



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, May 24, 2010

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

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

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

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

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

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

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

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

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 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)* the employment of personnel; *ORS 192.660(2)(b)* the dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 92.660(2)(m)* security issues. **All discussions within this session are confidential.** Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



A. CALL TO ORDER

Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Page No.

1. Science and Technology Scholarship Recipients Presentation
2. Report on Volunteer Appreciation Week Activities and Awards
3. Upcoming Summer Youth and Recreation Activities
4. Proclamation Declaring May 2010 as National Bike Month in the City of Tualatin

C. CITIZEN COMMENTS

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

D. CONSENT AGENDA (Item Nos. 1 – 2)

Page No.

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

1. Approval of 2010 Liquor License Renewal Late Submittal – World in a Glass Wine.....
2. Resolution No. 4974-10 Authorizing an Intergovernmental Agreement between
Washington County and the City of Tualatin for Towing
Coordination Services

E. PUBLIC HEARINGS – Legislative or Other

Page No.

1. Public Hearing to Consider an Ordinance Increasing Land Use Public Notification.....
Requirements; and Amending Tualatin Development Code (TDC) 1.031, 31.063, 31.067,
31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185,
34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.230, 36.340, 37.020,
68.020, 68.050, 68.080, 68.090; and Adding TDC 31.064 (PTA-09-07)
2. Public Hearing to Consider an Ordinance Amending the General Commercial (CG)
Planning District to allow "Doggie Day Care" and Amending TDC 54.020 and 54.030
(PTA-10-01) [Moved from Quasi-Judicial – Hearing is Legislative]
[CONTINUED to June 14, 2010]

F. PUBLIC HEARINGS – Quasi-Judicial (Item Nos. 1 – 2)

1. Public Hearing to Consider a Resolution for a Conditional Use Permit for a Bus
Maintenance and Storage Facility for Sherwood School District in the General
Manufacturing (MG) Planning District at 20250 SW Cipole Rd. (Tax Lot 2S1 28A
103); (CUP-10-03)

Resolution No. 4975-10 Conditional Use Permit for a Bus Maintenance and Storage
Facility for Sherwood School District in the General Manufacturing
(MG) Planning District at 20250 SW Cipole Rd. (Tax Lot 2S1
28A 103) (CUP-10-03)

2. Public Hearing to Consider a Resolution for a Conditional Use Permit for General Auto
Repair in the Light Manufacturing (ML) Planning District at 7335 SW Childs Road
(Tax Map 2S1 13DC 2100) (CUP-10-04)

Resolution No. 4976-10 Conditional Use Permit for General Auto Repair in the Light
Manufacturing (ML) Planning District 7335 SW Childs Rd.
(Tax Map 2S1 13DC 2100) (CUP-10-04)

G. GENERAL BUSINESS (Item Nos. 1 – 2)

1. Resolution No. 4977-10 Authorizing a New Picnic Shelter in Tualatin Community Park
to be Named Trestle Shelter
2. Ordinance No. 1302-10 Relating to Sign Design Standards for Freestanding Signs in
Commercial Planning Districts; and Amending TDC 20.030;
31.071; 35.200; and 38.220; and Adding a New Section 38.075,
to the TDC (PTA-08-06)

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. COMMUNICATIONS FROM COUNCILORS**J. EXECUTIVE SESSION****K. ADJOURNMENT**

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



May 24, 2010

Mayor Ogden, Council members and citizens of Tualatin, I wish to thank you on behalf of the League of American Bicyclists of which I am a member, instructor and coach; the members of the Washington County Bicycle Transportation Coalition of which I have the honor of serving as executive director, and for all cyclists in and around your fair city for attending to the aforementioned proclamations.

On Sunday, we celebrated National Bike Month here in Tualatin with the inauguration of “**Pedaling in the Park**” in partnership with the Tualatin Parks & Recreation staff and the Tualatin Teen Advisory Council.

The response was excellent, considering the wintry; er excuse me, **CHILLY** spring weather and competition for attention by the 5& 10K runs on the commons plaza, but overall more than 30 youngsters participated in the Youth Skills 123 clinic we held in a parking lot near the commons.

With their parents in attendance, each child was taught how to start and stop using their brakes **and not their shoes**, how to handle their bike to avoid hazards, scan for oncoming traffic, and signal their intentions to turn, and make the turn safely and confidently. They also participated in a figure 8 ride to teach them the rudiments of yielding to traffic on the right.

Everyone had a blast, including the over 50 riders who went on a treasure hunt seeking pirates loaded with bounty after the clinic.

Pedaling in the Park would not have been possible without the commitment of Tualatin’s Teen Advisory Council members. 14 of them participated in a 2 hour training session on Thursday, learning how to fit helmets and set up the course, take registrations and give riders report cards showing them the skills they’ve mastered and those they need more practice on.

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

On Sunday, each performed their tasks admirably and with dispatch and for their efforts, are certified by the League of American Bicyclists to teach the Youth Skills 123 course to elementary and middle school children.

It is our hope at the WashCO BTC that this will be the first of many successful active ventures of this type, not only for Tualatin's youth, but also for adults returning to cycling after a long hiatus.

I'll be meeting with Councilor Beikman and others to form a task force to address childhood obesity on June 10th and look forward to participating in a major way to offer the bicycle as a solution.

Thank you for your time and consideration of bicycle safety and education and look forward to Tualatin's **2nd Annual Pedaling in the Park.**

Sincerely,

Hal Ballard
Executive Director
WashCo BTC



CITY COUNCIL SIGN-UP SHEET

DATE: May 24, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	Uinda Noble	18791 SW. Martinazzi	hinda@translationchamber.com	Chamber	Crawfish ODOT
2.	Michael Noble	15644 S.W. Grand Ave Tigard, OR 97224	Nobleconsulting@comcast.net	Noble motors Inc	Cup Permit
3.	Clara Bennett	16840 SW Parrett Sherwood	lbennett@prnw.com	John Bless	cup permit
4.					
5.					
6.					
7.					
8.					

National Volunteer Appreciation Week

Activities and Awards

Volunteer Services

Victoria Eggleston

Chanda Stone

Margie Bradley

great
acts

are made
up of

small
deeds

Lao Tzu

Recognizing City of Tualatin Volunteers

• 1,336
Volunteers

• 42,056
Hours



Recognizing Collaboration

- Hands on

Greater

Portland

- Volunteer

Match

- Scouts

- Local

Businesses



Volunteer Appreciation Dinner

- Dinner
- Appreciative Remarks
- Tualatin High School Madrigal Singers
- Outstanding Volunteer Awards
- Nominated for Governor's Awards



Lindsey Pozo

Outstanding Youth
Volunteers

•YAC

•TEAM

•Library



Jon Hartman

Outstanding Adult
Volunteer

• Library Technical
Services

• Photography

• LSTA Grant
Committee



Candice Kelly
Outstanding Senior
Volunteer
•Tualatin Tomorrow



Umpqua Bank
Outstanding
Volunteer Group
• Library Story Time



Nan Bogdan

Outstanding
Lifetime Volunteer

- Friends of the
Library
- Library Support
Services





Volunteer Services
volunteer@ci.tualatin.or.us

City of Tualatin 2010 Summer Programs



TEAM Tualatin



City of Tualatin

G.R.E.A.T. Program

Gang Resistance Education and Training

- ☀ 17TH Year
- ☀ Over 150 Student Participants
- ☀ Team Building Games
- ☀ Emphasis on "At Risk Kids"
- ☀ Giving back to the community through community service



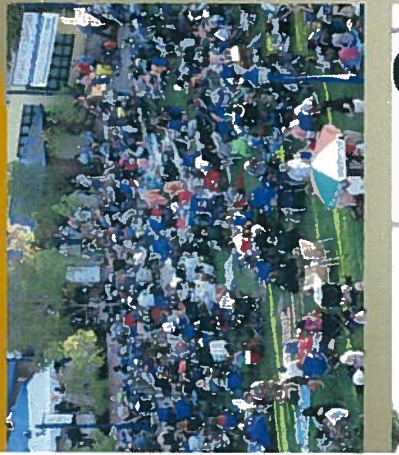
City of Tualatin

Tualatin Public Library

Summer Reading Program
Tuesdays at 7:00pm
Tualatin Commons
June 22 - August 10



More Library program information at www.ci.tualatin.or.us or call 503.691.3071



Arts

Concerts on the Commons

Friday nights at 6:30 pm in July and August

ArtSplash Art Show and Sale

July 23, 24 & 25 at Tualatin Commons

ArtWalk

Talk a stroll and explore Tualatin's diverse public art

ArtSplash 2010

Join us in July for
Tualatin's 15th Annual
Art Show & Sale
featuring more than
50 Local Oregon Artists

Watercolor
Acrylics
Photography
Oil
Glass
Quilt work
Metal
Ceramics
Jewelry
and much more!

Tualatin Commons
8325 SW Nyberg St., Tualatin
Friday, July 23: 12 pm - 9 pm
Saturday, July 24: 10 am - 8 pm
Sunday, July 25: 10 am - 4 pm



City of Tualatin

More arts program information at www.tualatinarts.com or 503.691.3062

Recreation

Kids

Summer in the Park Day Camp

YMCA/Challenger Sports/Science Adventures (Sports, Science, Legos)



Teens

Teen Adventure Camp (Raft, Bike, Climb, Horseback riding, surfing)
Classes and Trips!

TualaFest (Battle of the Bands)



Adults

Meals at Juanita Pohl Center

Fitness

Creative Arts

Lifelong Learning (Gardening, Health)

Wellness and Support Services



Events

Movies on the Commons

Anniversary BBQ for Meals-on-Wheels



More Recreation Program information at www.tualatinrecreation.com or call 503.691.3061



City of Tualatin

Thank you Tualatin!



Proclamation

Proclamation Declaring May 2010 as "National Bike Month" in the City of Tualatin

WHEREAS the bicycle is a viable and environmentally sound form of transportation, as well as an excellent form of recreation and physical activity; and

WHEREAS many Tualatin residents will experience the joys of bicycling this summer through educational programs, commuting events, trail work days, helmet promotions, recreational bike rides, and other bicycling events; and

WHEREAS the bicycle offers a clean, quiet, affordable, and healthy alternative to automobile commuting; and

WHEREAS the national nonprofit League of American Bicyclists has declared the month of May as National Bike Month for each of the last 54 years, and has done so again in 2010; and

WHEREAS during the month of May, the Tualatin Parks and Recreation Department, along with the Washington County Bicycle Transportation Coalition, police departments, hospitals, businesses, and civic groups throughout Oregon will be promoting bicycling as a wholesome transportation and leisure activity, as well as an environmentally friendly alternative to the automobile.

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

The month of May 2010 is proclaimed as "National Bike Month" in Tualatin and encourage all residents to use the bicycle for transportation during the month of May, to recognize the importance of bicycle safety, and to be more aware of cyclists on our streets and highways.

INTRODUCED AND ADOPTED this 24th day of May 2010.

CITY OF TUALATIN, OREGON

BY

Mayor

ATTEST:

BY

City Recorder



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 5-24-10

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: May 24, 2010

SUBJECT: APPROVAL OF 2010 LIQUOR LICENSE RENEWAL LATE SUBMITTAL

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve liquor license renewal applications for 2010. The business listed below submitted their 2010 renewal application too late to be included in the renewals approved at the February 22, 2010 Council meeting. Copies have not been included with this staff report but are available at the City Offices for review.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the following liquor license application renewal for 2010:

- World in a Glass Wine

EXECUTIVE SUMMARY:

Annually the Oregon Liquor Control Commission (OLCC) requires all liquor licenses be renewed. According to the provisions of City Ordinance No. 680-85, establishing procedures for liquor license applicants, applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license renewal requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A renewal fee of \$35 has been paid by each applicant.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Kent W. Barker, Chief of Police

DATE: May 24, 2010

SUBJECT: A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN WASHINGTON COUNTY AND THE CITY OF TUALATIN FOR TOWING COORDINATION SERVICES.

ISSUE BEFORE THE COUNCIL:

Adopting the Intergovernmental Agreement between Washington County and the City of Tualatin.

RECOMMENDATION:

Staff recommends that the Council adopt the attached Resolution authorizing participation in the Intergovernmental Agreement.

EXECUTIVE SUMMARY:

- The Tualatin Police Department currently uses Washington County Consolidated Communications Agency (WCCCA) to dispatch tow trucks to the scene of automobile crashes, hazardous tow situations, evidence impounds, and to the scene of traffic stops where a driver has been cited and/or arrested for Driving Under the Influence of Alcohol (DUI), Driving While Suspended (DWS) or Driving Without Insurance.
- The services that are provided are listed on Attachment A of the attached Intergovernmental Agreement.
- This agreement has been reviewed by our City Attorney and has been approved to bring forward to the City Council for adoption.

STAFF REPORT: Resolution authorizing IGA for towing coordination services.
May 24, 2010
Page 2 of 2

FINANCIAL IMPLICATIONS:

There is no fiscal impact to this resolution:

Attachments: A. Resolution
B. Intergovernmental Agreement
C. Attachment A

RESOLUTION NO. 4974-10

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN WASHINGTON COUNTY, AND THE CITY OF TUALATIN FOR
TOWING COORDINATION SERVICES

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

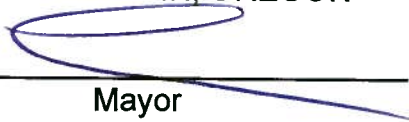
Section 1. The City Council approves and accepts the attached
Intergovernmental Agreement between Washington County and the City of Tualatin for
towing coordination services.

Section 2. The Mayor and the City Recorder are authorized and directed to
execute the Intergovernmental Agreement on behalf of the City of Tualatin.

INTRODUCED AND ADOPTED this 24th day of May, 2010.

CITY OF TUALATIN, OREGON

BY

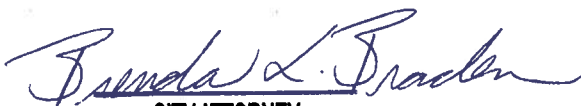

Mayor

ATTEST:

BY


City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

INTERGOVERNMENTAL AGREEMENT FOR TOWING COORDINATION SERVICES

This Agreement is entered into, by and between Washington County, a political subdivision of the State of Oregon, and the City of Tualatin.

WHEREAS ORS 190.010 authorizes the parties to enter into this Agreement for the performance of any or all functions and activities that a party to the Agreement has authority to perform.

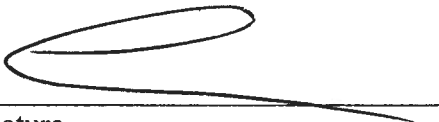
Now, therefore, the parties agree as follows:

- 1) The initial term of this Agreement shall commence upon the date of execution by City or upon final signature, whichever is later. The term of the Agreement automatically renews for a one-year term on July 1 of each year, unless notice of termination is given by one party to the other, pursuant to paragraph 7 of this Agreement, before the term begins. Any such notice shall be served on or before June 1 for the term beginning July 1.
- 2) The parties agree to the terms and conditions set forth in Attachment A, which is incorporated herein, and describes the responsibilities of the parties, including compensation, if any.
- 3) Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap.
- 4) Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an officer, agent or employee of any other.
- 5) No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
- 6) This Agreement may be terminated, with or without cause and at any time, by a party by providing 30 days written notice of intent to the other party(s).
- 7) Modifications to this Agreement are valid only if made in writing and signed by all parties.
- 8) Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party. City specifically agrees, subject to the limits of the Tort Claims Act and the Oregon Constitution, to indemnify and defend County for any claim, demand, action or suit arising from any City policy, practice, procedure or custom, and any claim, demand, action or suit which alleges that a tow ordered by a City officer was improper or without authority.

- 9) Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.
- 10) Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.270.
- 11) Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.
- 12) This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefore.
- 13) This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

WHEREAS, all the aforementioned is hereby agreed upon by the parties and executed by the duly authorized signatures below.

CITY OF TUALATIN, OR
Jurisdiction


Signature

LOU OGDEN
Printed Name

MAY 24, 2010
Date

MAYOR
Title

Address: 18880 SW Martinazzi Ave. Tualatin, OR 97062

WASHINGTON COUNTY:

Signature

Date

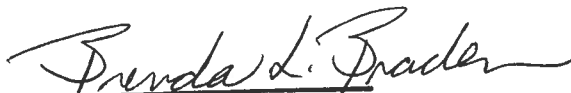
Printed Name

Title

Address:

Mail Stop # _____
Hillsboro, OR _____

APPROVED AS TO LEGAL FORM


Brenda L. Brader
CITY ATTORNEY

ATTACHMENT A

Statement of Work/Schedule/Payment Terms

Washington County agrees to provide Tow Coordination Services to the City of Tualatin (hereinafter Contract Agency) for the duration of this contract. These services shall consist of:

- 1) Providing a Tow Coordinator to oversee contracts with tow firms and administer the Towing Procedures Manual, including enforcement of suspension and termination provisions.
- 2) Conducting background checks on all tow drivers and related tow employees as required by the Towing Procedures Manual.
- 3) Complaint handling from citizens and other agencies
- 4) Conducting tow lot inspections and inspections of towing equipment
- 5) Define tow areas and administer rotational tow lists with contracted dispatcher.
- 6) Maintain and administer contract with contracted dispatcher.
- 7) Providing periodic reports to contract agencies regarding number of tows, average response times and other information as agreed.

In consideration of Washington County providing the above services, City agrees to notify Washington County of any tow issues or complaints arising from a non-consensual law enforcement tow, and to fully cooperate with County in investigating these complaints. City also agrees to utilize towing policies and procedures which are compatible with the Towing Procedures Manual and do not conflict with the provisions of the Manual or the contract between Washington County and contract tow firms.

These services do not include, and City shall remain solely responsible for the following:

- 1) Conducting hearings under ORS 809.716 or other statutes on impoundment of vehicles towed by City officers, and paying for any tows by City officers which are found to be improper.
- 2) Providing any required notice of impoundment or towing, including but not limited to notice under ORS 819.180, 809.720 or 809.725.

Washington County will maintain rotational tow lists for each area, but will not create or administer a tow list for an individual agency.



STAFF REPORT

CITY OF TUALATIN

****As Amended****
APPROVED BY TUALATIN CITY COUNCIL
Date 5-24-10
Recording Secretary MSM

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
Colin Cortes, Assistant Planner *C.C.*

DATE: May 24, 2010

SUBJECT: AN ORDINANCE INCREASING LAND USE PUBLIC NOTIFICATION REQUIREMENTS; AND AMENDING TUALATIN DEVELOPMENT CODE (TDC) 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.230, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; AND ADDING TDC 31.064 (PTA-09-07)

ISSUE BEFORE THE COUNCIL:

City Council consideration of modification of land use notification requirements, specifically related to mailing distance and signs.

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) voted 7-0 on April 8, 2010 recommending that the City Council approve PTA-09-07.

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

EXECUTIVE SUMMARY:

- This matter is a land use action requiring a legislative public hearing.
- This matter is a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC).
- The applicant is the City.
- The request is to modify the land use public notification requirements relating to mailing distance and signs, both through amendment to the TDC.
- The City Council last examined this issue during the work session on January 25, 2010.
- The Council provided direction that staff return to the Council during a public hearing with a legislative Plan Text Amendment (PTA).

- A number of residents had commented to the City Council in recent months about inadequate signage for neighborhood/developer meetings required per TDC 31.063 and that they were not within the 300-foot mailing notification areas for several land use applications and so did not receive notice as they would have liked. The City initiates the amendment because the City Council wants to improve public notification of land use actions.
- Oregon Revised Statutes (ORS) 197.763(2)(a)(A) mandates a minimum notification distance of 100 feet (ft) and ORS 197.763(2)(b) requires notification of any neighborhood or community organization recognized by the City and whose boundaries include the subject property. The current Tualatin standard of 300 ft exceeds the minimum requirement.
- Regarding mailing distance, the amendment would increase the present minimum distance from 300 to 500 feet (ft) from the boundaries of a subject property and require that if the 500-foot area overlaps lots within a platted residential subdivision that notice area extend to include the entire subdivision of which the lots are part. An applicant must identify these subdivisions, and if the subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases.
- Regarding signs, the amendment would
 - Create a standard design for all City land use notice signs, including neighborhood/developer meeting signs.
 - Establish a standard minimum size of 18 x 24 inches (1½ x 2 ft) with text at least two (2) inches tall with other design characteristics to be determined by staff. Staff would provide an electronic template of this standard sign design to applicants.
 - Require that applicants both provide and post signs, including neighborhood/developer meeting signs, to the City standard.
 - Require that applicants submit affidavits of postings.
 - Require posted signs for the following:
 - Neighborhood/Developer Meeting
 - Annexation (ANN)
 - Architectural Review (AR), except Single-Family Level I
 - Conditional Use Permit (CUP)
 - Historic Landmark actions (HIST); in addition to demolition, the amendment includes designation, removal of designation, relocation, or alteration or new construction
 - Industrial Master Plan (IMP)
 - Partition (PAR)
 - Plan Map Amendment (PMA)
 - Plan Text Amendment (PTA) if property-specific / quasi-judicial
 - Subdivision (SB)
 - Transitional Use Permit (TUP)
 - Tree Removal Permit (TRP)
 - Variance (VAR).

- Require that there be a sign per frontage rather than per subject property and that for a property on a dead-end street that there be an additional sign along the nearest through street.
- Of the above listed land use applications, the Tree Removal Permit (TRP) is the one most likely to affect individual single-family homeowners. The Council might want to consider whether or not to impose additional cost by requiring sign posting for this application type.
- Along with the amendment, staff is drafting a postcard template for mailed notices that accommodates the minimum required information for a notice.
- Before granting the proposed PTA, the City Council must find that the application meets the plan amendment criteria listed in TDC 1.032. The Analysis and Findings section of this report (Attachment B) examines the application.
- Because the amendment is a legislative action, the 120-day rule codified in Oregon Revised Statutes (ORS) 227.178(2) is not applicable.

OUTCOMES OF DECISION:

Approval of the PTA request would result in the following:

1. Creates a standard sign design for both neighborhood/developer meetings and land use actions.
2. Requires posted signs for the following:
 - Neighborhood/Developer Meeting
 - Annexation (ANN)
 - Architectural Review (AR), except Single-Family Level I
 - Conditional Use Permit (CUP)
 - Historic Landmark actions (HIST); in addition to demolition, the amendment includes designation, removal of designation, relocation, or alteration or new construction
 - Industrial Master Plan (IMP)
 - Partition (PAR)
 - Plan Map Amendment (PMA)
 - Plan Text Amendment (PTA) if property-specific / quasi-judicial
 - Subdivision (SB)
 - Transitional Use Permit (TUP)
 - Tree Removal Permit (TRP)
 - Variance (VAR).
3. Applicants pay the costs and spend the time to both provide and post signs.
4. There is greater uniformity within the TDC for signed public notice of land use actions.
5. The minimum mailing notification distance expands from 300 to 500 feet, and if any lots are within a residential subdivision, the mailing area extends to take in the whole subdivision.
6. The City accomplishes better public notice of land use actions.

Denial of the PMA request would result in the following:

1. No standard sign design for both neighborhood/developer meetings and land use actions.
2. Requirement remains to post signs from standardized dimensions for the following:
 - Neighborhood/Developer Meeting, yet without a standard design as has been customarily used for City-provided land use signs
 - Annexation (ANN)
 - Architectural Review (AR)
 - Historic Landmark demolition (HIST)
 - Subdivision (SB).
3. Conditional Use Permit (CUP) and Plan Map Amendment (PMA), two major application types, would continue to not require signs.
4. The City continues to bear the cost of providing land use action signs except for that recouped through application fees.
5. There remains variety within the TDC for signed public notice of land use actions.
6. Makeshift neighborhood/developer signs remain inadequate for public notice. Actions such as CUP and PMA, for which other jurisdictions conventionally require signs, would continue to not require signs in Tualatin.
7. The minimum mailing notification distance remains at 300 feet.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the TPAC and staff recommendations are:

- Recommend the Council approve the proposed PTA with alterations.
- Recommend the Council deny the request for the proposed PTA.
- Continue the discussion of the proposed PTA and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The FY 2009/10 budget accounts for the cost of City-initiated land use applications.

DISCUSSION:

The amendment would amend the TDC as shown in Attachment C.

PUBLIC INVOLVEMENT:

Residents' comments about City public notification practices had prompted the City Council to amend the notification requirements.

Attachments: A. Background
B. Analysis and Findings
C. Ordinance

PTA-09-07 ATTACHMENT A:

BACKGROUND

A number of residents had commented to the City Council in recent months about inadequate signage for neighborhood/developer meetings and that they were not within the 300-foot mailing notification areas for several land use applications and so did not receive notice as they would have liked.

The City Council last examined this issue during the work session on January 25, 2010. Following Council direction, staff initiated the amendment to modify the land use public notification requirements relating to mailing distance and signs through amendment to the TDC.

The issue before the Council was whether and if so how to amend those sections of the Tualatin Development Code (TDC) relating to public hearing / land use notification requirements, particularly mailed notification of property owners and site sign posting.

During the January 25, 2010 work session, staff summarized the report, including (1) the 300 and 500 foot (ft) buffer mailing cost analysis and (2) sign sizes and costs, and showed examples of City signs. The Council began by discussing signs, expressing a desire to extend the 18" x 24" City land use sign template to other land use applications, to be specifically enumerated at staff discretion. They stressed a desire for consistency and predictability regarding the posting of land use signs.

The Council expressed also that they dislike neighborhood/developer meeting signs because applicants make signs of less quality than the signs the City provides for notice of land use applications. They want applicants to make neighborhood/developer meeting signs to the same standard as the signs the City provides presently.

Further direction specified that there be a sign per frontage rather than per subject property and that for a property on a dead-end street that there be an additional sign along the nearest through street.

Councilor Truax indicated that he wanted to have the City create an electronic version of a City sign template made available to sign contractors, explaining that contemporary signs are physically pre-made and printed upon directly.

Several councilors expressed interest in migrating to an electronic notification system for residents, which might lessen the need for mailed notification, including through use of tools such as the Flash Alert e-mail system, the City newsletter, and the creation of a land use application listserv. Councilor Davis added that it would be a good idea for a recipient to be able to subscribe to updates about a particular

development project. Someone mentioned use of a banner at the Commons and making land use applications more visible on the City website.

Several councilors expressed a desire to cut the volume of paper in a mailing by providing only a single-page summary and a means for recipients to obtain more information if they so chose. Brenda Braden, City Attorney, and Doug Rux, Community Development Director expressed concerns about state law mandating that recipients of notice of a limited land use decision receiving at least enough information to be able to make intelligible public comment, as required by Oregon Revised Statutes (ORS) 197.015(12).

Council leaned towards amending the mailed notification buffer requirement from 300 to 500 ft and requiring that the buffer take in the whole of any "neighborhood," (i.e. residential subdivision) that it would overlap. Staff is researching the feasibility of a one-page summary land use notice. Regarding the extension of the City sign template, the Council expressed strongly that staff can and ought to decide on behalf of the Council whether the City or applicants provide required signs to City standards and the size, colors, and text of the sign template.

The main points of the above discussion are listed below. Some require amendment of the Tualatin Development Code (TDC), while others can be accomplished through change in City process:

Signs

- Create a standard design for all City land use notice signs, including neighborhood/developer meeting signs.
- Establish a standard minimum size of 18 x 24 inches (1½ x 2 ft) with text at least two (2) inches tall with other design characteristics to be determined by staff.
- Require that applicants both provide and post signs, including neighborhood/developer meeting signs, to the City standard.
- Require that applicants submit affidavits of postings.
- Apply the design to most land use application types, to be determined by staff. The City already requires posted signs for annexation (ANN), architectural review (AR), subdivision (SB), and demolition of a historic landmark (HIST). Below is the list of all land use actions that would require signs:
 - Neighborhood/Developer Meeting
 - Annexation (ANN)
 - Architectural Review (AR), except Single-Family Level I
 - Conditional Use Permit (CUP)
 - Historic Landmark actions (HIST); in addition to demolition, the amendment includes designation, removal of designation, relocation, or alteration or new construction

- Industrial Master Plan (IMP)
 - Partition (PAR)
 - Plan Map Amendment (PMA)
 - Plan Text Amendment (PTA) if property-specific / quasi-judicial
 - Subdivision (SB)
 - Transitional User Permit (TUP)
 - Tree Removal Permit (TRP)
 - Variance (VAR).
- Require that there be a sign per frontage rather than per subject property and that for a property on a dead-end street that there be an additional sign along the nearest through street.

Mailed and Electronic Notification

- Investigate and develop electronic means of land use notification. Increase the minimum mailing notification area (buffer) from 300 to 500 feet (ft) and require that the buffer take in the whole of any “neighborhood,” (i.e. residential subdivision) that it would overlap. A given subdivision would be as defined by recorded plats, including an individually platted phase.

Regarding mailing distance, the amendment would increase the present minimum distance from 300 to 500 feet (ft) from the boundaries of a subject property and require that if the 500-foot area overlaps lots within a platted residential subdivision that notice area extend to include the entire subdivision of which the lots are part. An applicant must identify these subdivisions, and if the subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases.

Staff used Microsoft PowerPoint to create the sign templates and Microsoft Publisher to create the postcard templates. For the postcards, staff created a master template for notice of application and another for notice of hearing. Additionally, each land use application type has a template. Staff also applied the same logic in creating templates for signs.

The postcards and notice of application signs direct readers to the City website. Staff would post and update a hyperlinked list of land use applications at www.ci.tualatin.or.us/departments/communitydevelopment/planning/CurrentPlanning.cfm and create prominent hyperlinks to this webpage on other webpages, such as the City homepage. The neighborhood/developer meeting signs would provide the contact information for potential applicants. Staff would continue to make print copies of land use applications available at the Planning Division and also provide copies for viewing at the public library.

The basic logic of using postcards for notices of application and public hearing is to spend less money by using less paper and postage while still providing notice to a

greater number of residents. The present method is to use City letterhead and City envelopes for notices of application, plus a number of pages for a complete copy of a land use application. The postcards would be 6 x 9 inches, which the United States Postal Service (USPS) classifies as first-class mail large postcards requiring postage identical to first class letters, presently 44¢. A notice of application presently includes a cover sheet and a copy of the application, which taking an Architectural Review (AR) as an example can be many pages and cost more in postage as bulk mail. A notice of hearing comes on City letterhead in a City envelope with either a pre-printed address or more often separately printed labels. Based on a price quote from www.perforatedpaper.com, 1,000 sheets of cardstock perforated at 6 x 9 inches would cost approximately 10¢ each. In contrast, present paper and printing costs used in the methodology to update the City fee schedule are 25¢ a page, and an envelope costs 13¢. While the 10¢ per postcard excludes printing costs, the cost per mailing recipient are still much less with postcards than the present mailing method for either notice of application or hearing.

PTA-09-07 ATTACHMENT B:

ANALYSIS AND 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.

A number of residents had commented to the City Council in recent months about inadequate signage for neighborhood/developer meetings required per TDC 31.063 and that some of them were not within the 300-ft mailing notification areas for several land use applications and so did not receive timely notice as they would have liked. The City initiates the amendment because the City Council wants to improve public notification of land use actions.

The basic purpose of notification – including the conventional methods of newspaper ads, posting of notices in public places, mailing of notices, and on-site signs and newer electronic methods – is to respect the principles of open and transparent government. Particularly for the field of urban planning, such government is able to signal to citizens when their generalist oversight over professional specialty is needed. Notice allows for a necessary check of government action.

This is partly why the State of Oregon codifies a minimum mailing notification distance, which is 100 ft per Oregon Revised Statutes (ORS) 197.763(2)(a)(A), and also requires notification of any relevant neighborhood or community organization recognized by a local government.

In short, the amendment improves public notice of land use actions, itself directly serving the public interest, and comes at the request of local residents through direction by the City Council.

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, a number of residents had commented to the City Council in recent months about inadequate signage for neighborhood/developer meetings required per TDC 31.063 and that some of them were not within the 300-ft mailing notification areas for several land use applications and so did not receive timely notice as they would have liked.

Because there will be further development and redevelopment within the city, without the amendment there would be a continued amount of conflict over public notice than there would otherwise be. Given the moribund real estate market, the present time is also a convenient and proper time for the City to address the issue prior to development activity increasing post-recession.

In short, the amendment improves public notice of land use actions, itself directly serving the public interest, and comes at the request of local residents through direction by the City Council.

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.

Tualatin Community Plan (TDC Chapters 1-30), Section 2.050 "Citizen Involvement," acknowledges Oregon Statewide Planning Goal 1, "Citizen Involvement" and describes how the City advisory committees serve that goal. Though there is no other provision in the Tualatin Community Plan that explicitly addresses citizen involvement, the TDC does further the goal by requiring neighborhood/developer meetings per TDC 31.063. Other TDC chapters related to particular land use application types establish requirements for mailing of notice and for sign posting that exceed the minimum requirements of Oregon Revised Statutes (ORS) 197.763(2)(a)(A) and 197.763(2)(b). The amendment would broaden and strengthen these requirements and therefore be in conformity with the Tualatin Community Plan.

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 proposed amendment as a legislative Plan Text Amendment does not affect any planning district designation or related regulation. Otherwise, the amendment would modify the minimum mailing distance from 300 feet (ft) to 500 ft and acknowledge the existence of residential subdivisions by requiring that if the mailing area overlaps lots within a platted residential subdivision that notice area extend to include the entire subdivision of which the lots are part. (An applicant would identify these subdivisions, and if the subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases.) In this way, the amendment acknowledges how to better notify city residents based on where they reside.

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

The factor is not relevant to the proposed amendment because as a legislative Plan Text Amendment it does not affect any planning district designation or related regulation and involves no physical improvements.

Trends in land improvement and development.

As examined earlier for Criterion B, because there will be further development and redevelopment within the city, without the amendment there would be a continued amount of conflict over public notice than there would otherwise be. Given the moribund real estate market, the present time is also a convenient and proper time for the City to address the issue prior to development activity increasing post-recession.

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

The factor is not relevant to the proposed amendment because as a legislative Plan Text Amendment it does not logically affect the needs of economic enterprises and the future development of an area.

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 has no relation to the protection and conservation of natural resources.

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

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

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

The factor is indirectly relevant because the amendment affords greater notice to residents, allowing them to comment on land use actions and help the City better define what constitutes "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, staff determined that the applicable one is Goal 1, "Citizen Involvement."

As examined for Criterion A, TDC 2.050 acknowledges Goal 1 and describes how the City advisory committees serve that goal. Though there is no other provision in the Tualatin Community Plan that explicitly addresses citizen involvement, the TDC does further the goal by requiring neighborhood/developer meetings per TDC 31.063. Other TDC chapters related to particular land use application types establish requirements for mailing of notice and for sign posting that exceed the minimum requirements of Oregon Revised Statutes (ORS) 197.763(2)(a)(A) and 197.763(2)(b). The amendment would broaden and strengthen these requirements and therefore continued to comply with Goal 1 and exceed the minimum statute requirements.

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 involves citizens on land use actions (other than the UGMFP itself). 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.

ORDINANCE NO. _____

AN ORDINANCE INCREASING LAND USE PUBLIC NOTIFICATION REQUIREMENTS; AND AMENDING TUALATIN DEVELOPMENT CODE (TDC) 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.230, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; AND ADDING TDC 31.064 (PTA-09-07)

WHEREAS upon the application of the City of Tualatin, a public hearing was held before the City Council of the City of Tualatin on May 24, 2010, related to a Plan Text Amendment of the TDC; and amending TDC 1.031, 31.063, 31.067, 31.071, 31.072, 31.074, 31.076, 31.077, 32.060, 33.010, 33.024, 33.030, 34.013, 34.185, 34.186, 34.200, 34.210, 34.260, 34.310, 36.120, 36.140, 36.220, 36.230, 36.340, 37.020, 68.020, 68.050, 68.080, 68.090; and adding TDC 31.064 (PTA-09-07); and

WHEREAS notice of public hearing was given as required under the TDC by publication on 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 May 24, 2010, 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 [_ - _] with councilors _____ voting _____; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report dated May 24, 2010, 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:

Attachment C
Ordinance

Section 1. TDC 1.031 is amended to read:

(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. 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 by ~~regular first class mail~~ to property owners of property and recognized neighborhood associations located within 300 500 feet of the subject property. -If the 500-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 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; 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 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 Planning 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.

(34) The City shall provide written notice to the Tigard-Tualatin School District not ~~less~~fewer 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:

(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. 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.~~mail notice of meeting:~~

~~(a) at least 14 days and no more than 28 days prior to the meeting.~~

~~(b) to owners of properties within 300 feet of the subject property, any City recognized Neighborhood Associations under TDC 31.065 whose boundaries are within 300 feet of the subject property, and to the Community Development and City Engineer of Tualatin; and~~

~~(c) that states the date, time and location of the meeting and briefly discusses the nature and location of the proposal.~~

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

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

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

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

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

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

(a) the mailing list for the notice;

(b) a copy of the notice;

(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. TDC 31.067 is amended to read:

(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) ~~the owners (fee title) of the lots within 300 feet of the subject territory~~recipients pursuant to TDC 31.064(1) and the governing jurisdiction of, including 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 ~~300~~500 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.

(45) 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.

(56) 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.

