXHIBIT A



City of Tualatin

# AFFIDAVIT OF POSTING

STATE OF OREGON )  
 ) SS  
COUNTY OF WASHINGTON )

I, Lynette Sanford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 12 day of December 2011, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:

1. City of Tualatin – Council Building
2. City of Tualatin – Development Services Building

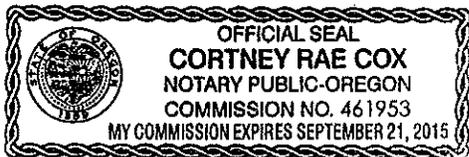
Dated this 20 day of December, 2011

Lynette Sanford  
Lynette Sanford

Subscribed and sworn to before me this 20<sup>th</sup> day of December, 2011.

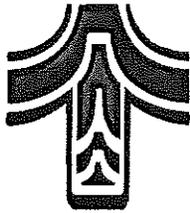
Cortney Rae Cox  
Notary Public for Oregon

My Commission expires: Sept. 21, 2015



**RE: Plan Text Amendment (PTA) 11-09 Amending the Tualatin Development Code (TDC) Chapter 31.065 - Amending References for Land Use Notice, Adding Citizen Involvement Organizations as Recently Enacted in the Tualatin Municipal Code Chapter 11-9. Amending TDC 1.031; 31.060; 31.064, and 31.067. Plan Text Amendment PTA-11-09.**

EXHIBIT B



# City of Tualatin

[www.ci.tualatin.or.us](http://www.ci.tualatin.or.us)

## NOTICE OF HEARING CITY OF TUALATIN, OREGON

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The proposal would add Citizen Involvement Organizations (CIO) to the list of parties receiving Notice of Hearing, Notice of Opportunity to Comment, Notice of Annexation and Notice of Neighbor/ Developer Meeting.

**To grant the amendment**, Council must find the proposal meets the criteria of Tualatin Development Code 1.032(1-10) relating to the public interest; timeliness; conformity with objectives of the Tualatin Community Plan; consideration of the factors listed in Section 1.032(4); the Tigard-Tualatin School District Facility Plan; the Statewide Planning Goals; the Metro Urban Growth Management Functional Plan; and impact on the transportation system.

**You are invited to attend and participate in the public hearing.** Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at no cost prior to the hearing.

**Individuals wishing to comment may do so** in writing to the Planning Division prior to the hearing or present written or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited.

**To view the application materials visit [www.ci.tualatin.or.us/landusenotices](http://www.ci.tualatin.or.us/landusenotices).** This meeting and any materials being considered can be made accessible upon request. For additional information, contact William Harper at 503-691-3027 or [wharper@ci.tualatin.or.us](mailto:wharper@ci.tualatin.or.us).

CITY OF TUALATIN, OREGON

NOTICE TO THE TUALATIN TIMES: Please publish on December 22, 2011

## ATTACHMENT C:

### PTA-11-09: ANALYSIS AND FINDINGS

The proposed amendment to the Tualatin Development Code (TDC) Chapter 1-Administrative Provisions and Chapter 31-General Provisions, is an application by the Planning Division to add provisions for Citizen Involvement Organizations as implemented in TMC Chapter 11-9 to the requirements for public hearing notice, comment opportunities and notice of neighbor-developer meetings associated with land use applications. The proposed amendment language is shown in Attachment A.

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below:

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

As identified by staff, the public interest is:

- 1) To implement the Citizen Involvement Organization Program as established in the Tualatin Municipal Code (TMC) Chapter 11-9;
- 2) Include Citizen Involvement Organizations with applicants, property owners and Recognized Neighborhood Associations as participants in legislative, quasi-judicial and ministerial land use actions by the City Council, the Architectural Review Board, the (proposed) Tualatin Planning Commission, and staff. Examples are Legislative (Plan Amendments); Quasi-judicial (Conditional Use Permits, Variances, Architectural Review Board, Annexations, Master Plans and others), and Ministerial/staff decisions (Architectural Review, Interpretations, Public Facilities, Subdivisions and Partitions.
- 3) To add Citizen Involvement Organizations to the parties identified to receive Notices of Hearing, Notices of Annexation and Notice of Application and Opportunity to Comment and Notice of Neighbor-Developer Meetings as prescribed in the Tualatin Development Code (TDC);

Public Interest #1. In August of this year, the City Council created the Citizen Involvement Organization Program (CIOP) to "...provide an opportunity for members to meaningfully cooperate with each other and with the City of Tualatin on matters affecting the neighborhoods and the City consistent with Tualatin's Principles of Citizen Involvement."

The CIOP is intended to provide a formalized channel of communication and dissemination of accurate and timely information between the City government, other governmental bodies, and the CIO and the CIO's members. It is envisioned that CIOs will be an effective means of citizen involvement and communication with the City Council and other governmental and community bodies on land use and other matters affecting neighborhoods, businesses, the City, or the region.

EXHIBIT  
C

Analysis and Findings

In August of 2011, the CIOP was adopted in the Tualatin Municipal Code (TMC) Chapter 11-9 with provisions for establishing a Citizen Involvement Organization (CIO) and a Citizen Involvement Coordinating Committee (CICC), City support, input to the Council and a statement limiting its authority. Three individual CIOs have been formed at this time and others are in the process of forming.

One element of the citizen involvement role that was established for the CIOP is for individual CIOs to receive information about land use proposals and applications, communicate that information to residents and businesses that may be interested or affected, and provide comments and information through the CIO that can be considered in the land use decision making process. The Tualatin Development Code (TDC) has provisions identifying applicants, property owners and recognized neighborhood associations as participants in the development and land use process. The proposed TDC amendment will list CIOs as a recipient of notices for land use hearings, comment periods for staff reviews and decisions and applicant conducted neighbor-developer meetings.

The proposed TDC amendment implements the CIOP by including CIOs as a participant in the planning and land use processes of the Tualatin Development Code. Public Interest #1 is satisfied.

Public Interest #2 & #3. The Tualatin Development Code (TDC) Chapters 1.031 (Notice Requirements for Amendments), 31.064 (Land Use Applications) and 31.067 (Procedure for Annexing Territory...) lists the required recipients of Notice of Hearing and Notice of Annexation and 31.063 (Neighborhood-Developer Meetings) lists property owners as recipients of a Neighbor-Developer Meeting notice. The recipients include property owners and Recognized Neighborhood Associations within a 1,000 ft. distance of the subject property as provided for mailed notices in TDC 31.064(1)(c) for:

- Annexation public hearings, Plan Amendment public hearings and Quasi-judicial public hearings before the City Council;
- Quasi-judicial hearings by the Architectural Review Board, and for;
- Staff decisions such as Architectural Review, Historic Landmarks, Interpretation, Partition and Subdivision.

Providing notice of development or planning activities to property owners and Recognized Neighborhood Associations are long-time components of public involvement established in the Tualatin Community Plan and Development Code. The provisions requiring Neighborhood-Developer Meetings were first established in 2003 and list property owners as recipients of a meeting invitation.

This PTA was created to implement the CIOP by adding CIOs to the parties receiving notice of public hearings by the City Council and Architectural Review

Board; of comment opportunities (and Notice of Recommended Decision when possessing legal standing) for Architectural Review, Partitions and Subdivisions; and of notice of recommended staff decisions such as interpretations, tree cutting permits, Historic Landmark actions and transitional use permits. As proposed (Attachment A), CIOs will be listed as participants in the plan amendment and land use process. CIOs will be required recipients of Notice of Hearing and Notice of Annexation on an equal basis with property owners and Recognized Neighborhood Associations in Chapters 1.031 (Notice Requirements for Amendments), 31.064 (Land Use Applications), 31.067 (Procedure for Annexing Territory...) and invited parties in 31.063 (Neighborhood-Developer Meetings).

Adding CIOs as participants in the annexation, plan amendment and land use process meets the Public Interest #2 and #3.

Granting the amendment is in the public interest. Criterion "A" is met.

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

As addressed in Criterion A, granting the amendment is in the public interest. The Citizen Involvement Organization Program was established in the Tualatin Municipal Code in August of 2011. Granting the amendment at this time will implement the Citizen Involvement Organization Program by adding CIOs to the citizen participation components of the Tualatin Community Plan and Development Code.

Granting the amendment at this time best protects the public interest.

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

The Tualatin Community Plan Chapter 2.050 describes the Tualatin Citizen Involvement Program in respect to Statewide Planning Goal 1-Citizen Involvement . The program includes the Tualatin Planning Advisory Committee, the Urban Renewal Advisory Committee and the Tualatin Park Advisory Committee with provisions for the organization and roles of the three committees. Built into the plan amendment and land use process are citizen involvement opportunities for property owners and Recognized Neighborhood Associations. The proposed amendment will add Citizen Involvement Organizations to the citizen involvement opportunities.