(67) 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, City recognized neighborhood associations whose boundaries are within ~~300~~500 feet of the subject territory and to Necessary Parties as defined in Metro Code 3.09, and

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

(78) 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 ~~300~~500 feet of the subject territory 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.

Section 4. TDC 31.071 is amended to read:

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

subject to TDC 31.063. An applicant for Single-family Architectural Review shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to TDC 31.071(7). Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall submit to the Community Development Director an Architectural Review Plan application which shall contain:

- (a) The project title;
- (b) The names, addresses and telephone numbers of the property owners, applicants, architect, landscape architect and engineer;
- (c) The signatures of the property owners and applicants;
- (d) The site address and the assessor's map number and tax lot number;
- (e) A Service Provider Letter from the ~~Unified Sewerage Agency~~Clean Water Services indicating a "Stormwater Connection Permit Authorization Letter" will likely be issued;
- (f) Any necessary wetland delineations applicable to the site;
- (g) Any Fill/Removal Permit issued by the Oregon Division of State Lands and the Army Corps of Engineers;
- (h) The application fee as established by City Council resolution;
- (i) A site plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped greenways, mixed solid waste and recyclables storage and railroad tracks. A site plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the Community Development Director. The site plan shall illustrate the location of existing structures, existing facility utilities, and whether they will be retained as part of the project. The site plan shall indicate the location of entrances and exits, pedestrian walkways and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. The site plan shall also indicate conditions and structures on adjacent properties sufficient to demonstrate that the proposed development is coordinated with existing or proposed developments on adjacent properties. Where the applicant proposes to change the existing topography, then a proposed grading plan shall be submitted drawn at a scale of 1":10', 1":20' or 1":30'. Trees having a trunk diameter of eight inches or greater, as

measured at a point four feet above ground level, proposed to be removed and to be retained on site shall be indicated on the grading plan.

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

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

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

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

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

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

(p) An 8 1/2" x 11" black and white site plan suitable for reproduction.

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

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

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

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

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

(2) The applicant shall provide a list of mailing recipients pursuant to TDC 31.064(1). ~~submit a verified statement showing the sign has been posted on the property in a conspicuous location which indicates that a development proposal has been submitted to the City and the name of the person or persons who may be contacted in order to inquire about specific aspects of the proposal. The sign size, copy size, copy content, height, location and maintenance shall be determined by the Community Development Director with the objects of providing members of the public passing the site with reasonable notice, such that an interested person would have an opportunity to inquire further.~~

(3) ~~For purposes of identifying property owners to receive notification of decisions and hearings, if any, the names and addresses of the owner or owners of record (fee title) as shown in the current, or within 30 days of the completed application, computer roll of the County Assessor shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, or registered architect, landscape architect, engineer, surveyor, attorney, or where the City is the applicant, the Community Development Director. The list of property owners shall be updated not less than every 90 days by the applicant, until a final decision is rendered.~~ The applicant shall post a sign pursuant to TDC 31.064(2).

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

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

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

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

(2) Excepting Level I (Clear and Objective) Single-family Architectural Review,
~~tThe applicant shall provide a list of mailing recipients pursuant to TDC 31.064(1). submit a verified statement showing the sign has been posted on the property in a conspicuous location which indicates that a development proposal has been submitted to the City and the name of the person or persons who may be contacted in order to inquire about specific aspects of the proposal. The sign size, copy size, copy content, height, location and maintenance shall be determined by the Community Development Director with the objects of providing members of the public passing the site with reasonable notice, such that an interested person would have an opportunity to inquire further.~~

~~(3) For purposes of identifying property owners to receive notification of decisions and hearings, if any, the names and addresses of the owner or owners of record (fee title) as shown in the current, or within 30 days of the completed application, computer roll of the County Assessor shall be used. Preparation of the list of property owners shall be the applicant's responsibility and shall be prepared by one of the following persons: a land title company, a land use planning consultant authorized by the State of Oregon to conduct business in the State, or registered architect, landscape architect, engineer, surveyor, attorney, or where the City is the applicant, the Community Development Director. The list of property owners shall be updated not less than every 90 days by the applicant, until a final decision is rendered. Excepting Level I (Clear and Objective) Single-family Architectural Review, the applicant shall post a sign pursuant to TDC 31.064(2).~~

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

~~(5) The purpose of the Neighborhood Meeting in TDC 31.071(1) is to provide a means for the applicant and surrounding neighbors to meet to review a development proposal and identify issues regarding the proposal so they can be addressed prior to the application submittal. The Neighborhood Meeting shall be held in the Central Design District and the meeting shall be held on a weekday evening or weekend at a reasonable time. The applicant shall mail notice of the meeting at least 14 days prior to~~

~~the meeting to owners of properties within 300 feet of the subject property. The applicant shall post notice of the meeting by posting a sign on the subject property at least 14 days before the meeting. The applicant shall prepare meeting notes identifying the persons attending and the major points that were discussed and submit them with the application. The applicant shall hold one meeting prior to submitting an application for a specific site, but may hold additional meetings if desired.~~ Excepting Level I (Clear and Objective) Single-family Architectural Review, the applicant shall hold a Neighborhood/Developer meeting pursuant to TDC 31.063 and meet the additional requirement that the Neighborhood/Developer Meeting shall be held within the Central Design District.

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

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

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

(i) A completed City fact sheet;

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

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

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

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

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

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

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

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

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

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

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

(vi) Current notification information for all owners of properties described within 300 feet of subject property as specified in pursuant to in TDC 73.071(3)31.064(1).

Section 5. TDC 31.072 is amended to read:

The Architectural Review Plan shall consist of utility facilities and architectural features. Prior to the processing of the Architectural Review Plan, the following shall be completed:

(1) The applicant shall obtain any required use approvals, including but not limited to plan amendments, variances, conditional use permits, Unified Sewerage Agency/Clean Water Services Service Provider Letter, partitions, historic preservation certificate of appropriateness, property line adjustments and preliminary subdivision approvals.

(2) The City Engineer shall verify and advise the Community Development Director whether the utility facilities portion of the Architectural Review Plan is complete and addresses all applicable ordinances, resolutions, rules and regulations.

(3) The Community Development Director shall verify that the architectural features portion of the Architectural Review Plan is complete and addresses all applicable ordinances, resolutions, rules and regulations.

(4) If the Architectural Review Plan, submitted by the applicant is not complete or does not adequately comply with the applicable requirements of (1), (2) and (3) of this Section, the Community Development Director or City Engineer shall identify in writing the reasons for which the application is not complete or does not comply with particular requirements. A copy of the Community Development Director's and City Engineer's comments, if any, shall be mailed to the applicant at the address shown on the application.

(5) Except as provided herein the Architectural Review Plan, submitted by the applicant, shall be deemed complete when it is determined that the applicable requirements of (1), (2), and (3) of this Section have been satisfied. Where the applicant fails or refuses to submit information which has been requested by the Community Development Director or the City Engineer, then the application shall be deemed complete when submittal of application is received, whichever is earlier. The application shall be date stamped by the Community Development Director as of the date the application is deemed complete.

(6) Revisions or alterations of an application may be made following the determination that an application is complete, provided such revisions or alterations do not render the application incomplete and do address applicable requirements. When revisions or alterations are desired by the applicant or required by the City, the applicant shall be responsible for providing fully revised application materials and for clearly identifying those application materials which are revised.

Section 6. TDC 31.074 is amended to read:

(1) Architectural Review shall be conducted as a limited land use decision in accordance with this section and other applicable sections.

(2) Once the Architectural Features and Utility Facilities portions of an Architectural Review application are deemed complete by the Community Development Director and the City Engineer respectively, written notice of the application shall be provided to:

(a) recipients pursuant to TDC 31.064(1); the applicant and owner of the subject property; and

~~(b) owners of property (fee title) within 300 feet of the entire contiguous site. The list of property owners shall be compiled from the most recent property tax assessment roll, and this shall be deemed met by an affidavit or other certification that such notice was given.~~

~~(c) neighborhood associations recognized in accordance with TDC 31.065 and whose boundaries include the site; and~~

(db) potentially affected governmental agencies such as: school districts, fire district, where the project 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 Clean Water Services.

(ec) ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property.

(3) The notice provided in TDC 31.074(2) shall:

(a) state the nature of the application and the proposed use, if known;

(b) state the applicable decision criteria by TDC section for the decision;

(c) state the street address or other easily understood geographical reference to the subject property;

(d) state the date, place and time where comments are due and that comments are due no later than 5:00 p.m. on the 14th calendar day after the notice was mailed;

(e) state that issues which may provide the basis for a request for review to the Architectural Review Board, City Council and Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient detail and clarity to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;

(f) state that notice of the decision will be provided only to those persons who submitted written comments in accordance with this section;

(g) state the name of a City representative to contact and the telephone number where additional information may be obtained;

(h) state that copies of all evidence submitted by the applicant are available for review and can be obtained at cost ; and

(i) briefly summarize the local decision making process for the limited land use decision being made.

(j) state a railroad-highway grade crossing provides or will provide the only access to the subject property.

(4) Failure of a person or agency identified in TDC 31.074(2) to receive the notice required in TDC 31.074(2) shall not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(5) Parties who received notice of application in accordance with TDC 31.074(2) shall submit written comments to City offices no later than 5:00 p.m. on the 14th calendar day after the notice was mailed in order for comments to be considered.

(6) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that:

(a) explains the criteria and standards considered relevant to the decision;

(b) states the facts relied upon in issuing the decision; and

(c) explains the justification for the decision based on the criteria, standards and facts set forth.

(7) Notice of the decision shall be provided to the property owner, applicant and any person who submitted written comments in accordance with TDC 31.074(5) when the decision is made by staff. If the Architectural Review Board makes the initial decision, then anyone who testified orally or in writing at the public hearing shall be provided the notice of decision, in addition to those persons listed above. The notice shall include an explanation of rights to request a review of the decision.

(8) Requests for reviews can be filed as specified in TDC 31.075, and shall follow TDC 31.076.

Section 7. TDC 31.076 is amended to read:

(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.

(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~~Division 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~~the applicant and the owner of the subject property;~~

~~(b) owners of property (fee title) within 300 feet of the entire contiguous site who commented on the proposal;~~

~~(c) recognized neighborhood associations whose boundaries include the site;~~

~~(db)~~ City Council members;

~~(ec)~~ 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

~~(fd)~~ 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 8. TDC 31.077 is amended to read:

(1) A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons. Except as otherwise provided, the procedures set out in this section shall be followed when the subject matter of the evidentiary hearing would result in a quasi-judicial decision, including, but not limited to an annexation to the City Limits per TDC 31.067, an interpretation of a Code provision per TDC 31.070, a conditional use application (TDC Chapter 32), a variance or minor variance application (TDC Chapter 33), a transitional use application (TDC 34.180-34.186), a conditional use permit for a small lot subdivision application (TDC 40.030(3), 41.030(2)), a nonconforming use, or reinstatement of a nonconforming use application (TDC Chapter 35), a quasi-judicial amendment to the Tualatin Community Plan or Map, a decision by staff whether or not to extend approval of an Architectural Review decision, a request for review of a final decision by the City staff on a partition, subdivision, property line adjustment with a minor variance, arterial access decision or the Utility Facility portion of an Architectural Review, or a request for review of a decision of the Architectural Review Board on an Architectural Review Plan.

(2) Notice of hearing shall be provided by regular first class mail to the following:

(a) for requests for review of a decision following the limited land use process:

(i) the applicant and owner of the subject property;

~~(ii) owners of property (fee title) within 300 feet of the entire contiguous site written comments in accordance with TDC 31.074;~~

~~(iii) recognized neighborhood associations whose boundaries include the site~~recipients pursuant to TDC 31.064(1) and those owners of property within the vicinity of the subject property described in TDC 31.064(1)(c) who commented on the proposal pursuant to TDC 31.074(5);

(iv) members of the hearing body; and

~~(iii)~~ potentially affected government agencies such as school districts, fire district, Clean Water Services, where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation and the county if the project site would access a county road or otherwise be subject to review by the county.

(b) for all other requests for review:

~~(i) the applicant and owner of the subject property;~~

~~(ii) owners of property (fee title) within 300 feet of the subject property;~~

~~(iii) recognized neighborhood associations, whose boundaries are within 300 feet of the subject property~~(i) recipients pursuant to TDC 31.064(1);

~~(iv)~~ members of the hearing body;

~~(iii)~~ the following government agencies: school districts, fire district, where the project 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

~~(vi)~~ persons who have indicated in writing their desire to participate in the process on a particular application, and

~~(vii)~~ for annexation, Necessary Parties as defined in Metro Code 3.09.

(3) For purposes of identifying property owners to receive notification of hearing, the names and addresses of the owner or owners of record (fee title) as shown in the current, or within 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, a 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 90 days by the applicant, until a final decision is rendered.

(4) Failure of a person or agency to receive a notice, shall not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

(5) Notice of a hearing shall:

(a) Explain the nature of the application and the proposed use or uses which could be authorized;

(b) list the applicable criteria from the TDC and other ordinances that apply to the application at issue;

(c) set forth the street address or other easily understood geographical reference to the subject property;

(d) state the date, time and location of the hearing;

(e) state that failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient detail and clarity to enable a decision maker to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue;

(f) include the name of the particular City representative to contact and the telephone number where additional information may be obtained;

(g) state that a copy of the application, all evidence submitted by the applicant 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;

(h) state that 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;

(i) include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;

(j) if the development application includes another request or application , clearly state and describe the type of request or application.

(6) The person chairing the hearing shall follow the order of proceedings set forth in subsection (7) of this section. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing shall be addressed to the chair with a request for a ruling. Rulings from the chair shall, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the hearing body present and eligible to vote on the application before the body.

(7) The procedures to be followed by the chair in the conduct of the hearing are as follows:

(a) A statement by or on behalf of the chair of the nature of the application, a general summary of these procedures, whether the decision of the body is a final decision, and the nature of the available appeal procedures within the City, if any. In addition to the foregoing and for hearings

conducted before the City Council only, the statement shall include the list of the applicable substantive criteria, the requirement that testimony and evidence must be directed toward the criteria or other plan or land use regulations which the person believes to apply and that failure to raise an issue with sufficient detail and clarity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.

(b) A request that all hearing body members announce any potential conflict of interest, bias or ex parte contacts.

(c) Allow for consideration of challenges to a hearing body member's right to sit in the consideration of the application. Any such challenge shall be entertained only if the person making the challenge has delivered to the member challenged and the hearing, a statement of intent to challenge and the hearing body "chair," at least 48 hours prior to the hearing, a statement of intent to challenge the person setting forth with particularity the reasons and authority for such challenge. A copy of the statement of intent to challenge with proof that the "chair" and challenged member have been served shall be served upon the City Recorder at least 24 hours prior to the hearing. If due to information made public in accordance with subsection (7)(b) of this section, a person wishes to challenge a member's right to sit notwithstanding their failure to properly file, the hearing body, by majority vote, may decide to entertain such challenge.

(d) Presentation of the City staff report.

(e) Proponent's case.

(f) Other testimony or evidence in support of the application.

(g) Opponent's case.

(h) Other testimony or evidence against the application.

(i) Testimony or evidence concerning the application which by its nature is neither in favor nor against.

(j) Rebuttal, limited to comments on evidence in the record.

(k) Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.

(l) If additional documents or evidence is provided in support of the application less than seven days prior to the hearing, any party shall be entitled to a continuance of the hearing.

(m) Close of hearing and deliberation. The body's deliberations may include questions directed to City staff, comments from City staff, or inquiries in paragraph (1) of this subsection, if new evidence, conditions or modifications not presented in the staff report or raised during the public hearing are raised after the close of the hearing, the hearing can be reopened and an opportunity shall be presented for any person to comment on or rebut that evidence or information.

(n) Except as provided in TDC 31.076(3) for the Architectural Review Plan decisions, the hearing body shall make a tentative oral decision or continue the matter to a time certain. If the body deems it necessary or advisable it may at any time prior to the adoption of a written order reopen the hearing and direct that additional evidence be presented on the entire application or only on certain stated issues. Notice of such reopened hearing shall be given in the manner provided by the original notice of hearing. When a hearing record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.

(o) Except as otherwise provided, the hearing body shall, within a reasonable time after making a tentative decision, but not more than ten City business days or the next regular meeting adopt a written order which sets forth with particularity the basis for that decision. The decision shall be based upon the record of the proceeding. A proposed order or report submitted by the City Manager or designee or any other person may be adopted by the hearing body as its written order or findings. Where an application is approved, the terms of the approval shall be specified, including any restrictions and conditions. The written order is the final decision on the application and the date of the order is the date it is signed by the chairperson certifying its approval by the hearing body. No publication or other notice of the final City Council decision shall be required, however in the case of the Architectural Review Board decision, notice shall be given in accordance with TDC 31.074(3).

(8) The chair may admit and the hearing body may rely on all oral, documentary, physical, and mechanically recorded evidence if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. Documentary, physical and mechanically recorded evidence may be admitted in the form of copies or excerpts or incorporated by reference. Evidence that is irrelevant, immaterial or unduly repetitious may be excluded from the hearing.

(9) Following a final decision only by the City Council, a person may request rehearing of the matter, which shall be allowed by the Council only if authorized by all of the Council members present and eligible to vote at the meeting at which the petition for rehearing is considered. Action on the rehearing request or the filing of a petition for rehearing shall not be required prior to seeking judicial review. If a rehearing is allowed, then quasi-judicial evidentiary hearing procedures shall apply.

Section 9. TDC 32.060 is amended to read:

A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit shall be initiated by a property owner or the owner's authorized agent by filing an application with the Community Development Department. The applicant shall discuss the proposed use and site plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for a Conditional Use shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and Neighborhood/Developer Meeting, the applicant shall submit an application including, but not limited to, the following: project title; the names, addresses, and telephone numbers of the property owners and applicants, and when applicable, the architect, landscape architect and engineer; the signatures of the property owners and applicants; the site address and the assessor's tax map and tax lot numbers; a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, the information on the Neighborhood/Developer Meeting specified in TDC 31.063(10), ~~and a Service Provider Letter from the Unified Sewerage Agency~~ Clean Water Services (CWS) indicating that a "Stormwater Connection Permit Authorization Letter" will likely be issued; and a list of mailing recipients pursuant to TDC 31.064(1). The application shall be accompanied by a fee as established by City Council resolution. 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. The applicant shall post a sign pursuant to TDC 31.064(2).

Section 10. TDC 33.010 is amended to read:

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

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

application, has forwarded to the City Council for review, or that has been appealed to the City Council.

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

(c) The Planning 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 11. TDC 33.024 is amended to read:

No minor variance shall be granted by the Planning Community Development Director, City Engineer or the City Council 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 12. TDC 33.030 is amended to read:

(1) An applicant for a variance, except for a variance to an existing single family residence, shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063

~~(12) A request for a variance or minor variance may be initiated by a property owner or the owner's authorized agent by filing an application with the Community Development Director, or the City Engineer if a minor variance is part of a Subdivision, Partition or Property Line Adjustment Application, on forms prescribed for that purpose. The applicant shall discuss the proposed variance or minor variance and site plans with the Community Development Director, and City Engineer if appropriate, in a pre-application conference prior to submitting an application. An applicant for a variance, except for a variance to an existing single family residence, 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).

(24) The application shall contain:

(a) The project title;

(b) The name, addresses and telephone numbers of the property owners and applicants, and the architect, and the architect, landscape architect and engineer;

(c) The signatures of the property owner and applicant; and

(d) A list of mailing recipients pursuant to TDC 31.064(1); and

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

~~(ef)~~ A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and other information showing how and why the criteria are met; and

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

(gh) 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.

(35) Sign variance applications shall, in addition to the above, include:

(a) Name, address and telephone number of,

(i) the land and building owners or authorized agents,

(ii) the company and a contact person at the company for which the variance is intended, and

(iii) the sign contractor company and a contact person at the sign contractor company.

(b) A site plan showing the location of the sign in relation to property lines, access points, the dripline of trees and structures on the property.

(c) A number of sets, established by the Community Development Director, of blueprints or ink drawings of the plans and specifications showing the signs and the method of construction and attachment to the building or in the ground.

(d) Information supporting the variance application and explaining how each approval criterion is met.

(e) The names, addresses and tax map and tax lot numbers of the owners of real property within 300 feet of the subject property pursuant to TDC 31.064(1). One set of the county assessors maps showing the subject property and properties within 300 feet of the vicinity of the subject property pursuant to TDC 31.064(1)(c).

(f) Other information requested by the Community Development Director.

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

Section 13. TDC 34.013 is amended to read:

(1) The purpose of this section is to permit the open-air vending of food and fresh cut flowers in a manner that will enhance the attractiveness of the Central Commercial (CC) and General Commercial (CG) Planning Districts for pedestrian traffic.

(2) Mobile food and flower vending may be permitted in a Central Commercial (CC) and General Commercial (CG) Planning District for a period not to exceed 180 days.

(3) Applications for mobile vending permits shall meet the following criteria and requirements:

(a) Persons conducting business with a permit issued under this section may transport and display food or flowers upon any pushcart or mobile device; provided that such device shall occupy no more than 16 square feet of ground area and shall not exceed three feet in width, excluding wheels; six feet in length, including any handles; and no more than five feet in height, excluding any canopies, umbrellas, or transparent enclosure.

(b) Mobile vendors may conduct business on public sidewalks having a width of eight feet or more, and on private sidewalks or parking lots, provided that the Community Development~~Planning~~ Director approves specific locations. No person shall conduct business as defined herein at a location other than that designated on the permit.

(c) All mobile vendors shall pick up any litter within 25 feet of their places of business and shall provide an appropriate trash container for customer use.

(d) No food vendor may locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market, and no flower vendor may locate within 200 feet of a flower shop without the written consent of the proprietor of the flower shop.

(e) Design colors and graphics for any pushcart or mobile device shall be subject to approval by the Community Development~~Planning~~ Director to assure aesthetic compatibility with surrounding development.

(f) Food vendors shall comply with all state and county health regulations and shall furnish written evidence of compliance at the time of application for a mobile vending permit.

(g) Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any mobile device or pushcart to determine if any cooking or heating apparatus conforms with the code of the Tualatin Rural Fire Protection District.

(h) Applications for a mobile vending permit shall be accompanied by a signed statement that the permittee will hold harmless the City of Tualatin,

its officers and employees and shall indemnify the City of Tualatin, its officers and employees, for any claim for damage to property or injury to persons that may be occasioned by any activity carried on under the terms of the permit. The permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect the permittee from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$100,000 for bodily injury for each person, \$300,000 for each occurrence, and not less than \$300,000 for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insureds the City of Tualatin, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days written notice to the City Administrator.

(4) An application for a mobile vending permit may be granted by the Community Development~~Planning~~ Director if the Director finds that Subsection (3) is satisfied by the applicant.

(5) The Community Development~~Planning~~ Director may attach appropriate conditions to the permit that are necessary to secure the health, safety and welfare of the residents and inhabitants of the City

Section 14. TDC 34.185 is amended to read:

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

(2) A permit may be renewed by the Council 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 Council 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~~Planning~~ Director shall determine whether a new application and permit is required and such determination may be appealed to the Council. 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 15. TDC 34.186 is amended to read:

(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).

(13) All permit requests shall be submitted on forms prescribed by the Community Development~~Planning~~ 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~~Planning~~ Director shall prepare a staff report recommending a tentative decision to the Council.

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

(35) 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, may occupy the structure under prescribed conditions for no more than the previously approved life span of eligibility for the structure.

(46) The Council may approve, approve with conditions, or deny a transitional use permit application

based on the criteria listed above. The Council shall, in addition, place a specific time limit on the permit.

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

Section 16. TDC 34.200 is amended to read:

(1) Except as provided in TDC 34.200(3), no person shall remove a tree within the City limits except as follows:

(a) For a tree on private property, the person must first obtain a Tree Removal Permit from the City or obtain approval through Architectural Review, Subdivision Review, or Partition Review. A request for a Tree Removal Permit is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063. Submittal of a permit request shall include a list of mailing recipients pursuant to TDC 31.064(1). The applicant shall post a sign pursuant to TDC 31.064(2).

(b) For a street tree or tree within a public right-of-way, the person must obtain approval in accordance with TDC 74.705. Incentives for tree retention are found in TDC Chapter 73, Community Design Standards. A property owner who removes, or causes to be removed, one or more trees in violation of applicable TDC provisions, shall pay an enforcement fee and a restoration fee to the City of Tualatin, as set forth in TDC 34.220(3), in addition to civil penalties in TDC 31.111.

(2) As used in this ordinance, "park" means a City-owned parcel, lot or tract of land, designated and used by the public for active and passive recreation.

(3) The following exemptions apply to tree removal:

(a) General Exemption. Four or fewer trees may be removed within a single calendar year from a single parcel of property or contiguous parcels of property under the same ownership without a permit, except when the tree to be removed:

(i) Is located in the Natural Resource Protection Overlay District (NRPO);

(ii) Is located in the Wetlands Protection Area (WPA) of the Wetlands Protection District (WPD);

(iii) Is a Heritage Tree;

(iv) Was previously required to be retained under an approved Architectural Review decision.

(b) Parks and golf courses are exempt if both the following are met:

(i) The property's owner or owner's agent has submitted a tree management plan to the Community Development Director and has received approval from the Director. The tree management plan shall be approved for a five year period, after which the property owner or owner's agent must submit a new tree management plan for approval or comply with requirements set out in the applicable Architectural Review decision.

(ii) This exemption supersedes the Architectural Review requirements with regard to tree removal except as provided in subsection (i) of this section.

(c) Forest Harvesting Exemption. The harvesting of forest tree species for the commercial value of the timber is permitted subject to the following:

(i) The property from which the forest species are to be harvested must be in a property tax deferred status based on agricultural or forest use under any or some combination of the following:

- Farm Deferral according to state law.

- Forest Land Deferral according to state law. Small Woodlands Deferral according to state law.

(ii) The property from which the forest species are to be harvested must have been in property tax deferred status on the effective date of this ordinance or at the time of annexation of the property by the City, whichever occurs later.

(iii) Revocation of the Forest Harvesting Exemption. Property, or portion of the property exempted under TDC, 34.200(3)(c) shall cease to be exempted from the provisions of this ordinance immediately upon the filing of an application for any of the following land use actions:

- Subdivision or Partition review;

- Conditional Use;

- Architectural Review.

(iv) Reinstatement of the Forest Harvesting Exemption. Property or portions of the property previously exempted under TDC 34.200(3)(c) and revoked in accordance with TDC 34.200(3)(c)(iii) will be considered reinstated if the property remains tax deferred in accordance with TDC 34.200(3)(c)(i) and 34.200(3)(c)(ii), and one or more of the following criteria are met:

- The land use action that affected the revocation was denied and the appeals period has expired; or
- The land use action that affected the revocation was approved, and the proposed development that affected the filing of the land use action did not occur; and the approval, which was granted, including extensions has expired.

(v) The Community Development Director shall prepare a listing of properties exempted under this section upon the effective date of this ordinance and update the list annually.

(d) Orchards. Tree removal is permitted in orchards of commercial agricultural production.

(e) Public Right-of-Way. Trees within public right-of-way shall be governed by TDC Chapter 74, Public Improvement Requirements.

(f) Federal, state, county, or City road, water, sanitary sewer, or storm sewer improvements and maintenance of City owned property are exempt from this ordinance.

(4) As provided under TDC 31.030, no single-family dwelling building permit application shall be submitted to the City until all required land use approvals, including any required Tree Removal Permit, have been obtained by the property owner.

Section 17.TDC 34.210 is amended to read:

(1) Architectural Review, Subdivision, or Partition. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), to develop property, and the development is subject to Architectural Review, Subdivision Review, or Partition Review approval, the property owner shall apply for approval to remove trees as part of the Architectural Review, Subdivision Review, or Partition Review application process.

(a) The application for tree removal shall include:

(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; existing and proposed property lines; existing and proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas; and illustration of all trees on-site that are eight inches or more in diameter (including size, species, and tag i.d. number). All trees proposed for removal and all trees proposed for preservation shall be indicated on the site plan as such by identifying symbols, except as follows:

(A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and

(B) Where CWS has approved delineation of a “sensitive area” or “vegetated corridor” on the subject property, and

(C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then

(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.

(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist’s signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year proceeding the date the development application is deemed complete by the City. Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.

(iii) All trees on-site shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan.

Where TDC 34.210(1)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.

(b) The application for tree removal shall be approved or denied based on the criteria in TDC 34.230.

(c) The approval or denial of an application to remove trees shall be a part of the Architectural Review, Subdivision Review, or Partition Review decision.

(2) Existing Single-Family Dwelling. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), in order to remodel, add to, or replace, an existing single-family dwelling, or in order to remodel, add to, replace or newly construct, an accessory structure on property developed with an existing single-family dwelling, the property owner shall apply for a Tree Removal Permit as follows:

(a) An application for a Tree Removal Permit shall be filed with the Community Development Director. Application shall be made upon forms furnished by the City, and shall be accompanied by a nonrefundable fee as established by City Council resolution. The application for tree removal shall include:

(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; property lines; existing and proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas. All trees eight inches or more in diameter that are proposed for removal or that are located within 15 feet of the development envelope shall be indicated on the site plan (including size, species, and tag i.d. number), except as follows:

(A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and

(B) Where CWS has approved delineation of a "sensitive area" or "vegetated corridor" on the subject property, and

(C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then

(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.

(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist's signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year preceding the date the Tree Removal Permit application is deemed complete by the City. Where TDC 34.210(2)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.

(iii) All trees eight inches or more in diameter that are proposed for removal or that are located within 15 feet of the development envelope shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(2)(a)(i)(A) through (D) are applicable, trees located in the CWS-required easement need not be tagged.

(iv) The application shall include a mailing list of ~~all property owners within 300 feet of the property~~ recipients pursuant to TDC 31.064(1).

(v) The applicant shall post a sign pursuant to TDC 31.064(2).

(b) The application for a Tree Removal Permit shall be approved or denied based on the criteria in TDC 34.230.

(c) The approval or denial of a Tree Removal Permit application is a land use decision.

(3) Other. When a property owner wishes to remove trees, other than the exemptions permitted under TDC 34.200(3), for reasons other than those identified in TDC 34.210(1) and (2), the property owner shall apply for a Tree Removal Permit as follows:

(a) An application for a Tree Removal Permit shall be filed with the Community Development Director. Application shall be made upon forms furnished by the City, and shall be accompanied by a nonrefundable fee as established by City Council resolution. The application for tree removal shall include:

(i) A Tree Preservation Site Plan, drawn to a legible scale, showing the following information: a north arrow; property lines; existing and

proposed topographical contour lines; existing and proposed structures, impervious surfaces, wells, septic systems, and stormwater retention/detention facilities; existing and proposed utility and access locations/easements; illustration of vision clearance areas; and illustration of all trees on-site that are eight inches or more in diameter (including size, species, and tag i.d. number). All trees proposed for removal and all trees proposed for preservation shall be indicated on the site plan as such by identifying symbols, except as follows:

(A) Where Clean Water Services (CWS) has issued a Service Provider Letter that addresses the proposed development currently under consideration, and

(B) Where CWS has approved delineation of a “sensitive area” or “vegetated corridor” on the subject property, and

(C) Where CWS has required dedication of an easement that prohibits encroachment into the delineated area, then

(D) All trees located within the CWS-required easement need not be individually identified on the Tree Preservation Site Plan if the CWS-required easement boundary is clearly illustrated and identified on the Tree Preservation Site Plan.

(ii) A tree assessment prepared by a qualified arborist, including the following information: an analysis as to whether trees proposed for preservation can in fact be preserved in light of the development proposed, are healthy specimens, and do not pose an imminent hazard to persons or property if preserved; an analysis as to whether any trees proposed for removal could be reasonably preserved in light of the development proposed and health of the tree; a statement addressing the approval criteria set forth in TDC 34.230; and arborist’s signature and contact information. The tree assessment report shall have been prepared and dated no more than one calendar year preceding the date the Tree Removal Permit application is deemed complete by the City. Where TDC 34.210(3)(a)(i)(A) through (D) are applicable, trees located within the CWS-required easement need not be included in the tree assessment report.

(iii) All trees on-site shall be physically identified and numbered in the field with an arborist-approved tagging system. The tag i.d. numbers shall correspond with the tag i.d. numbers illustrated on the site plan. Where TDC 34.210(3)(a)(i)(A) through (D) are

applicable, trees located in the CWS-required easement need not be tagged.

(iv) The application shall include a mailing list of ~~all property owners recipients pursuant to TDC 3.1.064(1) within 300 feet of the~~ property.

(b) The application for a Tree Removal Permit shall be approved or denied based on the criteria in TDC 34.230.

(c) The approval or denial of a Tree Removal Permit application is a land use decision.

Section 18. TDC 34.310 is amended to read:

(1) An accessory dwelling unit shall be within a detached single-family dwelling or be in, or partly in, addition to a detached single-family dwelling in the RL Planning District or in the RML Planning District in a Small Lot Subdivision.

(2) There shall be no more than one accessory dwelling unit per lot.

(3) An accessory dwelling unit shall not exceed 50% of the gross floor area (house and garage) of the existing detached single-family dwelling up to a maximum of 800 square feet.

(4) Neither a garage or a former garage shall be converted to an accessory dwelling unit.

(5) In addition to the parking spaces required in TDC 73.370 for the detached single-family dwelling, one paved on-site parking space shall be provided for the accessory dwelling unit and the space shall not be within five feet of a side or rear property line.

(6) The accessory dwelling unit's front door shall not be located on the same street frontage as the detached single family dwelling's front door unless the door for the accessory dwelling unit already exists.

(7) The accessory dwelling unit shall not be sold separate from the single family dwelling or as a condominium.

(8) The accessory dwelling unit shall be served by the same water meter as the single family dwelling.

(9) The accessory dwelling unit shall be served by the same electric meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it.

(10) The accessory dwelling unit shall be served by the same natural gas meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it.

(11) The accessory dwelling unit shall be connected to the single family dwelling by an internal doorway.

(12) If the gross floor area of the existing single family dwelling is to be enlarged when an accessory dwelling unit is created, the proposed enlargement shall not increase the gross floor area of the single family dwelling more than 10% and it shall be of the same or similar architectural design, exterior materials, color and roof slope as the single family dwelling. The enlargement shall be reviewed through the Architectural Review process to ensure compliance with Subsections 1-6 and 8-12 of this section.

(13) When the accessory dwelling unit is proposed to be created and if no enlargement of the existing single family dwelling is proposed, the owner of the single family dwelling within which the accessory dwelling unit is to be located shall notify the Community Development~~Planning~~ Director by letter that an accessory dwelling unit is proposed. The letter shall state the owners name and mailing address, address of the accessory dwelling unit, the gross square footage of the single family dwelling and the gross square footage of the accessory dwelling unit.

Section 19. TDC 36.120 is amended to read:

(1) A request for a Subdivision shall be subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

(42) The applicant shall discuss the preliminary plans with the City Engineer in a pre-application conference prior to submitting an application. An applicant for a subdivision shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall prepare and submit a City of Tualatin development application, available from the City Engineer.

(23) The application shall contain:

(a) the proposed plat name, approved by the County Surveyor;

(b) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(c) the signatures of the property owners and applicants; and

(d) the site location by address and current County Tax Assessor's map and tax lot numbers.

(e) A description of the manner in which the proposed division complies with each of the expedited criterion for an Expedited Subdivision Application.

(f) If a variance or minor variance is requested to the dimensional standards of the lots, or the minimum lot size, adequate information to show compliance with the approval criteria in TDC Chapter 33.

(g) A "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued.

(h) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).

(i) 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.

(34) The subdivision application shall be submitted to the City Engineer, along with:

(a) the subdivision plan;

(b) preliminary utility plans for streets, water, sanitary sewer and storm drainage;

(c) a black and white 8½" x 11" site plan suitable for reproduction;

(d) a completed City fact sheet;

(e) a Clean Water Services Service Provider letter; and

(f) other supplementary material as may be required, such as:

(i) deed restrictions; or

(ii) for all nonbuildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance.

(45) The following general information shall be shown on the subdivision plan:

- (a) appropriate identification clearly stating the map is a subdivision plan;
- (b) proposed plat name, approved by the County Surveyor;
- (c) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;
- (d) the date the plan was prepared;
- (e) north arrow;
- (f) scale of drawing;
- (g) location of the subdivision by 1/4 Section, Township and Range;
- (h) existing streets (public and private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;
- (i) proposed streets (public and private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred feet of the site;
- (j) an outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the subdivision plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;
- (k) easements, including location, width and purpose of all recorded and proposed easements in or abutting the site;
- (l) public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of on-site and off-site storm drainage lines, and the approximate location and size of water lines;
- (m) flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;
- (n) natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point

four feet above ground level, proposed to be removed and to be retained on site;

(o) approximate lot dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed lots;

(p) approximate area of each lot;

(q) proposed lot numbers;

(r) existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;

(s) all lots and tracts of land intended to be dedicated or reserved for public use;

(t) a vicinity map showing a minimum one- mile radius;

(u) contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and

(v) other information required by the City Engineer.

(56) The subdivision application shall be accompanied by a nonrefundable fee as established by City Council resolution. The subdivision application shall not be accepted until the fee has been paid to the City. This fee does not apply towards any building permit or other fees that may later be required.