The Tualatin Community Plan does not list specific objectives related to citizen involvement, neighborhood associations or to CIOs. The Citizen Involvement Organization Program is established in the Tualatin Municipal Code and there are no specific objectives. The proposed amendment will add CIOP provisions to the Tualatin Community Plan and Development Code.

The proposed amendment conforms with the Citizen Involvement Program as provided in the Tualatin Community Plan TDC 2.050. Criterion "C" is met.

**4. The following factors were consciously considered:**

**The various characteristics of the areas in the City.**

The proposed amendment has no relation to any particular area of the city.

**Trends in land improvement and development.**

The proposed amendment has no relation to trends in land improvement and development.

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

The proposed amendment will not affect the needs of economic enterprises or future development.

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

The proposed amendment has no relation to any particular planning district and needed rights-of-way or access.

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

The proposed amendment will not affect natural resources in the City.

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

The proposed amendment has no relation to development of natural resources.

**And the public need for healthful, safe, aesthetic surroundings and conditions.**

Does not apply to the proposed amendment adding Citizen Involvement Organizations to the annexation, plan amendment and land use process.

**Proof of change in a neighborhood or area**

Staff does not assert proof of change in a neighborhood or area.

**Mistake in the Plan Text or Plan Map.**

Staff does not assert a mistake in the Plan Text or Plan Map.

**5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.**

Because the amendment does not result in a change to plans or development regulations that would impact school facility capacity, the criterion is not applicable.

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

Of the 19 statewide planning goals, staff determined that the applicable one is: **Goal 1, "Public Facilities and Services,"** which is, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The elements of Goal 1 include:

" **2. Communication** -- To assure effective two-way communication with citizens. Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

**3. Citizen Influence** -- To provide the opportunity for citizens to be involved in all phases of the planning process.

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures."

The Tualatin Community Plan Chapter 2.050 describes the Tualatin Citizen Involvement Program in respect to Statewide Planning Goal 1-Citizen Involvement. Built into the plan amendment and land use process are citizen involvement opportunities for property owners and Recognized Neighborhood Associations. These all include purpose and provisions for communication and citizen influence in the planning process.

As adopted into the Tualatin Municipal Code, the CIOP adds another voice and opportunity for citizen and business involvement and for communication with the City Council. The proposed amendment will add Citizen Involvement Organizations to the citizen involvement and participation opportunities in the Tualatin Community Plan and Development Code that satisfy Goal 1. The existing involvement opportunities and provisions for Recognized Neighborhood Associations will be retained.

The amendment will add more citizen involvement opportunities, increase opportunity for participation by individuals and groups of citizens and business interests and add to compliance with Goal 1.

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

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor directly addresses the issue that the amendment addresses. The criterion 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.**

Because the amendment does not relate to vehicle trip generation, the criterion is not applicable.



## STAFF REPORT

### CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Linda Odermott, Paralegal  
Brenda Braden, City Attorney *BB*

**DATE:** 01/23/2012

**SUBJECT:** An Ordinance Changing the Tualatin Planning Advisory Committee into a Planning Commission and Granting Decision-Making Authority over Specified Land Use Applications; and Amending Tualatin Development Code Chapters 1, 2, 31, 33, 34, 35, and 37 (PTA-11-11)

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#### ISSUE BEFORE THE COUNCIL:

Council will consider an Ordinance changing the Tualatin Planning Advisory Committee (TPAC) into a Planning Commission and granting decision-making authority over specified land use applications by amending the Tualatin Development Code (TDC):

- TDC 1 - Notice Requirements;
- TDC 2 - TPAC;
- TDC 33 - Sign Variances;
- TDC 34 - Transitional Use Permit;
- TDC 35 - Reinstatement of Use; and
- TDC 37 - Industrial Master Plan

#### RECOMMENDATION:

Staff recommends that the Council approve the Ordinance changing TPAC to a Planning Commission and granting decision-making authority over specified land use applications and amending TDC Chapters 1, 2, 31, 33, 34, 35, and 37 (PTA-11-11).

#### EXECUTIVE SUMMARY:

On January 9, 2012, the Council held a public hearing to decide whether to approve the Ordinance changing TPAC to a Planning Commission and granting decision-making authority over specified land use applications. At the conclusion of the public hearing, the Council approved the Ordinance by a vote of 5-0 with Councilors Truax and Beikman absent. Staff is bringing back the Ordinance for adoption at this Council Meeting.

#### OUTCOMES OF DECISION:

If Council adopts the ordinance, the Tualatin Planning Advisory Committee will become the Tualatin Planning Commission with the delegated authority to hear certain specified land use applications.

If the Council does not adopt the ordinance, the Tualatin Planning Advisory Committee will remain as an advisory committee without authority to decide any land use cases.

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**Attachments:** A - Ordinance

ORDINANCE NO. 1339-12

AN ORDINANCE CHANGING TUALATIN PLANNING ADVISORY COMMITTEE INTO A PLANNING COMMISSION AND GRANTING DECISION-MAKING AUTHORITY OVER SPECIFIED LAND USE APPLICATIONS; AND AMENDING TDC 1, 2, 31, 33, 34, 35, AND 37 (PTA-11-11)

WHEREAS upon the application of Community Development Department, a public hearing was held before the City Council of the City of Tualatin on January 9, 2012, related to a Plan Text Amendment of the Tualatin Development Code (TDC); and amending TDC 1, 2, 31, 33, 34, 35, and 37 (PTA-11-11); and

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

WHEREAS the Council conducted a public hearing on January 9, 2012, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council vote resulted in approval of the application by a vote of [5-0] with Councilors Truax and Beikman absent; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated January 9, 2012, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report attached as "Exhibit C," which are incorporated by this reference; and

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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The following definitions are amended or added to TDC 1.020 in alphabetical order to read as follows:

TPAC. Tualatin Planning Advisory Committee, the predecessor to the Tualatin Planning Commission.

TPC. The Tualatin Planning Commission.

Section 2. TDC 1.030 is amended to read as follows:

(1) An amendment to the Text or the Plan Map of the Tualatin Community Plan may be initiated by the City Council, City staff or by a property owner or a person authorized in writing by the property owner.

(2) An applicant for an amendment to the Text or Plan Map shall discuss the proposed amendment with the Community Development Director in a pre-application conference prior to submitting an application. An application for an amendment to the Text or Plan Map shall be on forms provided by the Community Development Department, and the application shall be accompanied by an amendment fee as established by City Council resolution. An applicant for a Plan Map or Text Amendment for a specific property shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. The application submittal shall include information on the Neighborhood/Developer meeting specified in TDC 31.063(10). 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 the ODOT Rail Division and the railroad company that the application has been received.

(3) Amendments to the Text or Plan Map shall be considered by the Council at any regular or special meeting.

(4) During the month of April, 1984, the Council shall hold a public hearing for the purpose of conducting a comprehensive review of the Plan Text and Plan Map. During the month of April of each fifth year thereafter, the Council shall hold a public hearing for a comprehensive review of said Text and Plan Map. Notice of said public hearings for comprehensive review shall be the same as required in TDC 1.031(1) and (2) below for amendments to the Tualatin Community Plan.

(5) Notwithstanding the foregoing provisions, the Council shall conduct a public hearing at any time it is necessary to consider an amendment or amendments to the Plan Text or Plan Map when it is required to comply with the rules, regulations, goals, guidelines or other legal actions of any governmental agency having jurisdiction over matters contained in said Plan Map or Plan Text. Publication in a newspaper of general circulation in the City, as herein provided by TDC 1.031(1) and (2), shall be the only type of notice required for this type of amendment.

(6) Properties located outside of the City's corporate limits and inside of the City's acknowledged Urban Growth Boundary shall automatically become subject to the planning district specified by the Tualatin Comprehensive Plan Map and applicable provisions of the Development Code immediately upon the effective date such property or portion thereof is annexed to the City. No additional action by the City, including publication and mailing of notices, public hearings, ~~or~~ consideration and

recommendation by the Tualatin Planning Advisory Committee Commission and consideration and decision by the City Council shall be required. This provision shall satisfy ORS 215.130(2)(a) which requires the City to provide for a transition from County planning and zoning to City planning and zoning upon annexation. The effective date of annexation shall be the date stated on the final order of the Portland Metropolitan Area Local Government Boundary Commission or any successor agency or court exercising jurisdiction in the matter, or the date any election results are certified by the County Elections Official, whichever is applicable.

Section 3. TDC 2.050 is amended to read as follows:

(1) The first Statewide Planning Goal is the Citizen Involvement Goal. This goal provides that each community must adopt, implement and periodically review a citizen involvement program. In 1976 the Tualatin City Council appointed a 7-member Committee for Citizen Involvement (CCI) to draft a Citizen Involvement Program. This program was adopted by the City Council on April 12, 1976, and has been the basis for the City's citizen involvement activities. After the adoption of the Citizen Involvement Program, the City Council formed two new advisory committees to provide recommendations to the Council on planning matters. These new groups were the Tualatin Planning Advisory Committee (TPAC), which became the Planning Commission in 2012, and the Urban Renewal Advisory Committee (URAC). URAC provides planning assistance to the Tualatin Development Commission on matters within the Urban Renewal Area, and ~~TPAC~~ the Planning Commission provides planning recommendations for the general community.

(2) The City Council transferred the Citizen Involvement Program responsibility to the Tualatin Planning Advisory Committee in 1976. This responsibility was transferred to the Tualatin Planning Commission in 2012.

(3) Another advisory group influencing the plan is the Tualatin Park Advisory Committee (TPARK). This committee oversees the City's park and recreation programs and thus has an interest in the park and recreation element of the Public Facilities Plan, which is also reflected on the community's General Land Use Plan. Both TPAC (changed to the Tualatin Planning Commission) and TPARK have met regularly to review the plan proposals and to take actions recommending this plan to the City Council. Meeting minutes and tape recordings are available for public review at the Tualatin City Hall. The powers, duties and organizational structure of TPAC the Planning Commission and TPARK are described below.

Section 4. TDC 2.060 is amended to read as follows:

(1) Number of members: 7.

(2) Selection criteria: good geographic balance; no more than three members with same occupation; no more than two members engaged in the real estate development profession; reside within City except for those members allowed to live outside the City who must reside within the Urban Growth Area.

(3) Term of office: Each ~~committee~~ commission member shall serve three years per term. The City Council may reappoint a member continually or appoint a successor.

(4) Powers and duties – Decisions: The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures in TDC 31.077:

- (a) Industrial Master Plan (IMP)
- (b) Reinstatement of Use
- (c) Sign Variance (SVAR)
- (d) Transitional Use Permit (TRP)
- (e) Variance (VAR)

(5) Request for Review of Planning Commission decisions shall be to the City Council and follow the Requests for Review process set forth in TDC 31.078.

(46) Powers and duties (Recommendations): recommend and make suggestions to the Council regarding preparation and revision of plans for the growth, development, and beautification of areas both inside the corporate limits of Tualatin and within the City's Urban Growth Boundary, such plans to incorporate elements and subelements, including but not limited to the following:

- (a) Land Use, including through Plan Map and Plan Text Amendment (PMA and PTA)
- (b) Economic Development  
Housing  
Commercial and Industrial
- (c) Public Facilities  
Transportation  
Water Supply  
Sewerage  
Drainage  
Parks and Open Space  
Institutions

(d) Historic Resources

(e) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:

Tualatin Development Code  
Tualatin Sign Ordinance  
Tree Planting Regulations

(f) Study and propose in general such measures as may be advisable for promotion of public interest, health, morals, safety, comfort, convenience, and welfare of the City and of the area within the City's Urban Growth Boundary.

Section 5. TDC 31.076 is amended to read as follows:

(1) Upon receipt of a request for review, the Community Development Director shall indicate the date of receipt, determine the appropriate hearing body to conduct review, schedule the hearing and give notice of the hearing in accordance with this section. A request for review shall be accompanied by a fee as established by City Council resolution.

(2) The Community Development Director shall determine the appropriate hearing body to conduct review as follows:

(a) If the request for review raises issues regarding the design or conditions in the Architectural Features decision or an application of standards relating to preservation of a historic structure and the Architectural Review Board has not already held a hearing and issued a decision on the matter, then the Architectural Review Board is the appropriate hearing body for such subject matter.

(b) If the request for review raises issues regarding the design or conditions for both the Architectural Features and Utility Facilities, and if the Architectural Review Board has not already conducted a hearing and issued a decision on the matter, then the Architectural Review Board is the appropriate hearing body for the Architectural Features decision and the City Council is the appropriate hearing body for the Utility Facilities review; otherwise the City Council is the appropriate hearing body for both.

(c) If the request for review raises issues regarding the design or conditions relating to the Utility Facilities Decision then the City Council is the appropriate hearing body.

(d) If the request for review involves a final decision by the Architectural Review Board, an interpretation of Code provisions under TDC 31.070, a decision of the Community Development Director with regard to a minor variance (TDC Chapter 33),

tree removal (TDC Chapter 34), temporary use (TDC Chapter 34), a decision on demolition, relocation, alteration or new construction of a landmark (TDC Chapter 68), a decision of the City Engineer on a minor variance (TDC Chapter 33), partition or subdivision (TDC Chapter 36), property line adjustment with a minor variance (TDC Chapter 36), request for access onto an arterial street (TDC Chapter 75), an application for development within the flood plain (TDC Chapter 70), a decision on a permit within the Wetlands Protection District (TDC Chapter 71), or other application not listed in this subsection, then the City Council is the appropriate hearing body.

(e) If the request for review involves a final decision by the Planning Commission for an Industrial Master Plan (TDC Chapter 27), Reinstatement of Use (TDC Chapter 35), Sign Variance (TDC Chapter 33), Transitional Use Permit (TDC Chapter 34), and Variances (TDC Chapter 33) the City Council is the appropriate hearing body in TDC 31.078.

(3) Where a request for review is directed to the Architectural Review Board, a meeting of the Board shall be scheduled for a meeting date which is not less than seven nor more than 21 days from the expiration date of the request for review period. Except as provided herein, the Architectural Review Board shall conduct a hearing in accordance with TDC 31.077. The review conducted by the Board shall be limited to the applicable criteria, i.e. architectural features. The decision of the Architectural Review Board shall be adopted by a majority of the Board following the conclusion of the hearing. Within 14 calendar days of the decision, the Planning Department shall place the Architectural Review Board decision together with findings in support of the decision and other necessary information in a written form. The written materials prepared by the Planning Department shall be approved and signed by the Chair or Acting Chair of the Board, and thereafter such materials shall be the final decision of the Board. The written decision of the Architectural Review Board shall become final 14 calendar days after notice of the decision is given, unless within the 14 calendar days a written request for review to the City Council is received at the City offices by 5:00 p.m. on the 14th day. Notice of the final decision of the Architectural Review Board decision may be provided to any person, but shall be mailed by first class mail to:

(a) Recipients pursuant to TDC 31.064(1) and those owners of property within the vicinity of the subject property as described in TDC 31.064(1)(c) who commented on the proposal;

(b) City Council members;

(c) potentially affected governmental agencies such as: school districts, fire district, Clean Water Services, where the project site either adjoins or directly affects a state highway, the Oregon Department of Transportation and where the project site would access a county road or otherwise be subject to review by the county, then the County; and

(d) members of the Architectural Review Board.

(4) Where a request for review is directed only to the City Council, the review hearing shall be scheduled for a Council meeting date. The City Council shall conduct a hearing in accordance with quasi-judicial evidentiary hearing procedures in TDC 31.077.

(5) Where a request for review is directed by the Community Development Director to both the City Council on a Utility Facilities decision and the Architectural Review Board for an Architectural Features decision, the review hearing conducted by the City Council shall be stayed pending a final decision of the Architectural Review Board. The Council may consolidate evidentiary hearings on matters subject to direct review by the Council with related matters appealed to the Council from the Architectural Review Board. Quasi-judicial evidentiary hearing procedures shall be followed.

(6) Upon review, the decision shall be to approve, approve with conditions or deny the application under review. The decision shall be in writing and include findings of fact and conclusions for the particular aspects of the decision, which shall be based upon applicable criteria. At a minimum, the decision shall identify the Architectural Review Plan, if any, the applicant or a person to be contacted on behalf of the applicant, the date of the decision, the decision, an explanation of the rights to request a review of the decision, and any time frame or conditions to which the decision is subject.

Section 6. TDC 31.078 is amended to read as follows:

(1) The applicant or any person who submitted written comments or testified orally or in writing at the Architectural Review Board hearing or Planning Commission hearing and who may be adversely affected by the Board's or Planning Commission's decision may file a request for review of the final decision of the Architectural Review Board or Planning Commission to the City Council.

(2) The review of the Architectural Review Board decision or the Planning Commission decision to the Council shall be accomplished in accordance with this section. Failure by a person to follow the procedures described in this section may preclude that person from requesting a review by the City Council.