(67) The applicant shall submit, along with the subdivision application:

(a) ~~A mailing list in accordance with TDC 31.077(3)~~A list of mailing recipients pursuant to TDC 31.064(1).

(b) ~~Proof of sign posting pursuant to TDC 31.064(2)~~A verified statement showing that one or more signs, as directed by the City Engineer, have been posted on the property in a conspicuous location which indicates that a subdivision proposal has been submitted to the City and the name of a person or persons who may be contacted in order to inquire about specific aspects of the proposal. The sign size, copy size, copy content, height, location, and maintenance shall be determined by the City Engineer with the objective of providing members of the public passing the site with reasonable notice, such that an interested person would have an opportunity to inquire further.

(78) Unless otherwise specified in the subdivision application, or approval, or in express direction from the City Engineer, any material submitted by the applicant with a subdivision application which exceeds the TDC requirements shall be considered a part of the subdivision plan approval.

(89) The applicant has the burden of demonstrating compliance with the applicable development regulations.

(910) The applicable time period for action on the subdivision application shall not commence until the City Engineer has determined that the application is complete.

(a) If the City Engineer fails to make such determination of completeness within 30 days of the date of its submission, or resubmission, the subdivision application shall be deemed complete upon the expiration of the 30-day period for purposes of commencing the applicable time period, unless:

(i) the application lacks information required to be submitted; or

(ii) the required fees have not been submitted; or

(iii) the City Engineer has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the subdivision application.

(b) The City Engineer may subsequently require correction of any information found to be in error or submission of additional information not specified in this Chapter, as the City Engineer deems necessary to make an informed decision.

(4011) The City Engineer shall prepare the standard form of Development Application for subdivision plans, including provisions which will best accomplish the intent of this section.

Section 20. TDC 36.140 is amended to read:

(1) Review of subdivision applications shall be a limited land use decision process. Before approval may be granted on a subdivision application, the City Engineer shall first establish that the subdivision proposal conforms to the Tualatin Development Code and applicable City ordinances and regulations, and requested variances or minor variances to the dimensional standards of lots or the minimum lot size, conform with the approval criteria in the TDC Chapter 33. Failure of the proposal to conform is sufficient reason to deny the application.

(2) After the subdivision application is deemed complete, the City Engineer shall provide written notice of the application to and invite comments from:

(a) potentially affected governmental agencies such as the school district in which the subdivision is located, the fire district, the Oregon Department of Transportation, Tri-Met, Clean Water Services and Washington or Clackamas County;

(b) utility companies;

(c) City departments; and

~~(d) property owners within 300 feet of the entire contiguous site. The list shall be compiled from the most recent property tax assessment roll and be done in accordance with TDC 31.071(7); and~~

~~(e) neighborhood associations recognized in accordance with TDC 31.065 whose boundaries include the site-recipients pursuant to TDC 31.064(1).~~

(3) The notice sent in TDC 36.140(2) shall:

(a) state that written comments shall be submitted within 14 calendar days of the mailing date of the notice in order to be considered as a basis for a request for review;

(b) state that issues which may provide the basis for a request for review to the City Council and Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient clarity and detail to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;

(c) list the applicable criteria by code section for the decision;

(d) include the street address or other easily understood geographical reference to the subject property;

(e) state the place, date and time that comments are due, and that comments are due no later than 5:00 pm on the fourteenth calendar day after notice was sent;

(f) state that copies of all evidence relied upon by the applicant are available for review, and can be obtained at cost;

(g) state of the local government contact person and telephone number; and

(h) briefly summarize the local decision-making process for the limited land use decision being made.

(4) Failure of a person or agency to receive the notice required in TDC 36.140(2) shall not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that notice was given in accordance with this section.

(5) Comments must be received by the City Engineer within 14 calendar days of the date the notice was mailed. Signed comments shall be in writing. Comments must raise issues with sufficient detail and clarity to enable the decision-maker to respond to the issue. Requests for review may be made only by parties who submitted written comments and may be adversely affected by the decision within the 14 calendar-day period.

(6) Prior to making a decision, the City Engineer may conduct one or more review meetings with the applicant, governmental agencies, utility companies and any other interested parties.

(7) The approval of a subdivision application shall not automatically grant other approvals that may be required by the Development Code or City ordinances. However, a decision on a requested minor variance to the dimensional standards of lots or the minimum lot size, shall be included in the subdivision decision.

(8) Approval or denial of a subdivision shall be based upon and accompanied by a brief statement that

(a) explains the criteria and standards considered relevant to the decision;

(b) states the facts relied upon in making the decision; and

(c) explains the justification for the decision based on the criteria, standards and facts set forth.

(9) Notice of the decision shall be provided to the applicant, property owner, and any person who submitted written comments within the 14 calendar-day comment period. Notice of the decision shall include a description of rights to request a review of the decision.

(10) When the City Engineer determines that a complete application for a proposed development raises a substantial question over Code requirements, size, location or complexity and is likely to raise concern from a substantial portion of nearby property owners or residents, the City Engineer may request that the City Council review the subdivision without first reaching a decision. The City Council shall hold a hearing in accordance with TDC 31.077. This applies to all subdivisions except for expedited subdivisions which shall not be the subject of a public hearing. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the subdivision application and requested minor variances.

Section 21. TDC 36.220 is amended to read:

(1) Prior to the submittal of a partition application, an applicant for a partition shall conduct a Neighborhood/ Developer Meeting subject to TDC 31.063.

(2) The applicant shall prepare and submit a City of Tualatin Development Application, available from the City Engineer. The applicant shall post a sign pursuant to TDC 31.064(2).

(3) The application shall contain:

(a) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(b) the signatures of the property owners and applicants;

(c) the site location by address and current County Tax Assessor's map and tax lot numbers; and

(d) a description of the manner in which the proposed division complies with each of the expedited criterion for an Expedited Partition Application.

(e) if a minor variance is requested to the dimensional standards of the lots or the minimum lot size, adequate information to show compliance with the approval criteria in TDC Chapter 33.

(f) a "Service Provider Letter" from Clean Water Services indicating that a "Stormwater Connection Permit" will likely be issued.

(g) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).

(h) 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.

(4) The partition application shall be submitted to the City Engineer, along with:

(a) the partition plan;

(b) preliminary utility plans for streets, water, sanitary sewer and storm drainage; and

(c) a black and white 8½" x 11" site plan suitable for reproduction;

(d) a completed City fact sheet; and

(e) other supplementary material as may be required, such as:

(i) deed restrictions; or

(ii) for all nonbuildable areas or tracts to be dedicated or reserved for public use, a statement of ownership, use, covenants, conditions, limitations and responsibility for maintenance.

(5) The following general information shall be shown on the partition plan:

(a) appropriate identification clearly stating the map is a plan;

(b) the names, addresses and telephone numbers of the property owners and applicants, and when applicable, the name and address of the design engineer or surveyor;

(c) the date the plan was prepared;

(d) north arrow;

(e) scale of drawing;

(f) location of the partition by 1/4 Section, Township and Range;

(g) existing streets (public or private), including location, name, centerline, right-of-way and pavement width on and abutting the site, and the location of existing and proposed access points;

(h) proposed streets (public or private), including location, centerline, right-of-way and pavement width, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred feet of the site;

(i) an outline plan demonstrating that the adjacent property can be divided in the future in a manner that is consistent with the partition plan, and illustrating the connections to transit routes, pedestrian and bike facilities, and accessways to adjacent properties;

(j) easements, including the location, width and purpose of all recorded and proposed easements in or abutting the proposed site;

(k) public utilities, including the approximate location, size and grade of all existing and proposed sanitary sewers, the approximate location, size and grade of all existing and proposed on-site and off-site storm drainage lines, and the approximate location and size of water lines;

(l) flood areas, including the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding;

(m) natural resources, including the location of natural features, such as rock outcroppings, wetlands, water courses, creeks, wooded areas and trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site;

(n) approximate parcel dimensions, including all existing property lines and their lengths and the approximate location and dimensions of all proposed parcels;

(o) approximate area of each parcel;

(p) proposed parcel numbers;

(q) existing structures, including the location and present use of all structures, wells and septic tanks on the site and an indication of which structures, wells and septic tanks are to remain after platting; indicate all City-designated historic landmarks;

(r) all parcels or tracts of land intended to be dedicated or reserved for public use;

(s) a vicinity map showing a minimum 1-mile radius;

(t) contour lines with intervals at a minimum of two feet for slopes up to five percent and five feet for slopes over five percent; and

(u) other information required by the City Engineer.

(6) The partition application shall be accompanied by a nonrefundable fee as established by City Council resolution. The partition application shall not be accepted until the fee has been paid to the City. This fee shall not apply towards any building permit fees that may later be required.

(7) The applicant shall submit, along with the partition application, a mailing list in accordance with TDC 31.077.

(8) The City Engineer may require information in addition to that stated in this section.

(9) Unless otherwise specified in the partition application, approval, or in express direction from the City Engineer, any material submitted by the applicant with the partition application which exceeds the TDC requirements shall be considered a part of the recommended decision.

(10) The applicant has the burden in all cases of demonstrating compliance with applicable development regulations.

(11) The applicable time period for action on the partition application shall not commence until the City Engineer has determined that the application is complete.

(a) In the event such determination of completeness is not made within 30 days of the date of its submission, or resubmission, the development application shall be deemed complete upon the expiration of the 30-day period for purposes of commencing the applicable time period, unless:

(i) the application lacks information required to be submitted; or

(ii) the required fees have not been submitted; and

(iii) the City Engineer has notified the applicant in writing of the deficiencies in the application within 30 days of submission of the partition application.

(b) The City Engineer may subsequently require correction of any information found to be in error or submission of additional information not specified in this Chapter, as deemed necessary to make an informed decision, though such additional or corrected information will result in extending the applicable time period for action by the City.

(12) The City Engineer shall prepare the standard form of Development Application for partition plans, including provisions which will best accomplish the intent of this section.

Section 22. TDC 36.230 is amended to read:

(1) Review of partition applications shall be a limited land use decision process in accordance with this section. Before a decision is made on a partition application, it shall first be established that the partition proposal conforms to the Tualatin Development Code, and applicable City ordinances and regulations and requested minor variances to the dimensional standards of the lots or the minimum lot size,

conform with the approval criteria in TDC Chapter 33. Failure to conform is sufficient reason to deny the application.

(2) Prior to the City Engineer issuing a decision on the partition application the applicant shall obtain any required use approvals, including but not limited to plan amendment and conditional use permit, except for minor variances which shall be reviewed and decided as part of the partition decision. Partition with a concurrent variance shall be decided by the City Council.

(3) After the partition application is deemed complete, written notice of the application inviting comments shall be provided to:

(a) potentially affected governmental agencies such as, the school district in which the partition is located, the fire district, Clean Water Services, the Oregon Department of Transportation, Tri-Met, Washington or Clackamas County;

(b) utility companies;

(c) City departments; and

~~(d) surrounding property owners within 300 feet of the entire contiguous site. This list shall be compiled from the most recent property tax assessment roll and this shall be deemed met by an affidavit or other certification that such notice was given; and~~

~~(e) neighborhood associations recognized in accordance with TDC 31.065, whose boundaries include the site recipients pursuant to TDC 31.064(1).~~

(4) The notice sent in TDC 36.230(3) shall:

(a) state that signed written comments shall be submitted by letter or facsimile within 14 calendar days of the mailing date of the notice to be considered as a basis for requesting a review;

(b) state that issues that may provide the basis for a request for review to the City Council and Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient detail and clarity to enable the decision maker to respond to the issue and state how a person may be adversely affected by the proposal;

(c) list the applicable criteria by code section for the decision;

(d) include the street address or other easily understood geographical reference to the subject property;

(e) state the place, date and time that comments are due, and that comments are due no later than 5:00 pm on the fourteenth calendar day;

(f) state that copies of all evidence relied upon by the applicant are available for review, and copies can be obtained at cost;

(g) state the local government contact person and telephone number;

(h) briefly summarize the local decision-making process for the limited land use decision being made; and

(i) state that notice of decision will be provided only to those who submitted written comments in accordance with this section.

(5) Failure of a person or agency to receive the notice required in TDC 36.230(3) shall not invalidate any proceeding in connection with the application provided the City can demonstrate by affidavit that notice in accordance with this section was given.

(6) Comments shall be received by the City Engineer within 14 calendar days of the date when the notice was mailed. Signed comments shall be in writing or received by facsimile. Issues shall be raised with sufficient detail and clarity to enable the decision maker to respond to the issues. Requests for review may be made only by persons who submitted written comments within the 14 calendar-day period, who may be adversely affected by the City Engineer's decision and may only be submitted in writing.

(7) Prior to making a decision the City Engineer may conduct one or more review meetings with the applicant, governmental agencies, utility companies and any other interested parties.

(8) When the City Engineer determines that a complete application for a proposed development raises a substantial question over Code requirements, size, location or complexity and is likely to raise concern from a substantial portion of nearby property owners or residents, the City Engineer may request that the City Council review the partition without first reaching a decision. The City Council shall hold a hearing in accordance with TDC 31.077. This applies to all partitions except for expedited partitions which shall not be the subject of a public hearing. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the partition application and requested minor variances.

(9) The City Council may review and approve a partition application when it is submitted as part of an Industrial Master Plan in accordance with TDC Chapter 37. Such City Council review shall then be conducted in accordance with TDC 31.077. The City Engineer shall prepare a report for presentation to the City Council, which may include recommendations on the partition application and requested minor variances.

Section 23. TDC 36.340 is amended to read:

(1) Within 30 days from the date the property line adjustment application, including a requested minor variance to the dimensional standards of the lots or the minimum lot size, is deemed complete, the City Engineer shall issue a decision to approve or deny the application.

(2) The decision shall include findings of fact and conclusions based upon applicable criteria. The City Engineer's decision shall be supported by written findings and reasons for the decision based upon applicable regulations. Findings and reasons may consist of references to the applicable Development Code or Ordinance provisions.

(3) The decision shall be written, and at a minimum shall identify the applicant, the date of the decision, the decision, and any time frame to which the decision is subject.

(4) Except as otherwise provided, failure of the City Engineer to make a decision on a property line adjustment application within 30 days from the date the application is deemed complete shall constitute approval of the particular application, unless the applicant consents to an extension of time.

(5) The decision of the City Engineer shall not be considered final until a written notice of the decision is given to the owners of the properties listed on the application and if a minor variance is requested, ~~also to the owners of properties (fee title) within 300 feet of the subject property~~ recipients pursuant to TDC 31.064(1).

(6) The decision of the City Engineer shall be appealable for 14 calendar days after the date the notice of the decision is given. A written request for review of the decision by City Council shall be in accordance with applicable procedures and on a form provided for that purpose, as set forth in TDC 31.075 and 31.076.

Section 24. TDC 37.020 is amended to read:

(1) A request for an Industrial Master Plan or modification of an existing Industrial Master Plan shall be subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

~~(12)~~ A request for an Industrial Master Plan or modification of an existing Industrial Master Plan shall be initiated by the owner or owners of all properties within the Industrial Master Plan Area or an authorized agent by filing an application with the Community Development Department. The applicant shall discuss the proposed use and site plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. Prior to the submittal of an application, an applicant shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant may submit a written application addressing applicable review criteria and a site

plan, as outlined in (3) below, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by a fee as established by City Council resolution and the information outlined in TDC 31.071(7) for notification purposes. The applicant shall post a sign pursuant to TDC 31.064(2). The City shall mail notice of application submittal pursuant to TDC 31.064(1).

(23) An Industrial Master Plan may be approved based on proposed parcel boundaries; in this case development under the Industrial Master Plan shall be conditioned on creation of the proposed parcels through the subdivision or partition process or may be the subject of a concurrent land division application. Partition applications associated with an Industrial Master Plan may be approved by City Council in accordance with TDC 36.230(8).

(34) In addition to the information necessary to satisfy the approval criteria specified below, the following information shall be included in the application or on accompanying drawings:

(a) A completed application form accompanied by the appropriate fee with the correct map and tax lot numbers and location of property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.

(b) One copy of a written statement that includes the following items:

(i) A complete list of all land use reviews requested;

(ii) A complete description of the proposal; (iv) Any request for alternate development standards, pursuant to (4) below, shall be included in the written statement.

(c) A site or development plan. At least one complete copy must be 8½ inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:

(i) All existing or proposed property lines with dimensions and total lot area;

(ii) North arrow and scale of drawing;

(iii) Adjacent streets, motor vehicle circulation systems, including connections off site, location of parking areas, and design to include number of spaces, location of loading areas, curbs, and sidewalks;

- (iv) Easements and on-site utilities;
- (v) General location of existing and proposed building envelopes;
- (vi) Location of adjacent off-site buildings;
- (vii) Types and location of vegetation, street trees, screening, fencing, and building materials;
- (viii) Pedestrian and bicycle access and circulation systems, including connections off site and bicycle parking areas;
- (ix) Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site;
- (x) Conceptual building materials and location of landscaped areas; and
- (xi) Partition application if applying for concurrent approval in accordance with TDC 36.220.

(d) The information on the Neighborhood/Developer Meeting specified in TDC 31.063(10).

(e) 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.

(45) An Industrial Master Plan may specify, for the entire Industrial Master Plan Area as a whole or for each individual parcel therein, the following alternate development standards which shall supersede conflicting provisions otherwise applicable:

- (a) Setbacks from each lot line to buildings, parking areas and circulation areas. Required setbacks may be exact, or minimum and maximum ranges may be specified. Required setbacks may be greater than or less than those required under TDC 62.060.
- (b) Locations of shared parking and circulation areas and access improvement, including truck maneuvering and loading areas and common public or private infrastructure improvements.
- (c) Building heights and placement and massing of buildings with respect to parcel boundaries.
- (d) Location and orientation of building elements such as pedestrian ways or accesses, main entrances and off-street parking or truck loading facilities,

including the number of off-street parking spaces and loading docks required.

(e) Lot dimensions and area provided that no individual parcel shall be less than 15 acres north of SW Leveton Drive and five acres south of SW Leveton Drive unless otherwise provided under TDC 62.050(1).

(f) Location of required building and parking facility landscaped areas.

(56) Except as specifically provided in subsection (4) above, all other provisions of this Code shall apply within an Industrial Master Plan Area.

Section 25. TDC 68.020 is amended to read:

(1) A request for Landmark Designation or Removal of Landmark Designation is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

(12) The process for designating a landmark or removing a landmark designation shall be through the plan amendment process as described in TDC 31.080.

(23) Notice of the public hearing ~~and property owner identification~~ shall be as described in TDC 31.08177.

(34) In making their decision the Council shall use the criteria of TDC 31.082 and additional criteria pertaining specifically to landmark designation in TDC 68.030.

(45) The following information shall be required in an application for landmark designation or request for removal of a landmark designation:

(a) The applicant's name and address.

(b) The property owner's name(s) and address(s), if different from the applicant's and a statement of authorization to act on behalf of the owner signed by the owner. City initiated applications do not require a property owner signature.

(c) The street address or other easily understood geographical reference to the property.

(d) A drawing or site map illustrating the location of the structure on the property.

(e) A statement explaining compliance or non-compliance with the applicable approval criteria contained in TDC 31.082 and 68.030.

~~(f) A list of owners of property (fee title) within 300 feet of the subject property together with their current mailing addresses recipients pursuant to TDC 31.064(1).~~

(g) Any other information deemed necessary by the Planning Director.

(6) The applicant shall post a sign pursuant to TDC 31.064(2).

(57) The burden of proof in all cases is upon the applicant seeking approval. Failure to provide a complete application is sufficient reason to deny the application.

Section 26. TDC 68.050 is amended to read:

(1) A request to demolish or relocate a Landmark is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

(12) The Planning Director and City Council shall have the authority to issue a Certificate of Appropriateness regarding demolition or relocation of designated landmarks. Only after issuance of a Certificate of Appropriateness stating approval or approval with conditions, compliance with imposed conditions and approval from other applicable historic preservation reviews shall a demolition or relocation permit be issued by the Building Official.

(23) Applications for demolition or relocation shall be on forms provided by the Planning Director and be accompanied by an application fee in accordance with 31.100.

(34) Applications for relocation of landmarks to sites other than in a Low Density Residential (RL) Planning District shall require Architectural Review approval in addition to a relocation certificate of appropriateness.

(45) Relocated landmarks, which also are to be altered, shall also obtain alteration approval as per 68.090, 68.100 and 68.110.

(56) The following information shall be required in an application for demolition or relocation of a landmark:

(a) The applicant's name and address.

(b) The property owner's name(s) and address(s), if different from the applicant's, and a statement of authorization to act on behalf of the owner signed by the owner.

(c) The street address or other easily understood geographical reference to the landmark property.

(d) A drawing or site map illustrating the location of the landmark.

(e) A statement explaining compliance with the applicable approval criteria (68.060 or 68.070, as appropriate).

(f) Five sets of plan drawings to include site, landscaping and elevations, drawn to scale.

(g) Photographs of the landmark which show all exterior elevations.

(h) A list of ~~owners of property (fee title) within 300 feet of the subject property together with their current mailing addresses~~recipients pursuant to TDC 31.064(1).

(i) Any other information deemed necessary by the Planning Director.

(67) For the purpose of identifying property owners, the requirements of 31.074064(81) shall apply.

(8) The applicant shall post a sign pursuant to TDC 31.064(2).

(79) At the time a demolition or relocation application is made, the Planning Director shall review alternatives to demolition or relocation with the owner of the landmark, including local, state and federal preservation programs.

Section 27. TDC 68.080 is amended to read:

(1) The Planning Director shall issue a Certificate of Appropriateness within 30 days of receipt of a complete application regarding a demolition or relocation request unless the applicant consents to an extension of time. The Planning Director's decision shall become final ten (10) City business days after the date the notice of decision is given unless within said ten (10) days the Planning Director receives a written request for review.

(2) Notice of a decision by the Planning Director concerning demolitions and relocations shall conform to the requirements of 31.074(2), (3) and (4).

(3) The burden of proof in all cases is upon the applicant seeking approval. Failure to provide a complete application is sufficient reason to deny the application.

(4) The Planning Director may approve, approve with conditions or deny the demolition or relocation request after considering the applicable criteria and factors in TDC 68.060 or 68.070, as appropriate.

(5) As conditions of approval for demolition the applicant shall:

(a) List the landmark for sale with a real estate agent for a period of not less than 90 days. The landmark shall be advertised in at least one local or state newspaper of general circulation in the City for a minimum of 10 days over a 5-week period. A copy of the advertisement shall be submitted to the Planning Department prior to issuance of a demolition permit from the Building Official.

(b) ~~Post a notice provided by the City sign pursuant to TDC 31.064(2)~~ offering the building "For Sale" as follows: HISTORIC BUILDING TO BE DEMOLISHED - FOR SALE. ~~The sign applicant shall be posted by the applicant in a prominent and conspicuous place sign~~ within ten feet of a public street on the parcel on which the landmark is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with (a) above. Marketing conducted by the applicant or property owner prior to application for demolition or relocation which meets requirements of 5(a) and (b) above may be applied towards meeting the requirements.

(c) Prepare and make available through the City any information related to the history and sale of the property to all individuals, organizations and agencies who inquire.

(d) Prepare photographic documentation, architectural drawings, and other graphic data or history as deemed necessary by the Planning Director to preserve an accurate record of the landmark. The basic format to be followed will be guidelines from the Historic American Building Survey (HABS, December 1973). The historical documentation materials shall be the property of the City or other party determined appropriate by the Planning Director.

(6) As conditions of approval for relocation the applicant shall comply with 68.080(5)(c) and (d).

(7) When a landmark is approved for demolition it shall automatically be deleted from the Landmark Inventory and shall not require approval through 68.020 and 68.030.

(8) When a landmark is relocated to another site within the City limits the landmark status is automatically retained for that landmark at the new site unless an application for landmark designation removal is submitted and approved by the City Council under 68.020 and 68.030.

(9) This ordinance shall not be construed to make it unlawful for any person, without prior approval of the Planning Director, to comply with an order by the City Council to remove or demolish any landmark determined by the City Council to be dangerous to life, health, or property.

(10) In addition to any other persons entitled to notice, the Community Development Director or designee shall mail notice of application to demolish a landmark to the president of the Tualatin Historical Society. Such notice shall begin a comment period of two weeks.

Section 28. TDC 68.090 is amended to read:

(1) A request for Landmark Alteration or New Construction is subject to a Neighborhood/Developer Meeting pursuant to TDC 31.063.

(12) The Planning Director and City Council shall have the authority to issue a Certificate of Appropriateness regarding alteration or new construction of designated landmarks. Only after issuance of a Certificate of Appropriateness stating approval or approval with conditions, compliance with imposed conditions and approval from other applicable historic preservation reviews shall a building permit be issued by the Building Official.

(23) Applications for alteration and new construction shall be on forms provided by the Planning Director and be accompanied by an application fee in accordance with 31.100.

(34) Applications for new construction on landmark sites other than in a Low Density Residential (RL) Planning District shall require Architectural Review approval in addition to an alteration Certificate of Appropriateness.

(45) The following information shall be required in an application for alteration or new construction of a landmark:

- (a) The applicant's name and address.
- (b) The property owner's name(s) and address(s), if different from the applicant's and a statement of authorization to act on behalf of the owner signed by the owner.
- (c) The street address or other easily understood geographical reference to the landmark property.
- (d) A drawing or site map illustrating the location of the landmark.
- (e) A statement explaining compliance with the applicable approval criteria (68.100(3) or (4)), as appropriate.
- (f) Five sets of plan drawings to include site, landscaping and elevations, drawn to scale.
- (g) Photographs of the landmark which show all exterior features.

(h) A list of owners of property (fee title) within 300 feet of the subject property together with their current mailing addresses.

(i) Any other information deemed necessary by the Planning Director.

(56) For the purpose of identifying property owners, the requirements of ~~31.071(8)~~31.064(1) shall apply.

(7) The applicant shall post a sign pursuant to TDC 31.064(2).

Section 29. TDC 31.064, a new section, is added to read:

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 and recognized neighborhood associations as defined in TDC 31.060 and recognized through TDC 31.065 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 500 feet from the boundaries of the subject property. If the 500-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.

[Continued on next page]

(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.

INTRODUCED AND ADOPTED this 24th Day of May, 2010.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY



STAFF REPORT

CITY OF TUALATIN

****June 14, 2010****

CONTINUED BY TUALATIN CITY COUNCIL

Date 5-24-10

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

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

DATE: May 24, 2010

SUBJECT: AN ORDINANCE AMENDING THE GENERAL COMMERCIAL (CG) PLANNING DISTRICT TO ALLOW "DOGGIE DAY CARE" AND AMENDING TDC 54.020 AND 54.030 (PTA-10-01)

ISSUE BEFORE THE COUNCIL:

City Council consideration regarding the request for a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC), Chapter 54 General Commercial (CG) Planning District, amending 54.020 to allow "Doggie Day Care" as a permitted use and amending 54.030 to allow outdoor dog day care activities as a conditional use. TDC 31.060 Definitions will also be amended. The applicant has requested the public hearing scheduled for May 24, 2010 be continued to June 14, 2010.

RECOMMENDATION:

Staff recommends the noticed public hearing for PTA-10-01 be continued to June 14, 2010 at 7:00 p.m.

EXECUTIVE SUMMARY:

- This matter is a Plan Text Amendment (PTA) to the Tualatin Development Code (TDC) and a decision by the City Council is a legislative action.
- The proposed amendment is an application submitted by Joseph Schaefer representing Drew Prell and Oswego Investors, LLC. Oswego Investors owns a .76 acre property with 2 buildings in the CG (General Commercial) Planning District (Attachment A). The property is known as the Hansen's Corner commercial development and has frontage on SW Lower Boones Ferry Road (south) and SW 63rd Avenue (west).
- This application is a proposal to amend the TDC to allow outdoor pet day care as a conditional use in the CG Planning District. The public hearing for PTA-10-01 was opened on April 12, 2010 and continued by the Council to May 24, 2010 to allow time to address questions about additional standards for approving pet day care uses. In a letter submitted on April 14, 2010 (Attachment A), Mr. Schaefer

requested that PTA-10-01 be continued again to June 14, 1010. At the request of Mr. Schaefer, the companion conditional use permit application CUP-10-01 was continued from the scheduled April 26, 2010 hearing date to June 28, 2010.

FINANCIAL IMPLICATIONS:

Revenue for Plan Text Amendment applications has been budgeted for Fiscal Year 09/10 and the Applicant submitted payment on January 8, 2010, to process PTA-10-01 per the City of Tualatin Fee Schedule.

Attachments: A. Applicant's Letter



SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

Pacwest Center, 1211 SW 5th Ave., Suite 1900, Portland, OR 97204 | Phone 503.222.9981 | Fax 503.796.2900 | www.schwabe.com

JOSEPH S. SCHAEFER
LAND USE PLANNER
Direct Line: 503-796-2091
Cellular Phone: (503) 819-4764
E-Mail: jschaefer@schwabe.com

April 14, 2010

Mr. William Harper, AICP
Associate Planner
City of Tualatin
P.O. Box 369
Tualatin, OR 97062-0369

Re: Schedule for Text Amendment and Conditional Use

Dear Will:

This letter is to follow up on Monday's City Council hearing, where the Council decided to refer the text amendment back to the Planning Advisory Committee for revision. In particular, the Council desires the development of additional criteria applicable to outdoor pet day care.

The City Council hearing on the conditional use application was scheduled for April 26. However, given that the text amendment must be approved before the conditional use can be approved, the conditional use hearing will need to be postponed, and we request a continuance of that hearing until June 28.

The Planning Advisory Committee will consider this at their meeting on May 13. Then the City Council planned to have the next text amendment hearing on May 24. Due to a scheduling conflict, we request that the Council hearing be continued from May 24 until June 14.

In order to accommodate these hearings, we will extend the 120-day deadline by 90 days.

ATTACHMENT

A

Portland, OR 503.222.9981 | Salem, OR 503.540.4262 | Bend, OR 541.749.4044
Seattle, WA 206.622.1711 | Vancouver, WA 360.694.7551 | Washington, DC 202.488.4302

Mr. William Harper, AICP
April 14, 2010
Page 2

Thanks for your assistance with the scheduling, and I look forward to working with you on the additional criteria.

Sincerely,



Joseph S. Schaefer
Land Use Planner

JSS:cst

cc: Mr. Drew R. Prell



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 5-24-10
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager SL

FROM: Doug Rux, Community Development Director DR
Colin Cortes, Assistant Planner C.C.

DATE: May 24, 2010

SUBJECT: A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR A BUS MAINTENANCE AND STORAGE FACILITY FOR THE SHERWOOD SCHOOL DISTRICT IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 20250 SW CIPOLE RD (TAX LOT 2S1 28A 103); (CUP-10-03)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is a request for a Conditional Use Permit (CUP) that would allow additional parking for school busses at the existing bus maintenance and storage facility within the General Manufacturing (MG) Planning District at 20250 SW Cipole Road (Tax Map 2S1 28A, Tax Lot 103).

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and provide direction. If the Council chooses to grant approval, staff recommends no conditions.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The subject property is approximately 3.61 acres at 20250 SW Cipole Road on Tax Lot 2S 1 28A 103, north of SW Tualatin-Sherwood Road and south of SW Herman Road.
- The applicant and owner is the Sherwood School District 88J, and the consultant is Harper Houf Peterson Righellis Inc.
- A Vicinity Map is included as Attachment A.
- The subject property is within the General Manufacturing (MG) Planning District.
- "Bus maintenance and storage facility" is a conditional use within MG pursuant to TDC 61.030(4).

- The bus maintenance and storage facility existed prior to this use becoming listed as conditional within MG through Plan Text Amendment PTA-99-09 and Ordinance No. 1050-00 adopted March 13, 2000.
- The City approved the existing site development, an 8,400 square foot (s.f.) building with parking spaces for 30 busses, 4 vans, and 40 employee vehicles, and other site improvements, via Architectural Review AR-99-29 on October 29, 1999.
- Following site development, the district added to its fleet a bus and eleven (11) light trucks. The applicant proposes to relocate four (4) existing bus parking spaces and add eleven (11) additional bus parking spaces, raising the total number to 45.
- The proposed site plan is included as Attachment B.
- The area around the subject property clockwise from the north includes a mix of general industrial businesses within Tualatin such as Lumber Products, Tualatin Island Greens (a commercial golf course), and Columbia Corrugated Box, and within Sherwood such as ABC RV & Mini Storage, Therm Tec, and BMC West Building Materials.
- The Engineering Division memorandum dated March 30, 2010 regarding the transportation analysis letter states, "The submitted application included a transportation analysis that shows adequate capacity (LOS B for AM and PM Peaks) at the intersection of SW Cipole Road & the private access road in both pre- and post-development situations." Further information is available in the Engineering Division memorandum (Attachment E), the Traffic Analysis Letter (Attachment F), and the application materials (Attachment C).
- Before granting the proposed amendment, the City Council must find that the criteria listed in TDC 32.030 are met: The Analysis and Findings (Attachment D) compares the application with the criteria for granting a CUP.
- The applicant submitted a narrative that describes the proposed conditional use and addresses the Conditional Use Permit approval criteria (within Attachment D). Staff has reviewed the application materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment D). Attachment E is the Engineering Division memorandum addressing transportation and other public facilities associated with the proposed conditional use.
- The applicable policies and regulations that apply to the proposed conditional use in the MG Planning District include those in TDC Chapter 8 Public, Semi-Public and Miscellaneous Land Uses, Sections 8.020 General Government Services and 8.040 Schools; and, TDC 32.030 Conditional Uses. The Analysis and Findings (Attachment D) considers the applicable policies and regulations.
- Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the MG Planning District and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment D) examines the application with respect to the criteria for granting a CUP.
- Oregon Revised Statutes (ORS) 227.178(2) requires that the City Council take final action on a land use application, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete. The date of the May 24, 2010 hearing is the 54th day following completeness.

OUTCOMES OF DECISION:

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

1. The legal non-conforming use becomes a conforming use.
2. The applicant continues to operate a bus maintenance and storage facility as approved through AR-99-29.
3. The applicant relocates four (4) and adds eleven (11) bus parking spaces and makes related site improvements.
4. Vehicle trips for the facility remain as they are because the applicant proposes no additional building square footage or employees.

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

1. Bus maintenance and storage remains a legal non-conforming use.
2. The applicant continues to operate a bus maintenance and storage facility as approved through AR-99-29.
3. The applicant may not relocate four (4) and add eleven (11) bus parking spaces and make related site improvements because the use remains legally non-conforming.
4. Vehicle trips for the facility remain as they are because the applicant proposes no additional building square footage or employees.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Approve the proposed Conditional Use Permit (CUP) with conditions that the Council deems necessary.
2. Deny the request for the proposed CUP with findings that state which criteria in TDC 32.030 the applicant fails to meet.
3. Continue the discussion of the proposed CUP and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Fiscal Year 09/10 budget allocated revenue to process Conditional Use Permits, and the applicant submitted payment per the City of Tualatin Fee Schedule on March 19, 2010 to process CUP-10-03.

PUBLIC INVOLVEMENT:

The applicant conducted a neighbor/developer meeting on February 11, 2010 at 6:30 p.m. to explain the CUP-10-03 proposal to neighboring property owners and to receive comments. No residents or property owners attended the meeting.