(3) A final decision of the Architectural Review Board or Planning Commission shall be final for the purposes of review requests, unless a written request for review is received at the City offices within 14 calendar days of the date notice of the final decision is given; or unless prior to the date a member of the City Council or the City Manager requests a review of the decision.

(4) The request for review shall contain:

(a) a description of the subject property or the proposed name of the project;

(b) the date on which the request for review is filed at the City offices;

(c) the specific matters raised for Council consideration on review and the specific reason the appellant contends the Architectural Review Board decision or Planning Commission decision is allegedly not in conformance with applicable Code requirements and reason the person is adversely affected by the decision. This requirement shall not be used to limit the matters actually considered by the City Council.

(5) The request shall be accompanied by the required fee unless it is made by a member of the City Council or the City Manager, in which case no fee shall be required.

(6) Filing a request shall automatically stay the effective date of the Architectural Features decision or a decision by the Planning Commission as described in TDC 2.060(4) until either:

(a) a hearing on the request for review is conducted and a final decision is issued; or

(b) a written withdrawal of the request for review is received by the Community Development Director from the person filing the appeal before any hearing on the request is conducted and the 14 calendar day time frame for a review request has otherwise passed.

(7) The City Council members, prior to the hearing, shall announce any potential or existing conflict of interest, bias or ex parte contacts. A Council member's right to sit may be challenged in the same manner as provided in TDC 31.077(7)(c).

(8) The City Council's consideration of the Architectural Review Board's decision or the Planning Commission decision shall follow the procedures set forth in TDC 31.077 and shall be de novo. The record of proceedings presented before the Architectural Review Board or the Planning Commission shall be presented to the City Council and shall include:

(a) all materials, pleadings, memoranda, stipulations, exhibits and motions submitted during the proceeding and received or considered by the Architectural Review Board or Planning Commission;

(b) all materials submitted by the City staff with respect to the application;

(c) the minutes of the hearing below;

(d) the order or decision of the Architectural Review Board or Planning Commission;

(e) the request for review;

(f) a person who wishes to submit for Council consideration and as part of the record a verbatim transcript of the Architectural Review Board proceedings or Planning Commission proceedings shall be provided an opportunity to do so in a timely fashion and at the person's own expense, but a transcript shall not be required.

(9) Notice of the City Council's hearing shall be given in the manner set forth in TDC 31.077(5).

(10) The Council may affirm, revise, modify or reverse the action of the Architectural Review Board or the Planning Commission in all or in part. The Council may also remand the matter back to the Architectural Review Board or the Planning Commission for further consideration. The Council may order material defects in the earlier proceedings, to be corrected, while retaining jurisdiction of the matter so that the proceedings will have been conducted in a fair and impartial manner.

(11) The Council shall adopt a written order that clearly states the basis for its decision. Where an application is approved, the terms of the approval shall be specified, including any restrictions and conditions. A proposed order submitted by the Community Development Director or any other person may be adopted by the City Council. The written order is the final decision on the matter and the date of the order is the date it is signed certifying the approval by the City Council. Unless otherwise directed by the Council, no publication or other notice of the final decision shall be required.

Section 7. TDC 33.010 is amended to read as follows:

(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~~ Planning Commission may grant variances, including ~~The City Council grants~~ 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 Community Development Director may grant minor variances that are not part of a Subdivision, Partition or Property Line Adjustment Application.

(2) Variances may be requested to 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.

Section 8. TDC 33.020 is amended to read as follows:

No variance shall be granted by the ~~City Council~~ Planning Commission unless it can be shown that criterion (1) is met and three of the four approval criteria (2)-(5) are met for non-sign requests:

(1) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district or vicinity and the conditions are a result of lot size or shape, topography, or other physical circumstances applying to the property over which the applicant or owner has no control.

(2) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or financial situation of the applicant or owner, or from regional economic conditions.

(3) The variance is necessary for the preservation of a property right of the applicant or owner substantially the same as is possessed by owners of other property in the same planning district or vicinity.

(4) The variance shall not be detrimental to the applicable objectives of the Tualatin Community Plan and shall not be injurious to property in the planning district or vicinity in which the property is located.

(5) The variance is the minimum remedy necessary to alleviate the hardship.

Section 9. TDC 33.022 is amended to read as follows:

No sign variance shall be granted by the ~~City Council~~ Planning Commission unless it can be shown that approval criteria (1)-(6) are met:

(1) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and the conditions are a result of lot size or shape or topography over which the applicant or owner has no control.

(2) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or from the financial situation of the applicant or owner or the company, or from regional economic conditions.

(3) The variance is the minimum remedy necessary to eliminate the hardship.

(4) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district, however, nonconforming or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request.

(5) The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity.

(6) The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030.

Section 10. TDC 33.024 is amended to read as follows:

No minor variance shall be granted by the Community Development Director, City Engineer or the ~~City Council~~ Planning Commission unless the application shows the following approval criteria are met:

(1) A hardship is created by an unusual situation that is the result of lot size, lot shape, topography, development circumstances or being able to use the land or public infrastructure more efficiently.

(2) The hardship does not result from regional economic conditions.

(3) The minor variance will not be injurious to property abutting the subject property.

(4) The minor variance is the minimum remedy necessary to alleviate the hardship.

Section 11. TDC 33.025 is amended to read as follows:

No variance to the separation or height requirements for wireless communication facilities shall be granted by the ~~City Council~~ Planning Commission unless it can be shown that the following criteria are met. The criteria for granting a variance to the separation or height requirements for wireless communication facilities shall be limited to this section, and shall not include the standard variance criteria of Section 33.020, Conditions for Granting a Variance that is not for a Sign or a Wireless Communication Facility.

(1) The City may grant a variance from the provisions of TDC 73.470(9), which requires a 1500-foot separation between WCFs, providing the applicant demonstrates compliance with (a) or (b) below.

(a) coverage and capacity.

(i) It is technically not practicable to provide the needed capacity or coverage the tower is intended to provide and locate the proposed tower on available sites more than 1,500 feet from an existing wireless communication facility or from the proposed location of a wireless communication facility for which an application has been filed and not denied. The needed capacity or coverage shall be documented with a Radio Frequency report;

(ii) The collocation report, required as part of the Architectural Review submittal, shall document that the existing WCFs within 1500 feet of the proposed WCF, or a WCF within 1500 feet of the proposed WCF for which application has been filed and not denied, cannot be modified to accommodate another provider; and,

(iii) There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the tower is intended to provide.

(b) site characteristics. The proposed monopole location includes tall, dense evergreen trees that will screen at least 50% of the proposed monopole from the RL District or from a small lot subdivision in the RML District.

(2) The City may grant a variance to the maximum allowable height for a WCF if the applicant demonstrates:

(a) It is technically not practicable to provide the needed capacity or coverage the tower is intended to provide at a height that meets the TDC requirements. The needed capacity or coverage shall be documented with a Radio Frequency report; and,

(b) The collocation report, required as part of the Architectural Review submittal, shall document that existing WCFs, or a WCF for which an application has been filed and not denied, cannot be modified to provide the capacity or coverage the tower is intended to provide.

Section 12. TDC 33.050 is amended to read as follows:

The ~~City Council~~ Planning Commission may recess a hearing to obtain additional information or to serve further notice upon other property owners or persons who it decides may be interested in or affected by the proposal. Upon recessing for this purpose, the ~~Council~~ Planning Commission shall announce the time, date and place when the hearing will be resumed.

Section 13. TDC 34.183 is amended to read as follows:

No Transitional Use Permit shall be granted unless the ~~City Council~~ Planning Commission finds that all the following standards are met:

(1) The use or structure must be consistent with the long-term objectives and spirit of the Tualatin Community Plan.

(2) The use or structure must not create unreasonable adverse impact on abutting or surrounding properties;

(3) By its nature, the use must be one which can be terminated and removed upon expiration of the Transitional Use Permit;

(4) Relative to the prior use, the use or existing structures may not be intensified or expanded except for uses or structures in the ML or MG Planning Districts. This is applicable to original applications, renewals and substitute uses. In addition, no new structures except for structures in the ML or MG Planning Districts may be placed upon the subject property which may prolong or increase the economic hardship of the developer at the time of the expiration of the permit. Nothing contained in this section shall be construed as limiting the authority of the ~~City Council~~ Planning Commission to require improvements to be made as conditions on which the permit is granted.

(5) The permit shall be associated only with the specific structures in question and with the particular use or operation for which the application is made. In order to provide effective notice of the Transitional Use status and not as a condition upon which the effectiveness of the Transitional Use Permit depends, the City may record the resolution or decision approving a Transitional Use Permit in the Recorder's Office of the County in which the use is located.

(6) Uses and operations which may be considered nuisances due to smoke, glare, vibrations, odors, or unsightliness, shall not be permitted.

Section 14. TDC 34.184 is amended to read as follows:

The ~~City Council~~ Planning Commission may impose any number of conditions on applications to ensure that disturbance of surrounding properties is minimized and that the objectives of the Community Plan are met. The conditions may include, but shall not be limited to time restrictions, hours of operation, periodic review above and beyond what is required by this Code, increasing the required lot size or yard dimensions, controlling the location and number of vehicular access points to the property, increasing street width, requiring dedication of additional right-of-way and improvement of the same, increasing the number of off-street parking or loading spaces required, limiting the coverage or height of buildings because of obstruction to view or reduction of light or air to adjacent property and requiring sight-obscuring fencing and landscaping where appropriate to reduce noise or glare, maintain the property in a character in keeping with the surrounding area, or for aesthetic reasons.

Section 15. TDC 34.185 is amended to read as follows:

(1) A transitional use permit shall be issued for a period of time determined to be appropriate by the ~~City Council~~ Planning Commission.

(2) A permit may be renewed by the ~~City Council~~ Planning Commission at the end of the time period previously approved. An application for renewal shall be required to meet the eligibility criteria for an original application contained in TDC 34.183 and 34.182. However, the applicant for renewal need not establish that the use being proposed for renewal is more compatible with surrounding uses than the current use.

(3) Where the life span of eligibility for the structure has been determined or established by the City through an earlier Transitional Use Permit, such life span is presumed to be accurate and shall not be renewed or extended unless the ~~City Council~~ Planning Commission finds by clear and convincing evidence that the current applicant meets the eligibility criteria. Where the life span of eligibility for the structure is renewed or extended, a new life span shall be established.

(4) All applications shall be made jointly by the recorded contract purchaser or owner of the property as well as the lessee or proposed user of the property and structure. The transfer of a permit shall only be permitted where the underlying property or business ownership is transferred, so long as the use of the structure remains unchanged. The Community Development Director shall determine whether a new application and permit is required and such determination may be appealed to the Council-Planning Commission. Each tenant of a structure shall submit a separate application.

(5) All Transitional Use Permits shall become void without a hearing if any of the following occur:

- (a) The permit has not been exercised for 12 months;
- (b) The use approved is discontinued for 12 months; or
- (c) The period of time for which the permit has been granted expires without a renewal.

Section 16. TDC 34.186 is amended to read as follows:

(1) A request for a Transitional Use Permit is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

(2) Sign Posting: The applicant shall post a sign pursuant to TDC 31.064(2).

(3) All permit requests shall be submitted on forms prescribed by the Community Development Director. The applicant shall submit a list of mailing recipients pursuant to TDC 31.064(1) and a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use, the application fee established by City Council resolution, a written explanation demonstrating compliance with the provisions of this section and other relevant characteristics. In addition, the applicant shall adequately describe the hardship associated with strict code interpretation and the ways in which impacts upon nearby properties and uses are to be alleviated. The Community Development Director shall prepare a staff report recommending a tentative decision to the Council Planning Commission.

(4) Before acting on a request for a transitional use permit, the City Council Planning Commission shall consider the request at a public hearing conducted in the manner provided for in TDC 31.077. The City Council Planning Commission must find that the eligibility criteria are met before an application is approved.

(5) In a case where a Transitional use terminates or relocates before the expiration of the life span of eligibility established for the structure, a new transitional use, if approved by Council Planning Commission, may occupy the structure under prescribed conditions for no more than the previously approved life span of eligibility for the structure.

(6) The ~~Council~~ Planning Commission may approve, approve with conditions, or deny a transitional use permit application based on the criteria listed above. The ~~Council~~ Planning Commission shall, in addition, place a specific time limit on the permit.

(7) An original application may include a single lot or part thereof or more than one adjacent tax lots.

Section 17. TDC 35.040 is amended to read as follows:

(1) If a nonconforming structure or use of land is discontinued for more than 12 months, it shall not be re-established unless specifically approved by the ~~City Council~~ Planning Commission. ~~Approval by the City Council shall be granted or denied~~ The Planning Commission shall grant or deny approval only after conducting a public hearing is conducted on the proposed continuance. Notice of such public hearing shall be given in the manner required in pursuant to TDC 31.077.

(2) Any nonconforming retail commercial, retail service or professional service use that is discontinued for more than 12 months, is located on land designated Industrial Area on Map 9-4, and has been specifically approved by the ~~City Council~~ Planning Commission to be re-established shall conform to the size limitations of the Manufacturing Planning District in which it is located, and also subject to the following two exemptions:

(a) Commercial uses within the Special Setbacks for Commercial Uses Area, shown generally on Map 9-5 and as specified in TDC 60.035 or 61.035, as applicable.

(b) Development approved through the application of the Industrial Business Park Overlay District, as specified in TDC Chapter 69.

(3) See TDC 35.200 for signs.

Section 18. TDC 35.050 is amended to read as follows:

(1) If a nonconforming structure or a structure containing a nonconforming use is destroyed or damaged by any cause to an extent requiring the discontinuance of the use for more than 6 months while making repairs, a future structure or use on the property shall conform to the provisions of the Tualatin Community Plan unless reinstatement of the nonconforming structure or use is approved by the ~~Council~~ Planning Commission in accordance with TDC 35.040, except for warehouse and distribution center uses existing on April 12, 2000 in the Manufacturing Park District which are not required to be reinstated.

(2) See TDC 35.200 for signs.

Section 19. TDC 35.060 is amended to read as follows:

(1) No reinstatement of a nonconforming structure or use shall be granted by the ~~City Council~~ Planning Commission unless it can be shown that all of the following conditions exist:

(a) The nonconforming structure or use, if reinstated, will not be materially detrimental to the objectives of the Tualatin Community Plan.

(b) The nonconforming structure or use, if re-instated, will not have an unreasonable detrimental effect upon the value or use of property located within 300 feet of the exterior boundaries of the property on which the reinstated nonconforming use or structure is sought.

(c) The request for reinstatement of a nonconforming structure or use was filed with the Planning Department not more than 6 months from the date on which the nonconforming structure or use was discontinued.

(2) The ~~City Council~~ Planning Commission may attach conditions to the reinstatement that it finds necessary to protect the best interests of the surrounding property including, but not limited to, compliance with those provisions of the Tualatin Community Plan that are necessary to protect the health, peace, safety and welfare of the public.

(3) See TDC 35.200 for signs.

Section 20. TDC 35.080 is amended to read as follows:

(1) The ~~Council~~ Planning Commission may recess a hearing on a request for reinstatement to obtain additional information or to serve further notice upon other property owners who it decides may be interested or affected by the proposed reinstatement. Upon recessing for this purpose, the ~~Council~~ Planning Commission shall announce the time, place and date when the hearing will be resumed.

(2) See TDC 35.200 for signs.

Section 21. TDC 37.010 is amended to read as follows:

The Tualatin ~~City Council~~ Planning Commission may approve an Industrial Master Plan within the Manufacturing Business Park (MBP) Planning District or the Manufacturing Park Planning District that sets particular standards for development within the Industrial Master Plan Area defined by such plan, in accordance with the

Tualatin Community Plan, the Southwest Tualatin Concept Plan (SWCP) and the Leveton Tax Increment Plan. Such approved plans are intended to achieve a campus-like setting within an Industrial Master Plan Area, while allowing development to occur independently on a number of smaller parcels within that area. It is the intent of this chapter to provide procedures and criteria for the submission and review of such Industrial Master Plan applications.

Section 22. TDC 37.030 is amended to read as follows:

The ~~City Council~~ Planning Commission shall approve an Industrial Master Plan, after a hearing conducted pursuant to TDC 327.040, provided that the applicant demonstrates that the following criteria are met:

(1) Public facilities and services, including transportation, existing or planned, for the area affected by the use are capable of supporting the proposed development or will be made capable by the time development is completed.

(2) The location, design, size, color and materials of the exterior of all structures for the proposed development and use is compatible with the character of other developments within the same general vicinity.

(3) The internal circulation, building location and orientation, street frontage, parking, setbacks, building height, lot size, and access are in accordance with TDC Chapter 62 for the MP Planning District and TDC Chapter 64 for the MBP Planning District unless otherwise approved through the Industrial Master Plan process.