- Attachments:**
- A. Vicinity Map
 - B. Proposed Site Plan
 - C. Application Materials
 - D. Analysis and Findings
 - E. Engineering Division Memorandum
 - F. Traffic Analysis Letter (March 9, 2010)
 - G. Map: Sherwood School District 88J
 - H. Resolution

SHERWOOD SD MAINTENANCE FACILITY PARKING TUALATIN, OREGON

SHEET INDEX

- 1 COVER SHEET
- 2 SITE PLAN
- 3 SPECIFICATIONS
- 4 SITE SCREENING PLAN

ENGINEER

HARPER HOUF PETERSON RIGHELLIS INC.
CONTACT: BOB ALLEN, P.E.
200 SE SHAW STREET, SUITE 200
PORTLAND, OREGON 97202
(503) 231-1131

OWNER

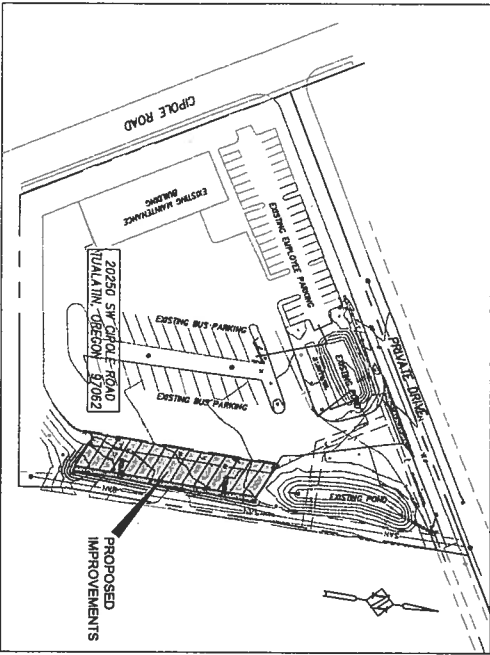
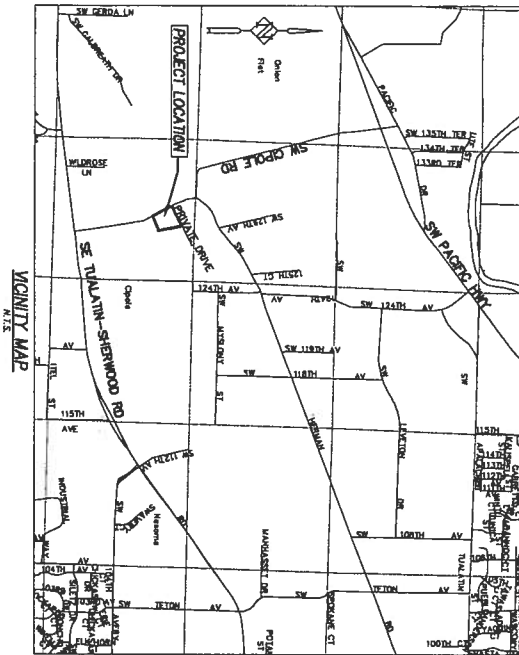
SHERWOOD SD, DISTRICT BA
2235 SW MAIN STREET
SHERWOOD, OREGON 97140
(503) 822-5837

LOCATION

20250 SW CIRCLE ROAD
TUALATIN, OREGON 97062

CITY OF TUALATIN
RECEIVED
MAR 19 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION



GENERAL NOTES

WORK SHALL CONFORM TO THE CITY OF TUALATIN PUBLIC WORKS CONSTRUCTION CODE AND CONTRACT SPECIFICATIONS.
BEFORE INITIATING ANY CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL CONTACT THE CITY OF TUALATIN ENGINEERING DEPT., P.O. BOX 500, TUALATIN, OREGON 97062, FOR A PRECONSTRUCTION MEETING.
PROVISIONS SHALL BE MADE BY THE CONTRACTOR TO KEEP ALL EXISTING UTILITIES IN SERVICE AND PROTECT THEM DURING CONSTRUCTION.
THE CONTRACTOR SHALL VERIFY LOCATIONS, DEPTHS, TYPE AND SIZES OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO THE PLANS AND PROJECT SPECIFICATIONS.

CONTRACTOR SHALL KEEP AND MAINTAIN A CURRENT SET OF DRAWINGS ON SITE. CONSTRUCTION SHALL BE STOPPED IMMEDIATELY UPON DETECTION OF ANY DISCREPANCIES OR OMISSIONS TO DISCOVER AT COMPLETION OF PROJECT.

CONTRACTOR SHALL NOTIFY THE ENGINEER AND OWNER 48 HOURS BEFORE STARTING CONSTRUCTION AND 24 HOURS BEFORE RESUMING WORK AFTER STOPPING EXCEPT FOR EMERGENCY REPAIRS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND OWNER 48 HOURS BEFORE ANY REPAIRS OR RECONSTRUCTION.

ANY ALTERATION OR VARIANCE FROM THESE PLANS, EXCEPT MINOR FIELD ADJUSTMENT NEEDED TO REFLECT EXISTING FIELD CONDITIONS, SHALL FIRST BE APPROVED BY THE ENGINEER. ANY FIELD CHANGES SHALL BE SUBMITTED TO THE ENGINEER AND APPROVED BY THE ENGINEER PRIOR TO COMMENCING WORK.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REMOVED OR REPLACED MATERIAL AND EQUIPMENT IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.

TRAFFIC CONTROL SHALL BE PROVIDED FOR BY THE CONTRACTOR IN ACCORDANCE WITH THE CITY'S STANDARD SPECIFICATIONS.
EXCAVATIONS MUST COMPLY WITH O.A.S. 702.241 THROUGH 702.271. EXCAVATIONS SHALL BE PROTECTED BY THE CONTRACTOR WITH APPROVED EROSION CONTROL MEASURES MUST BE FIELD ADJUSTED BY THE CONTRACTOR AS NECESSARY.

EXISTING UNDERGROUND PROPERTY CONDUITS AND SERVICE LINES SHALL BE PROTECTED. REPAIRS SHALL BE AT THE CONTRACTOR'S EXPENSE.

EROSION CONTROL

THE CONTRACTOR IS RESPONSIBLE FOR CONTROL OF SEDIMENT TRANSPORT WITHIN PROJECT LIMITS DURING CONSTRUCTION. IF AN INSTALLED EROSION CONTROL MEASURE DOES NOT FIELD ADJUSTED BY THE CONTRACTOR AS NECESSARY.
TEMPORARY EROSION CONTROL MEASURES MUST BE MAINTAINED UNTIL PERMANENT EROSION CONTROL MEASURES ARE IN PLACE AND OPERATIONAL.
VEGETATION ON ALL EXCAVATIONS AND DISTURBED AREAS SHOULD BE RE-ESTABLISHED AS SOON AS CONSTRUCTION IS COMPLETED.

UTILITY NOTES

RELOCATE EXISTING UTILITIES WITHIN THE DISTURBANCE LIMITS AS REQUIRED. ADJUST, AS NECESSARY, PROTECTION TO PROVIDE HEAD TO HEAD COVERAGE OVER NEW AND EXISTING UTILITIES PRIOR TO CONSTRUCTION WORK.
RELOCATE EXISTING LIGHT POLES AS SHOWN ON PLANS. WORK SHALL BE COMPLETED BY A LICENSED ELECTRICAL CONTRACTOR. CONSTRUCTION SHALL BE RESPONSIBLE FOR OBTAINING PERMITS.

STRIPING NOTES

ALL OTHER PARKING LOT STRIPING SHALL BE PAINT.

TRAFFIC WARNING PAINT SHALL BE INDUSTRY STANDARD, ASHBY B-748, TYPE 3.

ACCEPTANCE TRAFFIC WARNING PAINTS:

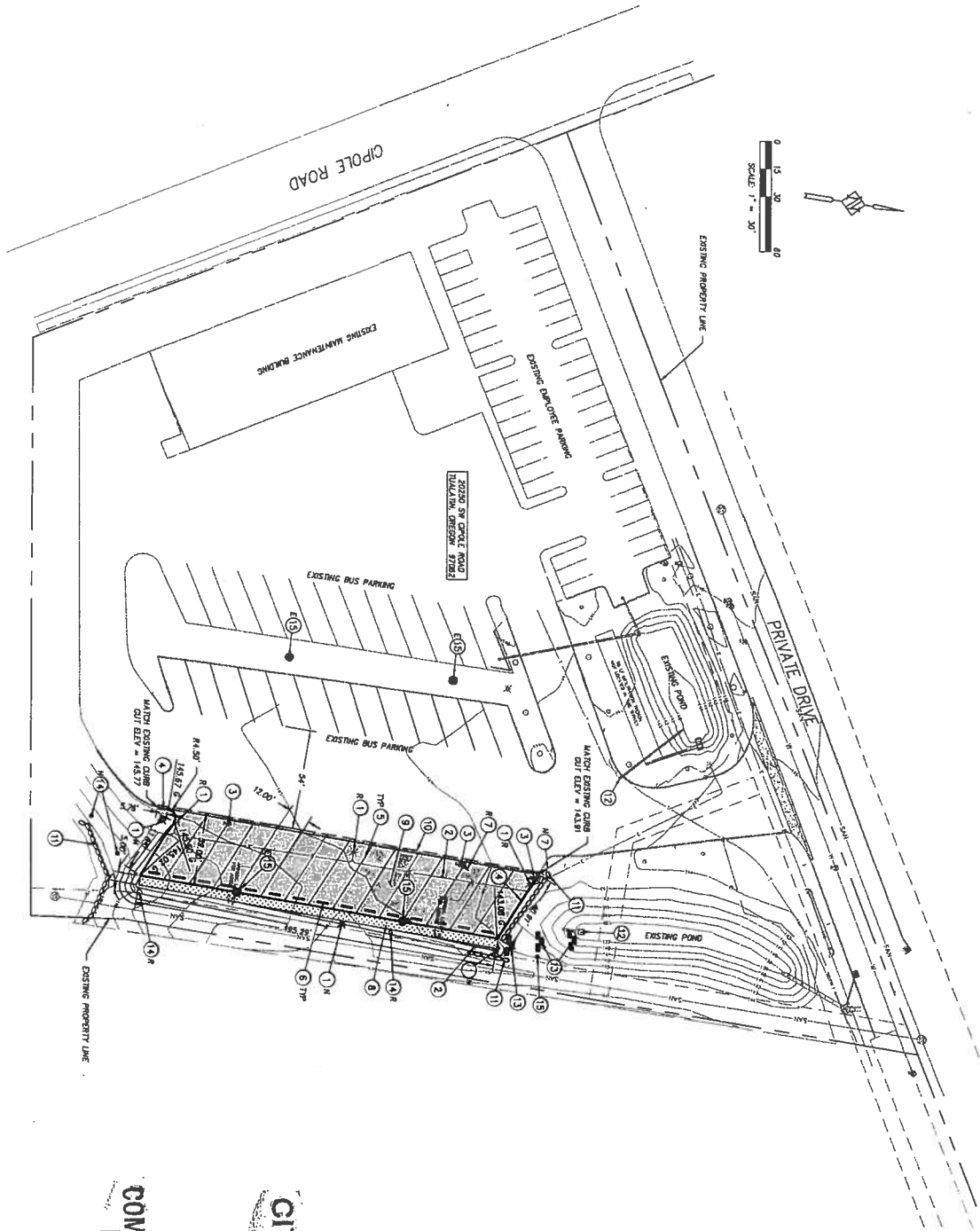
GENERAL: 702-EST STRIPING ZONE WARNING PAINT, 1000 WHITE AND 1012 YELLOW
PARKING: 702-EST STRIPING ZONE WARNING PAINT, 1000 WHITE AND 1012 YELLOW
ROAD: 702-EST STRIPING ZONE WARNING PAINT, 1000 WHITE AND 1012 YELLOW
SIDEWALK: 702-EST STRIPING ZONE WARNING PAINT, 1000 WHITE AND 1012 YELLOW
SIDEWALK: 702-EST STRIPING ZONE WARNING PAINT, 1000 WHITE AND 1012 YELLOW

LAND USE SUBMITTAL

DESIGNED:	BRA / BJB				
DRAWN:	BJB				
CHECKED:	BRA				
DATE:	MARCH 2010				
REGISTERED PROFESSIONAL PRELIMINARY ENGINEER BOB ALLEN, P.E. NO. 10000					
REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> </tr> </tbody> </table>		NO.	DESCRIPTION	1	
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1					

Harper
Houf Peterson
Righellis Inc.
ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS
200 SE Spokane Street, Suite 200, Portland, OR 97202
Phone: 503.231.1131 Fax: 503.231.1171

Attachment B
Proposed Site Plan



CONSTRUCTION NOTES

- 1 RELOCATE (N) EXISTING PARKING LOT LIGHT AND ASSOCIATED WIRING TO NEW (N) LOCATION AS SHOWN ON PLAN.
- 2 REMOVE EXISTING TREE OR SHrub.
- 3 RELOCATE EXISTING IRRIGATION VALVES, HEADS AND ASSOCIATED PIPING (TYPICAL).
- 4 CONSTRUCT STANDING CANB, SEE DETAIL ON SHEET 1.
- 5 INSTALL 4" X 6" WHITE BUS STOP PLANT STRIPING (TYPICAL).
- 6 INSTALL CANB STOP, SEE DETAIL ON SHEET 1.
- 7 RELOCATE (N) EXISTING ROSE BUSH TO NEW (N) LOCATION AS SHOWN ON PLAN.
- 8 CONSTRUCT 5' WIDE VEGETATED IRRIGATION PLANTER, SEE DETAIL ON SHEET 1.
- 9 CONSTRUCT PARKING LOT PAVEMENT, SEE DETAIL ON SHEET 1.
- 10 SANITARY LINE, 1" OFF FACE OF EXISTING CANB.
- 11 INSTALL SEDIMENT CONTROL FENCE, SEE DETAIL ON SHEET 1.
- 12 INSTALL SEDIMENT INLET CONTROL, SEE DETAIL ON SHEET 1.
- 13 INSTALL AND BACK CHECK DAM, SEE DETAIL ON SHEET 1.
- 14 RELOCATE (N) EXISTING TREE TO NEW (N) LOCATION AS SHOWN ON PLAN.
- 15 EXISTING (E) OR NEW (N) ELECTRICAL OUTLET ON 42" STEEL POST.

SITE DATA	
LOT SIZE	3.6 ACRES
BUILDING AREA	8,600 SQ. FT.
EXISTING EMPLOYEE PARKING	40 SPACES
PROPOSED EMPLOYEE PARKING	0 SPACES
EXISTING BUS PARKING	31 SPACES
PROPOSED BUS PARKING	11 ADD. SPACES
EXISTING IMPERVIOUS AREA	2.8 ACRES
ADDITIONAL IMPERVIOUS AREA	0.18 ACRES
TOTAL IMPERVIOUS AREA	3.0 ACRES

CITY OF TUALATIN
RECEIVED

MAR 19 2010

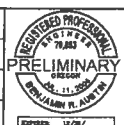
COMMUNITY DEVELOPMENT
PLANNING DIVISION

LAND USE SUBMITTAL

2

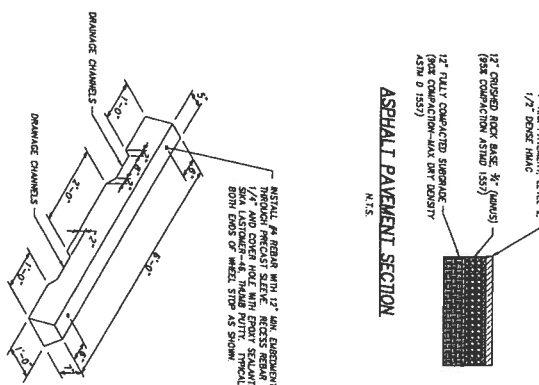
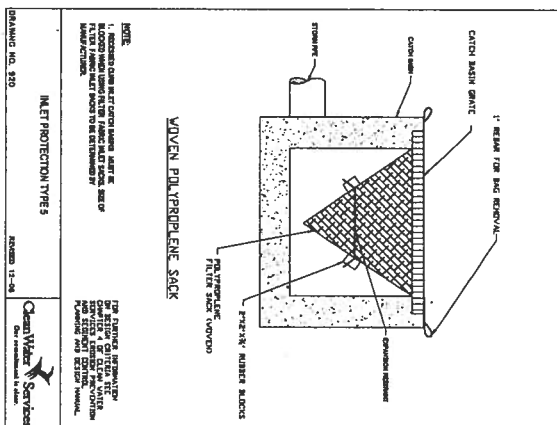
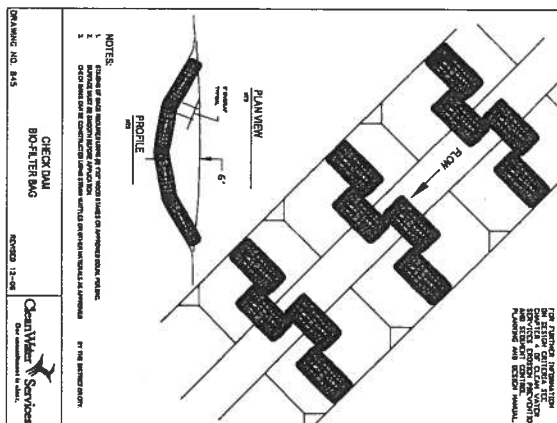
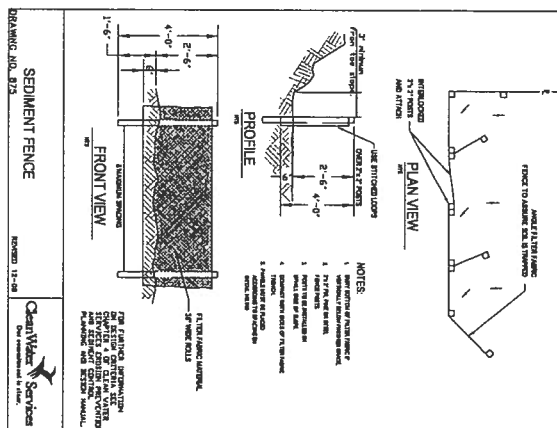
SHD-21

DESIGNED: BRA / BJB
DRAWN: BJB
CHECKED: BRA
DATE: MARCH 2010



Harper Houf Peterson Righellis Inc.
FOUNDER ARCHITECTS-PLANNERS
LANDSCAPE ARCHITECTS-SURVEYORS
200 SE Spokane Street, Suite 200, Portland, OR 97202
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SITE PLAN
SHERWOOD SD MAINT. FACILITY PARKING
TUALATIN, OREGON



ASPHALT PAVEMENT SECTION
N.T.S.

R.1.5

DETAILS

SHERWOOD SD MAINT. FACILITY PARKING
TUALATIN, OREGON

SEDIMENT FENCE
DRAWING NO. 875

REMOVED 12-08	DO NOT DISSEMINATE TO OTHERS.
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DRAWING NO. B45

REC-9303 12-08	DO NOT SIGNATURE IN CASE 12
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DRAWING NO. 920

RECEIVED 12-08	DO NOT REPRODUCE IN QUOTE.
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DRAINAGE CHANNELS

A

PRECAST CONCRETE WHEEL STOP
N.T.S.

N.T.S.

CITY OF TUALATIN
RECEIVED

MAR 19 2010

COMMUNITY DEVELOPMENT
PLANNING DIVISION

STANDARD VERTICAL CURB DETAIL

N.T.S.

VEGETATED INFILTRATION PLANTER DETAIL

N.T.S.

**INLET PROTECTION
TYPE 4**

DRAWING NO. 915

REVISED 12-88

Clean Water Services
Our commitment is clear.

Our investment is fixed.

ω

SHD-21

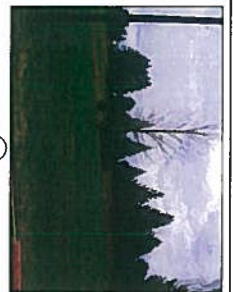


**Harper
Houf Peterson
Righellis Inc.**

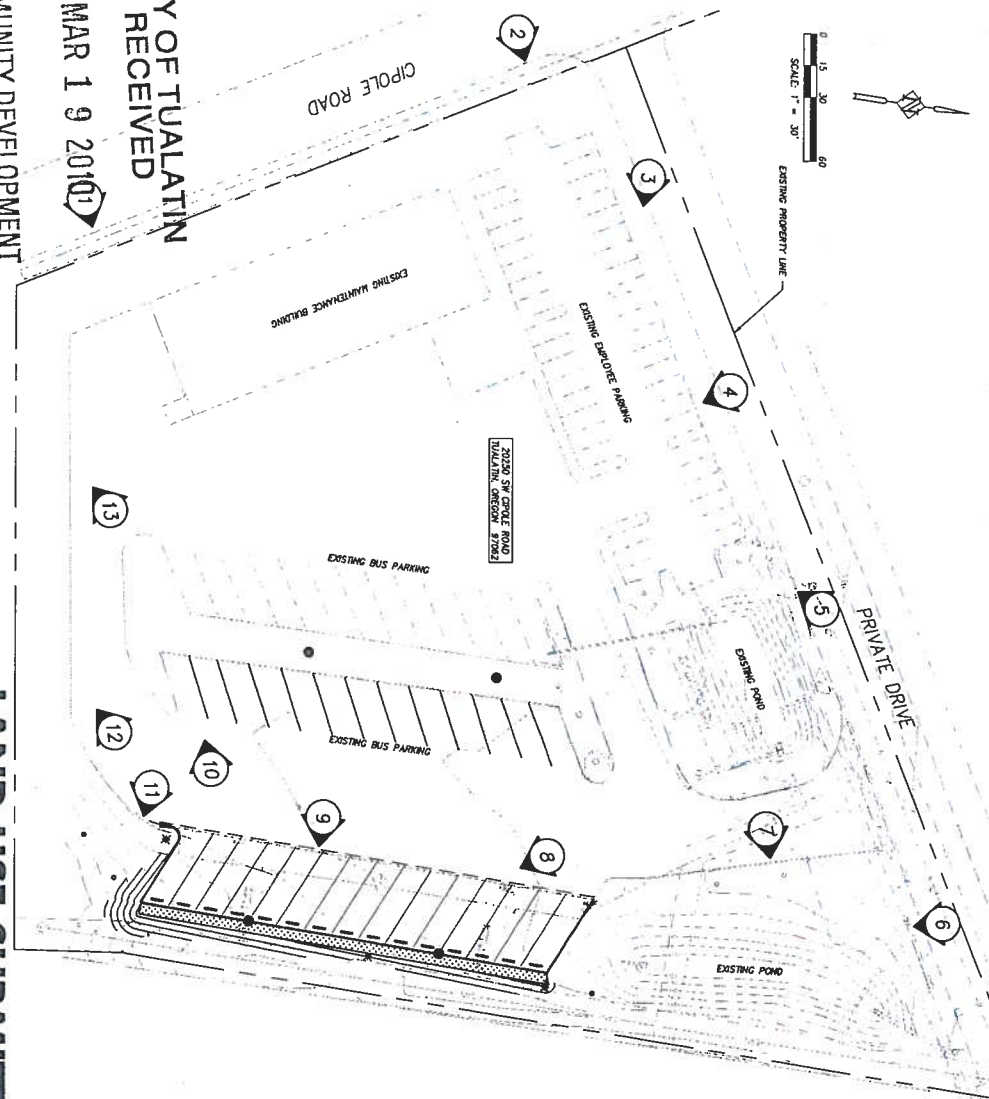
**ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS**

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phone: 503.221.1131 www.hhpr.com fax: 503.221.1175

REVISIONS				DESIGNED: BRA / BUB
				DRAWN: BUB
				CHECKED: BRA
				DATE:
				MARCH 2010
	DATE	NO.	DESCRIPTION	
R E V I S I O N S				



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COMMUNITY DEVELOPMENT
PLANNING DIVISION



LAND USE SUBMITTAL

4 SHEET NO. SHD-21	REVISIONS DATE: _____ BY: _____ DESCRIPTION: _____		DESIGNED: BRA / BJB DRAWN: BJB CHECKED: BRA DATE: MARCH 2010	REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT 10,000 03/11/2009 BENJAMIN R. AUSTIN	HHPR Harper Houf Peterson Righellis Inc. ENGINEERS-PLANNERS LANDSCAPE ARCHITECTS-SURVEYORS 203 SE Spokane Street, Suite 200, Portland, OR 97202 phone: 503.221.1171 www.hhpr.com fax: 503.221.1171

SITE SCREENING PLAN
SHERWOOD SD MAINT. FACILITY PARKING
TUALATIN, OREGON

**Sherwood School District
Maintenance Facility Parking
Conditional Use Permit Application**

Applicant/Owner:

Sherwood School District 88J
23295 SW Main Street
Sherwood, OR 97140
(503) 825-5827

Bob Collins, PMP
Construction Manager
BobCollins@hillintl.com

Planner/Engineer:

Harper Houf Peterson Righellis Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97202
(503) 221-1131

Planner/Contact: Keith Jones, AICP
keithj@hhpr.com

Engineer: Ben Austin, P.E.
bena@hhpr.com

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Traffic Consultant:

Kittelson & Associates, Inc.
610 SW Alder Street, Suite 700
Portland, OR 97205
(503) 228-5230

COMMUNITY DEVELOPMENT
PLANNING DIVISION

Susan Wright, P.E.
Senior Engineer

Alex Kiheri
Transportation Analyst

Site Location:

20250 SW Cipole Road

Tax Lot(s):

Tax Map 2S128A Tax Lot 103

Site Size

3.6 acres, approximate

Zoning:

General Manufacturing Planning District (MG)

Summary of Request:

Approval of a Conditional Use Permit to expand fleet bus parking. This will include removing four parallel spaces and replacing with 15 angled spaces (11 net new spaces) at the east end of the site. Associated stormwater improvements and relocated site lighting are also proposed.

Report Date:

March 2010 (First Submittal)



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ATTACHMENTS

1. Tax Map
2. Legal Description
3. Neighborhood Meeting Information
4. Preliminary Stormwater Memorandum
5. Service Provider Letter
6. Letter from Kittelson and Associates.

11X17 Plan Set attached separately



I. DESCRIPTION OF PROPOSAL

Background

The Sherwood School District opened the facility in 1999. The site contains all of the School District's bus and maintenance fleet as well as provides service bays and office space for facilities staff.

Proposal

Four existing parallel bus parking spaces will be removed and replaced with 15 angled bus parking spaces at the east end of the site. The current site configuration was approved by the City of Tualatin as an Architectural Review in 1999. The maintenance and storage use was later changed from a permitted use into a conditional use making the facility an existing non-conforming use. Now that additional fleet parking is proposed a conditional use permit is required.

Parking

The facility houses 44 fleet vehicles. This includes 31 buses, 4 passenger vans and 11 light trucks. Currently there are 4 van spaces and 30 bus spaces. Since there is a shortage of spaces, fleet vehicles are stored in front of the building or double parked. The proposal will add 11 net new bus spaces allowing for more efficient retrieval and deployment as well as leave the shop doors clear for maneuvering in and out of the service bays. An employee parking lot with 40 stalls exists and is not proposed to be modified.

Stormwater

The existing site is provided with treatment and detention within two stormwater ponds at the northeast area of the site. The new impervious area will total approximately 0.18 acres or 7,841 square feet of paving. Runoff from the new paving will sheet flow east to a new 5-foot wide by 195-foot long vegetated swale that will have two feet of subsurface gravel. This new swale will treat and detain the new impervious area to current Clean Water Services and City of Tualatin standards (see attached stormwater management report for additional information).

Traffic

Kittelson and Associates completed a traffic review letter dated March 9, 2010. After obtaining traffic counts, the site's access to Cipole Road currently operates at a level of services (LOS) B, well within acceptable levels. Further, the School District does not propose to expand existing fleet inventory and therefore the proposal will have no additional traffic impacts. The applicant coordinated the traffic study and review with City Engineering who concurred that a traffic impact study is not required.

Buffering and Screening

The fleet parking is considered outdoor storage and requires screening as stated in the Tualatin Development Code (TDC) Section 73.160(4)(b). This section is stated as follows:

Outdoor storage, excluding mixed solid waste and source separated recyclables storage with a sight obscuring fence, wall, berm or dense evergreen landscaping.



The code does not give any guidance as to height of screen and where it must be screened from. The applicant believes that the site should be screened well from the public street and from potentially noncompatible uses. The site abuts only one public street, Cipole Road to the west. All surrounding property is industrial, however there are two existing single-family houses that abut the south property line that have not yet been annexed into the City of Tualatin and developed as industrial. The site is well screened from Cipole Road along by the building and the south property line with mature evergreen trees.

The site is adequately screened given the surrounding uses at the north and east property lines. At the north end of the property, the property line extends to the middle of a private industrial access road. The site storage is obscured from the private road by existing landscaping including shrubs and trees. The east property line abuts a golf center and driving range. The outdoor storage is well buffered from the golf center by existing berms and mature evergreen trees. A photo log of the site buffering has been provided within the plan set (see Sheet 4 of the plan set).

Authority and Approval Request

The applicant requests approval of Conditional Use Permit. Conditional Use Permits are subject to a Quasi-Judicial Evidentiary Hearing Procedure and require approval by the City Council with a minimum of one public hearing. Following approval by the City Council the applicant must obtain approval of an administrative Architectural Review.

II. RESPONSE TO APPLICABLE APPROVAL CRITERIA AND CODE

Response: Responses to all applicable sections of the Tualatin Development (TDC). Sections that are not applicable may be omitted, and sections not requiring a response will be marked as Noted.

TUALATIN DEVELOPMENT CODE

Chapter 32 – Conditional Uses

32.030– Conditional Use Approval Criterion

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

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

Response: The property is identified as General Manufacturing (MG) on the Community Plan Map, TDC Map 9-1. Bus maintenance and storage is listed as a conditional use in the MG plan district per Section 61.030(4). Therefore the use is a conditional use meeting this criterion.



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

Response: The Tualatin Development Code (TDC) does not define the term "suitable." However, as demonstrated in this application narrative the proposal meets all the applicable dimensional standards, building and fire codes, environmental and natural resources standards. Therefore the applicant finds that the site is suitable under the site characteristics listed in this approval criterion.

Specifically, the proposal complies with all characteristics listed in this criterion as follows:

Size and Shape

The use has existed since 1999 demonstrating that the size and shape of the parcel is sufficient. Further, the proposed site plan demonstrates adequate room for the new bus parking spaces. The additional parking will better utilize the site by improving traffic flow and operations and expand to an underutilized unconstrained portion of the site. Further, the site has operated legally for the past 10 years and there are no code enforcement issues that indicate that the size and shape of the parcel is inadequate for the existing use and proposed modifications.

Location

The facility is an appropriate use for an industrial zone due to the need for outdoor storage and service bays for the building. Further, locating in an industrial zone prevents all buses from leaving and entering the site through residential or commercial streets. The site's location within the Sherwood School District near the major roads including Tualatin-Sherwood and Highway 99W ensure good access to routes and schools.

Topography

The site is relatively flat making it suitable for maneuvering large vehicles.

Existence of Improvements and Natural Features

The facility is already existing and in operation. Clean Water Services has issued a Service Provider Letter and there are no sensitive areas on the site or within 200 feet of the site.

Therefore the proposal complies with this approval criterion.

- (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.*

Response: The use is existing and connected to public utilities. The proposed bus parking expansion will have no additional impact on the transportation system as evidenced by the applicant's traffic engineer. The stormwater system is proposed to be upgraded to current standards to treat and detain for the additional impervious surfaces (see attached stormwater management report for more details). The facility supports the Sherwood School District which is an essential public service.

Therefore the proposal complies with this approval criterion.



- (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.*

Response: The surrounding area is zoned for industrial. Due to the operation, maintenance and storage of buses, the industrial zone is an appropriate location for the facility. Two single-family residences are located south of the site and have not yet been annexed into the City and developed as industrial. A mature evergreen screen exists along the south property line as a buffer between the residential area and this site.

Therefore the proposal complies with this approval criterion.

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

Response: The policies for Manufacturing Districts Section 7.030 are applicable to the MG zoning district. Most of these policies are not applicable to this proposal as they are in place to encourage establishment of new industrial uses. Since the site and use is already existing and this proposal constitutes a minor expansion, these policies have no direct bearing on the proposal. Further there is no policy that directly affects this site that is not already covered by an existing regulation contained with the Tualatin Development Code.

Therefore the proposal complies with this approval criterion.

32.060– Application for Conditional Use

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

Response: The Sherwood School District's representative has signed the application as the property owner.

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

Response: A pre-application meeting was held with City staff on January 21, 2010. No pre-application notes were provided by staff.

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

Response: A neighborhood meeting was held on February 11, 2010 in conformance with TDC 31.063. No one attended the meeting (see attached neighborhood meeting materials).

Following the pre-application conference and Neighborhood/Developer Meeting, the applicant shall submit an application including, but not limited to, the following: project title; the names, addresses, and telephone numbers of the property owners and applicants, and when applicable, the architect, landscape architect and engineer; the signatures of the property owners and



applicants; the site address and the assessor's tax map and tax lot numbers; a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, the information on the Neighborhood/Developer Meeting specified in TDC 31.063(10), and a Service Provider Letter from the Unified Sewerage Agency indicating that a "Stormwater Connection Permit" will likely be issued...

Response: This application narrative and attachments contain the required information including the plans, evidence of Neighborhood/Developer Meeting and Service Provider Letter.

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

Response: The full application fee was submitted with this application.

Chapter 61 – General Manufacturing Planning District (MG)

61.021 – Permitted Uses

Response: Does not apply. The bus maintenance and storage facility is listed as a conditional use.

61.030 – Conditional Uses

Response: The bus maintenance and storage facility is listed as a conditional use under item (4) of this section.

61.031 – Restrictions on Conditional Uses

Response: Does not apply. No commercial or retail sales are proposed

61.035 – Special Setbacks for Commercial Uses from Arterial Streets and Commercial Services Overlays

Response: Does not apply. No commercial or retail sales are proposed. Further, Cipole Road is classified as a Major Collector on Functional Classification Plan Figure 1-1 of the TDC and is not an arterial.

61.040 – Prohibited Uses

Response: No prohibited uses are proposed. The use is listed as a conditional use.

61.050 – Lot Size

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facility which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

- (1) *The minimum lot area shall be 20,000 square feet.*
- (2) *The minimum lot width shall be 100 feet.*



- (3) *The minimum average lot width at the building line shall be 100 feet.*
- (4) *The minimum lot width at the street shall be 100 feet.*
- (5) *For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8) to (12).*
- (6) *The minimum lot width at the street shall be 50 feet on a cul-de-sac street.*

Response: The existing lot exceeds all the minimum lot size dimensions. The parcel is approximately 3.61 acres in size exceeding the minimum lot area. The lot width and average lot width at the building line is approximately 308 feet, exceeding the 100-foot minimum standard. The parcel has approximately 308 feet of frontage on Cipole Road exceeding the 100-foot minimum standard. The lot is not a flag lot and is not on a cul-de-sac.

61.060 – Setback Requirements

- (1) *Front yard. The minimum setback is 30 feet.*

Response: The existing building has a 30-foot setback meeting this standard. No new buildings or additional are proposed.

- (2) *Side yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process.*

Response: The existing minimum side setback is at the south end and is approximately 50 feet, meeting this standard. No new buildings or additional are proposed.

- (3) *Rear yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process.*

Response: The existing minimum rear setback is approximately 260 feet exceeding this standard. No new buildings or additional are proposed.

- (4) *Corner lot yards. The minimum setback is the maximum setback prescribed for each yard for a sufficient distance from the street intersections and driveways to provide adequate sight distance for vehicular and pedestrian traffic at intersections and driveways, as determined through the Architectural Review process.*

Response: No buildings or obstructions are present at the site access.

- (5) *The minimum parking and circulation area setback is 5 feet, except when a yard is adjacent to public streets or Residential or Manufacturing Park District, the minimum setback is 10 feet. No setback is required from lot lines within ingress and egress areas shared by abutting properties in accordance with TDC 73.400(2).*

Response: The existing parking lot meets this standard and is not proposed to be modified. The fleet parking is not required to meet this standard.

- (6) *No spur rail trackage shall be permitted within 200 feet of an adjacent residential district.*



Response: Does not apply. Does not involve a rail spur.

(7) *No setbacks are required at points where side or rear property lines abut a railroad right-of-way or spur track.*

Response: Does not apply. Does not involve a rail spur.

(8) *No fence shall be constructed within 10 feet of a public right-of-way.*

Response: No fence exists or is proposed within 10 feet of the public right-of-way.

61.090 – Access

All lots created after September 1, 1979, shall abut a public street...

Response: The site abuts a public street meeting this standard.

61.100 – Off-Street Parking and Loading

Refer to Chapter 73

Response: See response to Chapter 73 below.

61.110 – Environmental Standards

Refer to Chapter 63

Response: See response to Chapter 63 below.

61.120 – Floodplain District

Refer to Chapter 70

Response: Does not apply. The site is not in a floodplain.

61.130 – Wetlands Protection District

Refer to Chapter 71

Response: Does not apply. There are no wetlands or sensitive areas on site as confirmed by the attached Clean Water Services, Service Provider Letter dated January 25, 2010.

61.140 – Community Design Standards

Refer to Chapter 73

Response: See response to Chapter 73 below.

61.150 – Landscape Standards

Refer to Chapter 73



Response: See response to Chapter 73 below.

Chapter 63 – Manufacturing Planning Districts – Environmental Regulations

63.051 - Noise

- (1) *Except as otherwise provided in this section, all industrial development shall comply with the Oregon State Department of Environmental Quality standards relating to noise. From 9:00 p.m. to 7:00 a.m., a dBA reading from an industrial development, whether new or existing, shall not exceed an L-max of 60 dBA when measured from a noise sensitive property.*

Response: The School District intends to comply with this standard.

Section 63.052 Vibration.

- (1) Planning district restrictions: No person shall cause or permit ground vibration into the property of another person that exceeds the limits set forth below in this section.
- (a) Ground vibration as measured at the boundary of a residential planning district and an industrial planning district shall not exceed 0.01 inches per second (0.00025 meters per second) RMS velocity.
- (b) Ground vibration as measured at a common property boundary of any two properties within any industrial planning district shall per second) RMS velocity.

Response: The facility does not have an operation that would generate excessive vibration.

63.053 - Air Quality.

All uses within any industrial planning district shall comply with the most recent air quality standards adopted by the Oregon Department of Environmental Quality.

Response: Noted by the applicant. The School District intends to meet all air quality standards.

63.054 - Odors.

The emission of odors in such quantities as to create a nuisance condition at any point beyond the property line is prohibited.

Response: The facility does not have an operation that would generate excessive odors.

63.055 - Heat and Glare.

- (1) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
- (2) Exterior lighting shall be directed away from residential planning districts.

Response: There are no adjacent residential planning districts. Normal exterior site lighting for the parking lot and fleet storage area is proposed.



63.056 - Stored Materials.

All materials, including wastes, shall be stored in a manner that will not attract or aid the propagation of insects or rodents, or in any other way create a health hazard.

Response: Noted by the applicant.

63.057 - Liquid Waste Materials.