Section 23. TDC 37.040 is amended to read as follows:

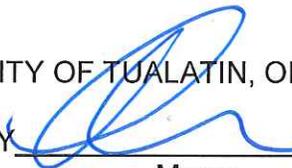
(1) Before acting on a request for an Industrial Master Plan, the application shall be considered by the ~~City Council~~ Planning Commission at a public hearing conducted in the manner provided for in TDC 31.077. The ~~City Council~~ Planning Commission may continue a hearing in order to obtain additional information or serve further notices upon property owners or persons who it decides may be interested in or affected by the proposed conditional use. Upon recessing for this purpose, the ~~Council~~ Planning Commission shall announce the time, place and date when the hearing will be resumed.

(2) The ~~City Council~~ Planning Commission may approve, approve with conditions, or deny the application for an Industrial Master Plan. The ~~City Council~~ Planning Commission may impose, in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best

interests of the surrounding property or neighborhood or the City as a whole and for compliance with the Metro UGMFP Title IV policies and requirements.

INTRODUCED AND ADOPTED this 23rd Day of January, 2012.

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 ORDINANCE 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.



6605 SE Lake Road, Portland, OR 97222 • PO Box 22109 Portland OR 97209-2109  
 Phone: 503-684-0360 Fax: 503-620-3433  
 E-mail: [legals@commnewspapers.com](mailto:legals@commnewspapers.com)

**AFFIDAVIT OF PUBLICATION**

State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

**City of Tualatin  
 Notice of Public Hearing/PTA 11-11  
 TT11618**

A copy of which is hereto annexed, was published in the entire issue of said newspaper for **1**

week in the following issue:  
**December 22, 2011**

*Charlotte Allsop*

Charlotte Allsop (Accounting Manager)  
 Subscribed and sworn to before me this  
 December 22, 2011.

*Jerrin L. Sipe*

NOTARY PUBLIC FOR OREGON  
 My commission expires *Sept 1, 2015*

Acct #108462  
 Attn: Lynette Sanford  
 City of Tualatin, Planning Department  
 18880 SW Martinazzi Ave  
 Tualatin, OR 97062

Size: 2 x 4.75"  
 Amount Due: \$85.97\*  
 \*Please remit to the address above.



**City of Tualatin**  
[www.ci.tualatin.or.us](http://www.ci.tualatin.or.us)

**NOTICE OF HEARING  
 CITY OF TUALATIN, OREGON**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, January 9, 2012 at the Council Building at 18880 SW Martinazzi Avenue to consider:

PLAN TEXT AMENDMENT (PTA) 11-11—AN ORDINANCE AMENDING THE TUALATIN PLANNING ADVISORY COMMITTEE (TPAC) INTO A PLANNING COMMISSION; AND AMENDING TDC 1.020, 1.030, 1.031, 2.050, 2.060, 33.010, 33.020, 33.022, 33.024, 33.025, 33.040, 33.050, 34.183, 34.184, 34.185, 34.186, 35.040, 35.050, 35.060, 35.080, 37.010, 37.030, AND 37.040 (PTA-11-11)

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. For more information contact Colin Cortes, AICP, CNU-A, Assistant Planner at [ccortes@ci.tualatin.or.us](mailto:ccortes@ci.tualatin.or.us) or 503-691-3024. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON  
 By: Sheryl Lombos  
 City Recorder

Publish 12/22/2011. TT11618

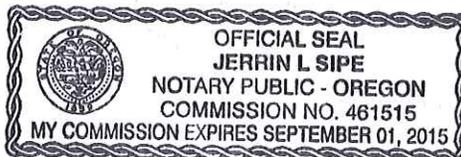


EXHIBIT A



City of Tualatin

# AFFIDAVIT OF POSTING

STATE OF OREGON                    )  
  ) SS  
COUNTY OF WASHINGTON        )

I, Lynette Sanford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted two copies of the Notice of Hearing on the 12 day of December 2011, a copy of which Notice is attached hereto; and that I posted said copies in two public and conspicuous places within the City, to wit:

1. City of Tualatin – Council Building
2. City of Tualatin – Development Services Building

Dated this 20 day of December, 2011

Lynette Sanford  
Lynette Sanford

Subscribed and sworn to before me this 20<sup>th</sup> day of December, 2011.

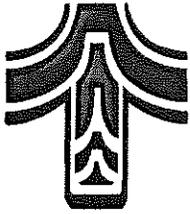
Cortney Rae Cox  
Notary Public for Oregon

My Commission expires: Sept. 21, 2015



**RE: PLAN TEXT AMENDMENT (PTA) 11-11—AN ORDINANCE AMENDING THE TUALATIN PLANNING ADVISORY COMMITTEE (TPAC) INTO A PLANNING COMMISSION; AND AMENDING TDC 1.020, 1.030, 1.031, 2.050, 2.060, 33.010, 33.020, 33.022, 33.024, 33.025, 33.040, 33.050, 34.183, 34.184, 34.185, 34.186, 35.040, 35.050, 35.060, 35.080, 37.010, 37.030, AND 37.040 (PTA-11-11)**

EXHIBIT B



# City of Tualatin

[www.ci.tualatin.or.us](http://www.ci.tualatin.or.us)

## NOTICE OF HEARING CITY OF TUALATIN, OREGON

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Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. *For more information contact Colin Cortes, AICP, CNU-A, Assistant Planner at [ccortes@ci.tualatin.or.us](mailto:ccortes@ci.tualatin.or.us) or 503-691-3024.* This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON  
By: Sherilyn Lombos  
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the *Tualatin Times* on  
December 22, 2011

## PTA-11-11 ATTACHMENT F:

### ANALYSIS & FINDINGS

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below:

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

Staff identifies that it is in the public interest to:

- a) maintain or increase the influence of public involvement in city planning
- b) maintain or increase the efficacy of bodies designated by the City Council to examine in the public interest issues of like kind such as those grouped under city planning, recommend actions to the Council, and support bridging the public and the Council on issues related to city planning.

Tualatin Development Code (TDC) 2.050, part of the City's comprehensive plan, designates the Tualatin Planning Advisory Committee (TPAC) as a citizen body responsible for fulfilling Goal 1 "Citizen Involvement." TPAC is the advisory committee dedicated to issues of city planning for the general community.

The objective of the amendment is to change TPAC into a Planning Commission and assign decision-making authority over five land use application types. The Planning Commission will retain the responsibility for recommendations and continue to provide for citizen involvement.

The goal is to increase and maintain incentive for members to join, attend, and serve the body that the Council had tasked with planning recommendations for the general community and that serves Oregon Statewide Planning Goal 1 "Citizen Involvement." This also serves principles (a) and (b) listed above.

TPAC members want to help streamline land use decisions. They and the Council discussed the topic of increasing and maintaining incentive for members to join, attend, and serve TPAC in the service of public involvement during the March 28, 2011 Council meeting in the context of the TPAC Annual Report and a July 27, 2011 special Council work session. TPAC identified reasons to have a planning commission, including that it would motivate members and facilitate recognition of their value and contribution and that it would lessen some of the land use caseload of the Council. During the October 10, 2011 Council work session, TPAC and the Council discussed and agreed to this amendment that is a sensible outgrowth of previous discussions about volunteer membership in TPAC and public involvement in general.

The amendment makes TPAC into a Planning Commission and grants decision-making authority over five (5) land use application types:

- Industrial Master Plan (IMP)
- Reinstatement of Use
- Sign Variance (SVAR)
- Transitional Use Permit (TRP)
- Variance (VAR) (Note: TDC 33.010(1)(a) allows for the City Council to review a Minor Variance [MVAR] associated with a partition, property line adjustment, or subdivision if staff elevates it or it's appealed. The amendment substitutes the Planning Commission for the City Council.)

The amendment signals greater empowerment of the body that the Council had tasked with planning recommendations for the general community and establishes incentive for members to participate more, new members to seek to join, and for the public to engage the body more. The Planning Commission will continue to meet Goal 1 and principles (a) and (b) listed above.

Granting the amendment is in the public interest. Criterion "A" is met.

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

As examined for Criterion A, the objective of the amendment is to change TPAC into a Planning Commission and assign decision-making authority over five (5) land use application types. The goal is to increase and maintain incentive for members to join, attend, and serve the body that the Council had tasked with planning recommendations for the general community and that serves Oregon Statewide Planning Goal 1 "Citizen Involvement."

In recent years, TPAC has not been able to attain quorum for some meetings, including two consecutive meetings, delaying action items. Additionally, members have expressed a desire to have decision-making authority over some land use application types believing this would build morale, attract more members, and increase public engagement with the body. The Council assented to the idea during the October 10, 2011 work session. These conditions make the amendment timely.

Granting the amendment at this time best protects the public interest.