No liquid waste shall be disposed onto the site or into adjacent drainage ditches, creeks or other natural waterways in a manner to cause harm to wildlife.

Response: All used oil and other liquid waste will be properly disposed of per applicable law.

Chapter 73 – Architectural Review

73.040– Architectural Review Plan Approval Required

- (1) *...no new...parking lot improvement or expansion...shall occur until the architectural review plan required under TDC 31.071 has been reviewed and approved by the Community Development Director and City Engineer or their designees, or by the Architectural Review Board or City Council for conformity with applicable standards or criteria.*

Response: The proposal includes expansion of the bus parking area and therefore requires an architectural review following approval of this conditional use approval request.

73.160 – Design Standards for Industrial

- (1) *Pedestrian and Bicycle Circulation.*

- (b) *For Industrial Uses:*

- (i) *a walkway shall be provided from the main building entrance to sidewalks in the public right-of-way and other on-site buildings and accessways. The walkway shall be a minimum of 5 feet wide and constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.*

Response: A sidewalk connection from Cipole Road to the main entrance of the building currently exists meeting this standard.

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

Response: Does not apply.

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



Response: Does not apply. There are no bike lanes on SW Cipole Road and there is no bike circulation system on the site.

(iv) *Accessways may be gated for security purposes;*

Response: Does not apply. There are no accessways on the site. A walkway exists that connects the front door to Cipole Road. The site is gated for security purposes.

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

Response: Does not apply. There are no greenway or walkways planned adjacent the site. An existing concrete sidewalk provides pedestrian access along the site frontage.

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

Response: Does not apply. Existing walkway does not cross curbs.

(d) *Accessways shall be a minimum of 8 feet wide and constructed in accordance with the Public Works Construction Code if they are public accessways, and if they are private accessways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.*

Response: Does not apply. There are no accessways on the site. A walkway exists that connects the front door to Cipole Road.

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

Response: The two parcels south of the site are underdeveloped with single-family residential uses and could be developed as industrial. However, these parcels have direct access to Cipole Road and can provide their own sidewalk connection to the public street.

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

Response: Does not apply. The site does not contain a wetland or greenway.



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

Response: Does not apply. No accessways exist or are proposed. A walkway is provided from the front door to Cipole Road.

(2) *Drive-up Uses.*

Response: Does not apply. No drive-up uses are proposed.

(3) *Safety and Security.*

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

Response: The proposal only involves relocating some existing parking lot lights. The building and remaining lighting will not be modified.

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

Response: Lighting has been installed to add in security. Minimal adjustments to parking lot lighting are proposed.

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

Response: Lighting currently does not shine into public right-of-ways. The lighting proposed to be relocated is at the back of the site furthest away from Cipole Road.

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

Response: Entrance is visible from Cipole Road and is in a logical location.

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

Response: Shrubs and trees meet these standards.

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

Response: Does not apply. These facilities are not present on site.



(4) *Service, Delivery and Screening.*

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

Response: This equipment is currently adequately screened.

- (b) *Outdoor storage, excluding mixed solid waste and source separated recyclables storage with a sight obscuring fence, wall, berm or dense evergreen landscaping.*

Response: The bus parking is considered outdoor storage and is required to be screened. This provision is not specific as to what the outdoor storage must be screened from. The proposal consists of only a minor addition of fleet parking to the back, east side of the property. The expansion will not occur in an area where it will be more visible from the public street (Cipole Road) or potential noncompatible uses (the single-family residential) to the south. Further the public road and south property line are well screen by existing evergreen trees, the building and landscaping.

Sheet 4 from the plan set has a photo inventory of the site screening. The west property line is well screened from Cipole Road with the existing building, fencing and landscaping. The north property line is screened by fencing, landscaping and the parking lot. The east property line is abuts a golf driving range and contains several mature evergreen trees and berms that screen these two uses. Two single-family homes that are not yet annexed into the City of Tualatin abut the south property line. These properties are well screened by evergreen trees and landscaping.

Therefore the applicant believes that the existing landscaping provides adequate screening.

- (c) *Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations shall be screened with sight-obscuring fences or walls and landscaping.*

Response: Does not apply. These facilities are not present on site.

(5) *The Federal Americans With Disabilities Act (ADA)...*

Response: The site currently meets ADA. The proposed bus parking expansion will have no impact on existing ADA parking and access.

- (6) (a) *All industrial, institutional, retail and office development on a transit street designated in TDC Chapter 11 (Figure 11-6) shall provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the b*

Response: The site fronts Cipole Road. Cipole Road is not a transit street per Figure 11-6.



73.227 – Solid Waste Design Standards

- (1) *The mixed solid waste and source separated recyclables storage standards shall apply to all new or expanded multi-family residential developments containing five or more units and to new or expanded commercial, industrial, public and semi-public development.*

Response: This application does not involve buildings and therefore this standard does not apply.

Section 73.240 Landscaping General Provisions.

(1) to (2) (Omitted)

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

Response: The site has 43% landscaping and will have 38% with this proposal.

(4) to (8) (Omitted)

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

Response: Landscaping exists along Cipole Road.

73.250 – Tree Preservation

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

Response: Construction is limited to the east side of the site. Four trees will be removed; all other trees will be retained on the site. Two of these trees will be replanted on the site.

Section 73.370 Off-Street Parking and Loading.

Response: The facility houses 44 fleet vehicles. This includes 31 buses, 4 passenger vans and 11 light trucks. Currently there are 4 van spaces and 30 bus spaces provided. Since there is a shortage of spaces, fleet vehicles are stored in front of the building or double parked. The proposal will add 11 net new bus spaces allowing for more efficient retrieval and deployment as well as leave the shop doors clear for maneuvering in and out of the service bays. Fleet vehicle parking is exempted from the minimum and maximum parking standards as stated in Tualatin Development Code (TDC) Section 73.370(2)(a).

For personal vehicles, the minimum and maximum parking required is not specifically listed in TDC Section 73.370. TDC Section 73.370(1)(g) states that where uses are not specified, the Community Development Director will make a determination. This determination is to be based



on comparable listed uses. In review of the listed uses, there is no comparable use as this is a specialized and unique facility.

Although a parking standard has not been implemented to date, for employee parking areas, current facilities are adequate. Current parking adequacy is evidenced by;

- Roughly concurrent number of spaces and employees (40 spaces and 41 employees);
- Very limited expectation of visitors to the facility;
- No history of inadequacy during the last 10 years of facility operation;
- Conservative assumption that only 1 employee is required to use an alternative means to reach the facility (carpool, bike, transit).

Further, TDC Section 73.370(1)(a) states that parking requirements are imposed on new uses or change of use, unless additional parking is deemed unnecessary as an outcome of a conditional use or architectural review. Through this project's conditional use and architectural review it can be shown that neither an increase in fleet vehicles or employees is expected with the expansion of the facility. As the facility expansion is limited to new fleet spaces and not additional or personal vehicles and the site has a history of adequate operations, additional employee parking should not be imposed.

IV. CONCLUSION

This summary of request and attachments demonstrate compliance with applicable approval criteria and code. The applicant respectfully requests that the City approve this application.



CUP-10-03 ATTACHMENT D:

ANALYSIS AND FINDINGS

In order to grant the proposed conditional use permit (CUP), the request must meet the approval criteria of Tualatin Development Code (TDC) Section 32.030. The applicant prepared a narrative that addresses the criteria (Attachment C), 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 2S 1 28A 103, is within a General Manufacturing (MG) Planning District as defined in TDC Chapter 61. "Bus maintenance and storage facility" is a conditional use within MG per TDC 61.030(4). The proposal seeks to make site improvements for this existing use that the City approved for the Sherwood School District 88J through AR-99-29 on October 29, 1999. This was prior to the use becoming listed as conditional within MG through Plan Text Amendment PTA-99-09 and Ordinance No. 1050-00 adopted March 13, 2000. The applicant is submitting a Conditional Use Permit (CUP) application so that the use can go from being a legal non-conforming use to a conforming use, which would in turn allow the applicant to make site improvements to accommodate parking for additional school busses.

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 3.61 acres and exceeds the minimum lot size requirement. The site size is suitable for the proposed use.
Shape:	The subject property is a roughly trapezoid lot with access from a private drive that in turn accesses SW Cipole Road. The site is already developed. The lot shape is suitable for the proposed use.
Location:	The proposed use is located within the MG Planning District with access from a private drive that in turn accesses SW Cipole Road, a major collector (Cb&t) as illustrated in TDC Figure 11-1 and described in TDC Table 11-1. The location is suitable.

Topography: The developed site has a minor slope of about six (6) feet (ft) from 144 to 151 ft above sea level, excluding existing stormwater detention ponds, which would not interfere with the proposed use.

Improvements: The site was developed through Architectural Review AR-99-29 for the Sherwood School District 88J with an 8,400 square foot (s.f.) building with parking spaces for 34 busses and 39 employee vehicles and other site improvements. The applicant proposes minor site improvements to relocate four (4) and add eleven (11) bus parking spaces. The proposed site plan (Sheet 2) shows the proposed relocated and additional bus parking.

Examining parking, the minimum required parking is determined through Tualatin Development Code (TDC) 73.370. AR-99-29 approved the bus maintenance and storage facility with 39 employee parking spaces. At the time, the TDC had no minimum parking requirement applicable to a bus maintenance and storage facility. Though the facility is within an MG Planning District, parking requirements based on general industrial uses are not relevant and applicable. The proposed site plan illustrates no change to the 39 employee spaces. Because at the present TDC 73.370 has no minimum parking requirement applicable to a bus maintenance and storage facility; staff has no evidence indicating a parking problem; and, given the nature of the use, staff defines the minimum amount of parking as equivalent to what the applicant proposes, namely 39 employee parking spaces.

The proposed improvements are suitable for the 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.

Transportation:

The site is adjacent and obtains access via a private drive to SW Cipole Road south of SW Herman Road. SW Cipole Road is a Washington County facility designated by the City of Tualatin as a Major Collector (Cb&t), which would ultimately have a right-of-way width of 74 to 78 feet that includes two travel lanes, a center turn lane, bike lanes, planter strips, and sidewalks. SW Cipole Road is currently approximately 69 feet wide (36 feet on this development's side) with two travel lanes, planter strips, and sidewalks.

Washington County has not responded at this time, therefore any requirements for dedication or improvements will be determined during a future Architectural Review (AR).

Reasonable Worst Case Site Trip Generation:

The submitted application included a transportation analysis that shows adequate capacity (LOS B for AM and PM Peaks) at the intersection of SW Cipole Road & the private access road in both pre- and post-development situations. The development only consists of an increase of parking lot area to allow for improved site circulation and parking. This development does not generate any additional personnel at the facility or bus routes for the Sherwood School District.

Water, Sanitary Sewer, & Stormwater:

Connections to City water and sanitary sewer systems currently exist. An existing private stormwater facility provides treatment and retention. For the future Architectural Review, a Water Quality Permit will need to be obtained for the proposed Low Impact Development Approach (LIDA) swale to treat the increase in impervious area of the enlarged parking lot.

Based on staff review and analysis of the application, the existing and approved public facilities for the site are adequate for the proposed use and the development is timely.

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 ML Planning District. Surrounding land uses include:

N:	MG	Lumber Products
E:	MG	Tualatin Island Greens
S:	MG	Columbia Corrugated Box
W:	n/a*	BMC West Building Materials

*This is across SW Cipole Road within Sherwood city limits.

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 private drive and SW Cipole Road.

Because the bus maintenance and storage facility has existed for a decade and has not altered the general industrial character of the surrounding area, it will continue to not alter such character.

Criterion 4 is met.

5. The proposal is consistent with plan policies.

The applicable Tualatin Community Plan policies are in TDC Chapter 8 Public, Semi-Public and Miscellaneous Land Uses, Sections 8.020 General Government Services and 8.040 Schools. Other TDC Sections that are not part of the Community Plan yet are relevant include 32.030 Conditional Uses – Siting Criteria.

TDC 8.020 General Government Services states, “This category includes a variety of dissimilar uses from general offices to public works shops. The objectives for the location of these uses are to: ... (2) Locate facilities such as the City's Operations Center in the City's western industrial area.” The Sherwood School District 88J is a kind of local government that owns and operates the bus maintenance and storage facility as part of its educational service to students within the district. The facility is analogous to a municipal public works shop in that both facilitate primary government services. For a municipal public works shop, this means providing construction and maintenance service for public works and publicly owned buildings (e.g. a city hall) and properties in such a way as to be like an industrial use. For the school district, a bus maintenance and storage facility is necessary because busses serve to transport students to and from schools within the district in order to school them. This use is also akin to industrial uses than are schools themselves.

TDC 8.040(1) Schools states, “This category includes land uses associated with services generally provided by the public school system” A bus maintenance and storage facility is a land use associated with services that the Sherwood School District 88J provides as a public school system. Additionally, the facility is located within the district.

The proposal satisfies those objectives and policies of the Tualatin Development Code (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 Sherwood School District 88J bus maintenance and storage facility Conditional Use Permit (CUP) application (CUP-10-03) meets the criteria of TDC 32.030.



City of Tualatin

www.ci.tualatin.or.us

MEMORANDUM

DATE: May 11, 2010

TO: Colin Cortes
Assistant Planner

FROM: Tony Doran, EIT
Engineering Associate

SUBJECT: CUP 10-03, Sherwood Bus Facility - To allow a conditional use permit for a bus maintenance and storage facility.
20250 SW Cipole Road Tax Lot: 2S128A000103

Colin,

TDC 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Transportation: The site is adjacent and obtains access via a private drive to SW Cipole Road south of SW Herman Road. SW Cipole Road is a Washington County facility designated by the City of Tualatin as a Major Collector (Cb&t), which would ultimately have a right-of-way width of 74 to 78 feet that includes two travel lanes, a center turn lane, bike lanes, planter strips, and sidewalks. SW Cipole Road is currently approximately 69 feet wide (36 feet on this development's side) with two travel lanes, planter strips, and sidewalks. Washington County has not responded at this time, therefore any requirements for dedication or improvements will be determined during a future Architectural Review.

Reasonable Worst Case Site Trip Generation:

The submitted application included a transportation analysis that shows adequate capacity (LOS B for AM and PM Peaks) at the intersection of SW Cipole Road & the private access road in both pre- and post-development situations. The development only consists of an increase of parking lot area to allow for improved site circulation and parking. This development does not generate any additional personnel at the facility or bus routes for the Sherwood School District.

Water, Sanitary Sewer, & Stormwater: Connections to City water and sanitary sewer systems currently exist. An existing private stormwater facility provides treatment and retention. For the future Architectural Review, a Water Quality Permit will need to be obtained for the proposed Low Impact Development Approach swale to treat the increase in impervious area of the enlarged parking lot.

KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 503.228.5230 503.273.8169

March 9, 2010

Project #: 10700.0

Tony Doran

City of Tualatin Engineering and Building Department

18876 SW Martinazzi Ave

Tualatin OR, 97062

RE: Sherwood School District - Bus Facility Expansion

Dear Tony,

This letter summarizes the transportation analysis prepared for the proposed expansion of the Sherwood School District's transportation and operations facility (see attached site plan), located at 2050 SW Cipole Road in Tualatin, Oregon. This analysis demonstrates that the existing facility and the adjacent transportation facilities operate acceptably during weekday a.m. peak and afternoon peak periods. This analysis also demonstrates that the proposed expansion will not have an impact on the system as the proposed site expansion will be addressing existing fleet parking deficiencies only. No expansion to the bus fleet is being proposed with this expansion.

Background

Due to current on-site limitations of the existing Sherwood School District's bus facility, the District is proposing to expand the bus facility but is not increasing the number of existing fleet and service vehicles. Thus, the expansion will not generate any additional personnel at the facility or bus routes for the Sherwood School District.

The proposed expansion will expand the current 34 fleet spaces (30 bus and 4 van) to 45 spaces (41 bus and 4 van). The expanded facility will better accommodate the existing 44 vehicles by removing the necessity to double park certain vehicles or to use the loading area in front of the maintenance facility for overnight parking. These improvements will significantly improve on-site operations.

The existing impact of the site on adjacent transportation facilities site was determined through data collection at both the site driveway and the adjacent intersection. A site driveway traffic count was collected from 5:00 a.m. – 6:00 p.m. in order to determine the sites peak hours of generation. Table 1 documents the site's daily traffic profile and peak trip generation time periods.

TABLE 1 SITE DRIVEWAY TRAFFIC PROFILE TUESDAY FEBRUARY 23RD 2010

Time	Total ¹
5:00 AM	7
6:00 AM	54
7:00 AM	31
8:00 AM	57
9:00 AM	20
10:00 AM	22
11:00 AM	22
12:00 PM	29
1:00 PM	66
2:00 PM	14
3:00 PM	66
4:00 PM	24
5:00 PM	0
6:00 PM	0
Day Total	412

1 - Due to the site access point geometry and the difficulty of collecting tube data near a turning movement, entering and exiting traffic volumes do not balance throughout the day. These values should be considered approximate and are meant to demonstrate the site's peak hours of generation, not the expected trip generation.

Based on the data shown in Table 1, four hours were selected to be analyzed further at the adjacent intersection of SW Cipole Road and the access road that provides site access to the transportation and operations facility as well as the neighboring commercial property. These four hours were selected as they are the highest trip generating hours of the School District site and are also likely to coincide with the adjacent intersection's peak hours during the operating hours of the site. Table 2 documents the adjacent intersection's operational characteristics during the four selected hours.

TABLE 2 SW CIPOLE ROAD/SITE ACCESS ROAD OPERATIONAL ANALYSIS

Time Period	Average Intersection Delay (sec.) ¹	Volume-to-capacity ¹	Level-of-service ¹
6:00 - 7:00 AM	11.8	0.04	B
7:00 - 8:00 AM	12.1	0.03	B
8:00 - 9:00 AM	11.3	0.05	B
3:00 - 4:00 PM	10.7	0.03	B

1 - Operational analysis was calculated according to HCM 2000 methodology. Attachment A includes the Traffix 8 HCM 2000 methodology worksheets.

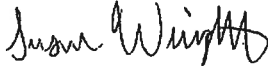
As shown in Table 2, the two-way stop controlled intersection providing site access to the bus facility experiences a level-of-service (LOS) of 'B' or better during the peak hours of facility operation. As this meets applicable city standards, no proposed mitigation is recommended for the intersection.

Conclusion

The existing Sherwood School District transportation and operations facility does not currently warrant any mitigation as it operates with an acceptable LOS of 'B' or better during the average weekday. The planned expansion includes an increase in fleet parking and not an increase in fleet vehicles or employees; therefore, no additional trip generation is anticipated from the proposed site expansion. As the site currently operates acceptably and no new trips are forecasted to be associated with the expansion no further transportation study is recommended.

We trust that this letter addresses your questions regarding the existing site and the proposed fleet parking expansion. If you have any questions regarding this analysis or recommendation please do not hesitate to reach us at 503-228-5230.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Susan Wright, P.E.
Senior Engineer



Alex Kiheri
Transportation Analyst

**ATTACHEMENTS –
PROPOSED SITE PLAN,
TRAFFIX WORKSHEETS AND TRAFFIC DATA**

LOCATION: 20250 SW Cipole Road SPECIFIC LOCATION: 10 ft from Site Drive CITY/STATE: Tualatin, OR									
QC JOB #: 10482901 DIRECTION: SB DATE: Feb 23 2010 - Feb 23 2010									
Start Time	Mon	Tue 23-Feb-10	Wed	Thu	Fri	Average Weekday Hourly Traffic	Sat	Sun	Average Week Hourly Traffic
12:00 AM		0				0			0
1:00 AM		0				0			0
2:00 AM		0				0			0
3:00 AM		0				0			0
4:00 AM		0				0			0
5:00 AM		7				7			7
6:00 AM		30				30			30
7:00 AM		19				19			19
8:00 AM		32				32			32
9:00 AM		9				9			9
10:00 AM		10				10			10
11:00 AM		15				15			15
12:00 PM		15				15			15
1:00 PM		30				30			30
2:00 PM		6				6			6
3:00 PM		43				43			43
4:00 PM		6				6			6
5:00 PM		0				0			0
6:00 PM		0				0			0
7:00 PM		0				0			0
8:00 PM		0				0			0
9:00 PM		0				0			0
10:00 PM		0				0			0
11:00 PM		0				0			0
Day Total	222	222				222			222
% Weekday Average	100.0%					100.0%			
% Week Average	100.0%					100.0%			
AM Peak Volume	8:00 AM 32					8:00 AM 32			8:00 AM 32
PM Peak Volume	3:00 PM 43					3:00 PM 43			3:00 PM 43
Comments: This is a bus facility for the sherwood school district. Set tube up to capute entering and exiting volumes. Please caputute AM and PM data on the same day									

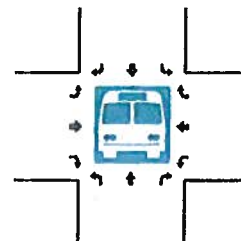
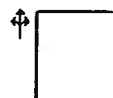
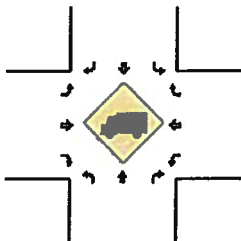
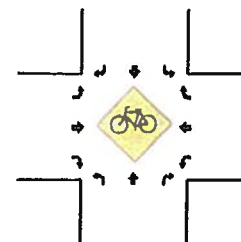
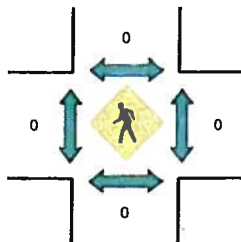
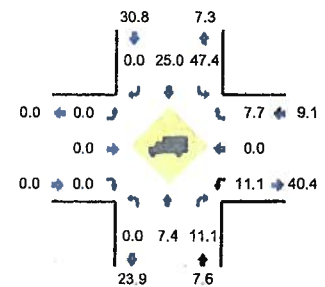
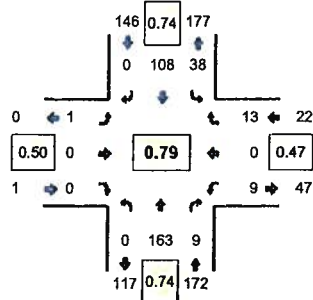
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: SW Cipole Rd -- Industrial Access Rd
CITY/STATE: Tualatin, OR

QC JOB #: 10482902
DATE: 2/23/2010

Peak-Hour: 7:15 AM -- 8:15 AM
Peak 15-Min: 7:45 AM -- 8:00 AM



15-Min Count Period Beginning At	SW Cipole Rd (Northbound)				SW Cipole Rd (Southbound)				Industrial Access Rd (Eastbound)				Industrial Access Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
6:00 AM	0	16	1	0	4	6	0	0	0	0	0	0	1	0	0	0	28	
6:15 AM	0	15	5	0	3	5	0	0	0	0	0	0	0	0	0	0	28	
6:30 AM	0	35	8	0	7	6	0	0	0	0	0	0	3	0	2	0	61	
6:45 AM	0	38	1	0	3	21	0	0	1	0	0	0	9	0	8	0	81	198
7:00 AM	0	23	5	0	2	23	0	0	0	0	0	0	2	0	2	0	57	227
7:15 AM	0	34	2	0	3	28	0	0	1	0	0	0	1	0	5	0	74	273
7:30 AM	0	39	2	0	5	21	0	0	0	0	0	0	0	0	1	0	68	280
7:45 AM	0	55	3	0	14	35	0	0	0	0	0	0	0	0	1	0	108	307
8:00 AM	0	35	2	0	16	24	0	0	0	0	0	0	8	0	6	0	91	341
8:15 AM	0	23	0	0	2	14	0	0	0	0	0	0	5	0	5	0	49	316
8:30 AM	0	20	4	0	3	11	0	0	0	0	0	0	0	0	0	0	38	286
8:45 AM	0	13	2	0	2	17	0	0	0	0	0	0	3	0	0	0	37	215
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	220	12	0	56	140	0	0	0	0	0	0	0	0	4	0	432	
Heavy Trucks	0	8	4		28	20	0		0	0	0		0	0	0		60	
Pedestrians		0				0				0				0			0	
Bicycles																		
Railroad																		
Stopped Buses																		

Comments: Use the 24 hour tube count data to determine the AM and PM peak time periods for the Site

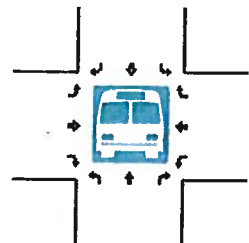
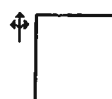
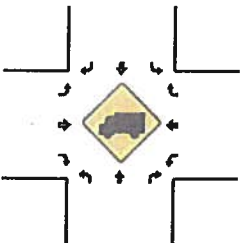
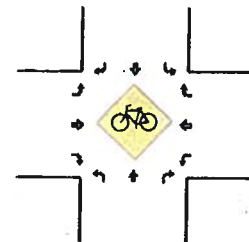
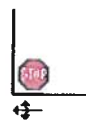
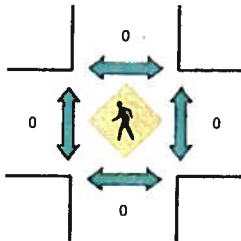
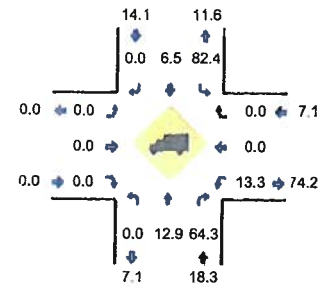
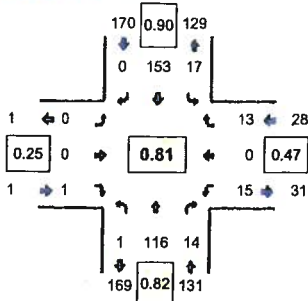
Type of peak hour being reported: Intersection Peak

Method for determining peak hour: Total Entering Volume

LOCATION: SW Cipole Rd -- Industrial Access Rd
CITY/STATE: Tualatin, OR

QC JOB #: 10482903
DATE: 2/23/2010

Peak-Hour: 3:00 PM -- 4:00 PM
Peak 15-Min: 3:30 PM -- 3:45 PM



15-Min Count Period Beginning At	SW Cipole Rd (Northbound)				SW Cipole Rd (Southbound)				Industrial Access Rd (Eastbound)				Industrial Access Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
3:00 PM	1	24	2	0	3	40	0	0	0	0	1	0	2	0	1	0	74	
3:15 PM	0	23	1	0	5	34	0	0	0	0	0	0	1	0	0	0	64	
3:30 PM	0	38	2	0	5	42	0	0	0	0	0	0	10	0	5	0	102	
3:45 PM	0	31	9	0	4	37	0	0	0	0	0	0	2	0	7	0	90	330
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	256
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	192
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	90
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

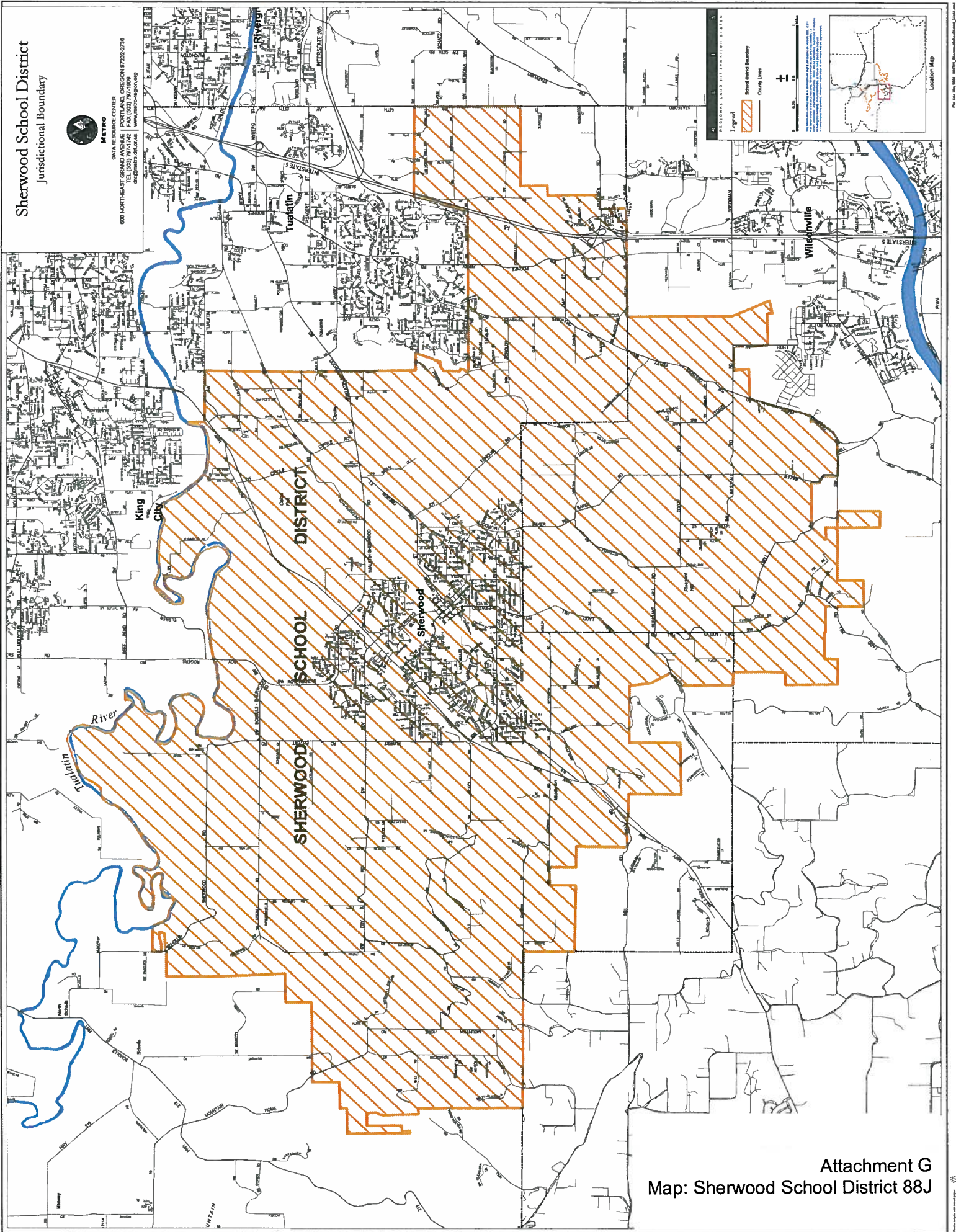
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	0	152	8	0	20	168	0	0	0	0	0	0	40	0	20	0	408
Heavy Trucks	0	20	4		20	12	0		0	0	0		4	0	0		60
Pedestrians		0				0				0				0			0
Bicycles																	
Railroad																	
Stopped Buses																	

Comments: Use the 24 hour tube count data to determine the AM and PM peak time periods for the Site

Sherwood School District Jurisdictional Boundary



DATA RESOURCE CENTER
600 NORTH EAST COLUMBIAN AVENUE
TULSA, OK 74103
TEL: (918) 761-1742 FAX: (918) 761-1800
drc@metro.ok.gov www.metro-region.org



Attachment G
Map: Sherwood School District 88J

RESOLUTION NO. _____

A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR A BUS
MAINTENANCE AND STORAGE FACILITY FOR THE SHERWOOD SCHOOL
DISTRICT IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT
AT 20250 SW CIPOLE RD (TAX LOT 2S1 28A 103); (CUP-10-03)

WHEREAS a quasi-judicial public hearing was held before the City Council of the
City of Tualatin on May 24, 2010, upon the application of Sherwood School District 88J;
and

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

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

WHEREAS after the conclusion of the public hearing the Council vote resulted in
approval of the application [Vote _-_] with Councilors; 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 May 24, 2010, marked "Exhibit C," attached and
incorporated by reference; and

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

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

Section 1. The City Council grants a conditional use permit for a bus maintenance and storage facility, in the General Manufacturing (MG) Planning District at 20250 SW Cipole Road (Tax Lot 2S1 28A 103); TDC 61.030(4) (CUP-10-03) with no conditions.

INTRODUCED AND ADOPTED this 24th day of May, 2010.

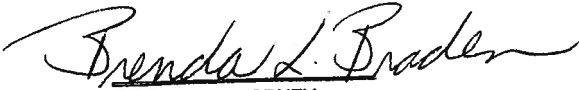
CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

RESOLUTION NO. 4975-10

A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR A BUS MAINTENANCE AND STORAGE FACILITY FOR THE SHERWOOD SCHOOL DISTRICT IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 20250 SW CIPOLE RD (TAX LOT 2S1 28A 103); (CUP-10-03)

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on May 24, 2010, upon the application of Sherwood School District 88J; and

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

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

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 5-0] with Councilors Maddux and Truax 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 May 24, 2010, marked "Exhibit C," attached and incorporated by reference; and

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

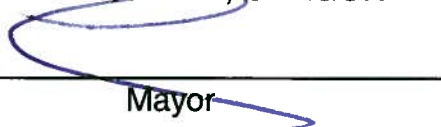
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN,
OREGON, that:

Section 1. The City Council grants a conditional use permit for a bus maintenance and storage facility, in the General Manufacturing (MG) Planning District at 20250 SW Cipole Road (Tax Lot 2S1 28A 103); TDC 61.030(4) (CUP-10-03) with no conditions.

INTRODUCED AND ADOPTED this 24th day of May, 2010.

CITY OF TUALATIN, OREGON

BY


Mayor

ATTEST:

BY


City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That on the 3rd day of May, 2010, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 4th day of May, 2010.



Linda Kay Odermott
Notary Public for Oregon
My commission expires: March 30, 2013

RE: CUP-10-03—A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR A BUS MAINTENANCE AND STORAGE FACILITY FOR THE SHERWOOD SCHOOL DISTRICT IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 20250 SW CIPOLE RD (TAX MAP 2S1 28A, TAX LOT 103)

EXHIBIT A

Exhibit "A"

2S121DD 00201
Limber Products
19855 SW 124th Avenue
Tualatin, OR 97062

2S128A0 00104
Lumber Products
19855 SW 124th Avenue
Tualatin, OR 97062

2S128A0 00100
Fore-Sight Balboa LLC
20400 SW Cipole Road
Tualatin, OR 97062

2S128A0 00200
John D & Denise C Hagg
20340 SW Cipole Road
Tualatin, OR 97062

2S128A0 00102
John D & Denise C Hagg
20340 SW Cipole Road
Tualatin, OR 97062

2S128A0 00600
BMC West Corporation
PO Box 70006
Boise, ID 83707



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at **7:00 p.m., Monday, May 24, 2010**, at the Council Building, 18880 SW Martinazzi Avenue, to consider:

CUP-10-03—A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR A BUS MAINTENANCE AND STORAGE FACILITY FOR THE SHERWOOD SCHOOL DISTRICT IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 20250 SW CIPOLE RD (TAX MAP 2S1 28A, TAX LOT 103)

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

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

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the applications, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the City Library and Planning Division at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact **Colin Cortes, Assistant Planner, at (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

AFFIDAVIT OF POSTING

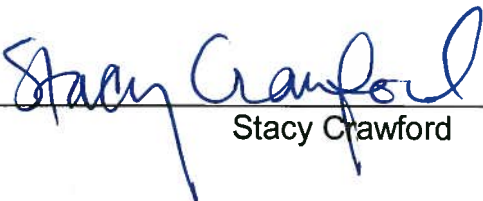
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted four copies of the Notice of Hearing on the 3rd day of May, 2010, a copy of which Notice is attached hereto; and that I posted said copies in four public and conspicuous places within the City, to wit:

1. City of Tualatin - Police Department
2. City of Tualatin - City Center Building
3. City of Tualatin - Community Development
4. City of Tualatin - Library

Dated this 3rd day of May, 2010.



Stacy Crawford

Subscribed and sworn to before me this 4th day of May, 2010.





Notary Public for Oregon
My Commission expires: March 30, 2013

RE: CUP-10-03—A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR A BUS MAINTENANCE AND STORAGE FACILITY FOR THE SHERWOOD SCHOOL DISTRICT IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 20250 SW CIPOLE RD (TAX MAP 2S1 28A, TAX LOT 103)

EXHIBIT B



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

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CUP-10-03—A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR A BUS MAINTENANCE AND STORAGE FACILITY FOR THE SHERWOOD SCHOOL DISTRICT IN THE GENERAL MANUFACTURING (MG) PLANNING DISTRICT AT 20250 SW CIPOLE RD (TAX MAP 2S1 28A, TAX LOT 103)

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

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

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

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CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

ANALYSIS AND FINDINGS

In order to grant the proposed conditional use permit (CUP), the request must meet the approval criteria of Tualatin Development Code (TDC) Section 32.030. The applicant prepared a narrative that addresses the criteria (Attachment C), 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 2S 1 28A 103, is within a General Manufacturing (MG) Planning District as defined in TDC Chapter 61. "Bus maintenance and storage facility" is a conditional use within MG per TDC 61.030(4). The proposal seeks to make site improvements for this existing use that the City approved for the Sherwood School District 88J through AR-99-29 on October 29, 1999. This was prior to the use becoming listed as conditional within MG through Plan Text Amendment PTA-99-09 and Ordinance No. 1050-00 adopted March 13, 2000. The applicant is submitting a Conditional Use Permit (CUP) application so that the use can go from being a legal non-conforming use to a conforming use, which would in turn allow the applicant to make site improvements to accommodate parking for additional school busses.

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 3.61 acres and exceeds the minimum lot size requirement.

The site size is suitable for the proposed use.

Shape: The subject property is a roughly trapezoid lot with access from a private drive that in turn accesses SW Cipole Road. The site is already developed. The lot shape is suitable for the proposed use.

Location: The proposed use is located within the MG Planning District with access from a private drive that in turn accesses SW Cipole Road, a major collector (Cb&t) as illustrated in TDC Figure 11-1 and described in TDC Table 11-1.

The location is suitable.

Topography: The developed site has a minor slope of about six (6) feet (ft) from 144 to 151 ft above sea level, excluding existing stormwater detention ponds, which would not interfere with the proposed use.

Improvements: The site was developed through Architectural Review AR-99-29 for the Sherwood School District 88J with an 8,400 square foot (s.f.) building with parking spaces for 34 busses and 39 employee vehicles and other site improvements. The applicant proposes minor site improvements to relocate four (4) and add eleven (11) bus parking spaces. The proposed site plan (Sheet 2) shows the proposed relocated and additional bus parking.

Examining parking, the minimum required parking is determined through Tualatin Development Code (TDC) 73.370. AR-99-29 approved the bus maintenance and storage facility with 39 employee parking spaces. At the time, the TDC had no minimum parking requirement applicable to a bus maintenance and storage facility. Though the facility is within an MG Planning District, parking requirements based on general industrial uses are not relevant and applicable. The proposed site plan illustrates no change to the 39 employee spaces. Because at the present TDC 73.370 has no minimum parking requirement applicable to a bus maintenance and storage facility; staff has no evidence indicating a parking problem; and, given the nature of the use, staff defines the minimum amount of parking as equivalent to what the applicant proposes, namely 39 employee parking spaces.

The proposed improvements are suitable for the 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.

Transportation:

The site is adjacent and obtains access via a private drive to SW Cipole Road south of SW Herman Road. SW Cipole Road is a Washington County facility designated by the City of Tualatin as a Major Collector (Cb&t), which would ultimately have a right-of-way width of 74 to 78 feet that includes two travel lanes, a center turn lane, bike lanes, planter strips, and sidewalks. SW Cipole Road is currently approximately 69 feet wide (36 feet on this development's side) with two travel lanes, planter strips, and sidewalks.

Reasonable Worst Case Site Trip Generation:

The submitted application included a transportation analysis that shows adequate capacity (LOS B for AM and PM Peaks) at the intersection of SW Cipole Road & the private access road in both pre- and post-development situations. The development only consists of an increase of parking lot area to allow for improved site circulation and parking. This development does not generate any additional personnel at the facility or bus routes for the Sherwood School District.

Water, Sanitary Sewer, & Stormwater:

Connections to City water and sanitary sewer systems currently exist. An existing private stormwater facility provides treatment and retention. For the future Architectural Review, a Water Quality Permit will need to be obtained for the proposed LIDA swale to treat the increase in impervious area of the enlarged parking lot.

Based on staff review and analysis of the application, the existing and approved public facilities for the site are adequate for the proposed use and the development is timely.

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 ML Planning District. Surrounding land uses include:

N:	MG	Lumber Products
E:	MG	Tualatin Island Greens
S:	MG	Columbia Corrugated Box
W:	n/a*	BMC West Building Materials

*This is across SW Cipole Road within Sherwood city limits.

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 private drive and SW Cipole Road.

Because the bus maintenance and storage facility has existed for a decade and has not altered the general industrial character of the surrounding area, it will continue to not alter such character.

Criterion 4 is met.

5. The proposal is consistent with plan policies.

The applicable Tualatin Community Plan policies are in TDC Chapter 8 Public, Semi-Public and Miscellaneous Land Uses, Sections 8.020 General Government Services and 8.040 Schools. Other TDC Sections that are not part of the Community Plan yet are relevant include 32.030 Conditional Uses – Siting Criteria.

TDC 8.020 General Government Services states, “This category includes a variety of dissimilar uses from general offices to public works shops. The objectives for the location of these uses are to: ... (2) Locate facilities such as the City’s Operations Center in the City’s western industrial area.” The Sherwood School District 88J is a kind of local government that owns and operates the bus maintenance and storage facility as part of its educational service to students within the district. The facility is analogous to a municipal public works shop in that both facilitate primary government services. For a municipal public works shop, this means providing construction and maintenance service for public works and publicly owned buildings (e.g. a city hall) and properties in such a way as to be like an industrial use. For the school district, a bus maintenance and storage facility is necessary because busses serve to transport students to and from schools within the district in order to school them. This use is also akin to industrial uses than are schools themselves.

TDC 8.040(1) Schools states, “This category includes land uses associated with services generally provided by the public school system” A bus maintenance and storage facility is a land use associated with services that the Sherwood School District 88J provides as a public school system. Additionally, the facility is located within the district.

The proposal satisfies those objectives and policies of the Tualatin Development Code (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 Sherwood School District 88J bus maintenance and storage facility Conditional Use Permit (CUP) application (CUP-10-03) meets the criteria of TDC 32.030.



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 5-24-10

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

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

DATE: May 24, 2010

SUBJECT: A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR
GENERAL AUTO REPAIR IN THE LIGHT MANUFACTURING
(ML) PLANNING DISTRICT AT 7335 SW CHILDS ROAD (TAX
MAP 2S113DC, TAX LOT 2100) (CUP-10-04)

ISSUE BEFORE THE COUNCIL:

A request for a Conditional Use Permit (CUP) that would allow a general auto repair use for Noble Motors, Inc. on the Blaser Building site in the Light Manufacturing (ML) Planning District at 7335 SW Childs Road (Tax Map 2S113DC, Tax Lot 2100).

RECOMMENDATION:

Staff recommends the City Council consider the staff report and supporting attachments and provide direction. If the Council chooses to adopt a resolution granting CUP-10-04 to allow general auto repair use, staff recommends the following condition:

1. To ensure compatibility with surrounding uses, the general auto repair activities on this site, including auto repair service work and the overnight parking of vehicles being serviced or awaiting service, shall be conducted within the building.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The application was submitted by Michael Noble of Noble Motors, Inc. The 0.97 acre subject property is in the ML Planning District and is owned by John E. & Loretta Blaser (Attachment A).
- The subject property includes the 15,440 sq. ft. Blaser Building located at 7335 SW Childs Road (Tax Map 2S113DC, Tax Lot 2100), an access to SW Childs Road that is shared with the adjacent Tualatin Foursquare Church development, landscaping, on-site parking and loading. The one-story building is concrete tilt-up construction and has been occupied by various light manufacturing

businesses including Citadel powder coating. Land uses in this area include a mix of wholesaling, service firms and light manufacturing, the Foursquare Church, family recreation, the Trailblazer Practice Facility, Club Sport fitness facility and medical offices such as the Providence Clinic and Oregon Sports Medicine. The Trammel-Crow Alexan mixed use residential & commercial development was approved (not constructed at this time) on property located north of SW Lower Boones Ferry Road. A Vicinity Map and a Site Map are included as Attachments A & B respectively. The applicant's materials including a site plan are included as Attachment C.

- Noble Motors seeks the conditional use permit for to conduct a repair & service business for European autos in a leased portion of the John Blaser Building.
- The site is currently improved with the existing building, landscaping, parking, and a loading area that was approved in AR-78-09. The site plan shows the proposed auto repair use will occupy a 5,135 sq. ft. portion of the building accessed via an overhead door (Attachment B & C-Site Plan).
- As stated by the applicant, the proposed automotive repair shop use will offer auto mechanical repairs only (will not be performing auto body repair & painting services) with one-four employees, six repair stalls and averaging five client vehicles per day. The applicant describes the proposed Noble Motors business as "A small mechanical repair facility specializing in Mercedes Benz (70%, BMW (20%) and Audi (10%)." (Attachment C, pg. 1). "All repair work will be performed within the building and no vehicles will be stored in the parking lot outside of normal business hours." (Attachment C, pg. 3)
- "General auto repair including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rear-ends, except not allowed in the Special Commercial Setback" is a conditional use in the ML Planning District [TDC 60.040(1)(a)] .
- The Applicant has prepared a narrative that describes the proposed conditional use and addresses the Conditional Use Permit approval criteria (Attachment C). Staff has reviewed the Applicant's materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment D). Attachment E is a Memorandum prepared by the Engineering Division addressing transportation and other public facilities associated with the proposed conditional use.
- In 2003 auto repair uses were classified as a conditional use in the ML Planning District and as a permitted use in a Commercial Services Overlay in the ML Planning District. The Council has not reviewed a conditional use permit application for general auto repair in the ML Planning District.
- The applicable policies and regulations that apply to the proposed conditional use in the ML Planning District include: TDC 7.040(2) ML Planning District Objectives; TDC Chapter 32 - Conditional Uses; TDC 60.040 ML Planning District Conditional Uses; and TDC Chapter 73 - Community Design. The Analysis and Findings (Attachment D) considers the applicable policies and regulations.
- Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the ML Planning District and the criteria listed in

TDC 32.030 are met. The Analysis and Findings (Attachment D) examines the application with respect to the criteria for granting a CUP.

- Attachment F is the Draft Resolution.
- Oregon Revised Statutes (ORS) 227.178(2) requires that the City Council take final action on a land use application, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete. The date of the May 24, 2010 hearing is the 31st day following the complete application date of April 23, 2010.

OUTCOMES OF DECISION:

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

1. Allows the applicant or succeeding tenant to operate a general auto repair use at this location subject to the standards of 60.040 and the conditions established by the Council. The subject property is located in a mixed light industrial and commercial area and the tenant will utilize a portion of the existing building with parking and landscaping improvements as previously approved in Architectural Review.
2. The proposed auto mechanical repair use with all service activities conducted indoors and no after-hours outside parking of vehicles as per the recommended condition restricting overnight outdoor storage on the site, is compatible with the commercial and light industrial developments in the area.

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

1. The applicant will be unable to conduct the general auto repair activity on the subject property.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

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

FINANCIAL IMPLICATIONS:

Revenue for Conditional Use Permits has been budgeted for Fiscal Year 09/10 and the Applicant submitted payment on March 26, 2010, to process CUP-10-04 per the City of Tualatin Fee Schedule.

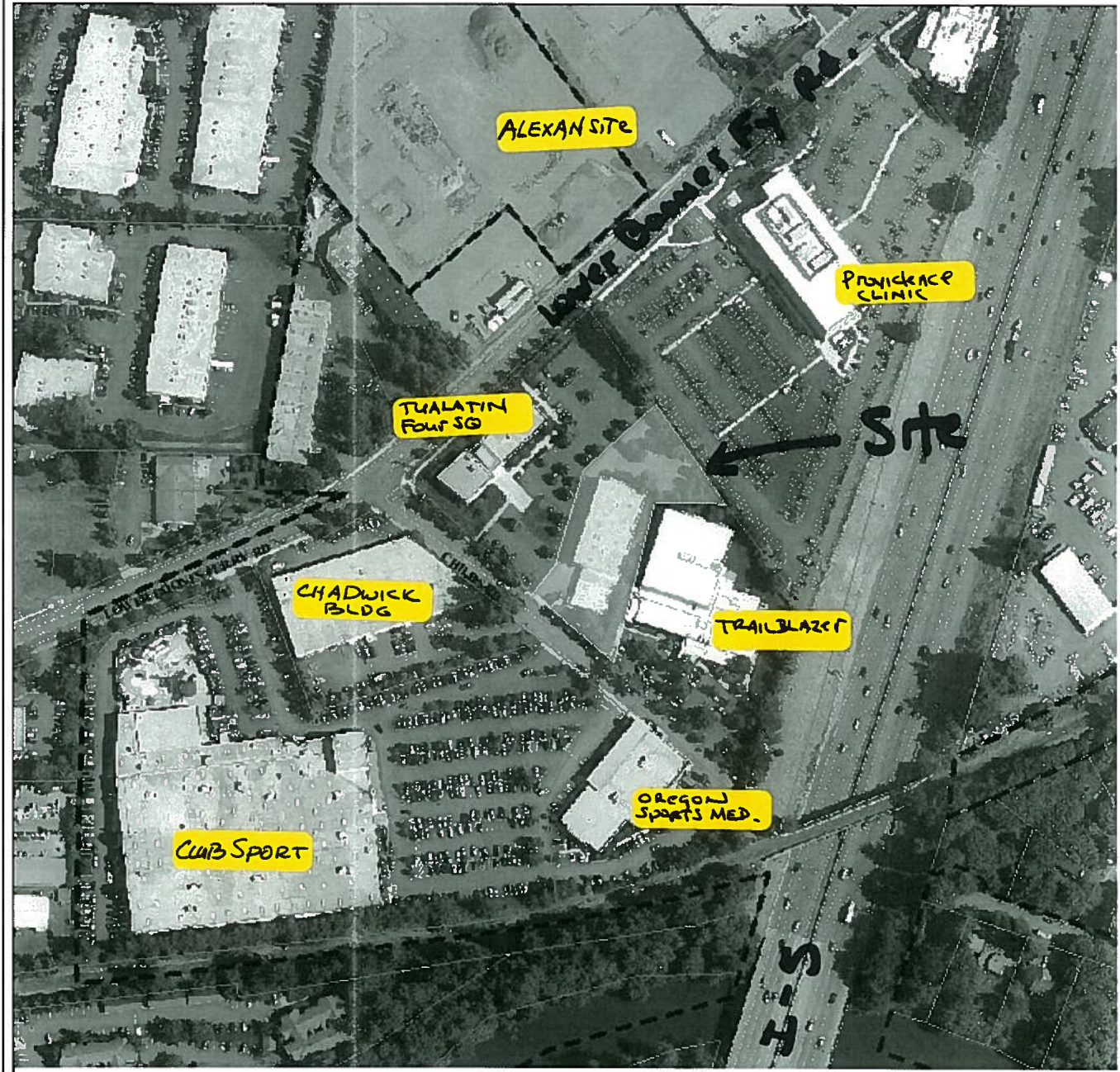
PUBLIC INVOLVEMENT:

The Applicant conducted a Neighbor/Developer meeting at the Juanita Pohl Center on March 3, 2010, at 7:00 pm to explain the CUP proposal to neighboring property owners and to receive comments. No neighboring business or property owners attended the meeting.

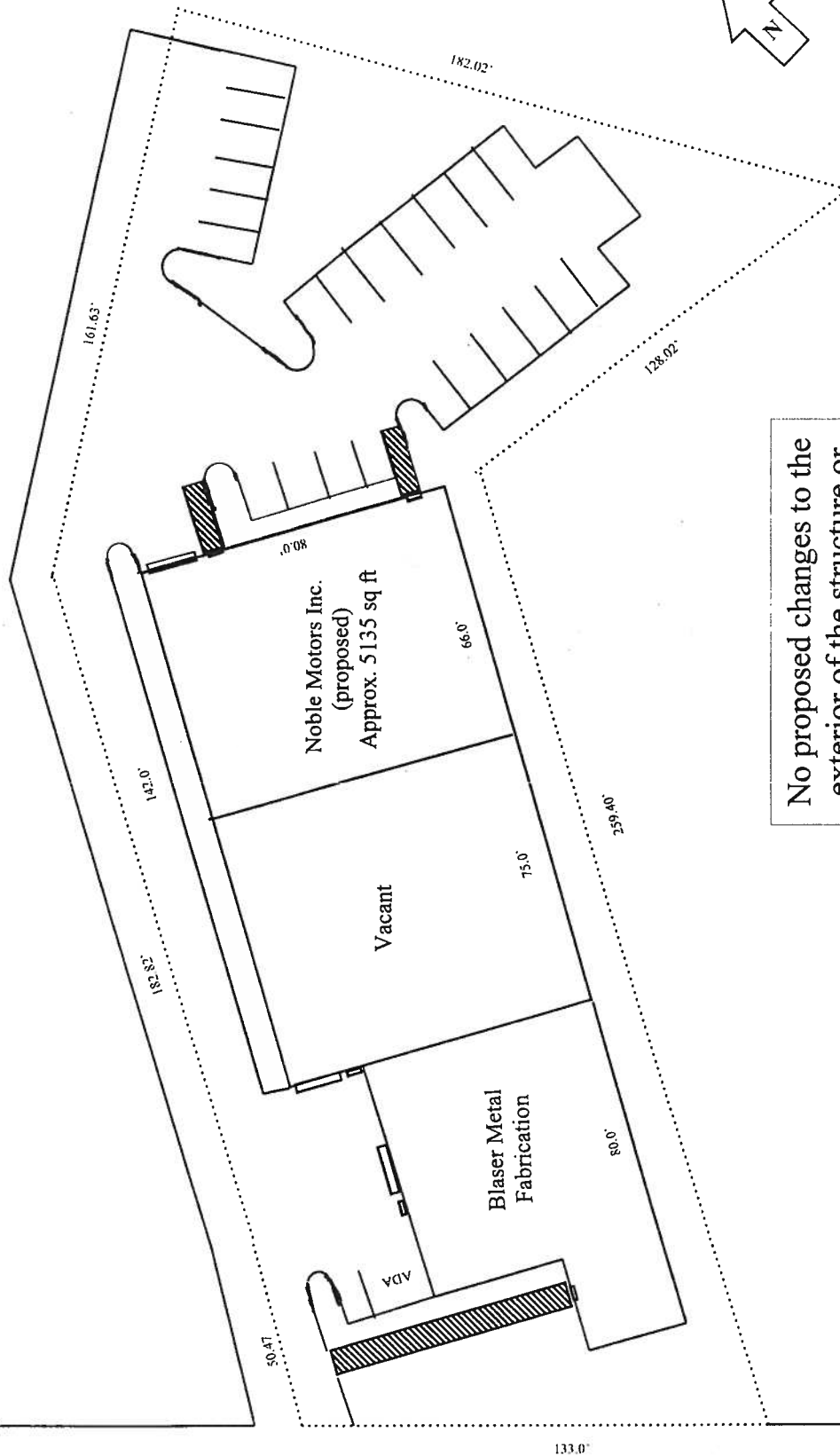
- Attachments:**
- A. Vicinity Map
 - B. Site Plan
 - C. Applicant's Materials and Supporting Information including Lancaster Engineering Traffic Impact Study (March 22, 2010)
 - D. Analysis and Findings
 - E. Engineering Division Memorandum
 - F. Draft Resolution

CUP-10-04 Noble Motors

VICINITY MAP



**Noble Motors Inc.
7335 SW Childs Rd
Tualatin, OR**



1" equals 45'

..... Property line

Walkways

No proposed changes to the exterior of the structure or parking lot.

CHILDS ROAD

April 23rd 2010

City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062

RE: CONDITIONAL USE PERMIT APPLICATION FOR AUTOMOTIVE REPAIR
USE IN LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 7335 SW
CHILDS ROAD (TAX MAP 2S13DC, TAX LOT 2100)

To whom it may concern,

For the past 23 years, I have been one of the leaders in the Portland Mercedes-Benz community. I have a proven track record of providing outstanding quality repairs and award winning customer satisfaction leading the service department at both local Mercedes-Benz dealerships and independent Mercedes repair shops. My plan has always been to operate my own specialty repair facility in the Portland area. The availability of the building at 7335 SW Childs Road, the encouragement of my clients and the current upturn in this down economy has helped me make the decision that the timing is right.

According to the Tualatin Development Code, general auto repair is an allowed conditional use based on 60.040 under section (a) Automobile body and/or auto paint shop; auto radiator shop, general auto repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rearends, except not allowed in Special Commercial Setback, TDC 60.035(1-3)

The current structure at 7335 SW Childs Rd is a suitable size, configuration and location for my business. Except for signage, I will not need to make any changes to the exterior of the building, and only need to add a small office / client restroom which I estimate to be no more than 525 square feet. The location has easy access through a large shared driveway from Childs Road and more parking available than I need. I see both the location and the structure as being not only suitable but also perfect for my business.

My business will have little to no impact to the existing transportation system or public systems. By nature, specialized automotive repair shops are small, have only a few employees and only repair a few vehicles per day. The specialized service is the appeal to my cliental. We will start with only two employees and I expect to grow to four employees in the near future. The current building was originally designed to handle a large manufacturing shop, which would have employed a much larger number of workers and would have a greater impact to the public systems and facilities than I am currently proposing.

Noble Motors will not alter the character of the surrounding area. All repair work will be performed within the building and no vehicles will be stored in the parking lot outside of normal business hours. We will follow all regulations in our industry regarding safety, noise and materials. We will use new "green" technology such as water based cleaning solvents, recycling techniques and use only bonded/certified vendors. We will have standard business hours and respect our neighbors. Our closest neighbor, The Four Square Church located to the west of the building is open on Sundays, which is a day we will be closed. Since there were no concerns voiced at our Neighborhood/Developer meeting, I believe we would be an appropriate addition and will only improve the feel of the neighborhood.

In conclusion, allowing Noble Motors to operate at 7335 SW Childs Rd would match the objectives of the City of Tualatin. Allowing a new, high-end, customer-oriented business to operate in an existing vacant industrial structure is a positive addition to the Tualatin economy. I see this as a win/win opportunity for all shareholders and I respectfully ask the council to approve my application for conditional use of this location.

Best Regards,

Michael Noble
Noble Motors
(503) 807-5297

February 3rd 2010

**SCOPING MEETING
CITY OF TUALATIN PLANNING DEPARTMENT**

Objective: Explore the feasibility of a conditional use permit to operate an automotive repair shop at 7335 SW Childs Rd, Tualatin, OR 97224. (Current zoning is ML)

Proposed business: Noble Motors Inc. A small mechanical repair facility specializing in Mercedes-Benz (70%), BMW (20%) and Audi (10%).

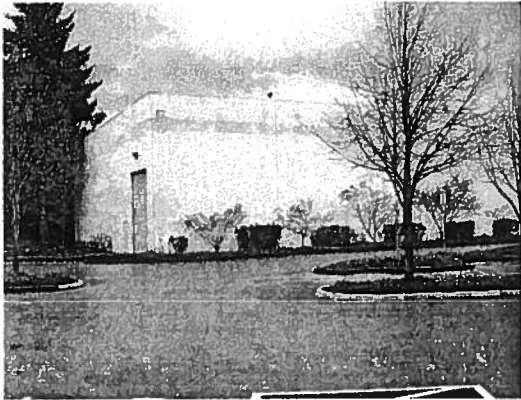
- Approximately 5100 square feet (80 feet by 64 feet). One overhead door and two man doors. Currently shell warehouse space.
- No exterior improvements except for signage
- Proposed 630 square foot office/ waiting area including restroom
- Proposed four work stalls with lifts and two “flat” stall (with potential to add lifts to the flat stalls)
- 23 exterior parking spaces
- Mechanical repairs only (sublet paint-less dent repair, touch-up, window tinting, etc)
- Only occasional overnight outside parking
- Average of five clients vehicles per day
- One to four employees

Owner information: Michael D Noble, 15644 SW 82nd Ave Tigard, OR 97224

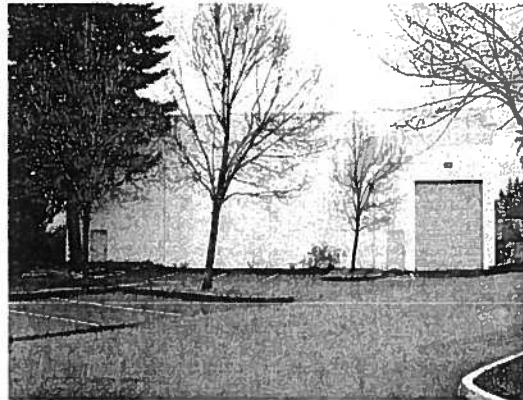
Background: 23 years of experience operating Mercedes-Benz repair facilities in Portland. ASE master certified technician, AAS in auto tech, extensive factory training

- 1987 to 1998 Hamilton’s Mercedes (Finally position held, General Manager)
- 1998 to 2007 Don Rasmussen Co. (Service Manger of MB of Wilsonville 1999-2000, Service Manager MB of Portland 2000 to 2005, General Sales Manager MB of Portland 2005 to 2007)
- Currently operating Noble Consulting specializing in business development for automotive industry and general business consulting. Some clients include Tonkin Mazda, Autowerks NW, Lakeside Motors, All-Pro painting, etc.

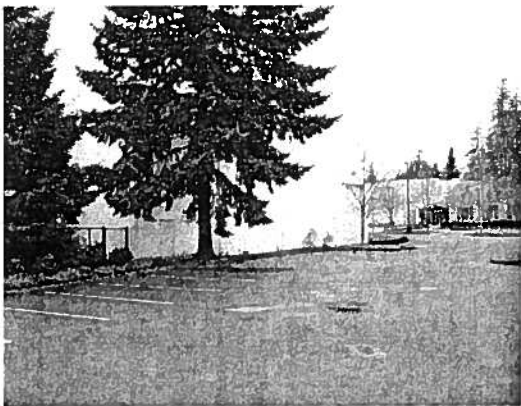
**NOBLE MOTORS, INC.
CONDITIONAL USE PERMIT PROPOSAL
7335 SW Childs Road Tualatin, OR 97224**



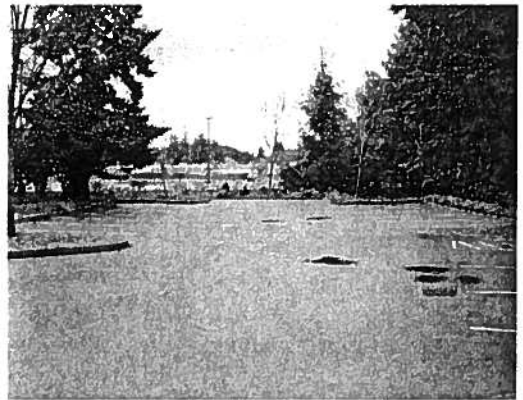
Westside view



Northside view



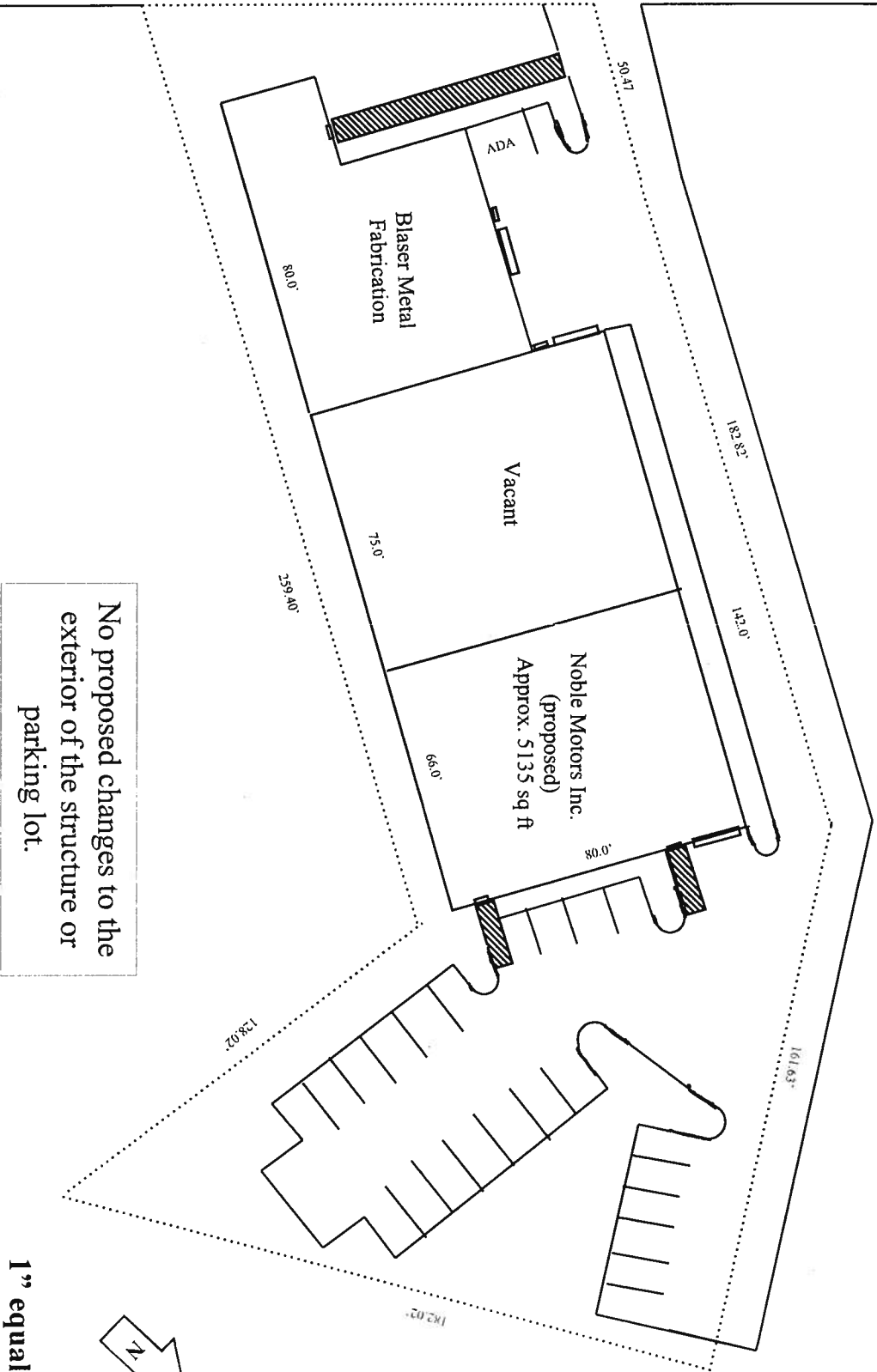
Eastside view



**Westside view
of parking lot**

**Noble Motors Inc.
7335 SW Childs Rd
Tualatin, OR**

CHILDS ROAD



No proposed changes to the exterior of the structure or parking lot.

1" equals 45'

..... Property line

 Walkways

ATTACHMENT D

CUP-10-04: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 32.030 must be met if the proposed Conditional Use Permit (CUP) for a contractor's shop & equipment storage is to be granted. The Applicant prepared a narrative that addresses the CUP criteria (Attachment C). Staff has reviewed the Applicant's material and included pertinent excerpts below.

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

The Applicant describes the proposed Noble Motors, Inc. use as "A small mechanical repair facility specializing in Mercedes Benz (70%, BMW (20%) and Audi (10%)."
(Attachment C, pg. 1).

"Automobile body and/or auto paint shop; auto radiator repair shop; general auto repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rear-ends, except not allowed in the Special Commercial Setback, TDC 60.035(1-3)" is a conditional use in the Light Manufacturing (ML) District, as stated in TDC 60.040(1)(a). The proposed site is in the ML Planning District and the proposed use is general auto repair.

The site is not in a Special Commercial Setback as identified on Map 9-5 where the proposed use is restricted. The site is not in a Commercial Services Overlay as identified on Map 9-5 where "...auto and light truck service shop..." is a permitted use.

Criterion 1 is met.

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

Size: The subject property is .97 acres [42,250 square feet (s.f.)] in size. The site is currently developed with a 15,440 square foot building with parking, loading and landscaping improvements with shared access to SW Childs Road. The applicant proposes to occupy a 5,135 s.f. tenant space with shop and small office area, conduct the auto repair activity in six work bays within the building. The site size is suitable for the use.

Shape: The shape of the subject property is an irregular rectangular lot and is suitable for the proposed use. Access to the building and parking area is via a shared driveway from SW Childs Road to the northwest.

- Location:** The site is located southeast of the SW Lower Boones Ferry Road/SW Childs Road intersection in the ML Planning District. The subject site is across SW Childs Road from a parking area for Club Sport and the Chadwick Building (industrial) occupied by Metro Gymnastics family recreation center and Platt Electric wholesale businesses. To the northwest is the Tualatin Foursquare Church, to the northeast is the Providence Tualatin Clinic, and to the southeast is the Trailblazer Practice Facility. The site's location is in an area characterized by a mix of existing wholesaling uses, building services, medical office, indoor recreation, sports training and the Foursquare Church. The existing uses are not a conflict with the proposed auto repair use in the John Blaser building and the site's location is suitable for the proposed conditional use.
- Topography:** The topography of the site is flat and is suitable for the proposed conditional use.
- Improvements:** The site is improved with a 15,440 s.f. industrial building with 25 (total) parking spaces, loading spaces and site landscaping improvements approved in Architectural Review ARB-78-09 and modified in the Foursquare Church development approved in AR-97-17.
- Natural Features:** The site does not contain natural features.

The applicant states "The current structure at 7335 SW Childs Rd. is a suitable size, configuration, and location for my business. The location has easy access through a large shared driveway from Childs Road and more parking available than I need. I see both the location and the structure being not only suitable but also perfect for my business." (Attachment C, pg 2). Given the features and improvements of the subject property listed above, the characteristics of the site are suitable for the proposed use.

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 applicant states "My business will have little or no impact to the existing transportation system or public systems. By nature, specialized automotive repair shops are small, have only a few employees and only repair a few vehicles per day. The current building was originally designed to handle a large manufacturing shop, which would have employed a much larger number of workers and would have a greater impact to the public systems and facilities than I am currently proposing." (Attachment C, pg 2).

The Engineering Division provides some of the following information in Attachment E.

Transportation

The submitted application included a traffic study that showed adequate capacity (Level-Of-Service [LOS] C/D for AM/PM Peaks, respectively) at the intersection of SW Childs Road & SW Lower Boones Ferry Road in a post-development situation allowing this CUP.

Currently the highest trip generation for permitted uses in the Light Manufacturing planning district is Single-Tenant Office Building (ITE 715). The CUP evaluates the development for the use of Automobile Care Center (ITE 942). The trips below are based on 5,100 sq. ft. of the building. LOS includes all traffic at LBFR (SW Childs Road & SW Lower Boones Ferry Road) and the Site access.

Permitted	Inbound	Outbound	Total	LOS @ LBFR	LOS @ Site
AM Peak	8	1	9	C	A
PM Peak	1	8	9	D	A

CUP 10-04	Inbound	Outbound	Total	LOS @ LBFR	LOS @ Site
AM Peak	10	5	15	C	A
PM Peak	9	8	17	D	A

Washington County responded that no improvements are required.

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

Traffic generation from the proposed conditional use will not limit, impair or preclude surrounding properties from primary uses allowed in the ML Planning District or in the nearby CG and CO Planning District properties.

Public Facilities & Services:

Water: A connection to the City system already exists.

Sanitary Sewer: A connection to the City system already exists.

Storm Drainage: A connection to the City system already exists.

Based on Staff review and analysis of the application, the proposed conditional use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Criterion 3 is met.

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

The subject property is in the ML Planning District. Surrounding Planning/Zoning Districts and land uses include:

NW:	ML	Tualatin Foursquare Church
NE:	CG	Providence Tualatin Clinic
SE:	CO	Trailblazer Practice Facility
SW:	ML	Chadwick Building (Across SW Childs Road)
	CG	Club Sport (Across SW Childs Road)

There are no residential areas adjoining the subject property. The area on the southeast side of SW Lower Boones Ferry Road and both sides of SW Childs Road is characterized by a mix of wholesale supply and service development, the church, sports training and fitness. North of SW Lower Boones Ferry Road is the proposed location of the Trammel Crow/Alexan mixed use development with multi-story residential buildings and two retail buildings. The buildings in the vicinity of the subject building are a mix of concrete tilt-up buildings and multi-story office commercial.

The Applicant states: "Noble Motors will not alter the character of the surrounding area. All repair work will be performed within the building and no vehicles will be stored in the parking lot outside of normal business hours. We will follow all regulations in our industry regarding safety, noise and materials. We will use new "green" technology such as water based cleaning solvents, recycling techniques and use only bonded/certified vendors. We will have standard business hours and respect our neighbors. Our closest neighbor, The Four Square Church located to the west of the building is open on Sundays, which is a day we will be closed. Since there were no concerns voiced at our Neighborhood/Developer meeting, I believe we would an appropriate addition and will only improve the feel of the neighborhood." (Attachment C, pg. 3)

The Noble Motors operation proposes keeping all vehicle work and overnight parking inside the building. No outdoor storage of vehicles or equipment is proposed. Working on vehicles in outdoor areas or keeping vehicles outdoors would be unsightly to the developments on adjoining properties and to the site's adjoining frontage with SW Childs Road and not meet Criterion #4. TDC 60.021(1) requires permitted uses in the ML Planning District "...shall be conducted wholly within a completely enclosed building." TDC 73.160(4)(b) requires outdoor storage in industrial development "...shall be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping." There is no approved outdoor storage area or enclosure on the Blaser Building site. Given the proximity of the Blaser Building and the shared access driveway, any outdoor service work or after hours outdoor parking/storage will have a detrimental effect on the neighboring Tualatin Four Square Church development. Approval of a conditional use permit on the site will allow other concurrent or succeeding auto service firms to conduct their operation subject to conditions or standards for outdoor service work or storage. To ensure compatibility with surrounding uses, the general auto repair activities on this site, including auto repair service work and the overnight parking of vehicles being serviced or awaiting service, shall be conducted within the building.