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

In 1976 Tualatin Development Code (TDC) 2.050 designated TPAC as a citizen body responsible for fulfilling Goal 1 "Citizen Involvement." The amendment does not interfere with the Plan objective of TPAC fulfilling Goal 1. The Plan will reference

the "Planning Commission" instead of the "Tualatin Planning Advisory Committee" or "TPAC."

The proposed amendment conforms with the objectives of the Tualatin Community Plan. Criterion "C" is met.

**4. The following factors were consciously considered:**

**The various characteristics of the areas in the City.**

The factor is not relevant to the proposed amendment because it does not affect any planning district designation or related regulation.

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

The factor is not relevant to the proposed amendment because it does not affect any planning district designation or related regulation.

**Trends in land improvement and development.**

The factor is not relevant to the proposed amendment because it does not relate to trends in land improvement and development.

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

The factor is not relevant to the proposed amendment because it does not relate to the needs of economic enterprises and the future development of the area.

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

The factor is not relevant to the proposed amendment because it does not relate to 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.**

The factor is not relevant to the proposed amendment because it does not relate to natural resources of the City and the protection and conservation of said resources.

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

The consideration of the previous factor applies here also.

**And the public need for healthful, safe, aesthetic surroundings and conditions.**

The factor is not relevant to the proposed amendment because it does not relate to the public need for healthful, safe, aesthetic surroundings and conditions.

**Proof of change in a neighborhood or area**

Neither the applicant nor staff assert proof of change in a neighborhood or area.

**Mistake in the Plan Text or Plan Map.**

Neither the applicant nor staff assert a mistake in the Plan Text or Plan Map.

**5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.**

Because the amendment does not relate to residential use, the criterion is not applicable.

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

Of the 19 statewide planning goals, the applicable ones are Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning."

The objective of the amendment is to change TPAC into a Planning Commission and assign decision-making authority over five (5) land use application types. The goal is to increase and maintain incentive for members to join, attend, and serve the body that the Council had tasked with planning recommendations for the general community and that serves Oregon Statewide Planning Goal 1 "Citizen Involvement."

The amendment does not interfere with the City Council designation of TPAC in Tualatin Development Code (TDC) 2.050 as a citizen body responsible for fulfilling Goal 1. The existing responsibilities of TPAC over land use will remain with the body in its form as the Planning Commission, continuing to meet Goal 2. The criterion is met.

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

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07, neither precludes the amendment nor regulates how a local government constitutes its planning commission or equivalent. The criterion 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.**

Because the amendment does not relate to vehicle trip generation at a land use level, the criterion is not applicable.



## STAFF REPORT CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Brenda Braden, City Attorney *BB*

**DATE:** 01/23/2012

**SUBJECT:** An Ordinance Creating the Tualatin Planning Commission to Replace the Tualatin Planning Advisory Committee; and Amending Chapter 11-1 of the Tualatin Municipal Code

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### ISSUE BEFORE THE COUNCIL:

Council will consider whether to change the Tualatin Planning Advisory Committee to the Tualatin Planning Commission.

### RECOMMENDATION:

Staff recommends that Council approve the ordinance.

### EXECUTIVE SUMMARY:

On January 9, 2012 the City Council held a public hearing to consider whether to change the Tualatin Planning Advisory Committee into the Tualatin Planning Commission. At the end of the hearing the Council voted in favor of the proposal. In order to make the change, it is necessary to amend both the Tualatin Development Code, which spells out the duties, and the Tualatin Municipal Code, which creates the Commission, its membership requirements and procedures. This ordinance will amend the Tualatin Municipal Code.

### OUTCOMES OF DECISION:

If the Council approves the ordinance, the Tualatin Planning Advisory Committee will become the Tualatin Planning Commission.

If the Council does not approve the ordinance, the Tualatin Planning Advisory Committee will remain as is.

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**Attachments:** A - Planning Commission Ordinance

ORDINANCE NO. 1340-12

AN ORDINANCE CREATING THE TUALATIN PLANNING COMMISSION TO REPLACE THE TUALATIN PLANNING ADVISORY COMMITTEE; AND AMENDING CHAPTER 11-1 OF THE TUALATIN MUNICIPAL

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 11-1-010 is amended to read as follows:

11-1-010 ~~Establishment of Committee~~ Planning Commission.

The Tualatin Planning Advisory ~~Committee~~ Commission is established and created.

Section 2. TMC 11-1-020 is amended to read as follows:

11-1-020 ~~Membership of Committee~~ Commission.

(1) The ~~Committee~~ Commission shall consist of seven members appointed by the Council and, except as provided in subsection (6) of this section, shall serve three-year staggered terms. A member may be reappointed to the ~~Committee~~ Commission to additional terms at the discretion of the Council. ~~Committee~~ Commission members shall receive no compensation.

(2) In considering new members, the ~~Committee~~ Commission and Council shall strive for geographic balance. No fewer than five members shall reside inside the corporate boundaries of the City, and no more than two shall reside outside the City. Any nonresident member shall reside within the Urban Growth Boundary of the City of Tualatin.

(3) Each ~~committee~~ commission member serves at the pleasure of the City Council and may be removed by the Council at any time before the ~~committee~~ commission member's term expires.

(4) Any vacancy on the ~~Committee~~ Commission shall be filled by the City Council for the unexpired term of the member creating the vacancy.

(5) No more than two members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of a partnership, or officers or employees of a corporation, that is engaged principally in the buying, selling or developing of real estate for profit. No more than three members shall be engaged in the same kind of business, trade or profession.

(6) One member may be less than 18 years of age. A member who is appointed under this subsection shall serve a one-year term that may be renewed for one additional year. In addition to other criteria deemed relevant by the Council for appointment, the Council may consider the applicant's academic performance and the effect membership on the ~~Committee~~ Commission may have on such performance.

(7) A ~~committee~~ commission member may not have unexcused absences from two or more meetings, including regular and special work sessions during a calendar year, or absences from more than five such meetings held during the calendar year. An excused absence may be obtained by contacting the chairperson or secretary of the ~~committee~~ Commission at least 24 hours prior to a scheduled ~~committee~~ Commission meeting.

Section 3. TMC 11-1-030 is amended to read as follows:

11-1-030 Organization of Committee Commission.

(1) At the regular meeting of the Committee Commission each January, the Committee Commission shall elect a chairperson and vice chairperson, who shall be voting members, of the Committee Commission.

(2) The Community Development Director shall provide a secretary who shall keep an accurate record of all Committee Commission proceedings. The Committee Commission shall file a report of all its proceedings with the City Recorder within 30 days of such proceedings.

**Section 4. TMC 11-1-040 is amended to read as follows:**

11-1-040 Meeting, Rules and Regulations of the Committee Commission.

A majority of members of the Committee Commission appointed by City Council shall constitute a quorum. A quorum of the Committee Commission may transact any business or conduct any proceedings before the Committee Commission. The Committee Commission may adopt and amend rules and regulations establishing the procedure for the conduct of proceedings before it. Any such rules and regulations shall be consistent with any ordinances, resolutions or laws of the City regulating the Committee Commission. The Committee Commission shall convene when necessary to discharge its duties; however, it shall meet not less than six times within every calendar year.

Section 5. TMC 11-1-050 is amended to read as follows:

11-1-050 Expenditure of Funds.

The Committee Commission shall have no authority to make any expenditure of funds on behalf of the City or to obligate the City for the payment of any funds without first obtaining the approval of the City Council by minute order or resolution stating the purpose of such expenditure.

Section 6. TMC 11-1-060 is amended to read as follows:

11-1-060 Powers and Duties of Committee Planning Commission.

The Committee Commission shall have the following powers and duties:

(1) Recommend and make suggestions to the Council regarding preparation and revision of plans for the growth, development, and beautification of areas both inside the corporate limits of Tualatin and also within the City's urban growth boundary, such plans to incorporate elements and subelements including but not limited to the following:

(a) Land use, including Plan Text and Plan Map Amendments (PTA and PMA);

(b) Economic development:

(i) Housing;

(ii) Commercial and industrial;

(c) Public facilities:

(i) Transportation;

(ii) Water supply;

(iii) Sewerage;

(iv) Drainage;

- (v) Parks and open space; and
- (vi) Institutions; and
- (d) Historic Resources.
- (2) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following:
  - (a) Tualatin Development Code;
  - (b) Tualatin Sign Ordinances; and
  - (c) Tree planting regulations.
- (3) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and of the area within the City's Urban Growth Boundary.
- (4) Serve as the City of Tualatin Committee for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities.
  - (a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.
  - (b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the ~~Committee~~ Commission deems appropriate.
- (5) The Planning Commission shall hear and decide the following land use applications using the quasi-judicial evidentiary hearing procedures set forth in TDC 31.077:
  - (a) Industrial Master Plan (IMP);
  - (b) Reinstatement of Use;
  - (c) Sign Variance (SVAR);
  - (d) Transitional Use Permit (TRP); and
  - (e) Variance (VAR).
- (6) Requests for Review of Planning Commission decisions shall be to the City Council and follow the Requests for Review process set forth in TDC 31.078.