Based on the applicant's submitted information and review by staff, with the existing site improvements, and the condition of approval requiring auto service and afterhours parking to be conducted inside the subject building, it is concluded that the proposed use will 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 satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

The Applicant states: "In conclusion, allowing Noble Motors to operate at 7335 SW Childs Rd would match the objectives of the City of Tualatin. Allowing a new, high-end, customer-oriented business to operate in an existing vacant industrial structure is a positive addition to the Tualatin economy." (Attachment C, pg. 3)

Following is a discussion of the objective (in **bold face type**) that is applicable to the proposed conditional use.

7.030(1) Encourage new industrial development.

This proposal is for an auto repair use in an existing industrial facility. As service for autos is appropriate for General Commercial and manufacturing districts, this use is suitable for this location and for the existing does not conflict with the objective stated above.

Staff concurs that the proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above findings and analysis and with the recommended condition of approval listed below, the Noble Motors conditional use permit application for a general auto repair use meets the criteria of TDC 32.030.

Recommended Condition of Approval:

1. To ensure compatibility with surrounding uses, the general auto repair activities on this site, including auto repair service work and the overnight parking of vehicles being serviced or awaiting service, shall be conducted within the building.



City of Tualatin

www.ci.tualatin.or.us

MEMORANDUM

DATE: April 22, 2010

TO: Will Harper
Associate Planner

FROM: Tony Doran, EIT
Engineering Associate

SUBJECT: CUP 10-04, Noble Motors - To allow general auto repair.
7335 SW Childs Road Tax Lot: 2S113DC02100

Will,

TDC 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Transportation: The site is adjacent to the street SW Childs Road, which connects to SW Lower Boones Ferry Road. SW Childs Road is a City of Tualatin facility which is currently approximately 60 feet wide (30 feet on this development's side) with two travel lanes, parking, planter strip on the development's side, and sidewalks.

Reasonable Worst Case Site Trip Generation:

The submitted application included a traffic study that showed adequate capacity (Level-Of-Service [LOS] C/D for AM/PM Peaks, respectively) at the intersection of SW Childs Road & SW Lower Boones Ferry Road in a post-development situation allowing this CUP.

Currently the highest trip generation for permitted uses in the Light Manufacturing planning district is Single-Tenant Office Building (ITE 715). The CUP evaluates the development for the use of Automobile Care Center (ITE 942). The trips below are based on 5,100 sq. ft. of the building. LOS includes all traffic at LBFR (SW Childs Road & SW Lower Boones Ferry Road) and the Site access.



City of Tualatin

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<u>Permitted</u>	<u>Inbound</u>	<u>Outbound</u>	<u>Total</u>	<u>LOS @ LBFR</u>	<u>LOS @ Site</u>
AM Peak	8	1	9	C	A
PM Peak	1	8	9	D	A

<u>CUP 10-04</u>	<u>Inbound</u>	<u>Outbound</u>	<u>Total</u>	<u>LOS @ LBFR</u>	<u>LOS @ Site</u>
AM Peak	10	5	15	C	A
PM Peak	9	8	17	D	A

Washington County responded that no improvement are required.

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.

Please let me know if you have questions, ext 3035.

RESOLUTION NO. _____

A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR GENERAL AUTO
REPAIR IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT
7335 SW CHILDS ROAD (TAX MAP 2S113DC, TAX LOT 2100) (CUP-10-04)

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on May 24, 2010, upon the application of Michael Noble of Noble Motors, Inc.; and

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

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

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote _ - _] with councilors _____; 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 May 24, 2010, marked "Exhibit C," attached and incorporated by reference; and

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

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

Section 1. The City Council grants a conditional use permit for general auto repair, in the Light Manufacturing (ML) Planning District at 7335 SW Childs Road (Tax Lot 2S1 13DC 2100) (CUP-10-04) with the following condition:

1. To ensure compatibility with surrounding uses, the general auto repair activities on this site, including auto repair service work and the overnight parking of vehicles being serviced or awaiting service, shall be conducted within the building.

INTRODUCED AND ADOPTED this 24th day of May, 2010.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

RESOLUTION NO. 4976-10

A RESOLUTION FOR A CONDITIONAL USE PERMIT FOR GENERAL AUTO REPAIR IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 7335 SW CHILDS ROAD (TAX MAP 2S113DC, TAX LOT 2100) (CUP-10-04)

WHEREAS a quasi-judicial public hearing was held before the City Council of the City of Tualatin on May 24, 2010, upon the application of Michael Noble of Noble Motors, Inc.; and

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

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

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote 5-0] with councilors Maddux and Truax 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 May 24, 2010, marked "Exhibit C," attached and incorporated by reference; and

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

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

Section 1. The City Council grants a conditional use permit for general auto repair, in the Light Manufacturing (ML) Planning District at 7335 SW Childs Road (Tax Lot 2S1 13DC 2100) (CUP-10-04) with the following condition:

1. To ensure compatibility with surrounding uses, the general auto repair activities on this site, including auto repair service work and the overnight parking of vehicles being serviced or awaiting service, shall be conducted within the building.

INTRODUCED AND ADOPTED this 24th day of May, 2010.

CITY OF TUALATIN, OREGON

BY

Mayor

ATTEST:

BY



City Recorder

APPROVED AS TO LEGAL FORM



CITY ATTORNEY

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That on the 3rd day of May, 2010, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 4th day of May, 2010.



Linda Kay Odermott
Notary Public for Oregon
My commission expires: March 30, 2013

RE: CUP-10-04—CONDITIONAL USE PERMIT TO ALLOW GENERAL AUTO
REPAIR IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT
7335 SW CHILDS ROAD (TAX MAP 2S113DC, TAX LOT 2100)

EXHIBIT A

Exhibit "A"

Bridgeport Apartments LLC
18049 SW Lower Boones Ferry Rd
Portland, OR 97224
2S113DC 01400

Bridgeport Apartments LLC
18081 SW Lower Boones Ferry Rd
Portland, OR 97224
2S113DC 01800

Providence Health System-Oregon
18040 SW Lower Boones Fry
Tualatin, OR 97224
2S113DC 01200

Thomas Samuel Sr.
7325 SW Childs Rd
Portland, OR 97224
2S124AB 00200

Esg Investments LLC
7300 SW Childs Rd
Portland, OR 97224
2S124AB 00500

Summit Properties Inc
18084 SW Lower Boones Fry
Tualatin, OR 00000
2S124AB 00700

John & Loretta Blaser
7335 SW Childs Rd
Portland, OR 97224
2S113DC 02100

International Church Of The
18080 SW Lower Boones Ferry Rd
Tigard, OR 97224
2S113DC 02200



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at **7:00 p.m., Monday, May 24, 2010**, at the Council Building, 18880 SW Martinazzi Avenue, to consider:

CUP-10-04—CONDITIONAL USE PERMIT TO ALLOW GENERAL AUTO REPAIR IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 7335 SW CHILDS ROAD (TAX MAP 2S113DC, TAX LOT 2100)

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

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

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the applications, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the City Library and Planning Division at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact **William Harper, Associate Planner, at (503) 691-3027**. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

AFFIDAVIT OF POSTING

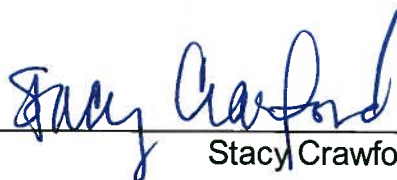
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted four copies of the Notice of Hearing on the 3rd day of May, 2010, a copy of which Notice is attached hereto; and that I posted said copies in four public and conspicuous places within the City, to wit:

1. City of Tualatin - Police Department
2. City of Tualatin - City Center Building
3. City of Tualatin - Community Development
4. City of Tualatin - Library

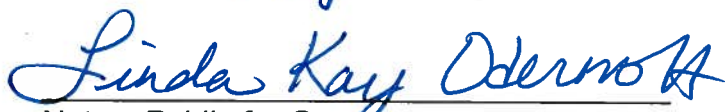
Dated this 3rd day of May, 2010.



Stacy Crawford

Subscribed and sworn to before me this 4th day of May, 2010.





Notary Public for Oregon
My Commission expires: March 30, 2013

RE: CUP-10-04—CONDITIONAL USE PERMIT TO ALLOW GENERAL AUTO REPAIR IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 7335 SW CHILDS ROAD (TAX MAP 2S113DC, TAX LOT 2100)

EXHIBIT B



City of Tualatin

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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, May 24, 2010**, at the Council Building, 18880 SW Martinazzi Avenue, to consider:

CUP-10-04—CONDITIONAL USE PERMIT TO ALLOW GENERAL AUTO REPAIR IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 7335 SW CHILDS ROAD (TAX MAP 2S113DC, TAX LOT 2100)

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

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

All citizens are invited to attend and be heard upon the application. Failure of an issue to be raised in the hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals (LUBA) based on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings are commenced with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing.

Copies of the applications, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the City Library and Planning Division at least seven days prior to the hearing, and will be provided at reasonable cost. For information contact **William Harper, Associate Planner, at (503) 691-3027**. This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

CUP-10-04: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 32.030 must be met if the proposed Conditional Use Permit (CUP) for a contractor's shop & equipment storage is to be granted. The Applicant prepared a narrative that addresses the CUP criteria (Attachment C). Staff has reviewed the Applicant's material and included pertinent excerpts below.

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

The Applicant describes the proposed Noble Motors, Inc. use as "A small mechanical repair facility specializing in Mercedes Benz (70%, BMW (20%) and Audi (10%)."
(Attachment C, pg. 1).

"Automobile body and/or auto paint shop; auto radiator repair shop; general auto repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines, and rear-ends, except not allowed in the Special Commercial Setback, TDC 60.035(1-3)" is a conditional use in the Light Manufacturing (ML) District, as stated in TDC 60.040(1)(a). The proposed site is in the ML Planning District and the proposed use is general auto repair.

The site is not in a Special Commercial Setback as identified on Map 9-5 where the proposed use is restricted. The site is not in a Commercial Services Overlay as identified on Map 9-5 where "...auto and light truck service shop..." is a permitted use.

Criterion 1 is met.

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

Size: The subject property is .97 acres [42,250 square feet (s.f.)] in size. The site is currently developed with a 15,440 square foot building with parking, loading and landscaping improvements with shared access to SW Childs Road. The applicant proposes to occupy a 5,135 s.f. tenant space with shop and small office area, conduct the auto repair activity in six work bays within the building. The site size is suitable for the use.

Shape: The shape of the subject property is an irregular rectangular lot and is suitable for the proposed use. Access to the building and parking area is via a shared driveway from SW Childs Road to the northwest.

Location: The site is located southeast of the SW Lower Boones Ferry Road/SW Childs Road intersection in the ML Planning District. The subject site is across SW Childs Road from a parking area for Club Sport and the Chadwick Building (industrial) occupied

Analysis and Findings

by Metro Gymnastics family recreation center and Platt Electric wholesale businesses. To the northwest is the Tualatin Foursquare Church, to the northeast is the Providence Tualatin Clinic, and to the southeast is the Trailblazer Practice Facility. The site's location is in an area characterized by a mix of existing wholesaling uses, building services, medical office, indoor recreation, sports training and the Foursquare Church. The existing uses are not a conflict with the proposed auto repair use in the John Blaser building and the site's location is suitable for the proposed conditional use.

Topography: The topography of the site is flat and is suitable for the proposed conditional use.

Improvements: The site is improved with a 15,440 s.f. industrial building with 25 (total) parking spaces, loading spaces and site landscaping improvements approved in Architectural Review ARB-78-09 and modified in the Foursquare Church development approved in AR-97-17.

Natural Features: The site does not contain natural features.

The applicant states "The current structure at 7335 SW Childs Rd. is a suitable size, configuration, and location for my business. The location has easy access through a large shared driveway from Childs Road and more parking available than I need. I see both the location and the structure being not only suitable but also perfect for my business." (Attachment C, pg 2). Given the features and improvements of the subject property listed above, the characteristics of the site are suitable for the proposed use.

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 applicant states "My business will have little or no impact to the existing transportation system or public systems. By nature, specialized automotive repair shops are small, have only a few employees and only repair a few vehicles per day. The current building was originally designed to handle a large manufacturing shop, which would have employed a much larger number of workers and would have a greater impact to the public systems and facilities than I am currently proposing." (Attachment C, pg 2).

The Engineering Division provides some of the following information in Attachment E.

Transportation

The submitted application included a traffic study that showed adequate capacity (Level-Of-Service [LOS] C/D for AM/PM Peaks, respectively) at the intersection of SW Childs Road & SW Lower Boones Ferry Road in a post-development situation allowing this CUP.

Currently the highest trip generation for permitted uses in the Light Manufacturing planning district is Single-Tenant Office Building (ITE 715). The CUP evaluates the development for the use of Automobile Care Center (ITE 942). The trips below are based on 5,100 sq. ft. of the building. LOS includes all traffic at LBFR (SW Childs Road & SW Lower Boones Ferry Road) and the Site access.

Permitted	Inbound	Outbound	Total	LOS @ LBFR	LOS @ Site
AM Peak	8	1	9	C	A
PM Peak	1	8	9	D	A

CUP 10-04	Inbound	Outbound	Total	LOS @ LBFR	LOS @ Site
AM Peak	10	5	15	C	A
PM Peak	9	8	17	D	A

Washington County responded that no improvements are required.

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

Traffic generation from the proposed conditional use will not limit, impair or preclude surrounding properties from primary uses allowed in the ML Planning District or in the nearby CG and CO Planning District properties.

Public Facilities & Services:

Water: A connection to the City system already exists.

Sanitary Sewer: A connection to the City system already exists.

Storm Drainage: A connection to the City system already exists.

Based on Staff review and analysis of the application, the proposed conditional use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

Criterion 3 is met.

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

The subject property is in the ML Planning District. Surrounding Planning/Zoning Districts and land uses include:

NW:	ML	Tualatin Foursquare Church
NE:	CG	Providence Tualatin Clinic
SE:	CO	Trailblazer Practice Facility
SW:	ML	Chadwick Building (Across SW Childs Road)
	CG	Club Sport (Across SW Childs Road)

There are no residential areas adjoining the subject property. The area on the southeast side of SW Lower Boones Ferry Road and both sides of SW Childs Road is characterized by a mix of wholesale supply and service development, the church, sports training and fitness. North of SW Lower Boones Ferry Road is the proposed location of the Trammel Crow/Alexan mixed use development with multi-story residential buildings and two retail buildings. The buildings in the vicinity of the subject building are a mix of concrete tilt-up buildings and multi-story office commercial.

The Applicant states: "Noble Motors will not alter the character of the surrounding area. All repair work will be performed within the building and no vehicles will be stored in the parking lot outside of normal business hours. We will follow all regulations in our industry regarding safety, noise and materials. We will use new "green" technology such as water based cleaning solvents, recycling techniques and use only bonded/certified vendors. We will have standard business hours and respect our neighbors. Our closest neighbor, The Four Square Church located to the west of the building is open on Sundays, which is a day we will be closed. Since there were no concerns voiced at our Neighborhood/Developer meeting, I believe we would an appropriate addition and will only improve the feel of the neighborhood." (Attachment C, pg. 3)

The Noble Motors operation proposes keeping all vehicle work and overnight parking inside the building. No outdoor storage of vehicles or equipment is proposed. Working on vehicles in outdoor areas or keeping vehicles outdoors would be unsightly to the developments on adjoining properties and to the site's adjoining frontage with SW Childs Road and not meet Criterion #4. TDC 60.021(1) requires permitted uses in the ML Planning District "...shall be conducted wholly within a completely enclosed building." TDC 73.160(4)(b) requires outdoor storage in industrial development "...shall be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping." There is no approved outdoor storage area or enclosure on the Blaser Building site. Given the proximity of the Blaser Building and the shared access driveway, any outdoor service work or after hours outdoor parking/storage will have a detrimental effect on the neighboring Tualatin Four Square Church development. Approval of a conditional use permit on the site will allow other concurrent or succeeding auto service firms to conduct their operation subject to conditions or standards for outdoor service work or storage. To ensure compatibility with surrounding uses, the general auto repair activities on this site, including auto repair service work and the overnight parking of vehicles being serviced or awaiting service, shall be conducted within the building.

Based on the applicant's submitted information and review by staff, with the existing site improvements, and the condition of approval requiring auto service and afterhours parking to be conducted inside the subject building, it is concluded that the proposed use will 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 satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

The Applicant states: "In conclusion, allowing Noble Motors to operate at 7335 SW Childs Rd would match the objectives of the City of Tualatin. Allowing a new, high-end, customer-oriented business to operate in an existing vacant industrial structure is a positive addition to the Tualatin economy." (Attachment C, pg. 3)

Following is a discussion of the objective (in **bold face type**) that is applicable to the proposed conditional use.

7.030(1) Encourage new industrial development.

This proposal is for an auto repair use in an existing industrial facility. As service for autos is appropriate for General Commercial and manufacturing districts, this use is suitable for this location and for the existing does not conflict with the objective stated above.

Staff concurs that the proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above findings and analysis and with the recommended condition of approval listed below, the Noble Motors conditional use permit application for a general auto repair use meets the criteria of TDC 32.030.

Recommended Condition of Approval:

1. To ensure compatibility with surrounding uses, the general auto repair activities on this site, including auto repair service work and the overnight parking of vehicles being serviced or awaiting service, shall be conducted within the building.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Paul Hennon, Community Services Department *Paul Hennon*
Carl Switzer, Parks and Recreation Coordinator *Carl R. Switzer*

DATE: May 24, 2010

SUBJECT: RESOLUTION AUTHORIZING A NEW PICNIC SHELTER
IN TUALATIN COMMUNITY PARK TO BE NAMED
TRESTLE SHELTER

ISSUE BEFORE THE COUNCIL:

The Council will consider a resolution authorizing *Trestle Shelter* as the name for a new picnic shelter in Tualatin Community Park.

RECOMMENDATION:

The Tualatin Park Advisory Committee (TPARK) recommends that Council authorize the name *Trestle Shelter* for the new picnic shelter in Tualatin Community Park.

EXECUTIVE SUMMARY:

Clean Water Services has constructed a new picnic shelter north of the railroad trestle in Tualatin Community Park as part of the Lower Tualatin Pump Station project. The City of Tualatin will become the owner of the picnic shelter when it is completed this summer.

Naming park facilities is essential for identifying, marketing, and reserving such facilities, and Tualatin Municipal Code, Chapter 5-6, Memorials and Naming Policy, governs the process and criteria for naming and renaming Tualatin's park and recreation facilities. The naming policy strongly encourages that park and park facility names be based on (a) historical significance; (b) geographical identifiers; and/or (c) Natural characteristics, including flora and fauna that are characteristic of the Tualatin area.

Staff Report: RESOLUTION AUTHORIZING A NEW PICNIC SHELTER IN TUALATIN
COMMUNITY PARK TO BE NAMED TRESTLE SHELTER

May 24, 2010

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To provide an opportunity for community participation in selecting the name and to raise awareness of the new picnic facility, proposals were invited through *Tualatin Today*, the city newsletter, and the city's web site. Twenty-nine names were proposed for the new picnic shelter and TPARK considered the proposed names at two meetings before recommending to Council that the new picnic shelter be named "Trestle Shelter" in recognition that it was designed to have an historic appearance evocative of a 20th century train station, because the picnic shelter sits next to a large wood railroad trestle and the crossing of two railroad lines, and since the WES Commuter Rail Tualatin Station is nearby and its trains will be regularly heard and visible to people using the new shelter.

The picnic shelter will open for public use this summer. The two other picnic shelters in Community Park have a high demand for rental times and staff will return to Council in June with proposed policies and rental fees for the new shelter after consulting with TPARK.

The picnic shelter has been funded by Clean Water Services (CWS) as part of an agreement that allowed installation of the Lower Tualatin Pump Station and related sanitary sewer pipes under the park and under the Ki-a-Kuts bicycle and pedestrian bridge. A complete list of financial contributions and park improvements follows:

- Contribute \$600,000 towards the cost of the Ki-a-Kuts bicycle and pedestrian bridge and assume all design and construction costs of the sanitary sewer pipes and pump station
- Construct the pump station with a railroad station theme following sustainable development principles (of LEED – Leadership in Energy and Environmental Design) and ensure that odors and sound are unnoticeable to park users
- CWS allows use of its land north of the river for Ki-a-Kuts bridge environmental permitting mitigation and flood area hazard permit balance cut and fill requirements
- Restore the sports field and create a dog park at the north end of the field area
- Construct a concrete pathway along the railroad line to the Ki-a-Kuts bridge
- Construct a picnic shelter in a railroad theme and reinstall the drinking fountain
- Expand and reconstruct the parking lot with permeable pavers and construct an associated water quality bioswale to treat rain runoff from hard surfaces
- Install landscaping and park signs, bike racks, trash cans and recycle bins
- Install interpretive panels on Tualatin's history, regional trail map, and sustainable aspects of the pump station and other project elements
- Install reuse water from the Durham treatment plant for use within the park
- Contribute a prorata share of on-going bridge maintenance and insurance costs with the cities of Tualatin, Durham, and Tigard; maintain the pump station and colonnade structure; and maintain the bioswale for two years.

FINANCIAL IMPLICATIONS:

There is no financial implication to naming the picnic shelter.

Staff Report: RESOLUTION AUTHORIZING A NEW PICNIC SHELTER IN TUALATIN
COMMUNITY PARK TO BE NAMED TRESTLE SHELTER

May 24, 2010

Page 3 of 3

DISCUSSION:

A list of all proposed names is included as Attachment a.

Attachments:

A. Proposed Names for Community Park Picnic Shelter
Resolution

- c:
1. Members of TPARK
 2. Nate Cullin and Steve Kebbe, Clean Water Services
 3. Nominators of picnic shelter names

Proposed Names for Community Park Picnic Shelter

	Proposed Name	Reason Proposed	Proposer
1	Arbor Shelter	The shelter is nestled back into the trees in this lovely park so Arbor Shelter seemed like a nice name for it.	Anonymous
2	Arbor View Shelter	The park is full of trees, all which can be viewed from the shelter. It's a nice name for the shelter.	Anonymous
3	Bark Park Shelter	The name suggests it is located near a potential dog park.	Anonymous
4	Community Shelter	The shelter is for the community, at the Community Park so this should be named the Community Shelter.	Anonymous
5	Community Park Shelter	It is located at the Community park so that would make sense.	Anonymous
6	Dog Park Shelter	It is adjacent to a potential dog park.	Anonymous
7	Edgewater	The name that I suggest is "Edgewater." I picked the name due to the shelter's proximity to the Tualatin River and because I think it has a nice serene feel to it.	Eric Underwood
8	Ki-A-Kuts Shelter	Ki-A-Kuts was an elder in the Tualatin Atfalati Tribe who is often honored around the area.	Anonymous
9	Lois Dalton Shelter	Loyce and I think it would be nice to honor Lois Dalton who "resurrected" the city park with a lot of volunteer work and actually headed up the Crawfish Festival for years to earn money for park improvements. The early Crawfish Festival brochures might explain this better or perhaps some of the history books that have been written. She is a THS member, an artist whose art work was donated to the city or sr. center years ago, was a scout leader, was VFW Auxiliary President, and adopted two or three homeless children she raised at an older age than most parents...there is a story there too and more.... She used to live on NE corner of Avery and Boones Ferry Road (where "little red school" was located).	Larry McClure
10	North Shelter	It's on the North end of the park, so it would be convenient to name it based on location.	Anonymous
11	Paddler's Place	I chose this name because of the great access to the boat ramp for all paddlers. I love the easy access to the Tualatin River for casual paddling in my kayak.	Jolene Hustead
12	Picnic Shelter No. 3	There are 2 other rentable shelters at the park, this would be the 3rd.	Anonymous
13	Pump Station Shelter	It's the shelter right next to the pump station, so the name is fitting.	Anonymous
14	Railroad Shelter	I named this because it's the shelter looks like a railroad depot.	Anonymous
15	Railroad Crossing Shelter	This name is fitting because the shelter is next to the railroad trestle and looks like a train depot.	Anonymous

16	Railroad Tracks Shelter	I named this because it's the shelter next to the railroad.	Anonymous
17	Riverview Shelter	It's near the river, so Riverview would be a nice name.	Anonymous
18	Sawmill Shelter	The Smith sawmill was located right there and we/you have pictures of it in the chronicle if that fits. There is a lot about the site in the book ...Tualatin...In the Beginning. If the site is on the north 7 acre piece bordered by RR, Pedestrian bridge, river, we (city) bought it from the Eastham Estate in the 1970's to add to the original central park site.	Yvonne Addington
19	Sports Field Shelter	the shelter should be named this because it's by the north field.	Anonymous
20	Train Tracks Shelter	It's adjacent to the train tracks.	Anonymous
21	Train Trestle Shelter	It's adjacent to the train trestle and tracks.	Anonymous
22	Trestle Shelter	It's adjacent to the train trestle and tracks.	Anonymous
23	Tualatin Community Park Shelter	The shelter is located at the Community Park.	Anonymous
24	Tualatin Depot Shelter	The whole project is evocative of Tualatin's railroad history and this name highlights that. The name plate on the arcade says "Tualatin," much like the Tualatin Depot would have 100 years ago.	Carl Switzer
25	Tualatin Grove	I suggest the name "Tualatin Grove" for the shelter. That is the name that John Smith gave to that area. Smith built a Sawmill on the current site of Community Park, and also a Brick Yard on the current site of Clark Lumber. In between those two sites, Smith built several houses along Boones Ferry Rd that became known as the Smith Row Houses. Some of the houses were for members of his family, and others were for his workers. The Smith -Boone house (which was moved to the west side of Boones Ferry Rd) was the last one of those houses, and it still stands today. Our Historic Photo collection shows some of these houses.	Richard Hager
26	Tualatin River Shelter	The Tualatin River is an important geographic element to the area and the development of Tualatin. The shelter should represent the importance of the river.	Anonymous
27	Tualatin Station Shelter	The shelter was designed to look like a train station so this would be most fitting.	Anonymous
28	Tualatin Tracks Shelter	The design of the shelter and proximity to the tracks makes Tualatin Tracks Shelter a nice name.	Anonymous
29	Wapato Shelter		Ed Truax

12/18/2009

M:\Planning & Development\Parks\Community Park\LTPS AND PARK IMPROVEMENTS\Picnic Shelter Naming

RESOLUTION NO. 4977-10

RESOLUTION AUTHORIZING A NEW PICNIC SHELTER IN
TUALATIN COMMUNITY PARK TO BE NAMED TRESTLE SHELTER

WHEREAS Clean Water Services has constructed a new picnic shelter in Tualatin Community Park as part of the Lower Tualatin Pump Station project and the City of Tualatin will become the owner of the picnic shelter, and naming park facilities is essential for identifying, marketing, and reserving such facilities; and,

WHEREAS the community participated in the naming process which was guided by the Tualatin Municipal Code, Chapter 5-6, Memorials and Naming Policy for naming and renaming Tualatin's park and recreation facilities; and,

WHEREAS the Tualatin Parks Advisory Committee (TPARK) considered twenty-nine proposed names for the new picnic shelter and has recommended that it be named "Trestle Shelter" in recognition that it was designed to have an historic appearance evocative of a 20th century train station, because the picnic shelter sits next to a large wood railroad trestle and the crossing of two railroad lines, and since the WES Commuter Rail Tualatin Station is nearby and its trains will be regularly heard and visible to people using the new shelter.

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

Section 1. The new picnic shelter in Tualatin Community Park shall be named the Trestle Shelter.

INTRODUCED AND ADOPTED this 24th day of May, 2010.

CITY OF TUALATIN, OREGON

By 

Mayor

ATTEST:

By 

City Recorder

Approved as to Form:

City Attorney



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 5-24-10

Recording Secretary MSm

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Brenda Braden, City Attorney

DATE: May 24, 2010

SUBJECT: AN ORDINANCE RELATING TO SIGN DESIGN STANDARDS FOR FREESTANDING SIGNS IN COMMERCIAL PLANNING DISTRICTS; AND AMENDING TDC 20.030; 31.071; 35.200; & 38.220; AND ADDING A NEW SECTION, 38.075, TO THE TDC (PTA 08-06)

ISSUE BEFORE THE COUNCIL:

The Council will consider an Ordinance that would change the sign design standards for freestanding signs in commercial planning districts and amend TDC 20.030, 31.071, 35.200 & 38.220; and add a new section, 38.075 to the TDC.

RECOMMENDATION:

Staff recommends that the City Council approve the Ordinance relating to sign design standards for freestanding signs and amending TDC 20.030, 31.071, 35.200 & 38.220; and adding a new section, 38.075, to the TDC.

EXECUTIVE SUMMARY:

On May 10, 2010 the Council held a public hearing on the Ordinance to decide whether to approve the Ordinance relating to freestanding signs in the commercial planning districts. At the conclusion of the public hearing, the Council approved the ordinance by a vote of 7-0, and directed Staff to bring back the Ordinance for adoption.

Attachments: A. Ordinance

ORDINANCE NO. 1302-10

AN ORDINANCE RELATING TO SIGN DESIGN STANDARDS FOR FREESTANDING SIGNS IN COMMERCIAL PLANNING DISTRICTS; AND AMENDING TDC 20.030; 31.071; 35.200; & 38.220; AND ADDING A NEW SECTION, 38.075, TO THE TDC (PTA 08-06)

WHEREAS upon the application of the City of Tualatin Community Development Department, a public hearing was held before the City Council of the City of Tualatin on May 10, 2010, relating to sign design standards & review for freestanding signs in Commercial Planning Districts & transition/amortizing non-conforming signs and amending provisions and TDC 20.030; 31.071; 35.200; & 38.200; and adding a new section, 38.075 to the TDC (PTA-08-06); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan 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; 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 a notice of public hearing was given as required by mailing to affected property owners which is evidenced by the Affidavit of Mailing, marked "Exhibit C" attached and incorporated by this reference; and

WHEREAS the Council conducted a public hearing on May 10, 2010, 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 7-0 with all councilors voting in favor; and

WHEREAS based upon the evidence and testimony heard and considered by the Council and especially the City staff report, the Council makes and adopts as its Findings of Fact the findings and analysis in the staff report dated May 10, 2010; 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 20.030 is amended to read as follows:

The following are the City's Sign Objectives.

- (1) Preserve the right of free speech exercised through the use of signs.
- (2) Protect the public health, safety and welfare.
- (3) Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians.
- (4) Protect persons and property from unsafe and dangerous signs due to natural forces, including but not limited to wind, earthquakes, precipitation and floodwaters.
- (5) Protect persons and property from unsafe and dangerous signs due to improper construction, repair and maintenance.
- (6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.
- (7) Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin.
- (8) Protect and enhance property values.
- (9) Protect and enhance the City's economy.
- (10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.
- (11) Allow greater sign heights and dimensions for Major Commercial Centers.
- (12) Allow only temporary signs on a property with no building.
- (13) Allow no new permanent sign, or a change of face on an existing permanent sign, on a property with an unoccupied building.
- (14) Allow permanent signs only on buildings, or parts of buildings, that are occupied.
- (15) Regulate the number, height and dimensions of temporary signs.
- (16) In the manufacturing and institutional planning districts allow permanent freestanding monument signs, but not permanent freestanding pole signs.

(17) In the residential planning districts sign numbers, heights and dimensions for dwelling units shall be restricted and for conditional uses shall be consistent with the use.

(18) Allow indirect and internal illumination in residential planning districts for conditional uses.

(19) Allow greater sign diversity in the Central Urban Renewal District's Central Design District for uses on properties abutting the City owned promenade around the Lake of the Commons.

(20) The wiring for electrically illuminated freestanding signs shall be underground and for wall signs shall be in the wall or a race.

(21) Adopt sign regulations for the Mixed Use Commercial Overlay District that are consistent with the type and high quality of developments desired in the District. New sign types to be allowed are wall-mounted plaques and inlaid floor signs.

(22) Adopt Sign Design standards and a Sign Design Review process for freestanding signs in commercial districts that encourage attractive and creative signage with varied design elements such as proportionally wider sign bases or pylons, a mix of exterior materials that have a relationship to building architecture, use of dimensional lettering and logos with halo or internal lighting and is consistent with the high quality of developments desired in commercial districts.

(23) In Central Commercial and General Commercial planning districts, allow permanent freestanding monument signs on Arterial Streets, and restrict permanent freestanding pole signs to Collector or Local Commercial Street frontages.

(24) Create an incentive for improvement of existing freestanding signs and adopt provisions allowing non-conforming freestanding signs in commercial districts to retain non-conforming sign status when structurally altered subject to improved compliance with Sign dimension and Sign Design standards.

Section 2. TDC 31.071 is amended to read as follows:

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

Single-family Architectural Review procedures subject to TDC 31.071(7). An applicant for Sign Design Review shall follow Level 1 (Clear and Objective) Sign Design Review procedures subject to TDC 31.071(8). Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall submit to the Community Development Director an Architectural Review Plan application which shall contain:

- (a) The project title;
- (b) The names, addresses and telephone numbers of the property owners, applicants, architect, landscape architect and engineer;
- (c) The signatures of the property owners and applicants;
- (d) The site address and the assessor's map number and tax lot number;
- (e) A Service Provider Letter from the Unified Sewerage Agency indicating a "Stormwater Connection Permit" will likely be issued;
- (f) Any necessary wetland delineations applicable to the site;
- (g) Any Fill/Removal Permit issued by the Oregon Division of State Lands and the Army Corps of Engineers;
- (h) The application fee as established by City Council resolution;
- (i) A site plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped greenways, mixed solid waste and recyclables storage and railroad tracks. A site plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the Community Development Director. The site plan shall illustrate the location of existing structures, existing facility utilities, and whether they will be retained as part of the project. The site plan shall indicate the location of entrances and exits, pedestrian walkways and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. The site plan shall also indicate conditions and structures on adjacent properties sufficient to demonstrate that the proposed development is coordinated with existing or proposed developments on adjacent properties. Where the applicant proposes to change the existing topography, then a proposed grading plan shall be submitted drawn at a scale of 1":10', 1":20' or 1":30'. Trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site shall be indicated on the grading plan.

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

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

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

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

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

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

(p) An 8 1/2" x 11" black and white site plan suitable for reproduction.

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

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

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

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

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

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

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

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

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

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

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

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

- (i) A completed City fact sheet;
- (ii) The names, addresses, and telephone numbers of the property owners and applicants;
- (iii) The signatures of the property owners and applicants;
- (iv) The site address and the assessor's map number and tax lot number;
- (v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, roof lines, deck/porch/balcony lines, impervious ground surfaces, driveway location and driveway slope, and trees 8" or greater in diameter; and
- (vi) Three copies of building elevations, drawn to scale, for all sides of the dwelling and including a calculation of the percentage of window coverage (glazing) for each elevation.

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

- (i) All information required for Level I Single-family Architectural Review in TDC 31.071(7)(a);
- (ii) One black and white copy (no larger than 11"x17") of each submittal, of a size suitable for reproduction and distribution;

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

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

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

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

(8) An applicant for a new freestanding monument or pole sign or a replacement or renovation of a non-conforming freestanding monument or pole sign in CC/CG Planning Districts subject to TDC 35.210 shall follow Level 1 (Clear and Objective) Sign Design Review procedures subject to this section. An application shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

(a) Level 1 (Clear and Objective) Sign Design Review application:

(i) A completed City fact sheet;

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

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

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

(v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, driveway & access locations, and trees 8" or greater in diameter; and

(vi) Three copies of sign elevations, drawn to scale, for each side of the sign and including exterior sign design & materials with calculation of the sign height, sign base & face dimensions, sign face height, sign face area and the areas of exterior materials.

Section 3. TDC 35.200 is amended to read as follows:

(1) A non-conforming sign is a lawfully erected sign including existing signs legally erected prior to May 13, 1992, either in the City or in those portions of Washington or Clackamas Counties which were annexed to the City after erection of the sign and do not comply with the provisions of the Tualatin Development Code, are nonconforming signs. They shall be allowed to remain provided they comply with the provisions of this Section.

(2) To retain nonconforming sign status, nonconforming signs shall not be structurally altered. To provide for a transition to current sign standards, Non-conforming freestanding signs in a former Freeway Oriented Activity Area or in a CC or CG Planning District may be structurally altered when the sign height, sign face height and sign face area are reduced by a minimum of 25 percent of the nonconforming dimension or area and a minimum of two Sign Design Elements – Structure & Site and Sign Design – Sign Exterior of TDC 38.075. The sign face or the copy on the sign face, or both, may be changed after first obtaining a sign permit. Sign maintenance and repair are required and may occur without first obtaining a sign permit.

(3) Nonconforming signs shall comply with the provisions of the Tualatin Development Code when one or more of the following occurs:

(a) A nonconforming sign is relocated from one location to another on the same tax lot or to a different tax lot.

(b) The use on the tax lot where a Freeway Oriented Activity Sign is located is changed.

(c) A nonconforming sign's structure, including but not limited to the support elements or framework, is changed, except as allowed in TDC 35.200(2) and in the ML and MG Districts where a nonconforming pole sign's total sign height and sign face area shall be reduced to no higher than 15 feet and no greater than 40 square feet, respectively.

(d) A nonconforming sign is damaged by an act of God, including but not limited to wind, earthquake, floodwater, to the extent that the sign contractor's estimated cost of the repair exceeds by more than 75 percent the original cost of the sign or the cost of the most recent renovation to the sign, whichever is greater. The original cost or cost of the most recent renovation shall be determined by sign value information submitted at the time a sign permit was issued. If such information was not submitted, the property owner or other person having such information shall submit documentation showing the cost.