Section 7. TMC 11-1-070 is amended to read as follows:

11-1-070 Coordination of Planning Review.

In discharging its powers and duties at the request of the Council under TMC 11-1-060, the ~~Committee~~ Planning Commission shall consider the provisions of a comprehensive plan, project plan or agency plan of the City of Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin and other government agencies having plans or projects affecting the City of Tualatin.

Section 8. TMC 11-1-080 is amended to read as follows:

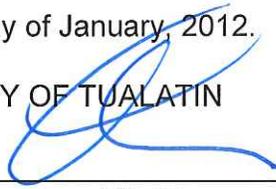
11-1-080 Annual Report of ~~Committee~~ Commission.

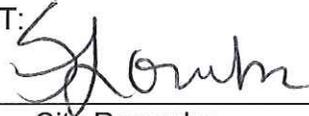
Not later than April 1 of each year the ~~Committee~~ Commission shall file its annual report of the activities of the ~~Committee~~ Planning Commission with the City Council. The annual report shall include a survey and report of the ~~Committee's~~ Commission's activities during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the ~~Committee~~ Commission. The report may include

any other matters deemed appropriate by the ~~Committee~~ Commission for recommendation and advice to the Council.

INTRODUCED AND ADOPTED this 23rd day of January, 2012.

CITY OF TUALATIN

By  \_\_\_\_\_  
Mayor

ATTEST:  
By  \_\_\_\_\_  
City Recorder

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
CITY ATTORNEY



## STAFF REPORT CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL  
Date 1-23-12  
Recording Secretary M&S

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Brenda Braden, City Attorney *BB*  
**DATE:** 01/23/2012  
**SUBJECT:** An Ordinance Relating to Noxious Vegetation and Amending TMC 6-4-010, 6-4-060 and 6-4-090

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### ISSUE BEFORE THE COUNCIL:

The Council will consider whether to amend the noxious vegetation ordinance to change certain mowing requirements for undeveloped, grass-covered meadows or fields.

### RECOMMENDATION:

Staff recommends that Council adopt the ordinance.

### EXECUTIVE SUMMARY:

On November 28, 2011 staff presented a report to the City Council regarding the enforcement of the existing noxious vegetation ordinance. The current ordinance defines "noxious vegetation" as including grass over 10" high.

There are a number of undeveloped commercial properties in Tualatin that have been graded and planted with grasses that are maintained as meadows or fields. During the very wet, cool spring of 2011 the grass on these parcels quickly grew to more than 10", which resulted in the City receiving a number of complaints. The property owners objected to mowing the properties while they were so wet because it was less safe to mow with saturated grounds and it would cause ruts to form and the ground to sink. In addition, mowing would displace the nesting birds in the fields. Council directed staff to prepare an ordinance that would require ten-foot-wide, mowed corridor along any public right-of-way for these undeveloped grass-covered fields in commercial zones and require that the whole property be mowed annually after August 1st. These properties would still not be allowed to become overrun with blackberries, poison oak or ivy, or knotweeds, or to become fire or traffic hazards.

The Council also directed that the word "overall" be added to the restriction against grass or weeds over 10" so that it would be clear that the prohibition was intended to apply to the property as a whole, rather than to a few random weeds.

### OUTCOMES OF DECISION:

If the Council approves the ordinance, owners of grass-covered, undeveloped fields would be required to mow a 10-foot wide corridor along any abutting right-of-way and to mow the entire property annually after August 1st.

If the Council does not approve the ordinance, the vegetation on these properties will have to be kept at a height of 10" or less.

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**Attachments:**    A - Noxious Vegetation Ordinance

ORDINANCE NO. 1341-12

AN ORDINANCE RELATING TO NOXIOUS VEGETATION AND AMENDING  
TMC 6-4-010, 6-4-060 AND 6-4-090

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The following definitions are added alphabetically to TMC 6-4-010. The remaining definitions are unchanged.

"Rodent" means a mouse or rat.

"Undeveloped property" means property left or maintained in its natural state.

"Vector" means any insect organism, including but not limited to flies, fleas, lice, ticks, fly maggots and mosquito larvae capable of bearing or carrying a disease transmittable to human beings.

Section 2. TMC 6-4-060 is amended to read as follows:

No person shall create a hazard by:

(1) Maintaining or leaving in a place accessible to children a container with a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside; or

(2) Being the owner or otherwise having possession of property upon which there is a well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of 12 inches, or more, fail or refuse to cover or fence it with a suitable protective construction; or

(3) Uncontrolled or uncultivated growth of weeds, brush, poison oak, poison ivy, tansy, ragwort, blackberry bushes, or grasses on developed, partially developed, or undeveloped property, which offer vector or rodent harborage, contribute noxious pollens to the atmosphere, constitute a fire hazard or unreasonably interfere with the use and enjoyment of abutting public or private property. Uncontrolled or uncultivated growth on public land or designated private conservation areas specifically for the purpose of providing native wildlife habitat shall not constitute a nuisance. Refer to TMC 6-4-090 for additional Noxious Vegetation regulations.

Section 3. TMC 6-4-090 is amended to read as follows:

(1) The term "noxious vegetation" does not include:

(a) vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire or traffic hazard within the meaning of TMC 6-4-060(3) of this section; or

(b) vegetation on undeveloped commercial or industrial property that has been left or maintained in its natural, primarily grass-covered, meadow-like state, so long as the property:

(i) does not become overrun with poison oak, poison ivy, knotweeds, or blackberry bushes;

(ii) is mowed annually as soon as practicable after August 1 to avoid creating a fire, health or traffic hazard;

(iii) does not constitute a fire or traffic hazard within the meaning of TMC 6-4-060(3).

(iv) maintains a ten-foot-wide mowed corridor along any public right-of-way.

(2) The term "noxious vegetation" includes, at any time between March 1 and October 31 of any year:

(a) Weeds more than 10 inches high.

(b) Grass more than 10 inches high overall and not within the exception stated in subsection (1) of this section.

(c) Poison oak.

(d) Poison ivy.

(e) Blackberry bushes that extend into a public thoroughfare or across a property line.

(f) Knotweeds: Giant, Himalayan and Japanese.

(fg) Vegetation that is:

(i) A health hazard.

(ii) A fire hazard because it is near other combustibles; or

(iii) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

(iv) Impeding stormwater flows into or through a stormwater quality facility.

(v) Affecting treatment capacity and/or altering designed drainage paths in a water quality facility.

(vi) Offering vector or rodent harborage.

(vii) Unreasonably interfering with the use and enjoyment of abutting public or private property.

(vii) Hindering the view necessary for the safe operations of vehicles at or near intersections.

(3) Between March 1 and October 31 of any year, no owner or person in charge of property may allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. It shall be the duty of an owner or person in charge of property to cut down or to destroy grass, shrubbery, brush, bushes, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or in the case of weeds or other noxious vegetation, from maturing or from going to seed.

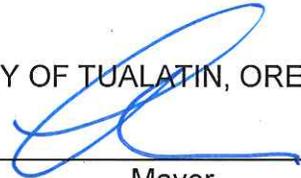
(4) Between January 15 and February 28 of each year, the City Recorder may cause to be published three times in a newspaper of general circulation in the City a copy of Subsection (3) of this section as a notice to all owners and persons in charge of property of their duty to keep their property free from noxious vegetation. The notice shall state that the City intends to abate all such nuisances 10 or more days after the date of the final publication of the notice and to charge the cost of doing so on any particular parcel of property to the owner thereof, the person in charge thereof or the property itself.

(5) If the notice provided for in Subsection (4) of this section is used, it shall be in lieu of the notice required by Section 6-4-170.

INTRODUCED AND ADOPTED this 23rd Day of January, 2012.

CITY OF TUALATIN, OREGON

BY

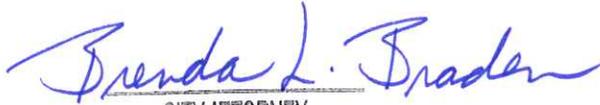
  
\_\_\_\_\_  
Mayor

ATTEST:

BY

  
\_\_\_\_\_  
City Recorder

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
CITY ATTORNEY