(e) A sign permit is issued for a new conforming sign on the same property or on abutting property under the same ownership containing a

nonconforming sign of the same type as the one for which the sign permit is issued. A "sign of the same type" means a freestanding pole or monument sign for a freestanding pole or monument sign or a wall sign for a wall sign. Before a new conforming sign is constructed all nonconforming signs of the same type, on the same property or on abutting property under the same ownership shall be brought into conformance or meet the sign transition provisions of TDC 35.200(2). The Community Development Director shall issue a sign permit for a new conforming sign provided the following condition of approval, or condition with words to the same effect, is stated on the permit,

"A nonconforming sign of the same type for which this sign permit is issued and located on the same property or on abutting property under the same ownership shall be brought into conformance prior to erecting the new conforming sign approved by this sign permit."

The condition shall be met by removing the nonconforming sign before construction begins, including but not limited to grading, on the new conforming sign.

(4) Signs for which variances were granted prior to May 13, 1992 may remain provided the provisions of the variance approval are met.

Section 4. TDC 38.220 is amended to read as follows:

(1) Section 38.220 does not apply to the Mixed Use Commercial Overlay District, see Section 38.225. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a single frontage lot with a minimum of 1.5-2.9 acres in lot area and 500 feet of frontage on one public street, provided the signs are not less than 300 feet apart from each other. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than eight feet, except a Major Commercial Center sign may be up to 10 feet.

(iv) Area: No more than ~~40~~48 square feet, except a Major Commercial Center sign may be up to 55 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.

(vi) Illumination: Subject to Sign Design Review Standards of TDC 38.075, Direct, indirect or internal.

(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(viii) Design: Subject to Sign Design Review Standards of TDC 38.075.

(b) Monument signs in addition to those allowed in TDC 38.220(1)(a) above are permitted for separate buildings in Major Commercial Centers of greater than 3.0 acres. If used, the following standards apply:

(i) Location on Site: At least 150 feet shall separate additional monument signs from each other. At least 100 feet shall separate additional monument signs from the monument and pole signs permitted in TDC 38.220(1)(a) above and 38.220(1)(c) below.

(ii) Number: One per separate building up to a maximum of four buildings.

(iii) Number of Sides: No more than two.

(iv) Height Above Grade: No higher than six feet.

(v) Area: No more than 32 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Subject to Sign Design Review Standards of TDC 38.075, Indirect or internal.

(ix) Design: Subject to Sign Design Review Standards of TDC 38.075.

(c) Pole signs are permitted in place of the monument signs allowed in TDC 38.220(1)(a) above, except on an Arterial Street frontage. If used, the following standards apply:

(i) Number: One for a single Collector or Local Street frontage lot, two for a corner lot with two or more Collector or Local Street frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more Collector or Local Street frontages, provided no more than one sign is on each frontage. Notwithstanding the preceding sentences in TDC 38.220(1)(c)(i), a Major Commercial Center is limited to one freestanding pole sign.

(ii) Number of Sides: There is no restriction, except Major Commercial Center Signs are limited to two sides.

(iii) Height Above Grade: No higher than 15 feet, except the Major Commercial Center Sign may be up to 20 feet.

(iv) Height of Sign Face: No higher than eight feet, except the Major Commercial Center Sign may be up to 10 feet.

(v) Area: No more than 48 square feet, except the Major Commercial Center sign may be up to 100 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Subject to Sign Design Review Standards of TDC 38.075, Direct, indirect or internal, except the Major Commercial Center sign shall not be direct.

(viii) Mechanical Readerboard: For churches, cinemas and theaters, the sign may be a mechanical readerboard.

(ix) Design: Subject to Sign Design Review Standards of TDC 38.075.

(d) Wall Signs Are Permitted. If used, the following standards apply:

(i) Number: One on each owned or leased wall not to exceed four walls of a building. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a Natural Resource Protection Overlay District (NRPO) as shown on Map 72-1, two wall signs are allowed on an owned or leased wall of 4,000-4,999.99 square feet provided the distance between the two signs is greater than 25 feet, and three wall signs on an owned or leased wall equal to or greater than 5,000 square feet.

(ii) Number of Sides: No more than one.

(iii) Height Above Grade: No higher than the height of the sign band on the owned or leased space.

(iv) Height of Sign Face: No higher than four feet provided no letter or number (does not include logos, caricatures, scenes, non-letters and non-numerical symbols) shall be more than two feet when erected on owned or leased walls whose area is less than 4,000 square feet, and no higher than four feet for letters, numbers, logos, caricatures, scenes and symbols when erected on owned or leased walls equal to or greater than 4,000 square feet. If a sign's square footage is less than 1/2 the maximum area allowed, then the height of the sign can be doubled. If the sign height is doubled, the height of any logo, symbols, caricatures or scenes may be up to five feet.

(v) Area: For owned or leased walls whose area is 0 to 400 square feet, a sign area of at least 24 square feet or 10 per cent of the wall area is allowed, whichever is greater. For walls whose area is 400 to 3,999.9 square feet, a sign area of no more than 40 square feet is allowed. For walls not oriented toward and not located within 150 feet of the Wetland Protected Area or a NRPO District as shown on Map 72-1, a total sign area of up to 100 square feet is allowed for a wall 4,000-4,999.9 square feet provided that when two wall signs are erected neither sign is larger than 75 square feet, and for walls equal to or greater than 5,000 square feet, a sign area of up to 150 square feet is allowed.

(vi) Illumination: Direct, indirect or internal.

(vii) Mechanical Readerboard: For churches, cinemas and theaters the sign may be a mechanical readerboard.

(viii) In the Central Design District, for each owned or leased space, in place of one wall sign, one shingle sign or blade sign may be erected in accordance with TDC 38.110(4).

(2) See TDC 38.110(5-17) for additional signage and if used, the standards of TDC 38.110(5-17) apply.

Section 5. A new section, TDC 38.075 is added to the Tualatin Development Code to read as follows:

(1) Purpose of Sign Design Review.

The purpose of Sign Design Review is to implement the purposes and objectives of TDC Chapter 20 Sign Design and promote freestanding signs in commercial areas that

are attractive to the community, compatible with the design and architecture of the development and the community, and provide adequate business identification.

(2) Standards for Sign Design Review.

Development of the following is subject to the provisions set forth in TDC 38.075(3) and standards and criteria set forth in TDC 38.220, in addition to all other applicable TDC standards:

(a) new freestanding monument or pole sign including Service Station signs allowed in TDC 38.110(17)(a-b).

(b) transition of a non-conforming freestanding monument or pole sign in CC/CG Planning Districts subject to TDC 35.200.

(3) No Sign or Building permits shall be issued for signs described in TDC 38.075(2) until plans for the proposed sign have been approved pursuant to the following review, and all other applicable TDC standards are met:

(a) LEVEL 1 – Clear and Objective Sign Design Review.

(i) A Level I Sign Design Review decision is a ministerial decision.

(ii) Application for Level I (Clear and Objective) Sign Design Review shall be made pursuant to the application procedures set forth in TDC 31.071(8).

(iii) A proposed sign that meets all standards set forth in TDC 38.075(4) shall be administratively approved by the Community Development Director.

(iv) Variances to standards set forth in TDC 38.075(3) are prohibited.

(4) Sign Design Standards:

(a) Level I (Clear and Objective) Sign Design Review Standards. Signs shall:

(i) On sign face elevations, provide support poles, pylons, columns or monument base that have a width at least thirty percent (30%) of the sign face width; provide at least three (3) of the Sign Design Elements – Sign Structure & Site in TDC 38.075(3)(a)(ii) and provide at least three (3) of the Sign Design Elements – Sign Exterior in TDC 38.075(3)(a)(iii). The amount of required support pylon or column width in elevation may be reduced in two percent

(2%) increments to not less than ten percent (10%) of the sign face width for each additional Sign Design Element provided.

(ii) Sign Design Elements – Sign Structure & Site.

Sign structure & site includes (minimum of 3 applied):

(A) Two (2) or more individual pole, pylon or column supports separated by a minimum of 24".

(B) Monument-style base occupying 75 percent or greater (>75%) of sign face width.

(C) Sign setback minimum of 5 ft. from property lines, measured to any feature of sign structure.

(D) Minimum 36" pylon or column width or diameter.

(E) Landscape plantings including shrubs and groundcover or hardscape features including decorative rock or masonry located at the base of the freestanding sign.

(iii) Sign Design Elements – Sign Exterior.

Sign Exterior Design includes (minimum of 3 applied):

(A) Frame trim, cap, wing, grill, exposed bracketing or other decorative sign frame element(s);

(B) Variation in sign profile including use of asymmetrical & curvilinear shapes and planes, and irregular height of sign elements;

(C) Use of three (3) or more exterior sign materials that are elements of the site's building architecture, including masonry, concrete, ceramic, glass (figured, block or tile), stucco, metal fabric, metal tubing and wood timber materials;

(D) Use of 3-dimensional lettering and graphic;

(E) Use of "halo," baffled and shrouded indirect illumination sources, or internally-lighted "push thru" lettering and graphic;

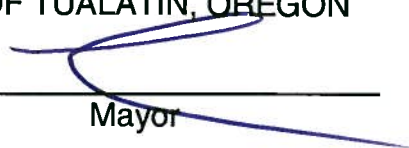
[Continued on next page]

(F) No more than 20 percent of sign face feature is illuminated with direct lighting (exposed incandescent bulb, neon tube, LED or LCD electronic bulbs) or internally-lighted panels (fluorescent tube or other light source behind a translucent panel).

INTRODUCED AND ADOPTED this 24TH day of May, 2010.

CITY OF TUALATIN, OREGON

BY


Mayor

ATTEST:

BY


City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY



6605 SE Lake Road, Portland, OR 97222 • PO Box 22109 Portland OR 97269-2109
Phone: 503-884-0380 Fax: 503-820-3433
Email: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS
I, Charlotte Allsop, being the first duly sworn,
depone 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 Hearing/PTA 08-06
TT11435

A copy of which is hereto annexed, was
published in the entire issue of said
newspaper for

1

week in the following issue:

April 22, 2010

Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
April 22, 2010.

Suzette Q. Curran

NOTARY PUBLIC FOR OREGON

My commission expires *Nov. 28, 2011*

Acct #108462

Attn: Stacy Crawford

City of Tualatin

18880 SW Martinazzi Ave

Tualatin, OR 97062

Size: 2 x 8

Amount Due: \$144.80 *

*Please remit to the address above.

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held
before the City of Tualatin City Council at 7:00 p.m., Monday,
May 10, 2010, at the Council Building, Tualatin City Center, at
18880 SW Martinazzi Avenue, to consider:

**PLAN TEXT AMENDMENT (PTA)—ORDINANCE
RELATING TO FREESTANDING SIGNS AND NON-
CONFORMING SIGNS IN THE CENTRAL & GENERAL
COMMERCIAL (CC & CG) PLANNING DISTRICTS;
AMENDING PROVISIONS AND TDC 20; 31.071; 35.200;
38.075 & 38.220 (PTA-08-06)**

Before granting the proposed amendments, the City Council
must find that: (1) Granting the amendments is in the public
interest; (2) The public interest is best protected by granting
the amendments at this time; (3) The proposed amendments
are in conformity with the applicable objectives of the Tualatin
Community Plan; (4) The factors listed in Section 1.032(4) were
consciously considered; (5) The Tigard Tualatin School District
Facility Plan was considered; (6) The amendments are consistent
with the Statewide Planning Goals; (7) The amendments
are consistent with the Metro Urban Growth Management
Functional Plan; and (8) The amendments are consistent with
Level of Service F for the PM peak hour and E for the one-half
hour before and after the PM peak hour for the Town Center
2040 Design Type and E/E for the rest of the 2040 Design Types
in the City's planning area.

Individuals wishing to comment may do so in writing to the
Planning Division prior to the hearing and/or present written
and/or verbal testimony to the City Council at the hearing.
Hearings begin with a staff presentation, followed by testimony
by proponents, testimony by opponents, and rebuttal. The time
of individual testimony may be limited. If a participant requests,
before the hearing is closed, the record shall remain open for at
least 7 days after the hearing. The failure of the applicant to raise
constitutional or other issues relating to proposed conditions
of approval with sufficient specificity to the decision maker to
respond to the issue precludes an action for damages in circuit
court.

Copies of the application, all documents and evidence relied
upon by the applicant and applicable criteria are available for
inspection at no cost and will be provided at reasonable cost. A
copy of the staff report will be available for inspection at no cost
at least seven days prior to the hearing, and will be provided at
reasonable cost. For information contact William Harper at (503)
691-3027. This meeting and any materials being considered can
be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

Publish 04/22/2010.

TT11435

EXHIBIT A

AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

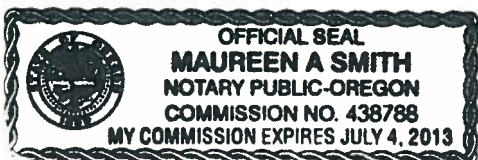
That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted four copies of the Notice of Hearing on the 13th day of April, 2010, a copy of which Notice is attached hereto; and that I posted said copies in four public and conspicuous places within the City, to wit:

1. City of Tualatin - Police Department
2. City of Tualatin - City Center Building
3. City of Tualatin - Community Development
4. City of Tualatin - Library

Dated this 13th day of April, 2010.


Stacy Crawford

Subscribed and sworn to before me this 13 day of April, 2010.




Notary Public for Oregon
My Commission expires: July 4, 2013

RE: PLAN TEXT AMENDMENT (PTA-08-06)—ORDINANCE RELATING TO FREESTANDING SIGNS AND NON-CONFORMING SIGNS IN THE CENTRAL & GENERAL COMMERCIAL (CC & CG) PLANNING DISTRICTS; AMENDING PROVISIONS AND TDC 20; 31.071; 35.200; 38.075 & 38.220

EXHIBIT B



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, May 10, 2010, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA)—ORDINANCE RELATING TO FREESTANDING SIGNS AND NON-CONFORMING SIGNS IN THE CENTRAL & GENERAL COMMERCIAL (CC & CG) PLANNING DISTRICTS; AMENDING PROVISIONS AND TDC 20; 31.071; 35.200; 38.075 & 38.220 (PTA-08-06)

Before granting the proposed amendments, the City Council must find that: (1) Granting the amendments is in the public interest; (2) The public interest is best protected by granting the amendments at this time; (3) The proposed amendments are in conformity with the applicable objectives of the Tualatin Community Plan; (4) The factors listed in Section 1.032(4) were consciously considered; (5) The Tigard Tualatin School District Facility Plan was considered; (6) The amendments are consistent with the Statewide Planning Goals; (7) The amendments are consistent with the Metro Urban Growth Management Functional Plan; and (8) The amendments are consistent with Level of Service F for the PM peak hour and E for the one-half hour before and after the PM peak hour for the Town Center 2040 Design Type and E/E for the rest of the 2040 Design Types in the City's planning area.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing and/or present written and/or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited. If a participant requests, before the hearing is closed, the record shall remain open for at least 7 days after the hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to the decision maker to respond to the issue precludes an action for damages in circuit court.

Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and will be provided at reasonable cost. **For information contact William Harper at (503) 691-3027.** This meeting and any materials being considered can be made accessible upon request.

CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

NOTICE TO THE TUALATIN TIMES: Please publish in the TUALATIN TIMES on
April 22, 2010

As an owner of business or property with one or more freestanding pole signs located in the City of Tualatin Central Commercial (CC) or General Commercial (CG) Planning Districts, you are receiving the attached City of Tualatin **Notice of Hearing for Plan Text Amendment PTA-08-06**. The proposed amendment to the Tualatin Sign Regulations establishes new design, dimension and location standards for freestanding pole and monument signs in the CC and CG Planning Districts and provides allowances for modifying non-conforming freestanding signs.

Background

For the past 5 years, the Tualatin City Council has been actively interested in improving the Livability of Tualatin for those who live, work and have business in Tualatin. One aspect of the Council's efforts is a continuing emphasis on community quality and establishing high-quality standards for the physical environment.

Following an amendment to the Sign Regulations restricting large, tall freeway-oriented activity signs along I-5 (approved in early 2009), the Council decided to consider establishing standards to improve the appearance of freestanding signs in commercial districts with an emphasis on the lower-profile and more attractive monument-style signs. The Council also wanted to include provisions to encourage or require existing non-conforming pole signs to transition to current dimensional and design standards. An amortization program requiring the replacement of non-conforming freestanding signs over an 8-10 year period was considered.

Proposed PTA-08-06

In a process of five Council Work Sessions, five Tualatin Planning Advisory Committee (TPAC) Meetings, three business and property owner meetings and participation from the Tualatin Chamber of Commerce and the Sign Industry, the following amendments to the Sign Code and Non-conforming Sign provisions of the Tualatin Development Code (TDC) are proposed:

1. Keep the proposed Sign Design Standards and over-the-counter review method.
2. Allow legal non-conforming freestanding signs to be altered with a reduction in non-conforming sign dimension (height, area) and partial compliance with Sign Design Standards.
3. Require monument signs on Arterial streets such as SW Martinazzi Avenue and SW Boones Ferry Road. Allow pole signs on Collector and Local Commercial street frontages. Existing pole signs on Arterial streets can remain as non-conforming signs.
4. Consider Staff-recommended provisions increasing the sign face area of monument-style signs from 40 sq. ft. to 48 sq. ft. and allow a 2nd freestanding sign for multi-tenant centers with a commercial frontage of 500 ft. or greater.

The proposed Non-conforming Sign amortization provisions were removed. Existing legal non-conforming signs may be retained indefinitely, subject to the provisions of the Non-conforming Sign Standards of TDC 35.200.

For more information about the proposed freestanding and non-conforming sign amendments, please follow this web-link to view the proposed PTA-08-06 Sign Regulations and Non-conforming Sign provisions documents on the City of Tualatin Web Site: <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning/>

If you have questions about this message or the proposed PTA-08-03, you may contact William Harper, Associate Planner at 503-691-3027 or wharper@ci.tualatin.or.us.

AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Stacy Crawford, being first duly sworn, depose and say:

That on the 13th day of April, 2010, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of a Notice of Hearing marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail at Tualatin, Oregon, with postage fully prepared thereon.

Stacy Crawford
Stacy Crawford

SUBSCRIBED AND SWORN to before me this 13th day of April, 2010.

Maureen A Smith
Notary Public for Oregon
My commission expires: July 4, 2013



RE: PLAN TEXT AMENDMENT (PTA-08-06)—ORDINANCE RELATING TO
FREESTANDING SIGNS AND NON-CONFORMING SIGNS IN THE CENTRAL
& GENERAL COMMERCIAL (CC & CG) PLANNING DISTRICTS; AMENDING
PROVISIONS AND TDC 20; 31.071; 35.200; 38.075 & 38.220

EXHIBIT C

Exhibit "A"

PIACENTINI LOUISE TRUSTEE BY
BELMAR PROPERTIES INC
2001 6TH AVE #2300
SEATTLE, WA 98121

PIETKA PROPERTIES LLC BY
KIERSEY & MCMILLAN INC
PO BOX 1696
BEAVERTON, OR 97075

PLISKA INVESTMENTS LLC
PO BOX 607
GRESHAM, OR 97030

POINT AT BRIDGEPORT LLC &
POINTE AT BRIDGEPORT LLC
4836 SW SCHOLLS FERRY RD #361
PORTLAND, OR 97225

PREMIER INVESTMENT OPTIONS
LLC
1651 LARCH ST
LAKE OSWEGO, OR 97034

PUBLIC STORAGE INSTIT FUND III
DEPT PT OR 23413
PO BOX 25025
GLENDALE, AZ 91201

REEVES RICHARD A
15174 NW TROON WAY
PORTLAND, OR 97229

ROBERTS SHANE M
8675 SW OLD TUALATIN
SHERWOOD HWY
TUALATIN, OR 97062

S & T SPOSITO LIVING TRUST c/o
BISACCIO GARY & PAULA
5283 SW 201ST AVE
ALOHA, OR 97007

SAFEWAY INC
1371 OAKLAND BLVD STE 200
WALNUT CREEK, CA 94596

SOUTH LAKE CENTER LLC
PO BOX 529
EUGENE, OR 97440

SWETT CARL R
2853 ROSECLIFF PL
LAKE OSWEGO, OR 97034

T/C INVESTMENTS LLC & MOLA
PARTNERS LTD
PO BOX 564
TUALATIN, OR 97062

TAN WEST LLC
PO BOX 428
LAKE OSWEGO, OR 97034

TUALATIN GARDENS PROPERTY
LLC
5638 SW DOGWOOD LN
LAKE OSWEGO, OR 97035

TUALATIN GARDENS PROPERTY
LLC-FRED MEYER
5638 SW DOGWOOD LN
LAKE OSWEGO, OR 97035

TUALATIN GROUP LLC BY VIP'S
INDUSTRIES INC
201 LIBERTY ST SE
SALEM, OR 97301

TUALATIN GROUP LLC BY VIP'S
INDUSTRIES INC
201 LIBERTY ST SE
SALEM, OR 97301

TUALATIN GROUP LLC BY VIP'S
INDUSTRIES INC
201 LIBERTY ST SE
SALEM, OR 97301

TUALATIN HOTEL PARTNERS LLC
10260 SW GREENBURG RD STE
1060
PORTLAND, OR 97223

TUALATIN-LAKE OSWEGO LLC
1919 NW 19TH AVE
PORTLAND, OR 97209

W STONESTHROW II LLC/City of
Tualatin
4 EMBARCADERO CENTER STE
3330
SAN FRANCISCO, CA 94111

WATUMULL PROPERTIES CORP
307 LEWERS ST 6TH FLR
HONOLULU, HI 96815

ZEIDMAN CREDIT SHELTER TRUST
ZEIDMAN QUALIFIED MARITAL
TRUST BY ZELDA & KENNETH LEE
ZEIDMEN TRS
772 NW WESTOVER SQ
PORTLAND, OR 97210

ZIAN LIMITED PARTNERSHIP
6712 N CUTTER CIR
PORTLAND, OR 97217

Exhibit "A"

TUALATIN GROUP LLC BY VIP'S
INDUSTRIES INC
201 LIBERTY ST SE
SALEM, OR 97301

BERREY PROPERTIES LLC
6305 SW ROSEWOOD ST STE D
LAKE OSWEGO, OR 97035

BLUMENKRON RACHEL & FRANK
BY STEPHENS & ASSOC
PO BOX 90427
PORTLAND, OR 97290

BRIDGEPORT COMMONS LLC
1800 SW FIRST AVE STE #600
PORTLAND, OR 97201

CARLSON JERRY A & STORAGE
PLACE RETIREMENT TRUST THE
CARLSON DAVID ET AL
23455 SW GAGE RD
WILSONVILLE, OR 97070

CARNEY INVESTMENTS LLC
19705 SW TETON AVE
TUALATIN, OR 97062

CASCADE FUNERAL DIRECTORS
INC
PO BOX 3570
TUALATIN, OR 97062

CENTERCAL
7455 SW BRIDGEPORT ROAD, SUITE
205
TIGARD, OR 97224

CRYSTAL SPRINGS TRUST BY
LYNNE I ANGEL TR
1816 SW HAWTHORNE TER
PORTLAND, OR 97201

EGGIMAN BYPASS TRUST BY LEO
CARLTON & AVALON MAY
EGGIMAN TRS
15433 NW TROON DR
PORTLAND, OR 97229

FARDANESH ENTERPRISES LLC
6155 SW SEYMOUR ST
PORTLAND, OR 97221

FASANO FAMILY LLC & HURLBUTT
FRANK C & REBECCA J &
WONACOTT MARY LYNDIA
10129 SW WASHINGTON ST
PORTLAND, OR 97225

FOURIER JAN PER FOURIER
GEORGE JACOB
PO BOX 907
LAFAYETTE, OR 97127

FRED MEYER PROPERTY TAX DEPT
401
PO BOX 4900
SCOTTSDALE, AZ 85261

FRED MEYER PROPERTY TAX DEPT
401
PO BOX 4900
SCOTTSDALE, AZ 85261

G&S FAMILY LTD PARTNERSHIP
THE
20752 SW 120TH AVE
TUALATIN, OR 97062

GARSKE TRAVIS W
PO BOX 729
COLBERT, WA 99005

GE CAPITAL FRANCHISE FINANCE
CORPORATION
8377 E HARTFORD DR STE #200
SCOTTSDALE, AZ 85255

GLASJAR PROPERTY LLC BY
ACCOR NORTH AMERICA
PO BOX 117508
CARROLLTON, TX 75011

GOLDEN KEY LLC BY GEORGE E
EDENS
309 10TH AVE
LAKE OSWEGO, OR 97034

HANSEN TRUST-LAKE OSWEGO LLC
PO BOX 901
DEERFIELD, IL 60015

J LO LLC
8340 SW TONKA ST
TUALATIN, OR 97062

JOHNSON DOUGLAS S & JANICE M
C/O SMOKIN' SPURS LLC
8200 SW TONKA RD
TUALATIN, OR 97062

KILKENNY-WATANABE PARTNER
BY ACCOR NORTH AMERICA
PO BOX 117508
CARROLLTON, TX 75011

LAKE CAR CARE JOINT VEN
2839 SW 2ND AVE
PORTLAND, OR 97201

LANKARANI REZA & PAKSERESHT
FARAH
3944 CROISAN MT DR
SALEM, OR 97302

LEAGJELD RAYMOND R RES TRUST
& LEAGJELD DOROTHY LILLIAN &
LEAGJELD RICHARD
4130 SW CHESAPEAKE
PORTLAND, OR 97239

LEDOUX PROPERTIES LLC
23155 SW BOONES FERRY RD
TUALATIN, OR 97062

LIM BAO Z & LIM GET HIM
7200 SW HAZEL FERN ROAD
TIGARD, OR 97224

MARSH JEFFREY O JR & KING
JOHN J
8810 SW TUALATIN SHERWOOD RD
TUALATIN, OR 97062

Exhibit "A"

ARBY'S-AARON ADAMS
17771 SW LOWER BOONES FERRY
ROAD
TUALATIN, OR 97062

TIM CANGIANO
18000 SW LOWER BOONES FERRY
ROAD
TIGARD, OR 97224

JERRY CARLSON
20255 SW AVERY COURT
TUALATIN, OR 97062

CHRIS NIEMI
19340 SW 89TH AVENUE
TUALATIN, OR 97062

JEFF ROBERG
8970 SW TUALATIN-SHERWOOD
ROAD
TUALATIN, OR 97062

NYBERG FAMILY
5638 SW DOGWOOD DRIVE
LAKE OSWEGO, OR 97062

SARA FOODS, INC.
16500 NW BETHANY COURT #150
BEAVERTON, OR 97006

HB TIRE CENTER
19302 SW MOHAVE COURT
TUALATIN, OR 97062

CAREY TAYLOR & DAVID BOYLE
6027 N LOMBARD
PORTLAND, OR 97203

MARK MCKRAIG
1120 BAKER CREEK ROAD
MCMINNVILLE, OR 97128

FRED MEYER STORES, INC.
3800 SE 22ND AVENUE
PORTLAND, OR 97202

FRED MEYER STORES, INC.
3800 SE 22ND AVENUE
PORTLAND, OR 97202

BRAD PARKER, PRESIDENT
17640 SW SHAWNEE TRAIL
TUALATIN, OR 97062

TRAVIS GARSKE
PO BOX 546
TUALATIN, OR 97062

CHERYL MILLS
PO BOX 507
WEST LINN, OR 97068

MOTEL 6
17959 SW MCEWAN ROAD
TUALATIN, OR 97062

N/A

WALGREEN'S MANAGER
17850 SW LOWER BOONES FERRY
ROAD
TUALATIN, OR 97062

JOHN FLOYD
8340 SW TONKA ROAD
TUALATIN, OR 97062

BUSHWACKERS-STACEY
CLEDENIN
8200 SW TONKA STREET
TUALATIN, OR 97062

MOTEL 6
17950 SW MCEWAN ROAD
TUALATIN, OR 97062

LARRY & SUSAN GOUZ
12945 SW SCOUT DRIVE
BEAVERTON, OR 97008

HUSSA FAMILY TRUSTS
18755 SW TETON AVENUE
TUALATIN, OR 97062

CHERYL LEDOUX
17750 SW LOWER BOONES FERRY
ROAD
TUALATIN, OR 97062

JOHN CHU
16718 NW DESERT CANYON DRIVE
BEAVERTON, OR 97006

JEFF MARSH
8810 SW TUALATIN-SHERWOOD
ROAD
TUALATIN, OR 97062

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LAKE CAR CARE JOINT VEN
2839 SW 2ND AVE
PORTLAND, OR 97201

LANKARANI REZA & PAKSERESHT
FARAH
3944 CROISAN MT DR
SALEM, OR 97302

LEAGJELD RAYMOND R RES TRUST
& LEAGJELD DOROTHY LILLIAN &
LEAGJELD RICHARD
4130 SW CHESAPEAKE
PORTLAND, OR 97239

LEDOUX PROPERTIES LLC
23155 SW BOONES FERRY RD
TUALATIN, OR 97062

LIM BAO Z & LIM GET HIM
7200 SW HAZEL FERN ROAD
TIGARD, OR 97224

MARSH JEFFREY O JR & KING
JOHN J
8810 SW TUALATIN SHERWOOD RD
TUALATIN, OR 97062

MCBALE DEAN & RANA F c/o GILL
GEORGE A
17180 SE MCLOUGHLIN BLVD
MILWAUKIE, OR 97267

MCBALE DEAN & RANA F c/o GILL
GEORGE A
17180 SE MCLOUGHLIN BLVD
MILWAUKIE, OR 97267

MCDONALD'S CORP 036/0061 15275
SW KOLL PKWY STE D
15275 SW KOLL PKWY STE D
BEAVERTON, OR 97006

NORTHWEST NATURAL GAS CO
220 NW SECOND AVE
PORTLAND, OR 97209

NYBERG LIMITED PARTNERSHIP
5638 SW DOGWOOD DR
LAKE OSWEGO, OR 97035

NYBERG LIMITED PARTNERSHIP
5638 SW DOGWOOD DR
LAKE OSWEGO, OR 97035

NYBERG LIMITED PARTNERSHIP BY
EQUILON ENTERPRISES LLC SHELL
OIL PRODUCTS US
TAX DEPT PO BOX 4369
HOUSTON, TX 77210

NYBERG LIMITED PARTNERSHIP BY
EQUILON ENTERPRISES LLC SHELL
OIL PRODUCTS US
TAX DEPT PO BOX 4369
HOUSTON, TX 77210

NYBERG LIMITED PARTNERSHIP BY
K MART CORP #3025 PROP TAX
COMPLI DEPT 768TAX B2-116A
PO BOX 927000
HOFFMAN ESTATES, ? 60179

OREGON VILLAGE PIZZA
ASSOCIATES LLC ATTN: JAKE
MATHEWS
121 SPEAR ST #250
SAN FRANCISCO, CA 94105

OREGON-DPP LLC
12725 SW MILLIKAN WAY #300
BEAVERTON, OR 97005

ORWA PIONEER LLC
8320 NE HIGHWAY 99
VANCOUVER, WA 98665

ORWA PIONEER LLC
8320 NE HIGHWAY 99
VANCOUVER, WA 98665

ORWA PIONEER LLC
8320 NE HIGHWAY 99
VANCOUVER, WA 98665

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VANCOUVER, WA 98665

ORWA PIONEER LLC
8320 NE HIGHWAY 99
VANCOUVER, WA 98665

OSWEGO INVESTORS LLC
PO BOX 130
LAKE OSWEGO, OR 97034

PIACENTINI LOUISE TRUSTEE BY
BELMAR PROPERTIES INC
2001 6TH AVE #2300
SEATTLE, WA 98121

Exhibit "A"

LARRY & SUSAN GOUZ
12945 SW SCOUT DRIVE
BEAVERTON, OR 97008

HUSSA FAMILY TRUSTS
18755 SW TETON AVENUE
TUALATIN, OR 97062

CHERYL LEDOUX
17750 SW LOWER BOONES FERRY
ROAD
TUALATIN, OR 97062

JOHN CHU
16718 NW DESERT CANYON DRIVE
BEAVERTON, OR 97006

JEFF MARSH
8810 SW TUALATIN-SHERWOOD
ROAD
TUALATIN, OR 97062

7455 INC.
1445 SE 29TH COURT
TROUTDALE, OR 97060

7455 INC.
1445 SE 29TH COURT
TROUTDALE, OR 97060

DON & LORI AMSTRONG
15275 SW KOLL PARKWAY
BEAVERTON, OR 97006

EQUILON ENTERPRISES, LLC
7090 SW NYBERG ROAD
TUALATIN, OR 97062

PACWEST, LLC
3450 COMMERCIAL CT.
MERIDIAN, ID 83642

KMART-ATTN: MICHELLE
7655 SW NYBERG STREET
TUALATIN, OR 97062

PIZZA HUT #2878
8335 SW TONKA STREET
TUALATIN, OR 97062

BOB BRIEDE, CLUB MANAGER
17942 SW MCEWAN ROAD
TIGARD, OR 97224

RAMSEY ZAWIDEH
17805 SW 65TH AVENUE
LAKE OSWEGO, OR 97035

CARL'S JR.
17929 SW MCEWAN ROAD
TUALATIN, OR 97062

NIMBY, LLC
PO BOX 629
BEAVERTON, OR 97075

NIMBY, LLC
PO BOX 629
BEAVERTON, OR 97075

GRANDE ENTERPRISES, INC.
1700 WASHINGTON STREET
VANCOUVER, WA 98660

KISHOR PATEL
16219 SW SNAPDRAGON LANE
TIGARD, OR 97223

OCH INTERNATIONAL, INC
1200 NW NAITO PARKWAY, #690
PORTLAND, OR 97209

Exhibit "A"

PLAID PANTRIES, INC. ATTN: CRHIS
GIRARD
10025 SW ALLEN BLVD
BEAVERTON, OR 97005

JAY TITSOWRTH
8004 SW EDGEWATER STREET
WILSONVILLE, OR 97070

PUBLIC STORAGE
17990 SW MCEWAN ROAD
TUALATIN, OR 97062

GARY BENKE
6630 SW NYBERG ROAD
TUALATIN, OR 97062

SHANE ROBERTS
15230 S QUIET GLEN COURT
OREGON CITY, OR 97045

SAFEWAY, INC. #1047
17779 SW LOWER BOONES FERRY
ROAD
TUALATIN, OR 97062

CONNIE SPECK ON BEHALF OF
SOUTH LAKE CENTER, LLC
388 PEARL STREET; PO BOX 529
EUGENE, OR 97440

STAN SMITH
5100 SW MACADAM #210
PORTLAND, OR 97239

CONNIE WATT
7881 SW PETERS ROAD
TIGARD, OR 97224

GRAND HOTE AT BRIDGEPORT
7265 SW HAZEL FERN ROAD
TIGARD, OR 97224

GRAND HOTE AT BRIDGEPORT
7265 SW HAZEL FERN ROAD
TUALATIN, OR 97062

TUALATIN HOTEL PARTNERS
7640 SW WARM SPRINGS
TUALATIN, OR 97062

STONESTHROW APARTMENT
COMPLEX
6455 SW NYBERG LANE
TUALATIN, OR 97062

GET YOUR GAME FACE ON, INC.
12464 SW CENTRAL PK CT
HAPPY VALLEY, OR 97086

HAGGEN, INC.
PO BOX 9704
BELLINGHAM, WA 0



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Monday, May 10, 2010, at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

PLAN TEXT AMENDMENT (PTA)—ORDINANCE RELATING TO FREESTANDING SIGNS AND NON-CONFORMING SIGNS IN THE CENTRAL & GENERAL COMMERCIAL (CC & CG) PLANNING DISTRICTS; AMENDING PROVISIONS AND TDC 20; 31.071; 35.200; 38.075 & 38.220 (PTA-08-06)

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.

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CITY OF TUALATIN, OREGON

By: Sherilyn Lombos
City Recorder

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April 22, 2010

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Background

For the past 5 years, the Tualatin City Council has been actively interested in improving the Livability of Tualatin for those who live, work and have business in Tualatin. One aspect of the Council's efforts is a continuing emphasis on community quality and establishing high-quality standards for the physical environment.

Following an amendment to the Sign Regulations restricting large, tall freeway-oriented activity signs along I-5 (approved in early 2009), the Council decided to consider establishing standards to improve the appearance of freestanding signs in commercial districts with an emphasis on the lower-profile and more attractive monument-style signs. The Council also wanted to include provisions to encourage or require existing non-conforming pole signs to transition to current dimensional and design standards. An amortization program requiring the replacement of non-conforming freestanding signs over an 8-10 year period was considered.

Proposed PTA-08-06

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For more information about the proposed freestanding and non-conforming sign amendments, please follow this web-link to view the proposed PTA-08-06 Sign Regulations and Non-conforming Sign provisions documents on the City of Tualatin Web Site: <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning/>

If you have questions about this message or the proposed PTA-08-03, you may contact William Harper, Associate Planner at 503-691-3027 or wharper@ci.tualatin.or.us.